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# HUMAN RIGHTS WATCH / AFRICA FÉDÉRATION INTERNATIONALE DES LIGUES DES DROITS DE L'HOMME

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## ZAIRE

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## SUMMARY

NEARLY 100,000 PEOPLE, MOST OF THEM RWANDANS ONCE RESIDENT IN THE CAMPS OF EASTERN ZAIRE, HAVE FLED TO A SITE NEAR UBUNDU, WHERE THEIR FURTHER FLIGHT IS BLOCKED BY THE ZAIRE RIVER. AMONG THEM ARE THOUSANDS OF UNARMED NONCOMBATANTS AS WELL AS SOLDIERS OF THE FORMER RWANDAN ARMY (EX-FAR, FORCES ARMÉES RWANDAISES) AND MILITIA RESPONSIBLE FOR THE GENOCIDE OF TUTSI IN RWANDA IN 1994. IN ADDITION SEVERAL THOUSAND REFUGEES REMAIN AT AMISI AND SHABUNDA WITH UNFOLD NUMBERS OF OTHERS SCATTERED IN THE FOREST.

THE RUTHLESS DISREGARD OF THE RIGHTS OF CIVILIANS, INCLUDING THE RIGHT TO LIFE, BY ALL ARMED PARTIES IN THIS CONFLICT RAISES FEARS THAT THE NONCOMBATANTS AT UBUNDU AND ELSEWHERE WILL ONCE MORE BE ATTACKED, WITH LARGE-SCALE LOSS OF LIFE. MANY ALSO RISK DEATH BY HUNGER OR DISEASE UNLESS THEY ARE PROVIDED WITH PROMPT HUMANITARIAN RELIEF.

THE INTERNATIONAL COMMUNITY, WHICH HAS FAILED TO DEAL RESPONSIBLY WITH THE PROBLEM OF RWANDAN REFUGEES IN ZAIRE SINCE ITS BEGINNING, MUST FINALLY INSIST THAT THE LIVES AND RIGHTS OF REFUGEES AND OTHER CIVILIANS BE PROTECTED.

RESTRICTIONS ON ACCESS TO THE REGION HAVE MADE ANY ACCURATE ASSESSMENT OF THE NUMBER OF VICTIMS IMPOSSIBLE, BUT IT IS CERTAIN THAT THOUSANDS OF CIVILIANS HAVE BEEN KILLED, MANY OTHERS RAPED AND BEATEN AND THAT HUNDREDS OF THOUSANDS HAVE BEEN DRIVEN FROM THEIR HOMES OR PLACES OF REFUGE AND DESPOILED OF THEIR POSSESSIONS. THE INTERNATIONAL COMMUNITY MUST DEMAND A FULL AND INDEPENDENT INVESTIGATION TO ESTABLISH THE EXTENT OF THESE ABUSES AND RESPONSIBILITY FOR THEM.

THE FIRST GROUP TO SUFFER FROM THIS LATEST ROUND OF VIOLENCE THAT BEGAN IN SEPTEMBER 1996 WERE THE BANYAMULENCE, DESCENDANTS OF TUTSI WHO HAD EMIGRATED TO ZAIRE TWO CENTURIES AGO. THEY WERE ATTACKED BY ZAIRIAN SOLDIERS (FORCES ARMÉES ZAÏROISES, FAZ), ZAIRIAN MILITIA AND INTERAHAMWE, THE RWANDAN MILITIA ORGANIZATION MOST RESPONSIBLE FOR THE GENOCIDE OF TUTSI IN 1994.

A SECOND AND FAR LARGER GROUP OF VICTIMS WERE THE REFUGEES FROM RWANDA, MOST OF THEM HUTU WHO HAD FLED THEIR HOMES AT THE COLLAPSE OF THE GOVERNMENT RESPONSIBLE FOR THE GENOCIDE OF THE TUTSI IN 1994. THEY WERE TARGETED BY SOLDIERS OF THE ALLIANCE OF DEMOCRATIC FORCES FOR THE LIBERATION OF CONGO-ZAÏRE (ADFL) AND THEIR MILITARY AND CIVILIAN ALLIES.

A THIRD GROUP OF VICTIMS INCLUDED ZAÏRIAN CIVILIANS, BOTH THOSE STILL RESIDENT IN THEIR HOMES AND THOSE DISPLACED BY THE CONFLICT, WHO WERE KILLED, RAPED AND PLUNDERED BY SOLDIERS AND MILITIA OF BOTH SIDES. THEY SUFFERED NOT BECAUSE OF THEIR ETHNIC ORIGIN, AS DID THE BANYAMULENCE, BUT SIMPLY BECAUSE THEY WERE IN THE PATH OF MARAUDING TROOPS.

AT DIFFERENT POINTS DURING THE CONFLICT, MILITARY AUTHORITIES FROM BOTH SIDES HAVE HINDERED THE DELIVERY OF HUMANITARIAN AID NECESSARY TO KEEP REFUGEES AND DISPLACED PERSONS ALIVE.

## RECOMMENDATIONS

### TO THE GOVERNMENT OF ZAÏRE AND THE ADFL

- IMPLEMENT AND EXTEND THE CEASE-FIRE TO PERMIT THE EVACUATION OF NONCOMBATANTS FROM AREAS OF CURRENT OR IMMINENT BATTLE.
- ORDER ALL TROOPS UNDER YOUR COMMAND TO HALT DELIBERATE KILLINGS OF CIVILIANS AND OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.
- GUARANTEE REPRESENTATIVES OF HUMANITARIAN AGENCIES ACCESS TO NONCOMBATANTS IN NEED OF AID AND ENSURE THEIR SECURITY AND THAT OF THEIR VEHICLES AND SUPPLIES.
- GUARANTEE FREEDOM OF MOVEMENT AND SECURITY OF LOCAL AND INTERNATIONAL HUMAN RIGHTS INVESTIGATORS AND IN OTHER WAYS FACILITATE A THOROUGH INQUIRY INTO ALLEGATIONS OF GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN EASTERN ZAÏRE.
- INVESTIGATE THE CONDUCT OF YOUR OWN FORCES AND BRING TO JUSTICE THOSE ALLEGED TO HAVE DELIBERATELY KILLED OR COMMITTED OTHER HUMAN RIGHTS ABUSES AGAINST CIVILIANS.

- IDENTIFY AND ARREST THOSE SUSPECTED OF INVOLVEMENT IN THE RWANDAN GENOCIDE, PARTICULARLY LEADERS LIKE GENERAL AUGUSTIN BIZIMUNGU, EX-FAR, NOW REPORTEDLY IN KINSHASA. ENSURE THAT THEY ARE BROUGHT TO JUSTICE.

**TO THE UNITED NATIONS, THE ORGANIZATION OF AFRICAN UNITY, THE EUROPEAN UNION, THE UNITED STATES AND CANADA**

- ASSIST IN THE IMPLEMENTATION AND EXTENSION OF THE CEASE-FIRE TO PERMIT EVACUATION OF NONCOMBATANTS FROM BATTLE ZONES.
- INSIST THAT AN INDEPENDENT AND THOROUGH INVESTIGATION BE UNDERTAKEN TO EXAMINE DELIBERATE KILLINGS OF CIVILIANS AND OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.
- ASSIST AUTHORITIES IN ZAIRE AND ELSEWHERE TO IDENTIFY AND ARREST THOSE SUSPECTED OF INVOLVEMENT IN THE RWANDAN GENOCIDE AND ENSURE THAT THEY ARE BROUGHT TO JUSTICE.

### THE BANYARWANDA AND THE BANYAMULENGE

IN NORTH KIVU, SPEAKERS OF KINYARWANDA, THE LANGUAGE OF RWANDA, COMPRISED ABOUT HALF THE POPULATION OF THREE MILLION BEFORE THE MASSIVE INFUX OF RWANDANS IN 1994. KNOWN COLLECTIVELY AS BANYARWANDA, THEY INCLUDED ABOUT FOUR TIMES AS MANY HUTU AS TUTSI.<sup>1</sup> SOME HAD BEEN PRESENT BEFORE THE DRAWING OF COLONIAL BOUNDARIES, WHILE OTHERS HAD MIGRATED FROM RWANDA FOR ECONOMIC REASONS OR AS POLITICAL REFUGEES DURING THE TWENTIETH CENTURY. IN SOME AREAS, SUCH AS MASISI, THE BANYARWANDA COMPRISED A LARGE MAJORITY OF THE POPULATION.<sup>2</sup>

THE SPEAKERS OF KINYARWANDA IN SOUTH KIVU, SOME 200,000 OR SO, WERE MOSTLY DESCENDANTS OF PEOPLE LONG RESIDENT IN THE AREA AND INCLUDED FEWER TWENTIETH-CENTURY MIGRANTS. THEY BECAME KNOWN AS BANYAMULENGE (THE PEOPLE OF MULENGE HILL OR FOREST) IN THE 1960S WHEN THEY FOUGHT WITH THE ZAIRIAN GOVERNMENT AGAINST PIERRE MULELE, A POSITION WHICH PUT THEM IN OPPOSITION TO OTHER ETHNIC GROUPS IN THE AREA.

