

ZAIRE

Hidden from scrutiny: human rights abuses in eastern Zaire

"The attack began at about five in the morning. We fled, but the patients who had just been operated on could not move from their beds. When we went back the next day, we found them, killed in their beds by a bullet through the mouth."

This account of the cold-blooded killing of defenceless hospital patients by members of the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL), the Alliance of Democratic Forces for the Liberation of Congo-Zaire, came from a Zairian refugee who crossed into Tanzania in late 1996.

International attention has focused on the massive return of some 500,000 Rwandese refugees from North-Kivu, eastern Zaire, and the expulsion of hundreds of thousands of Rwandese refugees from Tanzania. However, the continuing human rights tragedy unfolding in eastern Zaire has been largely ignored. Not only have refugees been forced to flee for their lives once again as a result of systematic attacks on refugee camps, but Zairian men, women and children have suffered horrific abuses at the hands of the AFDL. As a result, some 40,000 people, both Zairians and refugees from Rwanda and Burundi, fled from South-Kivu to Tanzania towards the end of 1996. This report aims to draw urgent attention to the human rights abuses perpetrated on unarmed civilians in the South-Kivu region of eastern Zaire.

The evidence obtained by Amnesty International suggests that the AFDL systematically attacked refugee camps in South-Kivu housing 200,000 people and used indiscriminate violence in order to dismantle them and make the refugees flee. There have been reports that many of the attacks on the camps were carried out with the help of Rwandese and Burundi government forces, who believed that the camps were used as bases by armed opponents of the Rwandese and Burundi governments. The testimony of the refugees who reached Tanzania gives credence to the claims that the mass exodus of 500,000 refugees from North-Kivu in mid-November was prompted by attacks of a similar nature.

In October 1996 Amnesty International reported widespread human rights violations by government forces, including extrajudicial executions, arbitrary arrests and torture. (See *Zaire: Lawlessness and insecurity in North and South-Kivu*, AI Index: 62/14/96.) There is further evidence in this report of human rights violations by Zairian forces.

Much of South-Kivu is now held by the AFDL. Most of the area under AFDL control is closed to outsiders. Human rights activists and independent observers have been denied access. Amnesty International has also been denied access to the area south of Fizi that remains under the control of the Zairian government. But whatever restrictions are placed on access to information, desperate people will escape and will describe what has happened. Amnesty International delegates in Kigoma, Tanzania, interviewed refugees from South-Kivu Zaire in late November and early December 1996. Their testimonies form the basis of this report.

The refugees who fled to Tanzania witnessed terrible events. Some were the result of armed conflict between the AFDL and Zairian troops or Zairian civilian militias. Some, however, were human rights abuses that are outlawed even in times of armed conflict. The refugees reported deliberate and arbitrary killings of unarmed civilians, including the very old and the very young, by both sides. The

refugees described indiscriminate killings by the AFDL, who did not hesitate to bombard refugee camps and villages with total disregard for the safety of the civilian population.

Amnesty International believes that gross human rights abuses were committed in South-Kivu from September to November 1996 by both Zairian soldiers and Zairian civilian militias and by the AFDL. It fears that similar abuses are still being committed today. Amnesty International appeals to the Zairian government, civilian militias and the AFDL to stop human rights abuses and to allow full access for human rights activists and others investigating allegations of human rights abuses in South-Kivu.

This report describes extrajudicial executions and harassment of Zairian Tutsi civilians by Zairian forces, deliberate and arbitrary killings by the AFDL, attacks on refugee camps and abuses of displaced Zairians and refugees by the AFDL.

1. Extrajudicial executions and other abuses of Banyamulenge civilians

Tension in South-Kivu rose sharply from mid-1996 onwards, with widespread reports of armed Tutsi "infiltrators" entering from Rwanda and Burundi, and waves of arbitrary arrests of Tutsi civilians by Zairian police and soldiers. Extortion and intimidation of the Tutsi population, known as Banyamulenge, by the local authorities became commonplace.

