

Democratic Republic of Congo

Children at War

1. INTRODUCTION

Seven years of almost continuous war in the Democratic Republic of Congo (DRC) have led to the death of over three million people since 1998 alone, most of them civilian men, women and children.¹ Tens of thousands of women have been raped. Countless acts of torture have been reported. Fleeing the conflict, hundreds of thousands of civilians have been driven from their home into neighbouring countries or other parts of the DRC. Many have died from malnutrition and lack of access to humanitarian assistance. Up to two million people have been internally displaced, including 400,000 children displaced from their homes.² This is not a war in which civilians have been the unfortunate victims of 'collateral damage', but one in which they have been unremittingly and remorselessly targeted. Death and intense suffering have become the daily fabric of Congolese lives. The conflict has also been marked by the widespread use of children as combatants by all parties. The DRC is currently one of the countries of the world with the largest number of child soldiers.

Amnesty International has concluded that the biggest single factor now fuelling the fighting is the competition between rival militia -- backed variously by Rwanda, Uganda and the DRC government -- to control and profit from the immense riches of the DRC's natural resources. These include gold, diamonds, timber and coltan. Military control of a region also permits the political and military leaders of the local and foreign forces to extort taxes from the local population and to monopolise customs duties on cross-border trade, which can run to millions of US dollars a month. Meanwhile, the militia rank and file, who see little or nothing of the riches accrued by their leaders, are given free rein to pillage and loot following a military victory -- and to rape and to kill.

The rewards of military supremacy are so great that the armed groups strive constantly, by whatever available means, to strengthen their military capabilities. The often shifting nature of the alliances between some of the militia and their foreign or Congolese sponsors emphasises their lack of a principled and coherent political program. The alliances are purely marriages of convenience, in which the militia leaders undertake to do the bidding

¹ It is estimated by the International Rescue Committee that as many as 3.3 million people have been killed or died from the effects of this war between August 1998 and December 2002 in the five provinces of eastern DRC. See International Rescue Committee report, *Mortality in the Democratic Republic of the Congo: Results from a nationwide survey*, conducted from September-November 2002, published in April 2003.

² See *The Impact of Armed Conflict on Children in the Democratic Republic of the Congo*, The Watch list on Children in Armed Conflict, June 2003.

of their sponsors in return for direct military support. Despite a formal arms embargo on the DRC,³ substantial amounts of arms continue to flow virtually unchecked into the country. All over the DRC, the weapons are used in armed violence and human rights abuses, and have been used to undertake rape, assault, summary executions and forced displacement. The militia group leaders, rich from their resource plundering and predatory taxation, have no difficulty in paying for these arms, thus completing a vicious and self-perpetuating circle of plunder by force followed by the procurement of arms with the proceeds, followed by further violent plunder.

But having the arms in itself is not enough. The armed groups also need the soldiers to use them. Recruitment drives are almost continuous and forcible conscription has been prevalent throughout the DRC since 1996, although voluntary enlistment is widespread too. To ensure that they have the requisite numbers, all the belligerents (meaning armed political groups and governments) in the DRC have turned without compunction to the recruitment of children. In the context of the war and the destruction of most economic and social infrastructure, children who are left without protectors or are displaced by the conflict are often more susceptible to being recruited. Children may join the armed forces ‘voluntarily’ as a means of survival after the collapse of family, social and economic structures. They can also be more receptive to the propaganda of the recruiters than adults and less aware of the realities of war which lie in store for them. Many are in any case given no choice and are simply conscripted against their will. Militia commanders often find children more malleable to their will, more obedient and easier to indoctrinate than adults. The massive flow of small arms into the DRC has also made the use of child soldiers more viable, since these comparatively light weapons can easily be carried by boys and girls who are below 10 years of age.

In general, the belligerents operating in the DRC lack military professionalism and the training or the means to implement sophisticated military strategies. Many battles are fought, and won, on the basis of simple numerical supremacy, and so the more children that a militia can recruit, the better it considers its chances of military victory. The more direct way of expressing this is that the children they recruit are often used by the militia as cannon fodder. Once recruited, children are usually sent to training camps along with adult recruits to undergo military training and indoctrination. On the frontline, child soldiers are repeatedly obliged to commit abuses, including murder and rape, against civilians and enemy soldiers. The feeling of loss and the traumas of the actions they have witnessed or committed have a devastating effect on their physical and mental integrity.

In reaction to the weight of national and international pressures on recruitment practices, most leaders of armed forces in the DRC have understood that to try to gain international respectability they need to claim opposition to the recruitment of children and

³ In the UNSC resolution 1493 of July 2003, the UN Security Council imposed an arms embargo on the Kivu provinces and Ituri district of the DRC.

engagement in the demobilisation process. However, these announcements seem to have been more public relations exercises than honest and concrete commitments. In the course of 2003 the rate of child recruitment has in fact gathered pace in some areas in the east of the country, in part due to the militia trying to compensate for the official, though in reality incomplete, withdrawal of Rwandese and Ugandan troops from the country.⁴ While in a period of supposed transition to peace, some parties continue to recruit combatants, including a large number of child soldiers.⁵

The information and analyses contained in this report are based largely upon research carried out by Amnesty International in the DRC during 2003. In visits to Beni, Bukavu, Bunia, Goma, Kinshasa and Uvira, researchers interviewed many serving and demobilised child soldiers. They also talked to local and expatriate experts in the fields of child soldier recruitment, demobilisation and human rights, as well as to the parents of child soldiers. They also met with a number of government officials and armed group leaders to raise concerns about the use of child soldiers. The official responses from these meetings are reflected in this report.

We would like to thank all of the human rights activists who have helped Amnesty International representatives in their research. Working in difficult and often dangerous conditions, their bravery, commitment and sheer decency stands in such sharp contrast to the blatant indifference to human suffering which characterises so many of the country's military and political leaders. In order to protect their identity, we have not named the local human rights activists with whom Amnesty International has collaborated and we have changed the names of all child soldiers who have testified. Amnesty International would also like to thank the children and the young adults who talked to Amnesty International about their harrowing experiences of life in the army and of their hopes after the army.

2. LOST LIVES

2.1. Recruitment and training

The recruitment and use of children as soldiers in the DRC, or Zaire as it was then called, first escalated dramatically in 1996. In July of that year a newly-formed armed coalition called the

⁴ In July 2002, after talks in Pretoria, Rwanda agreed to withdraw its troops from DRC in return for the Kinshasa government disarming predominantly Rwandese Hutu rebels and sending those accused of involvement in the 1994 Rwandese genocide for trial by the UN's International Criminal Tribunal for Rwanda which is based in the Tanzanian town of Arusha. The withdrawal of pro-government forces from Angola, Namibia and Zimbabwe accelerated. Uganda agreed to withdraw its troops after an agreement with the DRC government in Luanda, Angola, in August 2002.

⁵ In July 2003, a transitional government was sworn in in the capital Kinshasa. It consists of a president, Joseph Kabila, and four vice-presidents: Azarias Ruberwa of the RCD-Goma, Jean-Pierre Bemba of the MLC, Yerodia Abdoulaye Ndombasi of the former DRC government and Arthur Z'Ahidi Ngoma, representing the unarmed political opposition.

AFDL⁶ began an insurrection in the eastern provinces of Kivu. Backed primarily by Rwanda and also by Burundi, and facing an ill-trained and unpaid Zairean army, the insurgent forces advanced rapidly, overthrowing President Mobutu and bringing Laurent-Désiré Kabila to power in May 1997.

In the course of 1996 in the eastern town of Bukavu several thousand children reportedly underwent military training with the AFDL, setting a precedent for the use of child soldiers which has been followed by all other armed groups in the DRC to the present day. Some children enlisted into the AFDL voluntarily, seduced by propaganda and by the initially generous monthly pay of US\$100, which was vastly more than the average Congolese civilian could have hoped to earn.⁷ But many thousands of other boys and girls were recruited against their will and often without their family's knowledge, again setting a distressing pattern for the future. To this day some of these children have never seen their parents again.

Jeanne was forcibly recruited by the AFDL at the age of 11 in 1996: *'I was recruited in Goma on my way home from school. I came across some soldiers who were pretending to mend their broken-down vehicle, but in fact it was a ploy. They called me and some other children over, and when I went up to them, they grabbed me, threw me into their vehicle and took me off to a training centre. I was trained there and then we began the march towards Kinshasa. Because we were taken just like that on our way home from school, our parents had no idea where we were. To this very day I don't know if my parents are alive. And even if they are, they don't know what's become of me.'*

Since 1996, many other children have been abducted in the DRC, in the streets like Jeanne, while others have been taken from school classrooms, refugee camps, or camps for the internally displaced. Many children have also been taken from their own homes at gunpoint, as their distraught parents have looked helplessly on. Other children have reported being picked up while playing in their neighbourhood or walking along the road. As hundreds of thousands of children have lost their primary carers, are separated from their families or displaced, they are more likely to be recruited as they do not have any protectors.⁸ In some rare but fortunate cases, parents have later been able to locate their abducted children and to pay soldiers to release them. But most of the time parents are powerless to prevent the loss, often forever, of their children.

In addition to forced conscription, many children are known to voluntarily join the military or militia forces. There are several factors leading children to voluntarily enrol into the armed groups, independently or through the active campaigns undertaken by armed

⁶ For an explanation of all the abbreviations and acronyms used in the text, please refer to Appendix 1.

⁷ In some parts of Eastern DRC people are estimated to live on less than \$0.18 per day, while 2.5 of 7 million people in Kinshasa live on less than \$1 per day. See the interagency report: No End in Sight, published in 2001.

⁸ UN OCHA estimated in 2003 at 2.7 million the number of IDPs in the DRC. The UN reports in excess of one million IDPs in need of humanitarian assistance but who do not have access to humanitarian aid and are denied access to the humanitarian agencies by parties to the conflict. More than 300,000 refugees have fled to neighbouring countries.

groups to encourage the enlistment of children. Before 1996 few, if any services were provided to the population. The subsequent war in the DRC has led to the almost total destruction of the political, social and economic infrastructure in most of the country. Therefore children enlist, as do many adults, in the hope of escaping the poverty and the abject social conditions in which they live, viewing the army as their only viable means of survival in an economy which has been progressively brought to its knees by decades of corrupt administration and then by the war. Generalised poverty and the breakdown of basic social services, such as educational and health centres, has also led some orphans or children who have become separated from their families amid the panic of an armed attack to seek out the protection of an armed group for their own safety, for food and for a sense of belonging to a community, albeit a violent one. Unable to adequately provide for their children's and their own needs, some parents encourage their children to be recruited into the armed forces or armed groups, thinking that the children will be provided money, food, and education, as well as protection from the armed groups.

But in some areas where propaganda, recruitment and combat are skewed along ethnic lines, which is the case most notably in certain regions of Ituri and Kivu, many children are encouraged to join up to defend their own ethnic communities. As the conflict has taken its heavy toll, children have increasingly joined up in order to avenge their family or friends, whose murder or rape they have often witnessed with their own eyes. They also believe, or have been indoctrinated by adults to believe, that they will be able to protect their family and communities from other forces present in the region. Some children are swayed by the propaganda of military recruitment campaigns or by friends who are already in the army and they join out of a notion of patriotic duty or for the perceived prestige and status of being a soldier.

After their recruitment, children usually undergo some form of military training and indoctrination for periods ranging from just a few days to several months. The training generally consists of learning how to march, how to obey orders, how to strip down and re-assemble a rifle and how to fire it. The training regimes are invariably harsh and many children, with their comparatively fragile bodies, succumb to the physical rigours or to the brutal treatment which they receive. They are sometimes tortured, raped, deprived of food, healthcare or sleep. According to one child soldier testimony, hundreds of children died in the course of six months of training with the AFDL in Bukavu in 1996.

Thomas, who is now 16 years old, was recruited in North-Kivu at the age of 13 by the RCD-Goma as he was on his way to school. His 8-year-old brother and several other children were conscripted at the same time. He was sent to Mushaki training camp in North-Kivu for five months. Because of the severe injuries he sustained there as a result of blows to his backbone, Thomas is unlikely to ever again have the full use of his legs. *'The scars I have all over my back come from my camp commanders beating me 40 times with a rifle butt every time I did not perform the daily exercises successfully like the adults, or if I fell asleep while I was on guard. Being new, I couldn't perform the very difficult exercises properly and so I was*

beaten every morning. Two of my friends in the camp died because of the beatings. The soldiers buried them in the latrines. I am still thinking of them'

The abuses children suffer during training set the tone for a life in the army which is dominated by hardship and further abuse. Children suffer disproportionately from the rigours of army life and are especially vulnerable to disease and malnutrition in the hostile terrains of the equatorial forests. Even outside battle, mortality rates for both boys and girls are high, as they are pushed to the limits of their physical and emotional endurance.

The children who survive the harsh training are given a variety of tasks to perform. Some act as cooks or porters, carrying supplies, water, food, firewood and munitions for the adult soldiers. They are often used to carry off the goods which their commanders have looted during battle, or to take the weapons of enemy soldiers who have been killed. Some act as personal bodyguards to their commanders, while others are sent on reconnaissance missions into the bush or to nearby villages in order to detect the positions of enemy troops and assess their numbers. Commanders hope that, as children, they will pass unnoticed by the enemy on these missions. Girls are exploited by soldiers for sex, and rape is very common.

At one time or another, almost all child soldiers will also be involved in some capacity in active combat. Inexperienced and occasionally reckless, they sometimes find themselves pushed into the vanguard of advancing troops, effectively to act as human shields for the adult soldiers who follow on behind them. It is impossible to estimate with accuracy the numbers of child soldier casualties over the last seven years, but it is a question of many, many thousands. Many are not even given a proper burial. Even their own families will probably never know the true fate of these children.

