

**UGANDA IN EASTERN DRC:  
FUELING POLITICAL AND ETHNIC STRIFE**

|  |    |
|--|----|
| I. SUMMARY .....   | 5  |
| II. RECOMMENDATIONS .....  | 7  |
| To Ugandan government: .....   | 7  |
| To the Congolese Rally for Democracy-Liberation Movement (RCD-ML) and the Front for the Liberation of Congo (FLC): .....   | 8  |
| To the Mai-Mai, Hema and Lendu militia, and other armed groups operating in northeastern Congo:.....   | 8  |
| To United Nations Security Council: .....  | 8  |
| To the United Nations Commission on Human Rights: .....  | 9  |
| To the United Nations (U.N.), Organization of African Unity (O.A.U.), the Southern Africa Development Community (S.A.D.C.), the European Union, the United States, and other international actors to:..... | 9  |
| To Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflicts: .....   | 9  |
| III. POLITICAL CONFUSION.....  | 10 |
| The Congolese Rally for Democracy (RCD).....   | 10 |
| RCD-Kisangani .....  | 10 |
| The Congolese Rally for Democracy-Liberation Movement (RCD-ML) .....   | 11 |
| The RCD-ML military .....  | 11 |
| The constant coup d'état .....   | 12 |
| Léopard Mobile .....   | 12 |
| Usalama Battalion.....   | 13 |
| The November Putsch.....   | 14 |
| Abuses Related to Political Rivalries .....  | 15 |
| The Congolese Rally for Democracy-National (RCD-National).....   | 15 |
| The Congolese Rally for Democracy-Populaire (RCD-Populaire) .....  | 15 |
| The Movement for the Liberation of Congo (MLC) .....   | 16 |
| The Front for the Liberation of Congo (FLC): A Merger or Takeover? .....   | 16 |
| Kampala Negotiations .....   | 16 |
| Local Consequences .....   | 18 |
| IV. ETHNIC STRIFE: HEMA AGAINST LENDU .....  | 19 |
| The First Round of Killings, June-December 1999.....   | 19 |
| Administrative Changes: the Creation of Ituri Province .....   | 20 |
| The role of Ugandan soldiers.....  | 21 |
| Ugandan Response .....   | 23 |
| UPDF Role in Training RCD-ML Recruits in 2000.....   | 24 |
| Lack of Unity in the APC .....   | 26 |
| Ethnic Strife Linked to Political Rivalries.....   | 26 |
| Mediation Efforts and Reconciliation.....  | 27 |
| V. HUMAN RIGHTS ABUSES IN NORTH KIVU.....  | 29 |
| Exploiting the Wealth.....   | 29 |
| Attempts to Build A Power Base.....  | 29 |
| Lack of accountability for the rebels and the UPDF .....   | 30 |
| Mai-Mai Attack on Beni and Detentions by the UPDF .....  | 31 |
| Lubero: UPDF Training of Mai-Mai Fighters .....  | 32 |
| Mai-Mai Attack on Butembo.....   | 33 |
| Civilian Killings by the UPDF .....  | 34 |

|   |    |
|---|----|
| Maboya.....   | 34 |
| Mabuku.....   | 35 |
| Butuhe.....   | 35 |
| Mabalako.....   | 35 |
| North Kivu under the Front for the Liberation of Congo (FLC)..... | 36 |
| <br>  |    |
| VI. INTERNATIONAL HUMANITARIAN LAW.....                           | 38 |
| Recruitment of children.....                                      | 39 |
| <br>  |    |
| VII. INTERNATIONAL RESPONSE.....                                  | 39 |
| The United Nations.....   | 40 |
| The Security Council.....   | 40 |
| The U.N. Commission on Human Rights.....                          | 41 |
| The U.N. High Commissioner for Human Rights.....                  | 41 |
| United Nations Children's Fund (UNICEF).....                      | 41 |
| International Financial Institutions.....                         | 42 |
| European Union.....   | 42 |
| The United States.....  | 44 |

## LIST OF ACRONYMS

- ADF: Allied Democratic Forces (Uganda).
- APC: Congolese Popular Army, armed wing of the RCD-ML, (Armée Populaire Congolaise-APC)
- FAC: Congolese Armed Forces (Forces Armées Congolaises-FAC).
- FAZ: Zairean Armed Forces (Forces Armées Zairtoises-FAZ).
- FLC: Front for the Liberation of Congo (Front de Libération du Congo FLC).
- MLC: Movement for the Liberation of Congo, (Mouvement pour la Libération du Congo-MLC).
- MONUC: United Nations Organization Mission in the Democratic Republic of Congo.
- NALU: National Army for the Liberation of Uganda.
- OHCHR: Office of the High Commissioner for Human Rights.
- RCD: Congolese Rally for Democracy, (Rassemblement Congolais pour la Démocratie-RCD).
- RCD-ML: Congolese Rally for Democracy-Liberation Movement, (Rassemblement Congolais pour la Démocratie-Mouvement de Libération).
- RCD-N Congolese Rally for Democracy-National (Rassemblement Congolais pour la Démocratie-National).
- RPA: Rwanda Patriotic Army.
- UNICEF: United Nations Children's Fund.
- UPDF: Ugandan People's Defence Forces.

## ACKNOWLEDGMENTS

This report, based on findings from a December 2000 mission to Congo and states in the region, was written by Suliman Baldo, senior researcher in the Africa Division of Human Rights Watch, and testimony sections by Trish Hiddleston, a consultant to the division. The report was edited by Alison Des Forges, consultant to the Africa Division of Human Rights Watch, Janet Fleischman, Washington director of the Africa Division, Wilder Taylor, general counsel, and Michael McClintock, deputy program director. Production assistance was provided by Ethel Higonnet, associate for the Africa Division, Patrick Minges, publications director, and Fitzroy Hepkins, mail manager. We would like to thank the many Congolese, who we cannot name here for their own safety, for giving their time to talk to us during a field mission to eastern DRC in late 2000.

## I. SUMMARY

In the northeastern Congo, Uganda has played the role of both arsonist and fireman with disastrous consequences for the local population. In their involvement in continuing political feuds among Congolese party leaders, in local ethnic conflicts, and in extracting wealth, Ugandan actors have furthered their own interests at the expense of Congolese whose territory they are occupying.

Uganda is just one of the foreign actors in the war that started in the Democratic Republic of Congo (DRC) in August 1998. The conflict today pits the Congolese government, supported by troops from Angola, Zimbabwe, and Namibia, against rebels backed by the governments of Uganda, Rwanda, and Burundi. The belligerents signed a peace agreement at the Zambian capital Lusaka in July and August 1999. The failure of the parties to the conflict to implement their commitments under the agreement hindered the United Nations plans to fully deploy peacekeepers called for under its provisions. The war has directly or indirectly caused the death of more than a million Congolese, caused another 1.6 million to become internally displaced, and pushed nearly half a million to seek asylum in neighboring countries.

Stalemate in the war and lack of progress in the peace process led to a de facto partition of the country under four regimes, each depending on foreign troops for its survival. The government is entrenched in the western half of the country, although its longstanding reliance on foreign allies became pronounced following the assassination in mid- January 2001 of President Laurent Kabila and his replacement by his son Joseph Kabila. One rebel group, the Movement for the Liberation of Congo (Mouvement pour la Libération du Congo, MLC), headed by Jean-Pierre Bemba, controls much of Equateur province in the north. By early 2001, it had established its sway over another, less well organized rebel group, the Congolese Rally for Democracy-Liberation Movement (Rassemblement Congolais pour la Démocratie-Mouvement de Libération (RCD-ML), which claimed to control parts of North Kivu, and Orientale provinces in eastern Congo. This merger brought together several of the RCD-ML leaders and created the Front for the Liberation of the Congo (Front pour la Libération du Congo (FLC). Wamba dia Wamba, however, one of the first leaders of the rebel movement and founder of the RCD-ML, continued to oppose this merger, but with little apparent success. A third rebel group, the main part of the RCD, now known as RCD-Goma, controls parts of North Kivu, South Kivu, Maniema, Orientale, and Katanga provinces in the east and southeast.

Uganda, Rwanda, and Burundi claim that their troops are in the DRC to protect their national security, especially to contain and eliminate insurgent groups that use the eastern Congo as a base from which to attack their governments. The Ugandans backed both the MLC and the RCD-ML until they engineered the establishment of the FLC, now their favored Congolese client. The Rwandans back the RCD-Goma. Burundian troops also operate in the southern part of the RCD-Goma zone but play less of a role in the political and military decisions of the Congolese rebel groups than do Rwanda and Uganda.

In addition to the virtual partition of the country, the war has produced further divisions within the zones dominated by Uganda and Rwanda. Local leaders, seeking gain for their political parties or for themselves personally, have manipulated ethnic loyalties and have exploited external support to carve out their own areas of influence. The interaction between local leaders and actors in the broader war has exacerbated local ethnic tensions and created a volatile mix of inter-ethnic conflict that continues to have devastating consequences both in terms of violations of human rights and general suffering for the civilian population. Within the context of the broader war and the continuing political conflicts, a small-scale dispute over land between Hema and Lendu peoples in northeastern DRC, one of many which previously appeared to have been settled peacefully, grew in scale and intensity. The Hema were thought to enjoy general support from the Ugandans, attributed to a supposed ethnic bond between the Hema of the DRC and those of Uganda. From the first violence in June 1999 through early 2000, an estimated 7,000 persons were killed and another 150,000 were displaced. In the most recent incident of violence in January 2001, another 400 people were killed during one day of violence in Bunia and at least 30,000 people were forced to flee the region.

The war and related administrative confusion has permitted the unhindered exploitation of local resources by those backed by armed force, through the export of minerals or through taxes on commerce, largely to the benefit of Rwandan and Ugandan officers and civilians, in both official and private capacities.

In December 2000 Human Rights Watch undertook an investigative mission to an area controlled by Uganda in northeastern Congo, a region which straddles the territories of Beni and Lubero in North Kivu and the district of Ituri in Orientale Province, adjacent to the border between Uganda and Congo. This report is based on that mission and other research and covers the period from June 1999 through early March 2001.

This research led to the following conclusions:

- Ugandan military forces have played a decisive role in local affairs, even changing administrative boundaries and designating provincial officials, taking advantage of an administrative void resulting from continuing disputes among the various offshoots of the Ugandan-sponsored RCD-ML.
- The perception that Ugandans supported the Hema was made real in many communities by Ugandan soldiers who helped Hema in defending their large farms against Lendu attack and who helped Hema militia attack Lendu villages. In some cases, these soldiers provided support in return for payments to themselves or their superior officers.

In at least one case, Ugandan soldiers also assisted Lendu in attacking Hema. In one reported clash Ugandan soldiers backing different sides engaged in combat against each other.

The assistance of Ugandan soldiers as well as the provision of training and arms to local forces resulted in a larger number of civilian casualties in these conflicts than would otherwise have been the case.

- Under the guise of creating an army for the rebel movement, Congolese political leaders developed their own groups of armed supporters, bound to them by ties of personal and/or ethnic loyalty. On several occasions in the last two years, these armed supporters have engaged in operations in which civilians were killed.

Uganda trained these groups even when it seemed likely that they would be used in local ethnic and partisan conflict rather than as part of a disciplined military force.

- All parties, including the Ugandans, recruited and trained children to serve as soldiers.<sup>1</sup> In August 2000 Uganda transported some 163 children, part of a larger group of 700 recruits, to Uganda for military training. Only in February 2001 did the government of Uganda grant various international agencies access to these children with a view to their demobilization and resettlement.
- Contending RCD-ML political leaders Wamba dia Wamba and Mbusa Nyamwisi as well as Uganda People's Defence Force (UPDF) soldiers have illegally detained political leaders whom they have identified as opponents and held them under inhumane conditions. In some cases the UPDF and RCD-ML forces have tortured political opponents in detention.
- The RCD-ML's "prime minister" Mbusa Nyamwisi, a local leader from a third powerful ethnic group, the Nande, sought to increase his power base by allying with Mai-Mai forces, groups of local militia who fight largely to expel foreign occupiers of their territory and who often use traditional rituals to strengthen themselves for battle.

---

<sup>1</sup> In this report, the word "child" refers to anyone under the age of eighteen. Human Rights Watch follows the UN Convention on the Rights of the Child in defining as a child "every human being under the age of eighteen unless, under the law applicable to the child, majority is obtained earlier." Convention on the Rights of the Child, Article 1, G.A. Res.44/25, U.N. Doc. A/RES/44/25.

Originally ready to tolerate this alliance, the Ugandans then rejected it. In subsequent conflicts with the Mai-Mai, Ugandan forces as well as Congolese rebels loyal to Mbusa extrajudicially executed captured Mai-Mai combatants. Subsequently, the UPDF attacked local people thought to have assisted the Mai-Mai, killing civilians and laying waste to their villages.

- Ugandan soldiers also formed and supported the front organization called RCD-National, which appeared to be an operation to extract and market the rich mineral resources of the Bafwasende area rather than the political party which it claimed to be. This blatant exploitation of Congolese wealth for the benefit of both locally based and other more highly placed Ugandan military officers symbolized the larger exploitation of the whole region for the benefit of outside actors.

## II. RECOMMENDATIONS

### **Human Rights Watch calls upon the Ugandan government to:**

- Give clear instructions to Ugandan forces deployed in the Congo to provide security for the civilian population and for humanitarian workers and to comply with the Geneva Conventions of 1949 and Protocol I of 1977.
- Appoint an independent commission of inquiry to investigate reports of killings of civilians and execution of noncombatants by Ugandan soldiers. The Ugandan government should make public the findings of such investigations and prosecute Ugandan personnel against whom evidence emerges of responsibility for crimes in Ugandan courts. The Ugandan government should instruct UPDF forces in the DRC to cooperate with these and any other investigations into abuses against civilians. In particular:
  - Conduct impartial and transparent investigations into the role of the UPDF in the Hema-Lendu conflict from its onset in mid 1999 to date.
  - Investigate reports that the UPDF failed to intervene in a timely manner to prevent large-scale revenge killings in Bunia on January 19, 2001 following a militia attack on UPDF positions there. Recall to Uganda and replace the UPDF commander in Bunia and his immediate subordinates until their responsibilities in the response of the UPDF to the revenge killings are clarified.
  - Investigate the conduct of UPDF and rebel troops during the attack on the Mai-Mai encampment in Lubero on August 25 and 26, 2000 and prosecute those responsible for the killing of noncombatants.
  - Provide an immediate accounting for and allow access by the International Committee of the Red Cross to all combatants, including Mai-Mai fighters and other militia, captured by the UPDF in northeastern Congo.
- Free immediately all Congolese citizens arbitrarily detained for political offenses by the UPDF in the DRC and by Ugandan authorities in Uganda.
- Stop the recruitment and training in the DRC or Uganda of child soldiers under the age of eighteen and demobilize, disarm, rehabilitate, and return to their homes all such children.
- Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict without reservations, and submit upon ratification, a binding declaration establishing a minimum age of at least eighteen for voluntary recruitment.
- Direct the UPDF to allow full access and the neutral provision of humanitarian assistance to all needy populations in areas under its control.

- Allow national and international human rights organizations, independent journalists, and the U.N. Special Rapporteur on the DRC full access to investigate allegations of human rights abuses and violations of international humanitarian law in areas controlled by the UPDF.
- Support local conflict resolution initiatives.

**Human Rights Watch calls upon the Congolese Rally for Democracy-Liberation Movement (RCD-ML) and the Front for the Liberation of Congo (FLC) to:**

- Immediately cease all attacks on civilians and other violations of international humanitarian law.
- Establish internal investigations of violations of international humanitarian law by RCD-ML and FLC forces in northeastern DRC, particularly of the killings of civilians in Bunia on January 19, 2001.
- Stop the recruitment, and training of children under the age of eighteen and demobilize, disarm, rehabilitate, and return to their homes all such children.
- Allow full access and the neutral provision of humanitarian assistance to all populations in need in areas under your control.
- Provide full access to national and international human rights organizations, independent journalists, and the U.N. Special Rapporteur on the DRC investigating allegations of human rights abuses and violations of international humanitarian law in areas under your control.

**Human Rights Watch calls upon the Mai-Mai, Hema and Lendu militia, and other armed groups operating in northeastern Congo to:**

- Immediately cease all attacks on civilians and other violations of international humanitarian law.
- Establish internal investigations into violations of international humanitarian law described in this report.
- Stop the recruitment, and training of children under the age of eighteen and demobilize, disarm, rehabilitate, and return to their homes all such children.
- Allow unfettered access and the neutral provision of humanitarian assistance to all populations in need.

**Human Rights Watch recommendations to the United Nations Security Council:**

- To end impunity for atrocities committed in the Congo, the Security Council should establish a U.N. Commission of Experts to investigate and determine responsibility for grave violations of human rights and humanitarian law in the DRC. This would implement a key 1998 recommendation of the U.N. Secretary General's Investigative Team in the DRC (SGIT) and might also deter further abuses. To complete the work the SGIT was prevented from doing, the commission should have a mandate for the period beginning in 1993 and continuing to the present. The Commission of Experts should also be charged with recommending to the Security Council an appropriate mechanism for bringing to justice persons responsible for violations.
- Increase the number of military observer teams of the U.N. Organization Mission in the Democratic Republic of Congo (MONUC) in Bunia. The military observers should receive instructions to increase their visibility in the town and surrounding areas affected by the conflict between the Hema and the Lendu. The military observers should also increase their involvement by interviewing victims on both sides of the conflict and interacting with humanitarian actors assisting the victims.
- Support and increase MONUC's human rights monitoring programs and immediately deploy a number of MONUC's human rights and child protection officers in the region of Bunia.



**Human Rights Watch urges the United Nations Commission on Human Rights to adopt a resolution that:**

- Strongly endorses the call for the strengthening of the MONUC, and urges closer cooperation between MONUC and the High Commissioner for Human Rights' Field Office in the DRC.
- Renews the mandate of the special rapporteur and provides him, as well as the Field Office, with the necessary resources for meaningful interventions.

**Human Rights Watch calls upon the United Nations (U.N.), Organization of African Unity (O.A.U.), the Southern Africa Development Community (S.A.D.C.), the European Union, the United States, and other international actors to:**

- Strongly and publicly denounce violations of international human rights and humanitarian law by all parties involved in the DRC war and insist upon accountability for the perpetrators. Exert strong and constant pressure on all foreign countries involved in the war in the Congo as well as the Congolese government to observe their obligations under international human rights and humanitarian law.
- Support the Office of the United Nations High Commissioner for Human Rights Field Office in Congo so as to increase its monitoring and technical assistance programs, including in eastern Congo and throughout government-held territory.
- Condemn in the strongest terms the human rights abuses committed by the two parties to the Hema-Lendu conflict and assist in creating a mechanism for international justice for organizers of this violence, as requested by the people who have themselves suffered the most from the conflict.
- Press for an investigation of the conduct of Ugandan troops deployed in the Hema-Lendu conflict zone to determine their role in the conflict.
- Subject economic assistance to all the states involved in the Congo war to close scrutiny to ensure that funds earmarked for social and economic development programs do not end up funding the war effort of any party to the conflict.
- Significantly increase the level of funding for humanitarian assistance in the DRC generally, and more particularly in eastern Congo, the scene of the worst humanitarian crisis in the country. Encourage international humanitarian organizations to increase their presence in northeastern Congo.
- Vigorously and publicly denounce the recruitment, abduction, training, and use of children and all forcible recruitment, training and use of involuntary adult recruits and in any armed forces in the DRC.

