

**Document 56** (17.12.96)

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**Tanzanian Government and UNHCR must respect international law regarding refugees**

(New York, December 17, 1996)--Human Rights Watch/Africa today called on the Tanzanian government and UNHCR to stop forcing the Rwandan refugees to repatriate and to lift their demand that all Rwandan refugees return by December 31, 1996. The human rights organization stated that the reported use of teargas and sticks by Tanzanian authorities to herd refugees towards the border is coercion which violates international refugee law. Moreover, the decision to apply an arbitrary deadline to all refugees without distinction takes no account of persecution of legitimate refugees. In addition, the Tanzanian government has restricted all access to the camps, lending credence to reports of intimidation being used indiscriminately against refugees. "The Tanzanian government's use of force to drive Rwandan refugees over the border is a blot on their traditionally good record in respect of refugee rights," noted Peter Takirambudde, Executive Director of Human Rights Watch/Africa. "Moreover, the United Nations High Commission on Refugees (UNHCR) has shamefully abandoned its responsibility to protect refugees." This is the third instance this year of forced repatriation of Rwandan refugees that UNHCR and the international community have watched with little protest. In July and August, Burundi forcibly returned some 80,000 Rwandan refugees, and in October and November, the Rwandan refugee camps in eastern Zaire were forcibly dispersed by Zairian rebel groups, with the support of the Rwandan government.

The refugee camps in Tanzania and in Zaire have been under the control of the former Rwandan army and militia, which have launched military incursions over the border into Rwanda as well as used terror and force to prevent voluntary repatriation. Since the refugee camps were created over two years ago, the international community has never been willing to devote the necessary political or financial resources to screen out combatants or those suspected of genocide. Under refugee law, those suspected of genocide and crimes against humanity, like those involved in military activity against their home government, have no right to the status of refugee and should have been excluded from such status. Had the international community provided the necessary assistance to undertake such a task at the outset, then those who wished to return could have done so and legitimate refugees would have been assured of the protection promised by law.

The international community has barely disguised its satisfaction at seeing the refugee camps around Rwanda forcibly disbanded. But merely moving the refugees from one side of the border to the other will not offer any lasting solution without justice for genocide victims and improved respect for human rights by the Rwandan government. The Rwandan judiciary is still not functioning, over two years later, and over 85,000 prisoners are being held in inhumane conditions without trial. The government must begin trials of those accused of genocide and provide concrete information about the proceedings. To address refugee fears of attacks by the Rwandan military once they return to their home communes, the government must acknowledge and condemn killings by the military and begin investigation and prosecution of those responsible. The government has scheduled a court martial of Col. Fred Ibingira for December 19 in connection with the killing of displaced persons in Kibeho in April 1995. A fair and rigorous trial would reassure refugees and demonstrate to the international community its commitment to bring to justice soldiers responsible for human

rights abuses. Returning refugees also fear that they will have no home or no fields to plant if they return. Legitimate fears exist that they may be imprisoned on false charges of genocide if they attempt to regain their occupied property. The government must take steps to ensure that property disputes are dealt with equitably and fairly.

Those legitimate refugees who choose to remain in Tanzania must be provided with protection and assistance by UNHCR. Simultaneously, the international community must provide the funds needed by the United Nations Human Rights Field Operation in Rwanda to continue long-term monitoring of the refugees who have returned to Rwanda. Whatever the cost of this operation, it is far less than what would be needed to provide continuing assistance for people too fearful of persecution to return home. The international community must also renew its commitment to bring perpetrators of genocide to book under the jurisdiction of the U.N. International Criminal Tribunal for Rwanda, which was created in 1994 to hold genocide perpetrators accountable in an international procedure.

## RECOMMENDATIONS

To the Government of Tanzania:

Immediately end the use of force against Rwandan refugees.

Lift the arbitrary return deadline of December 31, 1996 for all Rwandan refugees to return.

Permit journalists and other observers access to areas around the refugee camps.

Guarantee protection to legitimate refugees to remain in Tanzania and permit international humanitarian organizations to provide relief to them.

To the International Community:

Guarantee the right of legitimate refugees to protection from forcible repatriation and ensure that humanitarian supplies are provided in Tanzania and Zaire for those legitimate refugees who decide not to return to Rwanda.

Institute screening procedures to exclude from refugee status any combatants or those suspected of genocide or crimes against humanity.

Pressure the Tanzanian government to ensure that returning refugees are protected from coercion.

Pressure the Rwandan government to continue to ensure the rights of returning refugees and to put the judicial system into operation.

Provide financial and political support for the work of the International Criminal Tribunal for Rwanda and the U.N. Human Rights Field Operation in Rwanda.

Provide the resources necessary for the resettlement of all refugees, whether the old case load or those recently returned.

To the Government of Rwanda:

Ensure that full protection of the law is assured to all Rwandans, including those refugees who have just returned.

Begin the trials of those accused of genocide and provide concrete information about the proceedings and provisions being made for defense counsel.

Acknowledge and condemn killings by the military and immediately begin investigation and prosecution of those responsible.

Ensure that resources for resettlement are fairly and equitably used to resettle all refugees, whether the old case load or those recently returned.

#### Human Rights Watch/Africa

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counsels; Ariana Pearlroth and Juliet Wilson are associates; and Alison DesForges is a consultant. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.

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### **Zaire -- Transition, War and Human Rights**

The failed transition to democracy and internal government policies that incited ethnic hatred set the stage for the bloody conflict that has caused civilian massacres and widespread human rights abuses in Zaire. In *Transition, War and Human Rights*, released today, Human Rights Watch/Africa denounces civilian massacres in eastern Zaire by both the government and the rebel Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL) and exposes human rights violations that are taking place throughout the country as demonstrated by regional case studies. Rampant abuses by the military and the police, and the breakdown of the rule of law are undermining the government's legitimacy and its military effort everywhere. Human Rights Watch/Africa exposes both the government's failure to adhere to the agenda of democratization and the dubious record of the ADFL in establishing civilian administrations and regional governments in areas it came to control.

Human Rights Watch calls on the government of Zaire and the ADFL to prohibit attacks on civilians and civilian targets in military operations and strongly urges the international community to pressure both sides of the conflict to permit full, unhampered international investigations of the allegations of widespread civilian massacres in eastern Zaire. "A return to the rule of law is essential for the future. If peace is really to be established, those responsible for ethnic slaughter and other abuses must be brought to justice," declared Peter Takirambudde, Director of Human Rights Watch/Africa.

Human Rights Watch/Africa offers detailed recommendations to the international community and to both sides in the conflict in Zaire.