Those who survive are often wounded and can remain disabled, with little or no prospect of earning a living, for the rest of their lives. The operating of heavy artillery and the frequent sound of explosions have also rendered children deaf or shell-shocked. Medicines are often scarce and access to timely treatment can be difficult for children who are injured in the depths of the forests. **Benedicte**, who was recruited by the AFDL at the age of 11 in Goma, recalled to Amnesty International what she witnessed on the frontlines: *'Several of my friends were killed on the battlefield. And others lost their limbs – their arms, their legs. I remember there was one comrade, a friend of mine, who had his nose blown away. Another had a big hole blown in his face, around his lips and mouth.'*

2.2. Brutalising the innocent

While some children may be reckless or initially fail to appreciate the danger they are in, many children experience intense fear when they are first sent into battle and deep revulsion at the sight of the dead and maimed bodies they see. In order to force them to overcome these natural emotions as well as their reluctance to kill, commanders deliberately brutalise the

children from an early stage, forcing them to commit crimes against their will. This process often begins in the training camp. **Gaston** was conscripted from his school classroom at the age of 10 by the AFDL: *'We were frightened because we were young children and we didn't know anything about the army. Even on the shooting range, when they tell you to fire, you're always very scared. For me to overcome that fear, I had to kill someone at the training camp. They brought someone to me one night when I was on duty guarding an entrance. It was a child, whose face they'd covered, and they told me he was a rebel, an enemy, and that I had to kill him. That's exactly what I did. On the spot. With my knife. That night, after doing that, I couldn't sleep.'*

Once on the frontlines, this process of brutalisation continues as children are repeatedly obliged to commit abuses, including murder and rape, against civilians and enemy soldiers. Some have been made to kill their own families, while others have been made to engage in cannibalistic or sexual acts with the corpses of enemies killed in battle. Children are often given drugs and alcohol to cloud their emotions as they carry out these crimes. **Albert** was 15 when he was recruited by the RCD-Goma in 1999: *'I can tell you from personal experience that we kadogos [child soldiers⁹] were pretty numerous. After capturing a village, what happened was that they would give us 'chanvre' [cannabis] and force us to kill people to toughen us up. Sometimes they brought us women and girls to rape. The commanding officers didn't justify why they did that. Every time they captured somewhere, they would get kadogos to do these things in front of the adult soldiers, as if it was a show, in order to humiliate the people of the village. That scene held no interest for us, but they would beat us if we refused. The unlucky ones were shot and would die - they killed kadogos like that when they refused to obey. Before engaging in scenes like that, before killing, you first have to smoke some 'chanvre' - when you do that, it stops the spirit of the person you've killed from entering inside you.'*

Olivier began life as a child soldier at the age of 11 and spent the next seven years of his life serving in various armed groups. After capturing the coltan-rich town of Katoye, his RCD-Goma commander ordered his soldiers to attack the local civilian population: *'He ordered us to loot everything they had, to drive them away and to destroy their homes. The population responded and tried to stop us, and so our commander gave the order to kill anyone who put up any resistance. He ordered me personally to do that and told two other soldiers to watch over me and kill me if I refused to obey. And so I killed, I fired on these people. They brought me a woman and her children and I had to put them in a hole and bury them alive. They were screaming and pleading with me to spare them and release them. I took pity on them, but then I looked over my shoulder at the two soldiers watching me, and I said to myself: 'If I let them go, these soldiers are going to kill me.' And so I went ahead and buried the woman and children alive, to save my own life.'*

⁹ *Kadogo* means small in KiSwahili and is used as a term for child soldier in parts of Central and East Africa.

The question of children's criminal responsibility for the crimes they commit needs to be addressed in the course of post-conflict judicial and reconciliation processes. Where children have committed abuses under duress or have acted under the influence of drugs administered to them, the responsibility of their adult superiors is clear. The political and military leaders must be held responsible for the crimes committed by the children under their control. However, some former child soldiers who have been demobilised have told Amnesty International that they are afraid to return to their communities because the local people have witnessed them take part in crimes. **Albert**, some of whose experiences are recounted above, is now 19 and demobilised: *'I was looked upon badly by the population. When I killed people in K, I was nicknamed 'the Assassin' and the name became known. People started to say that the Assassin has left the army and so now we are going to make him pay. It would be suicide for me to dare to go back there. They would kill me.'*

If a child is suspected of being responsible for committing crimes which he has willingly committed, subject to the age of criminal responsibility Amnesty International believes that he or she should be investigated and, if there is sufficient admissible evidence, prosecuted in a manner fully consistent with international law and standards for fair trial for a person under 18. This should be done in line with the principles of international law relating to juvenile justice, which place the best interests of the child first. Recognising the special needs and vulnerabilities of children, they place the emphasis on children's rehabilitation and reintegration into society, rather than on punishment.

As well as brutalised, the majority of child soldiers have also of course been deeply traumatised by their experiences and continue to be haunted by the memories of the abuses they have witnessed or been forced to commit. The severe psychological consequences of their time in the army need to be actively addressed in all demobilisation and rehabilitation initiatives, as well as in any post-conflict reconciliation processes.

2.3. Sexual violence against child soldiers

Almost all girl soldiers have reported being raped or sexually exploited by their commanders and other soldiers in their unit. Some boys have also reported similar experiences. Beyond the brutality and trauma of rape itself, sexual assault can result in serious physical injury and forced pregnancy, as well as infection with HIV and other serious or potentially fatal diseases. Most girl soldiers who have been victims of sexual violence suffer psychological trauma and almost all require medical treatment for physical injuries inflicted during their ordeal. Some girls raped by soldiers have died because they have had no access to health care.

Natalia is 16 years old. She is from South-Kivu and was recruited when she was 12 by the RCD-Goma: *'I was living in my village with my mother and my brothers and sisters. One day, our village was attacked by the mayi-mayi. The mayi-mayi soldiers stole everything we had. A few days later, our village was attacked again by the RCD-Goma, who accused us of collaboration with the mayi-mayi and of giving them food. I watched as soldiers killed*

many of my relatives in the village and raped my two sisters and my mother. I was hiding but I saw how many soldiers raped my sisters and my mother. I was scared, and I thought that if I joined the army, I would be protected. I wanted to defend myself. Once in the army I was trained to carry and use a firearm and I performed guard duty night and day. It was horrible because I was only 12 years old, but I was frequently beaten and raped during the night by the other soldiers. One day, a commander wanted me to become his wife, so I tried to escape. They caught me, whipped me and raped me every night for many days. When I was just 14, I had a baby. I don't even know who his father is. I ran away again and this time I managed to escape. But today I have nowhere to go and no food to give to the baby, and I am afraid to go home, because I was a soldier.'

Many girls have been tortured, ill-treated or imprisoned after rejecting the sexual advances of their superiors. To avoid such treatment, for many girls it becomes routine to cede to these sexual advances, although they do so unwillingly. Others consent to sex with senior military officers in exchange for favours such as food, but report feeling 'dirty' afterwards. **Emilie**, who was forcibly recruited at the age of 11 by the AFDL, described what happened when she said no to a commander: '*Some commanders had a certain morality, but there were others who just wanted to sleep with everybody. Either you accepted or you refused - with all the consequences which that could entail. The commanders often already had a concubine there with them, and so it also caused you problems with the other woman. If you say no, you're flouting his authority, you're defying him, and he'll create problems for you. I remember I got whipped plenty of times on the back because I said no to a commander. He had me whipped.'*

Under customary international law, rape committed during armed conflict constitutes an act of torture. The Rome Statute considers such acts to be war crimes.¹⁰

2.4. The brutalities of military 'justice'

Above and beyond the daily hardships of life in the army which child soldiers endure, and which frequently amount to ill-treatment in themselves, children are also treated brutally if they fail to obey orders or commit other transgressions, perceived or real. Some are beaten or placed in detention after falling asleep while on guard duty or after failing to perform their exercises correctly. Others are locked up for desertion, for offences they have committed on the orders of adult soldiers, or for allegedly conniving with the enemy. In detention they are often tortured and ill-treated. The conditions in the places where they are held, which are

¹⁰ Rape and other crimes of sexual violence committed by government officials or armed opposition groups during armed conflict, constitute a war crime and, if part of a widespread or systematic attack on a civilian population, crimes against humanity, both under customary and conventional international law. In particular, they are defined as war crimes in Article 8 (2) (b) (xxii) (international armed conflict) and Article 8 (2) (e)(vi) (non-international armed conflict) and as crimes against humanity in Article 7 (1) (9) of the Rome Statute.

often just waterlogged pits in the ground or windowless metal containers, can in themselves constitute cruel and inhuman punishment. Child soldiers have also faced closed and unfair trials before military courts with no legal representation, and some have been sentenced to death and executed.

Jeanne, whose forcible recruitment into the AFDL is described above, soon became aware of the need to obey orders without question: *'In the army it's all about obeying orders. The principle is that you carry out the order first, and then the justifications and explanations come afterwards. And you soon understand that if you don't carry out a commander's order, you'll be disciplined and punished. Many times we ended up getting whipped and ill-treated because we didn't carry out an order.'*

Kalami was recruited when he was nine. When Amnesty International delegates met him in Goma, he was 15 years old and had spent six years of his life fighting in the different armed forces. In late 2000, fighting for the RCD-ML, he was involved in a particularly intense confrontation and afterwards he took the decision to escape. Unfortunately, he was recaptured: *'The battle lasted forever. We were told to kill people by forcing them to stay in their homes while we burned them down. We even had to bury some people alive. One day my friends and I were forced by our commanders to kill a family, to cut up their bodies and to eat them. After this battle, I decided I had to flee and I ran away into the forest. But in Lubero some soldiers found me and brought me back to a military camp. They imprisoned me and beat me every day. Seeing that I was close to death, a soldier decided to send me to the hospital in Lubero, where UN staff found me and demobilised me. Today, I am afraid. I don't know how to read, I don't know where my family is, I have no future. The worst is during the day when I think about my future. My life is lost. I have nothing to live for. At night I can no longer sleep - I keep thinking of those horrible things I have seen and done as a soldier.'*

Child soldiers are sometimes kept in detention for months or years, with very little access to health care. **Jean**, from Walikale in North-Kivu, is 15 years old and, as of March 2003, had been detained in Bukavu prison for nearly a year. He was forcibly recruited at the age of 12 by the RCD-Goma. During his training he was severely beaten and was then forced to fight on the frontlines in Walikale. *'On 22 July 2002, my commander asked me and two other soldiers to go and arrest a man. When we arrived the man attacked one of the other soldiers with a hammer and hit my gun with the hammer. I was scared and tried to get the gun back off him. While I was struggling with him for the gun, the gun went off and wounded the man, who later died. I was arrested. I have no parents, which means nobody comes to bring me food. I never wanted to be a soldier. It was so hard to fight on the front line, I was afraid to die. I had to kill and I saw so many of my friends die.'*

Former child soldier **Damien** was sentenced to death at the age of 15 in Mbandaka in Congolese government-controlled territory. He was tried in 1999 by the notoriously unfair military tribunal called the *Cour d'ordre militaire* (Military Order Court), which found him guilty of armed robbery and criminal complicity. Damien maintains that, although the gun used in the robbery was his, it was taken without his knowledge or consent and that he played

no part at all in the robbery. He had no right to appeal against his sentence. He had enlisted in the eastern town of Beni when he was around 13, after responding to an appeal broadcast on the radio, which urged children to join up. He had hoped to earn enough money in the army to pay for his studies. He fought on the frontlines in Equateur Province and is still haunted by the images of the many friends he saw die there. In 2001 his sentence was commuted to life imprisonment as part of a presidential amnesty, and in August 2002 the sentence was further reduced to five years' imprisonment. In March 2003 he was serving this sentence in the capital Kinshasa.

Child soldiers have also been victims of extrajudicial executions. **Bahati** from Masisi in North-Kivu was arrested in Uvira by the RCD-Goma on 25 May 2003 after allegedly killing a soldier the night before while trying to steal his radio. He was given no trial and was executed in public on the same day.

Children who fall into the hands of enemy troops are also at great risk of being extra judicially executed, as **Jeanne** of the AFDL explains: *'Some of the prisoners of war we executed, although we also kept a good number alive to prove to the international community that we really were being attacked. But we didn't keep all the prisoners - it's true that we eliminated some. You can't have judicial procedures on the frontlines, because you're fighting for your survival. You're from Camp A and you call the people in Camp B rebels, and they in turn call you rebels. So when you're face to face with the enemy, all you can do is eliminate him, before he gets you.'*

Even if they are not killed, children captured in battle can be tortured or ill-treated. **Nicolas**, who is 16 years old and from Fizi in South-Kivu, was recruited in August 1998 by the RCD: *'After training, we fought against the Burundian rebels. During the first battle, I was wounded in the stomach and taken to Uvira hospital for one-and-a-half months. When I recovered, I was sent back to fight. We fought the mayi-mayi in Makobola in September 1999. After three weeks of fighting there, we were ambushed and I was captured by the mayi-mayi and taken into the hills. I was tortured, tied up and beaten by them. The mayi-mayi killed seven of us. We were asked to join them and to fight against the RCD. Those who refused were killed'.*

2.5. The challenges of demobilisation

Children who manage to escape the brutality of the army or who are officially demobilised face many challenges in their attempts to reintegrate themselves into civilian life. Despite the efforts of international and local NGOs and of UN agencies, the demobilisation initiatives undertaken by the various armed forces operating in the DRC have, to date, largely been public relations exercises. Amnesty International understands that the resources available to the government or armed groups may be limited and that the demobilisation and rehabilitation of former child soldiers is a difficult task. However, on many occasions, the demobilisation of

children has not been based on their unique individual experiences, the length of time they spent as a child soldier or the conditions prevailing in their home communities. The capacity for families and communities to participate in the social reintegration process has often not been addressed prior to the demobilisation of children. The political and military authorities have not given clear political or material support to the alternative civilian life-styles that international and local partners have been trying to provide to former child soldiers.

In the east of the country, for as long as the war continues and armed groups continue to recruit children, prospects for the successful demobilisation of child soldiers are extremely poor. None of the armed groups operating in the east are genuinely committed to demobilisation initiatives. On the contrary, they are all continuing to recruit new child soldiers. Even the small numbers of children who are officially demobilised are at constant risk of re-recruitment on returning to their homes, whether by their former armed group or by an opposing group. Children are often closely monitored by commanders after their demobilisation and are simply re-recruited when renewed fighting flares up and the armies need to bolster their ranks.

One former RCD-Goma child soldier, who managed to escape and then get an official demobilisation certificate in Goma in 2001, met with an unexpected welcome from RCD-Goma soldiers when he returned to his home village: *'The soldiers who were there asked me for my letter. They had no idea what demobilisation was. Finally they said to me: 'You come here with all these tales of demobilisation, but we're not going to accept it. You've got to be reintegrated into the army, because if we let you stay here, all the other kadogos are going to want to leave the army too, and we won't have any soldiers left. You have to go back in to the army.'*

In addition to the risks of re-recruitment, one of the biggest challenges faced by all these initiatives lies in what happens to the children and young adults after they have been demobilised. Demobilised children must not simply be taken out of the armed forces; they must also be provided with the necessary emotional and material support to underpin their successful rehabilitation and reintegration into civilian society. Alternatives to military service must be provided, including by promoting new education and employment opportunities.

