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# Democratic Republic of Congo

## On the precipice: the deepening human rights and humanitarian crisis in Ituri

### Introduction

The Ituri region of north-eastern Democratic Republic of Congo (DRC) is suffering one of the world's gravest humanitarian and human rights crises. An estimated 50,000 have died as a result of armed conflict in the region and more than 500,000 people displaced since mid-1999<sup>1</sup>.

Much of the crisis stems from devastating inter-communal violence that erupted in June 1999 between members of the Hema and Lendu ethnic groups. This conflict has been manipulated and exacerbated by leaders of armed political groups fighting for control of the region, who have used ethnic affiliations to recruit combatants, sometimes forcibly, and to acquire economic and political power. Ugandan government forces present in the region have themselves committed numerous human rights violations and have failed in their obligation to protect civilians. Repeated shifts in Ugandan military and political support to armed political groups contesting in the region have also deepened insecurity and added significantly to the volatility of the situation.

The scale of the tragedy in Ituri is appalling, but Amnesty International believes the situation could worsen further, and sharply so. The conflict has progressively drawn in more and more ethnic groups and is spreading. A plethora of militia and civilian vigilante groups, formed on ethnic lines, are active in the region and have perpetrated numerous mass unlawful killings – in effect ethnic pogroms – of civilians from other ethnic groups. Political ascendancy in the region is now intimately linked to support of one or a combination of ethnic groups and their militia, in turn provoking fear and opposition from other communities. Hate speech and extremist calls for ethnically pure towns and villages have increased. The Ugandan, Rwandese and DRC governments have reportedly been responsible for arms transfers to and training of armed groups in Ituri. Both Rwanda and DRC have recently reportedly introduced troops to the region.

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<sup>1</sup> No truly authoritative figure exists for the numbers killed as a result of the violence in Ituri. In March 2002, a Congolese human rights organization based in Ituri, *Justice Plus*, estimated the death toll (both direct and indirect casualties of fighting) at 47,000. Other humanitarian sources have since put the figure higher, at around 58,000 by September 2002. The UN Office for the Coordination of Humanitarian Affairs (OCHA) cited 50,000 dead and 500,000 displaced in its Integrated Regional Information Network's (IRIN) report on Ituri in December 2002.

Armed political groups and militia have also committed widespread acts of torture and ill-treatment, abductions, arbitrary arrests, unlawful detentions and other abuses, again often on the basis of ethnic identity. The same forces have used child soldiers. Deliveries of humanitarian aid to ethnic groups considered as “rival” have been obstructed by combatants, leading to the deaths of countless civilians in desperate need. Humanitarian workers have also been subjected to human rights abuses.

In October 2002 Amnesty International published an open letter to the UN Security Council expressing concern at the gravity of the situation in Ituri. The letter urged the Security Council to take urgent steps to help bring human rights abuses in Ituri to an end, recommending in particular that the UN Organization Mission in the Democratic Republic of Congo (MONUC)<sup>2</sup> be given the human and material resources, as well as political support, needed to fulfil its mandate to protect civilians under imminent threat of physical violence.

The Security Council has since resolved that the MONUC force in DRC will be reinforced and its number increased to 8,700. The Security Council also requested the UN Secretary-General to increase the MONUC presence in Ituri “if he determines that the security condition allows it”. However, as of February 2003 no sizeable reinforcement of the MONUC contingent in Ituri had been made.

Amnesty International is convinced that a greater sense of urgency is needed on the part of the international community if the possibility of an uncontrollable human rights disaster in Ituri is to be averted. This report documents some of the recent serious human rights abuses that have taken place in Ituri, and concludes with a series of recommendations that the organization believes will help to alleviate and resolve the crisis. Without decisive action, there is no end in sight to the tragedy being suffered by the Congolese civilian population in Ituri.

Ituri is one of the major epicentres of the conflict waged in the DRC since August 1998, in which the government forces of Rwanda, Uganda and Burundi and client armed political groups have fought against the DRC government (supported by Zimbabwe, Angola and Namibia), against other assorted armed political groups and sometimes between themselves. Some three million Congolese are believed to have lost their lives in the conflict, either as direct casualties of the violence or from malnutrition and disease brought about by population displacement and the collapse in health and humanitarian services. Inhabitants of the eastern and north-eastern parts of the country, including Ituri, under the control of governments and armed political groups opposed to the DRC government, have experienced by far the highest levels of suffering.

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<sup>2</sup> The UN cease-fire monitoring force.

## Exploiting the riches of Ituri

The province of Ituri in northeastern DRC, bordering Uganda, is made up of five territories (*territoires*), Aru, Djugu, Irumu, Mahagi and Mambasa, with its capital in Bunia. The population of Ituri is around 4.5 million, made up of several ethnic groups, including Lendu (with a southern Lendu sub-clan, the Ngiti), Hema (with a northern Hema sub-clan, the Gegere), Bira, Alur, Ndo Okedo, Mambissa, Nya li and Nande.

Ituri is an area of considerable natural wealth, with potentially rich farming lands, deposits of gold, diamonds and other precious minerals (for example, petroleum in the Lake Albert Basin), and an important cross-border trade (and consequently lucrative customs revenues) with Uganda. The competition for control of these resources by combatant forces has been a major – if not the main – factor in the evolution and prolongation of the crisis in Ituri. Conflict has centred markedly, for example, on the most lucrative and resource-rich centres, such as the border towns of Aru and Mahagi (important sources of customs revenues) and on gold mining areas such as Mongbwalu and Mabanga.

In June 2000 the UN established a Panel of Experts<sup>3</sup> to investigate the illegal exploitation of DRC's natural wealth by foreign and Congolese forces involved in the DRC conflict. In its October 2002 report (the latest of three reports submitted by the Panel to the UN Security Council), the Panel indicated the existence of an "elite network" of high-ranking Ugandan army officers, business people and leaders of Congolese armed political groups whose objective has been to "exercise a monopolistic control over the area's principal natural resources, cross-border trade, and tax revenues for the purpose of enriching members of the network"<sup>4</sup>. The Ugandan military, known as the Ugandan People's Defence Forces (UPDF), and allied armed political groups are described as the network's "de facto enforcement arm", using "intimidation, and the threat and use of force"<sup>5</sup> to maintain and increase the network's economic hold over the area. The UPDF is accused of continuing to "provoke ethnic conflict... clearly cognizant that the unrest in Ituri will require the continuing presence of a minimum of UPDF personnel"<sup>6</sup>.

Amnesty International's own research has uncovered evidence of grave human rights abuses committed by the warring parties directly linked to economic exploitation in eastern DRC, including in Ituri. An Amnesty International report documenting these abuses will be published shortly. In October 2002 the organization also published a

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<sup>3</sup> Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo (DRC)

<sup>4</sup> Panel of Experts' report, UN document S/2002/1146, 16 October 2002, paragraph 97.

<sup>5</sup> Ibid, paragraph 101.

<sup>6</sup> Ibid, paragraph 4.

report, *Making a Killing: the diamond trade in government-controlled DRC*, documenting serious human rights violations, including unlawful killings of civilians, committed by security forces in the diamond fields of Mbuji-Mayi<sup>7</sup>.

## The Hema – Lendu conflict

Tension between the largely pastoralist Hema and largely farming Lendu<sup>8</sup> has existed for many decades and had occasionally flared into violence. Belgian colonial rule accentuated divisions and social inequalities between the two communities and other ethnic groups in the region. After the Belgians withdrew, a Hema elite was left as a landowning and business class and as the administrative core, with greater access to wealth, education and political power. This is reflected today in the greater prominence of Hema in positions of influence in the region. In spite of these differences, both Hema and Lendu communities generally co-existed peaceably, especially at the poorer, rural level, and intermarriage was common.

Land disputes between Hema landowners and Lendu smallholders in May and June 1999 sparked an inter-communal conflict that has so far claimed tens of thousands of civilian lives. Political and military leaders in the region have remorselessly stoked the conflict for political, territorial and commercial gain.

