

DEMOCRATIC REPUBLIC OF CONGO



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I hid in the mountains and went back down to Songolo at about 3:00 p.m. I saw many people killed and even saw traces of blood where people had been dragged. I counted 82 bodies most of whom had been killed by bullets. We did a survey and found that 787 people were missing – we presumed they were all dead though we don't know. Some of the bodies were in the road, others in the forest. Three people were even killed by mines. Those who attacked knew the town and posted themselves on the footpaths to kill people as they were fleeing.

-- Testimony to Human Rights Watch

ITURI: “COVERED IN BLOOD” **Ethnically Targeted Violence In Northeastern DR Congo**

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“You cannot escape from the horror”

This story of fifteen-year-old Elise is one of many in Ituri. She fled one attack after another and witnessed appalling atrocities. Walking for more than 300 miles in her search for safety, Elise survived to tell her tale; many others have not.

I am fifteen years old and my father is Hema while my mother is Nande. I was in Komanda in August 2002 when Ngiti fighters attacked the town. They were killing people especially the Hema. I hid with my family in the forest but they found us. There were six of them in civilian clothes with axes and machetes. I saw people being killed, men, women and children. Then it was our turn. They asked us what ethnic group we were. We said Nande. They did not believe us and said they would kill us. They took us one by one. They killed my mother, father and older brother. Then they took me and cut my wrist, my neck and both shoulders. They thought I was dead, so they left me. I think more than 200 people were killed that day, mostly Hema and Gegere.

I managed to get up and find a hospital in Komanda. It took me about five hours. I had to walk six miles to get there. I was all alone. At the hospital they treated my hand and neck. I spent some time in the hospital before the Hema militia decided to take me to the bigger hospital in Nyakunde. I spent one month there or so, and then on September 5 the Ngiti attacked that town as well. They killed many people. This time it was the Ngiti, Lendu, and the APC soldiers. I hid in the operating room with other Hema people. They were killing everybody leaving only Nande and those who were not Hema. I did not know what to do. I told them I was Nande and I managed to escape. Along with about 50 others we were able to run away.

I wanted to go far away from the killing and so I walked to Mambasa [about 200 miles away]. I went to the white priest, who arranged for me to get treatment in Mambasa hospital. Another woman also helped to look after me. But then in October, Mambasa was also attacked by the Effaceurs [MLC and RCD-N troops]. They were shooting from morning till evening. We fled into the forest. They looted our things. They raped many girls. I spent about one month in the forest. They killed four people in Mambasa. They were killed under a tree near the house of the commissaire. They were buried in a mass grave. I found the bodies decomposing. I fled again to Mayuano, some 20 miles away, but the Effaceurs reached there too. So I went to Teturi where they also attacked and then to Byakato. I continued on to Mangina where I stayed.

Will this killing ever stop?

(Human Rights Watch interview, Mangina, February 2003)

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ITURI: “COVERED IN BLOOD” Ethnically Targeted Violence In Northeastern DR Congo

LIST OF ACRONYMS	i
I. SUMMARY	1
II. RECOMMENDATIONS	3
To the Ugandan, Rwandan and DRC Governments:.....	3
To the Ugandan Government:	3
To the DRC Government:	3
To the Hema, Lendu, Ngiti and Other Armed Political Groups:.....	3
To the United Nations:	3
To Donor Governments:.....	4
To the Office of the Prosecutor of the International Criminal Court:	4
III. CONTEXT: EXTERNAL ACTORS.....	5
The Peace Process and Ituri.....	5
RCD-ML and Its Links with Ethnic Groups in Ituri	5
Ugandan Manipulation of Local Politics.....	6
The Ugandan Government Response	7
The Role of the DRC Government in Ituri	8
Military Assistance to the RCD-ML and Other Armed Groups.....	9
DRC Minister of Human Rights Taken Hostage.....	10
Involvement of RCD-Goma and the Rwandan Government in Ituri.....	10
Economic Gain	12
IV. LOCAL CONTEXT – ARMED POLITICAL GROUPS	14
Proxies Pursuing Their Own Interests	14
The Hema - Lendu Conflict.....	18
Rumor, Propaganda and Prejudice	18
V. MASSACRES AND OTHER HUMAN RIGHTS ABUSES.....	19
The Attack on Bunia.....	19
Massacres and other Abuses by the UPC	21
The UPC Government and the Growth of Extremism.....	21
Attack at Mabanga.....	22
Massacre at Songolo.....	22
Massacre at Mongbwalu.....	23
UPC Abuses of Lendu and Others Seen as Political Opponents	27
Massacres and Other Abuses by the APC and by Lendu and Ngiti Armed Groups.....	30
Nyakunde Massacre.....	30
Lendu and Ngiti Summary Executions Tolerated by RCD-ML Authorities	35
Abuses by the MLC and RCD-N.....	36
Summary Executions and Looting at Mambasa	36
Assassination of Governor Joseph Enecko.....	38

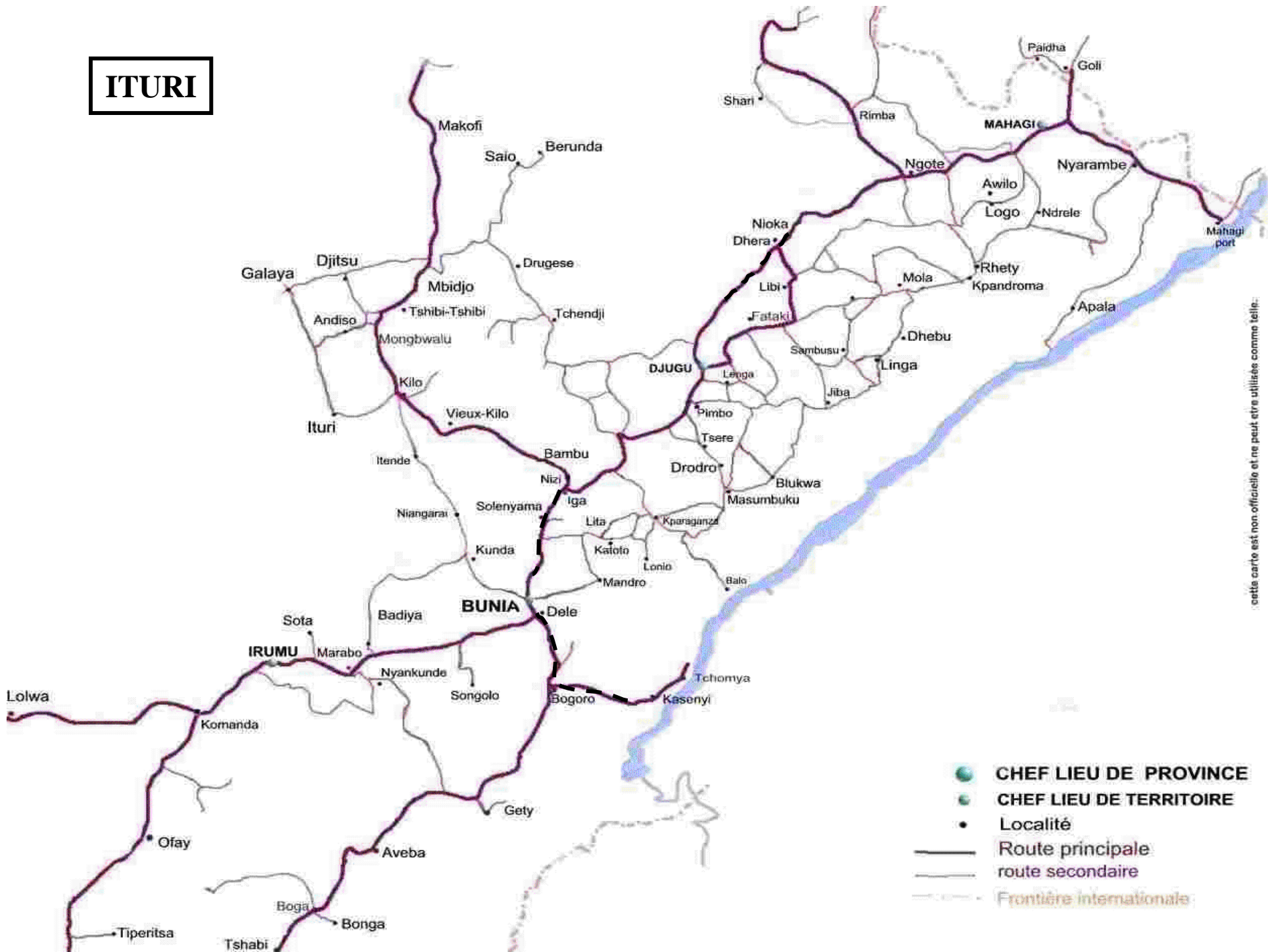
Blocking Humanitarian Aid and Targeting Humanitarian Workers.....	39
The Murders of ICRC Staff.....	40
Inhumane Acts – Cannibalism and Deliberate Mutilations of Corpses.....	42
Sexual Violence.....	44
Child Soldiers.....	46
 VI. THE CURRENT SITUATION	 48
 VII. International Law and Justice	 48
International Humanitarian Law.....	48
International Criminal Court	50
 VII. RESPONSE OF THE INTERNATIONAL COMMUNITY	 50
The United Nations and MONUC.....	51
International Donors.....	53
The European Union.....	54
The United Kingdom.....	54
The United States	55
 ACKNOWLEDGEMENTS	 56

LIST OF ACRONYMS

APC:	Congolese Popular Army, armed wing of the RCD-ML (Armée Populaire Congolaise)
FAC:	Congolese Armed Forces (Forces Armées Congolaise)
FAPC:	People's Armed Forces of Congo (Forces Armées Populaire du Congo)
FIPI:	Front for Integration and Peace in Ituri (Front pour L'Integration et Paix en Ituri)
FLC:	Front for the Liberation of Congo (Front de Libération du Congo)
FNI:	Front for National Integration (Front Nationalist et Integrationist)
FPDC:	Popular Force for Democracy in Congo (Force Populaire pour la Démocratie du Congo)
FRPI:	Patriotic Force of Resistance in Ituri (Force des Resistance Patriotique d'Ituri)
ICC:	International Criminal Court
IEMF:	Interim Emergency Multinational Force
IPC:	Ituri Pacification Commission
LRA:	Lords Resistance Army
MLC:	Movement for the Liberation of Congo (Movement Pour la Liberation du Congo)
MONUC:	United Nations Organization Mission in the Democratic Republic of Congo
PRA:	People's Redemption Army
PUSIC:	Party for Unity and Safeguarding of the Integrity of Congo
RCD-GOMA:	Congolese Rally for Democracy-Goma (Rassemblement Congolais pour la Démocratie-Goma)
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:	Rwandan Patriotic Army
UPC:	Union of Congolese Patriots (Union des Patriots Congolais)
UPDF:	Ugandan People's Defence Forces



ITURI



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I. SUMMARY

Ituri is often described as the bloodiest corner of the Democratic Republic of Congo (DRC). Despite three peace agreements purportedly ending the five year-old Congolese war, fighting in northeastern DRC intensified in late 2002 and early 2003. In early May 2003, hundreds of civilians were slaughtered in the town of Bunia and tens of thousands of others were forced to flee. Some sought shelter near the United Nations compound desperately looking for protection from the violence. While the international community focused on the town of Bunia, massacres continued in other parts of Ituri away from media attention. As one witness described it, "Ituri was covered in blood."

Based on information gathered by its researchers and on other reports, Human Rights Watch estimates that at least 5,000 civilians died from direct violence in Ituri between July 2002 and March 2003. These victims are in addition to the 50,000 civilians that the United Nations estimates died there since 1999. These losses are just part of an estimated total of 3.3 million civilians dead throughout the Congo, a toll that makes this war more deadly to civilians than any other since World War II.

Armed groups have committed war crimes, crimes against humanity, and other violations of international humanitarian and human rights law on a massive scale in Ituri. Assailants have massacred unarmed civilians, often solely on the basis of their ethnicity, killing scores and sometimes hundreds of civilians in each such attack. In one of several such massacres documented by Human Rights Watch researchers, Ngiti combatants together with soldiers of the Congolese Popular Army (Armée Populaire Congolaise, APC) of Mbusa Nyamwisi killed at least 1,200 Hema and Bira children, women and other civilians in Nyakunde. Over a ten-day period assailants carried out a well-planned operation, systematically slaughtering and often torturing civilians in house-to-house searches and executing hospital patients still in their beds. Many other massacres, especially those that occurred in more remote areas, were never even reported.

Armed groups also committed summary executions, forcefully abducted persons whose whereabouts remain unknown and arbitrarily arrested and unlawfully detained others, some of whom they subjected to systematic torture. Survivors told Human Rights Watch researchers that the Hema Union of Congolese Patriots (UPC) conducted a "man hunt" for Lendu and other political opponents shortly after taking power in August 2002. Many Lendu were arrested. Others fled or went into hiding, afraid to walk openly in the streets of Bunia. According to witnesses, senior UPC military officers were in charge of two prison areas that became notorious places of summary execution and torture.

Combatants of armed groups also committed rapes and engaged in such inhumane acts as mutilations and cannibalism, a practice meant to bring ritual strength to perpetrators and to inspire terror in opponents.

All groups have recruited children for military service, some as young as seven years old, subjecting them to the risks and rigors of military operations. As the war intensified, the forced recruitment of children increased so dramatically that observers described the fighting forces as "armies of children."

More than 500,000 people have been forced to flee from their homes in Ituri often encountering further violence in their flight. Members of armed groups have looted many of these homes and have sometimes burned down entire villages, destroying them to discourage any return. Armed political groups and their outside backers have violated international humanitarian law by deliberately preventing humanitarian agencies from delivering assistance to people whom they have defined as their enemies. In the last year, there have been more than thirty cases where humanitarian workers have been detained, threatened, beaten or expelled from Ituri. The most serious attack was the murder of six staff of the International Committee of the Red Cross in April 2001, an incident with wide ramifications further documented in this report.

Perpetrators of these crimes are rarely punished. According to information available to Human Rights Watch researchers, Hema, Lendu and other armed groups have not investigated any of the abuses described in this report nor have they held accountable those responsible for them. In those few cases where political movements have

bowed to local or international pressure and have tried alleged perpetrators, the proceedings have not met international fair trial standards.

The war in Ituri is a complex web of local, national, and regional conflicts that developed after a local dispute between Hema and Lendu was exacerbated by Ugandan actors and aggravated by the broader international war in the DRC. National rebel groups such as the Congolese Liberation Movement (Mouvement pour la Libération du Congo, *MLC*), the Congolese Rally for Democracy-Liberation Movement (Rassemblement Congolais pour la Démocratie-Mouvement de Libération, *RCD-ML*) and the Congolese Rally for Democracy-Goma (Rassemblement Congolais pour la Démocratie-Goma, *RCD-Goma*) have supported local militia in their conflicts as a way to expand their own base of power in the DRC transitional government or perhaps even to derail negotiations. These national groups, as well as local ethnic groups in Ituri, have been and, in some cases, still are supported by the Ugandan, Rwandan and DRC governments.

Ituri is now the battleground for the war between the governments of Uganda, Rwanda and the DRC which have provided political and military support to local armed groups despite abundant evidence of their widespread violations of international humanitarian law. In doing so and in failing to exercise their influence over them to bring such abuses to an end, they share responsibility for these crimes. International leaders and the UN Security Council regularly denounce the crimes, but have also failed to end them or to deliver justice for them.

Uganda, the occupying power in Ituri from 1998 to 2003, failed in its obligation under international humanitarian law to protect the civilian population. The Ugandan authorities played a direct role in political and administrative changes in Ituri, stimulating new political parties and militia groups to form. As this conflict expanded to encompass more people and wider areas, Uganda used it as a pretext to remain in the resource-rich area, exploiting its minerals and commerce.

The availability of political and military support from external actors, whether national governments or rebel movements, encouraged local leaders to form new groups, generally based on ethnic loyalty. Some of these groups advocated increasingly extreme ethnically based positions. Leaders of these groups often set their own agendas and readily switched patrons as their interests dictated. In this fast-changing scene there was one constant: the abuses committed against the civilian population.

The conflict in Ituri is important not just because of the extent of the suffering and destruction imposed on local people, but also because of these links with broader struggles. The complex mix of local, national, and regional conflicts exists also in the Kivus, where civilians have suffered from massacres and other grave abuses, and it may develop elsewhere in the DRC. The continuation of this kind of local level combat endangers the peace process throughout the country and beyond.

Until recently, the conflict in Ituri has been largely ignored by the international community. Despite information to the contrary, some UN member states and UN officials viewed Ituri as merely a “tribal war” not related to the broader war in the DRC. Between 1999 and April 2003 the U.N. Organization Mission in the DRC (MONUC) had only a small team of fewer than ten observers covering this volatile area of some 4.2 million people. MONUC forces were urgently increased to several hundred in April 2003, but they had no capability to protect thousands of civilians who fled to them for protection when fighting again broke out between opposing militia groups in early May. The UN Security Council authorised an Interim Emergency Multinational Force with a Chapter VII mandate to protect civilians and UN staff in the town of Bunia for a short period while MONUC reinforced its presence. This decision, while helpful to residents of the town, has left tens of thousands of civilians outside Bunia unprotected and at the mercy of armed groups who continue to fight. At the time of publication, Human Rights Watch continues to receive reports of massacres in Ituri.

This report results from fieldwork done by two Human Rights Watch researchers in February 2003, along with follow-up research up until late June, focusing on ethnically targeted violence, violations of international humanitarian law, and the role of foreign armies in Ituri. It is based on investigations in Bunia, displaced persons camps north of Beni, and western Uganda border areas. Human Rights Watch acknowledges with gratitude and

respect the assistance given its researchers by Congolese human rights organizations and numerous other groups and individuals who took great risks to provide information. For their safety we have withheld their names and details necessary to protect their identities.

II. RECOMMENDATIONS

To the Ugandan, Rwandan and DRC Governments:

- Provide no military, financial, or other assistance to armed groups that have committed serious violations of international humanitarian and human rights law in Ituri. This should include Lendu, Ngiti and Hema militias, parties such as the UPC and PUSIC, as well as the RCD-ML, RCD-N and the MLC. Use your influence with these groups to persuade them to halt these abuses.

To the Ugandan Government:

- Investigate alleged violations of international human rights and humanitarian law by Ugandan forces and bring to justice those accused of having committed such crimes or of having facilitated or tolerated the commission of such crimes by local groups over which they exercised control.

To the DRC Government:

- Make the development of an effective, independent and impartial national justice system a priority, focusing efforts first in areas where grave violations of international human rights and humanitarian law have been committed.
- Pass the necessary legislation implementing the establishment of the International Criminal Court. Request the prosecutor of the International Criminal Court (ICC) to conduct a preliminary examination of those cases within the jurisdiction of the court.
- Request that the U.N. Security Council establish a judicial mechanism to prosecute the most serious violations of international humanitarian law that are outside the jurisdiction of the ICC.

To the Hema, Lendu, Ngiti and Other Armed Political Groups:

- Direct your combatants to adhere to international humanitarian law in all military operations, particularly as it relates to the protection of civilians and the provision of humanitarian aid. Investigate alleged violations of international humanitarian law, including those described in this report, and hold combatants accountable for them.
- Stop the recruitment and training of children under the age of eighteen and disarm, demobilize, rehabilitate and return to their homes all such children.

To the United Nations:

- The UN Security Council should strengthen the MONUC mandate to one based on chapter VII that allows for the robust use of force by MONUC troops in protection of the civilian population throughout the DRC. Provide the force with adequate numbers of troops and the necessary resources and equipment so that it can fulfill its mandate, particularly with regard to the protection of civilians.
- Urge the commander of the Interim Emergency Multinational Force to interpret the mandate accorded by the Security Council in resolution 1484 to ensure the full protection of civilians both inside and outside of Bunia.
- In follow up to resolution 1468, the Security Council should establish a credible and effective international justice mechanism for the DRC to investigate and prosecute grave violations of international humanitarian law committed by all parties, including citizens of countries other than the DRC from 1996 to July 2002.
- The UN secretary general should establish a team of MONUC human rights investigators in Ituri with sufficient resources to document and publicly report on violations of international human rights and humanitarian law.
- The High Commissioner for Human Rights should establish a field office in Bunia to assist the MONUC human rights team in monitoring and publicly reporting on human rights violations and to strengthen local human rights organizations.

- Within the context of the World Bank coordinated regional demobilization program, UNICEF should support the demobilization, disarmament and re-integration of child soldiers under the age of 18 from all armed forces or groups regardless of ethnicity and political affiliation.

To Donor Governments:

- Exert political, diplomatic, and economic pressure on the Ugandan, Rwandan and DRC governments to dissuade them from supporting local armed groups responsible for crimes against humanity and other serious violations of international humanitarian and human rights law. Publicly denounce violations of international human rights and humanitarian law, including recruitment of child soldiers, by all local armed political groups and their backers in Ituri and insist upon accountability for the perpetrators of such crimes.
- Support efforts in the Security Council to establish a credible and effective international justice mechanism to investigate and prosecute grave violations of international humanitarian law by all parties to the DRC war, including those who are not citizens of the DRC.

To the Office of the Prosecutor of the International Criminal Court:

- As set out under article 15 of the Rome Statute of the International Criminal Court, initiate an investigation proprio motu by undertaking a preliminary investigation of serious crimes committed in Ituri within the presumptive jurisdiction of the ICC for possible prosecution.

III. CONTEXT: EXTERNAL ACTORS

The Peace Process and Ituri

The second Congo war began in 1998 and pitted the DRC government, supported by Angola, Zimbabwe, and Namibia, against several rebel movements backed by Uganda, Rwanda, and Burundi. In 1999 the major parties to the war signed the Lusaka Peace Accords, resulting in the deployment in 2000 of a United Nations force, the U.N. Organization Mission in the Democratic Republic of the Congo (MONUC) to monitor arrangements for ending the conflict. But the accords were not respected and the DRC was in effect divided among four regimes, each of which depended on foreign troops to survive. After further negotiation, the DRC government reached an accord on future political arrangements with two of the three major rebel movements, the MLC and RCD-ML.¹ Known as the Sun City accord, the agreement was signed in April 2002 without the signature of the third important rebel movement, the RCD-Goma.

After further international pressure and shuttle diplomacy, the government of the DRC signed bilateral accords with Rwanda (July 2002) and with Uganda (September 2002), paving the way for withdrawal of their troops. The Rwandan soldiers left in October and Ugandan troops began withdrawing soon after, although some stayed on.² In early 2003 Uganda briefly increased the number of its soldiers in Ituri, but under significant international pressure it started its final withdrawal of troops in May. In April 2003 RCD-Goma joined the other DRC parties to the conflict in the All Inclusive Agreement on the Transitional Government, meant to settle interim political arrangements.

Despite the agreements and the troop movements, the war in Ituri intensified as local surrogates carried on the battles of the national and international actors.

RCD-ML and Its Links with Ethnic Groups in Ituri

Links between the RCD-ML and ethnic groups form one strand of the complex political fabric in Ituri. The RCD-ML split off from the original RCD in 1999 and moved its base from Kisangani to Bunia. Mbusa Nyamwisi sought to oust the first RCD-ML president, Wamba dia Wamba, from his post. During their year-long struggle in 2000 each appealed to ethnic groups for support, with Wamba relying on the Lendu, and Mbusa Nyemwisi, together with Hema businessman Tibasima Ateenye, drawing strength from the Hema. Ethnically-based militia, incorporated into the RCD-ML forces, supported their chosen candidates, sometimes by force of arms. Mbusa Nyamwisi triumphed and Wamba left the scene. Nyamwisi, himself a Nande, then began fostering ties with the Lendu. In early 2002, he named Jean-Pierre Molondo Lomondo, an outsider from Kasai, as governor of Ituri and allowed him to take control of the RCD-ML forces, thus limiting the power of Thomas Lubanga, a leading Hema member of the movement and nominally his minister of defense. As Nyamwisi depended more on the Lendu, he increasingly alienated his former supporters among the Hema. In April 2002, Nyamwisi's bodyguard was assassinated, a crime widely attributed to Lubanga. Skirmishes followed between those RCD-ML troops, known now as the Congolese Popular Army (Armée Populaire Congolaise, APC), who supported Nyamwisi, and combatants backing Lubanga. Lubanga and his forces, identified with the Union of Congolese Patriots (UPC), set up their own base at Mandro, some twelve miles outside Bunia and took control of part of Bunia town from the APC. In the process, both sides committed abuses against the civilian population.³

In April 2002, Nyamwisi participated in the Sun City negotiations, establishing links with the DRC government that he could use to strengthen his base at home. During his absence in Sun City, the UPC circulated a document in Bunia denouncing the RCD-ML for its willingness to deal with outsiders. Under the slogan "Ituri for Iturians," they advocated regional autonomy.⁴

¹ Initially known as the RCD-Kisangani, the name was changed to RCD-ML after the move to Bunia. It is sometimes referred to as RCD-K-ML to denote its early origins.

² Under the Luanda Accords, Uganda promised to withdraw its forces immediately from Gbadolite and Beni but arranged to keep soldiers in Bunia until a civilian administration was established there.

³ Human Rights Watch, "Chaos in Eastern Congo: UN Action Needed Now," A Briefing Paper, October 2002.

⁴ Human Rights Watch interview, Bunia, February 2003.