The educational system often presents former child soldiers with several problems that prevent their return to school. Many schools have been destroyed during the armed conflict and in many cases families do not have enough money to pay the tuition fee, even if this is minimal. Parents are often too poor to afford clothing and scholastic materials. Some children do not attend school because they do not have money for transportation and are faced with impossibly long distances to reach the school on foot. When children do manage to get to school, due to their past as child soldiers they are often humiliated by the teachers or classmates because of their poor performance. Sometimes students and teachers are afraid of former child soldiers because of their violent past. In order to facilitate their reintegration,

UNICEF has suggested that schools be established in the community where former child soldiers are returning.

In an economy progressively destroyed by decades of corrupt administration and then by the war, the prospects of finding viable employment are limited for all Congolese citizens. Children have sometimes joined the armed groups in the first place in order to escape poverty and to provide support to their families. It is therefore essential to develop strategies which can provide demobilised children with legitimate employment opportunities as an alternative to life in the army. A lack of such alternatives can lead children to become unemployed, homeless and at risk of being exploited, to become involved in crime or to be drawn again into armed conflict.

Demobilised girls often face specific problems. The majority of girl soldiers are raped or sexually exploited in the army and they suffer both physical and psychological consequences from their ordeals. The taboos surrounding rape in the DRC can render especially difficult the reintegration of girls back into their communities. Effective provision needs to be made for these girls, many of whom are pregnant or have young children.

The problem of social reintegration is very acute for demobilised children who cannot return to their own community because there is too much insecurity or because humanitarian agencies have been unable to locate their families. For such children, their stay in a demobilisation centre may have to be prolonged. Once the families are located, NGOs try to work directly with the families and communities in order to bring some level of reconciliation. Some NGOs might decide to bring the children home or to their communities right after their demobilisation, if it is possible. Local NGOs also work closely with the communities, school teachers and religious leaders to assist in the reinsertion of former child soldiers into the schooling system or professional and agricultural system. It is essential that reliable actors be identified in the communities where children are returning.

In addition to the legal abolition of child soldiering, economic development and peace building efforts must be addressed, so that sustainable demobilisation and rehabilitation programs can be established. The legacy of children having spent years within the armed forces, primarily learning only the art of violence, unless addressed properly, will have lasting repercussions on the country and its citizens.

3. KEY PARTIES RECRUITING AND USING CHILD SOLDIERS

The following sections address the record in the recruitment, use and demobilisation of child soldiers of a number of the different forces operating in the DRC. The forces looked at in

most detail are the RCD-Goma, the Congolese government army, the *mayi-mayi*, the RCD-ML and the armed groups of Ituri. The focus of each section varies, emphasising different aspects of the DRC's child soldier phenomenon and illustrating its regional variations. The section on the Congolese army, for example, focuses principally on the government's faltering initiatives to demobilise child soldiers, while the section on Ituri addresses the ethnic context in which child soldiers are being recruited and used.

This chapter does not however pretend to be exhaustive or to address child soldier use by all of the armed groups which are currently active in the DRC. The focus on a select number of armed groups should not be taken to mean that the human rights records, including in the use of child soldiers, of other armed groups operating in the DRC, on whom it has often been difficult to obtain reliable and detailed information, are of any less concern to Amnesty International.

3.1. The RCD-GOMA

Shortly after the outbreak of war in the DRC on 2 August 1998, a new armed movement opposed to the Kinshasa government was formed in the east of the country called the *Rassemblement congolais pour la démocratie* (Congolese Rally for Democracy). The movement subsequently split into three factions: the RCD-Goma, the RCD-ML the RCD-National. The latter two groups switched political allegiance and are now opposed to the RCD-Goma. The RCD-Goma, which is named after the North-Kivu town where it has its headquarters, has from the outset been backed militarily by the Rwandan government. It controls large parts of Congo's eastern Kivu region, as well as parts of Maniema province. The movement was accorded one of the four vice-presidential posts in the DRC's new government of national transition, which was established as part of the ongoing peace process in July 2003. That post is occupied by the RCD-Goma's president, Azarias Ruberwa.

When Amnesty International researchers visited the Kivu region in February 2003, they observed many young RCD-Goma child soldiers in uniform. The then RCD-Goma president, Adolphe Onusumba, did not deny that the RCD-Goma was recruiting child soldiers. He told Amnesty International that young people were joining the RCD-Goma movement voluntarily and were benefiting from education and care in the army. He also introduced Amnesty International delegates to a child soldier in the corridor outside his office and explained that the child was one of his personal guards. The 13-year-old boy was in full uniform and was carrying an AK-47 rifle.

To maintain military control over large swathes of the Kivu and Maniema regions, the RCD-Goma has relied enormously on the numerically and militarily superior forces of the Rwandan army. Rwanda's involvement and its responsibility for human rights abuses in the DRC, including the use of child soldiers, is described in more detail below. When Rwanda began to withdraw some of its troops from the DRC in late 2002, following an agreement

with the Congolese government brokered in Pretoria, South Africa, on 30 July, the RCD-Goma found itself in a militarily vulnerable position.

Under renewed attack from the *mayi-mayi* militia, the RCD-Goma launched intensive new recruitment drives in which many children, from the age of eight upwards, were enlisted, often against their will. Conscious of the presence of international agencies in the main urban centres of Goma, Bukavu and Uvira, the RCD-Goma focused most of these recruitment drives on outlying, rural areas. These included the Shabunda, Mwenga, Fizi and Idjwi territories of South-Kivu, Walikale, Masisi, and Rutshuru in North-Kivu, and the Kindu and Punia territories of Maniema province.

Schools have also been actively targeted – in Kalehe in North-Kivu, for example, many parents have stopped sending their children to school after two RCD-Goma officials forcibly abducted children from a local school in January 2003. On another occasion an RCD-Goma official went to villages in South-Kivu and claimed that the UN agency MONUC was recruiting drivers locally – those who volunteered themselves never returned home. In a public rally held in Katana in South-Kivu on 14 March 2003, participants were strongly urged to ‘sensitise young people’ and encourage them to report to a local military camp for training. No minimum age for recruitment was stipulated at the rally.

There are several military camps throughout the Kivu region where children and adults are taken for training. They include the Mushaki camp just west of Goma, where in 2001 the United Nations estimated that some 60% of 3,000 newly-trained soldiers were under 18. Many children have reported being tortured and ill-treated in these camps, as well as being sexually abused. **Julie** is 14 years old and was sent to Mushaki for training in 2002: *‘I was with five other girls, who are still there. They haven’t been demobilised because they have to serve as the soldiers’ wives’. At night the soldiers used to sexually abuse us. Sometimes it was several soldiers the same night.’*

Children have also fought for the RCD-Goma in battles in which serious human rights abuses have been perpetrated. Retaliating against a *mayi-mayi* attack on Bukavu in early April 2003, the RCD-Goma attacked Walungu, killing dozens of unarmed civilians and torturing people whom they accused of collaborating with the *mayi-mayi*. The rape of women and girls was widely reported. One woman raped in Chibinda by RCD-Goma soldiers was five months pregnant and suffered a miscarriage as a result. Many parents sent their daughters to stay with relatives in Bukavu, fearing they too would be raped if they stayed in the area. Several thousand civilians fled the violence. MONUC estimated that some 20% of the RCD-Goma soldiers involved in these attacks were under the age of 18.

3.1.1. The Local Defence Forces

In addition to its main armed forces, the RCD-Goma operates another paramilitary force called the Local Defence Forces, which it claims has some 10,000 members. Modelled on

similar such forces which have existed for years in Rwanda and Uganda, the role of the LDF is in principle to defend villages and communities against militia attacks. LDF members, who include children, are given limited military training and are armed. However they are generally unpaid and frequently resort to preying on the local populations they are supposedly there to defend. Many unarmed civilians have been killed by the LDF because they did not have money, food or property to give to them.

Although in principle they are stationed in their home communities, in practice LDF members are often taken off to fight on the frontlines alongside RCD-Goma soldiers. Enlisting children into the LDF with the hidden intention of then sending them to the frontlines is a ploy often used by the RCD-Goma to overcome the reluctance of children to join the army directly. Children as young as ten recruited into the LDF have been sent, inadequately trained, into combat and have never returned home. Families who oppose the integration of their children into the LDF often receive death threats.

In a meeting with Amnesty International in February 2003, the then governor of North-Kivu, Eugène Serufuli acknowledged that many LDF members sent for training to Mushaki camp were automatically integrated into the RCD-Goma's army. However, he denied that there were children among them. This claim is false. **Guy**, from the Masisi territory of North-Kivu, is just one of many hundreds of children to have been enrolled into the LDF since January 2003. Initially recruited at 14, Guy was trained for three months before being sent into combat: *They, the enemies, were much better armed than us. Every day I thought I would die. I finally escaped from the army, but as soon as I returned home, I was recruited again into the LDF. I was sent again with many others from my village to the Mushaki training camp. Most of us were between 12 and 17 years old.* “

3.1.2. South-Kivu

Since January 2002 the RCD-Goma and Rwandan forces have been fighting against the rebellion launched in the Minembwe area by the South-Kivu Tutsi known as Banyamulenge, led by Commander Patrick Masunzu, and by allied *mayi-mayi* groups.¹¹ Many child soldiers have been used by all sides. Between January and July 2002, the Rwandese forces occupied part of the Hauts-Plateaux region to suppress the revolt and used excessive and indiscriminate violence against unarmed civilians, particularly the Banyamulenge, who were accused of supporting Patrick Masunzu. Large numbers of civilians were killed in the fighting and up to 30,000 were displaced. Between June 18 and mid-July 2002, the Rwandan army used

¹¹ The Banyamulenge are Tutsi inhabitants of South-Kivu's Mulenge mountains. The Tutsi-dominated Rwandan government claimed that part of the reason they invaded the DRC was to defend the Banyamulenge against other Congolese armed groups. In January 2002, Commander Masunzu started a rebellion to force Rwandan and RCD-Goma troops out of their territory in the Hauts-Plateaux of South-Kivu. He sought to affirm the Congolese identity of the Banyamulenge and to distance themselves from Rwanda.

helicopters to bomb the Hauts-Plateaux region, including in areas populated by unarmed civilians.

In September 2002, as some Rwandan troops began to withdraw from the DRC, renewed fighting flared up throughout South-Kivu. Uvira, Fizi, Baraka, the Hauts-Plateaux, and the Rusizi plain were the scene of almost constant fighting from October until January 2003. On 13 October 2002 *mayi-mayi* troops allied to forces led by Commanders Patrick Masunzu and Aron Nyamusheba captured the city of Uvira from the RCD-Goma. Combatants on all sides killed unarmed civilians and raped women and girls. The RCD-Goma arrested numerous civilians accused of collaboration with their opponents. An estimated 20,000 inhabitants fled the town.

Fighting for control of South-Kivu continued at the end of 2002 and by 31 December, the fighting had again engulfed Uvira, forcing thousands of refugees across the border into Burundi. In response, beginning in February 2003, the RCD-Goma launched a major offensive against the *mayi-mayi* militias, creating massive waves of displacement and resulting in widespread and systematic abuses against civilians and an upsurge in sexual violence.¹² MONUC reported that the RCD-Goma forces used children in the front lines during the 5 January military attacks on Uvira and that dozens of child soldiers were killed in action in Uvira town and Kalundu port.

Amnesty International delegates interviewed a former RCD-Goma child soldier who took part in the October 2002 fighting. 16-year-old **Paul** from Walungu in South-Kivu was enlisted into the RCD-Goma in 2002: *'I joined because there were many children already there. I didn't do any training, I was sent to the front to fight in Uvira, Fizi, Baraka and Minembwe. We attacked Masunzu at Minembwe. I left in January 2003 after the Minembwe battle. We were defeated by Masunzu. Since then I have been arrested three times and accused of deserting but my family has intervened and the soldiers have let me go free. I now need to get a demobilisation order from the RCD-Goma'*

3.1.3. Idjwi island

Idjwi island, which is located in the middle of Lake Kivu around 35km to the north of Bukavu, has also been the site of intense recruitment since June 2003, when an RCD-Goma battalion was deployed to the region. The RCD-Goma has been deliberately targeting former child soldiers in Idjwi who have managed to flee the army or have been officially demobilised. 17-year-old **Robert**, who was recruited by the RCD in 1998 but later fled the army, is now in hiding after RCD-Goma soldiers went several times to his house to forcibly recruit him. He fears that the soldiers will now harm his family. Soldiers also burst into the home of 16-year-old former child soldier **George**, boted the house, and then took George away at gunpoint as

¹² While the RCD-Goma officially controls Uvira, the Rusizi Plain and Baraka, the *mayi-mayi* controls the hills outside the city of Uvira and more remote areas of the Rusizi Plain near Baraka and Fizi.

his family looked helplessly on. Other children, the majority under the age of 15, have been conscripted in the streets or in market-places. Child soldiers have also been sent to villages, armed and in full uniform, to try and persuade other children to enlist.

New adult and child recruits are taken to Kihumba military base for training. There are dozens of child soldiers at this base, most of whom are there against their will. The training they receive includes learning how to use an AK-47 rifle. Children have been beaten if reticent to perform the training exercises and one 15-year-old boy was reportedly beaten to death after trying to flee the camp in July.

A large number of the children serving in LDF units in Idjwi are also being integrated into RCD-Goma forces. The RCD-Goma are providing them with AK-47 rifles, while their uniforms are reportedly being supplied by Rwanda. Rwandan commanders have also reportedly made visits to Idjwi and transferred child soldiers to the nearby Rwandan island of Iwawa.

3.1.4. The continuing involvement of Rwanda

In addition to its reported activities in Idjwi, the Rwandan army, which is now called the Rwandan Defense Forces or RDF (it was formerly the Rwandan Patriotic Army), continues to be militarily active in other areas of the DRC, in spite of its official withdrawal in late 2002. In addition to some RDF units which are thought to remain stationed in the DRC, Rwanda has also reportedly created a rapid reaction force that can be redeployed as needed into eastern Congo to answer any military threats to the RCD-Goma. Rwandan military advisors and soldiers are also integrated into the ranks of the RCD-Goma. Signs of their presence were noticed by Amnesty International researchers in February 2003 when they were stopped at night in Goma by an RCD-Goma patrol apparently made up of Rwandan soldiers. The RCD-Goma second vice-president, Eugène Serufuli, acknowledged in a meeting with Amnesty International in February 2003 that he was still receiving arms and uniforms directly from Rwanda.

While the RCD-Goma claims to be the political and military authority in the Kivu and Maniema regions, behind the scenes it is the Rwandan authorities who exercise the true administrative, political, and military power in the region. Some of the decisions regarding political and military policy are taken in the Rwandan capital Kigali. Congolese local administration officials from the Kivu region have on several occasions reportedly been summoned to Kigali to be given recruitment quotas and political training. They were reportedly ordered to recruit thousands of youths for the LDF and the army.

