

# ZAIRE

## Violent persecution by state and armed groups

The Zairian authorities are persecuting members of the Tutsi and Hutu ethnic groups as the armed conflict in the east of the country continues. Zairian politicians and the media blame Tutsi living in Zaire for the crisis and continue to incite ethnic hostility. Dozens of Tutsi have been arrested in Kinshasa, as have human rights activists who speak out against persecution or try to investigate abuses against Tutsi. Rwandese Hutu refugees and Zairian Tutsi arrested in eastern Zaire are also being held in the capital. Many have been arbitrarily arrested and held incommunicado for far longer than the period allowed by law. At least 10 appear to be prisoners of conscience. All are detained in dreadful conditions, and some have apparently been tortured. Those without relatives to bring them food, such as those transferred from eastern Zaire, are in dire straits.

The situation in the northern town of Kisangani is reported to be grave. Amnesty International delegates who wished to visit the town to investigate reports of abuses have been refused permission to visit the area, and fear that severe human rights violations such as extrajudicial executions are taking place. Credible reports have been received of violent attacks on Hutu and Tutsi residents by students and by soldiers who have deserted from the conflict in the east, as well as by regular soldiers. Human rights defenders have been harassed and threatened.

In eastern Zaire, much of North and South-Kivu is under the control of Tutsi-led armed group, the *Alliance of Democratic Forces for the Liberation of Congo-Zaire* (AFDL). About 500 Rwandese refugees and displaced Zairians were massacred by AFDL members in mid-November 1996 south of the town of Bukavu.

The AFDL have also rounded up and forcibly expelled refugees from Burundi, handing them over to Burundi government troops at the border. Hundreds of the returned refugees have been slaughtered by Burundi government soldiers.

The events that led to the mass expulsions of Rwandese refugees from the refugee camps in North-Kivu have yet to be satisfactorily explained. Hundreds of non-combatants died in the conflict. Some, such as the Archbishop of Bukavu, were deliberately murdered, allegedly by members of the AFDL.

Zairian soldiers sent to eastern Zaire in late October in an unsuccessful attempt to retain control were responsible for arbitrary arrests, beatings and killings of local civilians. Members of the Tutsi-led armed group, who were allegedly supported by Rwandese government soldiers, also deliberately and arbitrarily killed non-Tutsi Zairians and refugees. Hundreds of bodies have been found and buried in Mugunga camp, near Goma. It is not clear whether all the victims died in exchanges of fire between the Tutsi-led armed group and the Hutu armed groups that controlled the camps through intimidation and physical force.

### **Persecution of Tutsi and others in Kinshasa**

Since fighting began in eastern Zaire between Tutsi-led armed group and the Zairian armed forces in September 1996, there has been growing hostility and violence towards members of the Tutsi ethnic group, and, to a lesser extent Hutu. Politicians and the media have blamed Tutsi for the conflict, and have adopted an inflammatory tone, urging citizens to mobilize to fight "the enemies from without and within". In October the Zairian parliament demanded the removal of all Tutsi from government posts, including the security forces.

There have been violent anti-Tutsi demonstrations, led by students, in which Tutsi homes have been looted and destroyed and Tutsi men, women and children humiliated and beaten. The security forces have done nothing to prevent this.

Hundreds of Zairian Tutsi have been deported to Rwanda and Burundi. Hundreds more have fled in terror to Congo.

Tutsi have been removed from their homes and are being held by the security forces in detention centres in Kinshasa. Some have been tortured. Human rights activists who have denounced attacks on Tutsi or who have made inquiries about Tutsi detainees have themselves been persecuted.

Three human rights activists - Floribert Chebeya Bahizire, Harouna Mbongo and Bashi Nabukili - were arrested on 28 October by members of the *Service d'action et de renseignements militaires* (SARM), Military Action and Intelligence Service. The three, leading members of a human rights group *La voix des sans voix* (VSV), Voice of the Voiceless, were held incommunicado for six days before being released.

While they were held in the SARM detention centre in Kinshasa, they met dozens of other detainees. Many of them were Tutsi who had been arrested in recent weeks, accused of supporting the AFDL. Others were Hutu refugees who had been arrested in eastern Zaire and accused of intimidating other refugees to prevent them returning to Rwanda. Among those held were four Tutsi and one Rwandese soldier who the authorities claimed were captured AFDL combatants.