After a debate in Parliament in Kinshasa proposed removing Zairian citizenship from the Banyamulenge, local government officials, in collaboration with soldiers, orchestrated an anti-Tutsi campaign. Members of the Babembe ethnic group were organized by local politicians into an armed group known as "combatants". A refugee described them as "young, strong male volunteers". September saw increased harassment of Banyamulenge, as armed clashes between "infiltrators" and Zairian troops escalated. Some Zairians and non-Byamulenge were imprisoned, others forcibly expelled to Rwanda and Burundi.

"In September, the Tutsi were repatriated back to Rwanda. I saw them because I worked close-by one of the compounds where they were held. The Tutsi were in the UNHCR compound. Also, I had a Tutsi friend who was repatriated. I visited her a couple of times. After that, the Banyamulenge declared war."

Refugees interviewed in Tanzania in November and December 1996 have testified that a large number of Banyamulenge men, women and children were massacred by Zairian soldiers or civilian militias.

In mid-September 1996, more than 100 Banyamulenge, mostly women and children, were massacred in the villages of Lueba and Mboko by armed Babembe "combatants". The victims were members of a Methodist Church.

"They travelled to Lueba to ask for peace. All of them were massacred by the Babembe, some in Lueba, others in Mboko. In Mboko, they were thrown in the lake. The bodies that returned to the beach, we buried them. There were eight in total. But the majority were killed in Lueba."

Amnesty International was told of several other massacres. It has not yet been able to verify these allegations, but is continuing to investigate them.

2. Deliberate and arbitrary killings by the AFDL

Members of the Tutsi-led armed group, the AFDL, were referred to by refugees as Banyamulenge, Rwandese or Tutsi.

a. Hospital patients and nurses killed

Lemera Hospital, about 85 kilometres north of Uvira, is the largest in South-Kivu, with about 230 beds. In early October, about 300 patients were being tended there. Some were Zairian soldiers wounded in the armed confrontations that were taking place with increasing frequency in the area. Many others were from Burundi. The hospital management had asked for increased protection from the military in exchange for tending the soldiers. Military reinforcements from Kinshasa were sent to Kidoti, two or three kilometres away.

In the early hours of 6 October, members of the Tutsi-led armed group attacked Kidoti. There were fatalities both among the Zairian soldiers and the rebels. There were also civilian casualties, at least two of whom appeared to have been targeted and killed deliberately.

"Two priests were killed. One of them, Koko, was killed on the spot, the other, l'abbé Ndogole, was taken hostage first and was found dead later in the mountains."

Then the armed group went on to attack Lemera Hospital.

"Those who could not flee in time were killed. The attackers entered the hospital, looted the medicines and killed the patients. Two nurses, Kadaguza and Simbi, and an assistant nurse, Maganya were killed."

When those who had fled returned to the hospital, at about four in the afternoon, they found a scene of carnage. According to eye-witnesses, around 30 patients had been killed in their beds, either with bullets or bayonets. Most were members of Burundian armed opposition groups who had been wounded in fighting in Burundi. Nurses had been killed in their quarters. A Burundian doctor whose house was riddled with bullets escaped moments before the attack.

The killings of the wounded soldiers in the hospital beds and of civilian nurses in their quarters at the Lemera hospital were blatant breaches of international humanitarian law.

b. Civilians killed at Kiliba

Members of the AFDL attacked the town of Kiliba on 18 October. There was little or no resistance from the handful of Zairian *gendarmes* (eight, according to eye-witnesses) stationed there who had fled at the

beginning of the attack because "they did not have munitions". Yet about 60 civilians were killed, including young babies.

"The attack lasted from 5.45 in the morning to 10.30. We all fled when we heard the shots. We came back at 14.40 and saw the dead bodies. They included Angela Buyoboke and her eight-month old baby."