Among them:

To the Government of Zaire:

1. Abide by the binding norms of international humanitarian law applicable to the current situation of armed conflict, and in particular:

-prohibit targeting civilians and civilian objects in military operations and indiscriminate attacks, looting, raping, and destruction of civilian property;

-ensure humane treatment for all persons detained or otherwise hors de combat in connection with the conflict; torture and extrajudicial execution should never be tolerated;

-permit and facilitate access by relief assistance programs so that noncombatants in war-affected areas may receive food, medicine, and other relief. Relief assistance programs of the

United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and other agencies should be allowed to proceed in accordance with humanitarian need and their respective missions, without hindrance. Provide safe land, river and air access for the provision of humanitarian aid;

-permit the International Committee of the Red Cross to visit persons detained in connection with the conflict;

-investigate the violation of international humanitarian law by members of the government's military and security forces and to hold them criminally accountable for such abuses; government forces that have obstructed the delivery of relief supplies, attacked relief workers or otherwise obstructed the work of humanitarian agencies should be the object of investigation and prosecution;

2. Abide by the international human rights treaties to which Zaire is a party, notably the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, taking action to this effect to:

-repeal provisions in Zairian law in violation of international standards;

-amend Decree No. 0021 of August 2, 1996 (concerning the identification of nationals, the census and the electoral roll), so that no Zairian will be disenfranchised by reason of their language, ethnicity or for other arbitrary and discriminatory reasons;

-address on an urgent basis inhumane treatment in police cells and prisons. Ill-treatment, in the form of beatings, exposure to the elements or threats, should be stopped. Those responsible for the inhumane treatment of prisoners should be subject to criminal investigation and prosecution;

-institute safeguards against torture, including by bringing all detainees before a judicial authority without delay; ending routine incommunicado detention; providing for prompt and regular access to detainees by relatives, doctors and legal counsel;

-institute further safeguards against "disappearance" and extrajudicial execution, including provisions that no one ever be held in secret detention, prisoners only be held in places publicly acknowledged as places of detention, relatives be promptly informed of the whereabouts of prisoners, and prisoners be held only under the supervision of the courts;

-respect freedom of expression, lifting arbitrary restrictions on the print media and public broadcasting and ceasing harassment and arbitrary detention of journalists, political commentators and others solely for the expression of their opinions;

-recognize the rights of human rights defenders in Zaire to monitor, investigate, and speak out on human rights concerns and freely to associate with others nationally and internationally in the promotion and protection of human rights;



To the ADFL:

1. Abide by the binding norms of international humanitarian law applicable to the current situation of armed conflict, and in particular:

-prohibit targeting civilians and civilian objects in military operations and indiscriminate attacks;

-ensure humane treatment for all persons detained or otherwise hors de combat in connection with the conflict; torture and extrajudicial execution should never be tolerated;

-permit and facilitate access by relief assistance programs so that noncombatants in war-affected areas may receive food, medicine, and other relief. Provide safe land, river and air access for the provision of humanitarian aid;

-permit the International Committee of the Red Cross to visit persons detained in connection with the conflict;

-investigate the violation of international humanitarian law by members of ADFL and allied forces and hold them accountable for such abuses in procedures that meet the minimum standards of due process established in international humanitarian law:

-cooperate with measures undertaken by the United Nations, the Organization of African Unity and international humanitarian and human rights organizations to monitor, investigate and provide remedies for human rights and humanitarian emergencies in Zaire.

To all opposition forces:

The ADFL and other opposition forces should pledge that upon forming a government they would:

-abide by the international human rights instruments to which Zaire is party and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Protocol II Additional to the Geneva Conventions;

-support as an urgent priority the development of an independent judiciary;

-ensure that anyone detained is brought promptly before a judicial authority after arrest;

-ensure that no one will be detained without being charged with a recognizable criminal offence and being brought promptly to trial before an independent court;

-implement programs to train law enforcement agents and the military about human rights standards and protection while instituting procedures through which violations of human rights are the subject of effective investigation and criminal prosecution.

-repudiate arbitrary measures to strip Kinyarwanda-speaking Zairians the Banyarwanda or other minorities of their Zairian nationality.

-investigate and facilitate independent investigations of violations of human rights or humanitarian law by forces of the current government as well as rebel forces with a view to public disclosure of the findings and accountability before the law of those responsible for gross abuses;

-take immediate steps to create conditions conducive to free and fair elections, such as ensuring civilian control over the military and the national gendarmerie, rendering the regional and local administration non-partisan and nationally representative, and affirming the respect of basic political freedoms including freedom of expression, association and assembly;

To all Members of the International Community, including the United Nations, the European Union and its member states, the United States, and the Organization of African Unity:

-Call upon both sides of the conflict to permit full, unhampered international investigations of the allegations of widespread civilian massacres in eastern Zaire.

-Insist that the need for accountability of the government of Zaire and the ADFL for human rights abuses committed in territories under their respective control not be set aside in the name of easing a negotiated settlement of the current conflict in Zaire.

-Hold all parties to the conflict responsible for attacks by their combatants against civilians.

-Make any commitment of aid to the present or any future government, including election assistance, dependent on concrete steps toward respecting human rights and creating the conditions for free and fair elections, including:

-reforming the army and the national gendarmerie as non-partisan and nationally-representative forces under civilian control;

-establishing basic political freedoms, including freedom of speech, particularly making public radio and television available to all points of view; and

-reforming the regional and local administrations into non-partisan and nationally-representative institutions.

-Monitor closely and make public reports regarding the actual progress toward implementation of programs to prepare for elections.

Specific Recommendations to the United Nations:

To the Security Council:

-Immediately appoint a commission to investigate allegations of widespread civilian massacres in eastern Zaire by all parties and make public the commission's report.

To the U.N. Center for Human Rights:

-Ensure that the U.N. Human Rights Office in Kinshasa is able to perform its important monitoring function. Support the office's budget with sufficient resources for extensive internal travel and improved communications.

Copies of Zaire: Transition, War and Human Rights are available from the Publications Department, 485 Fifth Avenue, New York, New York 10017 for \$8.40 (domestic shipping) and \$10.50 (international shipping).

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*Source: Human Rights Watch*

*Date: 03 July 1997*

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## **Threats Against Students Activists**

(New York)--In a letter to President Laurent Kabila, Human Rights Watch today calls on the government of the Democratic Republic of Congo to retract threats against student activists who organized a political rally at the University of Kinshasa on June 26 that featured veteran opposition leader Etienne Tshisekedi. Government troops raided the house of Tshisekedi on the night of the rally and arrested him along with some members of his family. He was released on the next day, after warnings to stay out of politics because he "bothers the country's new authorities." As has become widely reported, the new government has decreed a ban on all political activities in violation of international norms.

According to reliable reports that reached Human Rights Watch/Africa, at least seven student activists who took part in the organization of the rally went into hiding when they learned that security agents were actively searching for them. One student was reportedly abducted on Monday, June 30, from Kinshasa stadium during president Kabila's independence day speech. He was reportedly badly tortured in detention, and released on Wednesday on condition that he cooperate with security officials in locating the whereabouts of his colleagues. He was given until Sunday to accomplish this, and was threatened that he would be killed if he failed to deliver his colleagues.

Human Rights Watch/Africa urges the new authorities to respect the students' internationally recognized rights to freedom of association, assembly and expression. The human rights organization will monitor the situation closely and will hold the government responsible if the grave threats against the life and safety of the student activists are carried out.