**Human Rights Watch calls upon Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflicts to:**

- Urge all parties to the conflict to initiate and make operational disarming, demobilization, and rehabilitation programs for all child soldiers and to monitor carefully the implementation of such programs. The special representative should monitor in particular remedial action on behalf of the 163 Hema children taken for military training in Uganda and other children, whether from the Lendu or other groups, trained at Nyaleke or other camps in Congo, whether recruited by government armies, rebel groups, or armed opposition bands.
- Seek commitments from all armed forces and groups in the region to end all recruitment of children under the age of eighteen, and actively monitor such commitments

### III. POLITICAL CONFUSION

Constant leadership disputes produced political and administrative confusion in the year 2000 in areas of northeastern Congo, which the RCD-ML claims to control. The three top officials of the RCD-ML, Wamba dia Wamba, on one side, and his two deputies Mbusa Nyamwisi and Tibasima Ateenyi developed parallel political and administrative structures in Bunia, the RCD-ML's capital, and in the town of Beni. The military wings of the RCD-ML reflected the leadership splits: most recruitment for the RCD-ML armed forces was carried out on the basis of personal and/or ethnic loyalty. The political struggle exacerbated ethnic tensions in the region and, at times, spurred widespread ethnic killings.

By the time it was de facto absorbed into a newly established rebel front in mid-January 2001, the RCD-ML had yet to adopt a basic platform as a political movement, to define its internal structures and their respective attributions, or to choose a leader acceptable to the various factions. Apart from a broad non-militaristic philosophy voiced by Wamba and a rhetorical commitment to the peaceful resolution of the war in Congo, the goals of the movement in the national war and its position on the war's complex regional dimensions were far from clear. The wrangling among the movement's top leaders often focused on mutual accusations of political ineptitude, misuse of funds, and the manipulation of ethnicity for narrow political ends.

Wamba's two deputies attempted at least three times to overthrow him in 2000, although he was nominally president of the movement. Uganda, which backs the rebel faction, ultimately intervened. At each upheaval, the three contenders and their top aides were summoned to Kampala for "consultations." The "foreign allies," that is, the Ugandans, in the meantime acknowledged no clear victor on the ground. This created the perception locally that they were in fact siding with both parties to the dispute at the same time.

#### **The Congolese Rally for Democracy (RCD)**

The roots of RCD-ML troubles began when it split off from the mainstream rebel movement, the Congolese Rally for Democracy (RCD), which is backed by Rwanda and headquartered in Goma. At the beginning of the war Wamba dia Wamba, a professor of history, an opponent of former Congolese president Mobutu, and a long-time resident in Tanzania, emerged as chairman of the RCD after an initial struggle over the position. The foreign backers of the rebellion, Rwanda and Uganda, hastily assembled most of the fifty founding members of the RCD from exile. They wanted the RCD to front for their military intervention in the Congo by forming a government, which they expected to install rapidly in Kinshasa. But the lightning campaign to capture the Congolese capital failed and as the war dragged on the RCD was plagued by many defections. Commenting in February 2000 on the defection of senior RCD official Roger Lumbala, then RCD Vice-President Moise Nyarugabo remarked "some people joined the revolution thinking it would take weeks and they got positions, but now that the struggle is taking a long time, people like Roger Lumbala, who was a cadre, have fallen out."<sup>2</sup>

#### **RCD-Kisangani**

The failure to conquer Kinshasa sowed the first seeds of discord between the Ugandan and Rwandan backers of the rebellion. With a mind to preserving their stakes in the future of the DRC, the two allies initially battled over the political control of the RCD. While Rwanda appeared more focused on pursuing an outright military victory, the Ugandan government of President Yoweri Museveni initially sought to foster the emergence of political and military organizations modeled on its own "movement system" and "people's army." It offered top RCD leaders, including Wamba, and carefully selected young Congolese intellectuals combined military and ideological training aimed at attaining that objective. In May 1999 Wamba was evicted by some of his RCD colleagues in Goma and moved with several founding members and military cadres of the RCD to Kisangani, which at the time was jointly controlled by the Ugandan and the Rwandan armies.

The RCD faction based in Goma and known henceforth as RCD-Goma continued to control the Congolese military contingent of the rebellion and the Wamba-led faction, known then as RCD-Kisangani,

---

<sup>2</sup> U.N., IRIN, "DR CONGO: Defections not a threat, rebels say," IRIN Update 870 for the Great Lakes, February 28, 2000.

initially had no significant military arm. Attempts by the Ugandan army, the Uganda People's Defence Forces (UPDF), to train some Congolese recruits for RCD-Kisangani angered the Rwandan commanders in Kisangani. They sought to dismantle the training camp, actually arresting dozens of recruits under the pretext that they belonged to the extremist Hutu militia that perpetrated the 1994 genocide in Rwanda.<sup>3</sup> Furthermore, RCD-Goma and its Rwandan backers prevented Wamba from holding public meetings to rally the support of the population. Rivalry over the enormous mineral resources commanded by Kisangani, the third largest Congolese city, as well as the political and military frictions over RCD-Kisangani contributed to the unraveling of the remaining trust between Rwanda and Uganda. This helped precipitate the first military confrontation between Rwandan and Ugandan forces for the control of Kisangani in August 1999. During the battle, which was a defeat for the Ugandans, some 200 civilians were killed in the crossfire.

The battle for Kisangani was also sparked by disputes over which RCD faction would sign the Lusaka ceasefire accord, an agreement meant to end the war in the Congo and negotiated under tremendous international pressure. During the battle, Wamba and other leaders of the RCD-Kisangani miraculously escaped death during a Rwandan assault on a hotel they used as a residence and headquarters. Because neither faction could be eliminated and because neither would acknowledge the legitimacy of the other, all fifty founding members of the RCD fled to Lusaka to sign on behalf of the "RCD." The founders affixed their names to the treaty in alphabetical order to avoid further squabbles on who should sign first. No one questioned how a movement, which could not even agree on its representatives, could carry out its obligations under the accord.

### **The Congolese Rally for Democracy-Liberation Movement (RCD-ML)**

After the Rwandan Patriotic Army (RPA) defeated Ugandan forces in August in Kisangani, Wamba felt insecure there and relocated his office to a presidential guesthouse in Kampala. There in September 1999 he established the Congolese Rally for Democracy-Liberation Movement (RCD-ML), a reincarnation of RCD-Kisangani. He announced that Bunia, a small and until then quiet town in Orientale province near the border with Uganda, would be the headquarters of the movement.

Wamba appointed officials of his new government reportedly without much consultation with his aides, leading to the defection of several founding members of RCD-Kisangani in protest. While his stay in Kampala stretched into months, his two deputies took effective control on the ground. Appointed general commissar, or prime minister, of the RCD-ML, Mbusa Nyamwisi set up an RCD administration in his hometown of Beni, in the part of North Kivu province controlled by Uganda. Himself a businessman turned politician, Mbusa was a member of the economically powerful Nande business community. Tibasima Ateenyi, a former member of parliament from Bunia area and former chief executive of the Kilomoto gold mines, ran a parallel administration out of Bunia. Wamba entrusted Tibasima with the three important ministries of mining, finance, and budget. A leader of the economically and politically influential Hema community, Tibasima took office when Hema and Lendu were already in conflict in the hinterland of Bunia. Many local people saw his appointment as adding strength to the Hema and this perception further exacerbated ethnic tensions in the region.

### **The RCD-ML military**

Neither Mbusa as general commissar nor Tibasima as minister of finance had the mandate to recruit soldiers, but both did so in early 2000, engaging in parallel and concurrent recruitment processes for the Armée Populaire Congolaise (APC), the military wing of the RCD-ML. They raised the army largely along ethnic lines, with Mbusa initially recruiting heavily among the Nande people and Tibasima enlisting mostly youngsters of his own Hema group.<sup>4</sup> The two processes had one thing in common, though: the Ugandan army provided the instructors who trained and armed successive classes of hundreds of recruits at Nyaleke training camp in Beni and at Rwampara training camp in Bunia.

---

<sup>3</sup> Human Rights Watch telephone interview, Kisangani, May 1999.

<sup>4</sup>Tibasima told Human Rights Watch he recruited mainly Hema because those available for enlisting in Bunia were mostly from that group. Human Rights Watch telephone interview, Kampala, August 2000.

According to a senior aide to Wamba, concern grew among the non-Hema in Bunia over the preponderance of Hema recruits being trained at Rwampara camp and the RCD-ML felt pressured to diversify recruitment. They did this by recruiting several classes at Nyaleke with better ethnic balance. The Usalama Battalion,<sup>5</sup> which was the first formed at Nyaleke, had about 25 percent Lendu recruits, 15 percent Hema, with the remainder being of other groups, like the Nande or the Alur.<sup>6</sup>

The APC had no chief of staff and battalion commanders were supposed to report directly to Wamba, who named himself defense commissar as well as president of the movement. Wamba reportedly suspected the loyalty of commanders identified with his deputies and so in early 2000 recruited his own Presidential Protection Unit (PPU). Elements were handpicked for the small PPU corps from experienced soldiers from the demobilized army of former President Mobutu or from deserters of President Kabila's Forces Armées Congolaises (FAC). Wamba's opponents claimed that he had favored his Wacongo kinsmen in the selection process but Wamba replied that only 2 percent of the PPU were from his home region of Bas Congo.<sup>7</sup>

The Ugandan army's sector commanders in fact exercised ultimate authority over all military and security matters in each district. Some RCD-ML units and cadres operated directly under their command. Even in Beni, Bunia, and Butembo, towns where RCD-ML administrative power was concentrated, UPDF sector commanders overshadowed the Congolese political and military leaders.

### **The Constant Coup d'état**

In March 2000 Wamba sought to check what he perceived to be the too extensive military and financial powers of his two deputies. They then tried to unseat him in a first attempted coup d'état. In mid-April, Tibasima told Kampala newspapers that he had ousted Wamba and replaced him with Mbusa. With the conflict among the three leaders threatening to spiral out of control, President Museveni summoned them and all remaining founding members of the RCD-ML to Kampala to settle the dispute. They patched up their differences indeed, but only for a while.

### ***Léopard Mobile***

In July, some RCD-ML military elements, mostly Hema and including some Congolese Tutsis known as the Banyamulenge, left the RCD-ML to join local Hema militiamen in the bush.<sup>8</sup> The defectors declared they would come to Bunia to oust Wamba, who blamed Tibasima publicly for this new coup attempt. On July 22, the Hema defectors attacked the village of Nyankunde, some twenty-two kilometers southwest of Bunia, killing four RCD-ML soldiers and wounding a civilian. During the attack, they reportedly looted the local hospital and confiscated the communications equipment of an international humanitarian organization operating there. The incident led the organization to quit the region.<sup>9</sup> The attack appeared timed to exploit the temporary withdrawal of the UPDF battalion stationed in Bunia. Following a decision in June to withdraw its troops from Kisangani, Uganda was also redeploying troops elsewhere in the region.

Wamba's camp apparently circulated reports that the defectors were allied with the Allied Democratic Force (ADF) and the National Army for the Liberation of Uganda (NALU), Ugandan insurgent groups based in the DRC. This persuaded the UPDF to send strong reinforcements to Bunia by air and road, including armored vehicles and a reconnaissance helicopter gunship.<sup>10</sup> The UPDF forces did not attack, reportedly because President Museveni decided instead to accept the plea of a delegation of "parents of the defectors," who flew in from Bunia to ask that the surrender of their "children" be negotiated. The head of the delegation in a statement to the press identified the defectors as belonging to "Leopard Mobile," a group "composed of our children who have decided

---

<sup>5</sup> A battalion for the RCD-ML is composed of 750-1000 soldiers.

<sup>6</sup> Human Rights Watch telephone interview, Kampala, December 22, 2000.

<sup>7</sup> "Communiqué tres important à l'attention de tous les membres du commissariat général," office of the président, RCD-ML, Bunia, June 14, 2000.

<sup>8</sup> See below on the Hema militia.

<sup>9</sup> Human Rights Watch telephone interview, Wamba dia Wamba, Bunia, August 4, 2000.

<sup>10</sup> Human Rights Watch interviews with eyewitnesses, Bunia, December 8-14, 2000.

not to work with Wamba dia Wamba because of his poor administration."<sup>11</sup> President Museveni agreed to the request on condition that the "parents" return to Bunia accompanied by a high-ranking Ugandan delegation and negotiate the peaceful surrender of the defectors. The Ugandans agreed in return to fly those who surrendered to Kampala for further military training.<sup>12</sup>

The offer transformed an imminent disaster into a reward for the perpetrators of the coup attempt. By the time the defectors returned to Bunia from the bush on August 24, their number, estimated initially to be 300, had grown to 700 as militiamen hurried from far villages to join the core group expecting to benefit from the Ugandan offer of training. In Ituri district new recruits were reportedly enrolled to augment the number of the beneficiaries of the offer. Local people had expected the UPDF to disarm the defectors when they arrived in town, but they did not. Their arrival caused another serious crisis because the defectors attacked a local prison on August 28, to free one of their leaders who was in detention for his suspected role in organizing the mutiny. A Ugandan and a Congolese soldier, as well as two of the attackers, were killed in the attempt.

The UPDF organized an air bridge to transport all of the 700 defectors from Bunia to Kampala between August 29 and 31. According to observers, many of the defectors were under fifteen years of age.<sup>13</sup> At a time when the United Nations had recognized the need to end the use of child soldiers, the departure of these children for military training took place in full view of the entire population, in a town where the U.N. Organization Mission in the Democratic Republic of Congo (MONUC) maintains military observers and where UNICEF and other humanitarian agencies operate assistance missions for victims of the ethnic conflict.<sup>14</sup> A high-level Ugandan ministerial delegation, consisting of Uganda's national political commissar James Wapakhabulo, ministers for the presidency and security Ruhakana Rugunda and Muruli Mukasa respectively, and the presidential adviser on Congo, Colonel Kahinda Otafiire, was at hand to "promote reconciliation" and oversee the containment of the crisis. They too observed the airlift of the defectors.

Wamba cooperated with the Ugandan mediators by adding his voice to theirs in radio messages inviting the defectors to return to Bunia for the airlift. But he also used the crisis to try to rid himself of his deputies. In mid-August in a telephone interview with Human Rights Watch he suspended Tibasima and Mbusa for what he claimed was clear involvement in the organization of a mutiny in the rebel army, which he believed amounted to high treason and a total disengagement from the movement's objectives.<sup>15</sup>

### ***Usalama Battalion***

In late July, Kitenge Amisi, the commander of RCD-ML's Usalama Battalion and also senior military advisor to Mbusa, brought his troops from Beni to Bunia, apparently to replace the departing UPDF soldiers. They were deployed around town to dissuade the defectors from any attack. But Wamba was suspicious of the commander and ordered his arrest. The departure of the defectors did not restore order to Bunia because Kitenge was freed on September 1 by his junior officers. He then occupied the church-run Radio Candip and ordered technicians to air only revolutionary songs and calls for calm.

This attempt to take control collapsed and the Usalama Battalion's commander and his bodyguards took refuge, according to their own account, at the headquarters of MONUC.<sup>16</sup> The situation had serious implications for MONUC because it looked like the U.N. force members, who numbered just four liaison officers and support staff, might be taken hostage. The crisis was only defused when Ambassador Kamel Morjane, the U.N. Secretary-General's Special Representative and head of MONUC, arrived in town, accompanied by a Ugandan delegation.

---

<sup>11</sup> "DRC: Anti-Wamba group named," IRIN Update 986 for the Great Lakes, 10 Aug 2000.

<sup>12</sup> Human Rights Watch interview, Mme. Akiiki, head of the parents' delegation, Kampala, December 22 and 23, 2000.

<sup>13</sup> Human Rights Watch interviews, Bunia, December 8-14, 2000.

<sup>14</sup> The airlift took place exactly four weeks after the U.N. Security Council held a special debate on children and armed conflict.

<sup>15</sup> Human Rights Watch telephone interview with Wamba-dia-Wamba, August 2000.

<sup>16</sup> Human Rights Watch interviews, commanders of Usalama battalion, by telephone, Kampala, September 2000, and MONUC's military observers, Bunia, December 2000. The U.N. military observers, it should be noted, had established their residence and headquarters in a rented property that had served as Tibasima's primary residence until their arrival.

He took MUNOC's uninvited armed guests back to Kampala on the same day where they reportedly remain at the time of this writing, following special training. Their departure left the battalion without a cohesive command structure and many of its men, particularly those of Lendu origin, drifted away, leaving a core of Mbusa loyalists standing by for the next round of confrontations.<sup>17</sup>

### *The November Putsch*

They did not have long to wait, despite the relative calm that prevailed in Bunia during September and October as local and regional mediators scrambled to put the RCD-ML together again. A conference of customary chiefs in Bunia exhorted three of the feuding RCD-ML leaders to find a way to settle their differences.<sup>18</sup> The three signed a declaration in Kampala on October 12 after negotiations mediated by the Ugandans. Delegations from Tanzania and Mozambique witnessed and countersigned the document, which confirmed Wamba's presidency and appointed Mbusa first vice-president in charge of administration and Tibasima second vice-president responsible for diplomacy. It tasked a "contact group," including the two deputies and representatives of Wamba's camp, with drafting the "basic documents" of the movement. The drafters were to restructure the movement and define the responsibilities of its officials.<sup>19</sup> As a precondition for reconciliation with his rivals, Wamba reportedly insisted on dismantling the Usalama Battalion – which remained deployed in Bunia – and restructuring the RCD-ML military in one battalion, under one commander.

The accord unraveled before any of its provisions was implemented. Reacting to rumors that Col. Charles Angina, then the UPDF sector commander in Bunia, was about to be replaced, the Wamba supporters staged demonstrations on October 30 and November 1. Protesters denounced what they called unilateral actions by the UPDF and, at the same time, called for the Ugandan officer to be maintained in his position. In an apparent move to profit from the unrest, Mbusa, just back from Kampala, accused Wamba's rival camp of being anti-Ugandan and of having incited ethnic hatred. Usalama Battalion soldiers loyal to Mbusa surrounded Wamba's residence after Mbusa announced on the local radio that he was deposing Wamba and taking over himself as president. The "putschists," as they came to be known, attacked the residence at least three times in early and mid-November, but were each time repulsed by the Presidential Protection Unit (PPU). On November 11, Mbusa stated to the *Monitor* of Kampala that his forces would continue to attack Wamba until he was captured alive or killed.<sup>20</sup> Meanwhile, the movement's third official, Tibasima, maintained a low profile during the crisis, and publicly distanced himself from the coup attempt.<sup>21</sup> Sources differed in their reports of casualties in these clashes. Some said as few as one, others as many as twenty civilians had been killed, along with an undetermined number of soldiers.<sup>22</sup>

The UPDF said it was committed to protecting Wamba and sent two tanks to guard his residence where he was holed up with six of his ministers and several other cadres of the movement. According to Wamba's supporters, however, the UPDF did not intervene in the fighting when the residence came under attack.<sup>23</sup> Major Katirima, the UPDF spokesperson, told AFP on November 6 that the mandate of the Ugandan army in the Congo was to maintain law and order in areas where it was present, adding "we cannot accept that changes in the leadership of the RCD-ML be through violence."<sup>24</sup> General Katumba Wamala, the UPDF's commander in the DRC, told the population of Bunia in a radio message that the UPDF was trying to resolve the RCD-ML problems

---

<sup>17</sup> Human Rights Watch interviews, Bunia, December 8-14, 2000.

<sup>18</sup> "Wamba, Tibasima et Mbusa se confient aux notables et chefs de collectivites," *Le Millenaire*, No. 008, octobre 2000, p. 8.

<sup>19</sup> Human Rights Watch interviews, Bunia, December 8-14, 2000; see also "Vendredi saints macabres à Bunia: plus de 20 morts," *Les Coulisses*, No. 85, Novembre 2000, p. 9.