Among those killed were nine members of the Kassandra family who had reportedly been slaughtered in their home with knives. The bodies were taken to Uvira hospital. Other civilians said to have been massacred were the Kabanja and Bulambo families, a woman called Fitine and her baby of just two months. These did not appear to be accidental "casualties of war", but victims of deliberate and arbitrary killings.

c. Attacks on refugee camps

From mid-October onwards, the AFDL attacked the refugee camps in South-Kivu, one after another. Almost 220,000 refugees, about two-thirds of whom had come from Burundi, the others from Rwanda, were housed in 12 camps in South-Kivu. The systematic nature of the attacks suggests that it was a deliberate policy of the AFDL to dismantle the camps and make the refugees flee.

Some or all of the camps had a military presence. The United Nations High Commissioner for Refugees (UNHCR) had sponsored a contingent of Zairian soldiers to provide security in the camps, and some Zairian troops had been sent to areas near refugee camps as part of the counter-insurgency operations. In at least some instances, the Zairian soldiers fled before the attack started. The camps also contained armed members of the former Rwandese army and *interahamwe* militia responsible for the genocide in Rwanda in 1994, and members of a Burundian armed opposition group. However, the assaults were not confined to military targets, and there is evidence of indiscriminate killings of unarmed victims in the course of some of the attacks.

From mid-October onwards, the refugee camps of Kagunga, Runingo, Kibigoye and Luberezi were attacked by AFDL forces. Kagunga camp was heavily shelled on or around 18 October. Then it was the turn of Runingo camp. One refugee said the Banyamulenge attacked in the middle of the night when she was asleep. She tried to run away, but was shot at as she fled. Another said: *"The Zairian soldiers had left before the attack. The Banyamulenge shot, shot. The situation was catastrophic."* Estimates of how many people were killed in the attack on Runingo camp vary, but witnesses saw the dead bodies of at least four children and their mother.

Luberezi camp was attacked on the night of 20 to 21 October. Some of the refugees who had been attacked in Runingo camp had fled there for safety, only to come under fire once more. According to testimonies, the camp was surrounded during the night. In the morning,

"At around 7 am they shot in the camp with bullets and bombs. Members of my family were killed: my father, Bizimana Samuel, and my sisters Nuwimana Maria and Sofia Wimbabazi. I saw their dead bodies but did not have time to bury them."

Another witness, who worked for a humanitarian non-governmental organization, testified:

“There were killings in broad daylight. I think there were a lot of deaths, including the wife of Alex Nyarugamba. They just had a baby, two months ago.”

The principle of distinguishing between combatants, civilians and non-combatants is enshrined in international humanitarian law, which lays down minimum standards to be observed in times of armed conflict. The numerous testimonies of eye-witnesses indicate a reckless disregard for civilian lives on the part of the AFDL: in some cases, soldiers had already evacuated the areas before the attack took place, in others, they fled early in the course of the attack. Further, there does not appear to have been any attempt to distinguish between civilians and specific military targets.

Refugees, because of their special circumstances, are under international protection. The deaths of these unarmed men, women and children represent a blatant failure of the international community to provide that protection in eastern Zaire. UNHCR, the agency responsible for the protection of refugees, has so far remained silent about the deaths of refugees during the attacks on the camps.

d. Abuses during the flight to Tanzania

The provincial capital of Uvira fell to the rebels on Friday 25 October in the afternoon. The vast majority of the Zairian military forces were the first to abandon the town, early on Friday morning, fleeing in cars and trucks, often stolen, full of looted goods. They were followed by most of the town's 300,000 inhabitants. There were also tens of thousands refugees from Rwanda and Burundi on the move, who had abandoned the 12 camps where they had been living in the days preceding the fall of Uvira. The road north to Bukavu was held by the AFDL, so the majority travelled south. The flight had not been prepared, and most people left in a hurry, with little or no belongings. Refugees interviewed in Tanzania described scenes of panic, as a huge mass of humanity moved along a small road. Families became separated, small children lost their parents and sat crying on the side of the road.