### THE CITIZENSHIP QUESTION

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<sup>1</sup>Mgr. Ngabu, "Situation qui prévaut dans le diocèse autour des massacres dans les zones de Walikale et Masisi," May 11, 1993. Cited in Aloys Tegera, "La réconciliation communautaire: Le cas des massacres au Nord Kivu," in André Guichoua, ed., *Les Crises politiques au Burundi et au Rwanda* (Lille: Université des Sciences et Technologies de Lille, 1995), p. 399.

<sup>2</sup>For a more detailed discussion of the origins of the Banyarwanda, see Human Rights Watch and the International Federation of Human Rights Leagues, "Forced to Flee: Violence against the Tutsi in Zaire," July 1996.

THE RIGHT TO ZAIRIAN CITIZENSHIP, RECOGNIZED FOR BANYAMULENGE AND BANYARWANDA BY EARLIER LAWS AND CONSTITUTIONS, WAS LIMITED IN 1991 TO THOSE PEOPLE WHO COULD PROVE THAT THEIR ANCESTORS LIVED IN ZAIRE BEFORE 1995. BUT THE 1991 LAW WAS NOT ACTIVELY ENFORCED AND IDENTITY CARDS OF KINYARWANDA-SPEAKERS WERE NOT REVOKED. POLITICIANS WHO FEARED THE NUMBER OF VOTES REPRESENTED BY KINYARWANDA-SPEAKERS IN PROPOSED ELECTIONS STIRRED UP FEELING AGAINST THEM AMONG PEOPLE OF NEIGHBORING ETHNIC GROUPS. AT THE TIME OF THE NATIONAL CONFERENCE IN 1991, CELESTIN ANZULUNI, A BEMBE FROM SOUTH KIVU, LED A MOVE TO EXCLUDE THE BANYAMULENGE, CLAIMING THEY WERE NOT ZAIRIANS BUT RWANDAN IMMIGRANTS.<sup>3</sup> BANYARWANDA FROM NORTH KIVU WERE SIMILARLY EXCLUDED. AFTER THIS, LEADERS OF OTHER ETHNIC GROUPS INCREASINGLY CHALLENGED THE RIGHTS OF BANYAMULENGE AND BANYARWANDA GENERALLY TO ZAIRIAN CITIZENSHIP.

### VIOLENCE AGAINST SPEAKERS OF KINYARWANDA

IN 1993, HUNDE, NANDE, AND NYANGA CIVILIAN MILITIA KNOWN AS MAI-MAI AND BANGIRIMA, ENCOURAGED BY GOVERNMENT OFFICIALS AND SOMETIMES SUPPORTED BY THE ZAIRIAN MILITARY, ATTACKED HUTU AND TUTSI COMMUNITIES IN NORTH KIVU, KILLING THOUSANDS AND DISPLACING 300,000.<sup>4</sup> IN 1994, AFTER THE GOVERNMENT RESPONSIBLE FOR THE GENOCIDE OF TUTSI IN RWANDA WAS DEFEATED, SOME ONE MILLION RWANDAN REFUGEES, MOSTLY HUTU, FLOODED INTO EASTERN ZAIRE. THE DISLOCATIONS IN LOCAL LIFE CAUSED BY THIS MASSIVE INFUX EXACERBATED TENSIONS BETWEEN PREVIOUSLY RESIDENT KINYARWANDA-SPEAKERS AND OTHER ETHNIC GROUPS. THE INTERAHAMWE MILITIA AND MANY OF THE FORMER MILITARY AND CIVILIAN AUTHORITIES OF RWANDA REESTABLISHED THEIR AUTHORITY IN THE MASSIVE REFUGEE CAMPS AND SPREAD THEIR GENOCIDAL HATRED OF TUTSI TO ADJACENT POPULATIONS. IN SOUTH KIVU, BEMBE AND LEGA, ENCOURAGED BY SPEECHES OF REGIONAL POLITICIANS, BEGAN TO ORGANIZE MILITIA, FOLLOWING THE MODEL OF THE INTERAHAMWE OF RWANDA AND THE MAI-MAI AND BANGIRIMA OF NORTH KIVU.<sup>5</sup>

FEELING INCREASINGLY THREATENED BY HARASSMENT AND ARRESTS AND TALK OF EXPULSION,<sup>6</sup> NUMBERS OF BANYAMULENGE YOUNG MEN WENT TO RWANDA WHERE THEY JOINED OR WERE TRAINED BY THE RWANDAN PATRIOTIC ARMY (RPA), WHICH ALSO SUPPLIED THEM WITH WEAPONS. IN SOUTH KIVU, OTHERS ORGANIZED THEIR OWN MILITIA AND BOUGHT ARMS DURING 1995. ACCORDING TO ONE WITNESS, "THE BANYAMULENGE [EVEN] BOUGHT RIFLES FROM THE INTERAHAMWE [IN THE REFUGEE CAMPS]. . . WITH THE CRISIS IN ZAIRE, THE INTERAHAMWE SOLD THEIR GUNS."<sup>7</sup>

IN EARLY 1996 INTERAHAMWE, MAI-MAI, AND BANGIRIMA KILLED THOUSANDS OF TUTSI AND DROVE MORE THAN 19,000 FROM NORTH KIVU INTO EXILE IN RWANDA AND UGANDA.<sup>8</sup> AT THIS TIME BANYAMULENGE IN SOUTH KIVU BEGAN TO FACE DEMANDS THAT THEY TOO GO "HOME" TO RWANDA. ACCORDING TO A WOMAN FROM THE VILLAGE OF BIBOGOBOGO, NEAR FIZI,

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<sup>3</sup>J. Bruno Kadima Abuika, "Large complot ourdi contre le Congo-Kinshasa dans sa partie Est," *Umoja*, February 26, 1996; interview with Jonas, Muniyamulenge, in Butare, January 10, 1996.

<sup>4</sup>United States Committee on Refugees, "Inducing the Deluge," July 1993.

<sup>5</sup>Originaires des Zones de Fizi, Mwenga et Uvira, "Droit de réponse au Mémoire du 05/10/95 des immigrés rwandais sous le pseudonyme 'Banyamulenge,'" letter to Minister of the Interior, November 4, 1995.

<sup>6</sup>Heritiers de la Justice, "Vue synoptique des violations des droits de l'homme au sud-kivu en 1995, Bukavu, December 10, 1995; Jonas, Muniyamulenge, interviewed in Butare, January 10, 1996.

<sup>7</sup>Human Rights Watch/FIDH interview at Bugarama Transit Camp, Cyangugu, November 4, 1996.

<sup>8</sup>See Human Rights Watch and International Federation of Human Rights Leagues, "Forced to Flee: Violence against the Tutsi in Zaire."