A copy of the letter follows. July 3, 1997

Laurent Kabila President, Democratic Republic of Congo Palais de la Nation Kinshasa, Gombe

Your Excellency:

We are writing on behalf of Human Rights Watch/Africa and the Academic Freedom Committee to express our grave concern over recent government threats against student leaders who organized an opposition rally on June 26, 1997 that featured veteran opposition figure Etienne Tshisekedi as keynote speaker.

According to reliable reports, at least seven students who took part in organizing the rally went into hiding when they learned that security agents were actively searching for them. One student reportedly was abducted on Monday, June 30 while attending the independence day

speech given by Your Excellency at Kinshasa stadium. The student is said to have been tortured in detention over a two-day period, and was only released on condition that he cooperate with security officials in locating the other students. He reportedly was told that he would be killed if he did not deliver his colleagues by Sunday, July 6.

As already has been widely reported, Mr. Tshisekedi himself was detained after government troops raided his house following the June 26 rally. Although he was released the next day, he reportedly was told to stay out of politics with the warning that he "bothers the country's new authorities." The government has been similarly overt in its threats against the students, and, in a national television broadcast, the army chief of staff reportedly labeled the students "enemies of the public."

As academic leaders, scientists and scholars dedicated to human rights, we deplore the use of torture and threats of violence to intimidate and subdue student protestors. We respectfully call on the new government of the Democratic Republic of Congo to guarantee publicly and unconditionally the safety of the students and to acknowledge and respect the students' internationally recognized rights to freedom of expression and assembly. We will continue to monitor the situation and will hold the government responsible before the international community should the threats against any of the students be carried out.

Thank you for your consideration of this important matter. We look forward to your reply.

Sincerely, Jonathan Fanton  
Committee Human Rights Watch/Africa

Peter Takirumbudde Co-Chair, Academic Freedom

Human Rights Watch

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*Source: Human Rights Watch*

*Date: 17 Jul 1997*

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## **War Crimes Commission ought to be established**

In a letter addressed to the United Nations Secretary-General Kofi Annan and released publicly today, Human Rights Watch is calling for the establishment of a war crimes commission to investigate the alleged atrocities committed in the course of the military offensive in Zaire (now the Democratic Republic of Congo).

A new UN report on the human rights situation in Congo/Zaire, submitted to the General Assembly by the joint investigative mission of the Commission on Human Rights, found that some of the alleged massacres could constitute acts of genocide. It also concluded that "there are reliable indications that persons belonging to one or other of the parties to the conflict... probably committed serious violations of international humanitarian law, particularly article 3 common to the four Geneva Conventions of 1949" and that "[s]uch crimes seem to be sufficiently massive and systematic to be characterized as crimes against humanity." Such crimes, the report suggested, may be appropriate for prosecution by an international criminal tribunal, such as those created for the former Yugoslavia and for Rwanda.

"Given the seriousness of these findings, it is imperative that the U.N. conduct an investigation that could constitute the first step toward criminal prosecution of those responsible for these crimes," said Kenneth Roth, Executive Director of Human Rights Watch. "Furthermore, the creation of a war crimes commission would be a clear signal that the U.N. is not abandoning the team established by the U.N. Human Rights Commission. By elevating the stature of the investigation, the U.N. can also show its determination not to make concessions in the face of the objections by an abusive government to the composition of the team."

The July 14 letter by Human Rights Watch recommended that in light of the findings of the report of the joint investigative mission, the Secretary-General request the Security Council to authorize immediately the creation of a Commission of Experts with the explicit mandate not only to investigate the alleged atrocities but also to determine whether the creation of an international tribunal is warranted.

A copy of the letter is attached.

July 14, 1997

Secretary-General Kofi Annan  
United Nations Headquarters  
New York, NY 10017  
By Hand

Dear Mr. Secretary-General:

We write to convey once again Human Rights Watch's serious concerns about how the United Nations has responded to objections by the Democratic Republic of Congo to the U.N.'s investigation of alleged atrocities in eastern Congo. In addition, in light of the newly released report of the joint mission conducting an initial part of that investigation, we offer recommendations for overcoming these objections in a manner that ensures the integrity of the U.N. human rights machinery.

As we have expressed repeatedly, Human Rights Watch fears that permitting the government charged with abuses to exclude Roberto Garret'n, a top-notch and highly experienced human rights rapporteur, from the investigation will assuredly encourage other accused governments to attempt similar maneuvers to hinder effective inquiry. It will also encourage self-censorship among other U.N. rapporteurs.

Mr. Garret'n published a preliminary report in an effort to save lives while massacres were underway, a procedure followed previously by the Special Rapporteur for Rwanda, who issued a similar report during the Rwandan genocide. Rather than encourage such a laudable preventive initiative, which was found to be completely justified during killings in 1994, the U.N. now appears to be censuring an attempt to halt ongoing slaughter.

The recommendation by the joint mission, in its report released on July 11 (A/51/942), that the Security Council create a standing commission of experts offers an opportunity to deal with the objections of the Congolese government while at the same time ensuring an effective investigation.

The report states (para. 80) that some of the alleged massacres could constitute acts of genocide. It also concludes (para. 95) that "there are reliable indications that persons belonging to one or other of the parties to the conflict . . . probably committed serious violations of international humanitarian law, particularly article 3 common to the four Geneva Conventions of 1949" and that "[s]uch crimes seem to be sufficiently massive and systematic to be characterized as crimes against humanity." Such crimes, the report suggests, may be appropriate for prosecution by an international criminal tribunal, such as those created for the former Yugoslavia and for Rwanda.

In light of these findings, Human Rights Watch respectfully calls on you to request the Security Council to authorize immediately the creation of a Commission of Experts with the explicit mandate not only to investigate the alleged atrocities but also to determine whether the creation of an international tribunal is warranted. The commission should be composed of human rights professionals with experience in investigating war crimes and crimes against humanity. It should be authorized to maintain full-time investigators in the region for as long as it deems necessary to fulfill its mandate. The commission should be required to publish periodic, public reports and to work closely with other relevant agencies of the U.N., including those created by the Commission on Human Rights.

Should the Security Council decline to act, you should act on your own authority to establish a



commission of investigation of similar stature and mandate. Such a commission, whether established by the Security Council or by the Secretary-General, must not be taken as a substitute for the joint mission of the U.N. Human Rights Commission. It must be seen as elevating the stature of the investigation because of the seriousness of the charges, not as rewarding an accused government for hindering investigation of the allegations.

To this end, it is imperative that you also continue to press for the free access of the joint mission of the Human Rights Commission to Congo. Otherwise, other governments that are accused of abuses in the future will have available an unfortunate precedent to hide their apparent crimes from public scrutiny.

Thank you for your kind attention to these matters.

Sincerely, [Signed] [Signed] Kenneth Roth Joanna Weschler Executive Director U.N. Representative cc: Members of the Security Council

President Mary Robinson

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**Source: Human Rights Watch**

**Date: 20 Aug 1997**

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## **Condemnation of Massacres Of Civilians By Rwandan Soldiers**

Human Rights Watch and the International Federation of Human Rights Leagues (FIDH) condemn the killings of hundreds of unarmed civilians by soldiers of the Rwandese Patriotic Army (RPA) and by armed insurgents in a series of incidents in the northwestern prefecture of Gisenyi on August 8, 9 and 10. The first of these incidents took place just one day after the United Nations Human Rights Field Operation (HRFOR) published a report documenting the massacre by RPA soldiers of more than 2,000 persons, many of them unarmed children, women and the elderly in northwestern Rwanda during the preceding months.