Some children have been recruited in the DRC, trained in Rwanda, and then deployed back to the DRC, such as 15-year-old **Jacques**: *'I was playing at home with my sister when an RCD-Goma commander arrived in our village and recruited me to fight on the Kasika*

front in Mwenga. I was trained for six months in Kigali and learnt how to use weapons. During the training, many children died. It was awful.' The RDF has also reportedly recruited street-children in Rwanda, trained them, and then sent them to fight in the DRC.

Rwandan troops have also detained and ill-treated Congolese child soldiers. **Paul** is 16 years old and is from the Kasai region. He was detained for five months from May to October 2002 in Rwanda: *'I was recruited by the RCD-Goma in 1999. They used to come to our village and beat people up. One day they came to our house and took everything we had. So I decided to join them so that nobody could come and beat us up any more. In Kasai we fought the Zimbabwean soldiers. In 2001 I was moved to Minembwe near Fizi to fight against Masunzu. Later, we arrived in Fizi, where the Rwandans decided to take all of us off to Rwanda so that we wouldn't join Masunzu's forces. They told us we were going to be trained in Rwanda, but when we arrived we were put in prison for five months. There were about 500 of us, including many children. We were kept in chains even when we went to the toilet. We were sometimes beaten for no reason. Afterwards we were brought back to Bukavu - an RCD-Goma official negotiated our return. Three months later we were demobilised by the RCD-Goma, though I don't have a demobilisation certificate. Rwanda was the worst experience for me. I am still not in contact with my family.'*

3.1.5. Demobilisation

In December 2001 the RCD-Goma signed up to a plan of action with UNICEF for the demobilisation of 2,600 child soldiers from its ranks. It also officially committed itself to ending the recruitment and use of children under 18 – a commitment which it has reneged upon ever since. On 2 April 2002 the RCD-Goma released 104 child soldiers into the custody of UNICEF and its partner agencies. It transpired that 60% of these children had in fact belonged to other armed groups and had been captured in battle by the RCD-Goma or its Rwandan allies. The children were placed in three demobilisation centres, where they received medical and nutritional care, psychological support and literacy and vocational training, before being reunited with their families.

The release of these 104 children coincided with peace talks being held in Sun City, South Africa, between the government, the armed opposition and Congolese civil society. It appears that the demobilisation initiative was first and foremost a public relations exercise, aimed at bolstering the RCD-Goma's position at the peace talks. To date the RCD-Goma has not come remotely close to demobilising 2,600 children as it promised to do at the end of 2001. A former UN official told Amnesty International that almost all of the 104 children demobilised in April 2002 were simply re-recruited as soon as they returned to their villages.

Alme was initially conscripted by the RCD-Goma in Kindu. After being officially demobilised he was again forcibly recruited: *'I was finally at home and then a soldier came wanting to recruit me again. He took my demobilisation order and destroyed it. I was sent*

again to the front to fight against the mayi-mayi. During the battle I saw the enemy kill a friend of mine and cut him into pieces. I don't even know how many people I was forced to kill. Now I've been demobilised again, but I want to stay here rather than returning to Kindu. I'm too afraid of being re-recruited.'

As of early 2003, there were some 320 former child soldiers being cared for in demobilisation centres in Goma and Bukavu with the support of UNICEF, Don Bosco, Save the Children and other local NGOs. Around 176 had served in the RCD-Goma while the rest were mostly former *mayi-mayi* child soldiers, some of whom had been integrated into the RCD-Goma. Reflecting gender imbalances in the demobilisation process, relatively few of the demobilised children soldiers are girls. Those girls who have been demobilised have almost all been raped or sexually exploited in the army. The taboos surrounding rape in the DRC render especially difficult the reintegration of girls back into their communities. Local NGOs have therefore been carrying out awareness-raising campaigns to make communities more receptive to the return of former girl soldiers who may have been victims of sexual violence.

The demobilisation of child soldiers who are 17 is hampered by the refusal of the RCD-Goma to give children of this age official demobilisation orders. Children in the LDF are also refused demobilisation orders on the spurious grounds that they are not part of the RCD-Goma army. Young adults who have reached the age of 18 are not included at all in demobilisation initiatives. The RCD-Goma's demobilisation coordinator, Eraston Sabani, told Amnesty International in February 2003 that those aged 18 and over would not be demobilised, regardless of how young they were when they were originally recruited.

The potential re-recruitment of former child soldiers remains one of the biggest challenges to demobilisation initiatives in eastern Congo. Several local and international NGOs in the Kivu and Maniema provinces are currently exploring the possibility of developing community-based child protection networks in conjunction with local faith-based organisations, including the Roman Catholic Church. The extensive presence of religious organisations in the region, and the respect in which they are held by local people, are a great potential asset in promoting and monitoring the successful and durable reintegration of former child soldiers into their communities. NGOs are also arranging workshops with military commanders on children's rights, child protection and demobilisation, so that commanders are made more aware of the rights of children, the possibilities for their demobilisation and the importance of ending the recruitment of children.

NGOs and UN agencies are also seeking greater access to RCD-Goma military training camps so that they can play a role in the identification of children for demobilisation, including those who have been re-recruited, and in raising awareness in the camps about demobilisation initiatives. In March 2003, for example, a MONUC child protection advisor and local NGOs were allowed to visit the Nyamunyune/Kavumu RCD-Goma military in South-Kivu, where they carried out awareness-raising training, provided the camp commander with UNICEF's pre-demobilisation identification forms, and identified 26 *mayi-mayi* child soldiers between the ages of 11 and 16. In August 2003, 37 children were released

from the Nyamunyune/Kavumu training camp, including five young girls under the age of 15.

This crucial work is unfortunately hampered by the hostile attitudes of some RCD-Goma commanders towards demobilisation initiatives. Several activists working in this field have received threats for speaking out against the use of child soldiers. They have also been accused of treason or of conniving with the enemy when seeking to obtain the demobilisation of child soldiers. In August 2003 in Uvira in South-Kivu the RCD-Goma authorities announced publicly on the radio that NGOs were no longer allowed to assist in the demobilisation of child soldiers and should refuse any requests for the additional transfer of child soldiers to demobilisation centres. On 19 July 2003 a local human rights activist in Uvira was briefly detained and ordered to refuse to accept any additional children into the demobilisation centre which his NGO manages. He received threats and was told that, if he did not comply with the order, the centre would close.

3.2. The RCD-ML

The RCD-ML is headquartered in the North-Kivu town of Beni and is militarily active in areas of northern Kivu and southern Ituri. Originally a splinter faction of the Rwandan-backed RCD, it is now given direct military support by the Kinshasa government and is engaged in war against the RCD-Goma in Kivu and the UPC and PUSIC armed groups of Ituri. The RCD-ML draws most of its support from the Nande ethnic group. Its leader Mbusa Nyamwisi, who is himself a Nande, was given a ministerial post in the transitional government formed in July 2003 as part of the ongoing political peace process.

In meetings in Beni with Amnesty International in July 2003, the RCD-ML authorities placed great emphasis on their movement's efforts to demobilise child soldiers. Mbusa Nyamwisi asserted that all child soldiers had been demobilised in the course of these initiatives and that there were now no longer any children serving in the ranks of the RCD-ML. Amnesty International researchers had however just a couple of hours previously interviewed two serving RCD-ML child soldiers, one of whom was a war-wounded 12-year-old.

Around a week prior to Amnesty International's visit to Beni, the RCD-ML had reportedly established a body to oversee child soldier demobilisation, although RCD-ML officials were unable to state to Amnesty International with confidence what this body was called. The body is said to be headed by the RCD-ML Colonel Kakolele Bwambale, a local vice-governor and two traditional chiefs. When Amnesty International sought to set up a meeting with Colonel Kakolele to discuss the work of this body, the gate to his residence was opened by a 13-year-old child soldier who acts as one of the colonel's personal bodyguards. While all figures regarding child soldier numbers must be treated with circumspection, since

they are normally impossible to corroborate accurately, one well-informed local activist estimated the current number of child soldiers in the RCD-ML at over a thousand.

Many of these children continue to be used in active combat. **Christian**, the 12-year-old whom Amnesty International spoke to just prior to its meeting with the RCD-ML president, was shot in the arm during a fighting against the MLC troops of Jean-Pierre Bemba in late 2002. He is slightly maimed as a result. Often reduced to begging for food in the streets of Beni because the army does not provide him with enough to eat, Christian has spent five years of his young life as a soldier. He was first forcibly recruited at the age of seven in Mambasa in 1996 by the *mayi-mayi*. They lied to him, telling him he was being recruited to defend President Mobutu, when in reality he was being made to fight alongside Laurent-Désiré Kabila's AFDL to overthrow President Mobutu. Having seen civilians rounded up and killed in Mambasa, and fearing that he would suffer the same fate, he fled his *mayi-mayi* unit on their return to Beni. Unfortunately, soon afterwards, he ran into Colonel Kakolele and was re-recruited: *'I was taken to the Nyaleke training camp. On my arrival, they shaved my head with a piece of broken glass. On the training ground they used to shoot live rounds in our presence to teach us not to be afraid. I was sometimes whipped. I fought on the frontlines in Bunia, Mambasa, Beni and Butembo, and I killed people with my rifle. One time the gun I had, which had a big chain of ammunition attached to it, was so heavy that I had to kneel down to fire it. When I was fighting in Bunia, Lendu fighters cut off my commander's head right in front of me. I was shot in the arm fighting against the 'effaceurs' [MLC troops], but I shot back at the soldier, hit him in the neck and killed him. I have not been given proper treatment for my injury and still suffer from it. The army doesn't have any time for the wounded. I'm not paid and there's no food or soap. When I get better, I want to go to school.'*

Although the RCD-ML authorities make exaggerated claims for their demobilisation initiatives, the movement has nevertheless made some limited but concrete efforts to take children out of its ranks. There are two demobilisation centres in operation in RCD-ML-held territory, which are run by a local NGO called *Let's Protect the Children*. One is located at Musyenene, just north of Butembo, and has been in operation since October 2001. Since then, some 380 demobilised child soldiers have passed through the centre. Initially the majority of the children were former *mayi-mayi* child soldiers, but by the end of 2002 the numbers of former *mayi-mayi* and RCD-ML child soldiers at the centre were roughly equal. Another centre was set up at Boikene on the outskirts of Beni in March 2003. So far some 80 children have passed through this centre, almost all of them former RCD-ML soldiers.

When Amnesty International visited the Boikene centre in July 2003, there were some 20 boys present at the centre, aged from 11 upwards. Another 10 children were currently visiting their families in the Oicha area north of Beni in the company of staff from the centre, in preparation for their eventual return home. The NGO has already successfully reintegrated 33 children into their local communities, and in general families have responded positively to these demobilisation initiatives. The centre also gives the children classes in farming, animal husbandry and mechanics. The children at the centre seemed generally content, happy to be demobilised and looking forward to a future in civilian life – in stark

contrast to the nominally demobilised and apparently brainwashed *mayi-mayi* children at the Mangangu military camp near Beni, whose situation is described in the following section.

While the Musyenene centre has received some short-term funding from the UN agency MONUC, the Boikene centre is unfunded and the staff there are carrying out excellent work in difficult financial circumstances. While cooperating to the extent of releasing limited numbers of children for demobilisation, the RCD-ML has not contributed anything to the running of these centres or to other aspects of the demobilisation process. As one staff member put it: *'We haven't received so much as a kilo of beans from the authorities.'* In a meeting with Amnesty International in July 2003 the RCD-ML's Director of Communications, Soudain Museme, demonstrated that the RCD-ML fails to appreciate its responsibilities in promoting the rehabilitation and successful social reintegration of children after they leave the army: *'We give the children up to the NGOs and then it's no longer up to us to worry about them.'*

The RCD-ML has also on occasion actively undermined the demobilisation process. When the RCD-Goma attacked Kanyabayonga in March 2003, a certain Commander Jeff from the RCD-ML reportedly arrived at the Musyenene demobilisation centre with weapons and uniforms and re-recruited all 19 children who were at the centre. In June 2003 the children at the centre were removed to safety when fighting again broke out against the RCD-Goma in nearby Lubero. RCD-ML troops looted the empty centre as they retreated from the frontlines.

Dozens of child soldiers fought for the RCD-ML during the fighting in June and July in Lubero. Former child soldier **Floribert**, who is now in his early twenties but was first recruited at the age of 16 by the AFDL, was wounded in the clashes: *'I got shot as I was trying to rescue some comrades who were lying wounded in Lubero hospital. The Rwandans had surrounded the hospital and were firing on it. I managed to escape and arrived in Musyenene just as a ceasefire was agreed. I estimate that there were about 40 children fighting alongside me in my unit. The youngest ones must have been around 15 years old.'*

Thousands of people who had already been displaced to the Lubero area following previous clashes elsewhere in the Kivu region were displaced once again, considerably affecting the ability of humanitarian agencies to continue getting assistance to them. The fighting represented a serious breach of the official ceasefire and came just days before a new transitional government was to be sworn in in Kinshasa to supposedly mark an end to Congo's five-year war.

3.3. The MAYI-MAYI

The *mayi-mayi* is the collective term given to a number of loosely-allied indigenous Congolese militia groups, who are mainly active in the eastern provinces of Maniema,

Katanga and Kivu. Their name, which means water, derives from the traditional practice of their soldiers dousing themselves in water before going into battle, in the belief that it will make them invincible against bullets. In general the *mayi-mayi* receive direct military support from the Kinshasa government and are opposed to the Rwandan-backed RCD-Goma. But the situation is shifting and complex, and individual *mayi-mayi* units have on occasion entered into opportunistic alliances with their erstwhile enemies, usually in return for payment or weapons. The *mayi-mayi* have also been responsible for terrible human rights abuses against the communities they claim to defend, including unlawful killings, rape, and other acts of torture.

Waging a guerrilla war deep in the Congolese forests and up in the hills, the *mayi-mayi* are generally inaccessible to human rights researchers. It has therefore proved difficult to gain extensive and detailed information on their use of child soldiers for the purposes of this report. The space accorded here to the *mayi-mayi* is not proportionate to the scale on which they recruit children into their ranks – in some units close to half the combatants are believed to be child soldiers.

In July 2003 Amnesty International interviewed a number of *mayi-mayi* child soldiers at the Mangangu military camp, located a few miles outside the town of Beni in RCD-ML-held North-Kivu. At that time there were 26 children at the camp and around a hundred adults, who were officially in the process of being demobilised from *mayi-mayi* units. However, the regime at the camp was military in character – in the presence of Amnesty International researchers, the children were put through several minutes of marching drills on the parade ground by a *mayi-mayi* commander. Almost all of the children were still wearing the army-style camouflage tops which are widely worn by serving soldiers. Although the local RCD-ML authorities claimed that the children would soon be moved to demobilisation centres, their continuing presence at Mangangu under a military command structure placed these children in an ambiguous position, in which they may be vulnerable to re-recruitment and deployment back to the frontlines. There is also a lack of medical treatment available for children who fall ill – in the words of the *mayi-mayi* commander: *‘There’s not so much as a single pill in the whole place.’* Five children are reported to have died of potentially treatable illnesses in the course of the past year.