In the early stages of the fighting, between June 1999 and early 2000, which was centred on Djugu territory, Hema militias, often backed by the UPDF who supplied them with firearms, quickly gained the upper hand. Lendu communities were driven from their traditional areas, particularly along key roads leading to the Ugandan border. As the conflict continued, however, the Lendu have benefited from alliances with other ethnic communities and armed political groups. Both the Hema and Lendu, spurred on by their leaders' incitement to ethnic hatred, have become increasingly extremist in outlook. The violence has been exceptionally brutal, marked by mass killings with "*armes blanches*" – machetes, axes, spears and bow and arrow – and the wholesale burning of villages and displacement of their populations.

The conflict has waxed and waned in a way that closely mirrors the political turmoil in Ituri. Periodic peace and reconciliation talks between the two groups have shown progress and promise, but were undone by failures and feuding among Ituri's political and military leaders. The conflict has since spread to territories previously relatively untouched and has gradually embroiled other ethnic groups, notably the Bira

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<sup>7</sup> *Making a Killing – the diamond trade in government-controlled DRC* (AI Index: AFR 62/017/2002).

<sup>8</sup> The Hema community is said to comprise around 150,000, the Lendu around 750,000.

Photo caption: Injured Lendu civilians at Rwankole hospital, Bunia, after being attacked by Hema militia or civilian vigilante groups, Bunia, January 2001. © Private

and Alur<sup>9</sup>. Congolese civilians from outside the Ituri region have also become targets of ethnic hatred, notably the Nande (traditionally from North-Kivu province, but who formed a thriving business community in Bunia) who have been singled out by Hema militias and vigilante groups for their presumed association with the RCD-ML<sup>10</sup> armed political group, led by Mbusa Nyamwisi, himself a Nande. The RCD-ML has increasingly favoured and allied itself with the Lendu community.

The UPDF has been closely involved in the conflict and has committed numerous human rights violations in its course. Until recent antagonism between Ugandan forces and the Hema political leadership, the UPDF was widely perceived as supporting and defending Hema interests. UPDF units reportedly took part in attacks on civilian communities, mainly but not exclusively Lendu (some UPDF units in contrast have also defended Lendu villages, leading apparently on one occasion to a direct clash between opposing UPDF units). UPDF soldiers have reportedly sold arms to both warring ethnic groups and trained militias, mainly Hema, including child combatants. UPDF commanders have allegedly accepted payment, mainly but not exclusively from Hema businessmen, in return for protection by their soldiers.

## The major protagonists

### *Uganda – “kingmaker” in Ituri*

Throughout its military engagement in Ituri, Uganda has claimed to act for peace and reconciliation in the region, and on occasion the UPDF has intervened to halt fighting between opposing forces. However, the UPDF has regularly marked its presence in Ituri with abuses of international human rights standards and humanitarian law. Repeated shifts in Ugandan political backing to armed political groups in Ituri have also been a major contributing factor to the crisis<sup>11</sup>.

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<sup>9</sup> Ethnic conflict also recently spilled into Uganda, when Alur civilians attacked Lendu civilians in Nebbi district, West Nile region, in early February 2003, leaving 15 dead and up to 3,000 displaced. The attack was in apparent retaliation for the killing of three Alur by Lendu on 7 February.

<sup>10</sup> The *Rassemblement congolais pour la démocratie – Mouvement de libération*, Congolese Rally for Democracy – Liberation Movement.

<sup>11</sup> For further background, see the Human Rights Watch report, *Uganda in Eastern DRC: Fueling Political and Ethnic Strife*, March 2001.

Ituri has been under the effective control of the Ugandan military since the arrival of the UPDF in the region at the outset of the current conflict in DRC in August 1998. Yet whilst militarily in control of the region, Uganda did not assume direct administrative or political control, but instead has acted as “kingmaker” to the various armed political groups that have vied for political supremacy in the province.

All of the armed political groups currently fighting in Ituri are, in one respect or another, protégés of the Ugandan government. All reportedly have been beneficiaries of Ugandan military training and weaponry, and have relied on the UPDF military presence to maintain their hold on power. However, Uganda’s political and military underpinning of these groups has proved ambiguous and shifting. Time and again, the UPDF has intervened in Ituri in support of one Congolese armed political group against another, and then almost as promptly switched allegiance again.

Establishing a pattern of rule by proxy that has followed since, in June 1999 the Ugandan military authorities appointed a Hema governor, Adele Lotsove, who promptly decreed a new province of “Kibali-Ituri”, now commonly named “Ituri”, as a breakaway from Orientale province. Successive armed political groups, each benefiting and ultimately deriving its power from Ugandan military patronage, have since claimed to govern Ituri. Each group in turn has been undone by factionalism within its ranks, the withdrawal of Ugandan support and its transfer to a rival armed political group or faction.

Underlining Uganda’s authority over affairs in Ituri, feuding leaders of the armed political groups or factions of these groups have regularly been summoned by Uganda’s political leaders to Kampala, the Ugandan capital, in order to settle their differences. Such attempts at mediation were generally inconclusive.

The result has been an almost constant political vacuum in Ituri and a near-permanent state of insecurity. This situation has encouraged the entrenchment of violence and systematic human rights abuses in the region, as well as constant interruptions in the flow of humanitarian aid and the destruction of Ituri’s health and other infrastructures.

The switches of Ugandan support may reflect a deliberate or “strategic” ambivalence on the part of Ugandan authorities towards Uganda’s client Congolese armed groups. This in itself may stem at least partly from commercial exploitation of DRC’s natural resources by Ugandan business and military elites, an exploitation made easier by the absence of a viable indigenous central authority in the region. The UPDF “have created the conditions that require the presence of troops and their continued involvement in commercial operations” according to the UN Panel of Experts<sup>12</sup>.

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<sup>12</sup> UN Panel Report October 2002, S/2002/1146, paragraph 122.



One of the most recent manifestations of this “strategic” ambivalence was the UPDF action in support of a Hema-dominated armed group, the *Union des patriotes congolais* (UPC), in the UPC’s takeover of Bunia from the RCD-ML, itself previously allied to the UPDF, in August 2002. By January 2003, however, the UPDF was reinforcing its garrison in Bunia to check the UPC, whose leadership had shifted its allegiance to Rwanda and the Rwandese-allied *Rassemblement congolais pour la démocratie - Goma* (RCD-Goma). There were also unconfirmed reports that the UPDF was supporting the RCD-ML and Lendu militia forces in attacks on UPC training camps near Fataki. On 14 February, apparently with Ugandan political blessing, a pro-Ugandan faction of the UPC emerged as a new armed political group, the *Front pour l’intégration et la paix en Ituri* (FIPI), Front for Integration and Peace in Ituri.

By the start of 2003, the size of the UPDF presence in Ituri had been substantially reduced from several battalions to around 2,000 troops<sup>13</sup>, following a peace agreement with the DRC government signed in Luanda, Angola, in September 2002. Under this accord, Uganda and DRC agreed to establish, with MONUC assistance, a joint Ituri Pacification Committee (IPC), meant to be established within 20 days, but which has yet to be implemented. The IPC would bring together leaders of the armed groups and representatives of civil society in Ituri, as well as of the two governments, in an effort to resolve differences and agree on an administrative authority for the region acceptable to all parties.

In Dar-es-Salaam, Tanzania, on 11 February 2003, the two governments revised the calendar of implementation of the Luanda accord, setting a new date of 25 February 2003 for the launch of the IPC. The Ugandan government undertook to withdraw the remainder of its troops from Ituri by 20 March 2003, by which time the IPC should have completed its work. However, a cease-fire agreement scheduled for 19 February, which would precede the establishment of the IPC, was postponed after the UPC issued a communiqué questioning the good faith of Uganda, DRC and MONUC and apparently refusing to allow individuals in the area under UPC control to participate in the IPC. The UPC’s stance, which threatened to undermine the launch of the IPC, was at least in part a reaction to the formation of the FIPI.