These massacres took place in the context of a continuing armed struggle between RPA soldiers and armed groups composed largely of soldiers of the former Rwandan government (ex-FAR) and of members of the militia that participated in the 1994 genocide of Rwandan Tutsi. The Rwandan government has the right and duty to protect its citizens, but such defense must be conducted within the parameters of international humanitarian law: there is no excuse for killing unarmed civilians or combatants who have laid down their arms. The slaughter of unarmed civilians by the insurgents is similarly an inexcusable human rights abuse.

The number and scale of attacks that cost civilian lives have multiplied in the last several months. Human Rights Watch and FIDH deplore the continued delivery of arms to the region, including the recent resumption of arms sales to the Rwandan government by South Africa exacerbating the situation and facilitating the use of deadly force against unarmed civilians.

According to reports from a number of independent sources, including diplomats in the Rwandan capital, Kigali, RPA soldiers and insurgents exchanged fire in the crowded market of Mahoko at 10 am August 8. One report states that the firing continued for two hours and that the RPA fired mortars into the market. Independent sources estimate that 400 people were slain, most of them unarmed civilians. Rwandan authorities declare that "several" civilians were killed in the incident.

Later that day, armed rebels attacked the commune jail in Rubavu where hundreds of persons were detained on charges of having participated in the 1994 genocide. Witnesses declare that RPA soldiers drove away the rebels and then killed 200 to 300 detainees. Rwandan authorities reportedly admit that 185 detainees were killed but say the insurgents were responsible for these deaths. According to these official accounts, RPA troops had withdrawn from the immediate vicinity of the jail in order to regroup. In their absence, the insurgents took over the jail, liberated the detainees, and killed those who refused to join forces with them.

Rwandan authorities admit that at least ninety-five detainees were also killed at the commune jail at Kanama that same afternoon. Preliminary independent reports put the number of fatalities from this incident at approximately 200.

Authorities ordered the local population to bury the dead in mass graves in each community. Witnesses report that gunfire was also heard on August 8 and 9 in Muhira, Bisezi, Kanzenze and Nyundo sectors.

That evening and the next day, reportedly drunk RPA soldiers looted throughout the area.

According to the testimony received by Human Rights Watch and FIDH, the RPA moved armed personnel carriers into the area on August 9 and witnesses report having heard mortar fire. These accounts state that the RPA deliberately killed an undetermined number of civilians on August 9, some of whom were apparently identified on a list as persons to target.

On August 10, at 7 pm, the insurgents attacked a school at Gisa, where students were meeting with an officer of the national police. Reports do not indicate the number of persons killed or wounded in this attack.

Reports indicate that large numbers of people have fled their homes, some heading for the town of Gisenyi, others moving west towards the border with Congo.

The Rwandan government has arrested thirteen of its soldiers in connection with these incidents.

**RECOMMENDATIONS To the government of Rwanda:** Order RPA troops to stop killing unarmed civilians immediately.

Carry out a prompt, thorough and impartial investigation of these killings and make public the findings. Continue to arrest and bring to trial as soon as possible all those apparently implicated in the incidents.

Guarantee full access to U.N. and nongovernmental human rights monitors, to organizations providing humanitarian aid, and to United Nations High Commissioner for Refugees protection officers.

To the insurgents: Order your troops to stop killing unarmed civilians immediately.

To the international community: Bring all possible pressure to bear on the Rwandan government and the insurgents to halt the slaughter of unarmed civilians and to observe international humanitarian law. Condition financial and other assistance on a halt to these killings.

To the United Nations: Revive the International Commission of Inquiry (Rwanda), implement the important recommendations it made in 1996, and provide it with a new mandate to investigate arms trafficking in the Great Lakes region (including Rwanda, Burundi and Congo)

and propose to the Security Council specific and concrete measures aimed at curbing the proliferation of small arms and light weapons in the area.

The Human Rights Field Operation should publish immediately and fully all available information related to deliberate killings of civilians.

#### Human Rights Watch/Africa

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**Source: Human Rights Watch**

**Date: 20 Aug 1997**

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## **Condemnation of Massacres Of Civilians By Rwandan Soldiers And Armed Insurgents**

Human Rights Watch 485 Fifth Avenue New York, NY 10017-6104 TEL: 212/972-8400  
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(August 20, 1997) Human Rights Watch and the International Federation of Human Rights Leagues (FIDH) condemn the killings of hundreds of unarmed civilians by soldiers of the Rwandese Patriotic Army (RPA) and by armed insurgents in a series of incidents in the northwestern prefecture of Gisenyi on August 8, 9 and 10. The first of these incidents took place just one day after the United Nations Human Rights Field Operation (HRFOR) published a report documenting the massacre by RPA soldiers of more than 2,000 persons, many of them unarmed children, women and the elderly in northwestern Rwanda during the preceding months.

These massacres took place in the context of a continuing armed struggle between RPA soldiers and armed groups composed largely of soldiers of the former Rwandan government (ex-FAR) and of members of the militia that participated in the 1994 genocide of Rwandan Tutsi. The Rwandan government has the right and duty to protect its citizens, but such defense must be conducted within the parameters of international humanitarian law: there is no excuse for killing unarmed civilians or combatants who have laid down their arms. The slaughter of unarmed civilians by the insurgents is similarly an inexcusable human rights abuse.

The number and scale of attacks that cost civilian lives have multiplied in the last several months. Human Rights Watch and FIDH deplore the continued delivery of arms to the region, including the recent resumption of arms sales to the Rwandan government by South Africa exacerbating the situation and facilitating the use of deadly force against unarmed civilians.

According to reports from a number of independent sources, including diplomats in the Rwandan capital, Kigali, RPA soldiers and insurgents exchanged fire in the crowded market of Mahoko at 10 am August 8. One report states that the firing continued for two hours and that the RPA fired mortars into the market. Independent sources estimate that 400 people were slain, most of them unarmed civilians. Rwandan authorities declare that "several" civilians were killed in the incident.

Later that day, armed rebels attacked the commune jail in Rubavu where hundreds of persons were detained on charges of having participated in the 1994 genocide. Witnesses declare that

RPA soldiers drove away the rebels and then killed 200 to 300 detainees. Rwandan authorities reportedly admit that 185 detainees were killed but say the insurgents were responsible for these deaths. According to these official accounts, RPA troops had withdrawn from the immediate vicinity of the jail in order to regroup. In their absence, the insurgents took over the jail, liberated the detainees, and killed those who refused to join forces with them.

Rwandan authorities admit that at least ninety-five detainees were also killed at the commune jail at Kanama that same afternoon. Preliminary independent reports put the number of fatalities from this incident at approximately 200.