Jérôme is 13 years old and had been at Mangangu for six months. He enlisted voluntarily into the *mayi-mayi* when he heard that the RCD-Goma were advancing on his home town of Kasaphu. He enlisted along with some 25 other children. During training they were taught how to strip down and re-assemble a rifle. Jérôme was then sent to fight on the frontlines at Kanyabayonga: *‘During the battle I killed the Tutsis with my Kalashnikov. I’d taken products to make me strong and invincible. I saw adults killed, but not any kadogos. I didn’t like the army because you have to sleep in the bush and there’s never enough food. But I have no interest in civilian life. If the enemy attacked, you’d have to flee with all the other civilians. I’d rather be a soldier so that I can defend myself. My parents are somewhere in Beni, but I have no recollection of them.’*

What was particularly striking in the testimonies of these children was the level of indoctrination which they had apparently undergone, including at Mangangu. In the future they could only see themselves as being soldiers, and although many of the children had not joined the *mayi-mayi* until late 2002 or early 2003, none of those whom Amnesty International spoke to claimed to remember or to miss their parents, or to have any interest in returning home. **André** is 12 and enlisted voluntarily into Chief Muduoho's *mayi-mayi* unit at the beginning of 2003: *'I was never involved in active combat. I came to Mangangu soon after I was recruited. I've been trained here. I'd like to leave the camp to study and then become a soldier again. I can't remember my parents and I have no desire to see them again.'*

12-year-old **Matthieu** from Ituri had been at Mangangu since the beginning of the year. He enlisted into Vital Kitambala's *mayi-mayi* unit in 2002 after his parents were killed by the MLC forces of Jean-Pierre Bemba: *'I was at school in Mongbwalu when the town was attacked by Bemba's troops. My mother and father were killed in the fighting. I joined the other civilians fleeing to Erengeti. The 'effaceurs' [MLC forces] caused us a lot of suffering. In Erengeti I joined the mayi-mayi and we hunted the enemy down as far as Mambasa. I had an AK-47 and I killed the 'effaceurs'. I'd like to leave Mangangu to study and then become a soldier.'*

Various *mayi-mayi* groups have been continuing to recruit children since the beginning of 2003. The Mundundu-40, or M-40, *mayi-mayi* group, close to half of whose soldiers are thought to be children, was for several months integrated into the RCD-Goma's army, with the apparent blessing of the Rwandan government. During this alliance, the M-40 actively and forcibly recruited children on behalf of the RCD-Goma. Half of the children they recruited were reportedly below 15 and some were as young as seven. Many were forcibly recruited from school classrooms.

Parents also testified to M-40 militia bursting into their homes to forcibly recruit their children. One father, who was himself threatened, had to watch while militia beat his son around the head for refusing to go with them. **Séraphine**, a mother from Kavimvira, told Amnesty International in February 2003: *'When the soldiers came to my house, they said my 9-year-old boy had to join them or I would be killed. The boy was crying. I tried to confront them, but they were too strong. They beat me on the face.'* The marks on her face were still visible.

The M-40 local *mayi-mayi* groups who entered into alliance with the RCD-Goma were led respectively by Commanders Safari, Kilolo, and Dilolo. There were large numbers of child soldiers in the ranks of these groups. In Commander Dilolo's forces, which were integrated into the RCD-Goma army on 14 January 2003, about a quarter of the combatants were aged between 7 and 16. There were at least 30 child soldiers within Commander Safari's forces. As of February most of these children were undergoing 'political re-education' and military training in camps in the Kiliba training center and at the Luvungi training camp near Uvira. Subsequently, MONUC, UNICEF and other international and local organisations attempted to help the RCD-Goma demobilise the child soldiers in Luvungi, but those actions

remained unsuccessful. Four children who tried to escape during this integration process were re-recruited by the RCD-Goma.

When another *mayi-mayi* group from south of Kindu surrendered to the RCD-Goma in January 2003, 20 children in their ranks spontaneously put themselves forward for demobilisation. The problem is that adequate structures and procedures are often not in place to take proper advantage of such demobilisation opportunities. At present there is not even clarity about which authorities should be placed in charge of granting official demobilisation orders to *mayi-mayi* child soldiers. With limited opportunities for formal demobilisation available to them, children who want to leave the *mayi-mayi* usually have to flee on their own initiative. Sometimes they do so after a particularly traumatic battle like **Arsène**, who is 12 years old and from the Masisi region. He was recruited by the *mayi-mayi* when he was 10 years old and was involved in the attack on Uvira in October 2002, which is described in more detail in the section on the RCD-Goma: *'The mayi-mayi trained me at Kamituga and gave me a tattoo on my arm to protect me. We had to walk for days on end, and at night we would pillage villages for food. In October 2002, I was part of the attack on Uvira. It was horrible; I was afraid and did not want to kill anybody or to be killed. After the attack on Uvira, I threw my gun away and decided to run away.'*

16-year-old **Bonou** is a former child soldier from Kalundu. He also took part in the attack on Uvira, but in 2003 he heard about a rare demobilisation initiative: *'I was recruited to liberate Uvira. I was not trained - I was just given a gun. I was in Uvira before the attack as an infiltrator. The mayi-mayi came down early in the morning. The RCD-Goma were taken by surprise and fled the town. We stayed with the people in Uvira without any problems for a week and then we left. There were many children like me. Most of them of them have gone back up into the hills with the mayi-mayi, but I decided to return to Uvira in January 2003. I'd heard about an NGO involved in demobilisation and I came here so that they could take me to Bukavu. It was an opportunity for me because I don't like fighting.'*

However, the success of Arsène and Bonou in escaping from the ranks of the *mayi-mayi* must be qualified by the fact they, like many other children in their situation, remain in constant danger of being re-recruited by *mayi-mayi* groups or other armed groups active in the region, including the RCD-Goma. They will only be truly safe from being dragged back into a life of abuse in the armed forces when their country's political and military leaders bring a definitive end to the recruitment and use of child soldiers.

3.4. The CHILD SOLDIERS OF ITURI

When a French-led multinational peacekeeping force deployed to Bunia in June 2003, the town and the province of Ituri finally attracted a level of international media attention which was commensurate with the scale of the crisis engulfing the region. Until then, the situation in

one of the worst conflict zones in the world, touched with the spectre of genocide, had gone woefully under-reported.

The single aspect of Ituri's reality which most struck and shocked the journalists arriving from around the world was the preponderance of child soldiers on view throughout the streets of Bunia. At that time, the vast majority of the gun-totting soldiers of the UPC – the armed group led by Thomas Lubanga which was in control of Bunia until the arrival of the multinational force – were young children, many apparently under the age of 15.

While the use of child soldiers has been widespread throughout the DRC since 1996, what marks Ituri out from the rest of the country is the very high percentage of children serving in the various armed groups. In many cases the *majority* of the soldiers in a particular combat unit are under the age of 18. This is the case both with the UPC and its ally PUSIC, which are dominated by the Hema and Gegere ethnic groups, and with the opposing FNI and FRPI, which are dominated by the Lendu and Ngiti ethnic groups. On 18 July, for example, a MONUC-led armoured convoy was stopped around 30km south of Bunia by a small Lendu unit of around a dozen soldiers. The leader, and the oldest of the combatants, was 16. The youngest, who was wielding a knife, was just 8 years old.

The other notable feature in Ituri is the high level of voluntary recruitment. While there have been, and continue to be, many instances of forcible recruitment, large numbers of Ituri's child soldiers have enlisted of their own accord into the armed groups. For many, the decision to enlist was taken after their relatives were killed during fighting. **Claude** decided to join a Lendu militia group at the age of 12 after his aunt, grandfather and older brother were killed by Hema combatants during an attack on a village near Zumbe in 2000. He joined up with two of his classmates, in spite of his family's attempts to dissuade him from enlisting. After training, he was sent to the frontlines, where initially his job was to collect weapons from UPC soldiers who had been killed in battle.

Similarly, **Alexandre** enlisted voluntarily into the UPC at the age of 12 after Lendu combatants killed his older sister in Bunia in April 2003. He underwent five weeks of military training at Katoto, where he says that children of around 10 to 12 years of age outnumbered the adult soldiers. When Lendu militia attacked Katoto, he was given a gun and took part in the fighting, in which he saw many people killed. He was later integrated into Thomas Lubanga's personal guard. On 11 May, in a district of Bunia, he was ordered by his superior to kill a number of civilians who were considered enemies – he had to carry out the order without question.

While the desire of children to avenge their dead relatives or to seek protection within armed groups is understandable, the phenomenon of voluntary recruitment in Ituri also needs to be understood within the broader context of the ethnic divisions which are tearing the province apart. Since 1999, when a land dispute between the Hema and Lendu communities of Djugu territory escalated out of control, militia and political leaders, with the aid of their

Ugandan and Rwandan sponsors, have remorselessly exploited and promoted ethnic tensions in Ituri for their own political and economic gain.

The consequence of the ensuing four years of intense and bitter conflict, in which tens of thousands of people have been killed, is a province today which is profoundly divided along ethnic lines. Mutual fear and hatred is felt intensely among many ethnic groups, and children are inevitably influenced and marked by the strong emotions and prejudices of their parents. For many children and adults alike, their ethnicity is no longer merely a question of identity but implies an active duty to defend and assert their own community over rival communities, by force where necessary. The cultural legacy of this conflict is, in many regions of Ituri, a society in which it is taken for granted that a Lendu person, however young, will seek to dominate his Hema neighbour by force, and vice versa. In such a climate, many children who enlist in the armed groups believe, like many of their parents, that they are merely doing what is expected of them.

However, while much of the child soldier recruitment in Ituri may be voluntary, this in no way exonerates the militia and political leaders of their responsibilities. On the contrary, it is they who have ruthlessly manipulated and encouraged ethnic rivalries, brutalising communities to the point where the use of children as soldiers has come to be considered as virtually normal. They have allowed these children to enlist, regardless of international law which qualifies the use of child soldiers under the age of 15 as a war crime. They have forced children to commit terrible crimes against the civilian population against their will. And they have sent countless children to their deaths on the frontlines.

So far the militia leaders have taken little or no action to end the abuse of Ituri's children. The FNI of Njabu Ngabo, the FRPI of Mathieu Ngodjolo and the PUSIC of Chief Kahwa Mandro have made no serious attempt to demobilise child soldiers and in fact all continue to recruit children. Responding to international pressure after the child soldiers of the UPC came under the spotlight of the world media with the deployment to Bunia of the multinational peacekeeping force, the UPC leader Thomas Lubanga signed a decree in early June 2003 ordering the demobilisation of all children present within the ranks of the UPC. Initially, the UPC demanded that television cameras be present to cover the demobilisation of some 80 child soldiers in Bunia in early June. When humanitarian agencies opposed this request, fearing a public relations exercise, the UPC appeared to lose interest in the initiative. On around 5 June some 40 child soldiers, around half the promised number, were simply abandoned in the streets, leaving MONUC and local NGOs with the task of locating the children. Later in June NGOs opened two demobilisation centres in Bunia to accommodate the children. By late July these centres were housing a total of 40 children.

While the demobilisation of these children is to be welcomed, they only represent a small fraction of the thousands of children still serving in the UPC. In a meeting with Amnesty International delegates in Bunia in late July 2003, Thomas Lubanga nevertheless insisted that there were no longer any child soldiers at all in the UPC. He further claimed that the children who were demobilised in June were in fact children who had been left behind by

the departing Ugandan army in May and that they had informally attached themselves, without authorisation, to UPC units. Finally, he claimed that neither they, nor any other children, had ever been directly involved in hostilities or been used as combatants by the UPC. When confronted with UPC child soldier testimonies describing their experiences on the frontlines, Thomas Lubanga dismissed all such accounts as the product of mythomania (*mythomanie*), claiming that children had a tendency to invent these stories in order to endow themselves with the prestige of being a soldier. All of these claims are incontrovertibly false.

The small numbers of demobilised children in Bunia are currently being helped in the long process of rebuilding their lives after the traumas of the army. Some suffer from nightmares and panic attacks induced by their experiences of combat on the frontlines, while others come across as emotionally blank, so deeply have they tried to repress the memories of the crimes they have witnessed. As is the case for other former child soldiers throughout the DRC, their future is uncertain and their prospects of finding the means to support themselves in a war-ravaged economy are not good. For all the hardships they have endured on the frontlines, some consider that the army remains their most viable option.

14-year-old **Joseph**, who joined the UPC voluntarily in 2001 and whose mother was killed by Lendu militia in 1999, served in numerous battles alongside many other children and saw many people die. In one battle, having lost his own weapon, he had to take the weapon of a friend of his, who had been killed in the fighting. But despite these experiences, for want of any better option he thinks he will probably one day become a soldier again. Asked if he was not afraid of returning to the army, Joseph replied: *'I'm not afraid. I know that everyone has to die some day.'*

It will in all likelihood take years for the deep ethnic rifts in Ituri to heal and for the traumatised and brutalised population, including the child soldiers, to come to terms with what they have endured. In the shorter term, however, the establishment of the International Criminal Court, which has jurisdiction over crimes committed since July 2002, offers real hope of justice for the victims of Ituri's violence, including the children. The ICC has decided to make Ituri its first priority for the conducting of investigations which may later form the basis for criminal prosecutions. It is greatly to be hoped that these investigations will ultimately result in the bringing to justice of suspected war criminals who have recruited and used children under the age of 15 as soldiers.

3.5. The DRC GOVERNMENT

'They gathered all us liberators together and President [Laurent-Désiré] Kabila himself said to us: 'You are my children and I have a duty to do everything that's necessary for you.' We were kadogos, we were too young, and we knew nothing. Even if they were lying to us, we didn't know it. He did nothing. At least for me, personally, he did nothing.' Former AFDL child soldier **Gaston**, speaking in February 2003

The total number of child soldiers currently serving as members of the FAC, the Congolese government army, has not been established accurately, although it is certainly in the thousands. United Nations agencies and other observers commonly advance the estimate that children make up some 10% of the FAC, but there is no detailed research which corroborates this figure. The Congolese authorities themselves are reluctant to release any official figures, although the then Minister for Human Rights indicated to Amnesty International in early 2003 that there were some 3,000 child soldiers in FAC ranks waiting to be demobilised.