BEFORE THESE PROBLEMS, WE LIVED TOGETHER WITH THE ZAIRIANS AND THE BEMBE. BUT THEY SAID TO US THAT THE COUNTRY DID NOT BELONG TO US. ONE DAY, WE WOULD HAVE TO RETURN TO OUR HOME. WE REJECTED THAT, BECAUSE ZAIRE IS FOR ALL OF US. . . WE WERE HARASSED ONLY BECAUSE OF OUR LANGUAGE. THEY [THE BEMBE] SAID, WHETHER YOU ARE ZAIRIAN BANYAMULENGE OR RWANDAN, YOU ALL SPEAK THE SAME LANGUAGE, SO GO BACK TO YOUR HOME IN RWANDA. WE, THE BANYAMULENGE OF ZAIRE, WE SAID, "ZAIRE IS FOR US ALL. WE OUGHT TO LIVE TOGETHER AND HAVE PEACE, BUT THE COUNTRY IS FOR US ALL. OUR PARENTS, OUR PARENTS' PARENTS," WE SAID, "OUR GRANDPARENTS, WHO GAVE BIRTH TO OUR PARENTS, THEY WERE ALL BORN IN ZAIRE. THEY NEVER KNEW RWANDA, AND OUR PARENTS NEVER KNEW RWANDA, SO WHY DO YOU TELL US TO GO TO RWANDA WHEN WE ARE THE CHILDREN OF ZAIRE?"<sup>9</sup>

## FAZ AND MILITA ATTACKS ON THE BANYAMULENGE

IN AUGUST 1996, SHWEKA MUTABAZI, THE COMMISSIONER FOR UVIRA ZONE, BANNED MILIMA, A DEVELOPMENT AND HUMAN RIGHTS NONGOVERNMENTAL ORGANIZATION (NGO) WORKING AMONG THE BANYAMULENGE, AND ISSUED AN ARREST WARRANT FOR MULLER RUHIMBIKA, THE PRESIDENT OF MILIMA, APPARENTLY BECAUSE HE HAD CONTACTED JOURNALISTS AND REPRESENTATIVES OF THE CARTER CENTER OF ATLANTA, GEORGIA REGARDING HUMAN RIGHTS ABUSES AGAINST THE BANYAMULENGE. SOON AFTER, SEVERAL PROMINENT BANYAMULENGE, INCLUDING THREE PROTESTANT PASTORS AND A LOCAL OFFICIAL, WERE ARRESTED. IN EARLY SEPTEMBER ZAIRIAN AUTHORITIES SAID BANYAMULENGE SHOULD LEAVE THE COUNTRY, AN ORDER FORMALIZED ON OCTOBER 7 BY THE DEPUTY GOVERNOR OF SOUTH KIVU, LWASI NGABO LWABANJI, WHO SAID ALL BANYAMULENGE MUST LEAVE ZAIRE WITHIN A WEEK.<sup>10</sup>

IN EARLY SEPTEMBER, BEMBE MILITIA, SUPPORTED BY FAZ SOLDIERS, BEGAN ATTACKING BANYAMULENGE VILLAGES, KILLING AND RAPING, AND FORCING SURVIVORS TO FLEE. A WOMAN DRIVEN FROM UVIRA ZONE REPORTED:

MY HUSBAND REMAINED IN UVIRA. I DON'T KNOW IF HE IS STILL LIVING. ZAIRIAN SOLDIERS CAME TO THE HOUSE TO TAKE HIM, THEN THEY LEFT WITH HIM. WHEN THE ZAIRIAN SOLDIERS CAME, THEY RAPED US, DOWN TO A TEN-YEAR-OLD GIRL. THE OTHER GIRLS WERE TIED, FOR EXAMPLE CHILDREN A YEAR OLD, LESS THAN A YEAR OLD, WERE TIED UP, TOO. . . . MANY WOMEN WERE THREATENED, SOME OF THEM WERE NEARLY DEAD.<sup>11</sup>

ANOTHER WOMAN SURVIVOR REPORTED THAT ON SEPTEMBER 15, BEMBE MILITIA AND FAZ SOLDIERS ROUNDED UP THE PEOPLE FROM HER VILLAGE, BIBOGOBOGO, AND SEVERAL OTHER VILLAGES IN FIZI ZONE AND FORCED THEM TO MARCH DOWN OUT OF THE HILLS TOWARD RWANDA:

WE ARRIVED AT MBOGO, IT WAS AROUND 4 P.M. UNDER THEIR ORDERS, WE CLIMBED DOWN THE SLOPE. WE SPENT THE NIGHT ALONG THE [RUZIZI] RIVER. IT WAS MIDNIGHT AND THEY CAME TO TAKE ALL OF THE MEN, AND THE WOMEN WERE PUT APART, WITH TWO YOUNG BOYS. . . . THEY TOOK THE MEN ON THE RIVER AND FAR FROM THE SHORE THEY PUSHED THEM OVER INTO THE WATER, EVERYONE FROM A BOAT THAT WAS FULL. THEY TOOK ALL THE OTHER YOUNG BOYS, REFILLED THE BOAT AND WENT ANOTHER TIME TO PUSH THEM OVERBOARD.<sup>12</sup>

A WITNESS NAMED JEAN-DE-DIEU FROM UVIRA ZONE NARROWLY ESCAPED DROWNING IN A SIMILAR INCIDENT. ON SEPTEMBER 9, 1996, A GROUP OF BEMBE MILITIA TOOK JEAN-DE-DIEU AND APPROXIMATELY 180 OTHER BANYAMULENGE MEN, WOMEN, AND CHILDREN FROM THEIR VILLAGE AND DETAINED THEM IN THE NEARBY SHABANI HOTEL. THE MEN AND BOYS FIFTEEN YEARS AND OLDER WERE SELECTED OUT AND TAKEN BY TRUCK TO UVIRA WHERE THEY WERE SHOWN TO THE CIVIL GUARD, THE POLICE, AND THE ARMY. THE PRISONERS WERE THEN TAKEN ON TO BUGERA, NEAR KAMANYOLA, WHERE THE BORDERS OF RWANDA, BURUNDI, AND ZAIRE CONVERGE. THEY WERE IMPRISONED IN A WAREHOUSE FOR SIX DAYS WITHOUT FOOD AND HARDLY ANY WATER. ACCORDING TO JEAN-DE-DIEU, HUNGER FORCED THE MEN TO EAT BAT EXCREMENT. ON SEPTEMBER 15, MILITIA CAME TO DROWN THEM IN THE RUZIZI RIVER.

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<sup>9</sup>Human Rights Watch/FIDH interview at Bugarama Transit Camp, Cyangugu, November 4, 1996.

<sup>10</sup>Sam Ngoza, "Zaire's People of Tutsi Origin Say 'Enough is Enough,'" All Africa Press Service, November 12, 1996; "Crisis Grips Central Africa," *The Jakarta Post*, December 23, 1996.

<sup>11</sup>Human Rights Watch/FIDH interview at Bugarama Transit Camp, Cyangugu, November 4, 1996.

<sup>12</sup>Human Rights Watch/FIDH interview in Cyangugu Hospital, Cyangugu, November 6, 1996.

BEFORE THROWING US IN THE WATER, THEY TIED US UP WITH OUR ARMS BEHIND OUR BACKS, OUR LEGS TIED, AND OUR MOUTHS AND EYES COVERED. TO KILL US, ALL OF US, WE WERE PUT IN A TRUCK. THEN THEY DROVE THE TRUCK INTO WATER . . . [to] a flat place . . . AND THE TRUCK Poured US OUT LIKE SAND. WE WERE Poured DIRECTLY INTO THE WATER. WE WERE THIRTY-SEVEN PEOPLE.<sup>13</sup>

AFTER HE WAS DUMPED INTO THE WATER, JEAN-DE-DIEU WAS ABLE TO BREAK THE ROPES BINDING HIS LEGS AND TO GET TO SHORE. HE KNOCKED ON TWO DOORS AND WAS REFUSED ENTRY. THEN AT THE THIRD HOUSE, A FAMILY HELPED HIM CUT THE ROPES FROM HIS ARMS. HE IMMEDIATELY WENT BACK TO THE RIVER AND SWAM ACROSS TO BURUNDI, THEN MADE HIS WAY TO RWANDA. ACCORDING TO JEAN-DE-DIEU, THE MILITIA ALSO TOOK THREE TUTSI FAMILIES FROM KAMANYOLA, THREW THE MEN AND BOYS IN THE RIVER AND SENT THE WOMEN OF THE FAMILIES TO RWANDA.

### ABUSES BY THE FAZ AND INTERAHAMWE

Zairian soldiers cooperated also with Rwandan militia, the Interahamwe, in attacking Banyamulenge. Nyirantore was one of a group of women from Fizi zone who watched as their husbands were drowned in Lake Tanganyika. The women were then taken by boat down shore in the direction of Rwanda. After some distance, the women were brought to shore and put in a house where, soon after, they were attacked by Interahamwe militia. According to Nyirantore,

I saw with my own eyes how the forty-four women were killed. The Interahamwe came with arms. They entered into the house, and then they started to fire on us. The people who were seriously injured, they went to throw them in the river. For myself, I think that God had not decided that I should die that day. Even though I was with the other women when they came to fire on us, there were three women who were left. . . . They shot at us during the night, then they left, and in the morning we left the house.<sup>14</sup>

Another witness reported that Zairian soldiers and Interahamwe attacked his area on September 11. "They lined people up to shoot them—that's when I ran."<sup>15</sup>

According to many of the Banyamulenge refugees interviewed for this report, Zairian soldiers and border guards robbed them of their money and all other possessions before expelling them into Rwanda.