<sup>20</sup> "Nyamwisi orders Wamba out of Bunia today," the *Monitor*, Kampala, November 11, 2000.

<sup>21</sup> "UPDF rush to rescue Wamba," the *Monitor*, Kampala, November 6, 2000.

<sup>22</sup> Human Rights Watch interviews, Bunia, December 8-14, 2000. See also: "Calm restored in northern Congo," Associated Press, November 7, 2000; "Four dead, one wounded in fighting between DR Congo party factions," AFP, November 6, 2000, and "Vendredi saints macabres a Bunia: plus de 20 morts," *Les Coulisses*, Ibid.

<sup>23</sup> Human Rights Watch telephone interviews with Wamba and Colette Ram, director of cabinet affairs in the RCD-ML, Bunia, November 2000.

<sup>24</sup> "UPDF rush to rescue Wamba," the *Monitor*, Kampala, November 6, 2000.

"without the shedding of civilian blood."<sup>25</sup> On November 17, the UPDF's Colonel Otafiire told the *Monitor* that he had returned to Kampala from a short trip to Bunia accompanied by the town's "entire leadership," a total of sixty top officials of the competing factions. In their absence, the UPDF took over the administration of Bunia.<sup>26</sup>

### **Abuses Related to Political Rivalries**

As each political tremor shook the RCD-ML during 2000, rival leaders typically detained officials of the rival faction, often subjecting them to ill treatment. Following the failure of the August mutiny, Wamba ordered the detention of senior military and civilian aides of Tibasima Ateenyi. Among those detained at the time were commander Mukalayi and Tibasima's deputy commissioner for mines and energy Michel Rudatenghua. Their faction claimed at the time that the two, together with other members of the group, were first held at Rwampara military camp and later transferred to underground cells in the backyard of Wamba's residence. Faction leaders also claimed that the detainees were being severely beaten on a daily basis. Wamba told Human Rights Watch that the detainees were being investigated for mutiny, and would be well treated. The two detainees were later released.<sup>27</sup> This and similar pressures from Amnesty International, according to Tibasima Ateenyi, led to a marked improvement in the treatment of those detained, and to a faster release from detention of businessmen accused by Wamba's camp of supporting the defectors: Mbameraki, Hindura, Bahimuka, and others.<sup>28</sup>

Three of Wamba's aides went missing after the November 3 coup attempt. A UPDF officer reportedly intervened to release two of the aides, Jonas Kabuyaya and Mbula, from unacknowledged detention on November 27, but the third, Mokili, remained unaccounted for at this writing.<sup>29</sup>

### **The Congolese Rally for Democracy-National (RCD-National)**

The disorganization within the RCD-ML spawned even smaller splinter groups with limited personal or local agendas. Roger Lumbala, the founder of RCD-National and its only prominent member, originally belonged to the mainstream RCD-Goma and defected in February 2000 to Kampala. There he reportedly joined the RCD-ML and was deployed as mobilization officer to Bafwasende, northeast of Kisangani. Lumbala later told Human Rights Watch that the RCD-ML military unit that Wamba had placed in Bafwasende felt that it had been neglected for too long. "I gave them food and medicine, and they joined me in launching the RCD-National. Now the entire population of the district supports me. That is why I created the RCD-N," Lumbala said.<sup>30</sup> Asked about where he stood on the division between the RCD-Goma and RCD-ML, Lumbala told us that his faction observed strict neutrality because it was based in a district falling between the two zones of the larger factions.<sup>31</sup>

At each defection, Lumbala was accused of financial misconduct by spokespersons for the faction he abandoned. He, in turn, accused the RCD-Goma of corruption. After the initial bout of accusations, however, none of the parties said much about the nature of the alleged financial misconduct.<sup>32</sup> For example, the primary importance of Bafwasende appears to be its location in a diamond-rich area. A spokesperson for the RCD-ML, Jean-Ernest Louis Kayiviro, in October accused the breakaway cadre of involvement in "diamond dealing."<sup>33</sup>

### **The Congolese Rally for Democracy-Populaire (RCD-Populaire)**

A faction calling itself the RCD-Populaire made its appearance under the gloomy skies of the Congolese rebellion in November and then was not heard from for a while. Nyonyi Bwanakawa, the governor of North Kivu for the RCD-ML, who is based in Beni, and Poley Swako, who is a founding member of the RCD and served as Wamba's official in charge of overseeing public expenditures, pledged continued support to Wamba and

---

<sup>25</sup> IRIN wire, CEA weekly roundup, November 10, 2000.

<sup>26</sup> "UPDF takes over Bunia," the *Monitor*, Kampala, November 18, 2000.

<sup>27</sup> See Human Rights Watch letter to Wamba dia Wamba, and accompanying press release, August 9, 2000.

<sup>28</sup> Human Rights Watch telephone interview, Tibasima Ateenyi, Kampala, August 15, 2000.

<sup>29</sup> See: "DRC: RCD-ML officials freed by rival faction," IRIN Update 1063 for the Great Lakes, November 30, 2000.

<sup>30</sup> Human Rights Watch telephone interview, Roger Lumbala, Kampala, August 16, 2000.

<sup>31</sup> Ibid.

<sup>32</sup> See: "DR Congo: Defections not a threat, rebels say," IRIN Update 870 for the Great Lakes, February 28, 2000, and "DRC: "New" rebel group operating in northeast," IRIN Update 1042 for the Great Lakes, October 30, 2000.

<sup>33</sup> "DRC: "New" rebel group operating in northeast," Ibid.

resistance against Mbusa at the peak of the November putsch.<sup>34</sup> Rather than accept Mbusa's control, the two had threatened to launch a new faction, the RCD-Populaire, which would limit its territorial ambitions to the territories of Beni-Butembo. Supporters of the would-be faction traveled to Kampala to make their point at the reconciliation talks and returned to their base when the talks failed to materialize.

Mbusa reacted bluntly to this direct challenge to his authority in his own power base. According to a Congolese journalist who interviewed him in Kampala on November 21, 2000, Mbusa considered the RCD-Populaire as a "suicidal adventure."<sup>35</sup> He invited its founders to join forces with him; otherwise, he said, their resistance would lead only to armed confrontations in Beni and Butembo. Mbusa, according to the journalist, suggested that a new faction would expose the population of the two towns to further deadly confrontations as the APC was determined to take control.<sup>36</sup>

### **The Movement for the Liberation of Congo (MLC)**

As the RCD-ML stood on the verge of collapse at the end of 2000, the Movement for the Liberation of Congo (MLC) appeared to offer all that its Ugandan backers had hoped for and failed to get in their alliance with the RCD-ML. Under the firm grip of its leader Jean-Pierre Bemba, the MLC had a unified political and military command with none of the internal dissensions and spectacular defections that regularly rocked both the RCD-Goma and RCD-ML. According to reports by journalists and other visitors to its home area, the MLC enjoyed a measure of popularity in the northwestern province of Equateur that none of the other rebel movements could claim in the territories they controlled.

A handful of Congolese exiles led by Jean-Pierre Bemba told the Ugandan president in October 1998 that they wanted to change their government at home, but did not want to join the RCD. Ugandan authorities sent the group to a crash military and ideological training course and weeks later flew them to Equateur to launch what would become the MLC. Less than two years later, "Bemba commended Ugandan soldiers for training 20,000 soldiers" for the MLC.<sup>37</sup> Reporting on the September 2000 press conference at Gebadolite during which Bemba acknowledged the UPDF's assistance, the *New Vision* quoted him as urging the UPDF to continue withdrawing troops from the DRC: "We are proud of the Ugandans. But why should they die for us when we (Congolese soldiers) are doing quite well at frontline positions?"<sup>38</sup> Unlike the RCD-ML, the MLC was fighting an active war directly against the government alliance. With crucial battlefront support from the UPDF, the MLC was able to roll back a major government offensive in the second half of 2000. In contrast with the other two major rebel groups, the MLC was also reported to be financially self-sufficient, mainly from taxes levied on local produce.<sup>39</sup>

### **The Front for the Liberation of Congo (FLC): A Merger or Takeover?**

#### **Kampala Negotiations**

As a way out of the RCD-ML crisis, Uganda in late November proposed a merger of all the Congolese rebel groups under its patronage: the MLC, RCD-ML, and RCD-N. Col. Kahinda Otafiire, UPDF chief of staff and advisor on the DRC to President Museveni, justified the proposed merger by arguing that "[i]t makes it easier for us and easier for the rebellion and that way the Congolese people can take care of their own matters," and adding "[w]e are tired of running the show for them. Let them assume their own responsibility entirely."<sup>40</sup> Underscoring the urgency of the unification process from the Ugandan perspective, Lt. Col. Noble Mayombo, chief of military intelligence, and one of the leading mediators in the talks, declared: "Uganda wants the rebellion in Congo to merge and to have one territory, one army, one programme, one enemy and to sustain itself

---

<sup>34</sup> A north Kivu governor for the RCD-Goma is based in Goma.

<sup>35</sup> "Mbusa Nyamwisis: Wamba n'est plus à l'ordre du jour," *Le Millenaire*, No. 009, Novembre 2000.

<sup>36</sup> Ibid.

<sup>37</sup> "Bemba hails UPDF," the *New Vision*, September 19, 2000.

<sup>38</sup> Ibid.

<sup>39</sup> Human Rights Watch interview, Dominique Kanku, MLC commissar for foreign affairs, New York; June 20, 2000; See also: Prof. Herbert Weiss, "War and Peace in the Democratic Republic of the Congo," *American Diplomacy*, Vol. V, No. 3, Summer 2000, an article based on findings from a June 2000 mission to all three rebel areas.

<sup>40</sup> "DR Congo rebels in unity talks again," AFP, Jan 6, 2001.



economically by organizing the resources it controls."<sup>41</sup> Wamba insisted that the Congolese partners be allowed to discuss this among themselves and complained that a solution was being "imposed" by Uganda, but to no avail.

The Ugandans were determined to create the unified front, to be named the Front for the Liberation of Congo (FLC), because a hotly contested presidential election campaign was propelling all aspects of Uganda's involvement in the Congo war to center stage. In addition, the conduct of Ugandan troops in the Congo had drawn closer and more critical international scrutiny following the third battle for the control of Kisangani in June 2000. The fighting had left some 760 Congolese civilians dead, and 1,700 wounded, in addition to totally or partially destroying 4,000 houses and crippling essential infrastructure.<sup>42</sup> That attention was increasingly focused on the troubled Ituri region. As merger-maker Lt. Col. Mayombo commented, "any group that refuses to sign is not conscious of the pressure Uganda is facing over Congo from the population and the global community. Ethnic clashes in Bunia could also end under a merger."<sup>43</sup>

The RCD-ML and the MLC had signed a previous protocol of agreement in the Tanzanian capital Dar es Salaam on July 30, 1999. It failed because its sole objective was to provide for the sharing of public resources in areas each control, "so as to equitably cover the expenses of the liberation."<sup>44</sup> The MLC, with an active war front, was to receive 70 percent of the resources with RCD-ML getting the remainder. A prestigious list of witnesses countersigned the agreement: Colonel Otafiire, Brigadier General Kazini, Major Mayombo, and Tanzanian ambassador Marwa.<sup>45</sup> But the RCD-ML ultimately refused to deliver the promised funds.

The merger agreement in late 2000 appeared to vindicate Bemba. In fact it hardly masked a move to what could have been an MLC take-over of the RCD-ML, which was sorely weakened by political divisions, a splintered military, and disorganized finances. It provided for the establishment of a joint executive committee for the three movements, with an annually rotating presidency that Bemba assumed for the first year. The agreement provided for the unification of the armies of the three movements, but guaranteed that each of the MLC, RCD-ML, and RCD-National parties would preserve its autonomy for the purposes of the inter-Congolese dialogue mandated by the Lusaka accord. The MLC is said to be readying to launch itself as a national political party in the post-war era.

The new FLC leaders certainly expected that Mbusa and Tibasima, originally from northeastern Congo, would facilitate its establishment in that region. The two command the loyalty of some military units, – however disorganized – and have been able to tap at least some of the tremendous resources of the region. However, the FLC will be required to address problems of enforcing financial transparency and accountability measures previously faced by the RCD-ML. Without naming culprits, Lt. Col. Mayombo had indicated this problem in late July 2000 when he accused "personalities in RCD-Kisangani leadership" who resisted "strict financial accountability" of being behind the July mutiny.<sup>46</sup>

In return for Mbusa's help, the FLC gave him new legitimacy by naming him executive coordinator, or prime minister, of the new movement, reinforcing his strength in the face of the challenges mounted by RCD-Populaire on his own home turf in Beni. At the heart of this quarrel was the issue of control over the revenue collection at the various border customs posts in this region. The FLC would thus inherit in Beni the many enemies that Mbusa has created for himself in the course of a tumultuous year and a half of political confusion and military adventures, as detailed below.

---

<sup>41</sup> "Congo rebels agree to merge," *New Vision*, Kampala, January 16, 2001.

<sup>42</sup> U.N. Security Council, "Report of the inter-agency assessment mission to Kisangani," S/2000/1153, December 5, 2000.

<sup>43</sup> *Ibid.*

<sup>44</sup> RCD-Kisangani, internal memorandum signed by Wamba dia Wamba, September 30, 1999.

<sup>45</sup> "Protocole d'Accord," signed by Jean-Pierre Bemba for the MLC, and Prof. Wamba dia Wamba for the RCD-Kisangani, Dar es Salaam on July 30, 1999.

<sup>46</sup> "New rebel group formed in DR Congo," the *New Vision*, Kampala, July 27, 2000.

In the volatile Ituri district, Tibasima's return as national secretary, or minister, for mining of the FLC pleased his followers but worried others because it seemed to indicate new power for the Hema constituency that he represented. In effect, news of the establishment of the new front and the power alignment sustaining it led to further instability in Bunia and its region.

### **Local Consequences**

As the FLC arrangement was being negotiated in Kampala, the armed standoff between the Presidential Protection Unit, loyal to Wamba, and the Usalama Battalion, linked to Mbusa, continued in Bunia town. Heavily armed units guarded the residences of their respective chiefs, with many child soldiers visible among the fighters for both sides.<sup>47</sup> A team of Wamba supporters, led by Jacques Depelchin, and another group, the "cabinet" of Mbusa, each claimed to be the only legitimate authority. In fact, neither administration really functioned, parents kept their children home from school, and market activity languished as the town awaited word from Kampala for resolution of the political quarrels. The two contending military wings of the movement were wholly absorbed in their rivalry and lacked clear political leadership, leaving the UPDF the only force available to keep order, a responsibility that it failed to fulfill.

The standoff had terrible effects on the population. During a group meeting with civil society representatives in Bunia in December, one explained to visiting Human Rights Watch researchers: "Wamba, the Ugandans, and Mbusa are in the 'red zone'; people avoid the area where the two headquarters are located, and do not circulate after 5 p.m. anywhere else. Even sports activities are suspended out of fear."<sup>48</sup> Another added: "The calm you see now is a suspicious one. It can be upset any moment."<sup>49</sup> Speaking for an organization that cares for displaced children orphaned by the Hema-Lendu war, a young activist gave a grim account of what she and her colleagues encounter in their daily work: "Since June 1999, the inter-ethnic conflict has exacerbated children's malnutrition. Children are also traumatized after seeing what they saw and for example what happened to their parents. The number of unaccompanied children has increased. There are girls who prostitute themselves because of the misery they face, particularly with the armed foreigners." She talked of increased rape of women and girls, resulting unwanted pregnancies and abandoned girls, increased AIDS rates, and the increasing number of widows. "If you look at it objectively, since the war with Kabila people have been abandoned. They have no economic power, no salary, no control."<sup>50</sup>

Conflict between the Lendu and the Hema resumed in December, as described below, proving the premonitions of the population well founded. Representatives of the Hema and the Lendu from the Djugu zone, the area most troubled, came to the UPDF sector commander in Bunia as the ultimate authority in the region and called on him to contain a series of spiraling clashes in rural areas around Bunia.<sup>51</sup>

The Ugandan sector commander, Col. Edison Muzoora, who took over the post after the eventful departure of Col. Angina in late October, initially maintained a semblance of neutrality by regularly visiting the two headquarters of the feuding RCD-ML factions, but kept a symbolic distance from both. By early December, he changed his position and removed Ernest Uringi Padolo, a staunch supporter of Wamba, from his post as Ituri governor and named the province's general administrator as acting governor.<sup>52</sup> As he explained to Human Rights Watch researchers at his headquarters at the airport, the population could not wait indefinitely for the administration to start functioning again. To point out the risks of the continuing administrative confusion, he criticized the attempt by Mbusa loyalists to take the lucrative border customs post of Kasindi by force, without waiting for the outcome of negotiations in Kampala.<sup>53</sup>

---

<sup>47</sup> Human Rights Watch field observations, December 8-14, 2000.

<sup>48</sup> Group meeting with civil society groups in Bunia, December 11, 2000.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Information received from members of the joint delegation, December 10, 2000.

<sup>52</sup> Human Rights Watch telephone interview, Jacques Depelchin, Bunia, December 11, 2000.

<sup>53</sup> Ibid.

On January 8, the colonel placed the ousted governor Padolo under house arrest and four days later sent him with no advance notice to Kampala. Although the Ugandans had talked of an international arrest warrant, Padolo later told Human Rights Watch that he was not detained when he arrived in Kampala, but was simply left at the airport.<sup>54</sup> As the ethnic conflict increased in mid-January, the colonel placed Depelchin under house arrest for nearly three weeks. On January 28 UPDF soldiers led by the colonel searched Wamba's residence and confiscated a computer and a satellite phone. The soldiers arrested Depelchin on the same day, and later sent him also to Kampala after accusing him of having instigated the latest round of ethnic violence.<sup>55</sup>

#### IV. ETHNIC STRIFE: HEMA AGAINST LENDU

##### **The First Round of Killings, June-December 1999**

"We saw flames coming from another village so we left suddenly. That was at Gokpa. It was during the day. We left suddenly, with no belongings. We came as a family; there are six of us, but we lost three family members. It took us two days to get here [Bunia]. It was August 1999," an elderly war victim told Human Rights Watch researchers.<sup>56</sup> A teacher from Fataki, met at the same church center housing mostly Hema displaced by the war, started crying without warning as she recounted how someone had his throat cut:

I was a teacher at Fataki. We heard that Hema houses were destroyed at Lenga. We asked why people were displaced. We taught with a Lendu brother and had Lendu children at the school. Suddenly the Lendu teachers and the students withdrew to the forests—that was July 1999. We continued and finished the school year. They didn't come back. Towards Libi there were fires, people fled to Fataki. Now the noise started approaching at night. There were fires all around. [At this point she broke down in tears, describing the killings.] We had no means to go anywhere. We had gone to the priests. They transported the mamas who couldn't walk. Before the attack, our chief went into the forest. He was a Lendu. He went that day to tell the people in the forest not to attack. He spoke to people in church and told us to be calm. The next day they attacked. The attackers also killed a Lendu who didn't want to take sides with them. They had machetes and spears and wood from the forest that someone had carved. The people who attacked included some of our students [the ones who had disappeared earlier].<sup>57</sup>

A transport manager from Rukimo village described how he and his family had been attacked on December 1, 1999:

There were many of them, hundreds, armed with traditional arms, spears, machetes. We participated—we took up stones to defend ourselves. At that time we had no arms—now we do. There were lots of victims. Some were thrown in the Shari River. Some people were decapitated. Others were brought here to the general hospital in Bunia. It went on from 7 to 11 p.m.—then they returned to their village at Buli.<sup>58</sup>

The witnesses said the attackers were sometimes people they knew. Some were friends and neighbors who shared their lives until the clashes began in the many small villages dotting the hills and plains of the Djugu zone, that most affected by the conflict. A humanitarian worker who worked throughout the zone at the height of the killings described what he saw:

I came across many burned down villages. There were extremists on both sides. The Lendu drugged themselves and attacked Hema villages, wielding traditional weapons against civilians indiscriminately. In July and August the UPDF deployed units mainly in Hema villages. The Lendu reacted by erecting

---

<sup>54</sup> Human Rights Watch telephone interview, governor Ernest Uringi Padolo, Kampala, January 2000.