To Amnesty International's knowledge, the DRC government is no longer actively recruiting children into its own armed forces, although it is providing direct military support to the *mayi-mayi* and the RCD-ML, both of whom continue to recruit child soldiers. While small numbers of children were reportedly continuing to be recruited into the FAC, sometimes forcibly, as late as 2002, the last large-scale recruitment drive known to have taken place in Kinshasa, for example, was in May 2000, when the government ordered the rounding up of dozens of minors, many of them street children, and forcibly enlisted them. The overall number of children within FAC ranks has therefore been slowly diminishing, as soldiers reach the age of 18, escape from the army, or are officially demobilised.

Many of the children in the FAC today are originally from the east of the country, in particular from the Kivu region. They were recruited in their thousands between 1996 and 1997 by the AFDL, the coalition of armed groups led by Laurent-Désiré Kabila which, with the backing of foreign armies, brought him to power in May 1997. When the AFDL was transformed into a government army, many of these child soldiers from the east, or *kadogos* as they are commonly known, were integrated into the new FAC army structure.

When the *kadogos* arrived victorious in Kinshasa with the AFDL in May 1997, many having marched over 1000km on foot from the east, they considered themselves to be heroes and liberators. After all the hardships and trauma of battle on the frontlines, they now expected recognition for their contribution to victory, as well as the rich rewards which they had been promised ever since their enrolment. But the promised rewards -- including houses, scholarships to study abroad and a substantial war bonus (*prime de guerre*) -- never materialised. Instead, just over a year later, President Kabila ordered his former Rwandan allies, who had backed the AFDL in overthrowing President Mobutu, out of the DRC, thereby triggering the conflict which continues to the present day.

As soon as this second war broke out on 2 August 1998, anti-Rwandan and anti-Tutsi sentiments reached fever-pitch in Kinshasa. These sentiments were deliberately stoked up by leading government figures, who encouraged the population in radio and television broadcasts to target Rwandan nationals, ethnic Tutsi, including Congolese Tutsi, and others suspected of being Rwanda sympathisers. Hundreds of people were unlawfully killed by angry mobs or state agents in the subsequent weeks. At least 30 Rwandan nationals were burned alive in Kinshasa in August 1998 alone. Many of the *kadogos*, because of their association with the

Rwandans, suddenly found themselves sidelined, viewed with suspicion and even actively persecuted.

Some were arrested and detained without charge for months and, in some cases, years. Around 19 former *kadogos* from the Kivu region who were arrested in 1998 were reportedly still being held at the end of July 2003 at Kinshasa's main prison. The uncovering of an alleged plot to overthrow the Kinshasa government in October 2000 and the assassination of President Laurent-Désiré Kabila in January 2001 -- two events in which the *kadogos* were accused of having played a role -- led to still more *kadogo* arrests and their further marginalisation.¹³ There is a general feeling today among many *kadogos* that they have been betrayed by the Kinshasa government and that they have not obtained the recognition or reward they deserve for their role in what they see as the 'liberation' of their country.

3.5.1. Demobilisation initiatives

On 9 June 2000 Laurent-Désiré Kabila issued a presidential decree (*décret-loi 066*) announcing the government's intention to demobilise 'vulnerable groups', including child soldiers, from the Congolese army. On 13 January 2001, the government set up an inter-ministerial body to oversee the demobilization process called BUNADER, comprising officials from the Ministry of Defence and the Ministry of Human Rights. Then, on 18 June 2001, President Joseph Kabila announced a series of protective measures (*mesures conservatoires*), which included an end to the recruitment of children under the age of 18 into the Congolese army, an end to the deployment of children to the frontlines and an end to the use of children for purely military tasks.

These various initiatives culminated on 18 December 2001 in a high-profile demobilisation ceremony, attended by President Joseph Kabila and various international dignitaries, at the Kibomango military camp on the outskirts of Kinshasa. During the ceremony, 281 soldiers symbolically exchanged their military uniforms for civilian clothes.¹⁴ Over three-quarters of those demobilised were *kadogos* from eastern DRC, mostly aged between 15 and 17. Many had been in the army since their recruitment by the AFDL in 1996 or 1997.

While the ceremony may have been intended to demonstrate the government's commitment to demobilisation, the reality was not as it was portrayed. After the ceremony was over, guests reported observing many other child soldiers at the Kibomango barracks,

¹³ For further information on arrests connected to the alleged conspiracy of October 2000 and the assassination of President Kabila in January 2001, please refer to the Amnesty International report *Deadly conspiracies?* (AFR 62/004/2001, 28 March 2001).

¹⁴ The demobilised children did not however have to give up their military identity badge and some continued to use this badge when it suited them, for instance to get free transport in Kinshasa's buses and taxis.

who had apparently been kept out of public view until the press and international guests had departed. Many of these children were reportedly a lot younger than the children who were demobilised. Indeed, it transpired that 74 of the soldiers who did take part in the ceremony were in fact already over the age of 18, and they returned to barracks soon afterwards.

The Ministry of Defence and the army had identified the children to be demobilised themselves, refusing to allow independent experts to play a role in the identification process. It is not known on which criteria particular children were chosen for demobilisation instead of others, or why the youngest child soldiers apparently remained at Kibomango. Some observers believe that the army merely took advantage of the initiative to get rid of children whom it considered to be ill-disciplined or ill-suited to being soldiers. Whether or not this is true, shortcomings in the identification process gave rise directly to a number of the problems which the children later encountered after their demobilisation.

3.5.2. The Kimuenza demobilisation centre

After the demobilisation ceremony the children were transferred to a demobilisation centre at Kimuenza on the far outskirts of Kinshasa. There the children were given literacy classes and advice on how to make the transition to civilian life. Various sporting activities and weekend excursions were also arranged for them. Most of the children spent five months at the centre until its official closure at the end of April 2002, although some 67 children, who had no relatives in Kinshasa to take them in, remained at Kimuenza until September 2002, when the centre was definitively closed.

The management of the demobilisation initiative and the arrangements at Kimuenza itself were unsatisfactory in several respects. The children had not been properly informed in advance of what to expect at the centre. Some were apparently unaware that they were even being demobilised, while others had been falsely led to believe that if they demobilised they would receive scholarships to study abroad, Belgium and Canada being two of the supposed destinations. In fact no such scholarships existed. The children had also been told that they would receive a payment in recognition of their service to the nation, commonly referred to as the *prime de guerre* (war bonus). The subsequent non-payment of this promised bonus rankled greatly with the children, although government officials told Amnesty International in February 2003 that the payment of a *prime de guerre* of \$300 to each child had in principle been agreed.

Twenty female soldiers were initially transferred to Kimuenza, but it turned out that half of them were aged 18 or over and they were returned to military barracks. The ten girls who remained at Kimuenza were mostly from eastern DRC and had been recruited by the AFDL in 1996 or 1997. No arrangements were made to house them separately from the boys or to provide them with basic items such as sanitary towels. They were regularly harassed by the boys, and some of the supervisors in charge of running the centre approached the girls on

a number of occasions and offered them money in return for sex. Four of the girls became pregnant during their time at Kimuenza.

The remote location of Kimuenza, around an hour's drive from the city centre, was also inconvenient when it came to the children resuming their studies. Children had to walk for several hours a day to get to school and back. Some children who had been allowed to partially resume their studies in Kinshasa while still in the army now found themselves unable to attend those classes because the schools were too far away.

3.5.3. Life after the army

Very few of the 207 children who passed through the Kimuenza centre were afterwards reunited with their families. As of early 2003, around 14 children had returned to their homes in the south-eastern government-held town of Lubumbashi, and one of the former girl soldiers had been reunited with her family in the Kasai region. When Amnesty International visited Kinshasa in January 2003, the majority of the demobilised children, unable to return to their communities in the east of the country under the control of the armed opposition, were still living in the capital, without any family support. They were receiving varying degrees of assistance from international and local NGOs, but most of this support was in the process of being terminated for want of adequate funds.

After leaving Kimuenza, nine of the girls were housed for a further three months at a centre in Kinshasa run by a local church group, where they received some classes in literacy and in seam-stressing. After leaving this centre, unemployed and unable to afford accommodation, six of the girls made arrangements with army friends and returned to live in military barracks. Although they have not formally re-enlisted, their presence within barracks inevitably makes it more likely that they will one day end up returning to the army. **Stéphanie**, who was one of those who moved back into barracks, had been reduced to begging for money and soap. She feared, when Amnesty International spoke to her in February 2003, that if she was forced out of the barracks, she would end up on the streets with her two-month-old baby.

Most of the boys were placed in various projects funded by international organisations, including UNICEF, the World Bank, and the International Labour Organization (ILO). Some 122 children participated in a training program organised by the ILO and received small grants for transport and rent. When this program ended, many of the children, having spent all of their grants, became unemployed. Some spent their days loitering on the main streets of Kinshasa and were not immediately distinguishable from the many homeless street-children of the capital. Another 29 children took vocational courses, mainly in automobile mechanics, organised by a Congolese NGO, and learnt how to drive with a view to becoming taxi drivers. These courses finished at the end of January 2003. Some 56 other children were housed in centres in Kinshasa, run by three local NGOs with international funding, which had been specially set up to accommodate former child soldiers and ease their

transition back into the community. The centres provided the children with food and some transport money to travel to school. However, all of these centres were due to close by September 2003 unless additional funding was found.

Even with some limited vocational training, the difficulties for these children in finding a job are considerable. In the currently dire economic climate, employment opportunities are limited for everyone and former child soldiers are at a disadvantage compared to their civilian peers who were able to continue with their schooling and are now better-educated. Relations between former child soldiers and the civilian population can also be fraught with mutual distrust, prejudice and hostility. Many child soldiers have been inculcated with a sense of superiority over civilians and feel contempt for them -- one commented simply: *'Civilians are animals.'* Civilians on the other hand can be fearful of former child soldiers and superstitious about having dealings with them -- some people, for instance, will not allow a former child soldier to mend their car on the grounds that the child's association with killing will make them have a car accident. Even one Congolese government official directly involved in demobilisation initiatives described former child soldiers as *'real monsters'* in a meeting with Amnesty International, failing to recognise the government's responsibility in rehabilitating them.

The future for many of the demobilised *kadogos* in Kinshasa appears bleak. Although in a number of cases humanitarian agencies have succeeded in locating the children's families in the east of the country, the Kinshasa government has so far refused to allow these children to return to their local communities on the grounds that they could be re-recruited by armed groups who are opposed to the government. Without the support of their families and communities, and with limited employment prospects, many of these *kadogos* fear that they will become homeless street-children. Some may become embroiled in crime. Others may conclude that their only option is to go back to the army. All of these scenarios represent a disastrous failure of the demobilisation process.

Asked by Amnesty International if she would ever consider going back to the army, **Jeanne**, whose experiences as an AFDL child soldier are recounted chapter II, responded: *'A year ago my answer to that question would have been no. But now I'm sorry to say, having been demobilised, that yes, I do miss the army. When I was still in the army I had a roof over my head and nobody could come and throw me out. And I was paid too. But now, a year on from being demobilised, I've got nothing. They haven't found a way of reintegrating me into the community or enabling me to resume my studies, although we specifically told them that we wanted to study. There's nothing. Today there's no difference between us and the street-children. We don't exist. And so that's why I'm telling you that now I miss the army.'*

The Kinshasa government must accept some of the responsibility for this unsatisfactory situation. The biggest failing of its largest demobilisation initiative to date has been to overlook, or to ignore, the crucial role to be played by families and local communities in a child's successful reintegration back into civilian life. It is the demobilised children who are now paying the price for this mistake.

In early 2003, the government was looking into the viability of demobilising child soldiers in the government-held towns of Lubumbashi, Kananga and Mbuji-Mayi. These initiatives are to be welcomed, but it is vital that the government avoids making the same mistakes that it did when demobilising child soldiers in Kinshasa. So far the government's record on demobilisation has been unimpressive, and it has yet to prove that it is genuinely committed to helping children out of the army and promoting a viable future for them in civilian life.

3.6. OTHER ARMED GROUPS

As stated in the introduction, this chapter does not pretend to be exhaustive or to address child soldier use by all the armed forces currently active in the DRC. The human rights records of a number of other armed groups, whose use of child soldiers is not documented in the main sections of this chapter, are briefly touched upon in the following paragraphs. The comparatively limited space accorded to them here should not be taken to mean that their often extensive use of child soldiers is of any less concern to Amnesty International.

It has proved difficult to gather information on the use of child soldiers by the Rwandan Hutu armed elements known as the *interahamwe*, and by allied members of the former Rwandan army, the **FAR**, who together fled from Rwanda in 1994 to the then Zaire, after carrying out Rwanda's genocide. Many of these elements, whose continuing presence in the Congo was the justification given by the Rwandan government for its military involvement in the DRC, have continued to recruit civilians in the DRC, including children. **Jamani** is now 13 years old but looks much younger and has great difficulty in expressing himself: *'Until I was nine years old, I was at home in the Masisi region of North-Kivu with my mother. Then the interahamwe came to my home and forced me to go to the bush with them. After a year in the forest, I escaped, and as I could not find my family, I had to join the mayi-mayi militia. In April 2002 I was demobilised and brought back to my family. One day the interahamwe came to my village again and killed my mother. Now I have no place to go.'* In Kalehe in the province of South-Kivu local sources have estimated that up to 20% of the *interahamwe* forces in the area are children, including girls, who are often used as porters during the frequent pillaging raids on the area.

All **Burundian armed political groups** as well as the **Burundian armed forces** are known to recruit and use child combatants. Scores of children for example died in the July 2003 attack on the capital Bujumbura by the PALIPEHUTU-FNL armed political group. Many of the Burundian forces are or have been involved, to a greater or lesser extent, in the conflict in the DRC. The main Hutu-dominated armed political group, the CNDD-FDD led by Pierre Nkurunziza, which has rear bases in eastern Congo, has for many years, through its various incarnations, used child soldiers in its ranks. It reportedly continues to regularly recruit and abduct children within Burundi, including from schools as well as from refugee

camps in neighbouring Tanzania. Children as young as eight are known to have been recruited, sometimes forcibly.

The Burundian armed forces, which are also present in DRC, nominally to counter the CNDD-FDD presence, also include child soldiers within their ranks – a phenomenon which is acknowledged by the Burundian government, although the extent of use is disputed. Serious human rights abuses both in the DRC and Burundi continue to be attributed to both forces. The problem is recurrent due to lack of real action or political will to address it. In 1999, as the CNDD-FDD, then led by Jean Bosco Ndayikengurukiye, lost ground to RCD-Goma forces, hundreds of combatants fled from the DRC to Zambia. Independent observers estimated at one point that 50% were children.