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<sup>13</sup>Human Rights Watch/FIDH interview at Bugarama Transit Camp, Cyangugu, November 4, 1996.

<sup>14</sup>Human Rights Watch/FIDH interview at Bugarama Transit Camp, Cyangugu, November 4, 1996.

<sup>15</sup>Human Rights Watch/FIDH interview, Gisenyi, December 17, 1996.

As the Zairian army was driven back steadily by ADFL forces, they relied increasingly on ex-FAR and Interahamwe to try to halt the advance of the rebels. To this end, they delivered large amounts of arms to Tingi-Tingi refugee camp in February 1997, at times taking over the single airstrip and interrupting the delivery of needed humanitarian supplies. This practice put at risk the lives of civilians in the camp, both by delaying food and medicines that they needed and by increasing the likelihood that the camp would be treated as a military target.<sup>16</sup>

## THE ALLIANCE OF DEMOCRATIC FORCES FOR THE LIBERATION OF CONGO-ZAIRE

In early October, a rebel force comprised primarily of Banyamulenge began to counter local militia and FAZ attacks on their villages. They went on to defeat FAZ soldiers who sought briefly to defend Kamanyola. The Banyamulenge then attacked local refugee camps and drove away refugees from both Rwanda and Burundi, some of whom headed home, others of whom fled farther into the interior of Zaire.

At the end of October, the rebels announced that their four constituent organizations (Le Parti de la Révolution Populaire, Le Conseil National de Résistance pour la Démocratie, Le Mouvement Révolutionnaire pour la Libération du Zaïre, and L'Alliance Démocratique des Peuples) would be known as the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL). Laurent Kabila, a leader of the Muleleist rebellion in the 1960s and not himself one of the Banyamulenge, moved from being spokesperson to head the group, which proclaimed its intention to remove Mobutu Sese Seko as head of state.

The ADFL moved into North Kivu in November easily routing the FAZ and ex-FAR and Interahamwe who supported them. The Mai-Mai and Bangirima militia, composed of members of the Hunde, Nyanga, and Nande ethnic groups, forgot their previous hostility to local Tutsi and joined the ADFL in fighting ex-FAR, Interahamwe and FAZ. With these and other recruits, the ADFL has pushed rapidly westward, finally taking the major city of Kisangani in mid-March, 1997.

## ATTACKS BY THE ADFL AND ITS ALLIES ON REFUGEE CAMPS

From the beginning of its campaign, the ADFL and its allies have made dispersing refugee populations—and the ex-FAR and militia shielded among them—one of their primary objectives. Because a number of camps were protected by FAZ troops, the ADFL occasionally engaged in exchange of fire with these military forces, causing them to flee the camps. They also drove away Interahamwe and ex-FAR, who had exercised control over the camps and prevented refugees from returning home, so making it possible for those who wanted to return home to do so. But they went beyond simply opening a path for those who wanted to return: they also fired on camps where there were no more soldiers present to force people in the camps to return to Rwanda. These attacks on civilians, described by witnesses from Mpanzi, Inera, Kahindo, Katale, Mugunga, and Sake camps, clearly violated international humanitarian law. Most witnesses reported seeing persons wounded or killed by such unprovoked and unwarranted fire from the ADFL and its allies.

In the early stages of the campaign in South Kivu, the ADFL attacked undefended refugee camps with gunfire and, according to some witnesses, mortar fire. The experience of Françoise, a young Rwandan girl who became separated from her mother during a rebel attack, is typical of that of many refugees. She reported that in November she fled from one camp to another along the western shore of Lake Kivu as the rebel attack advanced:

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<sup>16</sup>Howard W. French, "Zaire Government Is Arming Hutu, Making Human Shields of Refugees," *The New York Times*, February 19, 1997.

VERY EARLY IN THE MORNING WE HEARD A LOT OF GUNFIRE. WE WOKE UP. WE FOLLOWED THE OTHERS. WE WENT TO KAMANYOLA. WHEN WE GOT THERE, A MAN SAID "IF YOU STAY HERE, THE INKOTANYI [i.e., RWANDAN SOLDIERS] WILL COME AND FIND YOU HERE." OTHERS LEFT, SO WE FOLLOWED. WE WENT ON TO INERA. AT INERA, VERY EARLY IN THE MORNING, THEY STARTED FIRING BOMBS THERE, TOO. IT WAS THEN THAT I LOST MY MOTHER.<sup>17</sup>

ANOTHER WITNESS CORROBORATED THIS ACCOUNT, REPORTING "AT INERA THEY FIRED LOTS OF BOMBS AT US, AND KILLED LOTS OF PEOPLE THERE."<sup>18</sup> ACCORDING TO UN REPORTS, THE ADFL PURSUED REFUGEES FROM THE SOUTH KIVU CAMPS, DRIVING THEM DEEPER INTO THE FOREST.<sup>19</sup>

IN EVACUATING CAMPS IN NORTH KIVU, THE ADFL SOLDIERS AND ALLIED MILITIA BEGAN TO FORCE REFUGEES BACK TO RWANDA. APPARENTLY IN CONTRAST TO THEIR PRACTICE FURTHER SOUTH, THEY THREATENED AND EVEN ATTACKED THOSE WHO ATTEMPTED TO HEAD INTO THE INTERIOR OF ZAIRE. NDBABHWEJE WAS AMONG A GROUP OF REFUGEES WHO REMAINED IN KAHINDO CAMP AFTER IT WAS OVERRUN BY THE ADFL. ACCORDING TO HIM, ADFL SOLDIERS CAME ON NOVEMBER 11 TO CONVINCE THE REFUGEES TO RETURN TO RWANDA:

SUNDAY THEY CAME TO ENCOURAGE US TO GO HOME, TO GO TO NKAMIRA. THEY CAME TO TELL US THAT ON THE RETURN PATH AND IN RWANDA THERE WAS PEACE, WHILE IN THE CAMP THERE WAS NOTHING TO EAT. . . . THEY TOLD US THAT IT WOULD BE BETTER TO RETURN, THAT IT SHOULD NOT BE NECESSARY FOR THEM TO SHED BLOOD. . . . [I]F WE DID NOT RETURN, IT WOULD BE CONSIDERED A PROVOCATION.<sup>20</sup>

OTHER REFUGEES WHO RETURNED TO RWANDA IN OCTOBER AND NOVEMBER CONFIRMED THAT THEY HAD BEEN WARNED THAT THEY WOULD BE ATTACKED IF THEY REFUSED TO RETURN.

ACCORDING TO WITNESSES, ADFL FORCES AND ALLIED MILITIA DID IN FACT ATTACK REFUGEES WHO TRIED TO MOVE TOWARD THE INTERIOR OF ZAIRE. NARCISSE, A RWANDAN REFUGEE FROM KIGALI, WAS AT KATALE CAMP WHEN IT WAS STRUCK BY MORTAR AND SMALL ARMS FIRE ON SATURDAY, OCTOBER 26. ZAIRIAN SOLDIERS ALONG WITH SOME REFUGEES PUT UP A DEFENSE UNTIL TUESDAY, OCTOBER 29, WHEN THEY RAN OUT OF AMMUNITION. THE FOLLOWING DAY, NARCISSE FLED KATALE WITH HIS FAMILY, HEADING THROUGH THE FOREST TOWARD THE TOWN OF TONGO. ACCORDING TO NARCISSE, THE GROUP HE WAS TRAVELING WITH STOPPED BEFORE ARRIVING AT TONGO, WHEN THEY SAW MILITIA ALLIED WITH THE ADFL ATTACKING REFUGEES AHEAD OF THEM.

THERE WAS A SMALL ENCAMPMENT OF ABOUT FIFTY FAMILIES. . . . THEY DESTROYED IT THE DAY I ARRIVED THERE. I WAS ABOUT TEN KILOMETERS AWAY, BUT I COULD SEE IT WELL, BECAUSE I WAS ON A HIGH MOUNTAIN. THEY FIRED [ON THE REFUGEES] AND SO WE STOPPED WHERE WE WERE. WE WATCHED THE SCENE OF DESTRUCTION. THIS WAS THE ONLY GROUP THAT HAD LEFT THE FOREST TO GO TO TONGO. . . . WHEN THEY [THE MILITIA] SAW THAT WE WERE NOT GOING TO CONTINUE ON, THEY BEGAN TO COME TO CHASE US FROM THE FOREST. THAT IS WHY WHEN THEY WOULD SEE SOME SHEETING OR TENTS, THEY WOULD SEND SOLDIERS TO DESTROY THEM.<sup>21</sup>

ACCORDING TO NARCISSE, IF ADFL SOLDIERS OR MILITIA FOUND REFUGEES ATTEMPTING TO APPROACH TONGO OR OTHER ZAIRIAN COMMUNITIES TO FIND FOOD OR WATER, THEY WOULD ATTACK THEM WITH GUNS AND KNIVES. SOME DAYS LATER, NARCISSE'S OWN WIFE WAS KILLED IN SUCH AN ATTACK.