Authorities ordered the local population to bury the dead in mass graves in each community. Witnesses report that gunfire was also heard on August 8 and 9 in Muhira, Bisezi, Kanzenze and Nyundo sectors.

That evening and the next day, reportedly drunk RPA soldiers looted throughout the area.

According to the testimony received by Human Rights Watch and FIDH, the RPA moved armed personnel carriers into the area on August 9 and witnesses report having heard mortar fire. These accounts state that the RPA deliberately killed an undetermined number of civilians on August 9, some of whom were apparently identified on a list as persons to target.

On August 10, at 7 pm, the insurgents attacked a school at Gisa, where students were meeting with an officer of the national police. Reports do not indicate the number of persons killed or wounded in this attack.

Reports indicate that large numbers of people have fled their homes, some heading for the town of Gisenyi, others moving west towards the border with Congo.

The Rwandan government has arrested thirteen of its soldiers in connection with these incidents.

## RECOMMENDATIONS

To the government of Rwanda:

Order RPA troops to stop killing unarmed civilians immediately.

Carry out a prompt, thorough and impartial investigation of these killings and make public the findings. Continue to arrest and bring to trial as soon as possible all those apparently implicated in the incidents.

Guarantee full access to U.N. and nongovernmental human rights monitors, to organizations providing humanitarian aid, and to United Nations High Commissioner for Refugees protection officers.

To the insurgents:

Order your troops to stop killing unarmed civilians immediately.

To the international community:

Bring all possible pressure to bear on the Rwandan government and the insurgents to halt the slaughter of unarmed civilians and to observe international humanitarian law. Condition financial and other assistance on a halt to these killings.

To the United Nations:

Revive the International Commission of Inquiry (Rwanda), implement the important recommendations it made in 1996, and provide it with a new mandate to investigate arms trafficking in the Great Lakes region (including Rwanda, Burundi and Congo) and propose to the Security Council specific and concrete measures aimed at curbing the proliferation of small arms and light weapons in the area.

The Human Rights Field Operation should publish immediately and fully all available information related to deliberate killings of civilians.

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Fédération Internationale des Ligues des Droits de l'Homme (FIDH; The International Federation of Human Rights) is an international nongovernmental organization for the defense of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 89 national affiliates throughout the world. Antoine Bernard is the executive director. Eric Gillet is coordinator for Burundi and Rwanda.

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**Source: Human Rights Watch**

**Date: 26 Aug 1997**

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## **Organizations Condemn Massacres Of Refugees By Armed Forces**

(August 26, 1997) Human Rights Watch and the International Federation of Human Rights Leagues (FIDH) condemn the massacre of more than 130 refugees by armed insurgents at Mudende camp, Gisenyi prefecture, just before dawn on August 22. The refugees, mostly Tutsi who had fled from the Congo during the preceding year, were sheltered in a camp not far from the Congo border. The insurgents, many of them soldiers of the former Rwandan government army (FAR) or members of militia that had participated in the 1994 genocide of Tutsi in Rwanda, reportedly attacked across the border from Congo, where some of them have retained a base after their camps were dispersed some months ago by soldiers of the ADFL forces.

Authorities of the Rwandan Patriotic Army (RPA) have charged that local residents also participated in the killings at Mudende and have reportedly attacked or permitted Tutsi civilians to injure or kill these residents and to burn their homes.

The insurgents' pre-dawn massacre of the refugees constitutes an inexcusable human rights abuse. The RPA attacks or permitting civilian attacks on local people in reprisal for the massacre violates international humanitarian law.

The number and scale of attacks that cost civilian lives in Rwanda have multiplied in the last several months. An August 7 report by the United Nations Human Rights Field Operation detailed the slaughter of more than 2,000 persons, most of them unarmed civilians killed by the RPA. August 8-11, RPA soldiers reportedly killed several hundred unarmed civilians, some by mortars fired into the market at Mahoko, others executed at jails in the communes of Rubavu and Kanama, all in Gisenyi prefecture. Armed insurgents also killed unarmed civilians during these incidents August 8-10 and attacked a school at Gisa on August 10.

Most attacks against civilians have taken place in the northwestern part of the country, but the international human rights organizations have just received reports of some thirty-nine persons killed at Muhazi in the eastern part of Rwanda. Human Rights Watch and FIDH deplore the continued delivery of arms to the region, including the recent resumption of arms sales to the Rwandan government by South Africa exacerbating the situation and facilitating the use of deadly force against unarmed civilians.

General Paul Kagame, Vice-President of Rwanda and Minister of Defense, went to investigate the August 8-10 incidents in Gisenyi. The Rwandan government has arrested a number of its soldiers, reportedly either thirteen or fifteen of them, including a lieutenant-colonel, in

connection with these incidents.

## RECOMMENDATIONS

To the insurgents:

- Order your troops to stop killing unarmed civilians immediately.
- Investigate the violation of international humanitarian law by members of your forces who commit such killings and hold them accountable in procedures that meet the minimum standards of due process established in international humanitarian law.

To the government of Rwanda:

- Order RPA troops to stop killings and other reprisals against the civilian population. Order them to prevent any such attacks by Tutsi civilians.
- Carry out a prompt, thorough and impartial investigation of any killings of civilians and make public the findings. Continue to arrest and bring to trial as soon as possible all those apparently implicated in the incidents.
- Guarantee full access to U.N. and nongovernmental human rights monitors, to organizations providing humanitarian aid, and to United Nations High Commissioner for Refugees protection officers.
- Ensure that RPA soldiers and police provide protection to refugees and displaced persons.

To the international community:

- Bring all possible pressure to bear on the insurgents and on the Rwandan government to halt the slaughter of unarmed civilians and to observe international humanitarian law. Condition financial and other assistance on a halt to these killings.

To the United Nations:

- Revive the International Commission of Inquiry (Rwanda) on arms trade to forces of the former Rwandan government and implement the important recommendations it made in 1996. Provide this Commission with a new mandate to investigate arms trafficking in the Great Lakes region (including Rwanda, Burundi and Congo) and propose to the Security Council specific and concrete measures aimed at curbing the proliferation of small arms and light weapons in the area.
- The Human Rights Field Operation should publish immediately and fully all available information related to deliberate killings of civilians.

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**Source: Human Rights Watch**

**Date: 18 Sep 1997**

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## **Abduction and Killing of Children by Ugandan Rebel Group**

(18 September 1997)--Children in Uganda are abducted and frequently murdered by the Lord's Resistance Army, a heavily-armed rebel group fighting the Ugandan government, according to *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda*, released today by Human Rights Watch. The 137-page report charges that children as young as eight years old are kidnapped, tortured, raped, virtually enslaved and sometimes killed by the Lord's Resistance Army (LRA) in the name of "the Holy Spirit". The LRA attacks homes and schools in northern Uganda, and targets children for use as soldiers in its attempt to overthrow the Ugandan government.

The precise number of children abducted by the Lord's Resistance Army is unknown, but reliable estimates suggest that over the past two years, three to five thousand children have escaped from rebel captivity. An equal number are believed to be still in captivity, and an unknown number of abducted children are dead.