The MLC, the armed group led by Jean-Pierre Bemba which is in control of much of northern DRC, has recruited children in Mbandaka in the Equateur province for several years. The Ugandan army, the UPDF, has assisted the MLC in recruiting and training Congolese children. In 2001 the MLC reportedly acknowledged that there were 1,800 child soldiers in its ranks, mainly belonging to the Ngbaka ethnic group of the MLC leader, but also some from the Ngbandi and Ngombe ethnic groups. In September 2002 two members of a local NGO based in Gbadolite and a journalist from MONUC's *Radio Okapi* were arrested for having reported on the plight of child soldiers within the MLC.

Child soldiers have been involved in MLC offensives in which appalling human rights abuses have been committed. These include the MLC offensive in late 2002, dubbed the *effacer le tableau* (wipe the board clean) operations, in which MLC troops, supported by the RCD-National led by Roger Lumbala, attacked Mambasa and other towns of Ituri and North-Kivu. Amnesty International interviewed civilians who fled the horrors of the ethnically-targeted attacks, during which civilians were summarily executed, raped and tortured, and their corpses cannibalised. Also in late 2002 in Bangui, the capital of the neighbouring Central African Republic, MLC soldiers who had been called upon to put down an attempted coup against the ailing regime of President Ange-Félix Patassé took advantage of the opportunity to systematically rape dozens of Bangui women in their homes.

4. MOVES BY THE INTERNATIONAL COMMUNITY TO END CHILD SOLDIERING

In response to the widespread phenomenon of the recruitment and use of child soldiers, the international community has in recent years undertaken several initiatives to monitor, report and gather data on the use of child soldiers in the DRC. In addition, a growing consensus has been reached as to the illegality of the recruitment and use of children as soldiers and this is reflected in various international legal standards. The challenge remaining is that information obtained through monitoring and reporting by the international community, in collaboration with local NGOs, must be acted upon. In the interests of justice and to deter other would-be

recruiters in the DRC, the child recruiters must be brought to justice, in accordance with international legal standards that have been developed to counter the culture of impunity surrounding child recruitment.

4.1. The United Nations

In several of the 20 resolutions addressing the situation in the DRC, such as the UN Security Council Resolution 1341 of 2001, the Security Council condemns the use of child soldiers, and demands an end to all forms of recruitment, training and use of children in armed forces. In the Security Council Resolution 1355 of 2001 the Security Council expresses grave concerns at the continued recruitment and use of child soldiers, and calls on all parties to ensure that urgent child protection concerns, including the disarmament, demobilisation and reintegration of child soldiers, are addressed. In 2002 Security Council Resolution 1445 called on MONUC to pay special attention in carrying out its mandate to all aspects relating to the protection and reintegration of children.

On 14 January 2003 the Security Council openly debated the UN Secretary-General's 26 November 2002 report on children and armed conflict in which a list of ten parties to the conflict in the DRC that recruit or use children was established. During the debate, the UN Secretary-General's Special Representative on Children in Armed Conflict, Olara Otunnu, called on the Security Council to consider taking targeted measures against all parties on the list, including travel restrictions on their leaders and their automatic exclusion from government office or any amnesty arrangements. Subsequently in 2003 the Security Council unanimously adopted Resolution 1460, which requested on-going monitoring of the ten parties named by the UN Secretary General, as well as proposals for more effective monitoring and reporting within the UN system. In the resolution the Security Council expressed *'its intention to consider taking appropriate steps to further address this issue'*. Resolution 1460 also supports the Secretary-General's call for an 'era of application' of international norms and standards for the protection of children affected by armed conflict and expresses its intention to enter into dialogue with parties to armed conflicts.

In Security Council Resolution 1493 of 2003 the Security Council again *'strongly condemns the continued recruitment and use of children in the hostilities in the Democratic Republic of the Congo, especially in North and South Kivu and in Ituri, and reiterates the request addressed to all the parties, in Security Council Resolution 1460 (2003) to provide the Special Representative of the Secretary-General with information on the measures that they have taken to put an end to the recruitment and use of children in their armed components, as well as the requests concerning the protection of children set forth in Resolution 1261 (1999) and subsequent resolutions.'*

As demonstrated in this report, children continue to be recruited into the armed forces, because of inadequate implementation of the international standards and recommendations on

child protection. It is essential that the UN takes appropriate steps to ensure the effective implementation of the Security Council resolutions to end the recruitment and use of child soldiers.

The UN Secretary General has submitted 17 reports to the Security Council regarding the situation in the DRC, several of which specifically refer to the recruitment and use of child soldiers. In February 2003 the Secretary-General reported that child soldiers are still present in all armed groups in the DRC, in some cases representing up to 35% of troops and are being sent to the front lines. The report also notes that new recruitment, sometimes of already demobilised child soldiers, continues and it calls attention to the particular need to address impunity for war crimes and other abuses against children.

In addition to the UN Security Council, other UN agencies and bodies have taken action to address the recruitment and use of child soldiers. In April 2003 in Kinshasa UNICEF and UNDP organised the first national meeting on the demobilisation and reintegration of child soldiers in the DRC, bringing several parties to the conflict, including the *mayi-mayi*, the RCD-Goma, and the MLC, together with civil society representatives and NGOs.

4.2. MONUC

The UN Organization Mission in the Democratic Republic of the Congo (MONUC) was created by the UN Security Council Resolution 1279 of 30 November 1999. MONUC has been mandated to protect civilians. However, MONUC has since its establishment been understaffed and unable to protect civilians on many occasions because of its restricted mandate, inadequate numbers of personnel and equipment and its uncoordinated geographical positioning.¹⁵ On 28 July 2003, the UNSC extended MONUC's mandate until 30 July 2004, increased its military strength to 10,800 from 8,700, and instituted an arms embargo against all foreign and Congolese armed groups in the east of the country. The July 2003 Resolution 1493 authorised MONUC to take the necessary measures to protect civilians and humanitarian workers under imminent threat of physical violence, protect UN personnel and

¹⁵ Fighting among various armed political groups in parts of Oriental (particularly the Ituri region), South-Kivu and North-Kivu provinces have proved that MONUC under its current mandate is unable to protect civilians. Therefore, since October 2002 Amnesty International has been calling with other NGOs for a reinforcement of the MONUC to protect civilians under imminent threat of physical violence. The delays in deploying a more substantial MONUC contingent to Bunia, together with the continuing reluctance of the UN Security Council to promote a more vigorous role for MONUC in the protection of civilians at risk, led Amnesty International to support the UN Secretary General and other senior United Nations figures in calling for the rapid deployment of an international emergency force, in an open letter published on 20 May 2003 (AFR 62/016/2003). Amnesty International asked in June 2003 that MONUC be provided with an increased number of troops, the necessary resources and equipment to fulfil its mandate, particularly with regard to the protection of civilians, and that a clear obligation on troops to ensure the protection of civilians be conferred to the MONUC through the implementation of a full Chapter VII mandate.

facilities and ensure their freedom of movement, and contribute to the improvement of security conditions in which humanitarian assistance is provided.

The mission also includes civilian support staff in the areas of child protection, human rights, humanitarian affairs, political affairs, and medical and administrative support. MONUC has five main operational sectors covering Kinshasa, Kisangani, Kananga, Kalemie and Mbandaka. It has also been MONUC's responsibility to facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women and children. The Child Protection Section has been active since February 2000. In addition to the Chief of Section, it has ten Child Protection Advisers (CPAs) and one national assistant. The responsibilities of the CPAs include ensuring a child-conscious approach within MONUC in all activities, including ensuring that the Department of Peacekeeping Operations, the Special Representative of the Secretary General for Children in Armed Conflict, and other MONUC sections are adequately informed of children's issues. The section is also charged with providing advice on strategies and advocacy for child protection, monitoring, reporting and advocacy on violations of international human rights and humanitarian law, focussing on the need to end impunity. CPAs are also involved in the disarmament, demobilisation and repatriation of foreign and Congolese child soldiers. In this context they have undertaken awareness-raising activities to end the recruitment and use of child soldiers, they have tried to access military centres where child soldiers were reportedly being trained and they have engaged parties to the conflict in the demobilisation of child soldiers. However the MONUC Child Protection Section, as well as UNICEF, face challenges in acquiring funding and in carrying out their mandate.¹⁶

4.3. International legal standards on child soldiers

Based on a growing international consensus on the illegality and immorality of recruitment and use of children, international and regional treaties have been elaborated to prevent the recruitment or use of child soldiers. However, while these legal developments do set important standards on child protection, the recruitment and use of child soldiers has continued because of the inadequate implementation or violation of these standards by the parties to the armed conflict.

Reflecting the age limit in international humanitarian law, the UN Convention on the Rights of the Child prohibits recruitment of children under the age of 15 and has been supplemented by the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict which raises the minimum age for participation of children in hostilities, for both government forces and armed political groups, from 15 to 18. The Protocol was adopted by the UN General Assembly on 25 May 2000 and entered into

¹⁶ A UNICEF representative said in June 2003 that only 12 percent of the 45 million dollars requested by UNICEF for the DRC at the end of 2002 had been made available, and that the DRC was at the bottom of the list of countries given assistance by the international community. See 'Up to 10,000 child soldiers in strife-hit DRC region: UNICEF' - Agence France Press, Geneva, June 2003.

force on 12 February 2002. The governments of the DRC, Rwanda and Uganda have ratified the Optional Protocol. They deposited binding declarations setting the minimum voluntary recruitment age at 18.¹⁷

Article 2 of the Optional Protocol prohibits absolutely any forced recruitment of children under 18 into the armed forces. Article 4 provides that *'armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.'* This is an absolute prohibition. Amnesty International and seven other international NGOs who are part of the international Coalition to Stop the Use of Child Soldiers, have been calling for the minimum age of military recruitment into government or opposition armed forces, be it voluntary or compulsory, to be raised to 18.¹⁸

The DRC, Rwanda and Uganda are also parties to the International Labour Organisation's (ILO) Convention 182 of June 1999. This Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour includes the prohibition of forced or compulsory recruitment of children under 18 for use in armed conflict. It forbids forced recruitment of children for use in armed conflict, for sex work, and for any work which *'by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children'* (Article 3 (d)). It obligates each state party to *'take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.'* According to Article 2 of the Convention, the definition of a child is given as all persons under the age of 18. Article 3 states that the worst forms of child labour include *'forced or compulsory recruitment of children for use in armed conflict'*. It is the first specific legal recognition of child soldiering as a form of child labour. The ILO Convention 182 entered into force on 19 November 2000.

The African Charter on the Rights and Welfare of the Child, which entered into force on 29 November 1999, is a regional instrument which specifically prohibits the recruitment and use as combatants of children under 18 in both international and internal armed conflicts. Its Article 22 (2) requires state parties to *'take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular from recruiting any child.'*

¹⁷ The DRC (on 27 September 1990), Rwanda (on 24 January 1991), Uganda (on 19 October 1990) and Burundi (19 October 1990) have all ratified the Convention on the Rights of the Child.

¹⁸ Amnesty International, Human Rights Watch, International Federation *Terre des hommes*, the International Save the Children Alliance, the Jesuit Refugee Service and the Quaker UN office in Geneva launched the Coalition to Stop the Use of Child Soldiers (CSC) in June 1998 and were joined by World Vision and Defence for Children International. The CSC unites national, regional, and international organisations and networks in Africa, Asia, Europe, Latin America and the Middle East. There are regional coalitions on four continents (Latin America, Asia, Africa and the Middle East) and many regional coalitions, including one in the DRC. The CSC undertakes research and monitoring on the use of child soldiers, advocacy and public education on the ratification and implementation of international legal standards prohibiting the recruitment and use of child soldiers, networking and capacity-building.

4.4. The prohibition of a war crime

In addition to the prohibition of the recruitment and use of children under the age of 18 in the treaties discussed above, the recruitment and the use of child soldiers in armed conflict under the age of 15 have been recognized as war crimes under international law since 1977. Such war crimes fall within the jurisdiction of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Court (ICC). The war crimes of recruiting and using child soldiers under the age of 15 in international and non-international armed conflict are included in the Rome Statute of the International Criminal Court. Article 8(2)(b)(xxvi), is applicable to international armed conflict, while Article 8(2)(e)(vii) is applicable to non-international armed conflict.

These recent developments follow the prohibitions on the use of children under 15 in Additional Protocols I(8) and II(9) of 1977 to the Geneva Conventions of 1949. Both Additional Protocols forbid the recruitment and use of children under 15 into the armed forces. Both protocols emphasise children's special right to care, respect and protection. International humanitarian law - the 'law of armed conflict' - expressly prohibits the recruitment of children under 15 into armed opposition groups as well as their participation in hostilities. Article 4 (3) (c) of Additional Protocol II to the Geneva Conventions states that '*children who have not attained the age of fifteen years shall be neither recruited in armed forces or groups nor allowed to take part in hostilities*'. Article of the Statute of the ICTR gives the ICTR jurisdiction over serious violations; Protocol II and Article 4 (3)(C) fall under that category.

4.5. Investigating and prosecuting the war crimes of recruitment and use of child soldiers

At the national level it is essential that the transitional DRC government ensures that competent, independent and impartial national courts have the necessary powers and resources to investigate the use and recruitment of child soldiers and to bring to justice suspected perpetrators in accordance with international fair trial standards, without recourse to the death penalty.

The international community has a legal responsibility to assist the transitional government of the DRC in strengthening its judicial system and in bringing the perpetrators to justice in Congolese courts. The recruitment and use of child soldiers constitute war crimes and, as such, they are crimes against the entire international community, not just against children in the DRC. A joint assessment mission, composed of independent and impartial international and Congolese criminal justice experts, should investigate the need for resources – including material resources, the training of local magistrates and the contribution of international magistrates - and make recommendations for the establishment of a long-term national plan of action, to be developed in a transparent process in close consultation with civil society, to rebuild the national judicial system over the coming decade. Such plan of

action could also include the establishment of a national commission of inquiry supported by the international community, followed by investigations and prosecutions within the domestic criminal justice system. All governments, leaders of the armed political groups and militia parties to the conflict should cooperate with any investigations and prosecutions of the crimes of recruitment and use of child soldiers that are consistent with the right to fair trial and exclude the death penalty. States should also enter into extradition and mutual legal assistance agreements with the DRC related to these crimes that provide for cooperation in cases that exclude the death penalty.

As part of the ratification of the Rome Statute, these war crimes should be defined as war crimes under Congolese national law and the definition must include the recruitment and use of all children under the age of 18, regardless of when and where the crime was committed, not just after 1 July 2002.¹⁹ The current draft legislation adopted after public consultations in October 2002 provides that the recruitment and use of child soldiers will be a crime under national law, but it appears to be limited to recruitment and use after the date of enactment. Since the recruitment and use of child soldiers has been prohibited under international law since 1977, national law should provide national courts with jurisdiction over this war crime at least since that date. Amnesty International plans to provide the DRC government with comments and recommendations on the draft legislation in September 2003.