Civilians were stopped at roadblocks held by Babembe "combatants" at Makobora, Fizi, and Baraka among other places. People who looked like Tutsi were harassed. Refugees interviewed in Tanzania reported having to bribe "combatants" to pass the roadblocks unharmed or being protected by Zairian friends who convinced the combatants that they were not Tutsis. Other civilians were also targeted by "combatants". The chief of the Bavira tribe, Lenge Rugaza Kabali, was alleged to have been summarily executed by Babembe "combatants" at the village of Lusenda, accused of collaborating with the Tutsi-led armed group.

As the long column of people fleeing Uvira progressed on the road towards the south, they were being followed by AFDL fighters. Eye-witnesses who made it to Tanzania told Amnesty International that where they could, the AFDL fighters forced large groups to return to Uvira.

"At Mboko a line was drawn by the Banyamulenge. Those who hadn't passed Mboko yet were forced to return to their homes."

The people forced to return to Uvira had to pass several roadblocks on their way, where AFDL fighters, both men and women, checked identity cards and demanded money. Some refugees returned to Uvira but were eventually able to flee again to Tanzania. They all reported similar stories.

"At the barrier, Burundians, Zairians and Rwandese were separated out. The Burundians and Rwandese were put on lorries and we were told that the Burundians were taken to the Burundi frontier and the Rwandese were transported to Kamanyola. I was able to pass as a Zairian."

There were further reports of the AFDL rounding up refugees from Rwanda and Burundi and forcibly returning some of them.

"While I was in hiding the chefs de quartier [village chiefs] were requested by the Banyamulenge to hand over all the Burundis and Rwandese. They were going from house to house saying 'If there are Burundis in Makobola, we will take them to Burundi.'"

Amnesty International is especially concerned about the fate of Burundians forcibly repatriated to Burundi, where returned refugees have been rounded up and massacred by Burundi government forces (see *Burundi: refugees forced back to danger*, AI Index: AFR 16/34/96).

f. Killings at Mboko

Those who pursued the road southwards witnessed fighting between Babembe "combatants" and the AFDL as well as deliberate killings of displaced Zairians and refugees by AFDL forces. The village of Mboko was the scene of mass killings between 28 and 30 October 1996. Hundreds of people fleeing from Uvira had congregated there, among them "combatants" who had taken the arms of fleeing Zairian soldiers.

"Mboko is a village that is very spread out. The attack lasted from Monday to Wednesday. The Rwandese [Banyamulenge] arrived from Uvira in their cars. The Zairian forces had already fled. The combatants tried to respond. There was an exchange of fire. The Tutsi threw bombs everywhere, in the forest, in the lake [Tanganyika], in the hills.

"There were around 300 victims. One boat was sunk with about 150 people on board. Among the victims were Apassa, the head of Mboko primary school, and Mbale, a teacher at the school and his family of eight. I saw their dead bodies and helped bury them. The people who died in the boat were buried in a mass grave near the lake.

"A number of people had found refuge in a church, but a grenade was thrown there by the Banyamulenge. We did not have the time to bury the bodies."

Some refugees said they had seen boats crammed with unarmed people trying to escape being shot at by Tutsi fighters from the shore. When the boats sunk, some were drowned, but people who could swim were allegedly shot in the water. Among those who drowned was the family of judge Mbwebwe.

The victims killed in the church included two sisters, Nyota and Vumiliya, who was just seven years old. One of their brothers saw their dead bodies, and told his brother who escaped to Tanzania.

On the basis of these and other testimonies, Amnesty international believes that many civilian deaths in Mboko may have been the result of deliberate or indiscriminate attacks on civilians: in many cases AFDL fighters intentionally targeted civilians who were either swimming back to safety after their boat sunk or had sought refuge in a church.

g. Other deliberate and arbitrary killings in AFDL-held areas

There were reports of killings by the AFDL in Uvira in November. One was a man who went to a church to pray, after curfew. Soldiers entered the church, and when he tried to run away shot him dead. Amnesty International has heard allegations of deliberate and arbitrary killings by AFDL soldiers in Uvira and Bukavu, the capital of South-Kivu region.