In the following months, Governor Molondo integrated Lendu militia into the RCD-ML forces in accord with the Sun City agreement. The Hema militia charged Molondo with favoring the Lendu and remained apart from the APC. In June, Ugandan authorities detained Lubanga and eight aides while they were in Kampala and then delivered them to Kinshasa where they were held under house arrest. But two months later, Ugandan authorities switched clients and Ugandan troops joined the UPC in ousting Governor Molondo and APC forces from Bunia. Soon after, the UPC set up a government purporting to control Bunia and the rest of Ituri.⁵

Ugandan Manipulation of Local Politics

Ugandan involvement with the RCD-ML and other political groups in Ituri constituted another strand of the complex political fabric. This link was sometimes echoed by further ties between the RCD-ML and locally- based groups. In other cases, Ugandans cooperated directly with the locally- based groups, creating still another strand of political involvement.

During its four years occupying the north-eastern DRC, the Ugandan army--the Ugandan Peoples Defense Force (UPDF)--claimed to be a “peacemaker” in a region torn by ethnic strife. In reality the Ugandan army provoked political confusion and created insecurity in areas under its control. From its initial involvement in a land dispute between the Hema and Lendu ethnic groups in 1999 through its joint operation with Lendu and Ngiti militias to dislodge Hema from Bunia in March 2003, the Ugandan Army more often aggravated than calmed ethnic and political hostilities.⁶

Since 1999 the initial conflict between Hema and Lendu drew in more ethnic groups and spawned increasing numbers of ethnically- based militia. Uganda provided assistance to many of these groups often helping to launch, arm, and train them, but its support was erratic and determined by its own interests.⁷ A local politician who discussed Ituri political affairs with Ugandan authorities in late 2002 told Human Rights Watch researchers, “It was clear to me that Uganda wanted a pawn in Ituri. When their pawn didn’t work, they were happy to change it for another.... If Uganda continues to play games like this there will never be peace in Ituri.”⁸

The list below summarizes some of the ways that Uganda intervened in Ituri politics.⁹

- There are currently ten armed political groups operating in Ituri (see box below). Since 1998 most of these groups have at one point or another been armed, trained or politically supported by the Ugandan authorities. For some this support has been only of brief duration while for others it has been more long-term.¹⁰ Uganda has played a major role in launching or supporting at least five of these groups.¹¹
- On the political level, Ugandans directed important changes in the rebel movements based in Bunia, including removing Wamba dia Wamba as head of the RCD-ML and replacing him by Mbusa Nyamwisi; supporting the creation of two coalitions, the Front for the Liberation of Congo (FLC) which grouped rebel movements at the national level and the Front for Integration and Peace in Ituri (FIPI) which grouped local rebel groups of the Lendu, Alur and dissatisfied Hema; and driving away the RCD-ML and helping install the UPC in Bunia in August 2002. These changes were directed from Kampala and supported by the Ugandan forces in Ituri.
- Uganda intervened in local administration by establishing a new province, Kibali-Ituri, in 1999, by naming its first governor, and by playing a major role in changing four of the six governors since then. Three governors

⁵ Human Rights Watch, “Chaos in Eastern Congo: UN Action Needed Now.”

⁶ Human Rights Watch, A Short Report, *Uganda in Eastern DRC: Fuelling Political and Ethnic Strife*, March 2001.

⁷ Ibid. See also U.N. Integrated Regional Information Network (IRIN), Special on Ituri, December 2002.

⁸ Human Rights Watch interview, Bunia, February 2003.

⁹ Human Rights Watch interviews, Bunia, Beni, and Kampala, February 2003; Human Rights Watch, *Uganda in Eastern DRC: Fuelling Political and Ethnic Strife*, March 2001; and IRIN chronology on Ituri, December 2002.

¹⁰ Ibid.

¹¹ RCD-ML, MLC, RCD-N, UPC and the FIPI platform of three ethnic based groups. For support to the RCD-ML, MLC and RCD-N see Human Rights Watch, A Short Report, *Uganda in Eastern DRC: Fuelling Political and Ethnic Strife*, March 2001. For support to the UPC and FIPI see following chapters in this report.

were removed directly by Ugandans with their army providing the force in two of these cases.¹² One governor was forced to leave after the Ugandan-backed coalition FLC failed and another was never accepted by the local population and was unable to carry out his duties.¹³ Between January and May 2001, Col. Edison Muzoora of the Ugandan Army effectively acted as governor, a period during which inter-ethnic violence escalated dramatically.¹⁴

- Of the seven Ugandan commanders in charge of the Ugandan forces in Ituri, four were accused by local actors and other independent groups of favoring the Hema over the Lendu.¹⁵ The Porter Commission set up by the Ugandan government also acknowledged that it had received evidence that four senior Ugandan Army officers (two of whom were the same accused by local groups) had in one way or another been highly suspected of involvement in the Hema–Lendu conflict.¹⁶ Another commander was removed supposedly after he tried to stop the Ugandan exploitation of DRC resources.¹⁷
- Ugandan authorities often managed and chaired political negotiations on Ituri. Between 1999 and February 2003, Ituri leaders went to Kampala for political negotiations more than fifteen times and met frequently with either President Museveni or his brother Salim Saleh.

Ugandan meddling in Ituri politics stimulated new political parties and militia groups to form and most did so along ethnic lines, contributing to growing ethnically- based extremism.

On many occasions since their arrival in Ituri in 1998, Ugandan forces failed to protect civilians in areas under their control, most dramatically in Bunia on January 19, 2001 and between August 6 and 10, 2002 when ethnic killings took place within a kilometer of the large Ugandan army camp at the airport. In a few cases, however, Ugandan soldiers did protect civilians. During the early August attacks in Bunia, for example, two Ugandan soldiers reportedly died protecting Hema at Lengabo. In another case at Mabanga on August 28, 2002, Ugandan troops sheltered hundreds of Lendu and others from Hema attack and then the next day escorted them to safety past hostile Hema militias and the bodies of their relatives and friends.

The Ugandan Government Response

On April 15, 2003 Ugandan army Brig. Kale Kayihura, addressing the Ituri Pacification Commission in the name of President Museveni, reportedly deviated from his prepared text to ask the delegates to excuse Ugandan troops for atrocities they committed in Ituri.¹⁸ If so, this represented an unusual recognition of wrongdoing by Ugandan military authorities who more frequently claimed to have acted as peacekeepers and perhaps even to have prevented a genocide. As Brigadier Kayihura told journalists, “There are indicators of possible genocide if the UPDF leaves the area without an effective peacekeeping force and administration. The savage killings in Drodoro are a reminder to the international community to stop the genocide before it reaches alarming levels.”¹⁹ President Museveni reportedly denigrated MONUC and its ability to deal with the threat, saying “MONUC is just a tourist group.”²⁰

Ugandan authorities claimed in the press that the UN asked them to stay in Ituri, although the UN never explicitly did so. Ugandan spokesmen relied on a September 2002 report by the U.N. secretary general in which he called

¹² Governors Adele Lotsove Mugisa, Ernest Uringi Padolo and Jean Pierre Molondo Lompondo.

¹³ Col Mohammed Buli Bangolo was the first, Ruhugwa Baguma the second.

¹⁴ During this time there was no official governor and Colonel Muzoora effectively held administrative control.

¹⁵ Captain Kyakabale, Colonel Arosha, Col. Edison Muzoora and Col. Freddy Segamwenge.

¹⁶ Final Report of the Judicial Commission of Inquiry into Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo 2001 (May 2001 – November 2002), November 2002, p. 138. The Porter Commission mentions Cap Kyakabale, Colonel Arosha, Cap. Peter Karim and Colonel Angina.

¹⁷ Col. Charles Angina.

¹⁸ Electronic mail and telephone communication with delegates who attended the conference, April 16, 2003.

¹⁹ “A Whole New Genocide is Well Underway in Congo,” *The New Vision*, Kampala, April 17, 2003.

²⁰ “Army Sets Terms for Pulling out of DRC,” *The Monitor*, Kampala, April 11, 2003.

on the Ugandan army to exercise its security responsibilities “in an impartial manner”²¹ and on similar U.N. statements reminding Uganda of its responsibility to protect civilians in Ituri. At first neither the secretary general nor the Security Council explicitly refuted these assertions but they reportedly did so through diplomatic channels several months later.²²

In late April 2003, Brigadier Kayihura claimed also that Ugandan troops were needed “to secure the Ituri Pacification Commission process” as well as to protect Uganda against the Ugandan dissident group the Peoples Redemption Army (PRA) and armed cattle rustlers.²³ When Uganda first sent troops to Ituri, authorities claimed they were there to protect Uganda against the Ugandan rebel group the Allied Democratic Forces (ADF).

Ugandan forces missed repeated deadlines for leaving Ituri but finally completed their withdrawal from Bunia on May 6, 2003 and continued withdrawing from other areas in Ituri, claiming to have completed their total withdrawal in early June. Foreign Minister James Wapakhabulo disclaimed Ugandan responsibility for “any ugly situations such as massacres” that might happen after the Ugandan withdrawal.²⁴ There were reports that the DRC government was willing to allow one Ugandan army battalion to stay on the slopes of the Ruwenzori mountains, although exactly where and for how long was unclear. Wapakhabulo also reportedly warned that the Ugandan army withdrawal would not “remove an inherent right to self defence” and that Uganda would be prepared to “carry out small military incursions” into Ituri if necessary.²⁵

When Ugandan troops arrived in Uganda, they were welcomed by Defense Minister Amama Mbabazi who congratulated them and declared their mission in DRC “an overall success”. Brigadier Kayihura returning with his troops from Bunia stated, “We return home keeping our heads high because we have done Uganda proud.”²⁶

The Role of the DRC Government in Ituri

Until April 2002, the Kinshasa government played little role in Ituri but with the Sun City agreement, it sought more influence in parts of northeastern Congo which were nominally under the control of the RCD-ML, though in fact occupied by the Ugandan army. Focused first on regaining control over resources and strengthening the military forces of its ally the RCD-ML, the DRC government otherwise lacked a coherent strategy for effectively governing the northeast. Unlike Uganda which manipulated several local political links simultaneously, the DRC government worked primarily with the RCD-ML and, through it, with Lendu, Ngiti, and other ethnic groups. These links undermined the credibility of the DRC government with Hema ethnic groups and others allied with them, and made it nearly impossible for the national government to serve as a neutral force in Ituri.

Shortly after the Sun City agreement was signed, the DRC authorities reclaimed control over Ituri’s resources by signing an exclusive oil exploration license with the Canadian-British Heritage Oil Company for the area on the DRC side of the Semliki Valley.²⁷ The agreement gained them some cash and set an important precedent for future deals on resource exploitation, but did nothing to increase their authority over the area. The military wing of the RCD-ML, the APC, had no control over most of the area where the oil exploration license had been granted and was weakening elsewhere. Mbusa Nyamwisi himself was unable to return to Bunia after the Sun City agreement was signed and he was forced to move his base to his hometown of Beni.

²¹ U.N. Security Council, “Special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo,” S/2002/1005, September 10, 2002.

²² Human Rights Watch interviews, Kampala, February 2003.

²³ “A Genocide Could Erupt After UPDF Quits DRC,” the *New Vision*, Kampala, April 23, 2003.

²⁴ “UPDF to Meet Congo Deadline, Says Wapa,” *The Monitor*, Kampala, April 18, 2003.

²⁵ Ibid.

²⁶ “UPDF Says Congo Mission a Success,” *The Monitor*, April 28, 2003.

²⁷ On 10 June 2002 Heritage Oil announced an agreement with the DRC government to develop oil production in approximately 7.7 million acres of Eastern Congo (Ituri). Dominic Johnson, “*Shifting Sands: Oil Exploration in the Rift Valley and the Congo Conflict*,” Pole Institute Report, March 13, 2003.

Military Assistance to the RCD-ML and Other Armed Groups

Faced with the growing power of the UPC, the DRC government sought to strengthen the APC and to integrate it more effectively into the DRC government army, the Forces Armées Congolaises (FAC). Kinshasa provided the APC with uniforms, ammunition, and trainers from FAC. At several camps, such as that at Nyaleke, FAC soldiers trained local forces, including APC, Lendu and Ngiti militias, and Mai Mai, groups of local combatants of various ethnic groups united in their goal of expelling outsiders. According to local sources, approximately two FAC battalions arrived in the Beni area to prop up the APC.

In February 2003 a witness described the training to Human Rights Watch researchers:

There is an alliance between the APC and the Ngiti. They are trying to find ways to integrate more fighters into the army. There is a training center in Nyaleke where the FAC are training the APC, Mai Mai, Ngiti and Lendu. Some of the fighters are young although there is an agreement that only those who are 18 or older will be trained. In the training camp in Nyaleke, a FAC commander called Colonel Aguru is responsible for the training. Currently there are more than fifty Ngiti and Lendu fighters being trained in the camp. At Mangangu there is a camp just for the Mai Mai as they have different requirements than do the APC soldiers.

In early February there was an agreement reached between the Ngiti leadership and Colonel Aguru that Lendu and Ngiti fighters would not have to come to Beni for training but that they could be trained locally in their own villages. This has made them very happy.²⁸

Mbusa Nyamwisi admitted that his APC troops received support from the FAC but denied any alliance with the Ngiti and the Lendu. As he said to Human Rights Watch researchers, "The Ngiti and Lendu see us as potential allies, but I put the brakes on this alliance."²⁹ Lendu leaders of the Front for National Integration (FNI) and Ngiti leaders of the Patriotic Force of Resistance in Ituri (FRPI), however, assert that such an alliance does exist.³⁰

The training and support to the APC and others produced results. When the MLC attacked the ANC positions in Mambasa in October, November, and December 2002, Mbusa Nyamwisi's troops together with the Mai Mai used heavy weapons for the first time and stopped the MLC advance near Teturi and Eregenti. Local sources said these new weapons had been delivered by the FAC.³¹

Ready to act through their local proxies, DRC authorities declined to openly confront Uganda. Instead the DRC government agreed to a gradual withdrawal of Ugandan forces and to a period of joint control over the border area, insisting on the Ugandan responsibility for helping to restore order in the area. "Uganda controlled this part of our territory for the last four years, it is therefore duty bound to repair the damage it has caused," argued Congo's General Commissioner for Peace Kamerhe.³²

With no coherent plan for extending its authority in the northeast and little accurate information about local realities, the DRC government engaged in several ad hoc interventions ranging from the symbolic declaration that it would pay the salaries of the public sector employees in RCD-ML areas to the organization in Kinshasa of a promising peace and reconciliation conference to resolve the Ituri crisis. Leading the peace initiative was Ntumba Luaba, the DRC Minister for Human Rights, who traveled to Bunia a number of times to persuade influential actors to join discussions in Kinshasa.³³

²⁸ Human Rights Watch interview, Beni, February 2003.

²⁹ Human Rights Watch interview with Mbusa Nyamwisi, Beni, February 11, 2002.

³⁰ Human Rights Watch interview, Beni, February 2003.

³¹ Human Rights Watch interview, Beni, February 2003.

³² Réseau Européen Congo (REC), Bulletin d'Information no. 10 / 2002, October 16, 2002, item 17.

³³ Representatives of the government, about 100 delegates of the nine ethnic communities of Ituri, members of MONUC, civil society, and religious confessions were present at the conference, but there were no representatives of the rebel factions and ethnic militias.

DRC Minister of Human Rights Taken Hostage

In August 2002 peace discussions took on added urgency with the killings in Bunia (see below). Hoping to win the UPC cooperation that had now become essential to ending the conflict, DRC Minister of Human Rights Luaba went to Bunia on August 26 with Lubanga, still nominally under house arrest. Shortly before the delegation was to leave Bunia, Lubanga persuaded the minister to visit Hema injured in the recent fighting. The minister agreed and learned too late that this was a ruse to take him and others hostage to be held in exchange for Lubanga and for others still in Kinshasa.

A witness recounted:

Heavily surrounded by the UPC Hema militias, the delegation was taken to the house of local Chief Kahwa Mandro, where upon arrival they were informed by Chief Kahwa that the entire delegation had become his hostages. MONUC was quickly informed of the situation and became the intermediary between Chief Kahwa and the DRC government. The demands were clear: the Kinshasa government was asked to release nine people³⁴ who had been taken by the Ugandans to Kinshasa in exchange for the return of the Minister of Human Rights and his delegation.³⁵

Negotiations continued for three days while the hostages were kept in Mandro. On August 27, 2002, former Ituri governor Adele Lotsove Mugisa arrived in Mandro reportedly declaring that she had been sent by Salim Saleh to free the hostages.³⁶ Two days later the hostages were permitted to fly back to Kinshasa and the UPC members held in Kinshasa were also released.

Chief Kahwa told Human Rights Watch researchers:

I took the Minister of Human Rights hostage as I wanted to find a way to free Lubanga. I took them all and then we negotiated the release of our friends. I planned it myself and it worked very well. Lubanga and the others were freed.³⁷

Shortly after the plane departed, the UPC established a government that purported to control Bunia and the rest of Ituri. The participants in the hostage-taking assumed key posts in the new government: Thomas Lubanga became President; Adele Lotsove Mugisa, criticized for having incited ethnic violence during her tenure as first governor of Ituri, became Minister of Finance; Bosco Taganda became Assistant Minister of Defense; Chief Kahwa was named Presidential Advisor; and Rafiki Saba Aimable, Chief of Security Services.

Neither the new UPC government nor Kinshasa investigated the taking of the hostages or pressed charges in connection with the case. The UPC success in getting their members released showed its strength and the corresponding weakness of the Kinshasa government, handicapped by the paucity of its local clients and by its distance from the scene. The incident reportedly intensified the DRC government's determination to counter the UPC and may have contributed to increased support for Lendu and Ngiti groups via the RCD-ML.³⁸

Involvement of RCD-Goma and the Rwandan Government in Ituri

The UPC depended heavily on Ugandan assistance to win control of Bunia in August 2002, as is described below, but it apparently simultaneously began cultivating links with the Rwandan-backed RCD-Goma and with Rwanda itself. Towards the end of the year, the UPC finally shifted from reliance on Ugandan support to reliance on the RCD-Goma. The change was marked by a January 6, 2003 agreement in which the Rwandan-backed movement agreed to provide military and political support to the UPC.³⁹ The agreement, which committed Rwanda's local

³⁴ These included Bagonza and Bosco Taganda who would later become key individuals within the UPC administration.

³⁵ Human Rights Watch interview, Kampala, February 2003.

³⁶ Ibid.

³⁷ Human Rights Watch interview, Chief Kahwa Mandro, Kampala, February 22, 2003.

³⁸ Human Rights Watch interviews, Beni and Kampala, February 2003.

³⁹ Human Rights Watch interview, Thomas Lubanga, Bunia, February 14, 2003.

partner to aiding the Hema group, was the clearest and most public indication until that time of Rwandan involvement in Ituri which, according to local sources, had been growing throughout 2002.⁴⁰

Rwandan involvement in Ituri, whether directly or through RCD-Goma, increased the complexity of the conflict as well as the risks that it may continue and expand. Rwanda and Uganda, enemies for the last three years, have accused each other of preparing attacks in eastern DRC. The Ugandan government has charged Rwanda with supporting armed groups hostile to it, including the Lord's Resistance Army (LRA) and with training other dissidents, such as the People's Redemption Army (PRA). The Rwandan government in turn asserted that Uganda was assisting Rwandan rebels and the Interahamwe militia involved in the 1994 genocide, assistance which they viewed as a "direct security threat" to Rwanda.⁴¹

In addition to continuing their conflict with Uganda, Rwandan authorities may also seek a role in Ituri to counter the deployment of FAC forces and the possible growth of DRC influence in the area; to win a share of the rich resources of the region; and to support the Hema whom they view as an ethnic group related to the Tutsi and as a threatened minority.⁴²

Hema Chief Kahwa Mandro was apparently the first local actor to solicit Rwandan assistance. He told Human Rights Watch researchers that he asked for Rwandan aid in June 2002 and discussed his request with General James Kabarebe of the Rwandan general staff.⁴³ His group then received arms, ammunition, and training from Rwanda. Chief Kahwa reportedly assisted in bringing other UPC members into contact with Kigali, although he himself eventually fell out with the UPC and resumed his allegiance to Uganda, his original backer.⁴⁴

Numerous witnesses reported that Rwanda helped the UPC with advice and training and the delivery of ammunition.⁴⁵ A few even claimed having seen Rwandans fighting alongside UPC forces (see below). Many of these reports come directly or indirectly from RCD-ML or Ugandan sources and must be treated with reserve. Others, however, come from local witnesses not apparently attached to anti-Hema or anti-Rwandan groups.

Mbusa Nyamwisi, for example, alleged that Kigali was delivering arms, ammunition, and even Rwandan soldiers into the airstrips at Irumu, Mongbwalu, and Bunia.⁴⁶ One of his senior military staff told Human Rights Watch researchers that in the first week of February 2003 an Antonov 26 landed in Irumu with weapons and people from Kigali.⁴⁷ Ugandan soldiers claimed to have flight data, collected by radar, showing planes such as Antonov 26 leaving Kigali and going to air strips in Ituri.⁴⁸

MONUC passed on similar information to its Kinshasa headquarters, at least some of it obtained from Ugandan military sources. On September 18, 2002 the MONUC team in Bunia reported to Kinshasa that "on 16 September 2002 at 18:10, a plane from Rwanda airdropped arms, ammunition and uniforms at Mandro. The UPC are now seen with new camouflage uniforms and new weapons." On October 7, 2002 MONUC reported that "Ugandan army Major David Muhoozi states that the RPA⁴⁹ are in Bunia and are expected to be in Mandro training camp. They are small in number and in civilian clothes." A day later again MONUC forces in Bunia told Kinshasa that "the [Ugandan army] confirms that the RPA soldiers in Bunia are former RPA/Banyamulenge and are instructors at Mandro. Also [Chief] Kahwa (UPC) has visited Rwanda for support."⁵⁰

⁴⁰ Human Rights Watch interviews, Beni and Kampala, February 2003.

⁴¹ "Congo, Rwanda Sabre Rattling Turns Into PR War," *The East African Standard*, Nairobi, March 31, 2003.

⁴² Human Rights Watch interviews with local analysts, Beni, Bunia and Kampala, February 2003.

⁴³ Human Rights Watch interview, Chief Kahwa Mandro, Kampala, February 22, 2003.

⁴⁴ Human Rights Watch interview, Bunia, February 2003.

⁴⁵ Human Rights Watch interviews with a range of sources in Beni, Bunia, Kampala, February 2003.

⁴⁶ Human Rights Watch interview, Mbusa Nyamwisi, Beni, February 11, 2003.

⁴⁷ Human Rights Watch interview, military commander, Beni, February 2003.

⁴⁸ Human Rights Watch interview, Ugandan military source, Kampala, February 2003.

⁴⁹ Then known as the Rwandan Patriot Army (RPA), the Rwandan armed forces are now called the Rwandan Defense Forces, RDF.

⁵⁰ Internal MONUC correspondence, September and October 2002.

A civilian witness unaffiliated with either the RCD-ML or the Ugandans saw Rwandans arrive at an airstrip near Mahagi in northern Ituri in early 2003. He told Human Rights Watch researchers:

I was at the airstrip with a retired former Ugandan military man who had once trained Rwandans when they were still in Uganda many years ago. The Rwandans recognized the old man and came over to salute him as I was standing there. He asked them what they were doing and they said they were there to train the UPC.⁵¹

Another witness in Kigali saw Lubanga and a high level delegation of UPC officials, including Jean Baptist Dhetchuvi, Richard Lonema, Commander Kisembo, and Rafiki Saba Aimable, arrive in the Rwandan capital on December 30, 2002. The witness said:

After a meeting in Gbadolite where Lubanga was refused a place in the talks with the MLC, RCD-N and RCD-ML, the UPC delegation boarded an Antonov 26 and went straight to Kigali. In Kigali, UPC officials said they met with James Kabarebe and President Kagame. They spent one night in Kigali and then the whole delegation returned to Bunia except for the foreign minister Jean Baptiste Dhetchuvi who stayed behind to organize further details with Kigali and was then going to Goma to write the new agreement. Before they returned [to Bunia] I saw the plane loaded with about five tons of ammunition and weapons.⁵²

UPC Foreign Minister Dhetchuvi, a former biology professor at the National University of Rwanda, apparently negotiated the January 6, 2003 agreement between RCD-Goma and the UPC in Goma just when the Ugandans were organising talks with all the armed groups in Arua. A month later President Onasumba of the RCD-Goma visited Bunia to solidify the new relationship.⁵³

Economic Gain

Ituri is one of the richest areas of Congo with deposits of gold, diamonds, coltan, timber and oil. Foreign governments, their soldiers, and numerous others unofficially attached to them as well as the DRC government itself wanted to profit from the many and valuable resources of this area, including cross border trade and customs revenue. A number of independent reports including those by a United Nations Panel of Experts and by international non-governmental organizations have documented the link between the conflict in the DRC and the exploitation of natural resources. In the case of Mongbwalu documented below, witness testimony showed how quickly the victors in combat moved to exploit local resources—in this case, gold.

Trade statistics show the extent to which Uganda has profited from the riches of the DRC. Gold exports from Uganda more than doubled after their troops crossed into the DRC, although there was no increase in domestic production capacities.⁵⁴ This upsurge coincided with a heavy deployment of Ugandan troops in mining areas in Ituri such those near Kilo Moto, described as one of the most productive gold mines in Congo. The record of diamond exports is even clearer. No diamond exports were recorded from Uganda in the decade before their troops arrived in the DRC. Then from 1997 to 2000, diamond exports jumped from 2,000 to 11,000 carats. In 2001 an estimated \$3.8 million worth of diamonds was exported.⁵⁵

The final report of UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC, published in October 2002, concludes that an elite network of Ugandan soldiers, officials, and politicians, local rebels, and international businesses plundered the Congo for their own benefit and to finance

⁵¹ Human Rights Watch Interview, Paidha, February 2003.