In addition, the DRC and other states, as well as members of armed groups in the DRC, should provide full cooperation to the Prosecutor of the International Criminal Court in his preliminary examination of the situation in the DRC and any investigation of that situation. In July 2003, the Prosecutor announced that human rights abuses in the DRC will be the first to be the subject of a preliminary examination, with a view to deciding whether to seek authorisation from the Pre-Trial Chamber for a criminal investigation. On 8 September 2000 the DRC government signed the Rome Statute and ratified it on 11 April 2002. The Rome Statute is in effect in all parts of the DRC, and members of the different armed groups and foreign armies could be investigated and, if there is sufficient admissible evidence, prosecuted in the International Criminal Court for crimes committed on the DRC territory, including for the recruitment and use of child soldiers.

Amnesty International considers that one of the crimes that should be the subject of the current preliminary examination in the DRC should be crimes against children, particularly the crime of recruiting children who are under 15 or subjecting them to conditions in which they participated or were victims of grave human rights abuses. At the international level, states should cooperate with criminal investigations and prosecutions in the DRC of persons suspected of war crimes, crimes against humanity, genocide, torture and other crimes under international law, provided that the death penalty is excluded as a punishment.

¹⁹ This point is covered in more detail in Amnesty International's paper, *The International Criminal Court: Checklist for Effective Implementation* (AI Index: IOR 46/11/00, August 2000).

4.6. Victims who become perpetrators of crimes under international law

Adult political leaders, and military commanders in the Great Lakes region, including in the DRC, who have committed, condoned or ordered human rights abuses, including crimes against humanity and war crimes, have involved children in those crimes. In many cases, children have been brutalised or threatened with physical abuse or death if they did not comply with orders to commit crimes. All persons responsible for these crimes should be brought to justice. In particular, the political and military leaders should be held responsible under the principle of command and superior responsibility as recognised in international law for crimes committed by the children under their control.

Subject to the age of criminal responsibility, if a child is suspected of being responsible for committing crimes under international law, Amnesty International believes that he or she should be investigated and if there is sufficient admissible evidence, prosecuted in a manner fully consistent with international law and standards for fair trial for person under 18. International law and standards place the best interests of the child as a priority, recognise the special needs and vulnerabilities of children, and place an emphasis on the rehabilitation and the reintegration of the child in the society, rather than punishment. Often, former child soldiers who have committed crimes fear that they could be rejected by their family or community. Key actors must be identified to facilitate some level of mutual reconciliation with their family and community which they came from and are returning to. Depending on the acts committed by the child, this process can take a long time or may not succeed. This requires a very long monitoring and follow up process.

5. CONCLUSION

It is only by going beyond the statistics and listening to ordinary people as they recount the ruin of their personal lives that the sheer tragedy of the DRC's recent past begins to come into focus. Even when listening to the woman who was gang-raped by militia in front of her husband and children; or to the man who watched his wife and children die at his feet in a hail of militia bullets; or when trying to understand the adolescent who explains with tears in his eyes how he witnessed his father being hacked to death in the family home; or listening to the child soldier explaining how he was forced at gunpoint to fire a rocket-launcher into a building full of civilian abductees; or hearing the story of the orphan girl abducted into an armed group and used as a sexual object by a dozen soldiers each night. Even then, the full extent and longer-term implication of the suffering are difficult to comprehend.

Since the armed conflict began, Amnesty International has researched and campaigned for an end to the ensuing human rights crisis in the DRC. Massive and systematic abuses have been committed by all sides. In its reports Amnesty International has addressed a

broad range of human rights concerns, including unlawful and indiscriminate killings, ethnically-targeted violence, rape and other acts of torture, 'disappearances', forcible displacement, arbitrary detention and summary justice, and the use of the death penalty.

In its recent reports, Amnesty International has also sought to explain the political context in which these human rights abuses have been committed and to identify the underlying factors perpetuating the war. Contrary to the assertions of the militia and political leaders, this conflict is not about defending the popular will of the Congolese people. The words employed by those leaders to justify their violence and which they use to name their movements – democracy, liberation, popular – ring hollow on their tongues. Few if any of the armed groups operating in the DRC today can plausibly lay claim to popular or political legitimacy, beyond what they bestow upon themselves with the barrel of a gun. The vast majority of Congolese people have never wanted this war and have only suffered as a consequence of it. They are desperate for it to end.

Having previously addressed other key aspects of the DRC conflict, Amnesty International decided in the present report to focus on the phenomenon of child soldiers. The scale of this phenomenon is extraordinary. Tens of thousands of children from the age of seven upwards have served, willingly or unwillingly, as soldiers over the last seven years. It will probably never be known for sure just how many thousands of children have fallen in battle far from their homes and whose young, bullet-riddled or hacked-up corpses have gone unburied on the battlefields. What we can say for certain is that the ruthless exploitation of Congo's children by the leaders of armed forces to further their own material and political ends stands out as one of the most grotesque human rights abuses of this entire conflict.

Despite the vast set of legal standards ratified by the DRC government and foreign governments involved in the conflict, child soldiers continue to be used and sent to the frontlines in the DRC. In complete disregard of their own public commitments to the international community that they will demobilise child soldiers, most armed forces in fact continue to recruit children and to re-recruit those they have just released from their ranks.

The new transitional government established in Kinshasa in July 2003 is tasked with leading the country into national democratic elections within two years, with drafting a new constitution and with forming a new national army into which all sides have agreed to reintegrate their former combatants. But even as this long process gets underway, children continue to be illegally recruited and used by the very forces represented in the peace process. As a first step the transitional government must ensure that no children under the age of 18 are included in the new national army.

It is high time for the country's military and political leaders to go beyond public relations exercises and demonstrate a genuine commitment to ending child soldiering in the DRC. Anyone suspected of recruiting and using children should immediately be removed from positions of command and control by governments and the leaders of the armed groups. To combat the culture of impunity surrounding child soldiering, and in order to deter the

practice, recruiters must be brought to justice nationally or internationally. The international community is legally bound to assist the DRC government in holding the recruiters accountable for their acts and in bringing them to justice at the international level if national justice has failed.

Going beyond the abolition of child soldiering and the holding of perpetrators to account, the transitional government must also promote economic development and peace-building initiatives, so that the demobilisation and rehabilitation of former child soldiers is sustainable over the longer term. If not addressed properly, the legacy of using children as soldiers for the country, and in particular for Congo's children, will be profound and enduring.

6. RECOMMENDATIONS

Amnesty International is calling on all parties to the conflict in the DRC to fully respect international human rights and humanitarian law, as well as to comply with the terms of the **Lusaka Ceasefire Agreement of 1999**, which calls on all parties, *inter alia*, to protect human rights and cease all acts of violence against civilians, including unlawful killings and summary executions, use and recruitment of child soldiers, torture, rape and other forms of sexual violence, arbitrary arrest, unlawful detentions, executions on the basis of ethnic identity, and incitement to racial hatred.

In addition Amnesty International is making the following specific recommendations to key parties:

TO THE DRC TRANSITIONAL GOVERNMENT:

- Ensure that the armed forces under transitional government control immediately stop recruiting, training and using children under the age of 18;
- Genuinely engage in the demobilisation of child soldiers, facilitating their reintegration into society and providing adequately-resourced rehabilitation programmes which promote a viable future for former child soldiers in civilian life;
 - Bring an immediate end to the practice of re-recruiting children who have been demobilised;
- Ensure that no one under the age of 18 is included in the new national army;
- Immediately remove from positions of command and control any commanders suspected of recruiting and using child soldiers and cooperate with any judicial investigations;
- Ensure that competent, independent and impartial national jurisdictions have all necessary powers and resources to investigate human rights violations in any parts of the country, including the use and recruitment of child soldiers, and ensure that

suspected perpetrators are brought to justice in accordance with international fair trial standards, without recourse to the death penalty;

- Fully cooperate with any credible inquiry and investigations by the Prosecutor of the International Criminal Court into allegations of serious violations of international humanitarian and human rights law, including the recruitment and use of child soldiers and any abuses committed against them, during the armed conflict in the DRC and ensure that those responsible for ‘*conscripting or enlisting children under the age of fifteen years into the armed forces or using them to participate actively in hostilities*’ (Article 7 and Article 8 of the Rome Statute) are brought to justice by the ICC;
- Cooperate with and facilitate MONUC’s role in monitoring and reporting on the recruitment and use of child soldiers;
- Fully implement and respect the UN Convention on the Rights of the Child and its Optional Protocol, as well as the African Charter on the Rights and Welfare of the Child;
- Promptly enact effective implementing legislation for the Rome Statute, as recommended in the Amnesty International *Checklist for Effective Implementation*.
 - The legislation should provide national courts with jurisdiction over the war crime of recruitment and use of child soldiers regardless of when and where committed, not just over crimes committed after July 2002.

TO THE RWANDAN AND UGANDAN GOVERNMENTS:

- Ensure that armed forces under their direct control immediately stop recruiting, training and using children under the age of 18;
- Genuinely engage in the demobilisation of child soldiers, facilitating their reintegration into society and providing adequately-resourced rehabilitation programmes which promote a viable future for former child soldiers in civilian life;
 - Bring an immediate end to the re-recruitment of children who have been demobilised;
- Use their influence over armed groups operating in eastern DRC to ensure that they also stop recruiting, training and using child soldiers and cooperate fully with all demobilisation initiatives;
- End the supply of equipment, weaponry, personnel, training, financial or other assistance to all armed groups operating in eastern DRC in keeping with their obligations under **UN Security Council Resolution 1493** of 2003;
- Undertake prompt, thorough, independent and impartial criminal investigations of alleged human rights abuses, including child soldier recruitment and use, by members of the Rwandan or Ugandan armed forces with a view to bringing the perpetrators to justice;
- Rwanda should promptly ratify the Rome Statute;
- Uganda should enact effective implementing legislation for the Rome Statute.

- Both Rwandan and Uganda should fully implement and respect the UN Convention on the Rights of the Child and its Optional Protocol, as well as the African Charter on the Rights and Welfare of the Child;

TO THE MILITARY AND POLITICAL LEADERS OF ARMED GROUPS OPERATING IN THE DRC

- Immediately stop the recruitment, training and use of all children under the age of 18;
- Fully cooperate with all demobilisation initiatives by:
 - Issuing child soldiers with formal demobilisation orders and instructing all commanders to fully respect these orders;
 - Giving UN agencies, including UNICEF, MONUC and OHCHR, and NGOs unrestricted access to military installations in order to identify child soldiers under the age of 18 and to initiate their demobilisation;
 - Providing comprehensive information to these agencies on child soldiers within their ranks, including those not garrisoned in military installations;
 - Developing with these agencies practical action plans for the reintegration of former child soldiers into their communities;
 - Cooperating with and facilitating MONUC's role in monitoring and reporting on the recruitment and use of child soldiers;
 - bringing an immediate end to the practice of re-recruiting demobilised child soldiers;
- Cooperate with any international or national investigations into suspected war crimes and crimes against humanity, including the recruitment and use of child soldiers, and ensure that any individuals suspected of committing such crimes are surrendered to the appropriate authorities to be brought to justice in accordance with international law and standards for fair trial without recourse to the death penalty.

TO THE UNITED NATIONS:

- Ensure that MONUC fully implements its reinforced mandate under Chapter VII and decisively intervenes to protect children and civilians in general;
- Support MONUC's Child Protection Section with sufficient personnel and resources to monitor and to report publicly on the recruitment and use of child soldiers;
- Provide adequately trained and resourced MONUC Child Protection Advisers to support the demobilization and disarmament of child soldiers under the age of 18 from all armed forces or groups and their reintegration into the community;
- UNICEF should continue to support the demobilisation, disarmament and reintegration of child soldiers under the age of 18 from all armed forces and provide political and material support to local human rights organisations who are undertaking awareness-raising and promoting the demobilisation and social reintegration of child soldiers;

- Make publicly available all reports of continued child recruitment, including the names of the commanders involved;
- Carry out an assessment mission to investigate the need for resources, including material resources, training, and the contribution of international judges, and to establish priorities for a national program to strengthen the DRC's national judicial system;
- Provide political and material support, including effective training, to the Congolese judiciary to bring perpetrators to justice and assist in the establishment of a national commission of inquiry supported by the international community, followed by prosecutions within the domestic criminal justice system;
- Cooperate with preliminary inquiries and any investigations carried out by the International Criminal Court;
- Ensure that an appropriate mechanism is established to monitor the arms embargo imposed by the UNSC Resolution 1493 of 2003.

TO THE INTERNATIONAL COMMUNITY:

- Prevent the transfer of military, security and police equipment, weaponry, personnel or training likely to be used by the armed forces and militias in the DRC to commit human rights violations, including the recruitment and use of child soldiers.
 - The arms embargo established by the **Security Council Resolution 1493** imposed *'the cessation of all support, in particular weapons and any other military material'*.
 - This suspension should be monitored and maintained until it can be reasonably demonstrated that such transfers will not be used to commit human rights abuses or to violate international humanitarian law;
- Press all belligerents to bring an end to war crimes and crimes against humanity in the DRC, including the recruitment and use of child soldiers;
- Condemn publicly war crimes and crimes against humanity in eastern DRC, and demand that immediate steps are taken to end these violations and bring suspected perpetrators to justice in fair trials that exclude the death penalty;
- Provide funding to support UN and international and local NGOs who are undertaking awareness-raising and demobilisation activities and promoting the re-integration of child soldiers through direct advocacy with civil and military authorities;
- Encourage and support national and international mechanisms that will bring to justice the suspected perpetrators of violations of international humanitarian and human rights law in the DRC;
- Cooperate with criminal investigations and prosecutions in the DRC of persons suspected of war crimes, crimes against humanity, genocide, torture and other crimes under international law, provided that the death penalty is excluded as a punishment.

- Enter into extradition and mutual legal assistance agreements with the DRC related to these crimes that provide for cooperation in cases that exclude the death penalty.
- Cooperate with the preliminary inquiry by the prosecutor of the International Criminal Court and any investigations and prosecutions for these crimes and agree to accept sentenced prisoners.

TO THE OFFICE OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT:

- Amnesty International welcomes the announcement of the ICC in July 2003 that it is to collect evidence, testimonies and information regarding the recruitment and use of child soldiers in DRC, as well as on other human rights abuses committed in the DRC since the Rome Statute came into force in July 2002, with a view to determining whether to open an investigation.