The captive children are forced to take part in combat, carry heavy loads, act as personal servants to the rebels, and, in the case of girls, serve as "wives" to rebel commanders.

The children undergo a brutal initiation into rebel life: they are forced to participate in acts of extreme violence, often being compelled to help beat or hack to death fellow child captives who have attempted to escape. The rebels march their child captives to rebel base camps in neighboring southern Sudan, and many children die of disease or starvation during the march.

Those children who survive the journey are given rudimentary military training, are armed, and then forced into combat against the Ugandan army and the rebel Sudan People's Liberation Army (SPLA). In combat, children are forced to the front line and beaten by their commanders if they retreat or take cover.

*The Scars of Death* tells the stories of Ugandan children who have escaped from rebel captivity. In their own words, Ugandan children tell of their experiences:

One boy tried to escape [from the rebels], but he was caught . . . His hands were tied, and then they made us, the other new captives, kill him with a stick. I felt sick . . . I refused to kill him [but] they pointed a gun at me, so I had to do it. The boy was asking me, "Why are you doing this?" I said I had no choice. After we killed him, they made us smear his blood on our arms . . . They said we had to do this so we would not fear death and so we would not try to

escape. I still dream about the boy [whom] I killed. I see him in my dreams, and he is talking to me and saying I killed him for nothing, and I am crying.

- Susan, sixteen

I went for several battles in Sudan . . . The commanders . . . would tell us to run straight into gunfire. The commanders would stay behind and would beat those of us who would not run forward . . . I remember the first time I was in the front line. The other side started firing, and the commander ordered us to run towards the bullets. I panicked. I saw others falling down dead around me. The commanders were beating us for not running, for trying to crouch down. I don't know why we were fighting . . . We were just ordered to fight. - Timothy, fourteen

"The human rights abuses of the Lord's Resistance Army shock the conscience: they violate both the most elementary principles of human morality and the most fundamental international humanitarian standards," charges Lois Whitman, the director of the Human Rights Watch Children's Rights Project. In particular, the Lord's Resistance Army's abuses violate the provisions of Common Article 3 of the Geneva Conventions of 1949, which lays out the minimum humanitarian rules applicable to internal armed conflicts. The abduction of children for military purposes also contravenes international standards established by Protocol II to the Geneva Conventions of 1949 and the Convention on the Rights of the Child, which obligate states parties to take all feasible measures to ensure that children under fifteen do not take part in hostilities and are protected in times of armed conflict.

The roots of the conflict between the Lord's Resistance Army and the Ugandan government lie in the complex religious traditions of the Acholi people of northern Uganda, in the history of ethnic violence and mistrust that has characterized Ugandan politics for much of the past few decades, and in the troubled relationship between the governments of Uganda and Sudan. The Lord's Resistance Army has long identified itself with a Christian religious tradition. It is led by Joseph Kony, who claims to be in communication with the Holy Spirit. The Lord's Resistance Army receives military assistance and other support from the militantly Islamic Sudanese government. The Sudanese government aids the Lord's Resistance Army in return for assistance in fighting the rebel Sudan People's Liberation Army (SPLA), and also in apparent retaliation for Ugandan government support of the SPLA.

Whatever the sources of the conflict, the Ugandan government is failing to protect Ugandan children from rebel abduction. For eleven years, the Ugandan army has been unable to combat the rebels effectively through military means, yet continues to maintain that the rebels are mere "bandits," on the verge of permanent defeat. Yet the rebel abductions and attacks on villages continue unabated.

Children who succeed in escaping from the Lord's Resistance Army find that their ordeal is far from over. Fearing rebel reprisals against themselves or their families if they return to their villages, most escaped children are afraid to go home. And many children literally have nowhere to go: the conflict has displaced more than 200,000 northern Ugandans from their rural homes. Tens of thousands of displaced people have set up temporary homes in the "protected camps" established near army installations by the Ugandan government, but

crowded conditions and lack of food and sanitation facilities have rendered the camp population vulnerable to malnutrition, disease and death. Thousands of people die in the camps every month, and despite the nearby military presence, the camps remain frequent targets for rebel attacks.

Two nongovernmental organizations (NGO) have set up live-in trauma counseling centers for children who have escaped from the rebels, but the centers are stretched thin and cannot possibly take in all of the children in need. The Ugandan government appears to be doing little to actively provide for the rehabilitation and reintegration into society of children who have escaped from rebel captivity. After completing a program at the NGO-run centers, the children must move on in order to make room for new escapees, but where they go and how they will support themselves is unknown. Their prospects are bleak.

The title of the Human Rights Watch report is taken from a proverb current among the Acholi people of northern Uganda: "Poyo too pe rweny," which translates as "Death is a scar that never heals." The effects of the Lord's Resistance Army's atrocities will haunt Uganda for generations to come. Children who have escaped from the rebels wake screaming in the night from dreams of pain and death: their dreams are of deaths feared, deaths witnessed, and, all too often, deaths participated in. Perhaps some day, if peace comes, the scars of death will begin to fade. But they will never fully heal.

The Lord's Resistance Army's abduction of children is part of a troubling world-wide trend towards the increased use of children as soldiers. Children are more easily coerced and manipulated than adults, and the proliferation of light-weight automatic weapons makes it possible for even young children to take part in armed conflicts. Throughout the world, an estimated quarter of a million children under the age of eighteen serve as soldiers in government forces or armed opposition groups today. "Involvement in armed conflict violates every right a child has," said Yodon Thonden, counsel to the Human Rights Watch Children's Rights Project. "The fact that so many children are being used as soldiers throughout the world demonstrates the failure of the international community to protect and care for its children, and the abduction of children by the Lord's Resistance Army in Uganda represents a particularly tragic instance of that failure."

Human Rights Watch takes the position that no one under the age of eighteen should take part in armed conflicts of any kind, international or internal. Human Rights Watch supports the efforts of the international community (through the work of a U.N. working group under the Commission on Human Rights) to raise the minimum age for involvement in armed conflict to eighteen, through the creation of an Optional Protocol to the Convention on the Rights of the Child. Human Rights Watch condemns the U.S. government's active opposition to international efforts to raise that age to eighteen.

In *The Scars of Death*, Human Rights Watch makes a number of recommendations to the parties involved in the conflict and to the international community:

To the Lord's Resistance Army:

-immediately stop the abduction, killing, torture, and sexual abuse of children;

-immediately release all children remaining in captivity;

-ensure that Lord's Resistance Army combatants respect the human rights of civilians in the areas of conflict.