The human rights activists were not tortured, but reported that some of the detainees had been tortured by SARM agents and military police. Sometimes the torturers were under the influence of alcohol or drugs.

The detainees are held in cramped and insanitary conditions: conditions that Amnesty International believes amount to cruel, inhuman or degrading treatment. Detainees sleep on the

floor covered with cardboard and dirty blankets, in cells infested with lice and bedbugs. The only toilet facilities are open containers within the cells. Detainees only receive visits and food if their relatives can bribe the guards - those with no family in Kinshasa are in desperate circumstances.

Detainees who are sick or injured are denied medical care. One detainee was severely injured on the head in the detention centre, but was not allowed any medical assistance.

Among those reported to have been arrested and held by SARM in Kinshasa are five students from the Institute of Buildings and Public Works. They are Rutayisire Murekezi, Habimana Kayitare, Mubenga Kalenga, Kamanzi Serrao and Karangwa Gashabana.

A number of other people have been arrested in recent weeks and are held incommunicado in security force prisons throughout the capital. They include opposition party leaders such as Joseph Olengha N'Koy, a leading member of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress. He was reportedly accused of distributing a tract, the contents of which have not been disclosed by the authorities.

### **Violence in Kisangani**

Kisangani is the third largest city in Zaire and close to the Kivu region. Internally displaced Zairians and refugees have sought safety there, and deserters from the Zairian armed forces as well as regular Zairian soldiers have congregated in the town. Kisangani has recently become an operational zone as a result of the conflict in the east.

Reports have emerged from Kisangani of attacks by students and by soldiers on the civilian population, especially people of Rwandese or Burundian origin. Human rights activists have also been harassed and threatened.

Amnesty International delegates in Zaire have been refused permission to visit Kisangani. However, credible sources have provided reports of attacks in the area. According to these reports, on 23 October, after seeing television reports of killings by members of the Tutsi-led armed group in South-Kivu, students went on the rampage, hunting down anyone of Rwandese or Burundian origin. For several days, armed with machetes, iron bars and stones, they attacked people from Rwanda and Burundi. Several students were beaten, one woman student from Rwanda, Willy, was stripped, molested and wounded.

On 28 October, the students were joined by members of the *Service national d'intelligence et de protection* (SNIP), National Intelligence and Protection Service. At least 10 students of Rwandese or Burundian origin were detained at the town hall. They were known to be still held there on 6 November, but their subsequent fate is unclear. They included Jean de Dieu, Julie Kamukama and Willy.

There was another student march on 6 November, demanding that the authorities hand over the Rwandese and Burundian detainees to the students. Several Zairians who physically resembled Rwandese were beaten.

From early November onwards, heavily armed soldiers fleeing the conflict in the east have been arriving in Kisangani, adding to the general climate of insecurity and lawlessness. They have stolen and looted homes and shops at will. According to reports, they have attacked Rwandese and Burundian families, beating them and raping the women, including girls as young as 12, in full view. They have also beaten Zairian citizens, such as Tshimbila, who did not have any money to give them.

There have been reports of human rights defenders being arrested and ill-treated. Dr Jean-Paul Simbizi, a member of the human rights group *Justice et libération*, Justice and Liberation, of Burundian origin, was ill-treated by students and members of the Zairian security forces. His present whereabouts are not known - he may be in hiding or in custody, but Amnesty International is concerned that he may have "disappeared". Emmanuel Lubala, a lawyer and president of a church-based human rights and conflict resolution group working in South-Kivu, *Héritiers de la justice*, Heirs of Justice, has been forced into hiding in Kinshasa after fleeing from eastern Zaire. He fears being arbitrarily arrested or extrajudicially executed; members of SARM have been searching for him. His human rights and professional activities on behalf of Tutsi have resulted in his being seen as pro-Tutsi. Other members of *Héritiers de la justice* have been threatened by the Zairian security forces since September 1996 for denouncing human rights violations in the region.

### **Deliberate killings in eastern Zaire**

AFDL members massacred about 500 Rwandese and Burundian refugees and displaced Zairians south of the town of Bukavu on or around 18 November. The massacre took place at the Chimanga refugee camp, about 60 km south of Bukavu.