⁵² Human Rights Watch interview, February 2003.

⁵³ Human Rights Watch interview, Thomas Lubanga, Bunia, February 14, 2003. Also see local press reports in *The Millenaire*, February 2003 and U.N. IRIN, February 2003.

⁵⁴ U.N. Security Council, "Addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC," S/2001/1072, November 13, 2001.

⁵⁵ *Ibid.*

the war.⁵⁶ According to the Panel, this network included Hema businessmen like the Savo family in Ituri. Museveni's brother Salim Saleh and former Ugandan army Major General James Kazini were identified as leaders of the network, using the Ugandan army and various rebel militias as their personal enforcement arm for commercial purposes.⁵⁷

The Panel stated that the Hema-Lendu conflict stems in part from attempts by the Ugandans and powerful Hema businesspeople and politicians to increase their profits from commercial activities.⁵⁸ The Hema, it said, fill an important niche in the operation of the criminal enterprises by transporting primary products from Ituri across the border to Uganda under the protection of Ugandan troops and bringing back gasoline, cigarettes and arms, all exempt from taxation. Dissatisfied with their relatively limited share of the business, many of them joined the UPC under Lubanga in an attempt to secure greater profits.⁵⁹

The Porter Commission established by the Ugandan Government on May 23, 2001 to look into the allegations of Ugandan involvement in illegal exploitation of Congolese resources produced its final report in November 2002, although it was only recently made public. The report exonerated the Ugandan government and its army of official involvement in such exploitation.⁶⁰ The Commission did, however, support the U.N. panel's findings in relation to senior Ugandan army officers who, said the Commission, had "lied to protect themselves." It said also that "officers to very senior levels, and men of the Ugandan army have conducted themselves in the DRC in a manner unbecoming."⁶¹ It particularly singled out General Kazini for having "shamed the name of Uganda"⁶² and it recommended disciplinary action against him. The Commission strongly recommended further investigation of diamond smuggling, stating that there was a link between senior Ugandan army members, known diamond smugglers, and a Ugandan business.⁶³

Rwandan authorities allegedly also hoped to profit from the gold of Ituri. Lubanga's UPC was reportedly ready to help Rwanda get a share of the gold mined in Mongbwalu but was unable to deliver when it lost power in Bunia.⁶⁴

The discovery of oil in the Semliki Valley, an area straddling the border between Uganda and Ituri, ensures that competition over Ituri will increase. Heritage Oil, to which the DRC government has conceded exploration rights in Ituri, drilled test bores on the Ugandan side of the border. On March 31, 2003, the company announced it had struck oil in Uganda and said the area had the potential of being a new world-class oil basin.⁶⁵ The Ugandan Director of Heritage Oil planned to start activities on the Congolese side of the border in March 2003 projecting that it would take 5 years and \$15 to \$20 million in investment to turn a profit.⁶⁶ In addition to its contract with the DRC government, Heritage Oil maintains close links with Ugandan authorities.⁶⁷ In 2002 agents of the company started to make contact with local chiefs in Ituri, including several in Burasi as well as Chief Kahwa of Mandro.⁶⁸ Chief Kahwa said "I have been contacted by the Canadian Oil people who came to see me. I told them they could only start work in Ituri once I had taken Bunia from the UPC."⁶⁹

⁵⁶ U.N. Security Council, "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC," S/2002/1146, October 16, 2002.

⁵⁷ Ibid.

⁵⁸ Ibid., paragraph 118.

⁵⁹ Ibid., paragraph 121.

⁶⁰ Final Report of the Judicial Commission of Inquiry into Allegations into Illegal Exploitation of Natural resources and Other Forms of Wealth in the Democratic Republic of Congo 2001 (May 2001 – November 2002), Kampala, November 2002, p 199.

⁶¹ Ibid., p.202 and 207

⁶² Ibid., p.203.

⁶³ Ibid., p.205.

⁶⁴ "UPC Rebels Grab Mongbwalu's Gold," *African Mining Intelligence* No. 53, January 15, 2003.

⁶⁵ Heritage Oil Press Release, "Heritage Confirms Uganda Oil Potential and Outlines Further Investment Plans", March 31, 2003.

⁶⁶ Ibid., Johnson, "Shifting Sands," p. 24.

⁶⁷ Ibid., p. 24.

⁶⁸ Human Rights Watch interview, Kampala, February 2003.

⁶⁹ Human Rights Watch interview, Chief Kahwa Mandro, Kampala, February 22, 2003.

Kahwa's statement with its implication that oil rights could be traded for the backing needed to win Bunia suggests the risks if ambitious local actors begin soliciting and receiving support from yet another group of external actors, powerful international corporations. Local and international observers fear the consequences should one of the world's most capital-intensive extractive industries enter one of the world's most complex conflict areas. As UPC Foreign Minister Dhetchuvi claimed, "in Ituri we are in an oil war."⁷⁰

IV. LOCAL CONTEXT – ARMED POLITICAL GROUPS

Proxies Pursuing Their Own Interests

Ituri is home to eighteen different ethnic groups, with the Hema/Gegere⁷¹ and Lendu/Ngiti⁷² communities together representing about 40 per cent of the inhabitants. The other major groups are the Bira, the Alur, the Lugbara, the Nyali, the Ndo-Okebo, and the Lese. With ethnic identity of growing importance, a new group has emerged, the "non-originaires"⁷³, that is, 'outsiders' who were not born in Ituri. The Nande of north Kivu represent the most prominent of the "non-originaires", due to their importance in the business sector. The emergence of Mbusa Nyamwisi, a Nande, as the leader of the RCD-ML raised the profile of the Nande in Ituri. Hema elites seeking to assert or protect their control of the political and economic spheres in Ituri tend to consider the Nande as direct competitors.

The Hema, Lendu, and other ethnic groups that serve as proxies for governments and rebel movements also seek to set agendas that serve their own interests. They are skilled at playing off the various outside rivals and change sides as their interests dictate. They adapt rapidly to developments on the national scene, working on the basis of the enemy of my enemy is my friend—at least for the moment.

⁷⁰ Ibid., Johnson, "Shifting Sands," p.19.

⁷¹ The Hema ethnic group is divided in two sub-groups: the Gegere, also known as the Hema from the north, who speak Kilendu and the Hema, also known as Hema from the south, who speak Kihema. There are increasing divisions between these two groups. This report refers to the Hema for both groups and differentiates Gegere only when their views are different.

⁷² The Lendu ethnic group is also divided into two sub-groups: Lendu who originate from the northern areas of Ituri and the Ngiti who come from the south. In general they consider themselves as brothers and have similar political views.

⁷³ In the local language this is expressed as "the Bakuyakuya".

Who is Who - Armed Political Groups in Ituri (May 2003)

RCD-ML: Congolese Rally for Democracy- Liberation Movement

Current Leader: Mbusa Nyamwisi

Also known as RCD-Kisangani, the RCD-ML was launched in September 1999 in Kampala when Wamba dia Wamba split from the RCD-Goma. Backed at the start by Uganda, the RCD-ML has been fractured by leadership struggles and in-fighting. The current leader, Mbusa Nyamwisi took power after ousting Wamba dia Wamba. The RCD-ML's military wing is the Congolese Popular Army (APC). The RCD-ML entered into the Sun City agreement of April 2002 and the APC are now being trained and armed by Kinshasa.

MLC: Movement for the Liberation of Congo

Current Leader: Jean-Pierre Bemba

Based in Gbadolite, the MLC has been backed by Uganda since the start of the war in 1998 although there have been occasional differences between the two. The MLC tried twice to establish a foothold in Ituri: in 2001 Bemba had nominal control of the short-lived FPC coalition of Ugandan-backed rebel groups and in 2002 the MLC attacked Mambasa in western Ituri but were forced back by the APC of Mbusa Nyamwisi. The MLC has occasionally fought alongside the UPC and has been a rival of Mbusa's RCD-ML.

RCD-National: Congolese Rally for Democracy - National

Current Leader: Roger Lumbala

Now based in Watcha, northern Ituri, the RCD-N initially operated as a front organization for the Ugandans in exploiting the diamond riches of the town of Bafwasende. In 2001 and 2002, the RCD-N supported MLC attempts to win resource-rich areas from the RCD-ML. RCD-N has few soldiers and relies on the MLC army.

UPC: Union of Congolese Patriots (predominately Hema/Gegere party)

Current Leader: Thomas Lubanga

Purportedly launched to promote reconciliation, the UPC quickly became a predominately Gegere-led political party intent on promoting the interests of the Hema and related Gegere. It came to power in Bunia in August 2002 with the help of the Ugandans and used Hema militia as part of its armed forces. It turned to Rwanda for support and formed an alliance with the Rwandan-backed RCD-Goma after being excluded by the RCD-ML and the MLC from the Mambasa ceasefire talks in December 2002. Having turned from Uganda politically, the UPC was ousted from Bunia by the Ugandan army in March 2003 but fought its way back into town in May.

FIPI: Front for Integration and Peace in Ituri (platform of three ethnic-based parties)

Current Leader: A coalition of three leaders of PUSIC, FNI and FPDC

Created in December 2002 with Ugandan support, the three ethnically-based political parties shared the objective of getting rid of the UPC. Otherwise FIPI has no apparent program. The group includes Hema dissatisfied with the UPC, Lendu, and Alur, each with its own political party (see below). After the UPC was forced from Bunia, the parties began squabbling and the coalition appears to have collapsed.

Who is Who - Armed Political Groups in Ituri (May 2003), continued

PUSIC: Party for Unity and Safeguarding of the Integrity of Congo (Hema dissatisfied with the UPC)

Current Leader: Chief Kahwa Mandro

Former UPC member Chief Kahwa created PUSIC in early February 2003. Most members appear to be Hema from the south. Uganda supports the party as part of the FIPI coalition. Chief Kahwa was backed briefly by the Rwandans when he was in the UPC, but claims that PUSIC currently has no such support and is more interested in working with Kinshasa. PUSIC may have allied with the UPC against the Lendu in Bunia in May 2003; if so, this alliance of convenience would be tenuous and probably short-lived. PUSIC appears to have continued close links with Ugandan authorities.

FPDC: Popular Force for Democracy in Congo (Alur and Lugbara political party)

Current Leader: Thomas Unen Chen, a former member of the Zairian parliament

FPDC was created in late 2002 mostly by Alur and Lugbara from the Aru and Mahagi area, north Ituri, to counter the UPC. Recently it started to recruit and train its own militias. Although professedly interested in dialogue, it is prepared to fight if dialogue fails. It has been supported by Uganda as part of the FIPI coalition and appears to have close ties with former Ugandan army Col. Peter Karim, an Alur from Uganda.

FNI: Front for National Integration (Lendu political party)

Current Leader: Floribert Njabu Ngabu

Lendu intellectuals and traditional chiefs established FNI but the party claims broad support by the Lendu community in its effort to oppose the UPC. Lendu militias are reportedly being organised under the military wing of this party, which some equate with the FRPI (see below). Supported by Uganda as part of the FIPI coalition, it joined the Ugandan army in driving the UPC from Bunia on March 6, 2003, for which some its members were publicly thanked by Brigadier Kayihura in April. FNI has also benefited from military training and support from the RCD-ML and, through it, from Kinshasa.

FRPI: Patriotic Force of Resistance in Ituri (Ngiti political party)

Current Leader: Dr Adirodo.

Launched in November 2002 the Ngiti party FRPI is said to be closely linked to the Lendu FNI. It is meant to bring together Ngiti militias with traditional leaders in a single force against the UPC. Based in Beni and said to number 9,000 combatants, the FRPI has close ties to the RCD-ML from which it receives both military training and arms. It claims to have a large fighting force and many see it as the army of the FNI. It joined the Ugandans in driving the UPC from Bunia in March 2003 and together with the FNI briefly controlled Bunia in May 2003.

FAPC: People's Armed Forces of Congo (mixed)

Current Leader: Commander Jerome Kakawave Bakonde

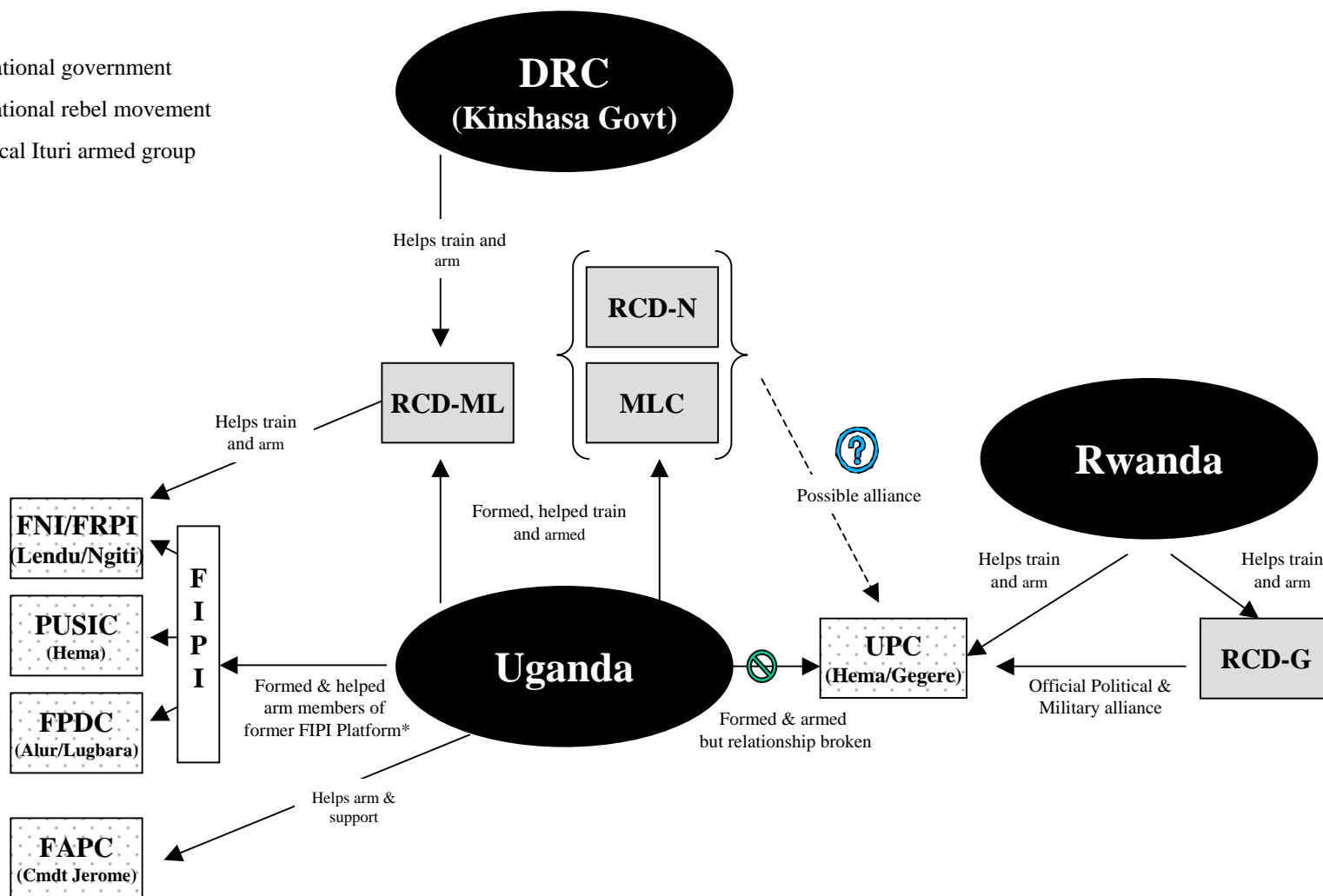
Commander Jerome, based in Aru and Mahagi, established FAPC in March 2003. Jerome has changed allegiances several times, moving from the RCD-ML, to the RCD-N, to the UPC and to the Ugandans but he has more or less stayed in the area of Aru. His group recently obtained support from the Ugandans who attempted to put Commander Jerome in charge of a mixed security apparatus in Bunia just prior to the start of their withdrawal. Other parties objected and Commander Jerome returned to his home at Aru.⁷⁴ A mutiny occurred in his ranks in May 2003 which was allegedly put down with Ugandan support.⁷⁵ Jerome is reportedly a Banyarwanda from North Kivu.

⁷⁴ Human Rights Watch telephone interview, Bunia, May 2003.

⁷⁵ Human Rights Watch telephone interview, Kampala, May 2003.

Web of Alliances in Ituri

- Denotes national government
- Denotes national rebel movement
- ▣ Denotes local Ituri armed group



* FIPI Platform collapsed in May 2003

Please note that alliances change frequently.
This is accurate as of May 2003.

The actions of the Hema Chief Kahwa Mandro illustrate the readiness of local actors to change allegiances. Initially supported by Uganda, Chief Kahwa and some other Hema noticed a decline in this backing and decided that the Ugandan Army was not doing enough to protect them against the Lendu. Chief Kahwa Mandro explained to Human Rights Watch researchers:

In August 2000, I was fighting the Lendu in Ituri. But I was accused of being with the Rwandans and the Ugandan rebels, the ADF, so the Ugandans also started to fight with me. I decided I should go and talk to President Museveni which I did in August. He decided that my cause was noble. Our group came for training to Uganda on August 28, 2000. I was in Uganda for 6 months at Kyakwanzi training camp where 705 of us were trained.

After Sun City the Lendu started to be armed by Mbusa [RCD-ML] and so we decided we had to get rid of him. Then Lubanga was arrested by the Ugandans. We didn't understand this. I stayed in Bunia while Governor Molondo planned a genocide against us.⁷⁶ I started training about 3,000 fighters in Mandro with the financial help of the Hema community. We collected guns from small attacks. We had been negotiating with Uganda for three years and they had been responsible for so many deaths. No one was aware of our problem. In June 2002 I decided to go to Rwanda to find help for our defense. They had lived through a genocide so they knew what it was like. They understood me and provided us with weapons and logistics. I discussed the situation with James Kabarebe.

Initially this support was good and I thought Rwanda understood my situation, but they profited from it to create another situation. They wanted Ituri to be their rear base to attack Uganda. They continue to send arms including missiles and ammunition for tanks when we don't even have tanks. They are even sending troops. They are recruiting young soldiers and putting fear into them. They come in with small planes to airstrips like Mongbwalu, Aru, Boga and Bule. I know they do this as I used to go myself on small planes from Kigali to Ituri.⁷⁷

After becoming disillusioned with Rwandan support and the policy direction of Lubanga's UPC, Chief Kahwa felt threatened. He separated from Lubanga's group and re-established links with the Ugandans. He continued:

I was on the list of people to be eliminated by the UPC. When Museveni found out about this, he sent a plane to come and get me. He encouraged me to talk to the Lendu in Kpandruma so we could stop fighting. I started a political party, PUSIC, and then became part of the FIPI coalition which wants peace in Ituri and includes Lendu plus others. I talked to President Kabila in Dar es Salaam where I told him he must stop supporting the Lendu. They were killing us. He understood.

I am going to attack Bunia again and will take it, even if I die. The Ugandan army is informed of our plans but I don't count on them for help.⁷⁸

Assistance from external actors may prompt dissidents in a group to hive off and form their own organization, as Chief Kahwa did. However, external actors can also promote coalitions, including those across ethnic lines, like the FIPI group which included Hema, Lendu, and Alur political groups.

The increase in the number of combatant groups in and around Bunia has been matched by increased flow of arms to Ituri as outside actors attempt to ensure victory for their local allies. This greater availability of arms contributed to more casualties in Ituri including civilians.⁷⁹ In addition to being better armed than in the past,

⁷⁶ See below for conflict between Governor Molondo and Hema.

⁷⁷ Human Rights Watch interview, Chief Kahwa Mandro, Kampala, February 22, 2003

⁷⁸ Ibid.

⁷⁹ Different estimates exist of the number of people killed in Ituri, none of which is based on a systematic survey. The UN Office for the Coordination of Humanitarian Affairs (OCHA) cited 50,000 dead in its Integrated Regional Information Network report on Ituri, December 2002.

Hema, Lendu, and Ngiti militia groups also appear to be better organized and trained and to function with a more structured military hierarchy.

The Hema - Lendu Conflict

The Hema are pastoralists and the Lendu agriculturalists, but historically there was a high degree of co-existence between the two groups and intermarriage was common. Belgian colonial rule accentuated ethnic divisions between the two communities, however, by trying to reorganize traditional chieftaincies into more homogeneous groups and by favoring the Hema over the Lendu. Even after independence in 1960, the Hema continued as the administrative, landowning, and business elite. When the territory of Kibali-Ituri was created in 1962, for example, no Lendu obtained key positions in the administration. President Sese Sokoto Mobutu confirmed the Hema in management positions in the farming, mining, and local administrative sectors as part of his “Zairiaisation” policy. Hema and Lendu fought small battles over land and fishing rights on several occasions after independence, but in general customary arbitration, backed by the state, contained the incidents.⁸⁰

At no point in the documented history of Ituri has the violence attained the levels seen since 1999. The broader war in Congo has undoubtedly sparked the greater violence of the current conflict.

This conflict began in June 1999 when a small number of Hema allegedly attempted to bribe local authorities into modifying land ownership registers in their favor in the area of Walendu Pitsu, part of the Djugu district of Ituri. They reportedly used the false papers to evict Lendu inhabitants from the land, or so some local Lendu believed. These Lendu decided to retaliate. In the absence of a strong local authority, the incident quickly turned into a confrontation between the two communities.

Ugandan interference aggravated the situation. Brig. Gen. James Kazini, then in charge of the Ugandan army in DRC, named Adele Lotsove Mugisa, a Hema, Provisional Governor of the districts of Ituri and Haut Uele⁸¹, formerly part of Orientale Province.⁸² Although the proposal to create such a unit had been backed by some politicians in the area, it was the decree of the Ugandan general that altered administrative boundaries, effectively creating a new “province.” In his letter setting up the new post of governor, General Kazini gave full assurances of Ugandan support for the endeavor.⁸³ This important decision, coinciding with the local land dispute, created the impression that the Ugandan army was siding with the Hema landholders.

By 2003 the original dispute had expanded in numbers of people and area touched by the violence. Groups like the Nande, Bira, and Alur previously not associated with either of the contenders have now been forced to choose sides.

Rumor, Propaganda and Prejudice

As conflict between the Hema and Lendu spread and became more bitter, each group turned to propaganda and myths to justify its cause. Hema and Lendu intellectuals alike distorted history for political gain, fabricating new narratives that supported their point of view.⁸⁴ One Hema spokesperson told Human Rights Watch researchers, “We know there is a genocide against the Hema, but we have been ignored for a long time.” Other Hema evoked a connection with the Tutsi in Rwanda and claimed that the Lendu together with Interahamwe and Ugandan rebels, the ADF, were perpetrating a genocide like that of 1994 in Rwanda.⁸⁵ These Hema expanded the term “negative forces” to include the Lendu.⁸⁶ The term had previously been used to describe the Interahamwe and

⁸⁰ Tensions were high in 1962, 1965, 1975, 1983, 1984, 1997.

⁸¹ Governor Lotsove eventually let the Haute Uele district go its own way after it rebelled against her leadership; she retained control over Kibali-Ituri, commonly known as Ituri.

⁸² Ugandan High Command, Brig. Gen. James Kazini to Madame Lotsove, June 18, 1999, reference OPN/SH/C/6A.

⁸³ Ibid.

⁸⁴ See Johan Pottier, *Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century*; Cambridge University Press, 2002.

⁸⁵ Human Rights Watch interview with Hema leaders including Dr Dhejju Maruka, Professor Karimagi Pilo, Mr Philemon, and Mr Kiza, Bunia, February 13, 2003.

⁸⁶ Jean Baptiste Dhetchuvi, open letter, *Ituri – What Future?*, September 1, 2002.

ADF. Official Hema statements declared that these “negative forces” were hostile to peace and must be eliminated.⁸⁷ At times some Hema described the Lendu as “terrorists”.

Some Lendu and Ngiti allied with them sought to whip up anger against Rwanda, Uganda, and their local allies. The Ngiti armed group FRPI published a pamphlet charging that Presidents Kagame and Museveni sought to establish a Hima⁸⁸-Tutsi empire. They claimed that the Hema, backed by Uganda and Rwanda, would carry out “ethnic purification” and eliminate the Lendu peoples (including the Ngiti) in Ituri. They urged “fierce resistance” against external aggressors and those groups complicit with them.⁸⁹

In November 2002, a Lendu group, the LORI Cultural Association stressed the historical grievances of their people and called on “all Lendu to resist aggression and all forms of domination that have been a part of Lendu history.”⁹⁰ In a January 2002 communiqué, Lendu Chief Longbe Tschabi Linga complained about the marginalization and subordination of his community. He went on to “denounce the alliance of death between the UPC and RCD-Goma” that have resulted in the “Hema proudly singing about the extermination of the Lendu.”⁹¹

V. MASSACRES AND OTHER HUMAN RIGHTS ABUSES

The Attack on Bunia

In early August 2002, the UPC combatants, then in control of part of Bunia, worked together with the Ugandan army to dislodge the RCD-ML forces and take control of the town and some of its outlying areas. In the process, they committed the abuses detailed below. The taking of Bunia was the prelude to the establishment of the UPC government later the same month.⁹²

The early August violence in Bunia demonstrates three essential aspects of the conflict in Ituri. First, all parties commit abuses. In this case it was more or less simultaneously with both Hema and Lendu armed groups killing civilians of the opposing ethnicity, often in their homes. In other cases the killing has taken place in succession purportedly as retaliation for attacks. Second, the support of external actors is important. In most cases such support remains in the background, but in this case, the aid of the Ugandan army clearly assured the UPC victory. Third, as in all other cases, civilians bore and continue to bear the brunt of the casualties.