To the Government of Sudan:

-use its influence with the Lord's Resistance Army to ensure that the above recommendations are followed; cease all military aid and other support to the Lord's Resistance Army, until they comply with the above recommendations;

To the Government of Uganda:

-take all possible steps to protect children from abduction;

-when fighting against the Lord's Resistance Army, take all possible steps to minimize child casualties; ensure that all children who escape or are captured from the Lord's Resistance Army receive prompt and adequate access to medical attention and counseling while in government custody;

-release children promptly to their families, or if the families' whereabouts are unknown or the families are unable to receive the children, to arrange for appropriate alternative care for the children which takes into account their special needs;

-develop a concrete plan for meeting the long-term needs of former child soldiers;

-ensure that government soldiers respect the human rights of civilians in the north;

To the United Nations: -the U.N. special rapporteur for Sudan should investigate and report on the role of Sudan in supporting the Lord's Resistance Army, with special attention to the abduction, killing, torture, and rape of children;

-the U.N. Secretary General's special representative on the impact of armed conflict on children should promptly investigate the abduction, killing, torture and sexual abuse of children by the Lord's Resistance Army;

-the U.N. Working Group on a Draft Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts should seek to raise to eighteen the minimum age at which people can be recruited into armed forces and participate in hostilities (whether that recruitment is voluntary or compulsory, and whether it is into government armies or armed opposition groups). Human Rights Watch calls on the international community to help further these goals and to take concrete steps to end the military recruitment of children and the use of child soldiers worldwide.

Amnesty International is also releasing a report today on the same subject entitled *Breaking God's Commands: The Destruction of Childhood by the Lord's Resistance Army in Uganda*. For further information, please contact Amnesty International's press office at (44 171) 413 5729 / 5566.

Ugandan NGOs and UNICEF-Uganda also will be launching a program of action today to address issues raised in the report. For further information, call the NGO coordinator at (256 41) 245 526.

Copies of this report are available from the Publications Department Human Rights Watch 485 Fifth Avenue, New York, NY 10017 for \$13.50 (North America shipping) and \$18 (international shipping). Visa and MasterCard accepted.

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**Source: Human Rights Watch**

**Date: 09 Oct 1997**

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## **Mass Graves of Refugees uncovered in Congo by Human Rights Watch and International Federation of Human Rights Leagues**

HUMAN RIGHTS WATCH / AFRICAFÉDÉRATION INTERNATIONALE DES LIGUES DES DROITS DE L'HOMME

(October 9, 1997) Human Rights Watch and the International Federation of Human Rights Leagues (FIDH) today released irrefutable physical evidence of massacres of refugees by troops fighting with Laurent Kabila's Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL) and their allies, many of them Rwandan military. A joint mission by the two groups to a remote region of the Democratic Republic of Congo, formerly Zaire, was able to photograph mass graves and the decomposing remains of civilian refugees, as well as to take corroborating testimony from eyewitnesses to the killings. "This report and these photographs are exactly what Kabila and his allies are trying to hide," said Peter Takirambudde, Executive Director for Africa at Human Rights Watch. "A high-level team of UN investigators has been stuck in Kinshasa since August 24. We have provided them with all of our evidence on these massacres, and it's time for Kabila to let them out of the capital to do their job."

What Kabila is Hiding: Civilian Killings and Impunity in Congo provides an unprecedented look at the killings of refugees who were overtaken by ADFL forces and their allies. Throughout the country, Congolese have been forced to assist in hiding the evidence of the killings and have been intimidated, through a series of arrests, beatings, and assassinations by the ADFL and its allies, from speaking about the massacres to the U.N. team or to other foreigners. "Our work is not yet finished," said an ADFL soldier at a barrier near one of the many massacre sites being cleaned up, according to the report.

Calling on the governments of Congo and Rwanda for investigations and punishment for the military responsible for the killings, Human Rights Watch and FIDH present a list of ten officers, many of them members of the Rwandan Patriotic Army (RPA), who commanded troops in areas where massacres took place. Recent attacks by different armed groups, including the RPA, ADFL, Zairian Armed Forces (FAZ), former Rwandan Armed Forces (ex-FAR), and militia against Congolese civilians and Rwandan refugees are described in the report.

What Kabila is Hiding: Civilian Killings and Impunity in Congo criticizes the inaction by the international community before and during the killings as well as the impact of U.S. military and political support to Rwanda and the ADFL.

Human Rights Watch and FIDH call upon members of the international community to refrain from scheduling donor meetings until the Government of Congo provides full compliance and cooperation with the U.N. Secretary-General's Investigative Mission. The two organizations offer a detailed series of recommendations to end the impunity that has characterized cycles of violence in the Great Lakes region which continue today in the face inaction by the international community.

To the Government of the Democratic Republic of Congo:

Suspend and investigate members of the ADFL suspected of involvement in civilian massacres and other violations of humanitarian law, and hold individuals accountable for such abuses; members of the ADFL who obstructed humanitarian assistance to civilian populations should be subject to investigation, and prosecution where appropriate. ADFL officers and troops under investigation should be suspended from positions of authority for the duration of the investigation.

Publicly denounce deliberate killings of civilians in Congo by all parties, including foreign military from Rwanda and other neighboring states, during the seven-month war that brought the ADFL to power, as well as ongoing killings. Insist that those responsible are immediately withdrawn from the field and subject to investigation, and prosecution where appropriate, either in Congo or their home country.

Protect refugees, internally displaced, and other civilian populations from abuses committed by members of the former Rwandan Army (the ex-FAR, Forces Armées Rwandaises), Interahamwe and other armed militia, and FAZ; in doing so, respect international humanitarian law and take all possible measures to limit civilian and refugee casualties during military operations.

Cooperate fully with the International Criminal Tribunal in Arusha in bringing those responsible for the 1994 Rwanda genocide to justice.

Allow the United Nations Secretary-General's Investigative Mission unhampered access to all regions of Congo and ensure its security and independence in accordance with its mandate. Instruct members of the ADFL and other military forces present in Congo to cease the destruction of evidence of civilian massacres and other abuses. Encourage the Congolese population and ADFL military to cooperate with the U.N. mission and ensure the protection of those who provide information.

Cease its intimidation campaign against potential witnesses of civilian massacres. Investigate human rights abuses committed by ADFL or other military forces on Congolese territory against individuals suspected of collaboration with the U.N. Investigative Mission.

Guarantee the protection and assistance of refugees on Congolese territory in accordance with international standards, including the right to non-refoulement. Create the conditions necessary for the United Nations High Commissioner for Refugees (UNHCR) to provide

assistance and protection to refugees remaining in Congo.

Support the work of Congolese organizations of civil society, especially those involved in the protection and promotion of human rights.

Establish national institutions to promote the rule of law and respect for human rights, in particular an independent judiciary and a permanent human rights commission.

Initiate training programs in basic principles of human rights and international humanitarian law for members of the police, army, and judiciary.

To the Government of Rwanda:

Withdraw, suspend from active duty, and investigate Rwandan military suspected of being involved in civilian massacres in Congo, and hold individuals accountable for such abuses; members of the RPA who obstructed humanitarian assistance to civilian populations should be subject to investigation, and prosecution where appropriate.

Assist the U.N. Investigative Mission in Congo in fulfilling its mission by publicly disclosing the names of officers and Rwandan units deployed in Congo from September 1996 up to the present, as well as all other information relevant to their mandate.

Denounce deliberate killings of civilian refugees and Congolese civilians during the war that brought the ADFL to power and up to the present.

Protect and assist refugees upon repatriation to Rwanda. Cooperate fully with the UNHCR in its efforts to protect and assist refugees, in particular by providing access to recent returnees.