<sup>55</sup> "RCD-ML/ Bunia: Kidnappings and deportations," electronic communication from the RCD-ML, January 29, 2001.

<sup>56</sup> Human Rights Watch interview, Collège FIC, Modzi Pela Catholic center, Bunia, December 10, 2000.

<sup>57</sup> Human Rights Watch interview, teacher from Fataki, Bunia, December 13, 2000.

<sup>58</sup> Human Rights Watch interview, transporter from Rukimo, Bunia, December 12, 2000.

roadblocks and attacking the [Ugandan] military. The soldiers accompanied Hema extremists in attacks on Lendu villages and hideouts in the surrounding forests. Their convoys fired on whatever moved.<sup>59</sup>

Records of humanitarian agencies and local health facilities confirm the witness accounts. At the public hospital in Bunia, for example, several months after the clashes ended, the vast majority of victims being treated for machete wounds and traumatic amputations were Hema while many Lendu were recovering from bullet wounds.<sup>60</sup>

An estimated seven thousand persons were killed and at least 150,000 displaced in the clashes between June and December 1999, according to U.N. sources.<sup>61</sup> Countless others from both ethnic groups were raped, tortured, or otherwise seriously injured during these months. The Lendu fled mostly to the bush, often beyond the reach of humanitarian relief; Hema converged on Bunia and other towns and large villages along the main roads between Bunia and the Ugandan border. Many of those displaced in 1999 had not yet returned home when the conflict resumed in late 2000, forcing thousands more to flee in the latest round of what has become the largest humanitarian crisis in the war-torn Congo. Inflammatory rhetoric has spiraled along with the killings, with each side accusing the other of “ethnic cleansing” and of harboring genocidal intent.

During generations of living together more or less harmoniously in the northeastern Congo, the Hema and the more numerous Lendu came to share one language, Kilendu, and regularly intermarried. People of the two groups live from farming, but the Hema, some of whom have sizable herds of cattle and large land holdings, are generally thought to be richer than the Lendu. The Hema were also favored by Belgian colonialists who recruited them as farm managers to oversee workers who were usually Lendu. When the Belgians fled the Congo at the time of its independence in the early 1960s, many Hema took over their farms. Their wealth allows the Hema greater access to education and hence to administrative posts and positions of political leadership. The two groups have clashed over land rights in the past, including in 1972, 1985, and 1996.<sup>62</sup> In past incidents, local authorities intervened promptly and cut short the violence by calling upon customary mechanisms of arbitration and mediation.

In mid-June 1999, some Hema landholders in the locality of Walendu/Pitsi reportedly tried to exploit the absence of a credible local authority by expanding their holdings on territory claimed by Lendu communities. The Hema landholders allegedly presented land titles falsified with the help of local officials: this, at least, was the perception of the local Lendu communities involved. The dispute led to violence: both Hema and Lendu formed militia to attack villages of the other group and to defend their own people. In some cases Hema owners of large farms established armed bands to defend their property. The conflict escalated because there was no effective civilian administration to intervene. Some Ugandan soldiers deployed in the conflict zone to contain the initial clashes tried to take advantage of the situation. In most cases, these soldiers reportedly lent their support to the Hema and assisted them in their efforts to extend their sway. In a few instances, other Ugandan soldiers also reportedly supported or tried to protect the Lendu.<sup>63</sup>

### **Administrative Changes: the Creation of Ituri Province**

When the conflict began, the area was nominally controlled by Wamba’s branch of the RCD, which had just moved to Kisangani, but that fledgling administration was just getting organized and it had no real military force. Ugandan troops, which had arrived in the area in November 1998 as part of the contingent fighting the

---

<sup>59</sup> Human Rights Watch interview, Bunia, December 12, 2000.

<sup>60</sup> United Nations, IRIN, "DRC: IRIN special report on the Ituri clashes [part two]," UN OCHA- IRIN-CEA, 3 March, 2000, <http://www.reliefweb.int/w/rwb.nsf/s/45B299FBC622751385256898006CC44D>.

<sup>61</sup> Ibid., United Nations, IRIN, part one.

<sup>62</sup> According to the Congolese human rights organization ASADHO, the 1973 land law contributed to land problems by making it possible for a buyer to purchase land that is already inhabited and to present title to it as much as two years later, when it can no longer be contested in court.

<sup>63</sup> See ASADHO, "Rapport de l'ASADHO sur le conflit inter-ethnique Hema-Lendu en territoire de Djugu dans la province Orientale,"; See also: United Nations, IRIN, "DRC: IRIN Special Report on the Ituri clashes, [parts I and II]," March 3, 2000.

Congolese government, were the only effective authority in the region at that time. Even after the RCD-Kisangani became the RCD-ML and fielded its own troops, Ugandan troops continued to “exert strict control over the Congolese soldiers,” according to a report by the U.N. Integrated Regional Information Network (IRIN). At one point, the Ugandans reportedly ordered the Congolese to carry no guns and restricted bodyguards of political leaders to their compounds.<sup>64</sup>

In June 1999 Adele Lotsove Mugisa, a former Hema teacher turned career politician, sought the support of Brigadier General James Kazini, then commander of the UPDF in Congo as well as chief of staff of the UPDF, in establishing a new province. Ituri province was to be created from Orientale province’s Kibali and Ituri districts. Although this proposal had been backed by some in the area for some time and was brought to Kazini by a Congolese political leader, it was the decree of the Ugandan general which effectively altered administrative boundaries in the area. He named Lotsove as the first governor of the new province, a choice which many in the area—whether Hema or Lendu—took as a signal that the Ugandans favored the Hema. Wamba, who had just fired Lotsove as second deputy governor in Kisangani and charged her with insubordination, was not consulted about the appointment. Lotsove arrived as the land clashes were beginning to escalate and was widely criticized during her tenure for helping consolidate the economic and political power of the Hema. After Wamba dismissed her for the second time in December 1999 and replaced her as governor with Uringi Padolo, who was from the Alur people and thus not identified with either Lendu or Hema, the strife between the two rival groups diminished.

### **The role of Ugandan soldiers**

The impact of Ugandan meddling with the local civilian administration was intensified by the behavior of some Ugandan troops who clearly took sides with the Hema. Local commanders, apparently acting on their own initiative, assigned soldiers to defend the Hema and carry out attacks, sometimes in return for cash payments. Other soldiers tried to provide security for all local residents, but their conduct did not make up for the partisan support given by their fellows who supported the Hema cause. The introduction of Ugandan troops, with their superior firepower and military training, also helped increase the death toll of a conflict which would otherwise have been fought with traditional arms and tactics.<sup>65</sup>

The role of some Ugandan soldiers emerges clearly from two investigations of the clashes, one done by a “Committee of Pacification and Follow-up” named by Governor Lotsove in August 1999. Although the report usually refers to “soldiers” without specifying nationality or military unit, other details make clear that it is the UPDF rather than the generally ineffective troops of the RCD-ML that are meant. In other instances, the report explicitly deplors the conduct of Ugandan troops in support of Hema militia.

In its report, the committee quoted the local customary chief of Masumbuko village as saying “certain Hema use the military to burn houses, while the military fire on the population.”<sup>66</sup> Committee members interviewed forty-one seriously wounded survivors of such an attack at the hospital of Rhety. The report cited information from eleven of the survivors who described how soldiers, acting on the orders of two farm owners known to them, attacked their villages from August 27 to 29, 1999, opening fire on the population without provocation.<sup>67</sup> A pastor in another village accused several Ugandan soldiers by name of complicity with the same two farm owners.<sup>68</sup>

Despite these instances of misconduct by Ugandan soldiers, Lendu community leaders appeared to recognize that there was no other force in the area capable of enforcing order. Thus rather than call for the withdrawal of Ugandan troops, they appealed instead for the “impartiality of the army,” or the “repression of the

---

<sup>64</sup> United Nations, IRIN, “DRC: IRIN Special Report on the Ituri Clashes [part two],” March 3, 2000.

<sup>65</sup> Human Rights Watch interviews with RCD-ML senior officials, New York, Washington, Bunia, and by telephone: Bunia and Kampala, November 1999-March 2001; See also: “Greed fans ethnic flames in Congo war,” *Daily Mail and Guardian*, February 7, 2000, and “Ugandan involved in Congo ethnic war,” *Daily Mail and Guardian*, February 9, 2000.

<sup>66</sup> Rapport de Mission, Comité de Pacification et de Suivi, Bunia, le 13 Septembre 1999, p. 10.

<sup>67</sup> Ibid, pp. 12-13.

<sup>68</sup> Ibid, p. 16.

partiality of the army."<sup>69</sup> The Committee of Pacification concluded that for the Lendu, security would require the "immediate and unconditional replacement of soldiers, credibly called 'the soldiers for the Hema,' and the disarmament of Hema militia and traders who illegally hold assault weapons."<sup>70</sup> Those who spoke for the Hema not surprisingly said nothing about replacing Ugandan soldiers and instead said that their security required "dispersing Lendu extremists who were hiding in the bush, training, and being drugged, to attack the Hema and undermine efforts of reconciliation."<sup>71</sup>

In October 1999 the RCD-ML appointed Jacques Depelchin, its commissar for local government, to chair its own Commission for Security and Peace in the Djugu Zone. The commission examined the role of Ugandan soldiers who protected Hema farms. After visiting eleven farms, it reported finding twenty-one soldiers posted at eight of the farms and also five young people waiting to be sent for military training in Bunia.<sup>72</sup> In a later interview with a Human Rights Watch researcher, Wamba explained how the system worked. He said:

Hema farm owners who at the beginning of the conflict wanted to expand their land possessions faced resistance from their Lendu farm workers and villagers affected by the expansion. To contain the potential unrest, some of them hired UPDF soldiers to protect them and their farms against some payments to their commander. The soldiers thus became private guards for farm owners.<sup>73</sup>

Wamba reported in January 2000 that a Ugandan commander "had been dismissed for hiring out soldiers to Hema leaders."<sup>74</sup> He later identified this soldier as Captain Kyakabale, who he said commanded UPDF troops in the Bunia region from the start of the conflict until he was recalled to Uganda in December 1999.<sup>75</sup>

In its commission report, completed in December 1999, and in other public statements, the RCD-ML described misconduct of Ugandan troops that amounted to serious violations of international humanitarian law, but it did not call for either investigations or prosecutions of the soldiers. Instead, like the Lotsove-appointed committee, it recommended replacing all the military units previously deployed in Djugu territory by new ones, chosen for their neutrality.<sup>76</sup> As recently as August 2000, officials of the RCD-ML continued to criticize the conduct of their allies, without pushing for accountability for the abusers. They told the Sunday edition of the official Ugandan newspaper *New Vision* that the clashes in Ituri "would have been resolved much earlier had it not been for the controversial role played by certain Ugandan officers who backed wealthy 'Hema' tycoons and 'Hema' militias against the majority 'Lendu' ethnic group."<sup>77</sup>

The information gathered by the two commissions was confirmed and supplemented by more balanced inquiries by local human rights organizations. One compiled a detailed, though not exhaustive, chronology of nineteen attacks by the Lendu on the Hema from June 1999 to January 2000 and of twenty-seven attacks by Hema on Lendu from June 1999 through April 2000. It based its information on local official and unofficial sources as well as on its own witnesses. The organization attributed all the attacks on Hema villages to Lendu militiamen. It attributed fourteen of the attacks on Lendu localities to Ugandan (UPDF) soldiers, another ten to joint raids by the UPDF soldiers and Hema militia, and two to raids by the militia alone.<sup>78</sup>

---

<sup>69</sup> Ibid., pp. 16, 17

<sup>70</sup> Ibid., p. 21.

<sup>71</sup> Ibid., p. 21.

<sup>72</sup> "Rapport des travaux de la Commission de Sécurité et de Paix en Territoire de Djugu," RCD document, Bunia, December 21, 1999.

<sup>73</sup> Human Rights Watch telephone interview, Wamba dia Wamba, Dar es Salaam, January 26, 2001.

<sup>74</sup> "Thousands die in Congo ethnic clashes," *Daily Mail and Guardian*, Johannesburg, January 21, 2000.

<sup>75</sup> Human Rights Watch telephone interview, Wamba dia Wamba, Dar es Salaam, January 26, 2001.

<sup>76</sup> Ibid., "Rapport des travaux."

<sup>77</sup> "Bunia UPDF Probed," *Sunday Vision*, August 13, 2000.

<sup>78</sup> Aciar ONGD-Justice Plus, "Tentatives de paix, action humanitaire, et bilan des affrontements sanglants entre Lendu (bbale) et Hema (Gegere) en territoire de Djugu," Bunia, March-August 2000.

In December 1999 a leading Congolese human rights organization, Association Africaine pour le Defence des Droits de l'Homme (ASADHO), charged Captain Kayakabale with massive violations of human rights and international humanitarian law, including arbitrary arrests, civilian massacres, and large-scale destruction of civilian property. According to ASADHO, "in early July 1999 the commander of Ugandan troops in Bunia, Captain Kayakabale, dispatched a unit to the conflict zone. Our information is that Ugandan soldiers reportedly began decimating the Lendu without warning, and to ravage entire villages. Sources interviewed by ASADHO consistently accused the Ugandan army of massacring Lendu civilians."<sup>79</sup>

Not all Ugandan soldiers sided with the Hema. The Lendu trusted at least one, Col. Peter Kerim, and appealed to him to protect them and to serve as a mediator between them and the Hema. In July 1999 an influential Lendu leader called on Kerim to facilitate reconciliation meetings between his community and the Hema. In September he wrote to alert the colonel to recent attacks by the Hema and "their soldiers" on displaced Lendu. In his letter, the Lendu leader asked the colonel to keep the UPDF from withdrawing units from the villages of Dhebu and Linga and to keep the Ugandans from replacing their troops at Kwandroma. It was only these three units, he wrote, that had protected the Lendu in Djugu, which explained why Lendu displaced persons at that time converged at these three locations. The letter closed with a desperate appeal: "Afande Colonel, that's why we do need your bodily intervention. Without your help, there is no peace."<sup>80</sup>

In September, perhaps in response to this and similar appeals, UPDF soldiers from a border post in Uganda reportedly entered into the Congo to intercept another UPDF unit that was accompanying Hema in an attack on Kwandroma. The two UPDF units supposedly exchanged fire, leading to casualties among the Ugandan soldiers. The incident reportedly triggered an investigation, but its results have not been published.<sup>81</sup>

Kerim was said to have trained and armed 1,000 Lendu, paying the cost with profits made from the sale of coffee from the region. In January 2000 Lt. Colonel Noble Mayombo, the deputy chief of military intelligence of the UPDF, denied that Kerim had trained Lendu militia. He said: "The army officer they are talking about, Colonel Peter Kerim, is not in active service and lives in his village of Alur, and in any case all training camps for the Congolese are inside Congo not Uganda."<sup>82</sup> According to an RCD-ML official, Col. Kerim had indeed served "time out" in his home village of Alur after his suspension from the UPDF in 1998 for misconduct: "Kerim's village straddles the border between Uganda and Congo. He had only to cross to the other side to find himself inside Congo," the official added.<sup>83</sup>

At some point, the UPDF recalled Kerim to active service and appointed him liaison officer at the Ugandan border post of Paida. According to UPDF spokesman Captain Bantariza, Kerim's assignment in March 2000 was to oversee reconciliation between Lendu and Hema and to "make sure that the conflict in Ituri does not spill over into Uganda." He added that Lendu fighters had been surrendering arms "mainly bows, arrows, spears, and a few rifles," to UPDF units in the area.<sup>84</sup>

## Ugandan Response

The worst of the first round of fighting between Hema and Lendu had ended by late 1999 although some attacks continued until April 2000. The replacement of the Ugandan-named Hema governor by the Wamba-appointed Alur apparently helped restore calm, as did the replacement of Ugandan soldiers known to have taken

---

<sup>79</sup> ASADHO, "Rapport de l'ASADHO sur le conflit inter-ethnique Hema-Lendu en territoire de Djugu dans la province Orientale," p. 8.

<sup>80</sup> Letters to Col. Peter Kerim, July 21 and September 7, 1999. Copies in the possession of Human Rights Watch.

<sup>81</sup> Human Rights watch interviews, Bunia, December 8-14, 2000; see also "Rapport de l'ASADHO sur le conflit inter-ethnique Hema-Lendu..," Ibid.; and United Nations, IRIN, "DRC: IRIN special report on the Ituri clashes [part two]," 3 March 2000, Ibid.

<sup>82</sup> U.N. IRIN, "DR Congo: Uganda denies training Lendu people," IRIN-CEA Weekly Round-up 5, January 29-February 4, 2000.

<sup>83</sup> Human Rights Watch interview, January 2000.

<sup>84</sup> "DRC: Lendu reportedly surrendering arms to Ugandan army," IRIN Update No. 877 for the Great Lakes, IRIN-CEA, March 8, 2000.

sides by fresh troops. A human rights activist in Bunia accurately assessed the impact of Ugandans on the Hema-Lendu conflict when he said, "Uganda alternated the roles of the arsonist and firefighter in this conflict."<sup>85</sup> As reports by the two commissions, denunciations by human rights groups, and criticism by other observers increasingly underlined Ugandan responsibility for the worsening conflict in northeastern Congo, Ugandan army spokesmen rejected these allegations or made vague references to "investigations" of these reports. Speaking of the ethnic strife in Ituri province in late November 1999, a Ugandan military official told the press, "we are not in that place to support either of those groups; we are there for our security." The official then added "there could be some errant soldiers who are supporting one group, but I have not received information on that."<sup>86</sup> Several months later UPDF chief of military intelligence Col. Henry Tumukunde characterized charges of Ugandan involvement in the Hema-Lendu conflict as "both baseless and ridiculous because the problem pre-dates UPDF entry into Congo, and is rooted in Congo's post-colonial misrule and distortions."<sup>87</sup>

But faced with a tide of negative reports even by his allies, President Museveni in December 1999 invited representatives of the Hema, Lendu, and other communities affected by the conflict to Kampala for a hearing. Following their visit, the UPDF deployed fresh troops in the region and appointed Colonel Arosha as sector commander in Bunia to replace Captain Kayakabale.<sup>88</sup> The withdrawal of troops represented a minimal response to misconduct tantamount to war crimes in some cases. Ugandan authorities have apparently investigated only one officer, Captain Kayakabale, for his reported hiring out of soldiers to Hema farm owners. Even in this case, UPDF spokesman Maj. Phinehas Katirima claimed in August 2000 that he was "not sure of the nature of the offence."<sup>89</sup>

Although Colonel Arosha reportedly was generally well accepted in the months after his appointment, Wamba deemed him "undesirable" in late March 2000. Wamba charged him with partiality to the Hema after Arosha showed reluctance in investigating cases brought to him by RCD-ML. Among the cases was one involving the appropriation of a vehicle belonging to a humanitarian agency which was then used to transport arms and munitions to farms where Hema militia were being trained. Wamba also complained of Arosha's arrogance after the colonel reportedly himself beat up the head of RCD-ML protocol.<sup>90</sup>

Ugandan authorities recalled Arosha in April 2000 and named Col. Charles Angina to replace him. According to several RCD-ML officials, they were satisfied with Angina's relations with the rival communities in Djugu and pleased with his responsiveness to their concerns. The governor of Ituri named by the RCD-ML attributed the relative absence of violence after April to his close collaboration with Angina.<sup>91</sup>

### **UPDF Role in Training RCD-ML Recruits in 2000**

In September 2000 a regional newspaper reported that hundreds of Congolese recruits were being trained in Uganda, referring to the group of mutineers who attempted to topple the RCD-ML leadership in late July. UPDF spokesman, Maj. Phinehas Katirima, acknowledged they were in Ugandan military schools and said they were being trained "to enhance their capacity in understanding [their struggle], understanding that the military is subordinate to civilians; that the military behaves in an organized way and it is not enough to have a gun. They must learn to respect civilian authority."<sup>92</sup> The statement did not address the nature of the group, which draws almost exclusively from the Hema ethnic group. Despite continuing ethnic tensions in the region, the UPDF trained hundreds of recruits, many of them children, from the Hema and the Lendu as well as from other ethnic groups. Pressed by developments in the broader war, including the disintegration of its alliance with the Rwandan army and a wave of Mai-Mai attacks on its positions, the UPDF appeared to have traded its professed ideals of

---

<sup>85</sup> Human Rights Watch interview, Bunia, December 9, 2000.