The build-up to the August violence began in June and July as Hema militia grew more and more hostile to Governor Molondo as he integrated Lendu and Ngiti militia into the APC. Lodged at Lubanga’s house and protected by soldiers of the Ugandan army, they sought control of increasingly large parts of Bunia town. They skirmished with APC combatants on July 10 at a bar called TV5 and on July 25 at Camp Ndoromo, where the APC were training an estimated 1,200 Lendu and Ngiti combatants. On August 6 Hema combatants reportedly backed by Ugandan soldiers launched a major attack at Ndoromo and were repulsed only after fourteen hours of fighting, supposedly with the loss of two Ugandan soldiers. According to local sources, the UPC used anti-personnel mines, one of which wounded an APC soldier. Families of Lendu and Ngiti combatants fled to the governor’s residence in Bunia seeking protection.⁹³

On August 7 and 8 UPC militia tried to occupy some neighborhoods of Bunia and in the process deliberately killed Lendu civilians and others, such as Nande and Bira, seen as Lendu allies. Lendu militia targeted and killed dozens of Hema civilians in the Mudzi Pela neighborhood and in other predominantly Hema neighborhoods like

⁸⁷ Ibid.

⁸⁸ Hima are an ethnic group in Uganda often said to be related to Tutsi of Rwanda; Museveni is said to have had a Hima among his ancestors.

⁸⁹ Patriotic Force of Resistance in Ituri (FRPI), Manifesto of Resistance, January 2003.

⁹⁰ LORI Cultural Association, Declaration of the Lendu Community, November 16, 2002.

⁹¹ Chief Longbe Tchabi Linga and the Editorial Committee, SOS of the Lendu Community in Kpandruma, January 22, 2003.

⁹² Human Rights Watch interviews, Bunia, February 2003.

⁹³ Human Rights Watch interviews, Bunia, Beni, and Kampala, February 2003; Human Rights Watch, “Chaos in Eastern Congo: UN Action Needed Now, A Briefing Paper, October 2002.

Saio, Rwambuizi, and Simbiliabo. Both sides burned houses, displacing large numbers of civilians.⁹⁴ A witness said:

On August 7 the young Hema militias chased the Bira and the Lendu in Bunia. They knew which houses to go to and whom to target. There were about 200 of them, a mix of those in uniform and in civilian dress. They killed a lot of people that day – about thirty-seven – though I think there were more. A few days later, on August 9, they were buried by the Red Cross and the chief of the area. They included men, women and children. The killing went on from 7:00 a.m. till about 1:00 p.m.⁹⁵

Outside of town, at Lengabo, Lendu and Ngiti militia deliberately killed thirty-two Hema civilians who had sought refuge at the farm of Tibasima Ateenye, a Hema leader once linked with the RCD-ML but at this time resident in Kinshasa. A witness reported:

Thirty-two Hema people died there [at Tibasima's farm]. I counted them. About seven died from bullets while the rest had died from machete wounds. This attack really increased the tensions. Some of the injured came to Bunia. They had even cut off the legs of one child and the arm of another.⁹⁶

The militia reportedly killed two Ugandan soldiers who had been protecting the Hema at the farm and drove the others away. It is unclear whether these Ugandan soldiers sought to protect Hema from a sense of duty—in contrast to their fellows who did nothing or joined in killing Hema—or whether they had been privately hired to protect Tibasima's farm, an arrangement that Ugandan soldiers sometimes made for their own profit.⁹⁷

On August 8, 2002 the Governor met with Ugandan army commanders to appeal for restraint in the town. He said that the Ugandan army was there to provide security, not to take sides. According to a witness at the meeting, one of the Ugandan army commanders threatened Governor Molondo, saying that he had been ordered by the highest military level in Kampala to neutralize him.⁹⁸ At 8:00 p.m. that evening the Ugandan army attacked the governor's residence. The attack lasted for only ten minutes but was enough to cause further panic in the town. The Lendu, fearing for their lives, ran to the governor's residence for protection as killings continued in Mudzi Pela and other areas of Bunia.

On August 9, 2002 at 2:00 p.m. the Ugandan army, followed by the UPC, again attacked the governor's residence and the surrounding neighborhood, known as the *sous-region*, using heavy weapons including tanks. After a short battle, Governor Molondo and APC troops fled on foot towards Beni. After they left, UPC combatants continued killing Lendu, Nande, and Bira civilians near the main hospital in the Bigo neighborhood and near the central prison. A witness reported:

On August 11 I was finally able to go to the governor's residence. I saw the Ugandan army and the Hema looting the houses. In the house of a military commander called Pichu there were five bodies of women including the wife of Pichu and four others. All had been shot and his wife had a bullet in the head. At the next house I found another three bodies – one woman and two children. There were still people seeking refuge there. Further along I found the body of a small child. That really shocked me. At the vice-governor's house I saw seventeen bodies, including women and children. After seeing all this I returned to where I was staying. I was scared.⁹⁹

Several mass graves have been discovered, including two near the governor's residence and others near the prison and the hospital. According to MONUC, 110 people died in the violence in and around Bunia, but local sources

⁹⁴ Ibid.

⁹⁵ Human Rights Watch interview, Bunia, February 2003.

⁹⁶ Ibid.

⁹⁷ Human Rights Watch, "Chaos in Eastern Congo."

⁹⁸ Human Rights Watch interview, Beni, February 2003. See also Human Rights Watch, "Chaos in Eastern Congo."

⁹⁹ Human Rights Watch interview, Kampala, February 2003.

estimated the dead as at least 150. The victims included both Hema and Lendu civilians many of whom had been targeted only on the basis of their ethnicity. Several mass graves were subsequently discovered including one with twenty-six bodies of mostly women and children, many with bullet wounds in their backs.¹⁰⁰ Some witness said that victims were also thrown in the Chari River.¹⁰¹

The Ugandan army backed the UPC attack that deliberately killed large numbers of civilians. In addition, they failed in most cases to protect civilians who were being targeted for killing in and around the town, despite having large numbers of troops available less than a mile away. Ugandan soldiers also joined UPC and others in looting homes and shops. Major David Muhoozi and Captain Eddy Muwonge of the Ugandan army disclaim responsibility for these abuses, saying this was “a Congolese matter”.¹⁰²

Massacres and other Abuses by the UPC

The UPC Government and the Growth of Extremism

The UPC was the first ethnically- based political party established in Ituri. Its formation of a government under Thomas Lubanga in August 2002 sparked the creation of several other ethnically- based movements seeking to counter its growth. (See box above.) Initially the UPC claimed to be a national and representative movement, created by Iturians, for peace and reconciliation in the area. It was reportedly financed by key Hema businessmen in the region who supposedly had a controlling hand in many political decisions.¹⁰³

From August 2002 to March 2003, the UPC controlled Bunia and the immediate surrounding area, including most parts of the Djugu territory just to the north. Although it claimed to control all of the former district of Ituri, it did not control Mambasa to the west and the area of Kpandruma and Rethy to the north where the Lendu had their base. It exercised only sporadic control over the Alur and Lugbara areas near the Ugandan border. During this period, the former Governor of Ituri, Jean-Pierre Lompondo Molondo appointed by Mbusa Nyamwisi of the RCD-ML, claimed to still govern the western parts of Ituri that were under the military control of the APC.

On paper the UPC government appeared representative with a number of ministers from other ethnic groups, but in practice it was controlled by the Gegere – the northern branch of the Hema ethnic group. Some representatives of other ethnic groups joined the movement and the government under duress. One such minister said,

I decided to enter the UPC for security reasons and not because I wanted to. I was desperate to protect my family. A lot of people were disappearing and I felt I had no choice. Everyday I go to work and to the movement meetings, but my heart is not in it. There are many others in a similar position.”¹⁰⁴

Other persons unwilling to join the UPC or its government fled or went into hiding when they heard they had been nominated to government posts.¹⁰⁵

At about the time the UPC established its government, a group composed mostly of Gegere attempted to set a more clearly anti-Lendu policy for the party. The group reportedly included Adele Lotsove Mugisa, Jean Baptiste Dhetchuvi, and Richard Lonema, an influential local Hema spokesperson. According to Hema now estranged from the UPC, this group together with Lubanga—whom they may have led rather than followed--advocated eliminating the Lendu and Ngiti in order to end ethnic conflict once and for all. They reportedly proposed killing key Lendu and Ngiti leaders, especially intellectuals, and cutting economic links to Lendu communities.¹⁰⁶

¹⁰⁰ Human Rights Watch interviews, Bunia, February 2003.

¹⁰¹ Human Rights Watch interviews, Bunia, February 2003.

¹⁰² Human Rights Watch Interview, Major David Muhoozi and Captain Eddy Muwonge, Bunia February 2003.

¹⁰³ Human Rights Watch interviews, Bunia and Kampala, February 2003. See also U.N. Security Council, “Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC,” S/2002/1146, October 16, 2002, paragraph 121.

¹⁰⁴ Human Rights Watch interview, Bunia, February 2003.

¹⁰⁵ Human Rights Watch interview, Beni, February 2003.

¹⁰⁶ Human Rights Watch interviews, Kampala and Bunia, February 2003.

A Hema now opposed to the UPC said, “Meetings of the movement became divisive as a core group including Lotsove, Lubanga and Dhetchuvi held meetings apart in Kilendu, a language not spoken by Hema from the south. It was clear to us they had a different vision.”¹⁰⁷ Some UPC members claimed they opposed the new direction. One such person explained, “When we came to power the logic of the movement changed to eliminating the Lendu and the Ngiti. I was against this and told the leadership this.”¹⁰⁸ After protesting, the dissident believed the leaders planned to kill him and he fled for his life.

Against this backdrop of growing extremism, the UPC pressed for autonomy for Ituri. In public statements they asked, “Why should non-Iturians be managing our territory?”¹⁰⁹ and they argued that if the national government took control of the area it would loot Ituri, as had others. Some UPC leaders talked in terms of the new division of people into “originaires” and “non-originaires”.¹¹⁰ While it was never completely clear who were “originaires”, many people understood them to be Hema and Gegere. People of other groups feared and resented this UPC claim to being the original inhabitants of the area.

Attack at Mabanga

As UPC leaders began defining anyone not on their side as “the enemy”, Hema and Gegere armed groups attacked other groups that had previously seen themselves as neutral in the conflict. In Mabanga, a gold mining town inhabited by several ethnic groups, for example, Gegere militias turned on the “non-originaires” on August 28, 2002. An attack by Lendu militia had just been repulsed and the local Gegere combatants forced the “non-originaires” to join them in chasing the retreating Lendu fighters. After driving the assailants to a safe distance, the Gegere combatants turned on the “non-originaires.” A witness recounted:

When we returned from the fighting, the Gegere said that all those who spoke Swahili and were non-originaires should leave straight away. Then I saw a group of Gegere who had come from Iga Barriere. They were in civilian clothes, running together and were well armed with spears, machetes, chains, and guns. They were chanting, “Non-originaires slaughtered, Bira killed.” Within minutes of their arrival they started to kill people. If they saw you and you were light skinned they would kill you shouting “jajabo”¹¹¹. They were slashing people with their machetes on their arms and their heads. I saw them kill people. They killed Mr. Totosca and also Ramon Faraho – two people that I knew. They hacked them to death with their machetes and then burned them.¹¹²

Massacre at Songolo

The UPC moved south after establishing its hold over Bunia and surrounding areas. The Ngiti, a people related to the Lendu, who lived in this area felt increasingly under pressure as the UPC took market towns and key roads. Those living near Nyakunde were particularly concerned because they had a history of land disputes with the locally important Bira. During the August violence in Bunia, the Hema had attacked the Bira, lumping them together with the Lendu. But in this area, perhaps because of the competition over land, the Bira were more often allied with the Hema and wanted to drive away the Lendu, seeing their presence as a potential reason for attracting war to their region.¹¹³ In August 2002 UPC troops replaced a small Ugandan force that had withdrawn

¹⁰⁷ Human Rights Watch interview, Kampala, February 2003.

¹⁰⁸ Ibid.

¹⁰⁹ Jean Baptiste Dhetchuvi, open letter, *Ituri – What Future?*, September 1, 2002.

¹¹⁰ “Originaires” and “non-originaires”, meaning indigenous and non-indigenous. The French term is used throughout as it has a specific relevance in Ituri. The ethnic groups who are “originaires” tend to include Hema, Bira, Lendu, Ndo Okebo, and Alur although this is contested. In practice since the Lendu are considered the “enemy”, the concept “originaires” for the Hema excludes them.

¹¹¹ Local term for Lingala speakers not from the Ituri region.

¹¹² Human Rights Watch interview, Bunia, February 2003.

¹¹³ This was done by the Bira Chief of Andisomma. It was likely also linked with historical tensions between the Bira and the Ngiti over land. Much of this history has not been forgotten by either group and is often cited as further justification for killings by both sides. Human Rights Watch interview, Oicha, February 2003.

from Nyakunde the week before. Several Ngiti civilians were killed in late August, for which many Ngiti held the Hema combatants responsible.

Colonel Khandro and others from a group of Ngiti combatants reportedly met with Ngiti community leaders at Songolo, a town some ten miles from Nyakunde to discuss possible military action against the Hema. The community leaders appealed for restraint and got the combatants' agreement not to attack Nyakunde and to launch military operations only in self-defense.

In the early hours of August 31, 2002, the UPC together with Bira attacked Songolo. A witness recounted:

The UPC and Bira attacked in three groups, about 500 of them, coming from three different directions. They had military uniforms. Most of them were UPC. Commander Bagonza ordered the troops to attack Songolo. He was there himself; I saw him. They were together with Bira in civilian clothes who had machetes and spears. In the center of Songolo there was a clash between Ngiti fighters and the UPC and Bira. They used mortars and rockets. We saw this from where we were, at the bottom of the hill. Nine Ngiti combatants were killed and more than twenty Hema/UPC.

Then the Bira combatants guided the UPC to the houses. They killed people, most with bullets, others with machetes and spears. I saw mostly old people killed. Some were attacked in their sleep, including children and women. The Bira combatants also decapitated some people with machetes. There were 140 dead, including many women and children. We asked people to come out of the bush to bury the dead. We took turns doing the burial.¹¹⁴

The attack lasted about nine hours. Witnesses "felt surrounded" as the attackers entered the town, cutting off escape routes, including the small footpaths. One said:

I hid in the mountains and went back down to Songolo at about 3:00 p.m. I saw many people killed and even saw traces of blood where people had been dragged. I counted 82 bodies most of whom had been killed by bullets. We did a survey and found that 787 people were missing – we presumed they were all dead though we don't know. Some of the bodies were in the road, others in the forest. Three people were even killed by mines. Those who attacked knew the town and posted themselves on the footpaths to kill people as they were fleeing.¹¹⁵

Ngiti community leaders sought help by informing MONUC in Bunia and submitting a report about the events. MONUC did report back to its Kinshasa headquarters on September 3, 2002 that UPC soldiers were seen looting in Songolo,¹¹⁶ but otherwise there was no action taken. Ngiti combatants accused the community leaders of letting their people down "as the reports meant nothing."¹¹⁷ They began planning a reprisal attack against the Hema which was carried out on September 5, 2002 in Nyakunde (see below).

Massacre at Mongbwalu

Mongbwalu, an important gold mining town northwest of Bunia at the heart of the Ashanti Goldfields' concession, changed hands frequently in a series of attacks and counter-attacks during this conflict. In mid-June 2002, while the RCD-ML were still in control of Ituri, their forces and Lendu militia attacked Hema civilians in the town while Hema militia targeted Lendu civilians in outlying areas. For greater security people moved to areas inhabited by others of their ethnic group, a move facilitated apparently by local chiefs. Many Hema civilians left Mongbwalu through "safe corridors" to other areas. Those who decided to stay faced abuses by the Lendu, including the summary execution of women and children accused of being witches (see below).

¹¹⁴ Human Rights Watch interview, Bunia, February 2003.

¹¹⁵ Human Rights Watch interview, Beni, February 2003.

¹¹⁶ Internal MONUC correspondence, September and October 2002.

¹¹⁷ Ibid.

When the UPC took power in Bunia in August, they were keen to take Mongbwalu to have access to its gold mines. In October they attacked the town but were pushed back by the Lendu combatants and APC soldiers. The UPC regrouped and in late November 2002 attacked again, this time joined by some of Bemba's MLC soldiers, some Ugandans, and perhaps some Rwandans.

Bemba's MLC forces had been in the area for several weeks along with troops of Lumbala's RCD-N troops. They were trying to push east into parts of Ituri controlled by their rival Mbusa Nyamwisi's RCD-ML (see below). Their campaign was known as "effacer le tableau" (Operation Erase the Blackboard) so witnesses referred to Bemba's soldiers as the "Effaceurs." Numerous witnesses also said that Ugandans helped the UPC. One said, "The Hema and the Ugandans were always together."¹¹⁸ Another witness explained their tactics, saying the Ugandans led and the Hema were behind during the attack.¹¹⁹

In their second attack, the UPC used heavy weapons, including mortars and other explosive devices, probably made available to them through one or the other of their outside backers. They began their attack at a village called Pluto on the outskirts of Mongbwalu. A witness recounted:

The Hema of the UPC, Ugandans and the "Effacer le Tableau" [MLC] came at 11:00 on Friday. They all worked together and attacked Pluto just outside Mongbwalu. They entered directly with their guns to shoot at the population. I was at home in Pluto and I heard cries and mortars falling and I knew the war had started. I fled from Pluto and ran to Mongbwalu. I saw that it was soldiers attacking us as they had camouflage uniforms and some had black berets. They all had guns and they were everywhere.

As I was running I saw people being hit by bullets. Women and children were falling. Some people did not run and hid in their houses in Pluto. I heard afterwards that these people were all slaughtered. The assailants continued to kill people for five days in Pluto. People who escaped from Pluto told me this, although not many managed to find their way out.

They then attacked Mongbwalu as well and I was forced to flee again to Saio, about three miles from Mongbwalu. The attackers were looking for Lendu, Ngiti, and Nande people. The Hema combatants knew us so they could easily find who we were. Other people were killed as well though. Not much later they also came to attack us in Saio. I had to flee again. They killed many people.¹²⁰

Another witness told what happened in Mongbwalu itself:

The Hema and the "Effaceurs" [MLC] came into town and started killing people. We hid in our house. I opened the window and saw what happened from there. A group of more than ten with spears, guns and machetes killed two men in Cité Suni, in the center of Mongbwalu. I saw them pull the two men from their house and kill them. They took Kasore, a Lendu man in his thirties, from his family and attacked him with knives and hammers. They killed him and his son (aged about 20) with knives. They cut his son's throat and tore open his chest. They cut the tendons on his heels, smashed his head and took out his intestines. The father was slaughtered and burnt.

We fled to Saio. On the way, we saw other bodies. ... They were shooting anyone, just shooting. Anyone caught by the bullets died. Most of the people were killed by bullets. There were also many people killed at the airport, with machetes and guns. There were even more bodies there, more than thirty.¹²¹

A gold digger who worked in Mongbwalu said:

¹¹⁸ Human Rights Watch interview, Erengeti, February 2003.

¹¹⁹ Human Rights Watch interview, Oicha, February 2003.

¹²⁰ Ibid.

¹²¹ Ibid.

There were two groups of Hema militia: one with firearms, the other with machetes, spears, and mukuki (a sharp knife attached to a piece of wood which is thrown). The second group was killing civilians who hadn't fled. The victims were Lendu and Jajabo. The Hema militia didn't have any pity for people. They slashed them with machetes and killed them.¹²²

Many civilians fled with the Lendu combatants to Saio, a few kilometers away. When the UPC, MLC, and Ugandan assailants followed them there after taking Mongbwalu, some civilians ran into the forests while others tried to hide in Saio, including at a church called "Mungu Samaki." When UPC combatants found the people in the church, they slaughtered them.¹²³

The UPC combatants captured other civilians and imprisoned them at a military camp, where they later killed them. A man who was imprisoned there told Human Rights Watch researchers:

I was taken to the prison and could see out the window of my cell. The Hema militia were killing people from particular groups. They were especially looking for Lendu. They would pick out prisoners to kill. They took them one by one to question them, then they released them or killed them. They shot people in front of other prisoners. They tied their arms behind their backs with wires. They slashed their heads with knives. They made them sit down and then they shot them. They also shot any who tried to escape. Sometimes they took people outside and they never came back. They killed about twenty people, including some boys I knew from my neighborhood. I even saw them kill two Pygmies – a man and a woman. Another woman came to the prison to look for her son. They asked her why she had come there and then they killed her. They beat us with whips and ropes. They questioned me too. They asked me where the Lendu and the APC had fled to. I didn't say anything. I managed to escape the following day. I saw more than ten bodies outside the prison. The Hema militia were everywhere in Mongbwalu and I hid so they wouldn't see me. I saw holes, like graves on the edge of town. They were freshly dug and covered with earth. I presumed there were people inside.¹²⁴

Based on witness statements, local human rights organizations estimate that at least 200 people were killed in and around Mongbwalu, but the death toll could be much higher. The victims include Freddy Bosama, Lokana Kpakani, and two teachers called Budhe and Lossa.¹²⁵ A witness related:

Six days later I returned as I knew some Hema and I wanted to collect my things. There were only combatants in Mongbwalu and they had looted everywhere. I saw that many Hema had returned to move into Lendu houses. I counted five bodies of civilians including women and children. I had come into Mongbwalu from the forest with another girl who was on her way to Saio. I saw her again later and she told me that there were many bodies along the side of the road. Many houses had also been burnt. The soldiers took many young men that day to bury the bodies of the people they had killed.¹²⁶

Abbé Boniface Bwanalonga, the Ngiti priest of Mongbwalu parish, disappeared during the November attack. There are reports that the UPC combatants detained him along with two nuns. The nuns were released and later returned to bring food to the abbé, but the UPC combatants refused them permission to see him and told them to go away and not come back again. Abbé Bwanalonga has not been seen since.¹²⁷

The co-operation between Bemba's MLC and Lubanga's UPC was new. The UPC may have been exploring the possibility of a real alliance with the MLC while it seems that the MLC was interested in getting access to Mongbwalu's gold. A witness who returned to Mongbwalu after the attacks said:

¹²² Human Rights Watch interview, Oicha, February 2003.

¹²³ Justice Plus interviews, Ituri, March 2003.

¹²⁴ Human Rights Watch interview, Oicha, February 2003.

¹²⁵ Justice Plus interviews, Ituri, March 2003.

¹²⁶ Human Rights Watch interview, Oicha, February 2003.

¹²⁷ Human Rights Watch interview, Bunia, February 2003.

At that time it was clear the UPC were in charge. Commander Bosco had been at the head of the attack but he didn't stay long after it was over. The troops of the MLC were led by the UPC. They all spoke Lingala. I spoke to a person I knew from this group. He told me that the UPC from Aru had asked them to come and attack Mongbwalu. They had been promised gold if they helped. As soon as they had captured Mongbwalu they set up a system of collecting taxes and gold from people who were mining.¹²⁸

Soon after the attack, the UPC attempted to start up the gold operations. This required labor and the most experienced diggers were Lendu and "non-originares". The UPC sent out messengers to encourage the population to return. According to a witness, "The UPC commander said in a meeting that the UPC was for everyone. He asked the population to return, especially the Lendu, but they refused."¹²⁹ When a few people returned, the UPC tried to use them to persuade others to come also. A witness said:

Gbala also came back and the Hema asked him to go into the forest and call for the others to return. He did go into the forest and told the people the truth, that their homes had been looted. Some people refused to return but others did. When Gbala returned on 16 December 2002 he was arrested and accused of being against the UPC as he had denounced the looting. He was taken to prison and then killed.¹³⁰

Because most Lendu refused to return, UPC troops forced others to begin mining. A witness said:

Many people fled but those who stayed in Mongbwalu were made to work for the Hema militia digging gold. There were three shifts: those who worked in the morning, those who worked in the afternoon, and those who worked at night. They were not paid. It was hard labor. They had to dig under big stones without machines. They had only hand tools like pick-axes. They were given bananas and beans to eat and they were beaten. Some tried to run away by pretending to go to the toilet. The Hema militia were keeping watch over the workers. As the Lendu had fled, all the other groups were made to dig. I saw them working there on the first day. The Ugandans were also there to ensure security. If they hadn't been there, it would have been terrible. The quarry belonged to Mr. Baou. Before, everyone used to dig gold, but the Lendu were considered the experts.¹³¹

In this case Ugandan soldiers present to protect the gold mining operations apparently also limited militia abuses of persons forced to work there.