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<sup>17</sup>Human Rights Watch/FIDH interview at SOS Children's Village, Gikongoro, December 6, 1996.

<sup>18</sup>Human Rights Watch/FIDH interview at SOS Children's Village, Gikongoro, December 6, 1996.

<sup>19</sup>UN Department of Humanitarian Affairs, "Emergency Update No. 80 on the Great Lakes," January 20, 1997; Lynne Duke, "Rwandans Driven Deep into Zaire, Villagers Report," *The Washington Post*, November 22, 1996.

<sup>20</sup>Human Rights Watch/FIDH interview at Nkamira Transit Camp, Gisenyi, November 13, 1996.

<sup>21</sup>Human Rights Watch/FIDH interviews in Kigali on November 26, 1996 and in Butare on December 3, 1996.



IT WAS DURING THE DAY, AROUND 3 P.M. WE HEARD GUNFIRE, TWO SHOTS FAR FROM US, AND WE WERE AFRAID IT WAS THE START OF AN OPERATION. WE TOOK THE POSSESSIONS WE COULD CARRY AND FLED. . . . WE LEFT A GROUP OF WOMEN IN A SMALL WOODS AND WENT TO GET THE REST OF OUR THINGS. WE DID NOT KNOW THAT THE SOLDIERS KNEW THE WOMEN HAD BEEN LEFT. WHEN WE ARRIVED AT THE CAMP WHERE WE HAD BEEN, THEY STARTED TO FIRE HEAVILY ON US. A NUMBER OF PEOPLE WERE INJURED IN THAT ATTACK. I RAN TOWARD A SMALL FOREST NEAR THERE AND I TRIED TO HIDE MYSELF. OTHERS RAN IN ANOTHER DIRECTION AND WERE SHOT. BUT IN THE MEANTIME, THE SOLDIERS ENCIRCLED THE GROUP LEFT IN THE FOREST WITH THE CHILDREN AND TOOK THEM AWAY TO MASSACRE THEM, EVEN THE BABIES! WE WENT TO THE PLACE WHERE THIS [MASSACRE] HAPPENED. WE EVEN FOUND A BABY THERE THAT WAS STILL ALIVE.<sup>22</sup>

NARCISSE CONCLUDED:

EVERY TIME REFUGEES ERECTED CAMPS, OTHERS WOULD COME TO DESTROY THEM. THERE WAS A LITTLE CAMP NEAR KIBUMBA WHERE I FOUND MANY DEAD. THE BANYAMULENGE DESTROYED ALL THE CAMPS TO DISPERSE THE REFUGEES. ALL THE DEAD [IN KIBUMBA] HAD BEEN SHOT.<sup>23</sup>

MARIE CLAIRE HAD BEEN IN KIBUMBA BUT FLED TO MUGUNGA AFTER KIBUMBA WAS SHELLED. SHE REPORTED THAT MUGUNGA ALSO CAME UNDER ATTACK:

WE HEARD GUNS AND BOMBS. . . . PEOPLE SAID IT WAS PERHAPS THE MAI MAI WHO WERE SHOOTING AT THEM. SOME OF THE REFUGEES WANTED TO CONTINUE TO MASISI, BUT THE MAI MAI SHOT AT THEM TO STOP THEM. THEY [THE MAI MAI] CHASED THEM AND FIRED ON THEM. MANY DIED LIKE THAT. SOME PEOPLE CAME AND TOLD ME THEY SAW MAI MAI PILLAGING AND LOOTING HCR [HIGH COMMISSIONER FOR REFUGEES] AND OTHER NGO CARS. I SAW THE MAI MAI TAKING THE CARS AND COMING AND SHOOTING AT THE REFUGEES. THEY CAME SINGING, "WE ARE THE MAI MAI, DESCENDANTS OF THE HUNDE."<sup>24</sup>

MARIE CLAIRE STAYED ANOTHER FIVE DAYS UNTIL A FRIDAY, WHEN THERE WAS ANOTHER ATTACK, THIS TIME BY ADFL SOLDIERS:

WE HEARD GUNS AROUND 2 P.M. AND BOMBS ALSO. I DON'T KNOW HOW MANY, I DIDN'T COUNT, BUT MANY. IT STOPPED WHEN THE PEOPLE HEADED FOR RWANDA. THEY FIRED ON US TO GET US TO RETURN. WE COULD ALL HAVE BEEN KILLED. WHEN WE TOOK TO THE ROAD, THEY STOPPED FIRING. THE FIRING WAS SOMETIMES IN THE AIR, SOMETIMES AT PEOPLE. . . . THERE WERE MANY INJURED AND ALSO KILLED. I MYSELF SAW TEN PEOPLE INJURED OR DEAD.<sup>25</sup>

MANY WITNESSES REPORTED THAT WHEN THEY LEFT MUGUNGA AND SAKA CAMPS, THEY FOUND ONLY ONE ROAD OPEN, THAT TO RWANDA. SEVERAL STATED THAT ADFL OR RWANDAN SOLDIERS WERE POSTED ALONG THE ROAD, REQUIRING THEM TO MOVE TOWARD THE RWANDAN BORDER. AS ONE SAID, "THE ROAD TO RWANDA WAS THE ONLY CHOICE."

BY FORCING REFUGEES TO RETURN TO RWANDA WHEN THEY HAD WELL-FOUNDED FEAR OF BEING PERSECUTED THERE, ADFL FORCES VIOLATED THE INTERNATIONAL CONVENTION PROTECTING REFUGEES. HUMAN RIGHTS WATCH AND THE INTERNATIONAL FEDERATION OF HUMAN RIGHTS LEAGUES STRESS THE URGENCY OF DISTINGUISHING GENUINE REFUGEES FROM THOSE SUSPECTED OF RESPONSIBILITY FOR THE GENOCIDE AND THOSE INVOLVED IN MILITARY ACTIVITIES IN ORDER TO ACCORD THE REFUGEES THE FULL PROTECTION OF INTERNATIONAL CONVENTIONS.

HUMANITARIAN ORGANIZATIONS REPORTED DISPROPORTIONATELY HIGH NUMBERS OF WOMEN, CHILDREN AND THE ELDERLY AMONG MANY OF THE GROUPS OF REFUGEES FORCED TO RETURN TO RWANDA. THE SMALL NUMBER OF ADULT MALES IN SUCH GROUPS APPEARS TO CONFIRM PRESS ACCOUNTS THAT THE ADFL WAS REMOVING ADULT MEN FROM THE GROUPS OF RETURNEES, ALTHOUGH SOME MAY HAVE REMAINED IN ZAIRE TO JOIN IN COMBAT. THE FATE OF MEN THUS DETAINED IS NOT KNOWN.

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<sup>22</sup>Ibid.

<sup>23</sup>Ibid.

<sup>24</sup>Human Rights Watch/FIDH interview at Gisenyi, November 19, 1996.

<sup>25</sup>Ibid.

REFUGEES FORCED TO FLEE BY ADFL FORCES SOMETIMES WERE VICTIMIZED ALSO BY FAR SOLDIERS WHO ROBBED THEM OF THEIR BELONGINGS. AS ONE REPORTED: "WHEN WE ENCOUNTERED THE POLICE, IT WAS THEY WHO STRIPPED US OF OUR GOODS, SAYING WE HAD NO RIGHT TO LEAVE [THE CAMP]. BUT SOMETIMES YOU COULD ESCAPE. WITH THE ZAIRIAN SOLDIERS, THOUGH, IT WAS DIFFICULT. THEY WOULD TAKE EVERYTHING, DOWN TO YOUR PANTS."<sup>26</sup>

### HUMAN RIGHTS ABUSES BY THE INTERAHAMWE AND EX-FAR

SOME RETURNING REFUGEES ASSERTED THAT INTERAHAMWE MILITIA, EX-FAR SOLDIERS AND FORMER GOVERNMENT OFFICIALS WERE CONTINUING TO USE FORCE, INTIMIDATION AND MISINFORMATION TO STOP REFUGEES FROM RETURNING TO RWANDA, A PRACTICE DOCUMENTED PREVIOUSLY BY HUMAN RIGHTS WATCH AND FIDH.<sup>27</sup> EVEN AS THE ADFL AND ITS ALLIES HAVE DRIVEN THOUSANDS OF REFUGEES ACROSS THE BORDER INTO RWANDA, THOUSANDS OF OTHERS REMAINED UNDER THE CONTROL OF AUTHORITIES RESPONSIBLE FOR THE GENOCIDE.