<sup>86</sup> U.N. OCHA Integrated Regional Information Network, "DR Congo: IRIN focus on Hema-Lendu conflict, Nairobi, November 15, 2000.

<sup>87</sup> "Uganda deploys more troops in Congo," Panafrican News Agency (PANA), Kampala, February 15, 2000.

<sup>88</sup> Ibid.

<sup>89</sup> "Bunia UPDF probed," *Sunday Vision*, Kampala, August 13, 2000.

<sup>90</sup> Human Rights Watch telephone interview, Wamba dia Wamba, Dar es Salaam, January 16, 2001.

<sup>91</sup> Human Rights Watch telephone interview, Uringi Padolo, Kampala, January 17, 2001.

<sup>92</sup> "Hundreds of Congolese rebels training in Uganda," *the East African*, Nairobi, September 28, 2000.



exporting revolutionary ideology and military discipline and professionalism for crude pragmatism. Thus, it ended up relying in RCD-ML areas on local rebel clients who lacked a political program and resorted to ethnicity for rallying support and providing recruits. When Hema and Lendu resumed their conflict in late 2000, both sides had enough trained combatants to be in a position to inflict serious damage on the other.

Most of the APC recruits who enlisted in Bunia and were trained at Rwampara camp by Ugandans were Hema, while those recruited by Mbusa in Beni and sent for training at Nyaleke were more ethnically diversified. Mbusa sent teams to bring in young recruits from a large catchment area in parts of north Kivu and Orientale provinces under the nominal control of the RCD-ML, including the troubled Ituri district. According to a former cadre who participated in these missions, recruiters toured villages in designated zones for periods lasting from three days to a week. He showed a Human Rights Watch researcher a "mission order" signed on June 6, 2000, by Mbusa who was then in Kampala. The order, valid for three months, authorized fifteen persons named in the document to travel from Bunia-Beni to Mont Hawa in Aru zone (see maps). Their assignment was to "mobilize and recruit at the villages of "Mahagi, Aru, Faradje, Watsa." In the column "Observations," the commissar asked that "civilian as well as military authorities lend a hand vigorously (*prêter main forte*) to the recruiters to ensure the success of their mission," implying that force could be used.<sup>93</sup>

According to the recruiter, teams ordinarily returned from missions with a truckload of between one hundred to two hundred children and youth, aged thirteen to eighteen years old. UPDF instructors at Nyaleke camp provided three to six months of infantry and weapons training. "We trained them rapidly," added the source. "The important thing was to learn how to use and maintain firearms."<sup>94</sup> Conditions at Nyaleke for the estimated one thousand young Congolese present in January 2000 were deplorable, according to a report by the missionary news agency MISNA: "living conditions are terrible, and many children die before completing the training, due to abuse and lack of health assistance."<sup>95</sup>

Mbusa's groups intensified recruitment in early 2000, apparently because they feared that Uganda might end its military aid, given the approaching elections and the growing unpopularity of the Congo war among Ugandan constituents. Anticipating a rapid growth of their force, said an aide to Mbusa, their faction ordered and received 10,000 uniforms with the APC insignia as well as other equipment. According to representatives of civil society, Mbusa was personally involved in creating the military force and, himself in uniform, lived with the recruits at Nyaleke.<sup>96</sup>

As president and defense minister of the RCD-ML, Wamba participated in graduation ceremonies of units trained at Bunia, seeming thus to give his approval to recruitment which primarily was based on ethnic or personal following. But when Mbusa, Tibasima, and others subsequently accused him of having replaced APC and UPDF soldiers in his own guard with "bands of deserters of the APC, the ex-FAC, and the ex-FAZ selected on tribal bases,"<sup>97</sup> Wamba turned the accusation back on them. He said they were responsible for "recruitment by clientelism, delegated to civilians and oriented by tribal criteria" as well as of "interference with the mandate of the minister of defense, of which I am the holder, by managing recruitment and training centers without the least reference to the general chief of staff."<sup>98</sup>

---

<sup>93</sup> "Ordre de Mission, No. 001/ROUTE/C.G./R.C.D.K/2000," fait à Kampala, le 06 Juin 2000, [signé] Mbusa Nyamwisi.

<sup>94</sup> Human Rights Watch interviews, December 2000.

<sup>95</sup> MISNA, "RDC - Butembo -Beni: Enfants soumis à l'exercice militaire au camp de Nyaleke," January 13, 2000.

<sup>96</sup> Human Rights Watch interviews, Bunia-Butembo-Kampala, December 2000.

<sup>97</sup> Letter dated June 10, 2000, No. 155/CG/RCD/K/2000, from the general commissariat of the RCD-ML to the movement's president. Signatories: Mbusa Nyamwisi, general commissar and president of the assembly, Tibasima Mbogemu Ateenyi, deputy commissar general, and several other members of the general commissariat.

<sup>98</sup> "Communiqué important à l'attention de tous les membres du commissariat general," RDC, RCD/Kisangani, Quartier General/Bunia, Bureau du President, 14/06/2000.

## **Lack of Unity in the APC**

Even as they recruited and trained soldiers in units based on personal or ethnic loyalty, members of all parties recognized the risks of such practices. A former recruiter for Mbusa said, "When there is political confusion, the master of the training is the one who commands the kids."<sup>99</sup> Asked about the rationale for the recruitment of Lendu in particular, another official of Mbusa's camp explained that the recruiters targeted Lendu villages because the first round of interethnic killings had left thousands of orphaned and unaccompanied children in the area. "These were an easy target," the source said, adding: "there was no political design beyond this practical consideration. Once they had finished their training, the plan was to deploy them far away from their home area, to places like Isiro and elsewhere, but events overtook this plan."<sup>100</sup> The events referred to were the deployment of the Usalama Battalion in Bunia, followed by the desertion of many of its members, as detailed above.

About fifteen hundred soldiers remained in Beni after Usalama's departure. According to the official, the Lendu represented at least 600 to 750 of the combatants trained in Beni.<sup>101</sup> Following the demise of Battalion Usalama in Bunia, and the departure of its commander and several of his immediate subordinates to Kampala, many of the Lendu and other soldiers deserted the APC and returned to their villages. According to Wamba, his own Presidential Protection Unit considered reenlisting a group of thirty Lendu soldiers who in late September arrived in Bunia by foot, but ultimately dismissed them because members of the group were not armed.

Tibasima, who readily admitted in August 2000 that most soldiers trained in Bunia were Hema,<sup>102</sup> told a Human Rights Watch researcher four months later that the RCD-ML had committed a "grave error" by also recruiting and training "as many as 2000" Lendu at Nyaleke training camp. "I fear for my community," he concluded after discussing how the disjointed military structures of the RCD-ML might end up feeding into a renewed ethnic war in Ituri.<sup>103</sup>

Four commanders of the 700 mostly Hema troops transported to Uganda for training expressed similar concerns to a Human Rights Watch researcher in December 2000. They suggested that if the political confusion among their elders were not resolved and if ethnic strife continued, they might end up joining Hema at home to fight Lendu. Likewise, they predicted that their Lendu counterparts would react in the same way. Speaking for the others, a young cadet expressed regret that this could be the outcome. He said, "This would not be the intention of the soldiers on either side. A well-trained soldier would not align himself along these lines. Our concern is to develop the Congo."<sup>104</sup>

## **Ethnic Strife Linked to Political Rivalries**

Politics and ethnicity became increasingly linked in conflicts throughout 2000, raising the level of violence. After Wamba averted the coup threatened by the Hema troops, he attempted to stave off further disintegration of the APC by announcing a "major" restructuring of the armed force. An assistant minister of defense loyal to Wamba implicitly acknowledged that the UPDF had trained disparate military units with little coordination or unity of command among them. "The APC should henceforth function better from the lowest ranks and the unit of reference will be the battalion. The new philosophy is, above all, to build up a national army and not militia groups." The official, Sova Luaka, explained that the restructuring would begin from the bottom up: "We have started new battalions and we are going up to the brigade level then to the high command," Bunia's local radio quoted him as saying.<sup>105</sup> The attempt came too late: Wamba faced another threat soon afterwards, already described, from soldiers loyal to Mbusa.

---

<sup>99</sup> Human Rights Watch interviews, December 2000.

<sup>100</sup> Human Rights Watch interview, February 2001.

<sup>101</sup> Estimates also confirmed by Wamba dia Wamba, Human Rights Watch telephone interview, Dar es Salaam, February 22, 2001.

<sup>102</sup> Human Rights Watch telephone interview, Tibasima Ateenyi, Kampala, August 15, 2000.

<sup>103</sup> Human Rights Watch interview, Kampala, December 22, 2000. Human Rights Watch later learnt from sources associated with recruitment at Nyaleke that the number of Lendu trained there would be closer to 750.

<sup>104</sup> Human Rights Watch interview, Kampala, December 23, 2000.

<sup>105</sup> IRIN-CEA, "DRC: RCD-ML restructures army," No. 983, August 7, 2000.

As the political standoff between Wamba and Mbusa continued in October and November 2000, ethnic tensions grew once more in the region of Bunia, fueled by uncertainty over the relative weight that each ethnic group would play in the arrangements being negotiated between the political factions. In mid-December 2000 Human Rights Watch researchers visited the villages of Katoto and Letti, forty kilometers north of Bunia. Letti had been burned down to the ground in the first round of fighting. There they found displaced Hema still clustered in other villages along the main road while Lendu displaced persons sheltered in remoter villages or in the bush, often inaccessible to humanitarian agencies. Rumors circulated of Lendu fighters training in the hills for an impending attack on the town of Bunia. Reports arrived in town of a Hema farm owner who fired on Lendu as they tried to return home, killing several. The group had written the local village chief to announce their intention of coming home.<sup>106</sup>

Lendu and associated militia of Ngiti people together with less organized bands of villagers, most of them armed with traditional weapons, launched a major attack on Hema villages in the region of Bunia in mid-December. According to some survivors, some Lendu also had automatic rifles. The fighters brought the violence into Bunia on January 19 when they attacked UPDF headquarters at the airport. They apparently wanted to disable a helicopter gunship that the UPDF had used against them in earlier attacks. They also wanted to occupy the airport to prevent the triumphal return of local Hema leaders, who were increasingly appearing as the winners in the negotiations going on in Kampala.

Some eighty attackers were slain by UPDF fire, including gunfire from the armed helicopter. Retreating Lendu militia ruthlessly massacred some sixty Hema residents in outlying residential areas and the villages of Soleniema and Mwanganga north of Bunia. In the hours after the attack was repulsed, Bunia residents reported seeing UPDF officers encouraging Hema youth in several quarters of the town to arm themselves and to identify and kill Lendu infiltrators. This call apparently set the stage for reprisal attacks on Lendu residents by Hema militiamen and soldiers of the APC loyal to Mbusa. According to some witnesses, at least 150 to 250 Lendu were slaughtered, many of them Lendu intellectuals and community leaders.

Horrified witnesses described a scene of militiamen and soldiers parading for hours around town on a truck, displaying the head of a Lendu on a spear, and singing victory songs.<sup>107</sup> At the wheel, according to witnesses, was an APC battalion commander. Town residents accused the UPDF of having stood by without intervening from 8 a.m., when the reprisals began, until late in the evening. Colonel Muzoora, the UPDF sector commander, then yielded to pressure from community leaders affiliated with neither Hema nor Lendu and from humanitarian agencies and ordered his troops to intervene to stop the killings. Some 20,000 people fled in all directions inside Ituri as an estimated 10,000 others, mostly Hema, sought refuge in Uganda in the first week of January. This latest fighting made Ituri the scene of one of the bloodiest conflicts fought in the shadow of the Congo's broader war. The resulting displacement and movement of refugees to Uganda is one of the largest humanitarian emergencies in Congo today.

### **Mediation Efforts and Reconciliation**

By mid-February, the Front for the Liberation of Congo appeared to be reestablishing control in the area. Violence diminished and hopes for peace increased. Following a three-day conference attended by some 160 traditional chiefs and notables of Ituri province, the FLC managed to broker a peace agreement between representatives of the Hema and the Lendu peoples. Signed on February 17, the agreement called among other things for an immediate cessation of hostilities and the disarmament of all militia groups. Olivier Kamitatu, national secretary of the FLC, told Human Rights Watch that the new front, "as public authority," undertook to implement these and other provisions of the agreement, including to dismantle training centers for militia, control

---

<sup>106</sup> Joint briefing to Human Rights Watch researchers by representatives of Hema and Lendu communities from Djugu territory, Bunia, December 8, 2000.

<sup>107</sup> Ian Fisher, "Congo's war turns land spat into a blood bath," *New York Times*, January 29, 2001.

movements of soldiers, secure border crossings, and guarantee the free movement of goods and people along roads.<sup>108</sup>

The FLC also undertook to appoint magistrates and revive the justice system as specified in the peace agreement as a condition for achieving a durable solution for the conflict. In the accord, the two communities called upon the public authorities, i.e. the FLC, to “collaborate with the competent international justice bodies in order to bring the presumed planners and instigators of the conflict before the International Criminal Court.”<sup>109</sup> In a conversation with a Human Rights Watch researcher, the national secretary of the FLC support prosecutions before an international tribunal, a process which would require a similar commitment to action by the international community.<sup>110</sup>

Representatives of the two communities addressed the root causes of the conflict by agreeing to revive collective grazing rights in the disputed territory of Djugu and to establish a solidarity fund for the rehabilitation of the infrastructure destroyed by their eighteen-month war. In order to restore local administration, the FLC asked representatives of the two communities each to name five candidates for the posts of vice-governors. On February 23 the FLC appointed two vice-governors, one Hema and one Lendu, from these lists. The head of the local administration would be from neither group, the conference agreed.<sup>111</sup>

In addition to the meeting organized by the FLC, humanitarian agencies operating in Ituri initiated a "community rapprochement" process in a bid to facilitate humanitarian access to all the victims of the conflict and to support reconciliation between the two communities.

According to a joint U.N.-NGO mission which visited the interior of the province from February 14 to 19, these promising initiatives had not yet relieved fear and tension in the rural areas. The primary means of communication in Ituri is through public addresses by traditional chiefs and notables to their communities and the leaders had not yet had time to spread the news of the peace pact.<sup>112</sup> The mission warned that the FLC and the humanitarian community had a window of two weeks to move the population away from the "logic of fear and war" towards "mental recovery."<sup>113</sup> The mission report warned that threats to the fragile reconciliation would come from "acts of banditry and bad faith [that] can ruin the whole process, and at the same time, portray humanitarian efforts as pure rhetoric or treachery."<sup>114</sup>

Hema and Lendu leaders twice signed peace and reconciliation agreements in 1999, but Congolese leaders consumed by their own quarrels and Ugandan actors focused on their own interests failed to support these efforts at peace. In order to succeed, the new reconciliation bid will require security forces of the FLC and the occupying UPDF to observe strict impartiality among the parties. For durable peace to be achieved, a state of rule of law and the installment of a functioning administration was required. The international community could shore up the fledgling reconciliation process by supporting local conflict resolution initiatives and by responding more effectively on the desperate humanitarian crisis resulting from the conflict.

---

<sup>108</sup> Human Rights Watch telephone interview, Bunia, February 16, 2000.

<sup>109</sup> “Protocole d’accord relatif à la résolution du conflit inter-ethnique Hema-Lendu en province d’Ituri,” section 2, paragraph 5, signed at Bunia, on February 17, 2001.

<sup>110</sup> Human Rights Watch telephone interview, Olivier Kamitatu, Bunia, February 16, 2001.

<sup>111</sup> Ibid.

<sup>112</sup> U. N., IRIN-CEA, "DRC: 'Fear and tension' in Ituri," Update 1,124 for the Great Lakes, February 28, 2001.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

## V. HUMAN RIGHTS ABUSES IN NORTH KIVU

### Exploiting the Wealth

Foreign governments, their soldiers, and numerous others unofficially attached to them profit from the many and valuable resources of Congo. The exploitation has been so blatant and extensive that a United Nations expert panel has been established to investigate the issue.<sup>115</sup> In the region nominally ruled by RCD-Kisangani (later RCD-ML), but in fact controlled by the UPDF, it is the areas of North Kivu that offer particularly significant profits to Ugandans and their Congolese allies. Shortly after retreating to Kampala following the August 1999 confrontation between the Ugandan and Rwandan armies at Kisangani, Wamba named Kaisazira Mbaki as governor for this region. He made the appointment weeks before announcing his new "government," thus underscoring the importance that he and his Ugandan backers accorded to the area.

Since the 1996-1997 war that brought then rebel leader Laurent Kabila to power, Uganda has occupied a large swath of northeastern Congo parallel to its border, including the territories of Beni and Lubero in North Kivu province and the districts of Ituri and Kibali in Orientale province, now part of a new Ituri "province" created by the Ugandans in June 1999. That occupation was simply reinforced in August 1998, when Uganda joined Rwanda in declaring war against Kabila's government, their erstwhile ally. Uganda argued that the region was important for securing its border, but the area also offered abundant natural and commercial wealth. Of the five territories of North Kivu,<sup>116</sup> Beni and Lubero are the most heavily populated. Extraction of gold, coltan (a mineral made of columbium and tantalum used in aviation and space industries), and other minerals sustains a large informal mining sector in the two territories. In addition, the region has long served as one of the most important commercial centers of Congo, importing large amounts of consumer goods from Southeast Asia and free trade areas in the Arabian Gulf emirates through the Indian Ocean port of Mombasa. The dynamic business community, largely controlled by Nande, helped ensure a level of economic activity even in the absence of the large public sector enterprises that were the main employers elsewhere in Congo.<sup>117</sup> Kasindi, a small customs post on the border with Uganda which serves the Butembo region, for decades rated second in customs revenue only to Matadi, Congo's main port on the Atlantic Ocean.