Local witnesses report that some Rwandans were present during the Mongbwalu attack, claiming they recognized them by their language, their accents, and their appearance. According to one person, Lendu combatants captured several Rwandans along with Ugandans in the fighting. He said, "They found their ID cards which showed they were Ugandan and Rwandans. I saw them bringing Rwandans into Saio. The Lendu called out to us to come and see the Rwandans they had captured."¹³²

With the tension between Uganda and Rwanda, it is unlikely that regular soldiers of their armies would have cooperated in military operations, but it is possible that dissidents or rebels from one force could have joined with regular forces from the other. Such was the report in one journal that specializes in mining affairs. The Rwandans, reportedly already supplying training and arms to the UPC, would have been prompted in part by a desire to exploit local resources in gold. Lubanga reportedly promised to ship the gold out through Kigali rather than through Kampala.¹³³

¹²⁸ Human Rights Watch interview, Bunia, February 2003.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Human Rights Watch interview, Oicha, February 2003.

¹³² Human Rights Watch interview, Erengeti, February 2003.

¹³³ "UPC Rebels Grab Mongbwalu's Gold", *African Mining Intelligence* No. 53, January 15, 2003.

Establishing the identity of all the perpetrators of abuses at Mongbwalu will require further investigation. What is already known is that civilians suffered enormously from their exactions.

In addition to the cases documented above, Human Rights Watch researchers collected information on deliberate killings of civilians by UPC combatants at Bolombo in late August or early September 2002 and at Zungulouka in October 2002.

UPC Abuses of Lendu and Others Seen as Political Opponents

Soon after taking power in Bunia and with extremists in powerful positions, Lubanga's UPC launched a campaign of arbitrary arrests, executions and enforced disappearances. Witnesses described it as a "man hunt" for Lendu, Ngiti, "non-originaires," and others opposed to extremist UPC policies. Many fled and others went into hiding. Wherever the UPC took control, it initiated a campaign against the "enemy," including in Bunia, Mahagi, and Aru. The campaign was systematic and often involved torture and apparently was authorized at the most senior levels of the UPC leadership.

Commanders Bagonza, Kisémbó Bahemuka (UPC Chief of Staff), and Rafiki Saba Aimable (UPC Chief of Security Services) reportedly directed the campaign. Two prison areas in Bunia became notorious as places of execution and torture. These included Bureau Deux¹³⁴, an old warehouse on one of the main streets in Bunia and the house of Commander Bagonza himself just off the main street in the center of town. Human Rights Watch researchers collected information about more than 100 people victimized by this campaign, including the cases described below.

On September 28, 2002, Adriko Johnson, the thirty-year-old assistant mayor of Bunia and a leading member of the UPC, disappeared after a party meeting. A number of Lendu testified that Mr. Johnson had given them refuge at his house when UPC troops were searching for Lendu in August.¹³⁵ Other witnesses testified that Johnson had wanted to end the targeting of the Lendu and Ngiti, arguing that the movement could not be based on one ethnic group. According to reports, he was taken to the house of Commander Kisémbó, the UPC Chief of Staff, the night he disappeared. Here he was interrogated and then executed a few days later. No body has ever been found. Friends and family members called on the UPC to launch an investigation. One told Human Rights Watch researchers, "When we inquired about where he was the UPC wouldn't say. They said they would do some research but they didn't. The UPC security services say it is a very complicated case but until today we know nothing. We even spoke to the Ugandans and President Lubanga but they also did nothing. We have just received silence."¹³⁶

Chief Bulamuzi Dieudonné, a forty-year-old traditional chief from Nyakunde, was killed in Bunia on September 5, 2002. He had been asked to join the UPC but had refused. He was allegedly tortured in Bureau Deux and was then released. That same evening, six UPC soldiers came and shot him dead about 100 meters from his house.¹³⁷

A young student, accused of being a Lendu combatant, was taken by the UPC militia to an underground prison in the compound of the governor's residence in Bunia where he spent at least four days with some corpses. He was then taken to the prison of Commander Bagonza where he was tortured so severely that he still bears scars all over his body. The torturers put a stone in his mouth and stamped on his head. He shouted and fainted. They woke him up by whipping him and throwing water on him. Nearby Ugandan soldiers heard him shouting and intervened to stop the abuse. He later escaped.¹³⁸

Persons suspected of being in contact with the DRC government or with RCD-ML authorities in Beni were considered enemies and often subjected to arbitrary arrest, torture, and sometimes execution:

¹³⁴ This is the term used by local residents.

¹³⁵ Human Rights Watch interview, Kampala, February 2003.

¹³⁶ Human Rights Watch interview, Bunia, February 2003.

¹³⁷ Ibid.

¹³⁸ Ibid.

On December 9, 2002 I was talking with my family in Aru when UPC soldiers entered the compound. [Commanders] . . . ordered the soldiers to shoot anyone who tried to flee. They forced us to strip, tied us up, and made us lie face down. Then they hit us with large sticks all over our legs, buttocks, and backs. One of the commanders accused us of communicating with Kinshasa, Beni, the Lendu and Aru to bring the war to Bunia, but I was just a student. He said they were trying to find fuel to burn me. I prayed and they laughed at me saying God couldn't save me. I was then taken to the house of one of the commanders and put into a large hole in the ground. They beat us till we cried. There were other prisoners in the hole who were in a terrible state. We were 20 in total. There were two Lendu men who looked as if they had been really badly beaten: Ngdjole and Lobo, who had a broken arm, and a Nande man called Kasiko. The night of December 12 the soldiers came with guns and called these three men. All day long they had been taunting them, asking them how they wanted to die. We shouted at them saying what they were doing was illegal. But they took the men anyway. We heard them cry and ten minutes later the soldiers came back. I was told the three men had been killed. It wasn't a normal place; it was a place of execution.¹³⁹

In this case and those detailed below, witnesses identified their torturers by name to Human Rights Watch researchers.

On November 11, 2002, UPC authorities arrested the most senior judge in Ituri, Jacques Kabasele, accusing him of having contacts with their enemies. The judge related:

I was at home when two people from the DGM [Department of Internal Security] together with a soldier told me that I had been summoned by their boss. They handed me a "bulletin des services" which said that I was required for an investigation. They arrested me and took me to one of the prison cells at the DGM. For two days I waited. There was no formal charge placed against me nor was I allowed access to a lawyer. On November 13 at 7:00 p.m. a team came to interrogate me including officials from the DGM. They asked me many questions about whether I had been in contact with Beni, Kinshasa, or the outside world. They accused me of being in contact with Kabila, Mbusa Nyamwisi, and former Governor Molondo but I had not. They told me the order for my arrest had come from President Lubanga and then they left. I was not physically threatened and I believe they were more careful than usual as they were aware of my knowledge of the law.

They kept me in prison for eighteen days and then released me. No formal charge was laid against me. I requested an official document to explain my absence from work and also I wanted my record cleared but I received no document. The UPC President Lubanga refused to meet with me.

I cannot move around freely and I often do not sleep in my own house. People here are afraid. The UPC does whatever they like and have no respect for the law.¹⁴⁰

Not only senior officials but also ordinary workers were accused of betraying the UPC. Bicycle carriers, known locally as Kumba Kumba¹⁴¹, were suspected of carrying messages from Beni or Mongbwalu to Bunia. On August 23, 2002, UPC authorities went to a warehouse where the bicycle carriers usually picked up their goods. They arrested eleven men including Mahamba Kisala, Tavugha Nzuva, Kalandero Kambale and Sivyalo Ndungo. A witness said:

The UPC asked the carriers for their ID cards. Most of them have two ID cards in order to facilitate their work – one where they are from and one to where they are going. This is quite common. But the UPC

¹³⁹ Human Rights Watch interview, Arua, February 2003.

¹⁴⁰ Human Rights Watch interview, Bunia, February 2003.

¹⁴¹ Lingala word meaning people of the bikes.

used this as an excuse to arrest them and they also asked them for money. They took them to Bureau Deux and they have not been seen since.

Some days later bodies were thrown into the Chari River in Bunia. I don't know how many bodies there were but someone I know. . . recognized the bodies as those of the Kumba Kumba who had been arrested earlier. There is now no more transportation on bicycles as people are too scared.¹⁴²

A similar campaign was carried out in areas in northern Ituri such as Mahagi and Aru where UPC troops threatened, tortured, and killed many business people involved in trade with the Lendu. Two Alur businessmen said:

On November 23, 2002 we were arrested on the road in Aru by two UPC Commanders. They took us to their headquarters and then four soldiers beat us with sticks for over an hour on our backs, legs and buttocks. They accused us of being pro-Lendu and against the UPC. After beating us they put us in a container¹⁴³ that they used as a prison. There were another four people besides us held prisoner there. We were kept for eleven days. Our wives had to pay the UPC \$4 per meal to feed us. After pressure from others, we were released and then we fled. There are many others like us here.¹⁴⁴

Concerned about their abuses becoming known, UPC authorities also targeted those who had talked to MONUC and international journalists. A Lendu student suspected of contacts with MONUC said:

The UPC soldiers arrested me on October 29, 2002 and took me to the home of one of the commanders. I saw him on the veranda. When we got there, they threw me to their colleagues. They kicked me and hit me with the butts of their guns. They undressed me. They dragged me to a shallow well and threw me in it. They hit me with stones. I put my arms over my head. They asked me what I was doing at MONUC but they didn't let me answer. There were seven of us in total in a space of two square meters. Other prisoners said that the day before, soldiers had shot dead a Lendu civilian prisoner. The next morning, the soldiers took me to the commander who interrogated me about my contacts with MONUC. I told him. He said: "if you continue lying, you will end up dead like the others." He questioned me for about fifteen minutes.... When I went to fetch the water, they beat me with sticks, like a goat. Then they put me in the well again. I was released only because MONUC intervened.¹⁴⁵

The MONUC team in Bunia knew of some of these cases of arbitrary execution, arrest, and torture and reported some twenty of them, involving scores of people, to MONUC headquarters in Kinshasa in September and October 2002. These reports included one on September 9 about thirty-three local businessmen arrested by the UPC; another on September 12 about the slaughter outside Bunia of ten men and six women, whose bodies were then thrown in the river; and yet another on September 14 about a businessman arrested by the UPC and later found dead in Bunia town.¹⁴⁶ Despite these reports, no human rights staff from MONUC headquarters came to investigate the matter until January 2003 and no public denunciations were made concerning these serious abuses. In several cases, however, MONUC staff intervened at the time to stop abuses and to arrange the release of persons arbitrarily arrested.¹⁴⁷

Honoré Musoko, a lawyer and president of Justice Plus, a human rights organization based in Bunia, sought to defend several victims abused by UPC authorities.¹⁴⁸ He then found himself accused of working with the former Governor Molondo and of being an enemy of the UPC. Maitre Honore fled the region in November 2002 but

¹⁴² Human Rights Watch interview, Bunia, February, 2003.

¹⁴³ Large shipping containers are often re-used in central Africa as prisons.

¹⁴⁴ Human Rights Watch interview, Arua, February 2003.

¹⁴⁵ Ibid.

¹⁴⁶ Internal MONUC correspondence, September and October 2002.

¹⁴⁷ Human Rights Watch interview, Bunia, February 2003.

¹⁴⁸ He had previously been arrested by RCD-ML authorities for having given an interview on Voice of America about human rights abuses they had committed.

UPC authorities raided his organization, Justice Plus, on February 5, 2003 after he gave an interview on international radio about human rights in Ituri. Finding the Justice Plus office empty, the UPC authorities then went on to the office of Bunia Business Communications, which is owned by Maitre Honoré. There they arrested two workers and seized a satellite phone and computer equipment. The two workers were later released without charge but fearing similar treatment, other members of Justice Plus went into hiding.¹⁴⁹

When Human Rights Watch researchers raised this case with UPC President Lubanga and UPC Foreign Minister Jean Baptiste Dhetchuvi, they responded that the equipment had been seized because it was being used for “negative propaganda.” They had taken the equipment, they said, to “make them think and calm them down,” adding that human rights activists were “creating dangers for themselves.”¹⁵⁰ Within a day of this meeting, the equipment of Justice Plus was returned.

A foreign journalist, Gabriel Khan, drew the ire of UPC leaders when he reported in early 2003 on international television about the plight of more than 100 Lendu who had taken refuge in an abandoned house in Bunia. In an interview with Human Rights Watch, Lubanga labeled Khan an unrepentant “criminal” and blamed him for “having turned Ituri into an explosive area.” He accused him of having “given false information to the public which is worse than using firearms or machetes.”¹⁵¹ UPC authorities particularly resented Khan’s having broadcast a statement by a Lendu man who said he did not want Ugandan soldiers to leave because he feared the Hema would kill him if they did.

As of this writing, it appears that UPC authorities have investigated none of these abuses nor have they held anyone accountable for them. Many of those involved in the human rights abuses continue to hold senior positions in the UPC.

Massacres and Other Abuses by the APC and by Lendu and Ngiti Armed Groups

Lendu and Ngiti combatants massacred civilians of the Hema, Gegere and sometimes the Bira groups in late 2002. Among the cases documented by Human Rights Watch researchers were the slaughter at Komanda in August and early September 2002; at Nyakunde on September 5, 2002; at Nizi on October 11, 2002; and at Blukwa and Logo in October 2002. Often seeing themselves as victims, the Lendu and Ngiti combatants apparently believed their attacks to be justified reprisals against previous instances of Hema violence. Supported by the RCD-ML of Mbusa Nyamwisi, and through it by the DRC Government, the Lendu and Ngiti groups have at times carried out joint operations with APC troops. In response to the rise to power of the Hema group through the UPC, the Ngiti and Lendu have also established their own political parties including the Front for National Integration (FNI) and the Patriotic Force of Resistance in Ituri (FRPI), which work closely together. FRPI is often seen as the military arm of the FNI. Some of the leaders of these massacres later played important roles in these parties.

Nyakunde Massacre

In response to the UPC attacks on Songolo described above, the Ngiti Colonel Khandro and an APC Commander called Faustin launched a reprisal attack on Nyakunde on September 5. Over a ten day period these forces systematically massacred at least 1,200 Hema, Gegere, and Bira civilians in the town and in the Center Médical Evangélique (CME), a church-supported hospital.¹⁵²

During the attack, Commander Faustin reportedly told the hospital staff that Ngiti combatants wanted to attack the hospital, one of the largest medical facilities and training centers in eastern DRC and one staffed by several expatriate doctors. They saw the attack as a way of attracting international attention to their cause. He claimed that he personally opposed this plan. In accord with RCD-ML leader Nyamwisi, he wanted to focus the attack on

¹⁴⁹ Human Rights Watch interviews, Bunia and Kampala, February 2003.

¹⁵⁰ Human Rights Watch interview with Thomas Lubanga, Bunia, February 14, 2003.

¹⁵¹ Ibid.

¹⁵² This figure is based on information collected from a variety of sources, including eyewitnesses and others who collected bodies for burial. Many of the victims were buried in mass graves in Nyakunde. It is likely that the number killed is actually much higher.

defeating UPC soldiers and capturing Nyakunde as a prelude to retaking Bunia. Commander Faustin said that he and the Ngiti had finally agreed to attack the UPC camp and kill the Hema found there and then to loot the commercial center, but to leave the hospital untouched.¹⁵³

If there were such an agreement, some Ngiti combatants showed immediately that they would not observe it. A witness related:

I saw a column of Ngiti coming down the mountain. As the groups entered town they went into different directions in quite an organized way. One group went to the left and another to the right to surround the airstrip. A few moments later we heard shots from three different directions like a signal. Then a second group came down the road towards the center of town. I heard the commander shout “Do not touch the hospital”. Then a third group appeared a few moments later. Their commander also shouted at them not to touch the hospital but they disobeyed him straight away and entered the hospital grounds where they started to kill people. I witnessed their killing a Bira woman whom they left to die at the crossroads. I saw another woman shot by arrows. After the third group, came another group. The arrival of these four groups, in what seemed like waves, took less than one hour. There was a battle near the UPC camp which lasted for a few hours, though it was only the first group that carried out this battle. All the others entered the hospital grounds and started to kill people.¹⁵⁴

The APC and Ngiti combatants destroyed the UPC camp in the first hours of the attack. But they continued the operation, switching to a systematic search for Hema, Bira and Gegere civilians. According to witnesses the Ngiti combatants called it “Operation Polio”, implying a house-to-house search similar to a vaccination campaign. They continued the killing for at least ten days.

The Ngiti militia, wearing civilian clothes and fetishes, were armed mostly with traditional weapons such as machetes, spears, knives and axes. A smaller number carried firearms. A woman said:

I was in the market selling fruit and vegetables. We saw people coming from the hills, shouting. We didn’t know what was happening. They came to the hospital and killed anyone they could find. They wanted to kill my mother. I shouted that my mother was not a Hema. They killed two women, Marie-Louise and Françoise, aged between twenty and twenty-five, both Bira, and two children, including my own eight-month-old girl. Seven Ngiti combatants slaughtered them in front of me. The other child was a one-year-old boy.¹⁵⁵

A man who had been at the hospital said:

Through the window of one of the hospital rooms I saw them break through the fence. There were many of them and they broke into the building that I was in and started to kill people. They would cut their throats and take the hearts or bits from the throat. Sometimes they would cut the meat off the people’s thighbones and put this into their bags. They asked people what group they were from as they were looking for Hema, Bira and Gegere. That first day I saw them kill sixteen people.¹⁵⁶

Some assailants knew their intended victims and searched for them, calling out their names.

A witness said:

¹⁵³ Human Rights Watch interview, Beni, February 2003.

¹⁵⁴ Human Rights Watch interview, Oicha, February 2003.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

When it began I was in the hospital and heard cries. People were running everywhere. I heard them call people's names. One of them came running into my room terrified and I hid the person under the sewing machine and covered her with blankets.¹⁵⁷

One of those targeted related:

I hid in the ceiling of the intensive care ward with some others, but the attackers tried to get in. They used big stones to force the door and then started to kill. In the male surgery ward, they killed twelve people, all of them Hema patients. They just threw their bodies in the latrine.¹⁵⁸

The assailants forced people of other ethnic groups and hospital staff to help them find the victims. Another targeted person said:

I hid in the ceiling of the Operating Room with Pastor Solomon Iserve, his family and others. We spent four days there coming down just to get water and then going back up. It was very hot and there was no food. There were fourteen of us there - some were staff, some were students, some were women. On Tuesday [September 10, 2002], the APC and Ngiti went to see the doctor and told him that if he didn't give up the Hema hiding there, they would kill him. The doctor pleaded with them but they insisted. He was forced to open the operating room where we were hiding. We had to climb down. They wrote down our names and the administrator handed over the list. The fourteen of us included Hema, Gegere, Lendu, and Alur. They released two women, one Alur and one Lendu. They kept the Hema and the Gegere. The soldiers said we should keep calm and they would give us food, but if we ran away, there would be problems for the doctor. They gave us lots of food but we couldn't eat much.

They came back a few hours later to get us. They tied us to each other with ropes around our wrists, except Pastor Solomon who had his arms tied behind his back and then was tied to the others. . . . They searched all the hospital and took out lots of people who had been hiding, making us all sit in the corridor. The APC and Ngiti combatants were guarding us and beating us. They made us put our hands on our heads. They said if we put our hands down, they would beat us. They searched every room. They beat us and asked us our ethnic groups. They said: "if you tell us the truth, it may save you. If you lie, you will die." We didn't know what to say. They asked me and I said Hema. They said: "You're telling the truth". The combatants said they would kill us. They took my shirt and watch. They hit me with flashlights and punched me and kicked me. I said nothing.

At about 10:00 p.m., they told us to line up. We walked with Ngiti combatants on one side and APC on the other, not knowing where we were going. Together there were more than seventy of us, including some women who had just given birth and patients on intravenous drips. . . . They made us go into a house in the nurses' compound. We spent one night there. It was very small and crowded. We just prayed. The soldiers and the Ngiti combatants were standing guard outside and coming in and checking. They beat us.

In the room where we were, a two-week-old baby died. His body was thrown into the latrine. His mother had no milk to feed him. People were crying, urinating and defecating in there.¹⁵⁹

A member of the hospital staff related how they tried to appeal to the Ngiti commander. He said:

We went to Colonel Khandro to ask if we could see the people who had been taken from the hospital the night before. He allowed us to talk with them through a small window in the side of the building they were using as a prison. We managed to speak with Pastor Solomon who told us that there were about

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

seventy of them in the building and that many were tied. He said he was there with his family – his wife and young baby. We could see some people sitting and others standing. It was very crowded. He asked for water for everyone as they had had nothing to drink since they had been taken the night before. We returned to Colonel Khandro to ask if we could have permission to bring the people water. He refused and said it was none of our business. We felt completely defeated and made the decision that we should do everything possible to leave Nyakunde. There was no hope anymore.¹⁶⁰

After days of negotiations the remaining hospital staff was eventually allowed to leave late on September 12. With an escort of eight APC soldiers and carrying a few belongings, a small amount of equipment, and medicines, a few hundred of the medical staff made a ten-day journey on foot southwards towards Oicha. They left behind a destroyed hospital, hundreds dead, and some of their friends and colleagues held prisoners. “As we walked out, the Ngitu combatants carefully looked over the whole group still searching for the enemy,” said one person who made the trek. “On the road we saw the body of a man whose throat had just been slit. It was a sad reminder of what could happen to us. We were all so quiet and sad.”¹⁶¹

The Ngitu combatants and the APC interrogated the remaining prisoners and released those who were not Hema, Bira, or Gegere. A few others managed to escape. The remaining prisoners were separated into groups according to their strength. A witness recounted:

In the morning at 6.40 a.m., they came and untied the ropes of the women as we had slept tied up. They separated the stronger women and took us away, about sixty of us. A similar number of about sixty men and weaker women, including the Pastor Solomon’s wife, stayed behind. They gave us loads to carry of the things they had looted. I was made to carry roofing. They said: “we’re going to take these to our village, Singo.” We carried them many kilometers uphill, beyond the river Talolo. On the hill, there was a plain and we saw a troop of fighters. They made us go there.

When we got to Singo [twelve miles away] I heard that an earlier group had already arrived there and been killed. We were the second group. They put us in a house like a prison. It was very crowded and suffocating. Children were crying. We couldn’t breathe or even sit down.

On Saturday [September 14, 2002] the third group of prisoners arrived. These were the men, including Pastor Solomon. He was exhausted from carrying ammunition and hadn’t eaten. He had collapsed along the way. The Ngitu said he was a politician and should be killed. Some of the others disagreed and said they should wait for Colonel Khandro to arrive before killing him. They went back to get the Pastor who had fallen and brought him back. I saw him. He was just wearing a pair of brown shorts. They carried him and leaned him against another man. Then they “tried” him. They accused him of calling Hema militia from Bunia to kill Lendu and of playing politics against the Ngitu. He denied talking with Hema militia. They hit him. He denied being involved in politics. Then they “tried” other people. Each of these trials lasted about ten minutes but the Pastor was the only one accused of being involved in politics. The others were just told that they were causing problems because they were Bira or Hema. Then they took them away to two other prisons.

The next morning, an Ngitu combatant announced that the pastor was dead. He said, “The pastor has died before his time.” Someone else told me that he had been killed because of his involvement in politics. His body was cut up and the pieces thrown into the latrine.

At about 5:00 p.m. on Sunday [September 15, 2002] Colonel Khandro arrived. He was angry because we were all still being held as prisoners. He said all the people in the prisons should be killed.¹⁶² One of the

¹⁶⁰ Ibid.

¹⁶¹ Human Rights Watch Interview, Erengeti, February 2003.

¹⁶² Other persons, speaking separately with Human Rights Watch researchers, reported the same information. Human Rights Watch interviews, Bunia, February 2003.

prisoners was a Rwandan Hutu girl, Kasima, aged about eighteen. Khandro was very cross. He said: “Why are you still holding the hostages?” He whipped the guards, and then killed Kasima himself with a double-edged knife. I saw him kill her. I ran away.

At about 6 p.m. that evening, Khandro gave the order to kill those remaining in the prison. The people in the second and third groups were taken into the bush and killed there. I think there were about sixty people in each group. I saw as the Ngiti combatants came back with their knives and spears covered in blood and with the clothes of the prisoners. They killed them quickly. I was hiding and was very scared.¹⁶³

By the second day, the APC and Ngiti combatants had set up roadblocks to ensure that no Hema, Gegere, or Bira escaped from Nyakunde. Witnesses said:

We were stopped by the APC and Ngiti just outside Nyakunde. They asked us our ethnic group and asked for our identity cards. They separated people into groups: those from Kivu on one side and the Hema and Bira on the other. The Bira pretended they were from other groups. Some Bira said they didn't have a card. The APC told us that if we were hiding Bira or Hema, they would kill us. The APC were manning the roadblocks while the Ngiti were looting. They said if they found any Hema, they would kill them.¹⁶⁴

During these days of killing APC commander Hilaire from the 13th battalion was sent from Komanda to assess the situation at Nyakunde. He told Human Rights Watch researchers that he saw no civilian bodies during his visit but only the bodies of UPC combatants. He did not stay long and escorted the medical staff out of Nyakunde, leaving behind many other civilians who could have been saved.¹⁶⁵

Both commander Hilaire and commander Faustin apparently reported the events to the APC chief of staff. RCD-ML President Nyamwisi himself admitted knowing of the Nyakunde massacre. He told Human Rights Watch researchers, “I know about the events but we didn't give orders for this to happen,” he said.¹⁶⁶ The APC troops “were outnumbered and taken hostage by the Ngiti,” he continued and added that he had “no control over them at the time of the events in Nyakunde.”¹⁶⁷ According to witnesses, some APC troops did on occasion try to stop the killings, but were unable to restrain the Ngiti combatants.