Uganda remains key to a search for a solution to the crisis in Ituri and is by default the only force currently in a position to assure the security and protection of Ituri’s civilian population. In September 2002 the UN Secretary-General, “given the prevailing volatile environment” in Ituri, requested that “security responsibilities should continue to be discharged by UPDF, in an impartial manner, until such time as it can be replaced by a

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<sup>13</sup> Some sources in the region allege that the number of UPDF troops still deployed in Ituri is much higher, closer to 5,000.

capable police force representing a legitimate authority acceptable to the communities in Ituri.”<sup>14</sup>

### **Armed political groups**

Five armed political groups are contesting control of Ituri. Uganda at one time or another has backed all these groups, often simultaneously.

The *Rassemblement congolais pour la démocratie – Mouvement de libération* (RCD-ML), Congolese Rally for Democracy – Liberation Movement, led by Mbusa Nyamwisi. The RCD-ML was founded in Kisangani (and at the time was known as RCD-ML/Kisangani) in May 1999 by Ernest Wamba dia Wamba after he was ousted as chair of the original RCD movement opposed to the DRC government and backed by both Rwanda and Uganda. The RCD-ML/K left Kisangani after Rwandese and Ugandan forces fought for control of that city in August 1999 and installed its headquarters in Bunia with the support of the UPDF<sup>15</sup>. Since then, the RCD-ML has undergone a series of leadership struggles and further internal splits that have exacerbated ethnic conflict in Ituri. Ernest Wamba dia Wamba was subsequently ousted by his two deputies Mbusa Nyamwisi and John Tibasima Ateenyi<sup>16</sup>. The UPDF trained and armed militias recruited and used by Nyamwisi and Tibasima in successive putsch attempts against Wamba.

Until recent military reversals, the RCD-ML claimed to be the political and administrative authority throughout Ituri and northern North-Kivu province, with headquarters in Bunia, and was supported militarily by the UPDF. The group was forced out of Bunia in August 2002 and is now centred on Beni in North-Kivu province, Mbusa Nyamwisi’s home region. In common with other political groupings in the region, the RCD-ML has become increasingly identified with and drawn support from particular ethnic groupings, in the RCD-ML’s case from the Nande and Lendu/Ngiti communities. The RCD-ML and its armed force, the *Armée du peuple congolais* (APC), Congolese People’s Army, have committed numerous human rights abuses, including unlawful killings of civilians<sup>17</sup>. In September 2002 APC forces and allied Ngiti militia attacked the town of Nyankunde. APC forces reportedly stood by as the Ngiti militia massacred hundreds of civilians in the town.

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<sup>14</sup> Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of Congo, UN document S/2002/1005, 10 September 2002.

<sup>15</sup> The other major branch of the RCD became the RCD-Goma, headquartered in Goma, North-Kivu province, backed by Rwanda.

<sup>16</sup> Mbusa Nyamwisi and John Tibasima originate from the north east of DRC (Mbusa Nyamwisi is from the economically powerful Nande ethnic group in North-Kivu, John Tibasima Ateenyi is a Hema), whereas Ernest Wamba dia Wamba is from Bas-Congo, western DRC.

<sup>17</sup> See, for example, AI’s report *Democratic Republic of Congo: Killing human decency*, May 2000, AI Index AFR 62/07/00]

The *Mouvement pour la libération du Congo* (MLC), Movement for the Liberation of Congo, led by Jean-Pierre Bemba. The MLC, headquartered in Gbadolite in northwestern DRC, controls much of the north of the country. In alliance with the RCD-N, in late 2002 the MLC advanced against RCD-ML positions in Ituri. The MLC has reportedly recently formed closer relations with the UPC.

The *Rassemblement congolais pour la démocratie – National* (RCD-N), Congolese Rally for Democracy – National, led by Roger Lumbala, is based on the diamond-rich area of Bafwasende in Orientale province. Like the RCD-ML, it is an offshoot of the original RCD movement. Until its recent alliance with MLC forces and push against the RCD-ML, the RCD-N was a relatively minor protagonist in the DRC conflict.

Both MLC and RCD-N forces have recently been accused of committing unlawful killings, torture including rape and other human rights abuses in the course of their advance against the RCD-ML.

The *Union des Patriotes Congolais* (UPC), Union of Congolese Patriots, led by Thomas Lubanga, former Minister of Defence for the RCD-ML. This group, formed in April 2002, is drawn almost exclusively from the Hema ethnic community. In August 2002 the UPC, backed by the UPDF, forced the RCD-ML out of Bunia and subsequently seized the major towns of Mahagi and Aru from the RCD-ML. A wave of deliberate and arbitrary killings of civilians by UPC forces, Hema militia and civilian vigilante groups followed the UPC takeover. The UPC later attempted to present a broader ethnic make-up in its administration, the *Front pour la réconciliation populaire* (FRP), People's Front for Reconciliation, but in reality it remains closely identified with extremist Hema militia and Hema business interests.

Internal divisions subsequently emerged within the UPC, with one faction reportedly favouring alliance with Rwanda and another with Uganda. This latter faction emerged as a new armed political group, the *Front pour l'intégration et la paix en Ituri* (FIPI), led by Gegere Chief Kawa Mandro Panga, whose formation was announced at the Speke Hotel in Kampala, Uganda, on 14 February 2003. This latest division within the UPC threatened to spark further bloodletting that could lead to new rounds of ethnic violence.

Beyond these major armed political groups are a number of other armed groups and militias operating in Ituri. The Hema militia are now closely identified with the UPC (or the FIPI), while Lendu / Ngiti militia have increasingly allied themselves with the RCD-ML. Other groups such as the Congolese *mayi-mayi*, and Ugandan insurgent groups such as the NALU (National Army for the Liberation of Uganda) opposed to the Ugandan

government, have also reportedly allied themselves on occasion with the RCD-ML and/or Lendu forces. Rwandese Hutu armed groups, such as the *interahamwe*, some members of which were allegedly responsible for acts of genocide in Rwanda in 1994, are also reportedly present in Ituri.

### **Other protagonists: the governments of Rwanda and DRC**

Since early 2002 the RCD-ML has sought greater rapprochement with the DRC government, its erstwhile enemy, and has reportedly been supplied with arms from Kinshasa. DRC government officials have visited Ituri to shore up this relationship and demonstrate the influence that it has been denied in the region since 1998. This aroused the vehement opposition of Hema leaders, who have expressed their desire for an autonomous Ituri province: a visiting DRC Minister for Human Rights, Ntumba Luaba, was abducted by Hema militia and held for three days in August 2002<sup>18</sup>. More recently, the DRC government has sent troops to the Beni region to support the RCD-ML. The DRC government maintains that it has sent army officers there “to begin integrating the RCD-ML into the Congolese national army”<sup>19</sup>. Other sources had indicated that the DRC government force in Beni amounted to four battalions.

Rwanda, too, has become increasingly involved in the Ituri crisis. Rwandese nationals, reportedly connected to the Rwandese military, are believed to occupy key posts in the UPC military and security commands. Rwanda has also reportedly supplied arms to the UPC and Rwandese military experts have reportedly trained Hema militia. On 6 January 2003 the RCD-Goma, the Rwandese-backed armed political group currently fighting to keep control of the Kivus, announced an alliance with the UPC. Reports in January and February 2003 alleged that Rwandese government forces were present in Ituri and reinforcing the UPC in Fataki and Mongbwalu. The Rwandese government has denied this and maintains that all its forces have been withdrawn from DRC since October 2002, following a peace agreement signed between it and the DRC government on 30 July 2002 in Pretoria, South Africa. Some reports, however, continue to allege the presence of Rwandese government troops in various areas of eastern DRC.

In February 2003 the RCD-Goma had also reinforced its forces around Kanyabayonga in North-Kivu, at the juncture of the RCD-Goma and the RCD-ML areas of control, while the UPDF was reported to be deploying troops along the Ugandan

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<sup>18</sup> Ntumba Luaba was abducted by Hema UPC militia on 29 August 2002 and held for three days. He was freed in exchange for the release of several UPC members who had been detained in Kinshasa while participating in peace talks between the armed political groups in Ituri, facilitated by the DRC government. Ntumba Luaba had been sent to Ituri by the DRC government to mediate between the RCD-ML and UPC, following fighting between these groups in Bunia and elsewhere in early August 2002.