The current war crippled much of the local economic activity, but enough survived to fuel fierce competition over the exploitation of custom revenues between the Uganda-RCD-Kisangani side and their Rwandan-RCD-Goma opponents. After Wamba named Kaisazira Mbaki governor for North Kivu—a province for which the RCD-Goma already had a governor in place—the Rwandan army rushed at least two battalions to reinforce units in its part of North Kivu, and the UPDF also reinforced its positions and shifted some officers to new posts.<sup>118</sup> The troop buildup echoed the gradual slide towards confrontation in Kisangani in the previous month. At the same time both sides established "frontier" posts and customs offices along the line between their respective territories. Traders in Goma closed their shops to protest against new taxes that the RCD-Kisangani had imposed on merchandise en route to them through Beni-Lubero and RCD-Goma tried to encourage them to import their goods directly to areas under its control by passing through Bonagana on the Ugandan border.<sup>119</sup>

### Attempts to Build A Power Base

Mbusa Nyamwisi arrived in Beni shortly after his appointment in September 1999 as general commissar, or prime minister, of the newly launched RCD-ML. Although still actively involved in the politics of his party in Bunia, he hoped to build his own power base in Beni, his home region, particularly among local community leaders. At the same time, as mentioned above, he began raising troops, which he expected would support his

---

<sup>115</sup> U.N. Security Council, "Interim report of the U.N. Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo," S/2001/49, December 20, 2000.

<sup>116</sup> The other three, Masisi, Rutshuru, and Walekali, are under Rwandan control.

<sup>117</sup> Businessmen, along with churches and others in civil society, helped provide services to the local population in the absence of governmental activity during the Mobutu years. They funded roads and bridges, and together with churches, supported schools and clinics.

<sup>118</sup> "DRC: Tension said mounting between rival rebels, allies," the *New Vision*, Kampala, September 24, 1999, as reported in FBIS-AFR-1999-0924-, September 29, 1999.

<sup>119</sup> "Border posts separate rival rebel zones," AFP, Kigali, September 23, 1999.

efforts to increase both his political power and his hold over the economic resources of the region. In these efforts, Mbusa's branch of the RCD-ML as well as the Ugandans who initially backed this party in Beni, committed grave human rights abuses against the local population.

Mbusa began with a part of the local community already hostile to his party. The month before he arrived, fourteen leaders from religious, economic, and civil society circles circulated a memorandum that denounced the misgovernment of the territories of Beni and Lubero by the RCD-Kisangani, then still the name of what would become RCD-ML. In an apparent attempt to win over these opinion leaders and at the same time to legitimize itself in Kampala, the rebel movement in late October invited some twenty Beni and Lubero community leaders, including several signatories of the memorandum of protest, to meet with President Museveni in Uganda. A Ugandan helicopter arrived to take them to Kampala, but many refused to participate in the delegation, arguing that they had no business discussing Congolese affairs with a foreign head of state. Mbusa himself headed the delegation.<sup>120</sup>

Soon after the leaders' return, RCD-ML security forces in Butembo started harassing some of the community leaders who had refused to participate in the delegation and their families, summoning several for interrogation. Others who feared being detained went into hiding. On November 13 and 14, the General Directorate of Intelligence (DGI) of the RCD-ML detained and tortured three local leaders. One of them, Desire Lumbulumbu, a respected former minister under Mobutu, lost an eye as a result of having been beaten, went into a coma, and died a month later of complications resulting from the torture, according to reports by local rights groups. The detention and torture of respected local leaders, one of them to the point of death, cost the RCD-ML much support in Butembo.<sup>121</sup>

#### **Lack of accountability for the rebels and the UPDF**

In the face of the popular outcry over the death of Lumbulumbu, the RCD-ML dissolved the DGI and detained three of the DGI officials found by the RCD-ML's department of justice, institutional reforms, and human rights to have taken part in the torture. They were Kambale Bahekwa Esdras, at the time RCD-ML security minister, Mbula wa Mbukamu, chief of security in North Kivu, and Jonas Kabuyaya, chief of security in Butembo.<sup>122</sup> Bahekwa denied the accusation in a February 28, 2001 interview with Human Rights Watch from Kampala and said he would publish an account in March that would point to the real culprit.<sup>123</sup>

Hopes that these measures signaled a commitment to accountability and the rule of law were dashed when the rebel movement recruited former DGI agents into the agency that replaced it, the Congolese Intelligence Agency (Agence Congolaise de Renseignement (ACR). When Wamba suspended Mbusa in August 2000, he also ordered the release of the three accused of torture and appointed them to senior positions. Their release produced further public indignation in Butembo.<sup>124</sup> Bahekwa told Human Rights Watch that Wamba asked him then to use his political influence in Beni so as to facilitate an extensive audit of RCD-ML public finances. Wamba ordered the audit following allegations of extensive misappropriation of funds by the Mbusa branch of the movement, but officials loyal to Mbusa reportedly obstructed the process.<sup>125</sup>

Unable to assure appropriate conduct even in their own ranks, the RCD-ML and its civilian appointees had no greater prospect of being able to hold UPDF soldiers accountable for their daily abuses of the civilian population. In a report released in late February 2001, the Congolese rights group ASADHO detailed the system of impunity that shielded UPDF soldiers:

---

<sup>120</sup> Human Rights Watch interviews, civil society groups, Butembo, December 2000.

<sup>121</sup> Ibid.

<sup>122</sup> "Rapport circonsancie sur les evenemnets survenus à Beni le 14 novembre 1999," Commissariat à la Justice, Réformes Instiutionnelles et Droits Humains, 026/CAB-CJ/RCD/99, 15 novembre 1999, Beni, signed by the commissioner: Louis Mubindikila Kito.

<sup>123</sup> Human Rights Watch telephone interview, Kambale Bahekwa, Kampala, February 28, 2001.

<sup>124</sup> Human Rights Watch interviews, Butembo, December 2000.

<sup>125</sup> Human Rights Watch interview, Kambale Bahekwa, Ibid.

It should be noted that there isn't in the region any tribunal competent to prosecute Ugandan soldiers responsible for crimes against the civilian population. Victims are thus led to complain to civil authorities of the rebellion, which in turn complain to the officers of the Ugandan army. But the latter guarantee to their soldiers total impunity. [...] In several cases, the Congolese [rebel] authorities were forced to acknowledge their powerlessness to stop the violence of the Ugandans. Thus, after several nights punctuated by banditry acts attributed to Ugandan soldiers, the deputy mayor of Beni, Mrs. Kavira Kambere, went on February 26, 2000 to the headquarters of the UPDF to ask that UPDF officers put an end to the harassment of the population. Enraged by the request, Ugandan officers [...] beat up the lady, and one, Commandant Bukenye, went as far as pointing his gun at her, threatening to shoot her. The victim sustained facial wounds and was treated at the hospital.<sup>126</sup>

Local appeals having apparently failed to check the daily abuses by UPDF and RCD-ML soldiers, Sikuli Melchisedech, Archbishop of Butembo, on October 16, 2000 wrote to President Museveni and to the RCD-ML chairman complaining about daily insecurity in Butembo and surrounding areas.

Ugandan soldiers on October 9 pillaged the possessions of the population of Mondo quarters [...] Some of the stolen goods were later found in the military camp of Rughenda in Butembo, which is under Ugandan command. We have the impression that this is an army which is left to its own devices, which, due to the lack of command, is imposing the law of the jungle, in total impunity.<sup>127</sup>

Attached to the letter was a four-page chronology compiled by local rights activists, which detailed almost daily attacks on civilians during the preceding six weeks. The document blamed armed and uniformed elements, identified in certain cases as UPDF soldiers, for most of the generalized insecurity.

#### **Mai-Mai Attack on Beni and Detentions by the UPDF**

The main armed group operating in Beni and Lubero—as elsewhere in the Kivus—is the Mai-Mai. This generic name applies to any one of a multitude of irregular forces fighting against what they perceive to be foreign occupiers of their traditional domain and their national territory. Many of the groups follow certain rituals thought to protect them in battle. They typically enter into or repudiate alliances with outside actors according to the priorities of their local agenda. Mai-Mai are generally thought to cooperate with local people, although they can also prey upon them if they fail to support the ends of the Mai-Mai.

Asked who the Mai-Mai were and what motivated them to fight the UPDF, a political cadre of the group operating in the Beni region, reportedly one of the most structured and politically motivated in North Kivu, told Human Rights Watch:

Anyone can be a Mai-Mai. When you hear people speaking of Mai-Mai, it's nothing other than people of the population who are tired of this war, don't know what else to do and judge it best to go into the forest to enforce their rights... Yes, there are women, women guerrillas. Yes, there are children. Children of nine, ten, and up who are soldiers, who are trained. They come on their own initiative. The majority are like the majority here—Nande—but there are Mai-Mai from all tribes, Bahunde, Batengo, all. ... The Mai-Mai are the population themselves—it is I, it is another. If I'm threatened with my rights I have to organize something to defend myself. We don't want to be ruled by the Ugandans.<sup>128</sup>

---

<sup>126</sup> ASADHO-Agir Ensemble, "L'Ouganda sacrifie la population civile congolaise," Kinshasa-Lyon, February 2001, p. 10.

<sup>127</sup> In "memorandum addressed to the commander of the UPDF in the territories of Beni-Lubero, north Kivu, DRC: why the generalized insecurity?," in French, attached to the letter of Mgr. Sikuli Paluku Melchisedech, Butembo, October 16, 2000.

<sup>128</sup> Human Rights Watch interviews, December 2000.

On November 14, 1999, the Mai-Mai simultaneously attacked the airport of Beni and a hotel where Major Reuben Ikondere of the UPDF-Bunia was staying.<sup>129</sup> The colonel and his bodyguards were killed and the Mai-Mai reportedly mutilated their bodies. Several other UPDF soldiers and 103 Mai-Mai fighters were also reportedly killed at the airport.<sup>130</sup>

After the attack, the UPDF detained Commander Kakolele of the RCD-ML force, the APC, reportedly accusing him of complicity with the Mai-Mai. According to his family, the UPDF kept Kakolele and other detainees in underground cells known as *mabusu*, at the ENRA, an agricultural compound which abuts the airstrip and serves as the UPDF headquarters. In Congo, as in Uganda, UPDF soldiers are said to confine detainees in these roofed trenches, similar to those used by soldiers for guarding their positions. The commander's family claimed that UPDF soldiers allowed the detainees out only to beat them severely.<sup>131</sup>

### **Lubero: UPDF Training of Mai-Mai Fighters**

Despite the Mai-Mai attack on Ugandan forces in November 1999, Mbusa's supporters in mid-2000 decided to recruit combatants for his force from among these groups. To convince the UPDF and a skeptical local population that an alliance with the Mai-Mai was necessary, Mbusa reportedly raised fears that Rwandan troops might invade Beni and Lubero to chase the UPDF out of the resource-rich area, and to uproot their own Hutu opponents from bases on the southern fringe of the territory.<sup>132</sup> Local UPDF officers agreed to support this effort, perhaps because their troops had just suffered a serious defeat at the hands of the Rwandans at Kisangani.

According to a former aide of Mbusa, their faction sent out several delegations to contact Mai-Mai in their strongholds and to invite them to join forces with the RCD-ML. Promised that their fighters would benefit from proper military training and receive modern arms under the terms of this alliance, the Mai-Mai leaders readily pledged to provide some 4,500 of their supporters.<sup>133</sup>

In July of 2000 radio announcements invited the inhabitants of Butembo to greet a first batch of Mai-Mai fighters recruited by the RCD-ML under the initiative. A leader of the group addressed a public rally, pledging that the new alliance would push back the Rwandan invaders. Witnesses at the rally told Human Rights Watch that many of the fighters were children below the age of fifteen. Many of the children of the town, witnesses said, followed the parading fighters, and expressed readiness to join the battle as well.<sup>134</sup> Shortly after the public ceremony, UPDF and APC instructors launched the training of some 800 fighters in the town of Lubero, fifty kilometers south of Butembo.

Apparently concerned to satisfy their newly recruited allies, Mbusa's subordinates were said to have taken better care of them than of soldiers from their own army or the UPDF. As one witness commented, "The Mai-Mai had their own dietary wishes and said they wouldn't accept beans as they didn't agree with their fetishes. Mbusa's aides who cared for the Mai-Mai did all they could to satisfy their demands, whereas the UPDF and APC soldiers, who were together in one part of town, received none of the attention."<sup>135</sup>

These developments appeared to have raised serious concerns in Kampala, in the Rwandan capital Kigali, and in Goma at the headquarters of RCD-Goma. Mbusa toured the three cities in late July to explain the move. Upon his return, he dramatically changed his message and began downplaying the Rwandan threat. By mid-August, the UPDF too had changed its mind and ordered the Mai-Mai training camp closed.

---

<sup>129</sup> U.N., IRIN-CEA, "DRC: Ugandan commander killed in Beni clashes," IRIN-CEA Update 801 for the Great Lakes, November 15, 1999.

<sup>130</sup> Ibid., "rapport circonstancié."

<sup>131</sup> Human Rights Watch telephone interview, November 16, 1999.

<sup>132</sup> Human Rights Watch interviews, Bunia and Butembo, December 2000.

<sup>133</sup> Ibid.

<sup>134</sup> Human Rights Watch interviews, Butembo, December 2000.

<sup>135</sup> Human Rights Watch interviews, Lubero, December 2000.



Determined to resist the order, the Mai-Mai started patrolling the town of Lubero, telling people that this was their home and that it was up to the others to leave. The UPDF sector commander in Beni, Lieutenant Colonel Burundi, and the commander in Butembo, Captain Balikudembe, reportedly sent reinforcements to Lubero to dislodge the Mai-Mai. On August 25 and 26, the UPDF and the APC shelled the vast terrain, the size of four soccer fields, on which the Mai-Mai fighters were encamped. At least thirty Mai-Mai died in the fighting, according to Human Rights Watch findings.<sup>136</sup> No figures were available for UPDF and APC casualties. Local sources also reported that seventeen civilians, who were in the area to sell vegetables, died in the crossfire.

Human Rights Watch researchers visited the sites of the fighting and were told by eyewitness that they saw Ugandan and Congolese soldiers pulling three wounded Mai-Mai fighters out of the local hospital and publicly executing them:

The soldiers, they were angry. They opened all the doors of the hospital. They found a wounded Mai-Mai chief—he had a broken bone so could not escape. They said voilà, there’s the chief. They recognized him because they had interacted with him before. They took him outside and before our eyes they beat him up—they beat his head effectively to a pulp—used their guns to do so. Another group of Congolese and Ugandan soldiers stabbed a wounded Mai-Mai to death with the bayonets on their rifles.<sup>137</sup>

Other local sources said that seven Mai-Mai were killed in such circumstances.<sup>138</sup> All the residents of Lubero fled the town, overwhelmingly to the neighboring village of Mulo, where they took refuge for two weeks. The Mai-Mai left Lubero and reportedly regrouped at their stronghold of Burondo to the west of Beni.<sup>139</sup>

### **Mai-Mai Attack on Butembo**

On September 11, 2000, three weeks after the UPDF dispersed Mai-Mai fighters in Lubero, Mai-Mai struck in the town of Butembo. Echoing the Beni attack the previous November, they struck both the residence of the UPDF sector commander, Captain Balikudembe, and the town's Rughenda airstrip, which also serves as UPDF headquarters. Twenty-one of their number died in the attack. "If they had training, they would know better than to attack an entrenched group like ours," a spokesman for the UPDF said of the attackers in statements to the press in Kampala. "You don't attack people with machineguns with bows and arrows. They are ill-trained, ill-equipped, and badly organized."<sup>140</sup>

A UPDF tank shelled the Mai-Mai attackers as they approached the airport. Stray shells from the tank fell on the residential quarters of Vutsundu and Muchanga, killing at least two civilians and destroying several houses.<sup>141</sup>

Hours after the attack, the local radio in Butembo broadcast a message from Captain Balikudembe in which he accused Mbusa of complicity with the Mai-Mai. Mbusa's movement had failed to mobilize the masses, he said, and instead was reduced to organizing militia groups.<sup>142</sup>

Mbusa, then in Kampala following the failure of the August mutiny in Bunia, denied allegations that the attackers were allied with him. He said the charges were propaganda by Wamba and his local agents in Beni and Butembo.<sup>143</sup> He also defended himself against these allegations in the Ugandan press: "Even the president

---

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> "Mai-Mai attack officer's home," the *New Vision*, September 14, 2000. See also "UPDF, Mai-Mai fight in DRC," the *Monitor*, Kampala, September 13, 2000.

<sup>141</sup> Eyewitnesses' testimonies, Human Rights Watch interviews, Butembo, December 2000.

<sup>142</sup> Human Rights Watch interviews, Butembo, December 2000.

<sup>143</sup> Human Rights Watch telephone interview, Kampala, September 13, 2000.

[Yoweri Museveni] is aware that on November 14, 1999, I captured a Mai-Mai rebel leader, Lorwako Lima alias Jean Pierre Ondekane, and handed him to the UPDF."<sup>144</sup>

On September 12, the UPDF confiscated two containers full of military uniforms and took them to its headquarters at the airport. According to a senior aide of Mbusa, the seized uniforms were part of a consignment that Mbusa's faction had ordered. The UPDF local commanders confiscated the uniforms at the time of the Mai-Mai attack, apparently on the pretext that they were for Mbusa's troops, troops who were said to be allied with the Mai-Mai. Mbusa's aide saw the confiscation of the uniforms as one reason for conflict between "our 7,000 soldiers who are not paid, fed, or decently dressed, and Wamba's agents who used UPDF local commanders to intercept the uniforms."<sup>145</sup>

In the wake of the attack on Butembo, the UPDF dismissed several top aides of Mbusa, including the mayor of the town, and detained several others under suspicion of maintaining regular contacts with the Mai-Mai. The UPDF reportedly held the detained officials in covered pits or trenches located at Rughenda airport before transferring them to Beni. In late February 2001, seventeen of the Mbusa aides were reportedly still held in Beni in the compound of the ENRA, subjected to daily beatings.<sup>146</sup>

### **Civilian Killings by the UPDF**

With the resumption of Ugandan hostility with the Mai-Mai, as shown by the Lubero attack in September, the groups stepped up attacks on UPDF posts and convoys on the road between Butembo and Beni during the last quarter of 2000. UPDF troops then often took reprisals against civilians in villages near the site of the attack. The increased violence in the area forced thousands of villagers to abandon their homes to seek refuge in Butembo, Beni, or in the bush.

### **Maboya**

In the morning of November 1, a group of Mai-Mai ambushed a pickup truck near the village of Maboya, killing four Ugandan soldiers. Two soldiers who survived reported the attack to the nearby UPDF roadblock at Kabasha village, which radioed for reinforcements from Beni. The troops from Beni launched a reprisal attack on surrounding villages around 3 p.m., using an armored vehicle known locally by the name Mamba. By that time, the Mai-Mai had apparently already left the scene. According to survivors and witnesses, the UPDF soldiers rampaged through Maboya and Loya villages, killing eleven people and burning forty-three houses to the ground. Six of those killed were reportedly burned alive inside their homes: Mrs. Kasereka and her four-month-old child, an elderly woman named Sinahasi, two children of the Desi family, and a woman by the name of Seida.<sup>147</sup> Following two other Mai-Mai attacks on the UPDF in the same area, UPDF soldiers thoroughly pillaged whatever else remained in Maboya, said the witnesses. Travelers on the road to Maboya told Human Rights Watch researchers that soldiers routinely used wood from doors and furniture in their campfires.<sup>148</sup>

Residents of Maboya fled to the surrounding bush where they were still living six weeks later when an aide worker visited them. According to the worker, 110 of the 156 people were children, many of whom suffered from malnourishment.<sup>149</sup> One of the witnesses said:

So long as the military are at Maboya, the population won't have confidence. People are still leaving, still going further away. If the military leave Maboya, the population will go back. The civilians may go to Maboya during the day but don't stay there at night. The soldiers are still destroying the village-taking furniture. If you go near, you are seen as the enemy.<sup>150</sup>

---

<sup>144</sup> "UPDF, Mai-Mai fight in DRC," the *Monitor*, Ibid.

<sup>145</sup> Human Rights Watch telephone interview, September 13, 2000.

<sup>146</sup> NGO reports, Bunia, Beni, Butembo, Goma., September 2000.