NUBABA, A WOMAN WHO WAS AT KIBUMBA CAMP, REPORTED THAT THE INTERAHAMWE FIRED ON REFUGEES IN THE CAMP IN ORDER TO FRIGHTEN THEM INTO FLEEING WITH THEM:

AROUND 3 P.M., IT WAS GETTING READY TO RAIN, AND WE HEARD THE SOUND OF GUNS. THE INTERAHAMWE WERE ORGANIZING, SAYING TO THE SOLDIERS FROM KIBUMBA CAMP AND SOLDIERS FROM OTHER CAMPS, "GATHER YOUR THINGS AND COME!" AND THEN WE SAW THEM CLIMBING THE MOUNTAINS AND THEY FIRED DOWN ON US. THEY WERE THE FIRST TO FIRE ON US. THEY CRIED LOUDLY: "SEE! THE INKOTANYI, THEY ARE COMING! SEE!" THEY MANIPULATED US TOO MUCH. OUR HEARTS WERE TRULY TRAUMATIZED. SO PEOPLE BELIEVED THEM AND SAID, "YES, IT'S THEM, IT'S THEM!" . . . A YOUNG BOY INTERAHAMWE TOLD ME "GATHER YOUR THINGS! GATHER YOUR COOKING POT AND PUT YOUR THINGS TOGETHER. THINGS ARE GETTING SERIOUS, THIS IS SERIOUS COMBAT." . . . THEY TOLD US THAT THOSE WHO REMAINED WOULD BE KILLED. THE INKOTANYI WOULD KILL THEM.<sup>28</sup>

One witness saw an ex-FAR soldier going through Mugunga camp with a machine gun mounted in a wheelbarrow, threatening refugees who did not immediately follow the retreating troops. ACCORDING TO A REFUGEE FROM KAHINDO,

THEY MADE US AFRAID, THE OLD LEADERS AND THE MILITIA. THEY CAME IN FULL BUSES TO MAKE US AFRAID, TELLING US THAT IN THIS COUNTRY [RWANDA], THEY DID NOTHING BUT KILL. . . . YOU KNOW THAT THE MOUTH CAN BE VERY, VERY DANGEROUS. . . . [IF YOU TALKED ABOUT LEAVING], THE MILITIA WOULD RUSH TO COME TALK TO YOU, SAYING, 'HA! IF YOU LEAVE, WHAT ARE YOU GOING TO DO?' SOMETIMES, PEOPLE WERE BEATEN.<sup>29</sup>

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<sup>26</sup>Human Rights Watch/FIDH interview at Nkamira Transit Camp, Gisenyi, November 13, 1996.

<sup>27</sup>See Human Rights Watch and the International Federation of Human Rights Leagues, Press Release, November 25, 1996; Human Rights Watch Arms Project, "Rwanda/Zaire: Rearming with Impunity, International Support for the Perpetrators of the Rwandan Genocide," May, 1995.

<sup>28</sup>Human Rights Watch/FIDH interview at the Petite Barrière, Gisenyi, November 15, 1996.

<sup>29</sup>Human Rights Watch/FIDH interview at Nkamira Transit Camp, Gisenyi, November 13, 1996.

ANOTHER WOMAN REPORTED, "THE OTHERS [THE MILITIA] LEFT AND ASKED US TO LEAVE WITH THEM WITHOUT EXCEPTION, AND WE LEFT. NO ONE KNEW WHAT WAS HAPPENING. YOU COULD NO LONGER PROTECT YOURSELF. THERE WAS NO SECURITY IN THE CAMP."<sup>30</sup> ANOTHER WOMAN GREW TIRED OF THE INTERAHAMWE'S FREQUENT ATTEMPTS AT DECEPTION:

THE PEOPLE ARE FOOLED, BECAUSE THERE IS NO ONE ELSE TO INFORM THEM AND SHOW THEM OTHER THINGS. EVERY TIME A PERSON TELLS THEM SOMETHING ELSE, THE INTERAHAMWE SAY THAT THIS PERSON IS BAD AND THAT SHE WANTS TO DESTROY THEM. IN THIS WAY, IT WAS DIFFICULT TO DETERMINE THE TRUTH IN THE CAMPS. [BUT] AFTER THE LONG MARCH IN THE VOLCANOES, EVERYONE HAS BECOME VIGILANT. WE HAVE DISCOVERED THAT THE INTERAHAMWE WERE USING US. . . . IT IS A SHAME FOR SOMEONE WHO IS BORN WITH HUMAN INTELLIGENCE. THEY TAKE US FOR COWS THAT THEY CAN DRIVE WHERE THEY WANT AND HOW THEY WANT . . . . AND NOW THEY WANT TO MAKE THE POPULATION PRISONERS, HOSTAGES!<sup>31</sup>

IN ITS JANUARY 20 UPDATE, THE UN DEPARTMENT OF HUMANITARIAN AFFAIRS REPORTED THAT A LARGE GROUP OF REFUGEES CAME FORWARD AT KINGULUBE, 170 KILOMETERS EAST OF SHABUNDA, REQUESTING REPATRIATION, AFTER A GROUP OF 1,500 INTERAHAMWE AND EX-FAR LEFT THEIR CAMP TO MOVE INLAND. ACCORDING TO THE REPORT, "THE REFUGEES ALLEGED THEY HAD BEEN CONTROLLED AND INTIMIDATED AGAINST REPATRIATING BY THE EX-FAR. FREE OF EX-FAR CONTROL, THEY WERE NOW REQUESTING ASSISTANCE TO REPATRIATE TO RWANDA."<sup>32</sup>

### INTERFERENCE WITH HUMANITARIAN AID

ACCORDING TO THE UN HIGH COMMISSIONER FOR REFUGEES AND OTHER AID ORGANIZATIONS, ZAIRIAN SOLDIERS HAVE REGULARLY COMMANDEERED AIRCRAFT AND TRUCKS NEEDED TO TRANSPORT FOOD, WATER, AND MEDICINE TO THE REFUGEES IN TINGI-TINGI, AMISI, AND ELSEWHERE. THE ZAIRIAN MILITARY HAS LIMITED THE AMOUNT OF FUEL AVAILABLE TO UNHCR AND OTHER GROUPS, SEVERELY LIMITING THEIR ABILITY TO USE EVEN THOSE VEHICLES AVAILABLE TO THEM. IN ADDITION, THE ZAIRIAN MILITARY HAVE PERIODICALLY LIMITED ACCESS TO AMISI, TINGI-TINGI, AND OTHER AREAS IN WHICH REFUGEES ARE CONCENTRATED.<sup>33</sup>

WHEN ADFL FORCES FIRST TOOK CONTROL OF EASTERN ZAIRE, THEY EXCLUDED HUMANITARIAN AGENCIES FOR SEVERAL WEEKS, MAKING IT IMPOSSIBLE FOR THEM TO DELIVER NEEDED AID TO THE REFUGEES WHO WERE FLEEING THE CAMPS.