<sup>19</sup> DRC government Minister of Interior, Theophile Mbemba, at a press conference in Kinshasa, 1 February 2003.

border with Ituri, close to Mahagi, although the Ugandan authorities denied this. These developments threatened to exacerbate and widen armed conflict in Ituri.

## **The international legal framework – the obligations of combatant forces**

Eastern and north-eastern DRC is the scene of an international armed conflict and several internal conflicts. The conduct of combatants in both international and internal conflicts is regulated by a number of international conventions under international humanitarian law. The human rights abuses documented in this report have contravened regional and international human rights standards and international humanitarian law, which the government of Uganda and the armed political groups active in Ituri are bound to uphold.

All parties to internal armed conflicts are obliged to uphold Common Article 3 of the 1949 Geneva Conventions which extends protection to “persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause....” The Article requires that “in all circumstances” such people shall be “treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria”. The Article prohibits certain acts against these persons “at any time and in any place whatsoever”, including: “(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are recognized as indispensable by civilized peoples.” (Amnesty International opposes the carrying out of executions under any circumstances, by governments or armed political groups, in line with its total opposition to the death penalty in any of its forms.)

Under Article 14 of the 1977 Additional Protocol II to the Geneva Conventions, relating to the Protection of Victims of Non-International Armed Conflicts, combatant forces are also forbidden “to attack, destroy, remove or render useless for that purpose, objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works”.

Uganda is also bound by the Fourth Geneva Convention, which governs the protection of civilians in time of war and applies “to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties”.

Article 27 provides that: “Protected persons<sup>20</sup> ... shall at all times be humanely treated and shall be protected especially against all acts of violence and threats thereof....” Article 146 of the Convention places an obligation on the High Contracting Parties to enact effective penal sanctions for persons who have committed, or ordered to be committed, “grave breaches” of the Convention. Article 147 defines “grave breaches” as “wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, wilfully depriving a protected person of the rights of fair and regular trial, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”.

Article 146 additionally requires each High Contracting Party “to search for persons alleged to have committed or to have ordered to be committed, such grave breaches and... bring such persons, regardless of their nationality, before its own courts”. If it does not do so, it must extradite such suspects to any other High Contracting Party on request if that state has sufficient evidence to commence a prosecution.

Uganda has ratified the four Geneva Conventions and its Additional Protocols. Uganda is also bound by other international human rights standards to which it is party, including the International Covenant on Civil and Political Rights (ICCPR), which provide that the right to life and the right to be free from torture are non-derogable rights that must always be protected. No exceptional circumstances whatsoever, whether a state of war or emergency, may be invoked by a government as justification for violating these rights. The African Charter on Human and People’s Rights, which Uganda has also ratified, similarly provides for these rights and does not allow states to derogate from their treaty obligations.

## **Sowing discord - human rights violations committed by Ugandan government forces**

Throughout their engagement in Ituri, the UPDF has perpetrated numerous serious human rights violations, including the deliberate and arbitrary killing of unarmed civilians and extrajudicial executions. The conduct of the UPDF has been one of the major factors in the chaos and violence that has engulfed Ituri, generating pervasive insecurity, encouraging similar abuse of power by client armed political movements, and sowing discord among ethnic groups.

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<sup>20</sup> “Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals” (Article 4).

In one of the gravest incidents, in February 2002 a UPDF unit reportedly committed a string of unlawful killings of civilians and the razing of several villages around Gety in Irumu territory. They included the deliberate and arbitrary killings of six unarmed Lendu civilians at Kagoro on 11 February, of up to 65 Lendu civilians at Chakurundu on the same date, and of nine Lendu civilians, who apparently were killed because they tried to stop UPDF soldiers looting their cattle, at Mukiro on 14 February. According to some reports the UPDF unit had presented itself to local populations as part of a UN peacekeeping force. The killings apparently triggered reprisal attacks by Lendu militia against Hema civilians in Boga, Irumu territory, on 15 February, in which 15 civilians were reportedly killed.

On 16 February in Gety town, the same UPDF unit reportedly beat, tied up and then buried alive **Corneille Mateso Atdidhu Ayamaya**, a Lendu, treasurer for Walendu-Bindi *collectivité*. Corneille Mateso was disinterred, still alive, by an onlooker who had remained hidden. Other Lendu civilians in Gety were also reportedly tortured or ill-treated.

On 11 May 2002 an RCD-ML official, **Richard Bokalala Elanga**, RCD-ML administrator of Djugu territory, was reportedly shot dead by UPDF soldiers at Tchomya in Djugu territory. His killing may have been linked to rising tensions between the Hema political elite, at that time supported by the UPDF, and the RCD-ML movement. These tensions later resulted in fighting for control of Bunia in August 2002 between the UPC, supported by the UPDF, and the RCD-ML. During the fighting a number of civilians were reportedly killed by indiscriminate fire from UPDF forces, including tank fire, as they assaulted a district of Bunia that housed a number of RCD-ML officials.

In addition to human rights violations committed by the Ugandan government forces, there are also incidents where the UPDF have failed to protect civilians from killings and other human rights abuses, despite their firm military authority in the areas where these abuses took place, by not intervening or intervening only tardily to prevent human rights abuses by armed political groups, militia forces or civilian vigilante groups. This was the case in Bunia on 19 January 2001<sup>21</sup> and again in August 2002, when the UPDF failed to halt the killing of hundreds of civilians by such forces.

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<sup>21</sup> Around 150 mainly Lendu civilians were killed by Hema militia on 19 January 2001. The killings were in reprisal for an attack by a Lendu armed group early that morning on UPDF positions and residential areas in the town, during which as many as 50 Hema civilians were reported killed by the Lendu force. The UPDF, having repulsed the Lendu attack, did not intervene promptly to halt subsequent killings of civilians in Bunia, despite repeated requests to do so from community leaders and international humanitarian agencies, and only moved to restore order in the evening. UPDF and RCD-ML troops also reportedly summarily executed captured Lendu militiamen. The August 2002 killings are detailed later in this report.

Ngiti militia members, wearing fetishes, captured by the UPDF after Ngiti militia attacked Bunia in January 2001. The men were allegedly later summarily executed by UPDF or RCD-ML forces.

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## **The accelerating human rights crisis in Ituri – killings and other serious abuses by armed political groups**

Armed political groups and ethnic-based militias have committed serious violations of international human rights and humanitarian law in Ituri. National and international outcry followed abuses such as the killing of six workers of the International Committee of the Red Cross (ICRC) in April 2001 or more recently the assassination of UPC governor Joseph Eneko<sup>22</sup> and the hostage-taking of DRC government Minister of Human Rights, Ntumba Luaba. Yet those who are suspected of committing these and countless other human rights abuses have not been brought to justice, although in some cases the alleged perpetrators have been publicly identified. Those committing and ordering these crimes have drawn power, wealth and encouragement from this impunity, reinforcing the cycle of lawlessness and violence in Ituri.

### ***Mass unlawful killings of civilians***

Armed political groups and militias have committed deliberate and arbitrary killings of unarmed civilians on a mass scale, contrary to Common Article 3 of the Geneva Conventions. Such killings, often perpetrated on the basis of ethnic identity, have become typical of the crisis in Ituri and ever more recurrent. The following examples portray some of the most recent horrific incidents, but they are not exhaustive. Other massacres, in which several hundreds of civilians are reported to have lost their lives, are reported to have taken place in recent months in Bogoro, Blukwa, Mabanga, Mongbwalu and elsewhere, and are continuing. In February 2003 there were almost daily reports of fighting between UPC and Lendu combatants in the region. On 7 February 2003, dozens of unarmed civilians were reported to have been unlawfully killed by Lendu militia in the village of Kakhwa, 40 kilometres from Bunia. On 25 February Lendu militia forces reportedly attacked Bogoro, a predominantly Hema village and UPC base, around 15 kilometres south of Bunia in Irumu territory. UPC forces were driven from the village

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<sup>22</sup> Joseph Eneko, the UPC and former RCD-ML governor in the region, was killed when his convoy was ambushed by unidentified assailants near Mahagi, within 10 kilometres of the Ugandan border in northern Ituri, on 21 November 2002. A number of his escorts were also killed. Joseph Eneko had reportedly fallen out with the UPC leadership. Fighting between UPC and RCD-ML forces had taken place in the area earlier that day. Both armed political groups have denied responsibility for the killing.



and an unconfirmed number of civilians reportedly unlawfully killed by the Lendu attackers<sup>23</sup>.