<sup>147</sup> Human Rights Watch interviews, December 2000.

<sup>148</sup> Ibid., see also: "Maboya: Onze morts et 38 cases brulees," in the local *Les Coulisses*, No. 85, November 2000, p. 9.

<sup>149</sup> Ibid.

<sup>150</sup> Human Rights Watch interviews, December 2000.

## **Mabuku**

Human Rights Watch researchers interviewed two nurses who worked at a specialized medical and surgical center in Mabuku near Maboya. They recounted an attack on their center in early November following a Mai-Mai ambush in which UPDF soldiers were killed. Once they learned of the ambush, they immediately began expecting a reprisal attack: experience had taught them that soldiers often target nurses, accusing them of caring for and hiding wounded Mai-Mai fighters. When the alarm was raised that the attackers were approaching, most people started to flee, including the witnesses.

They said, "We continued to work. On Wednesday we said, voilà the military will retaliate. We were worried. At around 10 am the military came. Oh, voila—the military are here, we said."<sup>151</sup> When they heard the noise of guns, the nurses said they were unsure what was happening. "We were really scared—we were the targets of the military. Even if the attack was far away we fled, we can't deny that," they said. Many hospitalized patients followed them, including some who had recently been operated on and women who had recently given birth. Two nurses remained behind to care for a few patients who were too weak to flee. Soldiers came and searched the center, looking for hidden Mai-Mai, and stole some four hundred dollars. They also burned down two houses nearby at Mundibia village. Residents abandoned Mabuku and the village was empty several weeks later.<sup>152</sup>

The two nurses took refuge with a colleague at a nearby village. When this became known, their former patients followed the three nurses there. About a week later, their group saw Mai-Mai fighters going past in a column and they knew there would be a second attack on Maboya. "There were maybe fifteen to twenty fighters. We were scared and turned away when we saw them, that's why we can't tell the exact number. From the little we saw, the fighters wore civilian clothes and had leaves on their heads, but we didn't see any guns. They were armed with sticks and stones and knives and slingshots. They were marching forward in a straight line, not talking."<sup>153</sup>

The Mai-Mai attack on the UPDF and the fear of expected Ugandan reprisals forced the displaced nurses, their patients, and inhabitants of the host village to move to a village even further away. In the days that followed, the three nurses had to care for dozens of sick women and children and to assist in sixteen deliveries. Each had only one pair of surgical gloves, which they sterilized and used over and over again. Within weeks, the displaced health workers ran out of drugs and other medical supplies. Human Rights Watch researchers found them trying to resupply their makeshift clinic in the hinterland of Beni.

## **Butuhe**

On November 8, 2000 the Mai-Mai ambushed a UPDF convoy near the village of Butuhe, about ten kilometers northwest of Butembo. Nine Mai-Mai fighters and an unknown number of Ugandan soldiers were killed in the incident. During the ambush the Mai-Mai reportedly succeeded in intercepting and escaping with a truck transporting a supply of "coltan" with a value of around U.S. \$70,000. UPDF reinforcements sent to the site of the ambush attacked the nearby village of Kikerere. The villagers were celebrating a wedding when soldiers attacked them, using rockets and grenades: three were burned alive inside their homes and six were shot when fleeing; at least thirty more civilians were killed soon after.<sup>154</sup> Persons who came the following morning from nearby villages to help survivors and bury the dead found a scene of total devastation: fifteen houses were burned down, banana plants were flattened, and dead goats, hens, and ducks were scattered around, killed by bullets.<sup>155</sup>

## **Mabalako**

A woman trader told Human Rights Watch researchers that she had witnessed a series of Mai-Mai attacks and reprisals by the UPDF and the APC on the village of Mabalako, which is situated forty-one kilometers to the west of Beni. The attacks happened in late October 2000. From her house, which was on the road, the witness saw

---

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> Human Rights Watch interviews, December 2000.

<sup>154</sup> Among those reportedly killed were: Kambere Muhitha, Christien Ngunza, Katembo Ngunza, Kasereka Ngunza, Kambale Kamwisi, Donatus Maghulu, Jean-Pierre M, Stephania, and Ndungu.

<sup>155</sup> Human Rights Watch interviews, December 2000.

a column of Mai-Mai, over twenty of them. They were singing and they were heading toward the military camp at Mabalako. The APC unit usually stationed there was not at the camp at the time. The Mai-Mai killed two soldiers and the wife of another.<sup>156</sup>

When the soldiers learned of the killings, they immediately took a young man who was looking after his father's shop and killed him after having looted all the merchandise. The witness said, "That was at 9a.m., all on the same day. The inhabitants were still in their houses. A second person was killed. People fled when they saw the killings. The military saw that the village was empty so they held a meeting to persuade the population to go home. But the same day the military went and pillaged everything. They also pillaged the market of the nearby village of Kantini. The population fled again. The military left for Beni and Mangina with the pillaged goods."

Two days later the Mai-Mai came back and so the population also returned and spent two days together with the Mai-Mai with no problem. "It was hard to distinguish between the fighters and civilians," the trader said, "the Mai-Mai included mothers and babies. They have wooden sticks and some had brand new uniforms with boots (to mid calf) of mixed colors, canvas, like the Ugandans. Three of the fighters who lived with us for those two days had guns, the others had traditional arms."<sup>157</sup>

She said the military from the Mabalako camp returned with reinforcements from Beni, including both Congolese and Ugandans. "They were many," said the witness. "The people were indignant but could say nothing when faced with that number of soldiers. A Congolese group came right into the village with the Ugandan group separate from them. The Ugandans were very obvious—in uniform, with a different physique. In the clashes that followed, there were five Mai-Mai deaths and two injured and three civilian deaths (a shop owner called Jacques, a butcher, and a man called Balthazar)."<sup>158</sup>

The soldiers again pillaged shops and homes systematically, carting away the loot in vehicles. The witness continued, "Both Ugandans and Congolese pillaged. The people fled and stayed away. Even today. If there is a market, people go to it then go back into the bush. The place is just a place for exchanging goods. Schools no longer function in that area. There is no one there—no Mai-Mai, no military, no civilians."<sup>159</sup>

A local newspaper gave a brief account of this incident in its November issue, but made no reference to the participation of Ugandan combatants in the reprisals and pillaging that followed: "The Mai-Mai entered Mabalako like Jesus entered Jerusalem.... They attacked the village during the week of October 23 to 31. Repulsed by the soldiers of Commander Omari [of the APC], they retreated to Kantini, before being pushed back further to their rear base.... Sixty-eight Mai-Mai were killed in the fighting and one [fire]arm was captured of the eight they had in their possession. We have learnt on the other hand that APC elements have pillaged Mabalako after the clashes with the Mai-Mai. This is discrediting and is not reassuring."<sup>160</sup>

### **North Kivu under the Front for the Liberation of Congo (FLC)**

During its first few weeks of existence, the FLC focused much needed attention on the situation in Bunia and Ituri. The situation that awaited it in North Kivu was equally pressing, characterized by the same misgovernment, lack of accountability, and daily abuses of the population by the occupying UPDF.

Mbusa Nyamwisi returned to Beni in late January 2001 as coordinator of the FLC executive body, but his arrival was far from triumphant. First, officials of the former administration who remained loyal to Wamba refused to hand over control of the public treasury to the FLC administration. In response, Francois Mamba, the FLC deputy coordinator for finance and economy, faxed a curt, one page letter to all bank managers in Butembo, Beni and Lubero, instructing them to close all the accounts of the treasury on January 22, 2001, the date of the

---

<sup>156</sup> Human Rights Watch interviews, December 2000.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> "Mabalako: Accrochage APC – Mai-Mai: 68 morts," *Les Coulisses*, No. 85, Novembre 2000, p. 2.

circular, and to block all movements on the accounts until further instructions. The letter closed on a threatening note: "Of course any failure to respect these instructions will be severely punished."<sup>161</sup> Copies of the letter were leaked to the public, feeding an intense debate on the intentions of the FLC towards the region.

Mgr. Saluki Melchisedech, the archbishop of Butembo, issued a public statement on February 6, accusing the FLC of being more interested in the resources of the region than in addressing the problems of its population. The archbishop warned that tensions between the FLC and Wamba's supporters could "degenerate into bloody clashes like the ones that took place in Bunia, if the rebel leaders insisted on pursuing their egoistic interests to the detriment of the common good of the population."<sup>162</sup>

Second, the UPDF continued to hold and ill-treat seventeen of the top aides of the Mbusa's branch of the RCD-ML. Civil society actors asked the FLC deputy coordinator during a meeting in Butembo about releasing the detainees. According to a person present at the meeting, the official said to their disappointment that "there is no magic wand to free persons accused of wrongdoing. Justice must pursue its course."<sup>163</sup>

Third, many of the supporters of Mbusa in the region, including among members of the short-lived cabinet that he appointed after deposing Wamba in November 2000, felt that the new front had left them out.

Finally, in late February, civil society and church groups and indeed most of the people of Butembo sent a strong message to the occupying power and the new rebel front that the achievement of peace should be an absolute priority. From February 27 to March 1, Butembo hosted an international symposium on peace in Africa and the DRC attended by hundreds of civil society delegates from eastern DRC and from Europe. A huge crowd of tens of thousands lined the city's streets to welcome the delegates.<sup>164</sup> Jean-Pierre Bemba addressed the opening session, pledging the FLC to peace. Participants in his presence called for the withdrawal of foreign troops, reparations for war damages, the respect for the country's sovereignty and territorial integrity, and a quick return to peace. In its final declaration, the symposium urged all rebel groups to "show more patriotism and understanding of the suffering of their compatriots," and denounced "massacres, killings, the presence of armies, arbitrary arrests, rapes of women, forced recruitment of child soldiers, disappearances and the plundering" of the DRC wealth.<sup>165</sup>

At the occasion of the closing session, Bemba issued an apology "for mistakes, atrocities, crimes and pillages" committed by rebel soldiers.<sup>166</sup> He reportedly ordered "troops" to withdraw from their posts in rural areas to the barracks in Beni.<sup>167</sup> Ugandan troop movements were observed in and around Beni at the time of the order, but these, according to local sources, appeared more related to a limited Ugandan withdrawal of troops from the northwest.<sup>168</sup>

---

<sup>161</sup> "Transmission, Acte et Instructions," Le Coordinateur Adjoint de l'Executif, Front du Libération du Congo, Gbadolite, le 22 janvier 2001, No. 001/Coord.-Adj./FEP/FLC/01/2001.

<sup>162</sup> "Point de vue de Mgr. Sikuli sur le FLC," circulated by the Catholic Church, Butembo, February 6, 2000.

<sup>163</sup> Human Rights Watch communication, February 10, 2001.

<sup>164</sup> U.N., IRIN-CEA, "DRC: Thousands welcome peace delegates in Butembo," IRIN-CEA Update 1,125 for the Great Lakes, March 1, 2001.

<sup>165</sup> "Document final du symposium sur la paix en Afrique (S.I.P.A.) tenu à Butembo du 27 février au 1er mars 2001," final declaration, symposium on peace in Africa, Butembo, March 1, 2001, communication to Human Rights Watch, March 12, 2001.

<sup>166</sup> U.N., IRIN, "DRC: Bemba orders withdrawal to barracks," IRIN Update 1127 for the Great Lakes, March 5, 2001.

<sup>167</sup> Ibid.

<sup>168</sup> Human Rights Watch telephone interviews, Beni-Butembo-Goma, March 12, 2001.

## VI. INTERNATIONAL HUMANITARIAN LAW

In the northeastern Congo an international armed conflict intersects with several internal conflicts. The conduct of combatants in both international and internal wars is regulated by several international conventions. The DRC signed and ratified the Geneva Conventions of August 12, 1949 in 1961 and Protocol I of June 8, 1977 additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts in 1982. Uganda signed and ratified the Geneva Conventions in 1964, as well as Protocol I Additional to the Geneva Conventions and Protocol II relating to the Protection of Victims of Non-International Armed Conflicts in 1991.<sup>169</sup>

Since their war with the DRC is an international conflict, Uganda—as well as Rwanda and Burundi—is obliged to abide by the Geneva Conventions of August 12, 1949 and Protocol I additional to the Geneva Conventions.

In the Congolese territory that it occupies, the UPDF is bound by the provisions of the Fourth Geneva Convention which protects civilians under the control of an enemy state against arbitrary action by it. The Fourth Geneva Convention specifically prohibits physical and moral coercion (article 31), corporal punishment and torture (article 32), and collective punishment, pillage and reprisals (article 33). Some UPDF combatants deployed in the areas of Bunia, Beni, Lubero and in the conflict zone most affected by the Hema-Lendu ethnic conflict have at times engaged in one or several of these prohibited actions as detailed above.

The Fourth Geneva Convention in its articles 47 to 78 sets out rules applicable to occupied territory. Under article 42, a “territory is considered occupied when it is actually placed under the authority of the hostile army.” Though it becomes the de facto administrator of the occupied territory, the occupying power must refrain from changing the status of the territory, a principle that Uganda has violated by creating the province of Ituri.

An occupying power may intern residents only “for imperative reasons of security” (article 78), and according to regular procedures that include the right of appeal. A competent body should conduct regular reviews of cases of interned persons. Articles 79 to 135 regulate the conditions and practical aspects of internment, in particular the places of internment, food and clothing, hygiene and medical care, religious, intellectual and physical activities, relations with the outside, penal and disciplinary sanctions, the transfer of internees, and the death of internees. Soldiers of the UPDF violated these regulations by detaining Congolese arbitrarily, without recourse to any formal procedure or lawful criteria, and holding detainees in conditions constituting ill-treatment, notably in mabusu, trenches employed as places of detention.

In combat against local Congolese militia or armed bands, whether of a single ethnic group like the Lendu or composed of people of various ethnic origins like the Mai-Mai, UPDF troops are subject to the norms governing international armed conflict. By summarily executing wounded Mai-Mai combatants, no less than in the deliberate killings of civilians, UPDF soldiers violated the Geneva Conventions.

Combat between the Hema and Lendu and other Congolese peoples was an internal armed conflict with international dimensions, insofar as UPDF troops were involved. Much of the violence, however, was outside the framework of fighting as armed militias attacked civilians distinguished only by their ethnicity. These crimes occurred within the context of the larger conflict, however, and the forces responsible were bound by laws of war prohibitions on attacks on civilians.

Parties to internal armed conflicts are obliged to uphold the standards set forth in Common Article 3 of the 1949 Geneva Conventions which prohibits attacks on civilians, including violence to life and person, cruel treatment and torture, taking of hostages, outrages upon personal dignity, and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court.<sup>170</sup>

---

<sup>169</sup> The corresponding years for Rwanda and Burundi are 1964 and 1984, and 1971 and 1993 respectively.

<sup>170</sup> Geneva Conventions of 12 August 1949.

The government of DRC is responsible for applying provisions of national law to the abuses committed by both parties to the conflict.

### **Recruitment of children**

The Convention on the Rights of the Child article 38 (2) and (3), prohibits the recruitment of children under the age of fifteen for military service.<sup>171</sup> Uganda signed this convention in 1990, although it has not signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which establishes eighteen as the minimum age for direct participation in hostilities, for compulsory recruitment, and for any recruitment or use in hostilities by nongovernmental armed groups as well as government forces.<sup>172</sup> Uganda has, however, signed (1992) and ratified (1994) the African Charter on the Rights and Welfare of the Child which requires that States Parties take all necessary measures to ensure that no child, defined as a person under the age of eighteen, take direct part in hostilities and that States Parties refrain from recruiting any child.<sup>173</sup>

Human Rights Watch takes the position that no one under the age of eighteen should be recruited voluntarily or involuntarily into any armed force, whether governmental or nongovernmental in nature. By providing military training to Congolese minors in the DRC, and even on its own territory, and facilitating their use in conflict, Uganda has violated its obligations under international and regional conventions to which it is party.

Uganda on March 17, 1999 signed the International Criminal Court Statute which defines “conscription or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities” in international and internal armed conflicts as a war crime under the jurisdiction of the Court.<sup>174</sup>

## **VII. INTERNATIONAL RESPONSE**

Uganda has suffered little international censure for having sent its troops into a neighboring country, and faced little recognition of the grave abuses its forces in either the first Congo war, or the current conflict committed while there. After the start of the second war, major international actors focused on ending combat between rival governments’ troops and largely ignored the local conflicts and suffering aggravated by the presence of those troops. Symbolic of this international posture was the 1999 Lusaka Accord that was energetically promoted by important arbiters from outside the region. Crafted to meet the needs of the major governmental parties, it provided that combatants from armed opposition groups suspected of genocide or other crimes against humanity should be delivered to the International Criminal Tribunal for Rwanda or to national courts for prosecution, but it made no provision for accountability for grave abuses committed by troops of Uganda the other six governments involved in the conflict.

Parties to the conflict generally ignored the agreement for more than a year and a half, responding hardly at all to diplomatic initiatives like the three days of discussion at the U.N. Security Council in January 2000 and numerous diplomatic missions to the region. But they finally began to move towards implementation in February 2001, following the death of Laurent Kabila and the installation of his son Joseph Kabila as the Congolese president. All of the major parties except Rwanda met to reaffirm their commitment to the accord on February 15 and at the end of the month, Uganda and Rwanda began pulling their troops back from their most advanced positions. There was no expectation, however, that their withdrawal would immediately end conflict in the

---

<sup>171</sup> Convention on the Rights of the Child, Article 38 (2) and (3). All states are party to the Convention on the Rights of the Child except for the United States of America and Somalia.

<sup>172</sup> UN Doc. A/54/L.84 at 2 (2000), Articles 2 and 4.

<sup>173</sup> African Charter on the Rights and Welfare of the Child, Articles II and XII (2)

<sup>174</sup> Article 8 which defines the conscription of children under fifteen as a war crime: in international armed conflicts, Para 2 (b)(xxvi); as well as in internal conflicts: Para 2 (e)(vii); Rome Statute of the International Criminal Court, article 8: War Crimes, at <http://www.un.org/law/icc/statute/rome.htm>, accessed on March 4, 2001.

communities which they had helped to tear asunder. In Bunia, where community leaders had helped stop ethnic killings in late January, and in Butembo, where one hundred thousand residents turned out to demonstrate for peace, there was widespread commitment to halting the violence. But implementing the Bunia accord and executing the resolutions of the Butembo conference will require both the reestablishment of a civilian administration and the creation of a state of law.

## **The United Nations**

### **The Security Council**

Content in its early resolutions to call merely for the withdrawal of unnamed foreign troops present on Congolese soil, the Security Council became far more critical after Uganda and Rwanda in June 2000 battled at Kisangani for the third time in less than a year, killing and wounding hundreds of civilians and damaging thousands of houses, dozens of schools, and other public buildings. In its resolutions 1304 (2000) and 1332 (2000) the Security Council demanded that Rwanda and Uganda withdraw their forces from Congolese territory and declared that they should make reparations for the loss of life and property in Kisangani. Both governments appeared unmoved by the chorus of international condemnations, including two statements from the U.N. Secretary-General during the peak of the June 2000 fighting. They failed to assume responsibility for their callous disregard for civilian lives and other violations of the Geneva Conventions. The Security Council and the international community have yet to take any meaningful steps to hold them accountable for their conduct in Kisangani or elsewhere in Congo.

In November 1999, the Security Council established the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) to monitor observance of the Lusaka agreement. Although the refusal of the parties to actually end the combat hindered deployment of the force, the Security Council extended its mandate on December 14, 2000 and strengthened its responsibilities for protecting human rights. By early 2001, MONUC had posted 201 officers and military observers in Congo, including at the headquarters of the rebel movements in Bunia, Gbadolite, and Goma, with others in surrounding countries.