Assuming the RCD-ML disapproved of the Nyakunde massacre, it is remarkable that it has launched no investigation into the conduct of APC troops and their allies, far less made any arrests for participation in the massacre. Commander Faustin is currently in jail in Beni but he is charged with letting soldiers under his command desert the APC, not with any actions he might have committed in Nyakunde.¹⁶⁸ Colonel Khandro was reportedly killed just days after the massacre by an individual in his own ranks. One of his deputies, Commander Germain who had also participated in the massacre, took control and is currently a key commander in the newly formed FRPI political armed group with links to the RCD-ML and the DRC government.¹⁶⁹ He was in charge of significant elements of the Ngiti and Lendu fighters who fought in Bunia in May 2003; a battle that resulted in the deaths of more than 400 civilians.

MONUC, with its severely limited resources and mandate was in no position to avert this massacre or to halt it once it had begun. In July a high-level delegation from the CME hospital warned MONUC that the risk of violence was high and that the hospital was threatened. The MONUC team sent a brief report back to

¹⁶³ Human Rights Watch Interview, Bunia, February 2003.

¹⁶⁴ Human Rights Watch Interview, Oicha, February 2003.

¹⁶⁵ Human Rights Watch interview, Commander Hilaire, Beni, February 12, 2003. Witness refused to give his full name.

¹⁶⁶ Human Rights Watch interview, President Mbusa Nyamwisi, Beni, February 11, 2003

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Human Rights Watch interviews, Beni and Kampala, February 2003.

headquarters in Kinshasa, but did nothing more. At the hospital, the staff despaired, with one saying, “The Congolese are dying but the UN says nothing.”¹⁷⁰

Information on the kind and extent of the massacre was available at the beginning of the second day when expatriate staff were evacuated. A subsequent e-mail message courageously sent on September 7 from Nyakunde entitled “Nyakunde - Fire and Blood”¹⁷¹ also alerted many to the scale and ethnic nature of the killings. The e-mail was addressed to a number of church organizations who reportedly passed it on to others, including the MONUC delegation in Bunia, but the UN force did not come to assist the victims.¹⁷²

The MONUC Bunia team reported back to Kinshasa headquarters on September 19, two weeks after the massacre, that more than 150 people had been killed in Nyakunde,¹⁷³ an astonishing underestimate of the death toll. While it may have been difficult at first to confirm information about the massacre, MONUC has not to our knowledge conducted any later investigations into this massacre.

Lendu and Ngiti Summary Executions Tolerated by RCD-ML Authorities

Lendu and Ngiti militia killed individuals of opposing ethnic groups just as they attacked large communities of such people. When RCD-ML authorities were in control of Mongbwalu, militia abused and sometimes killed Hema for no reason except their ethnic affiliation. Many Hema feared beatings or worse and left town. One witness related the killing of a newborn boy taken from the maternity ward of the hospital because both his mother and father were Hema. Had his father been of another ethnic group, the baby would not have been killed because ethnic affiliation is passed through the father’s line according to the witness.¹⁷⁴

A witness to the killing of a Hema woman in another incident said:

One day in October they arrested a woman who was accused of being a witch. But she was Hema and that was the real reason. There were about ten Lendu combatants with machetes and knives. They took her from her house, stripped her and then cut her all over – they cut off her arms and then cut her genitals. Then they killed her near the central market place and burned her body. About fifteen of us witnessed this. The authorities eventually intervened and the APC Commander Papy stopped it. They tried to get the Lendu notables to calm the situation down but they didn’t arrest anyone.¹⁷⁵

In this case, the soldiers attached to the RCD-ML were ready to prevent further such crimes—at least in the immediate future—but were also ready to tolerate impunity for the crime just committed.

In Mongbwalu APC Commander Kongolo publicly tried one of his soldiers, Pierre Ukila Wadhum, accused of killing a popular Lendu combatant. After considerable threats, Wadhum confessed to the crime, but his guilt was not otherwise established. Kongolo proposed arresting Wadhum and sending him to Beni, but the Lendu combatants refused and demanded that he be handed over to them to be killed, Kongolo gave in to their demand. A witness to the October 2, 2002 mob killing said:

Kongolo failed in his negotiations, as did others, and they finally said to the Lendu, “If this is what you have judged, then take him.” They took him to the central area of Mongbwalu and called everyone to come and see. Pierre [Wadhum] was tied up and completely nude. They made him sit on the ground and then a Lendu fighter sat on a chair behind him, holding the man’s head between his legs. He cut the soldier’s throat with quick cut of his knife. Another Lendu fighter came with a big machete and cut open his chest and took out his heart. They gave the heart to their Chief – Maitre Kiza – who took the heart and washed it in a bowl of water they had prepared. He then placed the heart on the fire. He put a little

¹⁷⁰ Human Rights Watch interview, Oicha, February 2003.

¹⁷¹ CME Hospital staff member, “Nyakunde en feu et en sang”, September 7, 2003.

¹⁷² Human Rights Watch interview, Beni February 2003; electronic correspondence, June 2003.

¹⁷³ Internal MONUC correspondence, September and October 2002.

¹⁷⁴ Human Rights Watch interview, Oicha, February 2003.

¹⁷⁵ Ibid.

bit of salt and oil on the heart and then roasted it. They had two large bowls of cassava ready near the fire. As the heart cooked, the other Lendu combatants took the remainder of the body and placed it on hot wood and then placed other hot pieces of wood on the top so the body was roasting as well. The Chief and his entourage then ate the heart with the cassava while the rest of the Lendu fighters ate the body. They even offered the crowd some of the meat. The APC soldiers at first watched but then went away as they saw their comrade being eaten. Whatever wasn't eaten was then burned. This whole ceremony took over two hours.

There were many of us who witnessed this. They told us not to take any pictures and if anyone did there would be trouble.¹⁷⁶

Two days later Maitre Kiza and Kung Fu, another Lendu fighter, were sent to Beni where they were reportedly judged by military officials. They returned to Mongbwalu a few days later. They called another meeting at the same place and told the population there would be no more such executions. Maitre Kiza became a key figure in the Lendu political armed group, the FNI, who have links with the RCD-ML.¹⁷⁷ He was reportedly killed in fighting in Ituri in early June 2003.

As with the Nyakunde case, RCD-ML authorities appeared willing to let serious human rights abuses, mob justice and cannibalism go uninvestigated and unpunished, but sought to deter further cases of such crimes.

Abuses by the MLC and RCD-N

The MLC had been involved in Ituri during the short-lived agreement of the Front for the Liberation of Congo (FLC), a platform of the MLC, RCD-N and the RCD-ML, sponsored by Uganda under the leadership of Jean Pierre Bemba. But Nyamwisi refused to accept Bemba's leadership in Ituri and his forces pushed Bemba and the MLC troops out of Beni and Bunia. In the last months of 2002, the MLC tried to fight its way back into Ituri with the support of Roger Lumbala's RCD-N, claiming that Nyamwisi had violated the Lusaka Accord. In doing so, their combatants committed violations of international humanitarian law including the deliberate killing of civilians, numerous cases of rape, looting and some acts of cannibalism. Some of these violations may have been directed at the Nande ethnic group, targeted for their connection with Nyamwisi, himself a Nande.

Summary Executions and Looting at Mambasa

Mambasa, a district in the western part of Ituri, was relatively untouched in the early years of the conflict between the Hema and the Lendu. Although officially part of the former territory of Ituri, it remained in the hands of the RCD-ML after the fall of Bunia to the UPC in August 2002. As the killings continued in eastern areas of Ituri, many civilians fled west towards Mambasa and Komanda. By the beginning of November, a reported 5,200 displaced people from other parts of Ituri were being given assistance in Mambasa.¹⁷⁸

In early October, the MLC and RCD-N launched their attacks near the town of Mambasa and then attempted to move further south towards the RCD-ML capital of Beni in the "effacer le tableau" [Wipe the Slate] campaign which would eventually end with the ceasefire signed in Gbadolite on December 31, 2002. In the area of Mongbwalu, UPC troops attacked jointly with the MLC forces, as described above, and the UPC was rumored to be seeking an alliance with the MLC.¹⁷⁹

When the MLC and RCD-N troops arrived in Mambasa on October 12, 2002, most residents fled to the forest. The troops sought out residents in the bush, trying to identify at least some of them by ethnic group. A witness said:

¹⁷⁶ Human Rights Watch interview, Bunia, February 2003.

¹⁷⁷ Human Rights Watch interview, Kampala, February 2003.

¹⁷⁸ Human Rights Watch interview Beni, February 2003.

¹⁷⁹ Ibid.

We had fled there but they found us. They asked us our names. If they sounded like Nande names, they took people away. I was captured along with my older brother. They tied our arms behind our backs with rope and took us to the Mambasa cemetery. . . .They made us lie on the ground. They said: “You’re Nande and we’re against Nande. Therefore you should be eliminated.” There were twenty-five soldiers who took us there. They were well-armed with guns. They said they were going to kill us. We were lucky because after about ten minutes, some APC soldiers appeared, and the MLC soldiers fled. We ran away, still with our arms tied.¹⁸⁰

Bemba’s MLC and RCD-N troops also killed four people because of their supposed political loyalties. One witness said:

Days after they came into Mambasa they took my brother-in-law from the house. They had APC uniforms and claimed to be his friends, but they were really the Effacer. They asked him and a group of eight others how they viewed the Effacer. The people responded that they were very bad and they had looted everything from the population. The effaceurs then took four of the nine people and killed them, including the chef de quartier of central Mambasa. They buried them behind the St Anouarite Church in the center of town. The others were allowed to go.¹⁸¹

Another witness who saw the corpses said that their arms and ears had been cut off. Of the four victims, he had known two, Daniel Kahindo and Francois.¹⁸²

The troops reportedly shot Gerard of Mandima because he refused to tell them where to find the driver of his truck, which they wanted to steal.¹⁸³

Local Red Cross officials report that in the district of Mambasa, including the town and surrounding areas of Teturi, Lwemba, and Byakato, some 185 victims of violence were buried from the violence between October and December 2002.¹⁸⁴ It is unclear how many of those were killed by MLC combatants and how many died in other ways.

MLC and RCD-N soldiers, many of them drunk or drugged, systematically looted the town. Some were bare-chested, others had uniforms or headbands with US. flags. One soldier told the residents of a house he had entered, “Don’t resist because for four days we can do whatever we want. That is the agreement.”¹⁸⁵ They forced residents to transport the loot to their camp.¹⁸⁶ Colonel Freddy Ngalimo who commanded the operation for the MLC explained the looting to community leaders as normal. “Even the Palestinians do it,” he reportedly said.¹⁸⁷ To quiet community protest, the troops made a pretence of returning the loot, but in fact gave back only a few of the less valuable items.

The Kinshasa government and its ally, the RCD-ML, were outraged at Bemba’s attempts to muscle into new territory and may have prompted publicity about abuses by MLC forces. Bemba reacted to the substantial national and international criticism by having MLC Lieutenant-Colonel Freddy Ngalimo and twenty-six others tried for “extortion, rape, assassination, looting and disobeying orders.”¹⁸⁸ Under Common Article 3 to the Geneva Conventions, the MLC had legal authority to prosecute and punish its own soldiers by a regularly constituted court, but the trials failed to meet internationally recognized standards for fairness. The judges were neither independent nor impartial and the prosecution had done no real investigation nor offered serious examination of

¹⁸⁰ Human Rights Watch interview in Mangina, February 2003.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ Human Rights Watch interview, Beni, February 2003.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ UN IRIN, Interview with Jean-Pierre Bemba by IRIN, February 6, 2003.

the charges. The trial, held in February 2003, appeared to have been a public relations exercise with the aim of shielding Bemba and his main officers from more serious prosecutions. It resulted in a number of convictions, with the lower ranking officers sentenced to harsher punishments than their commanders. The most serious sentence of life imprisonment went to Corporal Katembo Kombi and Lt. Jose Zima for murder. Colonel Freddy Ngalimo, who had been in charge of the military operation with direct control over events, was found guilty only of permitting insubordination by troops under his control, and was sentenced to three years imprisonment. Sixteen combatants received sentences ranging from six months to three years for crimes of desertion, disobedience, or rape, and seven others received only “internal sanctions” for indiscipline. For actions that might have amounted to crimes against humanity, these trials made a mockery of justice.

Assassination of Governor Joseph Enecko

To gain wider acceptance for their movement, the UPC appointed an Alur, Joseph Enecko, as Governor of Ituri in August 2002. Governor Enecko had been a well-respected Alur community leader and surprised many in his own constituency when he accepted the position. Some even viewed him as a traitor for having joined forces with the UPC. From the beginning things did not go according to plan. A high level delegation sent to Aru to make the official announcement of his nomination were surprised—some were reportedly even shocked--when the newly appointed Governor stated publicly he would accept the position, but that he should not be considered as member of the UPC.¹⁸⁹

The governor delayed his departure to Bunia in order to resolve some matters in Aru and Mahagi, an action which may have increased UPC concerns about his attitude. He talked openly of his mission for peace and met with various groups in the north of Ituri, including Roger Lumbala of the RCD-N, Lendu leaders in Kpandruma, and some local Hema leaders in Fataki. He visited the Lendu before the Hema prompting rumors that he was pro-Lendu. The UPC sent a delegation headed by Kisembo Bahemuka, the Chief of Staff of the UPC army, to oblige Governor Enecko to come to Bunia.

Before leaving for Bunia Governor Enecko set out on November 21 for Mahagi to install a new territorial administrator in his post. Just before he left, the UPC commander in Aru changed the governor’s bodyguards and driver. En route, near Simbi, the local people stopped the governor’s car and informed him that APC troops and Lendu militia had been fighting the UPC on the road ahead earlier in the day. Night was falling but the Governor was determined to go on. A local source reported:

Around five miles from Mahagi the delegation saw three bodies on the road. The driver stopped, saying they should go back, but the Governor insisted they should go on. Then a person stepped out into the road wearing a military jacket. The bodyguards tensed and wanted to shoot, but the Governor restrained them. They shouted that they were with the Governor. The soldier responded, “Which governor – is it the one killing us here?” and then gave the order to shoot. Within minutes all the passengers were killed except two bodyguards who were in the back of the vehicle and managed to escape. Governor Enecko, his driver, his secretary, the Chief of the Public Office and five other guards were killed.¹⁹⁰

People from the nearby village heard the shooting and went to investigate the following morning. “I walked up the road to see what had happened. I saw all the bodies and was really scared,” said a witness. “I didn’t know at that time that it was the governor. Then the UPC arrived and started to destroy the houses in my village. I don’t know why. They made people come with them to the scene and bury four UPC soldiers but not the ones near the car. They were very nervous and made them do it quickly as they wanted to leave straight away.”¹⁹¹

¹⁸⁹ Human Rights Watch interview, Arua, February 2003.

¹⁹⁰ Ibid.

¹⁹¹ Human Rights Watch interview, Nebbi, February 2003.

The following day, before any more formal investigation had been done, UPC authorities announced that the two survivors had identified APC soldiers as the killers. At the time of the Human Rights Watch mission to Ituri, the two survivors were under UPC surveillance motivated, it was said, by a concern for their lives.¹⁹²

Witnesses and local residents who lived near the ambush site claim that UPC soldiers attacked the Governor's car. One said:

At around 6:00 p.m. there were a lot of shots in the Nzii area not far away where the APC were fighting with the UPC. I fled about half a mile away along with others. The shooting stopped at about 6:30 and I returned to my house. Near my place I saw APC soldiers on the road walking away from the place where the fighting had been. They heard a car approaching and so they hid on the edge of the road. After it passed some of them came out and shouted "APC, APC let's go" and then many of them came out and carried on walking down the road in the direction opposite to that taken by the car. . . . A few moments later I heard shots again in the direction the car had taken which lasted for about 15 minutes. I stayed alone in my house that night and saw no more soldiers pass that evening.¹⁹³

A few days later UPC soldiers raided the Governor's house in Bunia and looted everything inside.

At the time of writing, no official investigation has been carried out and no one has been charged with the murder of the most senior local authority in Bunia.

Blocking Humanitarian Aid and Targeting Humanitarian Workers

Armed groups in Ituri began intimidating humanitarian workers and blocking the delivery of assistance to "rival" areas in late 1999. All parties to the conflict have been guilty of this violation of international humanitarian law, the incidence of which increased and became more serious over time. In the last year alone, there have been more than thirty cases where humanitarian workers have been arrested, threatened, beaten, or expelled from the area. UPC authorities have been responsible for the majority of these recent cases, often charging the agencies and their workers of being complicit with the Lendu. Such was the case when UPC soldiers imprisoned two aid workers in November 2002. In other cases, UPC soldiers have arrested aid workers who have refused to provide them with food or medicines.¹⁹⁴ In a statement on September 1, 2002 UPC Foreign Minister Jean Baptiste Dhetchuvi deplored the "negative attitude" of humanitarian agencies and accused them of having helped the Lendu cut the water pipes that provided clean water to Bunia, ignoring the fact that those agencies had been the ones to install the pipes.¹⁹⁵

In early 2003 UPC authorities expelled the Belgian priest, Mark Deneckere of the White Fathers of Africa, for having helped a group of displaced Lendu, the same group whose story drew the wrath of the authorities on journalist Khan in the incident described above. Father Deneckere had worked in Ituri for over 40 years. He said:

In August the UPC burned many houses in Bunia and that night the Lendu came to us with what little they had, asking for assistance. They took refuge in an empty house nearby. I was later accused of taking these people hostage – all 120 of them. How could I possibly have done that? Of course I helped them. How could I not? They were people in need and as a priest I could not ignore that.

Then a journalist did a story on the situation in Bunia that really angered the UPC. On February 9 the UPC took me into the house where the Lendu had taken refuge and claimed that they did not know these people were there. This was of course impossible as they had visited many times and often the soldiers would look over the wall. I was told I had to come for an interrogation. On February 11, 2003 I was officially summoned to their office and they asked me many questions. They accused me of helping the

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Human Rights Watch interview, Bunia, February 2003.

¹⁹⁵ Jean Baptiste Dhetchuvi, *Ituri: What Future?*, September 1, 2002.

Lendu, of giving them weapons, and wanted to know why I had opened my doors to them. It was absurd.¹⁹⁶

On February 14, 2003 the UPC gave Father Deneckere 48 hours to leave Ituri. The expulsion order gives the reason as “secretly hosting displaced people with the intention of tarnishing the UPC movement and of being in contact with negative forces against peace and reconciliation.”¹⁹⁷

UPC soldiers threatened and actually attacked priests and aid workers in other areas as well. On January 15, 2003, the UPC attacked the parish in Nioka where a feeding center for malnourished children had been set up with the assistance of an international nongovernmental organization. They arrested and beat the priests, accusing them of helping the Lendu. They looted the parish and then destroyed the warehouse where the food for the feeding center was kept. A witness said:

There were four UPC soldiers who came with a Hema civilian called Jabu. They accused us of being with the APC and having weapons. They said they were could do anything they wanted to us. They beat me for nearly thirty minutes. They accused me of being with the Lendu and said they would kill me like they were killing the Lendu. They took some of the Lendu from the village, men named Njangu and Kpatchuma, and they executed them behind the prison. I had to sleep outside all night long.

They looted the parish, shot into the ceiling and tied up Father Mario, one of the white priests. They accused him of helping the Lendu because he was working at the feeding center for malnourished children. They took him to the prison in Nioka and asked him for money. They beat him. They made another priest carry water for them all day long. He was kept for two days and hit with a stick. I managed to escape to the forest where I stayed for four days.

All we were doing was helping starving children - Lendu and others as well. Now all that is finished which is exactly what they wanted.¹⁹⁸

The increase of attacks by armed groups has caused humanitarian agencies to reduce their activities in the area, despite the desperate need of tens of thousands of people for assistance. According to a relief worker, the results have been catastrophic, “Thousands of people will have died because of political games.”¹⁹⁹

UPC authorities have also intimidated and in one case expelled UN personnel. On November 23, 2002, UPC President Lubanga declared persona non grata a UN officer from the Office for the Coordination of Humanitarian Affairs (OCHA) who had protested against the arrest and intimidation of humanitarian workers. The official reasons for his expulsion were “arrogance, malicious intervention, spreading of false rumors and discourteous language to UPC officials,” charges which Lubanga declared to be “very serious for the security of the territory controlled by the UPC.”²⁰⁰ Another OCHA representative and a MONUC staff member had previously left Bunia after intimidation by Hema leaders.

The Murders of ICRC Staff

The most serious attack on humanitarian workers in Ituri was the murder of six staff members (four Congolese and two expatriate) of the International Committee for the Red Cross (ICRC) on April 26, 2001.²⁰¹ Local police began investigating the killings under the authority of the Congolese Liberation Front (FLC) which controlled

¹⁹⁶ Human Rights Watch interview, Father Mark Deneckere, Kampala, February 20, 2003.

¹⁹⁷ Process Verbal de Refoulement against Marc Deneckere, signed by Saba Aimable, UPC Judicial Officer, February 14, 2003.

¹⁹⁸ Human Rights Watch interview, Paidha, February 2003.

¹⁹⁹ Human Rights Watch interview, Kampala, February 2003.

²⁰⁰ Process Verbal de Refoulement, signed by Saba Musanganya, UPC General Administrator of Security, November 23, 2002.

²⁰¹ They were Aduwe Boboli, Julio Delgado, Rita Fox-Stuecki, Jean Molokabonge, Véronique Saro and Unen Ufoirworth.

Ituri briefly in 2001. Since the collapse of the FLC, apparently no official has pursued the investigation despite repeated appeals for action from the international humanitarian community.

Human Rights Watch had access to information gathered by the police and was able to independently verify some of it. The evidence suggests a conspiracy to kill international aid workers carried out by local Hema community leaders, some of whom were members of the UPC, and Ugandan soldiers.

On April 26, 2001, a team from the ICRC was attacked in the early afternoon shortly after leaving Fataki, in the Djugu territory of Ituri, and heading towards Bunia. All six ICRC staff members were killed and the two cars burned. The bodies were discovered shortly afterwards by others on the road who raised the alarm, and a team of Ugandan military and local police came from the nearby town of Djugu. A witness said:

Behind the second vehicle there were five bodies in a row. The sixth body was a little further away. It looked like the bodies may have been arranged after they died. They all had cuts and spear marks on them and one had a spear mark in the back of his head. Some of the bodies had drag marks and it looked like they had been moved afterwards. The bodies were collected and taken to Djugu and shortly afterwards to Bunia by the military under the escort of Ugandan army Sector Commander Colonel Muzoora.²⁰²

According to witnesses, the Ugandan army Major David, usually posted at Fataki, had been in Fataki the morning of the murders and arrived in Djugu at about 5:30 p.m. having apparently traveled a longer road, perhaps to avoid being near the place of attack. He was accompanied by three well-known Hema extremists named Loringa, Assau and Tharcisse. That night Major David, Ugandan soldiers, and the three Hema civilians went to the crime scene, but refused to allow local police to accompany them.²⁰³

Two days later an official inquiry team including police investigators and some ministers arrived from Bunia. Thomas Lubanga was among them, although his job responsibilities at the time as Minister of Youth, Sport and Leisure did not include criminal investigations. There were also a large number of Ugandan soldiers attached to the team despite reservations concerning their presence expressed by the Minister of Justice.²⁰⁴

A witness told the team that he had seen five men leaving the scene of the crime, three in uniform and carrying backpacks and two in civilian dress. This witness changed his statement a few days later and said the men were not in uniform.²⁰⁵ Despite requests from the Assistant Administrator of the Territory, the Ugandan army did not provide protection to this witness and he later disappeared.

Several days after the crime, the Ugandan army allegedly conducted a “clean-up” exercise in which they encircled the area called Likopi near the crime scene and killed some twenty-five people, including a judge named Jicho who lived three miles from where the ICRC murders had taken place.²⁰⁶ Civilian police were afraid to investigate these latest killings.

Soon after the Ugandan army arrested a Lendu man named Dongo Tchudja, whom they accused of committing the murders along with other Lendu bandits. According to the Ugandan army, Mr Dongo confessed to the murders. The accused, however, repeatedly changed his statement and got many details wrong in his “confession,” such as the date, color of the cars, and number of people he killed.²⁰⁷ The Ugandan army guarded the “perpetrator” at a container in their military camp at the Bunia airport and refused to hand him over to the civilian judicial authorities. A MONUC observer who spoke with Dongo said that he appeared “unbalanced”.²⁰⁸

²⁰² Human Rights Watch interview, Arua, February 2003.

²⁰³ Bunia Police files, 2001.

²⁰⁴ Human Rights Watch interview, Arua, February 2003.

²⁰⁵ Bunia Police files, 2001.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Human Rights Watch interview, Bunia, 2001.

The suspect continued to be held without charge and in January 2002 the magistrate sent a letter to the new prosecutor complaining about the continued interrogation of Dongo.²⁰⁹ According to local sources, Ugandan soldiers then took Dongo to Kampala without asking the consent of local judicial authorities or even informing them of it. His fate is unknown.