#### **Dungu – unlawful killings by RCD-ML, RCD-N and MLC forces**

In August 2002 in Dungu, Haut-Uélé district of Orientale province, neighbouring Ituri, dozens of civilians were unlawfully killed during fighting between the RCD-ML and RCD-N / MLC forces. Combatants from the armed groups reportedly made no attempt to discriminate between civilians and soldiers; many of the victims were shot in the back, apparently deliberately, as they fled. Most of the victims were women or children and included **Germaine Amisi**, aged 22, **Lidi Mentho Gento**, aged 14, **Henrietta Kiseka**, aged 10, **Adele Lubenga**, aged 31, **Toto Mande**, 18, and **Lucie Biraheka**, aged 77. Hundreds of others were displaced into the surrounding forests where their plight, without shelter or food, steadily worsened.

#### **Bunia – unlawful killings by UPC forces, ethnic militia and civilian vigilante groups**

On 6 August 2002 the UPC attacked RCD-ML forces in Bunia. The fighting ended in the withdrawal of the RCD-ML from Bunia to Beni after the UPC and UPDF, on 9 August, bombarded with heavy weapons the residences of the RCD-ML governor of Ituri, Jean-Pierre Molondo, and other RCD-ML officials. Around 50 civilians were reportedly killed in the course of the fighting for this residential area, known as the *sous-région*. Some reports alleged that UPDF and UPC soldiers deliberately killed unarmed civilians in the district, including women and children.

During the fighting and in its aftermath, ethnic militias and civilian vigilante groups roamed the city, killing those considered to be from “opposing” ethnic groups. Around 110 civilians were reported killed; many of them hacked to death and disposed of in mass graves that were later discovered across the city. The majority of those killed were reportedly from the Lendu, Bira and Nande communities, and included women and children. Lendu militia also reportedly committed a number of killings of unarmed civilians in the Mudzi-pela district and other predominantly Hema neighbourhoods. Thousands of civilians fled Bunia while others, mainly Lendu, went into hiding in the city. UPDF forces reportedly took part in looting of Nande businesses and other premises.

Among the victims were **Ukumu Ngure**, an Alur and journalist for a Bunia radio station, Radio CANDIP, who was killed on 8 August in the Mudzi-pela neighbourhood, **Madame Candy**, a 27-year-old hairdresser, originally from Katanga province in south eastern DRC, who was pregnant at the time of her death, **Reverend Basimaki Byabasajja**, an Anglican Church minister, and **Mbuna**, a former member of parliament

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<sup>23</sup> The UPC alleged that 467 civilians were killed in Bogoro and its vicinity. This figure had not been independently confirmed at the time of this writing.

(*député*), who was killed in his house in Bunia on 10 August apparently because of his Ngiti ethnic identity.

Hema militias also erected roadblocks around Bunia and committed a number of killings and beatings of members of ethnic groups considered as enemies. On 14 August **Guillaume Milli**, a policeman, was reportedly taken from a vehicle by Hema militia at Iga Barrière, around 20 kilometres from Bunia. His fate is unknown.

Outside Bunia, Lendu militia and RCD-ML forces reportedly attacked Hema villages and committed a number of unlawful killings of civilians, including at Komanda on 20 August, where dozens of civilians were reportedly killed by Lendu militia. On 16 August Lendu militia cut off Bunia's water supply, deepening the humanitarian plight of civilians in the city.

#### **Nyankunde – killings by Ngiti ethnic militia**

On the morning of 5 September 2002 Ngiti militia and APC soldiers attacked the town of Nyankunde, around 45 kilometres from Bunia, in Andisoma *collectivité*<sup>24</sup>, Irumu territory. The attack on Nyankunde may have been in reprisal for an attack by UPC forces on the Ngiti village of Songolo on 31 August.

Nyankunde contained an important mission hospital and medical centre, the *Centre Médical Evangélique* (CME) that served the population for many miles around. UPC militia had stationed themselves at Nyankunde following the departure of Ugandan soldiers in August 2002, but after a brief exchange of fire, the UPC was driven off.

Shortly after, Ngiti militia armed with machetes, knives, axes and firearms entered the town and immediately began to kill civilians they suspected of being Hema or Bira. According to reports, several hundred were killed, the majority having their throats slit or being hacked to death. Patients at the hospital, including a number of children and nursing mothers, were reportedly dragged from their beds and killed, as were a number of medical staff. The bodies remained rotting in the open for a number of days afterwards, before the Ngiti militia threw them into ditches and attempted to burn them.

Among those reported killed were **Pastor Salomon Isereve**, a chaplain at the hospital, **Sister Estelle Buma**, male nurse **Kabagambe**, **Mugisa**, an adult woman **Habibu**, 10-year-old girl **Marie Pepe Singa** and 10 members of her family, and a woman known as **Betty**. The **four-year-old son** of a woman, **Kavira**, was reportedly hacked to death as he tried to escape the militia through a back door of his home.

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<sup>24</sup> A sub-unit of a territory, also sometimes known as a *chefferie*.

Presumed Hema or Bira who survived this initial onslaught were assembled the next day by the Ngiti militia and taken to a building in the centre of the mission, where they were locked up without food or water. As the days went by, some, including infant children, reportedly died from the effects of hunger, dehydration or illness. Subsequently, militia members reportedly entered the improvised prison to remove the dead and dispose of them in open latrines.

On 6 September Ngiti militia members discovered a number of medical staff and patients who had barricaded themselves in the intensive care room at the hospital. Some of the Hema among this group were reportedly killed on the spot, while others were dragged to the building serving as a prison. Up to 120 people were reportedly still held in this temporary prison when other survivors of the massacre, who had been grouped together elsewhere in the mission, managed to flee under cover of a rainstorm on 12 September. These survivors, numbering over 1,000, walked for 10 days before reaching Oicha, a missionary hospital, 150 kilometres away. The fate of the 120 imprisoned civilians is not known.

The administrator of Andisoma *collectivité*, a Bira, was arrested by UPC soldiers and later killed in Bunia (see below).

#### **Mambasa –unlawful killings and other serious human rights abuses by MLC and RCD-N forces**

In late December 2002 reports began to emerge of unlawful killings of civilians by MLC and RCD-National forces in Mambasa, 120 kilometres west of Bunia, and other locations within Ituri as they advanced against the RCD-ML stronghold in Beni between October and December. The reports indicated that combatants from these forces had committed mass killings and had eaten or forced prisoners to eat body parts of some of those killed<sup>25</sup>.

From 31 December a MONUC team deployed to investigate these reports visited the area and interviewed more than 500 victims and witnesses displaced from around Mambasa, including 29 unaccompanied children, some of whom testified to the killing of their close relatives. The testimonies corroborated the reports, leading MONUC on 15 January 2003 to conclude publicly that “systematic looting and rape as well as summary executions and abductions” had been committed by MLC and RCD-National forces, as well as by some UPC elements, during an operation referred to as “*effacer le tableau*”

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<sup>25</sup> Belief in witchcraft, including supposed protection and strength conferred by eating or wearing body parts of killed enemies, is present among certain ethnic groups in the Great Lakes region. The overt use of cannibalism as a weapon of war and to terrorize local populations is nevertheless an indication of the deepening level of brutality and brutalisation taking place within Ituri.