### ATTACKS ON ZAIRIAN CIVILIANS

INFORMATION ON ABUSES AGAINST ZAIRIAN CIVILIANS, INCLUDING THOSE DISPLACED BY THE CONFLICT, IS LIMITED BUT IT IS ENOUGH TO INDICATE THAT CITIZENS OTHER THAN KINYARWANDA-SPEAKERS ALSO SUFFERED AT THE HANDS OF ARMED ELEMENTS FROM BOTH SIDES. A WITNESS PRESENT IN BUKAVU WHEN THE TOWN WAS TAKEN BY ADFL FORCES REPORTED SEEING MANY BODIES IN THE STREETS, BUT DID NOT KNOW WHO WAS RESPONSIBLE FOR THE DEATHS. IN GOMA, FAZ SOLDIERS KILLED A NUMBER OF CIVILIANS IN THE MARKET ON OCTOBER 20. WHEN THE FIGHTING IN THE TOWN WAS FINISHED, A LOCAL NONGOVERNMENTAL ORGANIZATION BURIED MORE THAN 2,700 BODIES, A CONSIDERABLE NUMBER OF THEM CIVILIANS. IT IS NOT KNOWN HOW MANY WERE DELIBERATELY KILLED BY THE INCOMING ADFL FORCES AND MILITIA AND HOW MANY BY THE FAZ AND ALLIED MILITIA WHO WERE FLEEING THE TOWN. ACCORDING TO A REPORT BY THE ZAIRIAN HUMAN RIGHTS GROUP AZADHO, EX-FAR AND INTERAHAMWE ATTACKED AN UNARMED CONVOY OF CIVILIANS WHO WERE FLEEING FIGHTING IN GOMA, HEADING TOWARD KITSHANGA, AND KILLED HUNDREDS OF PEOPLE ON NOVEMBER 17, 1996. ZAIRIAN PLANES BOMBED CIVILIANS IN GOMA ON FEBRUARY 17, 1997, KILLING AT LEAST SIX PEOPLE AND INJURING TWENTY MORE.

### INVOLVEMENT OF RWANDA, BURUNDI AND UGANDA

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<sup>30</sup>Human Rights Watch/FIDH interview at Nkamira Transit Camp, Gisenyi, November 13, 1996.

<sup>31</sup>Human Rights Watch/FIDH interview at the Petite Barrière, Gisenyi, November 15, 1996.

<sup>32</sup>UN Department of Humanitarian Affairs, "Emergency Update No. 80 on the Great Lakes, January 20, 1997.

<sup>33</sup>UN Department of Humanitarian Affairs, "Emergency Update No. 85 on the Great Lakes," January 23, 1997; UNHCR, "UNHCR Worried About Refugees in Eastern Zaire," January 28, 1997; Medecins Sans Frontières, "Situation of the Rwandan Refugees in Tingi-Tingi," January 16, 1997; UN Department of Humanitarian Affairs, "Emergency Update No. 91 on the Great Lakes," January 31, 1997.

SINCE THE FIGHTING BEGAN IN OCTOBER, THE ZAIRIAN GOVERNMENT HAS REGULARLY ALLEGED THAT THE ADFL HAS BEEN JOINED BY TROOPS FROM RWANDA, UGANDA, AND BURUNDI. ADFL LEADERS AND THE GOVERNMENTS OF RWANDA, BURUNDI AND UGANDA HAVE DENIED THESE ALLEGATIONS, BUT OUR RESEARCHERS HAVE COLLECTED TESTIMONY FROM BOTH RWANDANS AND EXPATRIATES ABOUT THE PRESENCE OF RWANDAN SOLDIERS FIGHTING WITH THE ADFL. ONE RWANDAN REPORTED TO HUMAN RIGHTS WATCH AND THE INTERNATIONAL FEDERATION OF HUMAN RIGHTS LEAGUES THAT HE HAD BROTHERS IN THE RPA WHO WERE FIGHTING IN ZAIRE WHILE ANOTHER SAID HE HAD FAMILY MEMBERS WHO WERE RWANDAN SOLDIERS WHO WERE AWAITING ORDERS TO LEAVE FOR ZAIRE. A SOLDIER OF THE RPA WHO CROSSED THE FRONTIER AT BUKAVU ON OCTOBER 30 RELATED THAT HE AND OTHERS MARCHED ABOUT TWO KILOMETERS INTO ZAIRE THAT DAY. A GHANIAN TRAVELER WHO HAD BEEN DETAINED BY THE FAZ IN BUKAVU ON OCTOBER 19 WAS LIBERATED BY RPA SOLDIERS. HE DECLARED:

THE RWANDAN SOLDIERS HELPED US TO COME OUT. WE HEARD NEWS OF THE WAR BETWEEN THE BANYAMULENCE AND THE ARMY OF ZAIRE. WE HEARD NOISE AND SHOOTINGS OUTSIDE FOR THREE DAYS, AND AFTER THAT WE SAW MANY PEOPLE DEAD ON THE STREETS. BECAUSE OF THE FIGHTING, THERE WERE LOTS OF SOLDIERS. WE WERE LEFT IN THE CELL. NOBODY CAME TO TAKE CARE OF US. THERE WAS NO LIGHT AND NO FOOD AND NO SECURITY FOR FIVE DAYS. THE ZAIRIANS JUST RAN. THE RWANDAN SOLDIERS THEN CAME. THEY WERE NOT IN UNIFORM, IN CIVILIAN CLOTHES. THEY SAID THEY WERE RWANDAN SOLDIERS, NOT BANYAMULENCE. THEY RELEASED US.<sup>34</sup>

SIMILARLY SEVERAL WITNESSES PRESENT WHEN GOMA WAS ATTACKED SAW VESSELS LEAVING THE RWANDAN SHORE TO FIRE ON THE TOWN AND SAID THEY SAW RPA SOLDIERS PATROLLING THE STREETS OF GOMA IN THE DAYS AFTER. OTHER WITNESSES REPORTED HAVING SEEN UNIFORMED RPA TROOPS ELSEWHERE IN NORTH KIVU.

A NUMBER OF REFUGEES REPORTED THAT CAMPS ALONG THE RWANDA BORDER IN NORTH KIVU—KIBUMBA, KAHINDO, AND KATALE—WERE TARGETED BY MORTAR FIRE THAT CAME FROM RWANDA. ONE REFUGEE WHO WAS AT KIBUMBA REPORTED,

AFTER A WEEK, BOMBS FELL IN THE CAMP, AND [THE ZAIRIAN SOLDIERS] LEFT US. THE BOMBS IN THE CAMP CAME FROM RWANDA. PEOPLE WERE KILLED BY A MIXTURE OF BOMBS AND BULLETS. THERE WOULD BE BOMBS FOR AN HOUR, AND THEN GUNFIRE AND THEN BOMBS AGAIN.<sup>35</sup>

A NUMBER OF REFUGEES CLAIM THAT RPA TROOPS PARTICIPATED IN THE FIGHTING AND THAT SOME DRESSED IN CIVILIAN CLOTHES WERE AMONG THOSE WHO URGED THEM TO RETURN TO RWANDA. ONE REFUGEE REPORTED,

I SAW RWANDAN MILITARY AT SAKE [IN MASISI] WHO WERE CHASING THE INTERAHAMWE INTO MASISI. I KNOW THEY WERE RWANDAN, SINCE THEY SPOKE KINYARWANDA. THE ZAIRIAN LANGUAGE AND THE RWANDAN LANGUAGE ARE NOT THE SAME. AMONG THEM MANY HAD NO GUNS, BUT THEY HAD GRENADES. SOME HAD GUNS.<sup>36</sup>

HUMAN RIGHTS WATCH AND FIDH RESEARCHERS HAVE COLLECTED TESTIMONY FROM ONE MAN WHO WAS THREATENED BY SOMEONE WHO SPOKE LUGANDA, THE PRIMARY LANGUAGE OF UGANDA:

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<sup>34</sup>Human Rights Watch/FIDH interview at Nyagatare Transit Camp, Cyangugu, November 5, 1996.

<sup>35</sup>Human Rights Watch/FIDH interview at Gisenyi, November 19, 1996.

<sup>36</sup>Human Rights Watch/FIDH interview at Gisenyi, November 19, 1996.

THOSE WHO ATTACKED SAID THEY DID NOT WANT US TO STAY IN THE CAMPS, IT WAS BETTER WE RETURNED TO RWANDA. I HEARD IT WHEN I WAS IN THE FIELDS WORKING. A MAN WHO SPOKE LUGANDA AND WHO HAD A KNIFE CAME AND THREATENED ME. HE SAID HE WAS GOING TO KILL US. IT WAS WHILE WE WERE STILL AT KATALE.<sup>37</sup>

ADFL LEADER KABILA HAS ADMITTED THAT ADFL HAS RECEIVED ARMS THROUGH NEIGHBORING COUNTRIES, PRESUMABLY RWANDA AND UGANDA.<sup>38</sup>

### THE INDIFFERENCE OF THE INTERNATIONAL COMMUNITY

FOR TWO AND A HALF YEARS, THE INTERNATIONAL COMMUNITY WATCHED THE SITUATION IN THE ZAIRIAN CAMPS GROW WORSE. IT PAID THE ENORMOUS BILL FOR FEEDING THE REFUGEES, BUT TOOK NO RESPONSIBILITY FOR SEPARATING THOSE SUSPECTED OF GENOCIDE AND THOSE ENGAGED IN MILITARY ACTIVITY AGAINST RWANDA FROM NONCOMBATANTS WHO WERE ELIGIBLE TO BE CONSIDERED REAL REFUGEES. AS A RESULT, THE INTERHAMWE AND EX-FAR WERE ABLE TO CONTINUE INTIMIDATING REFUGEES IN THE CAMPS AND HIDING BEHIND THE NONCOMBATANTS TO LAUNCH INCURSIONS ACROSS THE BORDER INTO RWANDA.