The Ugandans and the FLC announced that the killer of the ICRC team had been apprehended before the official enquiry was completed. Local police tried to continue their investigation and summoned men from Fataki for questioning, including those named Mohindo, Tharcisse, Assau, Adidace, and Loringa. When those summoned failed to appear, the police found no way to compel them to come. At one point, they asked the vice-governor for backing and he refused, saying, "It is not my affair".²¹⁰

Lubanga sought access to the local police files, as did senior officers of the Ugandan army. Eventually the Ugandan army sent an officer to take the files from the prosecutor, saying that a plane was due to arrive from Kampala to take the information to President Museveni. The Ugandan officer was given some of the documents, but not the whole file.²¹¹

Those familiar with Hema politics believe that a number of Hema community leaders may have held meetings several months before to plan the crime. As one insider explained to Human Rights Watch researchers, "I believe the Hema leaders planned to kill the people from ICRC. I heard people talking about it before it happened and they told me they were going to carry out an ambush. . . .They didn't want the ICRC to help the Lendu and they were very much against them."²¹²

According to diplomatic sources, the Government of Uganda set up a military investigation into the ICRC killings in mid-2002, but no results have been published and, to our knowledge, no arrests have been made.

Inhumane Acts – Cannibalism and Deliberate Mutilations of Corpses

Members of the most important armed groups in Ituri have carried out inhumane acts, such as cannibalism and deliberate mutilation of corpses. Following a MONUC press release charging that Bemba's MLC forces had committed cannibalism, the international press focused on these acts, repulsive by their nature. But they affected a relatively small number of people. Journalists accorded these crimes far more attention than the more usual acts of killing that had been devastating the region on a far larger scale. The Human Rights Watch mission to Ituri followed in the wake of this publicity and found that acts of cannibalism were not unique to the MLC forces in Mambasa, but had been carried out also by other armed groups in the conflict since 1999 including the Ngiti and Lendu militias and Hema forces of the UPC. Victims included people of several ethnic groups.

Perpetrators in these cases may have consumed human flesh as part of a larger political and ritual context, as has happened elsewhere in the DRC and in the world.²¹³ Cannibalism is sometimes linked to the belief that those who consume the flesh of a person acquire his strength. The appearance of this practice at this time in Ituri may indicate that peoples subjected to constant threat over a period of years have become cannibals as a way of strengthening themselves and assuring their survival. It may also mean that perpetrators have found that fear of cannibalism terrorizes victims more effectively into compliance with their orders than does the simple fear of death, so frequently faced in daily life.

²⁰⁹ Letter from Jerome Lutimba Hussein to Monsieur le Procureur on January 5, 2002. Ref No 001/JLU/PIR/2002.

²¹⁰ Bunia Police files, 2001.

²¹¹ Human Rights watch interview, Kampala and Arua, February 2003.

²¹² Human Rights Watch interview, Kampala, February 2003.

²¹³ There are also reports of cannibalism by the Mai Mai in the Kivus in DRC, see IRIN-CEA Weekly Round-up 161, February 8 – 14, 2003. Eating the flesh or internal organs of the enemy has been reported in a number of armed conflicts in recent years. See, e.g. "You'll Have to Learn Not to Cry": *Child Combatants in Colombia*, Human Rights Watch, forthcoming July 2003; *Sowing Terror: Atrocities against Civilians in Sierra Leone*, Human Rights Watch, July 1998, p. 12; *Leave None to Tell the Story: Genocide in Rwanda*, Human Rights Watch: New York, March 1999, p. 255; *Vigilantes in the Philippines: A Threat to Democratic Rule*, Lawyers Committee for Human Rights: New York, 1988, p. 44.

In the last three months of 2002, MLC and RCD-N troops raped, killed, and cannibalized Pygmies, hunters and gatherers who live in the forest. They sought thus to terrorize the Pygmies into helping them as guides through the dense forest so that they could avoid travel on the main roads where they would be subject to attack. Some of the combatants who engaged in this practice may have hoped to acquire strength from their victims.

Human Rights Watch researchers gathered information about the case of a Pygmy named Amuzati. A witness said:

About twenty miles from Mambasa, the MLC soldiers attacked a Pygmy camp. Amuzati, who was hunting in the forest, heard shooting. As he wasn't far from his camp he returned to see what was happening. About half a mile away, he heard shouts and crying and then there was silence. He came closer and saw several soldiers. He saw the corpses of his family, including his nephew, four or five years old, with his stomach cut open. They were cutting the flesh off the victims. Then he watched as they ate his mother, elder brother, and two nephews. He was filled with emotion and afraid that if he shouted, they would catch him too, so he crept away.²¹⁴

Some Lendu militia carried out deliberate mutilations and acts of cannibalism against their victims, mainly targeting the Hema. This often involved a ritual in which the flesh of the victim was distributed to Lendu combatants. A witness taken by Lendu militias on the road near Makofi in November 2002 said:

I was in a truck with five other people en route to Mongbwalu. Near Makofi we ran out of fuel. We started to walk when we were attacked by the Lendu. There were many of them with guns and machetes. They surrounded us and captured us. They started to interrogate the driver, Independent Dedjo and they hit him. They also beat me. They asked us what tribe we were from and we said Alur. They asked us for our identity cards. They did not believe the driver and thought he was Hema. A man who knew me and some of the others vouched for us and said we were Alur, but he did not know the driver. They decided to conduct a test. They rolled two eggs on the ground. If the eggs rolled back then the man was not a Hema, if they did not, then he was. The eggs did not roll back.

They told Dedjo to run for his life. As he ran they shot at him with arrows. He fell and they cut him with their machetes. They killed him. Then they lit a fire and grilled his body for hours. Six of the Lendu fighters ate the meat. The rest of us saw them do this. We were held for four days and they threatened to do the same to us. Commander Katumba was in charge of the fighters and organized all this. I think he is now dead. Eventually we paid them with the goods from the truck and they let us go.²¹⁵

Some Hema combatants of the UPC have carried out similar acts of deliberate mutilation of bodies and cannibalism. A witness from Mongbwalu explained what he saw the Hema militia do:

The Hema didn't have any pity for people. They slashed them with machetes. They cut people's ears off and made them eat them, then they killed them. I saw this happen in Pluto. For example, they caught a Lendu combatant. They cut off his ear and part of his buttock and made him eat them. They killed him with machetes.²¹⁶

A witness from Boga area, south of Bunia, said:

In September 2002, the Hema intercepted some Ngiti to the south of Kyabwoke in the Boga area. A young man, the son of Obadhia, came to me and bragged that he had killed an Ngiti woman. He had cut off her genitals and had put the clitoris on his forehead like a trophy. He wanted to show how strong he was.

²¹⁴ Human Rights watch interview, Program d'Assistance aux Pygmées (PAP), Beni, February 9, 2003.

²¹⁵ Human Rights Watch interview, Arua, February 2003.

²¹⁶ Human Rights Watch interview, Oicha, February 2003.

In October 2002, the Hema again attacked the Ngiti in Zungulouka. When they returned from the attack they brought with them forty ears and one hand that they had cut off their victims. They carried them in a stripped plastic bag like the ones that hold shopping. They called us over to look at them and I saw it myself. They were singing victory songs. Commander Ateenyi Kagwa directed the operation. They said they had killed many people and they looted as well. They came back with more than twenty goats. The killing must have been horrible; even today you can still see skeletons in that place where people were slaughtered.²¹⁷

Sexual Violence

Combatants of all armed groups have committed rape and other forms of sexual violence in Ituri.²¹⁸ They have often raped women and girls as part of a more general attack in which these forces killed and injured civilians and pillaged and destroyed property. This was done to terrorize communities or punish them for real or supposed aid to opposing forces. In other cases, women and girls were raped simply due to their ethnicity. In some cases, victims were forced to leave with the rapists and have not been seen since. Some may have been killed and others may be being held by their abductors for continuing sexual and other services. Some rapists aggravated their crimes by other acts of extraordinary violence such as puncturing the vagina with spears or cutting off parts of the body. Armed combatants from militia groups and regular soldiers responsible for acts of sexual violence commit war crimes. Where these crimes are widespread or systematic, they could amount to crimes against humanity.

In the DRC a girl or woman who has been raped has been personally dishonored and, through no fault of her own, has brought shame to her household. An unmarried woman who has been raped will have trouble finding a husband if the crime becomes known. A married woman could be rejected by her husband or his family and suffer daily humiliation, if not outright expulsion from the household. Many victims are afraid to talk about the crimes, but groups working with women describe the situation as desperate, saying that rape is widespread even if rarely talked about.²¹⁹ Human Rights Watch researchers confirmed this conclusion during the course of their field work.

During attacks on Mambasa in October and November 2002, numerous MLC and RCD-N soldiers raped women. Witnesses describe one case:

In Mambasa in November 2002, a young girl, aged 14, was raped by four soldiers of the MLC. She was a virgin. They pinned her to the bed. They forced her brother to watch and said that if he left, they would kill her. . . . After they raped her, she cried. They slapped her on her face and leg and told her to stop crying. They said: "We can do what we want as long as we don't kill people." She bled for three days and was sick for two months afterwards.²²⁰

The aunt of one victim recounted another instance of rape:

One day in early November we were on the road near Mambasa when we ran into three soldiers who seemed to be MLC. Some had camouflage uniforms and others just had green ones; some of them had green berets. They took all our things from us including our bicycle and goats and then they took our niece who was only fifteen years old and raped her in front of us. They spoke to us in Lingala and they took her away with them. We have not seen her since. Her name was Marie Anzoyo and she is Logo. I know other girls were taken as well including a girl called Therese and another called Vero.²²¹

A witness described another case:

²¹⁷ Human Rights Watch interview, Kampala, February 2003.

²¹⁸ Human Rights Watch researchers and their Congolese colleagues documented a similar pattern in North and South Kivu provinces of eastern DRC in 2002. Human Rights Watch, *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*, June 2002.

²¹⁹ Human Rights Watch interview, Bunia, February 2003.

²²⁰ Human Rights Watch interview, Beni, February 2003.

²²¹ Human Rights Watch interview, Mangina, February 2003.

In October 2002, two miles from Mambasa, the daughter of a man named Ndalo was raped and then disappeared. She was about twelve. Several soldiers raped her in the bush, and then they took her away. It was at night. The father was present. We never saw the girl again.

The victim in yet another case said:

I was raped one night in December, at about 11 pm, in our house, by five Bemba [MLC] soldiers. My mother-in-law was also raped. They came while we were sleeping. They were wearing military uniforms. All five of them did it. My father-in-law was made to hold my one-year-old child and was forced to watch. They also beat him with ropes. They said they wanted to kill all Nande and take Mambasa. I managed to get out through the window. My father-in-law helped me climb out. He fled; I don't know where he is now. My mother-in-law was taken by the soldiers.

In another case, a Pygmy woman was sexually assaulted by soldiers. A witness said:

In Nombi a Pygmy woman was attacked by soldiers. She had gone into the forest to search for food and met a group of military from Mambasa. They were in civilian clothes and spoke both Lingala and Swahili. There were many of them. They captured the woman and interrogated her. She told them she was looking for food to trade for salt. They got out some salt they had and forced her to eat it at gunpoint. They also made her eat a kind of meat she didn't recognize. After eating all this they shaved her head and forced her to strip. A soldier then put his hand into her vagina. No one stopped it. They let her go but told her she must not talk about what had happened. She was very sick from having eaten all the salt and when she arrived back at her Pygmy camp she told the others what had happened. They tried to find traditional medicine to help her but she is still sick in Nombi.²²²

Rape was a frequent part of general massacres and other ethnically targeted violence that was taking place in Ituri. In Nyakunde a witness tells of how she was raped by Ngiti combatants:

On the night they came to search out the Hema and the enemies, I was picked out with two other women who were students. When they came to me, they said that they had previously told those who were not enemies to leave Nyakunde. Therefore as I had stayed I must be the enemy and would have to be tortured. They bound my hands, took me out of the room and started to beat me. They hit me repeatedly on my head and my back.

At about 4:00 in the morning they made us walk to the nurses' compound. They made us go into the first house and continued to hit us. There were about nine combatants – four of them had guns, others had machetes, spears, and axes. They made us strip and then they raped us. Two men raped me, three men raped each of the other girls – it lasted about an hour and a half. I knew the men who raped me. They were people from Nyakunde. One said to me that he had liked me before but that my parents wouldn't let him marry me. He said he could do whatever he wanted to me and that I didn't have a word to say about it. He even said he could kill me if he wanted to.

After they finished raping me they said I could put on some of my clothes and that I should go to check on my son – he was just twelve years old. My son had a Lendu father, so he is Lendu although I am considered Hema. They started to accompany me to the hospital but then they disappeared and I fled. The other two girls were taken to another house, but I don't know what happened to them. I looked everywhere for my boy that night but couldn't find him. I heard they had taken him to transport their goods to Songolo and it was only much later that I heard from a friend that he had died.

I am now five months pregnant by the men who raped me. I don't know what to do. I have no future.²²³

In another case, it was Hema combatants of the UPC who raped two young Lendu women. A witness said:

²²² Human Rights Watch interview, Beni, February 2003.

²²³ Human Rights Watch interview, Oicha, February 2003.

In July 2002, two young Lendu women were abducted and raped by UPC militias. They were going to the market from Rwankole with the husband of one of the women when some UPC members identified the women as Lendu. They took the two women and the young husband into a nearby building. They put them in a room and beat them. They killed the husband with machetes and raped the women. Many soldiers raped them. They stayed there for thirteen days with almost no food. A soldier sometimes gave them water. They were held naked throughout and were raped repeatedly. They saw the husband being buried in the compound. Another Bira boy was also killed in front of them with machetes and buried in the same grave. The soldiers suspected him of being a Lendu combatant.²²⁴

Women who have been brutalized by sexual violence may suffer continuing physical problems or may contract sexually transmitted diseases or be infected by HIV-virus. Most such victims receive no medical help, either because there is no functioning medical facility near enough to visit or because they fear that seeking help will make the crime generally known in the community. Many girls and women will never recover from the physical, psychological, and social effects of these assaults and some will die from them.

Child Soldiers

All armed groups fighting in Ituri have large numbers of children in their ranks.²²⁵ As the war intensified, the forced recruitment of children also increased dramatically. Children as young as seven, including girls, have been recruited for military service.

Protocol II of 1977 to the 1949 Geneva Conventions prohibits all combatants in an internal armed conflict from recruiting children under the age of fifteen or allowing them to take part in hostilities.²²⁶ The basic human rights standard on the recruitment of children for the armed forces is set by article 38 of the Convention on the Rights of the Child (CRC), ratified by the DRC in 1990, which restates the ban on the recruitment of under-fifteens established in Protocol II.²²⁷

The CRC's article 38 is an anomaly in using a fifteen-year age minimum; in all other respects, the CRC definition of a child is any person under the age of eighteen. Other international standards have been adopted since the drafting of the CRC that strengthen protections for children affected by armed conflict. These standards reflect a growing international consensus that children under the age of eighteen should not participate in armed conflict. The Optional Protocol to the CRC on the Involvement of Children in Armed Conflict establishes eighteen as the minimum age for direct participation in hostilities, for compulsory recruitment, and for any recruitment or use in hostilities by irregular armed groups. The DRC ratified the Optional Protocol in November 2001.

Human Rights Watch researchers observed a large number of child soldiers among UPC combatants. In an interview with Human Rights Watch researchers, UPC President Lubanga claimed to have 15,000 troops. Local experts and observers believe that nearly 40 per cent of these are children under the age of eighteen. In February 2003, witnesses saw newly recruited children, still in their school uniforms, on the streets of Bunia. During their visit to the president, researchers saw a number of soldiers guarding his residence who were clearly younger than eighteen. When asked about this, Lubanga said, "The UPC does not have many children under eighteen. When we recuperate people from the militia, we sometimes find children. We don't force anyone. It is just those who come freely."²²⁸

²²⁴ Human Rights Watch interview, Bunia, February 2003.

²²⁵ In this report, consistent with international legal standards, the word "children" refers to any person under the age of eighteen.

²²⁶ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, art. 4(3)(c). Although the DRC is not a party to Protocol II, many of its provisions are widely accepted as customary international law.

²²⁷ Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990.

²²⁸ Human Rights Watch Interview with UPC President Thomas Lubanga, Bunia, February 14, 2003.

Yet there are frequent reports of the forcible recruitment of children by the UPC. On November 8, 2002 at 8:00 a.m., the UPC reportedly entered the Ecole Primaire of Mudzi Pela and forcibly rounded up the entire fifth grade, some forty children, for military service. A similar operation was carried out in Salongo where the UPC surrounded a neighborhood and then abducted all the children they could find. At the end of November, a school director complained that half of his students had been lost and spoke openly against the forcible recruitment. The Mothers Forum of Ituri complained to UPC President Lubanga in late 2002 about the recruitment of children. The UPC opened a small demobilization center, but, according to local people, this was a mere public relations gimmick; the recruitment of children continued.²²⁹

Witnesses report that at the start of the conflict each Hema family had to give one child to the Hema militias or had to pay to be exempt from this obligation. If parents refused, their children were taken by force. Parents with the necessary financial means sent their children away to Kisangani, Kampala, or elsewhere to avoid their being pressed into military service.²³⁰

Many observers described the UPC force as “an army of children”. The children, some as young as seven and including girls, were trained by the UPC at training centers in Mandro and Rwampara for one to two months before being sent into action. A person arrested by the UPC in Bunia said he was guarded by child soldiers.” There were four children guarding the cell, all under 13,” he recounted. “I asked them what they were doing there. They said their parents were dead and they could earn something in the army. One of them said he’d done only three years of school. They were all armed but you could tell they didn’t want to be there.”²³¹

MONUC observers reported back to headquarters in Kinshasa that an estimated twenty percent of the recruits in Mandro camp were children.²³² Other sources estimated the Mandro camp to have about 5,000 fighters, implying there may have been nearly 1,000 child soldiers there. On September 10 and 27 MONUC officers reported to Kinshasa that the UPC was continuing forcible recruitment of children. When MONUC staff took up the problem with UPC Commander Bosco he said that “the underage children were all orphans and that the UPC were looking after them.”²³³ He insisted that all recruitment was voluntary.

The UPC has even mobilized child soldiers who were demobilized by efforts of UNICEF in late 2000. MONUC protection officers and other independent sources, including Human Rights Watch, reported that Congolese children, mostly Hema, were being training in Uganda. After local and international pressure, the Ugandan army admitted that it was training the Congolese recruits and gave UNICEF and other agencies access to them. The group included 163 children. With much fanfare, these child soldiers were returned to Bunia in early 2001, a “success” in demobilizing children. But little was done for the children after their return and the majority of them, an estimated 130, have since been recruited again by the UPC.²³⁴

The Lendu and Ngiti militias also reportedly have children in their ranks. Witnesses said that during a number of attacks, women and children were used as shields for combatants, but that at other times they served as a fighting force primarily to loot but sometimes engaged in combat as well. During the Nyakunde attack described above, a witness reported that one of the groups who attacked “was mostly made up of women, children and older people. They were all carrying more traditional weapons like axes, arrows and spears.”²³⁵ Another witness said that, “The children were also killing. They were aged twelve and upwards. They had firearms and knives.” An Ngiti recruiter told Human Rights Watch researchers that most Ngiti militia members being trained in Bunia were adults but that sometimes children under eighteen would also be trained.²³⁶

²²⁹ Human Rights Watch interview, Bunia, February 2003.

²³⁰ Ibid.

²³¹ Human Rights Watch interview, Bunia, February 2003.

²³² Internal MONUC correspondence, September and October 2002.

²³³ Ibid.

²³⁴ Human Rights Watch interview with local NGOs, Bunia, February 2003.

²³⁵ Human Rights Watch interview, Oicha, February 2003.

²³⁶ Human Rights Watch interview, Beni, February 2003.

VI. THE CURRENT SITUATION

In the Luanda Accords of September 6, 2002, Uganda and the DRC agreed that an Ituri Pacification Commission (IPC) would be established as an interim structure to govern Ituri after the departure of the Ugandan army and until a regular Congolese administration could be set up. The DRC government and the local parties were to organize the IPC with the support of the UN, but early organizational efforts failed and fighting continued. A number of high-level meetings raised hopes for action in February 2003 but the UPC contested the composition of the commission, rejected any role for Kinshasa, and demanded that a more “neutral” chair replace MONUC. According to observers, Lubanga pushed for peace on his terms or no peace at all.²³⁷

The Ugandan army removed the UPC from power in March, making UPC objections less of an obstacle, and the IPC was launched in early April. By April 24 it had finished its work:

- establishing a new Interim Special Assembly with an executive to be headed by a coordinator until the new DRC transitional government takes power
- abolishing the role of governor, thereby ending the status of Ituri as a province
- setting up a Prevention and Verification Committee to look into the causes of the conflict and to prevent further violence
- creating a consultative team from all the armed groups to restrain combatants
- establishing a human right committee to help victims and work towards educating the public on issues of human rights.

The new structure had no real force to execute its decisions. The Ugandan army tried to install a combined general staff with Commander Jerome from Aru at its head, but other parties refused and this proposal collapsed within days. With the departure of Ugandan forces in early May, a MONUC force strengthened by some 200 Uruguayan troops was left with the task of trying to support the IPC. Within days of the Ugandan army withdrawal from Bunia, fighting restarted between UPC and Lendu and Ngiti militia, killing hundreds of civilians as each militia attacked people of the opposite group. MONUC increased its troop presence to 700, but the Uruguayan guard units were neither capable nor equipped to deal with the scale of the fighting. They withdrew to their compound surrounded by nearly 20,000 civilians seeking protection.

With the prospect of escalating violence, the Security Council voted on May 30, 2003 to create an Interim Emergency Multinational Force to provide security and protection for civilians in Bunia, including members of the interim assembly, while MONUC reinforced its presence with troops due to arrive before September 1.

VII. INTERNATIONAL LAW AND JUSTICE

The armed forces and militias involved in the Ituri conflict have been responsible for serious violations of international humanitarian law, also known as the laws of war. The individuals and armed groups that have carried out massacres, murders, rapes, inhumane acts such as cannibalism, and other crimes in Ituri must bear primary responsibility for them. But armed forces and political movements under the control of governments, namely Uganda, Rwanda, and the DRC, are also responsible for having provided military and other support to local groups with abysmal human rights records. Apart from a few exceptional cases where Ugandan or Congolese soldiers have intervened to halt abuses, the government forces have not restrained the armed groups over which they exercise control. Uganda bears particular responsibility among the governments for having fuelled ethnic violence between the Hema and the Lendu for its own immediate interests. Ugandan soldiers have themselves committed numerous violations of international humanitarian law in Ituri since 1999.

International Humanitarian Law

Under the 1949 Geneva Conventions, the ongoing war in the DRC, including in Ituri, is an international armed conflict that intersects with several internal conflicts. International armed conflicts, defined as those occurring

²³⁷ Human Rights Watch interview, UN official in Kampala, February 2003

between states, are regulated by the 1949 Geneva Conventions, the First Additional Protocol of 1977 to the Geneva Conventions (Protocol I), and customary international humanitarian law. Internal armed conflicts are those arising within the territory of a state party to the Geneva Conventions and are covered by article 3 common to the 1949 Geneva Conventions and the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II), as well as by much customary law applicable to international conflicts. The DRC ratified the 1949 Geneva Conventions in 1961 and Protocol I in 1982. Uganda ratified the Geneva Conventions in 1964, and Protocols I and II in 1991.

Common Article 3 to the Geneva Conventions expressly binds all parties to an internal conflict, including non-state armed groups, such as Lendu militias, Ngiti militias, and UPC/Hema militias, although they do not have the legal capacity to sign the Geneva Conventions. Common Article 3 requires the humane treatment of civilians and captured combatants and prohibits violence to life and person, particularly murder, mutilation, 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.²³⁸ Customary international humanitarian law also prohibits armed groups from directly attacking civilians or carrying out attacks that have a disproportionate or indiscriminate effect on the civilian population.

In violation of Common Article 3, the various armed political groups and militias, including the RCD-ML, MLC, RCD-N, UPC/Hema militias, Lendu militias, and Ngiti militias, have committed deliberate killings of unarmed civilians on a mass scale. They have also carried out summary killings of captured combatants, torture and arbitrary arrests, rape and other direct assaults. Some forces have also engaged in cannibalism and deliberate mutilation of corpses. Although in some cases the alleged perpetrators have been identified, those responsible for countless atrocities in Ituri have not been brought to justice. This culture of impunity has further fuelled the cycle of violence.

Where Ugandan forces exercised control or authority over the civilian population in the DRC, they were bound by provisions of the Fourth Geneva Convention that apply to occupied territories.²³⁹ Military commanders on the spot must respect the fundamental rights of the civilian population.²⁴⁰ Specifically prohibited are physical and moral coercion against civilians and captured combatants (article 31), corporal punishment and torture (article 32), and collective punishment, pillage and reprisals (article 33). Women shall be especially protected against any attack, in particular against rape, enforced prostitution, or any form of indecent assault. Everyone shall be treated with the same consideration by the occupying power without any adverse distinction based, in particular, on race, religion or political opinion. Private property may not be confiscated.²⁴¹ Ugandan soldiers deployed in Ituri at times engaged in one or several of these prohibited actions, such as the deliberate killing of civilians during the attack on the governor's residence and surrounding areas in Bunia in early August 2002.

Under international humanitarian law, an occupying power has a duty to restore and ensure public order and safety in the territory under its authority. It is responsible for protecting the population, including minority group members, from violence and reprisals by third parties, such as armed groups.²⁴² During the period of occupation by Uganda, this placed a duty on their armed forces to restore and ensure public order in such places as Bunia, Nyakunde, Mongbwalu, and Drodoro. In countless cases, the Uganda army was in breach of its responsibilities under the Geneva Conventions by not defending vulnerable populations, both Hema and Lendu, in areas under its control.