(“wiping the slate clean”), aimed at local civilian communities<sup>26</sup>. MONUC noted that the perpetrators had particularly targeted the Nande community in Mambasa as well as members of the Twa ethnic group<sup>27</sup> and other local populations of villages between Mambasa and Beni. On 9 January MONUC disclosed that it had found three mass graves in Mambasa zone.

The preliminary findings of the MONUC investigation (which was continuing in February) revealed 117 cases of summary executions, most of which took place between 24 and 29 October, and 65 cases of rape, including the rape of children, as well as cases of torture and illegal arrests and detentions. A number of victims “were executed, mutilated and cannibalised”<sup>28</sup>. The preliminary MONUC report, which has not been made public, was sent to the UN Security Council, whose members condemned “in the strongest terms” these “massacres and systematic violations of human rights” and demanded that the leader of the MLC, Jean-Pierre Bemba hold the perpetrators accountable.<sup>29</sup>

Other sources report that among the victims of unlawful killings were **Mama Fuaube**, her grandson **Nyongolo**, a woman named **Salama**, her son **Kebe** and daughter **Espola**, allegedly killed by MLC forces at a Twa camp in the village of Some, around 25 kilometres outside Mambasa. Two women and two children of the **Salambongo** family were also reportedly killed and their body parts eaten at a Twa camp at Matodi, around 35 kilometres from Mambasa on the road to Beni. At Badisende, 40 kilometres from Mambasa, a Nande woman, **Apoline**, was reportedly forced by MLC combatants to cook and eat the body of her husband, also a Nande, whom they had killed. Amnesty International has also received reports of several cases of rape and other sexual torture of women and of a 12-year-old girl by MLC and RCD-N forces around Mambasa, sometimes committed in front of their husbands or other family members<sup>30</sup>.

The fighting between MLC, RCD-National and RCD-ML forces in late 2002 reportedly displaced around 180,000 people. Observers described Mambasa itself, with a usual population of around 30,000, as a virtual ghost town.

Faced with national and international condemnation of these abuses, the MLC leader, Jean-Pierre Bemba, subsequently announced the arrest of an MLC commander,

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<sup>26</sup> MONUC press release no. 03/2003, 15 January 2003

<sup>27</sup> The Twa, sometimes referred to as “pygmies” or “forest-dwellers”, are known as Mbote or Mbute in Ituri. They are a marginalized and impoverished ethnic group across the Great Lakes region.

<sup>28</sup> MONUC press release no. 03/2003, 15 January 2003

<sup>29</sup> Statement by Security Council President 15 January 2003, UN Press Release SC/7634/AFR/543

<sup>30</sup> Testimony from some survivors of and witnesses to these abuses has since been published in the press. See for example an article in *Le Monde* newspaper, 27 February 2003, « *Actes de cannibalisme au Congo* ».

Lieutenant-Colonel Freddy Ngalimo, who is reportedly accused of summary executions of four civilians in Mambasa in October 2002, and a number of other soldiers. On 18 February a trial by military court of 27 MLC soldiers accused of committing “extortion, rape, assassination, looting and disobeying orders”<sup>31</sup> in the Mambasa region began in Gbadolite. The MLC, however, in common with all armed political groups in DRC, has previously shown itself unwilling to discipline combatants suspected of committing human rights abuses and has failed to remove them from positions or situations where they are able to commit further abuses.

### ***Other recent unlawful killings, acts of torture and arbitrary arrests by armed political groups***

Armed political groups have committed unlawful killings, acts of torture or ill-treatment and other human rights abuses, contrary to Common Article 3 of the Geneva Conventions.

The current UPC rule in Bunia and other towns has scarcely differed from that of the RCD-ML, which committed numerous human rights abuses during its tenure in Bunia and continues to commit abuses elsewhere in Ituri and North-Kivu provinces. Abuses committed by both UPC and RCD-ML forces have taken on an increasingly ethnic dimension and are now regularly interwoven with growing incitement to ethnic mistrust and hatred. On 18 November 2002, for example, Thomas Lubanga, at a public demonstration ordered by the UPC, singled out the Nande ethnic group as having “ambitions running contrary to Iturians”, according to a local report. A local radio station reportedly broadcast a warning that those refusing to participate in the demonstration would have to explain themselves to the UPC security forces. Other more extreme calls to ethnic hatred have reportedly been made in community meetings across the region.

As the UPC consolidated its control of Bunia following the RCD-ML’s withdrawal in early August 2002, a UPC campaign of intimidation and violence escalated against non-Hema residents or Hema who were suspected of opposing the UPC. As a result of this orchestrated violence, many more civilians have fled the city. Prominent Bunia community members, Hema suspected of dissidence and representatives of non-Hema ethnic communities have been particularly targeted for killing and unlawful detention.

**Johnson Adriko**, a former vice-president of the UPC and former deputy mayor of Bunia, went missing and is believed to have been unlawfully killed by UPC soldiers after attending a meeting organized by the UPC in Bunia on 29 September 2002. He had reportedly fallen out with the UPC leadership and had criticized Hema domination of the

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<sup>31</sup> Interview with Jean-Pierre Bemba by IRIN, the UN Integrated Regional Information Network (IRIN), 6 February 2003.

more important posts in the UPC. UPC members had reportedly accused him of sheltering Lendu civilians in August 2002 and of seeking greater reconciliation with Lendu.

**Bulamuzi Bin Mangilio**, a traditional chief (*chef de collectivité*) of Andisoma *collectivité*, Irumu territory, was killed by unidentified gunmen, believed to be members of the UPC, in Bunia on 5 September 2002, shortly after being released from UPC detention. Bulamuzi, a member of the Bira ethnic group, had been arrested the same day close to Nyankunde by UPC forces retreating from the Ngiti / APC attack on the town. He was taken to Bunia, where he was reportedly tortured by UPC soldiers, who apparently accused him of collaborating with the Ngiti attackers. At around 6pm he was released, but was shot dead as he approached his house in the city. Twenty minutes later, his body was reportedly removed by UPC soldiers and disposed of at an unknown location.

On 12 November **Jacques Kabasele**, president of Bunia's high court (*Tribunal de grande instance*) was arrested by the UPC and held without charge for more than three weeks at the *Direction Générale des Migrations* (DGM), Migrations General Directorate - the police security and intelligence agency – in Bunia. He was reportedly accused of collaborating with the RCD-ML or the Kinshasa government.

Many others were rounded up and detained at the DGM or at the Bureau 2, military intelligence agency, in Bunia on suspicion of collaborating or being in contact with the RCD-ML. One such was **John Loango**, a tax inspector, arrested on 12 November and held for three weeks before being released without charge, apparently purely because he had recently visited Beni, where the RCD-ML is headquartered.

Similar human rights abuses have been committed in other areas that have fallen to UPC control. For example, UPC soldiers reportedly killed **Abbé Bwanalonga** in detention. Abbé Bwanalonga was a Roman Catholic priest, on 24 November 2002 in Mongbwalu, a parish he had served for several years. UPC forces had reportedly detained him on 20 November, shortly after the UPC captured the town. Abbé Bwanalonga's Ngiti ethnic origin and his standing in the community are believed to have been the motive for his killing.

In Aru, a number of people were arbitrarily arrested on the orders of the UPC commander and detained in inhumane conditions in a metal freight container, where they were also reportedly subjected to torture and ill-treatment. Although accused of collaborating with forces opposed to the UPC, some of those arrested were civil servants, including customs officers, associated with revenue collection in the area, who were later released after payment of a "fine".

Lendu militia members are also reported to have committed unlawful killings, including of captured combatants, contrary to Common Article 3 of the Geneva Conventions. On 4 October 2002 in Mongbwalu, Lendu militia and RCD-ML (APC) forces that had occupied the town captured **Pierre Ukila Wathum**, a soldier. Despite an appeal from an APC officer that the prisoner should be taken to Beni, Lendu fighters reportedly killed Pierre Ukila Wathum and publicly cut up his body. His genitals were then reportedly used as fetishes while the rest of his body was publicly roasted and eaten by Lendu fighters with bowls of “chikwange”, traditional Congolese bread made from fermented cassava.