WHEN THE ADFL USED FORCE TO DISPERSE THE CAMPS AND TO REQUIRE UNWILLING RWANDANS TO RETURN HOME, GOVERNMENTS AND INTERNATIONAL AGENCIES APPLAUDED. THEIR TOLERANCE FOR SUCH FORCED REPATRIATION, AS FOR THAT EARLIER FROM BURUNDI AND THAT LATER FROM TANZANIA, HAS WEAKENED THE FUNDAMENTAL PRINCIPLE OF INTERNATIONAL AGREEMENTS PROTECTING REFUGEES.

A MULTINATIONAL FORCE VOTED BY THE U.N. SECURITY COUNCIL IN NOVEMBER TO ASSIST REFUGEES AND TO FACILITATE THEIR SAFE RETURN HOME WAS NEVER DEPLOYED. IT WAS CANCELED A MONTH LATER ON THE PRETEXT THAT SO MANY REFUGEES HAD RETURNED HOME THAT IT WAS NO LONGER NEEDED. THE UNITED STATES LED THE GROUP OF GOVERNMENTS CLAIMING THAT THERE WAS NO SIGNIFICANT NUMBER OF REFUGEES REQUIRING AID LEFT IN ZAIRE, A CLAIM THAT WAS PATENTLY INACCURATE. OF THE SLIGHTLY MORE THAN ONE MILLION REFUGEES PRESENT IN ZAIRE IN SEPTEMBER 1996, A MAXIMUM OF SOME 650,000 HAD RETURNED TO RWANDA, LEAVING HUNDREDS OF THOUSANDS MORE STILL IN NEED OF HUMANITARIAN AID.

AFTER LARGE NUMBERS OF DEATHS BY FORCE, HUNGER, DISEASE OR EXHAUSTION, THE REMNANTS OF THE REFUGEE POPULATION ARE CLUSTERED NEAR UBUNDU. THE INTERNATIONAL COMMUNITY IS ONCE AGAIN FACED WITH THE PROBLEMS OF HOW TO PROTECT GENUINE REFUGEES BY SEPARATING THEM FROM MILITIA AND EX-FAR AND HOW TO IDENTIFY AND ARREST THOSE SUSPECTED OF GENOCIDE IN RWANDA. AT A MINIMUM, PERSONS BEARING ARMS MUST BE EXCLUDED FROM ANY NEW CAMPS THAT ARE ESTABLISHED.

THE INTERNATIONAL COMMUNITY MUST ALSO INSIST ON FULL INVESTIGATION OF ABUSES, INCLUDING MASSACRES, OF CIVILIANS CARRIED OUT IN EASTERN ZAIRE SINCE SEPTEMBER 1996. MEASURES TO BRING TO JUSTICE THOSE RESPONSIBLE FOR SUCH ABUSES MUST BE INCORPORATED IN THE SETTLEMENT ENDING THE ZAIRIAN CONFLICT.

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<sup>37</sup>Human Rights Watch/FIDH interview at the Petite Barrière, Gisenyi, November 15, 1996.

<sup>38</sup>UN Department of Humanitarian Affairs. "Emergency Update No. 91 on the Great Lakes." January 31, 1997.

## ACKNOWLEDGMENTS

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### *HUMAN RIGHTS WATCH/AFRICA*

HUMAN RIGHTS WATCH is a NONGOVERNMENTAL ORGANIZATION ESTABLISHED IN 1978 TO MONITOR AND PROMOTE THE OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS IN AFRICA, THE AMERICAS, ASIA, THE MIDDLE EAST AND AMONG THE SIGNATORIES OF THE HELSINKI ACCORDS. IT IS SUPPORTED BY CONTRIBUTIONS FROM PRIVATE INDIVIDUALS AND FOUNDATIONS WORLDWIDE. IT ACCEPTS NO GOVERNMENT FUNDS, DIRECTLY OR INDIRECTLY.

THE STAFF INCLUDES KENNETH ROTH, EXECUTIVE DIRECTOR; MICHELE ALEXANDER, DEVELOPMENT DIRECTOR; CYNTHIA BROWN, PROGRAM DIRECTOR; HOLLY J. BURKHALTER, ADVOCACY DIRECTOR; BARBARA GUGLIELMO, FINANCE AND ADMINISTRATION DIRECTOR; ROBERT KIMZEY, PUBLICATIONS DIRECTOR; JERI LABER, SPECIAL ADVISOR; LOTTE LEICHT, BRUSSELS OFFICE DIRECTOR; SUSAN OSNOS, COMMUNICATIONS DIRECTOR; JEMERA RONE, COUNSEL; WILDER TAYLER, GENERAL COUNSEL; AND JOANNA WESCHLER, UNITED NATIONS REPRESENTATIVE. ROBERT L. BERNSTEIN IS THE CHAIR OF THE BOARD AND ADRIAN W. DEWIND IS VICE CHAIR. 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 IS THE SENIOR RESEARCHER; ALEX VINES IS THE RESEARCH ASSOCIATE; BRUNWEN MANBY AND BINAIFFER NOWROJEE ARE COUNSELS; ARIANA PEARLROTH AND JULIET WILSON ARE ASSOCIATES; AND ALISON DESFORGES IS A CONSULTANT. WILLIAM CARMICHAEL IS THE CHAIR OF THE ADVISORY COMMITTEE AND ALICE BROWN IS THE VICE CHAIR.

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LISTSERV ADDRESS: TO SUBSCRIBE TO THE LIST, SEND AN E-MAIL MESSAGE TO [MAJORDOMO@IGC.APC.ORG](mailto:MAJORDOMO@IGC.APC.ORG) WITH "SUBSCRIBE HRW-NEWS" IN THE BODY OF THE MESSAGE (LEAVE THE SUBJECT LINE BLANK).

### *FÉDÉRATION INTERNATIONALE DES LIGUES DES DROITS DE L'HOMME (FDIH)*

THE INTERNATIONAL FEDERATION OF HUMAN RIGHTS IS AN INTERNATIONAL NONGOVERNMENTAL ORGANIZATION FOR THE DEFENSE OF THE HUMAN RIGHTS ENSHRINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS OF 1948. CREATED IN 1922, IT INCLUDES 89 NATIONAL AFFILIATES THROUGHOUT THE WORLD.

TO DATE, FDIH HAS UNDERTAKEN MORE THAN A THOUSAND MISSIONS FOR INVESTIGATION, OBSERVATION OF TRIALS, MEDIATION OR TRAINING IN SOME ONE HUNDRED COUNTRIES. FDIH ENJOYS CONSULTATIVE STATUS WITH THE UNITED NATIONS, UNESCO, THE EUROPEAN COUNCIL AND OBSERVER STATUS WITH THE AFRICAN COMMISSION OF HUMAN AND PEOPLES' RIGHTS. PATRICK BAUDOUIN IS PRESIDENT; PASCALE BANDIERA, HÉLÈNE CIDADE-MOURA, RENÉ DEGNI-SEGUI, ENOCH DJONDANG, MICHAEL ELLMAN, OSWALDO ENRIQUEZ, CARMEN FERRER PEÑA, CECILIA JIMENEZ, HAYTHAM MANNA, GERALD MCKENZIE, SABINE MISSISTRANO, FRANCISCO SOBERON, ROBERT VERDIER, VO VAN AI AND SADEDDINE ZMERLI ARE VICE-PRESIDENTS; ODILE SIDEM POULAIN, CLAUDE KATZ AND WILLIAM BOURDON ARE SECRETARY GENERALS; AND PHILIPPE VALLET IS TREASURER OF THE INTERNATIONAL BOARD. CATHERINE CHOQUET IS DEPUTY SECRETARY GENERAL AND ERIC GILLET IS COORDINATOR FOR BURUNDI AND RWANDA. ANTOINE BERNARD IS THE EXECUTIVE DIRECTOR.