Uganda also has the responsibility under international humanitarian law to prevent violations of international humanitarian law by forces over which it exercises effective control. The International Court of Justice has ruled

²³⁸ Geneva Conventions of August 12, 1949.

²³⁹ Under international humanitarian law, an occupying power takes on the role as a transitional administrator of a sovereign territory. As such, it is not entitled to change the legal status of the territory, a principle that Uganda has violated by creating the province of Ituri.

²⁴⁰ Fourth Geneva Convention, arts. 29, and 47.

²⁴¹ Hague Convention, art. 46; Fourth Geneva Convention, art. 27.

²⁴² 1907 Hague Convention, art. 47.

that a foreign state is responsible for the conduct of a faction in a civil war if the faction is a *de facto* agent of the foreign state or the foreign state otherwise orders it to commit certain acts.²⁴³ The Ugandan authorities have had a close relationship at different times with the UPC forces and Hema militias and with Lendu militias and others from the former FIPI coalition, having armed and trained these groups. Uganda violated international humanitarian law by not using its influence to stop gross violations of human rights by these groups.

Ituri is a humanitarian catastrophe: over 500,000 people have been displaced from their homes and large segments of the population at risk do not have access to humanitarian assistance.²⁴⁴ Under the Geneva Conventions, Uganda was responsible for providing secure and unimpeded access for humanitarian agencies to vulnerable populations and for respecting their independence and impartiality. Humanitarian personnel were also to be respected and protected. Uganda had a special responsibility as an occupying power to maintain hospitals and other medical services “to the fullest extent of the means available to it”²⁴⁵ which includes protecting civilian hospitals, medical personnel, and the wounded and sick. Uganda violated their international obligations by allowing humanitarian agencies to be blocked in Bunia for over six months in 2002 without reviewing the restriction or exerting influence to open up access to areas where civilians were in desperate need. As a result, thousands are believed to have died from lack of access to humanitarian assistance.

International Criminal Court

The DRC government ratified the Statute of the International Criminal Court (ICC) on March 30, 2002²⁴⁶ and its cabinet drafted implementing legislation in June and October 2002, though this has still not been sent to parliament. The draft legislation incorporates into domestic law all the ICC crimes and provides for full cooperation between the ICC Prosecutor and Congolese judicial authorities.

With the ratification of the ICC Statute, any crime of genocide, crimes against humanity or war crimes²⁴⁷ committed after July 1, 2002 on any part of DRC territory or anywhere by Congolese nationals may be subject to ICC prosecution, if the DRC government is unable or unwilling to prosecute such cases itself.

It is highly likely that crimes committed in Ituri after July 1, 2002, will be subject to ICC jurisdiction. The Kinshasa government does not yet have full control over Ituri and is not able to exercise judicial functions in the territory. Any trials within the DRC for crimes committed in Ituri after July 1, 2002 will not prevent the exercise of ICC jurisdiction if the trials are shown to have been organized for political reasons and without regard to due process.

VII. RESPONSE OF THE INTERNATIONAL COMMUNITY

The major powers with an interest in Africa have long professed a desire to see an end to the war in the DRC. They have invested diplomatic efforts and some financial resources in facilitating negotiations among the national governments and the rebel movements with national pretensions that are the parties to the war. Members of the UN Security Council and missions from various heads of state have toured the region, attempting to rally support for an end to the conflict. But these efforts dealt with only the top layer of conflict and failed to address the

²⁴³ See Case Concerning Military and Paramilitary Activities in and against Nicaragua, Nicaragua v. U.S.A (Merits) (“Nicaragua”), 1986 I.C.J. Reports; see, e.g. ICTY, *Prosecutor v. Zlatko Aleksovski*, Judgment of June 25, 1999.

²⁴⁴ Estimates of the UN Office for the Co-ordination of Humanitarian Affairs (OCHA), January 2003.

²⁴⁵ Fourth Geneva Convention, arts. 55 and 56.

²⁴⁶ Journal Officiel de la RDC 43eme annee, numero special, December 5, 2002, p. 169.

²⁴⁷ International humanitarian law has historically restricted use of the term “war crimes” to international armed conflicts. Much of the conflict in Ituri is considered a non-international (internal) armed conflict. Increasingly, serious violations of international humanitarian law committed in non-international armed conflicts have been recognized as war crimes, such as under the Rome Statute of the International Criminal Court.

smaller, local wars, themselves sustained by the larger war, which have killed tens of thousands of people²⁴⁸ and wrecked the lives of thousands of others who have been raped, injured, and deprived of home and property. The failure to address the conflict in Ituri finally produced a crisis that required an international intervention force. Unless that force is adequately supported and able to ensure the protection of the civilian population in Ituri, that conflict and others like it in the Kivus, will endanger all the carefully engineered arrangements meant to end the war at national level.

The United Nations and MONUC

UN pronouncements about ending the DRC war notwithstanding, the UN Security Council was slow to authorize a force to supervise the initial Lusaka Peace Accords and the force it mustered was small and inadequately equipped. The Security Council initially authorized some 5,537 troops—including 550 UN military observers with the rest being troops to protect them and UN installations—but it took years for the MONUC forces to reach this level. Charged with monitoring implementation of agreements ending combat between national forces, MONUC concentrated its first small troop deployment of fewer than 2,000 troops along the ceasefire line, where it recorded general compliance with the terms of the treaties. But far from the front, fighting continued in the Kivus and Ituri where proxy forces and local militias picked up the guns put down by the main actors.

Information about the local war in Ituri was available both from UN agencies and from independent sources. A UN agency with an active presence in Ituri, warned in an internal report in February 2001: “The situation in Ituri today is highly explosive. Individuals and groups on all sides are said to be preparing new massacres, arms are being bought and distributed within and around Bunia. If actions are not undertaken immediately to diffuse tensions, larger-scale, more violent and uncontrollable confrontations are to be feared.”²⁴⁹ In March 2001, the then UN Commission on Human Rights Special Rapporteur for Congo, Roberto Garreton published a report that described the ethnically targeted violence in Ituri and linked it with the exploitation of natural resources.²⁵⁰ The final report in 2002 from the UN Panel of Experts on Illegal Exploitation of Natural Resources and other Forms of Wealth in the DRC depicted in more detail the link between the ethnic violence and the desire by Uganda to exploit the natural resources of Ituri.²⁵¹ The Security Council invited analysts from nongovernmental associations, including Human Rights Watch, to brief members on the local wars. In September 2002, the UN Secretary General, in a Special Report on the United Nations Organization Mission in the DRC (MONUC), termed the situation “explosive.”

Despite the amount of information available, some UN members and officials did not recognize the complex connections between the local and the larger war and treated Ituri as a “tribal war,” not suitable for UN action. The Special Representative of the Secretary General for DRC, Amos Ngonzi, was cited as having said that in Ituri, “Congolese are fighting among themselves,” a conclusion that falls far short of describing the complexities of the conflict.²⁵²

Unwilling to get further involved in the local facet of the war, the UN acquiesced in continued Ugandan control of Ituri, whether directly or through its various surrogates. After the establishment of the IPC in September 2002, MONUC undertook to support the new institution, but with only ten observers, it lacked the means to back the commission and to oblige the UPC to cooperate with it.

At the end of 2002, MONUC did indeed move quickly when the MLC and RCD-N advanced against the RCD-ML positions in Mambasa and further south towards Beni. It denounced this violation of the ceasefire and

²⁴⁸ International Rescue Committee, “Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey, April 2003. According to this report estimates vary from 3.0 to 4.7 million deaths throughout the Congo since the start of the war in 1998.

²⁴⁹ UN internal paper, February 2001.

²⁵⁰ Commission on Human Rights, Report from the Special Rapporteur on the Question of the Violation of Human Rights and Fundamental Freedoms in the DRC, E/CN.4/2001/40/Add.1, March 27, 2001.

²⁵¹ U.N. Security Council, “Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC,” S/2002/1146, October 16, 2002.

²⁵² Integrated Regional Information Network (IRIN), Special Report on Ituri, December 2002.

eventually brokered a new ceasefire that stopped further fighting. It then placed a MONUC team in Mambasa to observe its implementation. Perhaps finally forced to recognize that arrangements to end the larger war would be constantly threatened if the local wars were not addressed, the Security Council passed Resolution 1445 enlarging the UN peacekeeping force from 5,527²⁵³ to 8,700 troops and requested the Secretary-General to place more MONUC resources in the Ituri region, security permitting. Nearly two years after the first warnings of the impending violence, the resolution expressed the Security Council's "deep concerns over the intensification of ethnically targeted violence in the Ituri region," condemned the violence and incitement to violence taking place, and called on combatant forces in the region to take immediate actions to ensure the protection of civilians and end violations of human rights.

It proved difficult, however, to find troops for the DRC mission. No European or North American government would contribute, nor were many African states enthusiastic about participating. While awaiting action from headquarters, the small MONUC team in Bunia attempted where possible to defuse tensions and assist civilians. It was an apparently impossible task, but on occasion the arrival of the MONUC observers on the scene helped avoid confrontations. The mandate for the force authorized soldiers to protect civilians if in imminent danger of harm. The conduct of this small team showed what a courageous interpretation of the mandate could achieve.²⁵⁴

In January 2003 MONUC carried out one of its first extensive human rights investigations, looking into accusations against the MLC and RCD-N during their military activities in the last months of 2002. MONUC reported that some of these troops had committed systematic rapes, looting, summary executions and ten confirmed cases of cannibalism against persons of the Nande ethnic group.²⁵⁵ On January 15 the Security Council condemned "in the strongest terms" the systematic massacres and violations perpetrated by Bemba's MLC and the RCD-N. Declaring sentiments presumably shared by other council members, the US representative expressed revulsion that members of an armed faction meant to take power in a future government could engage in these acts of torture, rape, killing and cannibalism.²⁵⁶

Meanwhile both bilateral and multilateral pressure increased on Uganda to withdraw its troops from Ituri. But the departure of Ugandan troops without an international force to replace it would create a power vacuum that could then be filled by local armed groups. In resolution 1468 on March 20, 2003, the Security Council called on Uganda to withdraw and expressed its concern that it had failed to leave by previous deadlines. It also stressed to Rwanda that any return of its forces "would be unacceptable". The Council also again asked the Secretary-General to increase MONUC in Ituri and support the Ituri Pacification Commission.²⁵⁷

After a massacre at Drodro made headlines²⁵⁸ and with the Ugandan army withdrawal impending, MONUC announced on April 23 that its troops in Ituri would be increased to 850, of whom 200 would be sent immediately to Bunia. The Ugandan withdrawal on May 6, 2003 resulted in the power vacuum that had been feared. The newly arrived MONUC troops consisting of Uruguayan guard units had no capacity to prevent the fighting in Bunia as Hema and Lendu armed groups vied for control of the town throughout May. On May 30, 2003 the Security Council authorized an Interim Emergency Multinational Force for Ituri with a Chapter VII mandate, so acknowledging the urgent need to protect civilians, including by the use of force if necessary. But this short-term measure ends on September 1, 2003 when a contingent of Bangladeshi troops is due to reinforce MONUC forces in Bunia. As of this writing there is no clear indication how MONUC, with a much weaker Chapter VI mandate, will be able to protect civilians either in or outside of Bunia after the departure of the emergency force.

²⁵³ Although the UN Security Council had initially authorized a troop force of 5,537 this maximum figure was not reached in initial deployment.

²⁵⁴ Human Rights Watch interview, Bunia, February 2003.

²⁵⁵ "North Kivu: MONUC Investigation", MONUC press release, February 18, 2003.

²⁵⁶ Remarks by Ambassador Richard S. Williamson, United States Representative to the United Nations for Special Political Affairs, on the Democratic Republic of the Congo, Security Council, February 13, 2003. To date the report of the investigation has not been published.

²⁵⁷ United Nations Security Council Resolution 1468, March 20, 2003.

²⁵⁸ The initial death toll of this massacre were widely exaggerated with reports claiming nearly 1,000 dead. Later investigations revealed a much lower number of deaths. But it was symptomatic of the killings taking place in Ituri.

In its March 20, 2003 resolution, the Security Council condemned the human rights violations committed in the DRC, and particularly in Ituri. It said that members of the MLC, RCD-ML and the UPC had perpetrated these crimes and that they would be held accountable for them. The ICC will have jurisdiction to initiate an investigation into war crimes and crimes against humanity committed after July 2002. Far less clear is what mechanism - if any - will be put in place to investigate and prosecute those international crimes committed before this date. The Security Council has requested the Secretary-General, in consultation with the High Commissioner for Human Rights, to make recommendations to the council on how to address the issue of justice for these crimes.

International Donors

The Ugandan, Rwandan and the DRC governments depend heavily on donor assistance, a situation that presumably gives major donors significant leverage in influencing their policy decisions. These donors often say they are committed individually, as U.N. members, and as members of multilateral financial institutions to ending the DRC war, in part because they know that the conflict and attendant military spending hampers the reduction of poverty and the economic development that they seek to promote. Donors also know that the assistance they give for economic development or for humanitarian relief is fungible—that is, funds given for one purpose, such as education, frees up money that can then be spent for another purpose, such as buying weapons. Donors must find effective ways to monitor the use of the money they deliver; otherwise they may end up funding further war and the human rights violations that it has entailed.

In fiscal year 2000 to 2001, for example, international donors financed 55 percent of Uganda's budget, a total of US\$582.2 million. Since 2000, Uganda also received about \$2 billion in debt relief from various sources. The International Monetary Fund (IMF) in September 2002 approved a further three-year arrangement under the Poverty Reduction and Growth Facility for US\$17.8 million for Uganda. At the same time as these new commitments were being made, Uganda overspent its defense budget by more than 30 percent, according to estimates by the International Institute of Strategic Studies.²⁵⁹ It also moved expenditure from other ministries to its defense and security budgets.²⁶⁰ The Defense Minister in 1999 admitted during an inquiry that the Defense Ministry hid its spending within other budget lines to avoid pressure from donors.²⁶¹

Despite their stated desire to end the DRC war, donors failed to use their leverage effectively and for years made little progress in persuading the parties to halt the conflict. In 2002 both bilateral and multilateral donors took stronger stands. In May the International Monetary Fund (IMF) linked resumption of aid to DRC to further progress in the peace process (and also to progress in pursuing economic reforms).²⁶² The U.S. also refused to support a Rwandan bid for renewal of its IMF assistance and, according to State Department sources, told Rwandan authorities that their stand was a response to continued Rwandan presence in the DRC and to human rights abuses committed by its forces there.²⁶³ The Danish government cut its aid to Uganda in early 2002 as a result of concerns about Ugandan military activity in the DRC.²⁶⁴ Faced with these and presumably other instances of increased pressure, Rwanda and Uganda withdrew their regular military units in 2003, thus meeting a major policy objective of many donors. Both retained sufficient influence with Congolese actors to protect their interests, both in Ituri and elsewhere.

Donors have raised human rights concerns but have used their leverage even less effectively on these issues than for bringing an end to the war. Sufficiently well informed about human rights abuses in the DRC by their own embassies, by U.N. agencies, and by national and international human rights organizations, donors have not

²⁵⁹ IISS make *estimates* of military spending as opposed to using reported figures. This figure is based on estimates from various IISS *Military Balance* publications, 1997 – 2001.

²⁶⁰ Republic of Uganda: *Semi-annual Budget Performance Report FY 2001 / 02*, MFPED, April 2002.

²⁶¹ "Creative Accounting in Africa: Hidden skills", *The Economist*, October 9, 1999.

²⁶² "IMF dangles aid carrot for Congo", BBC New Online, May 1, 2002.

²⁶³ Human Rights Watch interviews, Washington, July 23 and October 8, 2002.

²⁶⁴ "Denmark cuts Aid to Kampala," *The New Vision*, Kampala, February 1, 2002.

succeeded in getting governments and other actors to end their abuses in the DRC nor to punish the perpetrators in their ranks.

The European Union

Until mid-2002, the European Union (EU) proved largely ineffective in influencing developments in DRC because leading member states were divided over which side to support: the United Kingdom—generally supported by Germany and the Netherlands—backed Rwandan and Uganda while France—often together with Belgium—backed the DRC government. Throughout the war the EU issued several statements denouncing violence against civilians, including one in February 2001 that identified the role of Uganda in exacerbating the conflict between Hema and Lendu. It noted, “the continued military presence of the Ugandan army in this part of the DRC ... hampers the efforts to re-establish peace there.”²⁶⁵ Yet apart from this reprimand, the EU did little publicly to pressure Uganda for a change in behavior.

EU members subscribe to a Code of Conduct on Arms Exports that prohibits arms transfers that might “aggravate existing tensions or armed conflicts in the country of final destination” or risk fuelling human rights abuses. Yet they did nothing to halt the delivery of arms to the Great Lakes, a region where the plethora of arms was certainly contributing to human rights abuses. In June 1999 an EU presidential statement reminded members of their obligation to uphold the Code of Conduct, but a year later, in May 2000, members still failed to agree on a suspension of arms shipments to the Great Lakes region, some arguing that any such embargo would always be violated. But by January 22 and 23, 2001, the General Affairs Council had decided to ask relevant EU 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.”

In the past year, efforts have reportedly been made to secure a more coherent EU policy on the Great Lakes. In January 2002, the French and British Foreign Minister made a joint mission to the Great Lakes, meant to promote peace in the region as well as to attempt to unify EU policy on the area, with a repeat visit due in 2003. The EU role in DRC, and specifically Ituri, got a substantial boost with the agreement that the EU would lead the Interim Emergency Multinational Force to Ituri under its European Security and Defense Pact – the first time such a force has been authorized outside of Europe. Although France is taking a leading role in the multinational force, the UK will also send a small number of troops.

The United Kingdom

Prime Minister Tony Blair publicly stated in October 2001 that “The international community could..., with our help, sort out the blight that is the continuing conflict in the Democratic Republic of the Congo, where three million people have died through war or famine in the last decade.”²⁶⁶ As the largest bilateral donor to Uganda and the second largest to Rwanda, the UK appears well-placed to bring pressure to bear on those governments to change their conduct in the DRC. Former Secretary of State for International Development, Clare Short expended considerable effort in trying to minimize tensions and avoid a possible war between Rwanda and Uganda but did not invest similar effort in trying to bring about an end to human rights abuses in parts of the DRC controlled by Uganda or Rwanda.

The UK government, like many other donors, has moved towards delivering assistance through balance of payment support to the Ugandan and Rwandan governments, meaning that funds are given without being linked to specific projects. Acknowledging the possibility that such open-ended contributions might end up covering military expenditures, the UK urged Ugandan authorities to review defense spending and in 2001 began examining such expenditures with a view to ensuring greater transparency. To date the outcome of this review is unknown. Meanwhile, the British government has continued to support Uganda and Rwanda politically and financially. British authorities generally abstained from any open criticism of either Uganda or Rwanda. If they

²⁶⁵ 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.

²⁶⁶ Prime Minister Tony Blair, to the Labour Party Conference, October 2001.

exerted private pressure to persuade them to halt human rights violations by their soldiers or groups controlled by their soldiers in the DRC, such pressure produced little visible result.

The UK parliament has been more critical of the continuing war and its toll on civilians. In a November 2002 report, the All Party Parliamentary Group for the Great Lakes and Genocide Prevention expressed concern about the role of Uganda in the DRC and urged that “allegations about the Ugandan army’s role in resource exploitation and human rights violations, especially in the Ituri region” be fully appraised in measuring the success of UK assistance to Uganda.

The United States

The U.S. has long provided substantial support to Uganda, not just because of its ostensible success in economic development and combating HIV/AIDS, 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 2001, the U.S. delivered some \$81 million in development assistance and food aid to Uganda; in the fiscal year 2002, U.S. assistance totalled approximately \$71.8 million; and approximately \$70 million was requested for 2003.

In December 2002, the Bush administration certified that Uganda was eligible for preferential trading status under the African Growth and Opportunity Act (AGOA), a program which supposedly includes human rights performance among its criteria for selection. In 2001 the U.S. Department of State in its annual *Country Reports on Human Rights Practices* criticized Ugandan soldiers for human rights abuses in the DRC, but the next year it said that there were “no confirmed reports” of further abuses there in 2002. The 2002 report did note that thousands of civilians had been killed in violence between Hema and Lendu in areas under Ugandan army influence.

In March 2003 U.S. Assistant Secretary of State for African Affairs Walter H. Kansteiner III met with President Museveni in Uganda to discuss bilateral and regional issues but he made no public reference to abuses associated with the Ugandan presence in DRC. Similarly the White House issued no statement critical of Ugandan actions in the DRC after a June 2003 meeting between Presidents Bush and Museveni. According to press accounts and other sources, however, Bush was said to have privately criticized the Ugandan role in Ituri.

In testimony about the Great Lakes before the Africa Subcommittee of the House International Relations Committee on April 3, 2003, Deputy Assistant Secretary of State Charles Snyder focused largely on political and humanitarian developments in DRC. He stressed the need for the withdrawal of Ugandan troops and said only that the U.S. has a “constant and active” engagement on human rights issues, not providing any details.

In a March 2003 document on AGOA, U.S. authorities described the Rwandan human rights record as “poor,” an assessment echoed in recent years in the *Country Reports on Human Rights Practices* which criticized the conduct of Rwandan troops in the DRC. In Snyder’s April 2003 testimony, he called on Rwanda to cease support for Congolese groups, including the UPC, and to keep its soldiers out of the DRC. The State Department decision to refuse support for the renewal of IMF assistance to Rwanda would have delivered a stronger message to Rwandan authorities had it not been undermined by a more lenient attitude towards Rwanda at the National Security Council, the foreign policy arm of the White House. In a similar case, the State Department attempted to suspend Rwandan participation in the International Military Education and Training (IMET) program run by the U.S. military because of Rwandan activities in the DRC, but was overruled by the Bush administration. The decision to admit Rwanda to the AGOA program despite its “poor” human rights record was also taken by the administration.

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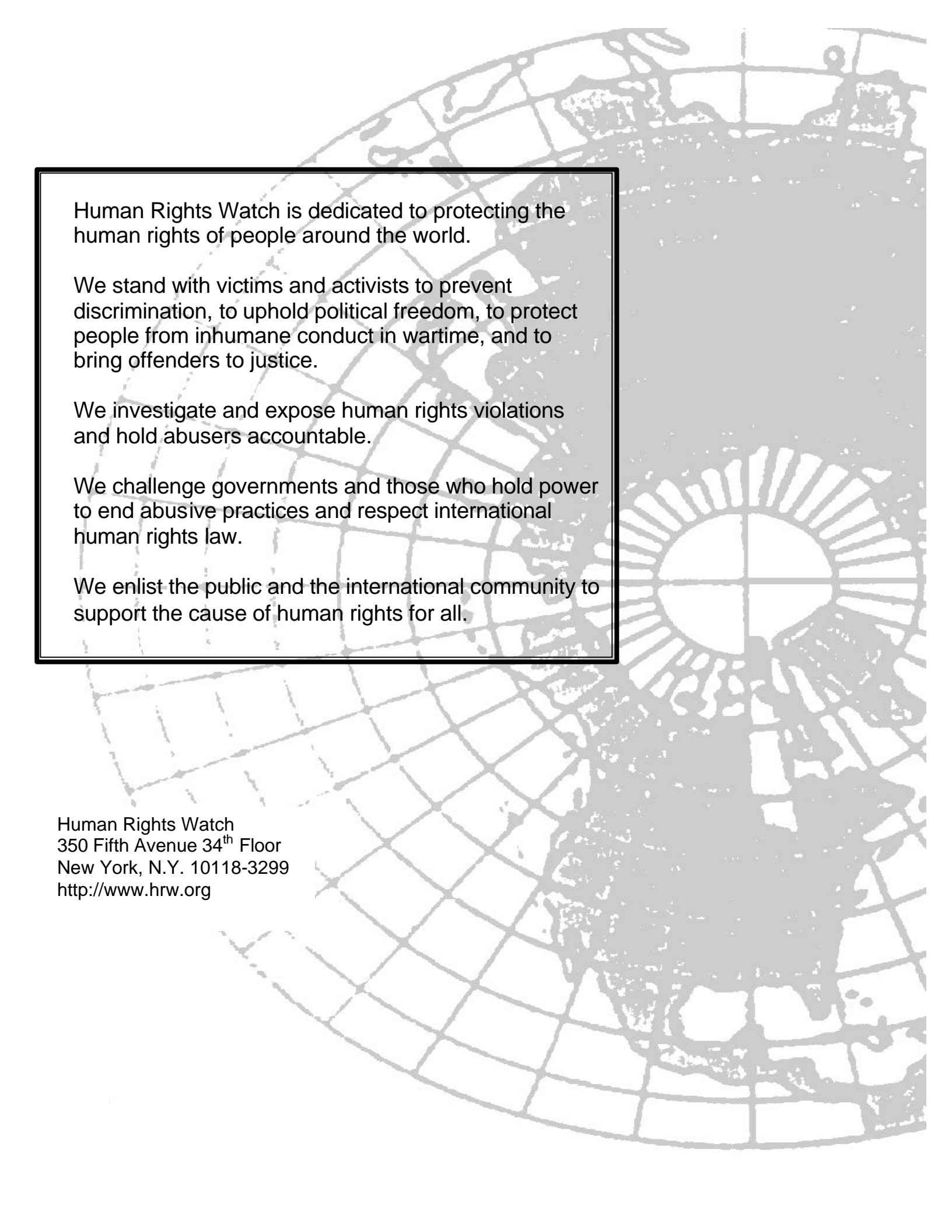
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