### ***Silencing witnesses: intimidation of local human rights activists***

Armed political groups display extreme fear that news of the abuses committed in Ituri will be communicated to the outside world. As a result, Congolese human rights activists have been targeted for abuse by the combatant forces in Ituri.

On 3 September 2002 in Aru, RCD-ML soldiers arrested **Honoré Musoko**, a lawyer and president of the *Justice Plus* human rights organization based in Bunia. Honoré Musoko had been returning from a trip to Uganda, and had been about to board a connecting flight from Aru to Bunia at the time of his arrest. He was subsequently transferred to the RCD-ML “Mont Hawa” military camp in Aru territory, where he was detained for four days. He was accused of making hostile statements about the RCD-ML and of collaborating with opponents of the RCD-ML. The true motive for his arrest, however, appears to relate to an interview he gave on “Voice of America” radio regarding the deteriorating human rights and political situation in the Ituri region. On 7 September he was released and driven by an RCD-ML army commander to the Ugandan frontier. Honoré Musoko has not since returned to the region.

More recently, *Justice Plus* has been targeted by the UPC. On 5 February 2003, after Honoré Musoko had again provided an interview to an international radio station on the human rights situation in Ituri, the UPC raided Justice Plus offices in Bunia in search of members of the organization. Finding no one, they then went to the office of “Bunia Business Communications”, a communications centre owned by Honoré Musoko, where they arrested two workers and seized a satellite phone and computer equipment. The two workers were later released without charge. Other members of *Justice Plus* went into hiding.

In a related case, on 12 November 2002 another employee of Bunia Business Communications, **Henri Bura**, was arrested by the UPC and detained at the DGM. He was accused of being in communication with the “enemies” of the UPC, to which he reportedly “confessed” under torture. He was later released after making payment to his captors.

### ***Obstruction of humanitarian operations - a weapon of war***

Combatant forces have also committed human rights abuses against members of international humanitarian non-governmental organizations (NGOs) operating in the region. These abuses amount to a pattern of intimidation usually aimed at halting the delivery of humanitarian assistance to members of “rival” ethnic groups. The deliberate targeting by combatants of humanitarian relief and relief workers has led to the deaths of countless civilians in Ituri.

Intimidation of and violence towards humanitarian workers is a long-standing and deplorable feature of the context of the Hema-Lendu conflict, pre-dating UPC rule in Bunia. Both Lendu and Hema militias have threatened humanitarian staff and blocked their activities. Leaders of ethnic groups have frequently disseminated propaganda in an effort to persuade their communities that the NGOs are favouring “rival” ethnic groups with humanitarian assistance or even delivering weapons to “opposing” communities. Combatant forces have also seized equipment belonging to international humanitarian NGOs.

The most brutal incident took place on 26 April 2001 when six International Committee of the Red Cross (ICRC) staff (two expatriates and four Congolese) were murdered in an abandoned Lendu village on a road south of Fataki, a Hema stronghold in Djugu territory, in an apparently carefully planned ambush. The organizers and perpetrators of these killings have never been identified. All international humanitarian NGOs in Ituri suspended their operations for several weeks.

The UPC has recently committed a spate of abuses against humanitarian workers. In late November the UPC briefly detained expatriate and Congolese staff from four international humanitarian NGOs in Bunia. Some of these arrests were related to the NGOs’ refusal of UPC demands to deliver food aid and medicines to UPC combatants. The UPC also blocked aid deliveries by road from Uganda and refused to allow air cargo, including humanitarian supplies, into Bunia unless carried by a UPC-connected company ‘Mbau Air’.

On 23 November the UPC expelled the UN Office for the Coordination of Humanitarian Affairs (OCHA) representative from Bunia, apparently because he protested against the first of these arrests. Other UN staff, including a previous OCHA representative and a MONUC representative, had previously been withdrawn from Bunia as a result of similar pressures by Hema leaders and accusations that they had acted partially.



Concerted attempts have also been made by the UPC and Hema militias to ensure that humanitarian aid does not reach non-Hema ethnic groups. At Dhebu, on 4 December, UPC forces destroyed a feeding centre set up to provide supplementary food to severely malnourished children under the age of five, condemning up to 250 children to what one observer described as “certain death”. Staff at the centre were forced to flee.

Threats continue to be directed at humanitarian NGOs. On 22 January 2003 a communiqué issued by persons claiming to represent the Lendu community of Kpandroma, a Lendu militia stronghold in northern Ituri, denounced what they considered the partial distribution of humanitarian aid to Hema and threatened to “use the same strategies as [the Hema] to compel humanitarian workers to assist them [the Lendu] as well”<sup>32</sup>.

### **Child soldiers**

All Congolese armed political groups and militias involved in the conflict in Ituri use child soldiers, sometimes aged as young as 10. Their leaders have readily sent these children into battle. The Ugandan and Rwandese military are believed to have trained many of these children.

Child soldiers being trained, reportedly by UPDF officers, at an RCD-ML military training camp at Nyaleke, Beni, 1999. ©Private

Although child protection units attached to MONUC and international and local NGOs have made significant efforts to recuperate child soldiers, sometimes with the cooperation of the armed political groups, many recovered child soldiers are subsequently “recycled” into the warring armed political groups or local militias. Many children, faced with no alternative means of livelihood, re-enlist sometimes at the urging of local warlords. A number of child soldiers are believed to have been among those killed during an RCD-ML and Lendu militia attack on a UPC military training camp at Mandro, near Bunia, in June 2002, during which a number of Hema civilians were also reportedly killed.

The UPC had reportedly regularly ordered local communities to provide children, girls as well as boys, to serve in UPC as soldiers or domestic servants in UPC ranks. On 7 February 2003 UPC leader Thomas Lubanga reportedly “decreed that each family in the area under its control must contribute to the war effort by providing a cow, money, or a child”<sup>33</sup> for the UPC.

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<sup>32</sup> “... la communauté Lendu se réserve les droits d'utiliser les mêmes stratégies pour contraindre les humanitaires à les aider aussi”.

<sup>33</sup> IRIN report, 7 February 2003.

## The international response to the crisis

There is only a small UN presence in Ituri – a MONUC (UN Organization Mission in the Democratic Republic of Congo) military observation team and a representative of the UN OCHA, based in Bunia. Although successive OCHA representatives have played a significant part in reconciliation efforts between the Hema and Lendu groups, this UN presence has not deterred attacks against civilians in the region. As noted above, individual UN personnel have been forced out of the region following accusations by political or community leaders that they acted partially. Due to prevailing insecurity in the region, the MONUC team was not operating beyond Bunia in early 2003.

The UN and other sections of the international community have for some time acknowledged the escalating crisis in Ituri. They have repeatedly called on the combatants in the region to cease hostilities and exercise restraint, and have organized or sponsored several attempts to resolve conflict there. In September 2002 the UN Secretary-General, in a Special Report on the UN Organization Mission in the Democratic Republic of Congo<sup>34</sup>, termed the situation “explosive” and outlined a MONUC response “promoting accountability from the *de facto* authorities and launching measures to build confidence between the communities”. These included an intended reinforcement of the UN contingent in Bunia and a plan to install a MONUC civilian radio station (Radio Okapi) transmitter there to counter hate speech and incitement to violence. MONUC has also been active in preparations for the launch of the DRC/Ugandan joint Ituri Pacification Committee. As noted above, the Secretary-General also called on the Ugandan military to continue to be responsible for security in the region.

Following the UN Secretary-General’s recommendation, on 4 December 2002 the UN Security Council, in Resolution 1445, agreed to increase the overall MONUC contingent in DRC to a higher level of 8,700<sup>35</sup>. The resolution expressed the Security Council’s “deep concern over the intensification of ethnically targeted violence in the Ituri region”, condemned violence and incitement to violence taking place and called on combatant forces in the region “to take immediate actions... to ensure the protection of civilians and end violations of human rights”. The resolution also requested the UN Secretary-General to increase the MONUC presence in Ituri “if he determines that the security condition allows it”. However, no sizeable reinforcement of the MONUC contingent in Ituri has yet been made.