Hundreds of refugees and Zairians had congregated around Chimanga camp, hoping to get assistance to cross into Rwanda. About 40 AFDL members who arrived in four trucks separated the men from the women and children. They then opened fire on the men, killing all of them. Father Jean Claude Buhendwa, a Zairian priest, was executed when he protested.

The massacre followed clashes between the AFDL and members of the former Rwandese army and *interahamwe* militia at nearby Bilongo camp.

Amnesty International delegates were allowed to visit Bukavu. They sought but failed to obtain a meeting with the AFDL leader, Laurent-Désiré Kabila, to discuss human rights concerns.

The AFDL have also rounded up and forcibly expelled refugees from Burundi, handing them over to Burundi government troops at the border, after refusing to let them seek refuge in Rwanda. Hundreds of the returned refugees have been slaughtered by Burundi government soldiers. (For further information, see Amnesty International's report, *Burundi: Refugees forced back to danger*, AI Index: AFR 16/34/96.)

Hundreds of non-combatants have died in the conflict in eastern Zaire. Not all were casualties of war. Some, such as the Archbishop of Bukavu, Christophe Munzihirwa, were deliberately murdered, allegedly by members of the Zairian Tutsi-led armed group or Rwandese government soldiers secretly assisting them. It appears that he may have been targeted because of his public criticism of the AFDL and its alleged support from the Rwandese Government.

There are still unanswered questions about the mass expulsions of Rwandese refugees from the refugee camps in eastern Zaire. There have been reports of killings by both AFDL armed group and Rwandese Hutu militia members at Mugunga camp, near Goma, one of the vast refugee camps housing mainly Hutu refugees from Rwanda, which emptied within a few days of the crisis erupting in October. Local people reportedly said that refugees fleeing Mugunga were killed by members of the AFDL and by Hutu militants when Mugunga camp dispersed. The International Committee of the Red Cross (ICRC) found and buried hundreds of bodies in Mugunga camp in late November. Some Rwandese refugees on their way to Rwanda are reported to have been screened by members of the AFDL on the Zaire side. Women and children have reportedly been allowed to cross to Rwanda, but many men have reportedly been kept back by the AFDL. Their fate is unknown.

Earlier in the conflict, in October, Zairian doctors reported that members of the Tutsi-led armed group had killed 34 patients and six staff at Lemera hospital, about 60 kilometres south of Bukavu. They said about 100 armed men had fired upon the hospital for about eight hours on 6 October. One week later, on 13 October, members of the AFDL opened fire on a refugee camp at Runingo, 25 km northwest of Uvira, killing four refugees and wounding six.

Zairian soldiers sent to eastern Zaire in late October were also responsible for arbitrary arrests, beatings and killings of local civilians. Refugees returning to Rwanda from around Bukavu described beatings, humiliation and confiscation of property by local Zairian youths, helped by Zairian soldiers and Rwandese Hutu soldiers and militiamen. They also spoke of many arrests by Zairian soldiers.

## **Conclusion**

Amnesty International is issuing this report to highlight the vital importance of placing human rights protection squarely at the heart of all attempts to resolve the crisis in eastern Zaire. It is calling on all parties to the conflicts and on the international community to act now to stop the bloodshed. The Zairian authorities and armed group leaders should publicly condemn human rights abuses by their forces and take immediate measures to prevent the abuses. They should also issue public instructions to the forces to strictly respect international humanitarian law.

Governments and organizations which are supporting the Zairian armed forces or the AFDL should take responsibility to ensure that the perpetrators, including their leaders who order or condone the abuses, are brought to justice and prevented from carrying out further abuses. World governments should stop and prevent all transfers of weapons and ammunition to the armed forces, militia and other armed groups in Zaire, Rwanda and Burundi until it can be reasonably demonstrated that such transfers will not be used to commit human rights abuses. A strong international presence in the area is needed to monitor human rights and to protect non-combatants, including human rights defenders. Experience around the world shows that if those responsible for human rights abuses are allowed to operate with impunity, the cycle of violence will continue. Amnesty International is also asking both the Zairian Government and the AFDL to allow full access to human rights activists investigating reports of human rights violations in Zaire.