According to eye-witnesses, François Nkurikiye was killed on 16 November in Rusambo, south of Uvira.

“ The five of us had found refuge in a fisherman’s hut along the beach near Rusambo. We were exhausted. At around midnight, three soldiers, two Rwandese and one Burundi entered the hut and woke us up. They spoke in Kinyarwanda and Kirundi but we acted as if we did not understand them. They then spoke in Swahili. I explained that we were fishermen and that because of the absence of fuel we could not have gone fishing. But Francois did not speak Swahili well. They told him: “You are Rwandese; we know you.” They took him out and cut his throat outside the hut.”

François Nkurikiye was a young Rwandese Hutu man, who had studied in Uvira from 1994, when he fled from Rwanda to 1995. He had a Tutsi wife.

Other eye-witnesses reported that two current Burundi members of parliament who had returned to Uvira had been killed two days after being imprisoned by AFDL soldiers.

“Among the people that were coming back from the south, there were the deputies Thomas Bukuru and Isidore. They were alone, without their family. They were separated from the other Burundis and taken prisoner. Two days later, on 2 November, their bodies were found, along with the one of a Rwandese doctor. They had been hit on the head with machetes. I saw their bodies.”

Amnesty International has also found evidence of deliberate and arbitrary killings of Rwandese refugees by AFDL fighters in Bukavu.

" Five fighters entered the compound as we were getting ready to leave, two priests, two assistant nurses and four children. We hid, and one of the priests went to speak to them. He then called one of us, Pascal Murwirano, a 22-year-old Rwandese, to help, as he did not speak Kinyarwanda.

"The conversation went like this:

`Are you from Rwanda?'

`Yes'

`Are you Hutu?'

`Yes'

`When did you leave Rwanda?'

`1994'

`Take off your clothes'"

"Pascal crossed himself. I remember it so well. He unbuttoned the first button of his shirt and before he could unbutton the second one, he was shot. he took one bullet in the heart, four in the stomach and one in the head."

3. Conclusion

Amnesty International considers, on the basis of detailed and consistent testimonies from eye-witnesses and other credible sources, that gross human rights abuses were committed in South-Kivu from September to November 1996. It believes that Zairian soldiers and civilian militias deliberately and arbitrarily killed unarmed Tutsi men, women and children. It also believes that members of the AFDL deliberately and arbitrarily killed defenceless civilians, and consistently showed little or no regard for the safety of civilians in what appear to be indiscriminate attacks on villages and refugee camps.

Amnesty International fears that similar abuses are still being committed today, both in areas still held by the Zairian government and in the parts of North and South-Kivu under AFDL control. Amnesty International is particularly alarmed by the denial of access to the area. Amnesty International appeals to the Zairian government and the AFDL to stop human rights abuses and to allow full access for representatives of human rights and humanitarian organizations and others investigating allegations of human rights abuses in South-Kivu.

Amnesty International calls on all parties to the conflict to commit themselves publicly to abiding by the principles of international humanitarian law.

Amnesty International also urges the Zairian authorities and the AFDL to stop the forcible return of refugees to Burundi or Rwanda.

Amnesty International urges the leadership of the AFDL to issue clear instructions to forces under its command that human rights abuses will not be tolerated and urges it to respect the fundamental principles of international humanitarian law, in particular the protection of civilians.

Amnesty International calls on states who have influence with the AFDL to make every effort to ensure that the AFDL abides by the principles of international humanitarian law.

Amnesty International also calls on UNHCR to mount an independent and impartial investigation into abuses allegedly committed during the attacks on the refugee camps under its protection and to denounce publicly any such abuses.