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<sup>34</sup> Document S/2002/1005, 10 September 2002.

<sup>35</sup> The previous maximum authorized MONUC contingent was 5,537, although actual deployment has fallen short of this figure.

## **Conclusion**

Amnesty International believes that the international community must face up to the threat of a major human rights tragedy in the Ituri region arising from growing levels of ethnic violence and hatred. In the organization's view, urgent action is needed to bring an end to the large-scale human rights abuses being perpetrated by the different armed forces in the region and to promote reconciliation between Ituri's communities.

The organization welcomes the initiatives announced by the UN Secretary-General to improve the situation in Ituri, including notably the use of a UN civilian radio to counter propaganda and hate speech in the region, and support for reconciliation efforts between ethnic communities in Ituri. It also welcomes the prompt MONUC investigation that followed recent human rights abuses in and around Mambasa and hopes that this will become a model of response to future allegations of serious human rights abuses in the DRC.

However, on their own, these measures may not be enough to defuse the crisis in Ituri. In line with its October 2002 letter to the UN Security Council, Amnesty International continues to recommend that MONUC be urgently given the requisite human and material resources, as well as political support, to fulfil its mandate to protect civilians under imminent threat of physical violence in DRC, including Ituri.

Amnesty International also believes that those who have committed, or ordered to be committed, serious human rights abuses in Ituri and elsewhere in DRC, must be brought to justice. The organization therefore repeats the call it has previously made that the UN Security Council establish a commission of inquiry to fully investigate violations of international humanitarian and human rights law countrywide in the DRC. The MONUC should be required to facilitate and guarantee security for the investigators to ensure that the investigation can be conducted countrywide, including in Ituri. The investigators should also be given a mandate to interview witnesses and alleged perpetrators in countries with forces or other personnel in the DRC. The commission's mandate should include making recommendations for action to bring the alleged perpetrators of grave human rights abuses to justice, including before competent, independent and impartial national jurisdictions.

For their part, the Ugandan authorities should take immediate steps to ensure that the Ugandan People's Defence Forces uphold international human rights and humanitarian law concerning the protection of civilians and combatants who have ceased to take part in hostilities. The Ugandan government should also launch competent, independent and impartial national investigations - in cooperation with MONUC and any international commission of inquiry - into alleged human rights abuses in Ituri, including those allegedly committed by UPDF members, and bring suspected perpetrators to justice.

## Recommendations

### *To the United Nations Security Council*

- Insist that all parties to the conflict adhere to international humanitarian law to ensure the protection of civilian populations and to allow and facilitate the unimpeded delivery of humanitarian assistance.
- Urgently reinforce MONUC's presence in the Ituri region to implement its mandate to "protect civilians under imminent threat of physical violence". Such a deployment would also assist greatly in creating conditions for the unhindered delivery of humanitarian supplies, urgently needed in the region.
- Establish an international commission of inquiry composed of experienced investigators to investigate violations of international humanitarian and human rights law in the DRC, including since August 1998 and including in Ituri. Such a commission should be provided with adequate material and human resources for a full investigation and for subsequent action, including bringing perpetrators of violations to justice. MONUC should be required to facilitate and guarantee security for the investigators.
- Investigations by MONUC and the UN High Commissioner for Human Rights into alleged human rights abuses in the region should continue and be expanded, with all necessary material and political support. The results of these investigations should be made public.
- Demand a binding commitment by governments and armed groups involved in the DRC conflict to cooperate with and facilitate such investigations and to submit for trial alleged perpetrators identified by the inquiry.
- Combatants and leaders or commanders revealed by the investigations to have carried, ordered or condoned human rights abuses should be brought to justice, including in the countries to which they belong or which support them.
- Demand that UN member states prevent the transfer of military, security and police equipment, weaponry, personnel and training likely to be used for human rights abuses to all non-governmental entities with armed forces in Ituri. Such a suspension, including of related logistical and financial support, should be maintained until it can be reasonably demonstrated that such transfers will not be

used to commit human rights abuses or violations of international humanitarian and human rights law.

- Support initiatives to strengthen justice, reconciliation and human rights promotion in Ituri. In particular, MONUC and other UN agencies should make every effort to support, promote and protect the work of independent human rights organizations and activists in Ituri.
- Provide training in international human rights standards and law enforcement to civilian police and judicial personnel, following any eventual agreement on the installation of a new administration in Ituri and deployment of a Congolese civilian police force to the region.

### ***To the Ugandan government and military***

- Instruct the UPDF firmly on its duty to respect minimum standards of humane behaviour as enshrined in international human rights and humanitarian law. This instruction should be supplemented by training in international humanitarian law and human rights standards.
- Ensure that international human rights and humanitarian law concerning the protection of civilians and humane treatment of those who have ceased to take part in hostilities is upheld under all circumstances.
- Instruct all members of the UPDF that they have a right and a duty not to obey orders that might result in human rights abuses.
- Direct the UPDF to allow and facilitate the unimpeded delivery of humanitarian assistance in all areas under its control and to grant and facilitate full access to these areas by international human rights and humanitarian bodies.
- Fulfil Uganda's obligation under Article 146 of the Fourth Geneva Convention "to search for persons alleged to have committed or to have ordered to be committed... grave breaches [of the Convention] and... bring such persons, regardless of their nationality, before its own courts".
- Promptly and impartially investigate reports of human rights abuses committed in areas under UPDF control, including violations allegedly committed by UPDF units, and ensure that those responsible for human rights abuses are brought to justice. Investigations and trials should always be in accordance with

international standards of fairness and the death penalty should never be imposed or carried out.

- Facilitate and cooperate fully with investigations by international bodies into reports of human rights abuses in the DRC.
- Immediately halt the transfer of military, security and police equipment, weaponry, personnel and training to armed political groups in DRC known to have committed human rights abuses, and end any related logistical and financial support to these groups.
- End recruitment of any person under the age of 18 into the armed forces, as required by the African Charter on the Rights and Welfare of Children, and cooperate with MONUC and other appropriate agencies for the disarmament, demobilization and reintegration of child soldiers.

#### ***To the governments of Rwanda and DRC***

- Immediately halt the transfer of military, security and police equipment, weaponry, personnel and training to armed political groups in DRC known to have committed human rights abuses, and end any related logistical and financial support to these groups.
- End recruitment of any person under the age of 18 into the armed forces, as required by the African Charter on the Rights and Welfare of Children, and cooperate with MONUC and other appropriate agencies for the disarmament, demobilization and reintegration of child soldiers.
- Facilitate and cooperate fully with investigations into reports of human rights abuses in the DRC. Ensure that those responsible for human rights abuses are brought to justice, in accordance with international standards of fairness and without imposition of the death penalty.

#### ***To leaders of armed political groups and militia in Ituri***

- All armed political groups should immediately cease unlawful killings and other human rights abuses against civilians and combatants who have ceased to take part in hostilities.

- All forces should immediately cease harassment of and human rights abuses against humanitarian NGO staff and human rights activists and ensure unhindered and safe access for humanitarian agencies to all areas under their control.
- All armed groups should end the recruitment into their forces of child soldiers under the age of 18 and cooperate with MONUC and other appropriate agencies for the disarmament, demobilization and reintegration of these children.
- The leaders and commanders of armed political groups in Ituri should:
  - publicly commit themselves to safeguarding human rights and ensure that their combatants do not carry out human rights abuses;
  - give immediate and clear instructions from the highest levels of leadership and command to all combatants that human rights abuses against civilians will not be tolerated;
  - remove any combatant suspected of committing human rights abuses from positions and situations where they might continue to perpetrate abuses;
  - refrain from actions or statements inciting ethnic violence or hatred;
  - allow full and unimpeded access to areas under their control by international human rights and humanitarian bodies;
  - cooperate fully with, and order forces under their command to cooperate fully with, investigations conducted by UN agencies, by any future international commission of inquiry, and by other international human rights organizations into reports of human rights abuses.

#### APPENDIX – MAP OF ITURI