Military observers and human rights monitors attached to MONUC rarely acted effectively to limit local conflicts. But one case of intervention by Ambassador Kamel Morjane, the Secretary-General's Special Representative and head of MONUC, showed that even civilians attached to the force could help interrupt the cycle of violence. In September 2000, Ambassador Morjane flew into Bunia and convinced the commander of the Usalama Battalion to leave the MONUC compound where he had taken refuge, thus avoiding likely further conflict. Civilians charged with child protection and humanitarian coordination have also contributed to increasing awareness of the plight of civilians among decision-makers at the U.N. and in U.N. member states.

Capitalizing on the impetus given to the peace process by the installation of the new Congo president, the secretary-general on February 12, 2001 asked the Security Council for a smaller force than previously mandated but one which would be deployed more rapidly. The Security Council cut the number of troops by more than half from 5,537 to 2,300 and limited their role to protecting 550 U.N. military observers. In accord with the international emphasis on promoting military disengagement, the force was to monitor the cease-fire and troop withdrawal from the front lines and would not be charged with protecting civilians.<sup>175</sup> The secretary-general cautioned that the force will guard U.N. facilities, supplies, and equipment, but "[t]hey will not be able to extract other United Nations personnel at risk, or accompany humanitarian convoys, nor will they be able to extend protection to the local population."<sup>176</sup>

By excluding any prospect of protecting civilians, and cutting down the numbers, the Security Council made it impossible for MONUC to play a more significant role in the many local conflicts which have resulted in widespread loss of life and displacement of populations. In Bunia, for example, the mere presence of MONUC

---

<sup>175</sup> United Nations, Security Council, "Sixth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo," S/2001/128, February 12, 2001.

<sup>176</sup> *Ibid.*, paragraph 77.



observers and human rights monitors could help dissuade leaders who might otherwise launch ethnic violence. The absence of MONUC protection leaves ordinary people prey to instigators of ethnic violence and subject to their own collective fears.

In resolution 1341 of February 22, 2001, the Security Council expressed concern about the violations of human rights and international humanitarian law in Congo, condemned the massacres and atrocities, and reminded all parties—including occupying forces—that they were obliged to protect the civilian population. But it failed to call for accountability for abuses as part of any credible reconciliation process.<sup>177</sup> At the end of February, additional MONUC troops began deploying, as called for at the February 15 meeting of parties to the accord.

### **The U.N. Commission on Human Rights**

Roberto Garretón, the special rapporteur on the situation of human rights in the DRC, issued a statement on January 26 condemning the January 19 massacres in Bunia, and called on Uganda and the Front for the Liberation of Congo (FLC) to instruct their troops to provide protection for civilians in areas they control and to investigate the killings in order to bring their perpetrators to justice.<sup>178</sup> As this report went to print, the special rapporteur had received the approval of both the government and the RCD to visit the country in mid-March. He was planning to focus his visit on the human rights situation in areas held by Uganda and Rwanda in eastern Congo and to present his findings at the forthcoming meeting of the Commission on Human Rights in Geneva.

### **The U.N. High Commissioner for Human Rights**

Delegates from the Field Office of the High Commissioner for Human Rights investigated the January 19 massacres in late January and found that more than 200 persons had been killed and many others wounded during the killings that day.<sup>179</sup>

Mary Robinson, the U.N. High Commissioner for Human Rights, visited the DRC in early October 2000 to underscore her concern at the grave violations of human rights and international humanitarian law in the country, particularly in eastern Congo. While in Goma, she also met with representatives of rights and civil society groups from different areas in eastern Congo, including from Orientale province.<sup>180</sup> In talks with Congolese government and the RCD-Goma, she asked for the end of a number of human rights violations by the government and the rebels, but is not known to have addressed the issues of Ugandan army abuses in the northeast.

### **United Nations Children's Fund (UNICEF)**

For several years UNICEF and the U.N. special representative of the secretary-general for children and armed conflict, Olara Otunnu, have worked to end abductions of children by rebel groups. Carol Bellamy, executive director of UNICEF, and Otunnu briefed a Security Council meeting on children and armed conflict in late July 2000. At the same meeting, a representative from Uganda described the plight of children abducted by the Lord's Resistance Army (LRA) and then used in a terror campaign against their own people. But the plight of Congolese children trained by Uganda and Rwanda for their respective Congolese rebel allies and deployed in combat zones received little mention during the debate.<sup>181</sup>

Only after child protection officers attached to MONUC and UNICEF reported in early December 2000 that Congolese children had been sent from Bunia to Kampala for military training did the Security Council react. In a December 14 resolution the Security Council demanded the demobilization, disarmament, return, and

---

<sup>177</sup> United Nations, Security Council, resolution 1341, February 22, 2001.

<sup>178</sup> U.N. High Commissioner for Human Rights, "Special Rapporteur on Situation of Human Rights in the Democratic Republic of the Congo condemns recent massacres in the east of the country," January 26, 2001.

<sup>179</sup> *Ibid.*, "Sixth report of the Secretary-General on the United Nations organization Mission in the Democratic Republic of the Congo."

<sup>180</sup> U.N. High Commissioner for Human Rights, "High Commissioner for Human Rights concludes visit to Democratic Republic of the Congo," October 4, 2000.

<sup>181</sup> U.N. Security Council, "Security Council holds debate on children and armed conflict," 4176<sup>th</sup> meeting, July 26, 2000, posted at: <http://www.reliefweb.int/w/rwb.nsf/>

rehabilitation of all such children. By mid-February 2001 joint advocacy by MONUC, UNICEF, and other organizations pushed Uganda to grant U.N. and other agencies full access to the Hema children sent to Uganda for military training. These agencies assumed responsibility for assuring the welfare of the 163 minors in the group, three of them girls, a task which must be accomplished while also keeping them from joining in any future ethnic conflict in their home region. As yet, none of the U.N. agencies has undertaken to trace the hundreds of Lendu children who left Nyaleke camp in Beni after receiving military training and to ensure that they are not remobilized and deployed to combat zones.<sup>182</sup>

### **International Financial Institutions**

Highly regarded for having promoted substantial economic recovery after years of decline, Uganda continued to enjoy considerable assistance from international donors despite its military activities and human rights abuses in Congo. Bilateral and multilateral donors, including the World Bank and the International Monetary Fund (IMF), provided assistance without taking effective steps to ensure that this support would not have the unintended consequence of making it possible for Uganda to transfer additional resources to pay for an abusive war.

In a new policy stated in its operational manual, the World Bank acknowledges that war destroys and destabilizes the normal socioeconomic activity that it is seeking to promote and that the commitment of public resources to military expenditures hampers economic development.<sup>183</sup> Yet the Bank made no link between its economic support to the Ugandan government and increased Ugandan military expenditures for a war in Congo where its troops have committed many and grave abuses. Moreover, in May 2000, the World Bank and the IMF announced new debt relief for Uganda amounting to \$1.3 billion under the Heavily Indebted Poor Countries (HPIC) initiative.<sup>184</sup> These institutions are prohibited from giving any support to military activities and in the strict sense they do not. But funds within any governmental system are fungible, that is, assistance in one area—say, alleviation of poverty—frees up money, which can be devoted to another purpose, such as the purchase of arms. International financial institutions are only now beginning to come to terms with the complex relationship between aid delivered for one purpose and expenditures for another. Unless they craft effective ways of dealing with this problem, they may find their assistance contributing to the very military activities which hamper the reduction of poverty and the economic development they seek to promote.

### **European Union**

Like the World Bank, the European Commission in June 1999 expressed concern over the deleterious effect of military spending on economic development. In a message to the European Union (E.U.) Council of Ministers and Parliament the commission cautioned that donors must seek to ensure that development funds not be misused for military purposes. But like the Bank, the E.U. did not observe this caution in giving assistance to Uganda.

In political dialogue with Uganda and through missions to the region by its envoy, Aldo Ajello, the E.U. stressed the importance of implementing the Lusaka Accord. It indicated its readiness to help by providing assistance for resettling the displaced, facilitating reconciliation, and beginning rehabilitation of the economy.<sup>185</sup> The E.U. also repeatedly stressed the importance of avoiding human rights abuses in the Congo conflict. But it failed to require either compliance with the Lusaka agreement or an end to abuses by Ugandan troops as conditions for further assistance.

The European Commission assists Uganda in the context of its five-year National Indicative Programs (NIP) for the period 1996 to 2001, providing a total of some 210 million Euros for projects improving roads,

---

<sup>182</sup> See chapter IV above.

<sup>183</sup> The World Bank, "Development cooperation and conflict," the World Bank Operational Manual and Operational Policies, (January 2001), op 2.30.

<sup>184</sup> "World Bank and IMF support additional debt relief for Uganda amounting to \$1.3 billion," News Release No. 2000/327/s, May 2, 2000.

<sup>185</sup> European Union, "Declaration of the Presidency on behalf of the European Union on implementation of the Lusaka Agreement," European Union, Brussels, 22 September 2000, 11240/00 (press 311), P 130/00.

education, health, agriculture, human rights, and decentralization. Even though the clashes between Ugandan and Rwandan troops at Kisangani provoked condemnation by the E.U., it did not link continued support for its structural adjustment programs to ending clashes so costly in civilian lives.

Like the U.N. Security Council the European Parliament missed an opportunity to raise concern about child soldiers recruited and trained by Ugandan forces in Congo. In July 2000 the parliament condemned the Lord's Resistance Army for abducting children and incorporating them in its ranks and went so far as to ask E.U. companies to refrain from making oil investments in Sudan because of Sudanese support for that abusive rebel group. But it said nothing about Ugandan involvement in recruiting and training Congolese children for its rebel allies.<sup>186</sup>

By early 2001, the E.U. was ready to take a stronger position concerning the Ugandan presence in the Congo and abuses related to it. The E.U. presidency issued a strongly worded statement on February 1, 2001 expressing concern about the resurgence of ethnic violence between the Hema and the Lendu in the region of Bunia. For the first time, the E.U. identified the role of Uganda in exacerbating violence and noted that "the continued military presence of the Ugandan army in this part of the DRC...hampers the efforts to re-establish peace there."<sup>187</sup> Recalling its position requiring the withdrawal of foreign forces from the DRC, the E.U. nevertheless held Ugandan authorities responsible for upholding the respect of human rights in areas under their control and called on them to do their utmost to end the massacres. The statement also called on Uganda to use its influence on Congolese rebel movements in the area to pursue the same objective.<sup>188</sup>

In a second statement on February 27, 2001 the E.U. General Affairs Council welcomed U.N. Security Council resolution 1341 and underlined the importance of "disarming armed groups that operate in or from the territory of the DRC." The council "expressed its deep concern at the continuing serious human rights violations in the DRC and noted the latest report of the U.N. Special Rapporteur on the situation of human rights in the DRC." The council went on to remind "the governments concerned of their responsibility and accountability for upholding the respect for human rights by their own armed forces as well as by the armed forces under their de facto control." The council also voiced its "dismay at the continued recruitment and use of child soldiers in the conflict" and urged all parties to end this practice immediately. It welcomed the request of the U.N. Security Council in its resolution 1341 "to mandate the special representative for children and armed conflicts to pursue this objective on a priority basis." The council stated that the E.U. would "consider appropriate measures which could be imposed" if the parties to the conflict did not honor their commitments under the Lusaka agreement and relevant U.N. Security Council resolutions."<sup>189</sup>

Not only did the E.U. continue providing assistance to Uganda throughout this conflict, it failed to act effectively to prevent arms from reaching Ugandan forces and others in the Great Lakes region. A June 1999 presidential statement called on E.U. members to adhere strictly to the E.U. Code of Conduct on Arms Exports which stipulates that members should not authorize arms exports that might "aggravate existing tensions or armed conflicts in the country of final destination" or risk fueling human rights abuses. The Great Lakes region qualified for a strict implementation of the code of conduct and thus a suspension of any arms transfers from E.U. members to the region. At a May 2000 meeting, E.U. foreign ministers failed to agree on such a measure, some member states arguing that any such embargo would always be violated. But by January 22-23, 2001, the E.U. General Affairs Council had decided to ask relevant E.U. bodies to facilitate early recommendations on "a possible embargo and its modalities to stem the flow of arms fuelling and protracting the conflict in the DRC and the Great Lakes region."

---

<sup>186</sup> European Parliament, "Human Rights: Child soldiers in Uganda, European Parliament Resolution on the abduction of children by the Lord's Resistance Army (LRA),"

<sup>187</sup> European Union, "Declaration of the Presidency on behalf of the European Union on the Hema - Lendu conflict in north-eastern DRC," Brussels, February 1, 2001, 5693/01 (Press 32), P 019/01.

<sup>188</sup> Ibid.

<sup>189</sup> "The Council discussed the developments in the Democratic Republic of Congo," press release 6506/01: 2331<sup>st</sup> Council meeting – General Affairs, "Brussels, February 26-27, 2001.

## The United States

The latest outbreak of violence in Ugandan-held areas in eastern Congo coincided with the transition to the new administration of President George W. Bush in the United States. The Bush administration inherited an Africa policy based on the apparently sound premises of upholding regional stability and preventing renewed genocide and mass killings in Central Africa. U.S. decision makers, however, have for far too long used simplistic approaches in applying these principles to realities that are inherently complex. Typical of this was the narrow equation of preventing genocide with neutralizing the former Rwandan Armed Forces (ex-FAR) and Interahamwe militia, who executed the 1994 Rwandan genocide and remained at large in eastern Congo.<sup>190</sup> Although disarming, demobilizing, and, where appropriate, prosecuting these combatants remains a collective responsibility for the world community, stability in the region also requires accountability from both Ugandan and Rwandan forces for abuses committed in Congo and inside their own countries.<sup>191</sup>

As the Clinton administration drew to a close, it was increasingly clear that the “new leaders” policy which it once championed had lost credibility as the leaders once thought to be beacons of hope were more and more identified with serious human rights abuses. In August 2000 a U.S. government team led by Ambassador-at-Large for War Crimes Issues David Scheffer collected information in Kinshasa, Kisangani, Goma and Butembo that pointed to violations of international humanitarian law by armed groups supported by the RCD government, Congolese rebel movements, and Ugandan and Rwandan troops.<sup>192</sup>

Uganda has long benefited from substantial U.S. support, not just because of its apparent success in promoting order and economic development, but also because it offered assistance in curbing the power of the Sudan, regarded by the U.S. as a major threat to stability in northeastern Africa. In the fiscal year 2000, the U.S. delivered some \$58 million in development assistance and food aid to Uganda, and approximately \$50 million was requested for 2001.

Before the second Congo war, Ugandan soldiers received training under the International Military Education Training (IMET); the Joint Combined Exchange Training (JCET), which provides training for U.S. special forces through interaction with foreign forces; and the African Crisis Response Initiative (ACRI), a program to train and equip African forces to enhance their capacities for peacekeeping and responding to humanitarian crises. Uganda also received non-lethal military equipment as part of the frontline states initiative, a special assistance package for Uganda, Ethiopia, and Eritrea aimed at containing the government of the Sudan.

Once Ugandan soldiers went to fight in Congo in 1998, however, their participation in the ACRI program was suspended. That year Uganda still received some \$3.85 million in military equipment under the frontline states initiative, but the year after that program was suspended. Following the Ugandan battles with Rwandan troops in Kisangani, the U.S. ended most remaining training under the IMET program, although it has planned for limited resumption of that program in 2001. The U.S. condemned the fighting at Kisangani more because the parties violated the Lusaka agreement than because they had violated international humanitarian law by failing to minimize civilian casualties.

U.S. military did provide some training to Ugandans even after the Kisangani battles, doing so under programs funded by the Joint Chiefs of Staff and directed by the Commander in Chief of the Central Command (CINC) with responsibility for the horn of Africa. These programs are not subject to Congressional scrutiny, as are most U.S. military training programs. In June 2000 Uganda participated in “Natural Fire,” a bi-annual exercise

---

<sup>190</sup> See, for example, the testimony of Richard Holbrooke, then U.S. ambassador to the U.N., before the House Subcommittee on Africa of the International Relations Committee, February 15, 2000.

<sup>191</sup> Human Rights Watch, “What Kabila is hiding: Civilian Killings and Impunity in Congo,” a Human Rights Watch Short Report, Vol. 9, No. 5 (A), October 1997. See also: “Report of the Secretary-General’s Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of Congo,” S/1998/581, June 29, 1998.

<sup>192</sup> Department of State statement, August 29, 2000.

for training in disaster relief and humanitarian assistance, which was held in Kenya.<sup>193</sup> At the request of the State Department and because of Ugandan involvement in Congo, only staff officers and technical experts were invited, rather than a full unit as would otherwise have been the case. In July and August 2000, Ugandan military participated in “Golden Spear,” an annual seminar for senior civilian and military leaders focusing on mechanisms for regional cooperation.<sup>194</sup>

Throughout the crisis in the Congo, the U.S. has relied on “quiet diplomacy” to raise concerns about human rights with the Ugandan government. Although U.S. officials maintain that they have criticized Ugandan conduct in the DRC, including in meetings with President Museveni, they have shunned any negative comment that might embarrass the Ugandan government. In so doing, they have missed numerous opportunities to underline concerns about human rights abuses and to insist on accountability for them. U.S. silence in the face of human rights abuses in the Ugandan-dominated part of the Congo contributed to the perception that the U.S. was biased in favor of Uganda.

In addition to official channels for advocacy, the U.S. has informal ties with Ugandan soldiers who received military training in the U.S. The commander of the Ugandan forces in Congo, for example, Brig. Gen. Edward Katumba Wamala, spent the year prior to his appointment in a training course at the U.S. Army War College in Carlisle, Pennsylvania. It is not known if U.S. officials have tried to encourage Gen. Wamala to limit human rights abuses among his troops, although the U.S. State Department did confirm that the U.S. embassy in Kampala has occasional contact with him.<sup>195</sup>

## MISSION STATEMENT

### **Human Rights Watch Africa Division**

Human Rights Watch is dedicated to protecting the human rights of people around the world.

We stand with victims and activists to bring offenders to justice, to prevent discrimination, to uphold political freedom and to protect people from inhumane conduct in wartime.

We investigate and expose human rights violations and hold abusers accountable.

We challenge governments and those holding power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for all.

The staff includes Kenneth Roth, executive director; Michele Alexander, development director; Reed Brody, advocacy director; Carroll Bogert, communications director; Cynthia Brown, program director; Barbara Guglielmo, finance and administration director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Patrick Mingos, publications director; Susan Osnos, associate director; Jemera Rone, counsel; Wilder Tayler, general counsel; and Joanna Weschler, United Nations representative. Jonathan Fanton is the chair of the board. Robert L. Bernstein is the founding chair.

---

<sup>193</sup> Human Rights Watch interview with Commander Pat Jackson, East Africa Desk Officer, Office of African Affairs, Department of Defense, February 28, 2001.

<sup>194</sup> Human Rights Watch interview with Lt. Col. Terence Tidler, U.S. Central Command, Macdill Air Force Base, Florida, March 1, 2001.

<sup>195</sup> Human Rights Watch interview with Howell Howard, Uganda Desk Officer, U.S. Department of State, March 2, 2001.

Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Peter Takirambudde is the executive director; Janet Fleischman is the Washington director; Suliman Ali Baldo and Alex Vines are senior researchers; Juliane Kippenberg is the NGO liaison coordinator; Bronwen Manby, Binaifer Nowrojee, and Jemera Rone are counsels; Ethel Higonnet and Tamar Satnet are associates; Alison DesForges, Corinne Dufka, Sara Rakita, Tony Tate, and Ellen Vermeulen are consultants; and Darlene Miller is the Fellow. Vincent Mai is the chair of the advisory committee.