To all Members of the International Community, including the United Nations, the European Union and its member states, the United States, and the Organization of African Unity:

Insist that accountability for human rights abuses in Congo and Rwanda not be sacrificed for economic or diplomatic reasons. Members of the ex-FAR and Interahamwe militia, as well as individuals from the ADFL, RPA, and other militaries or mercenaries responsible for massive civilian killings in Rwanda or in Congo should not be granted impunity

Consider extending the mandate of the International Criminal Tribunal in Arusha to include jurisdiction over war crimes and crimes against humanity committed during the war in Congo.

Make assistance for the Congolese judiciary an urgent priority once the government of Congo fully complies and cooperates with the U.N. Investigative Mission. Insist on the development of the judiciary as an independent institution. Assist the Congolese government in the establishment of other national institutions that will help to promote the rule of law, such as a permanent human rights commission, once full cooperation with the U.N. team takes place.

Provide immediate aid to the Congolese population via nongovernmental channels for

humanitarian relief. Condition the convening of any donor meetings and the granting of non-humanitarian aid, particularly balance of payments support, on full compliance and cooperation with the U.N. Secretary-General's Investigative Mission and respect for human rights. The European Union should lift the suspension of development aid to Congo, as outlined in the Lomé Convention, only upon full compliance and cooperation with the U.N. Secretary-General's Investigative Mission.

Support Congolese organizations of civil society in their efforts to promote and protect human rights. Encourage the Congolese government to foster the growth of and consult with such organizations.

Make sufficient human and financial resources available to the UNHCR to enable a process of individual determination of refugee status for Rwandans, Burundians, and other refugees in the subregion. Protection, assistance, and the right to asylum should be provided to those who qualify by the states of the Great Lakes region as well as the international community.

Assure that ex-FAR, Interahamwe militia, and others implicated in the 1994 genocide in Rwanda, as well as these forces and Mobutu's FAZ who have committed war crimes and other humanitarian law violations under the Mobutu government or since the ADFL took power, are pursued wherever they may be and brought to justice.

The United Nations should continue its human rights investigation in Congo regardless of whether the Kabila government cooperates with the investigation. If access to Congolese territory is impossible, the U.N. should continue the investigation based on sources available outside the country. The U.N. team should also investigate the various levels of responsibility for the crisis, including the failure of the international community to remove armed elements from the camps in eastern Zaire and in permitting them to prepare new combat against Rwanda.

Specific recommendations to the U.S. government:

Publicly acknowledge and denounce deliberate killings of civilians in Congo by the members ADFL, troops of the Rwandan Patriotic Army (RPA) and members of other foreign militaries allied with the ADFL, and release all information available regarding these atrocities.

U.S. Department of Defense and other government agencies should fully disclose the nature of all present and past involvement in training, tactical support, field assistance, or arms shipments to Rwanda or Congo for use by the ADFL or Rwandan, Ugandan or other forces operating in the Democratic Republic of Congo.

Conduct investigations to determine whether any of the military involved in civilian massacres or other gross violations of international humanitarian law have received training from the U.S. armed forces or other U.S. agencies, either in the region or in the U.S. Make public the identities of any such military and insist on their prosecution where appropriate.

Immediately suspend any tactical support, field assistance, or arms shipments to Rwanda.

The U.S. should conduct a thorough evaluation of the efficacy of U.S. military training to Rwanda in the areas of international humanitarian law, military justice, and other areas pertaining to the respect of human rights. The U.S. should make public its findings of this investigation.

This report will be available on our Web Site on October 9, 1997  
<http://www.hrw.org/reports97/congo/index.htm>

Copies of the report are available from the Publications Department, Human Rights Watch, 485 Fifth Avenue, New York, NY 10017, for \$8.50 (domestic shipping) and \$13 (international shipping). Visa and MasterCard accepted.

Human Rights Watch/Africa Human Rights Watch is dedicated to protecting the human rights of people around the world. We stand with victims and activists to bring offenders to justice, to prevent discrimination, to uphold political freedom and to protect people from inhumane conduct in wartime. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those holding power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all.

Kenneth Roth is the executive director and Robert L. Bernstein is the chair of the board.

Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Peter Takirambudde is the executive director; Janet Fleischman is the Washington director; Suliman Ali Baldo is the senior researcher; Alex Vines is the research associate; Bronwen Manby and Binaifer Nowrojee are counsels; Ariana Pearlroth and Juliet Wilson are associates; Alison DesForges is a consultant; Peter Bouckaert is the Orville Schell Fellow. William Carmichael is the chair of the advisory committee.

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Fédération Internationale des Ligues des Droits de l'Homme (FIDH) The International Federation of Human Rights is an international nongovernmental organization for the defense of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 89 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in some one hundred countries. FIDH enjoys consultative status with the United Nations, UNESCO, the European Council and observer status with the African Commission of Human and Peoples' Rights. Antoine Bernard is the executive director. Patrick Baudouin is president; Pascuale Bandiera, Hélène Cidade-Moura, René Degni-Segui, Enoch Djondang, Michael Ellman, Oswaldo Enriquez, Carmen Ferrer Peña, Cecilia Jimenez, Haytham Manna, Gerald McKenzie, Sabine Missistrano, Francisco Soberon, Robert Verdier, Vo Van Ai and Saadeddine

Zmerli are vice-presidents; Odile Sidem Poulain, Claude Katz and William Bourdon are secretary generals; and Philippe Vallet is treasurer of the international board. Catherine Choquet is deputy secretary general and Eric Gillet is coordinator for Burundi and Rwanda.

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## **Human Rights Watch Urges Donors to Link Aid to DRC to Human Rights**

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Human Rights Watch Urges Donors to Link Aid to DRC to Human Rights (December 1, 1997) - As the World Bank prepares to meet in Brussels to discuss aid to the Democratic Republic of the Congo (DRC), Human Rights Watch/Africa today urged donor nations not to repeat the mistake of funding a repressive government in the hopes of achieving stability in central Africa. Rather, the rights group called for aid to be linked to carefully calibrated benchmarks and based on an ongoing evaluation of human rights and democratization criteria. "The risk here is that donors will find themselves in the same position they were in under the Mobutu regime," said Peter Takirambudde, executive director of Human Rights Watch/Africa. "They are getting ready to contribute to the bank accounts of a regime that is violating basic human rights and has shown no commitment to democracy."

Donors can best achieve their goal of political stability in central Africa by continuing to



demand accountability for the massive slaughter of civilians that took place as President Laurent Desire Kabila came to power and by insisting that the new government respect human rights and the rule of law. Attempting to buy stability by unconditioned infusions of bilateral and multilateral aid will only encourage the DRC government to continue its policies of repression, its politics of exclusion, and its rule by force. The continuation of these practices will lead to further bloodshed, as was shown by the military killings in the last few days, and in the devastation of the social and economic infrastructure built with foreign assistance.

The DRC government has both violated basic human rights and has hindered the U.N. investigation into the mass killing of civilians. Since May 1997, the Kinshasa authorities have successfully resisted international pressure, including numerous interventions by U.S. Ambassador Bill Richardson and U.N. Secretary-General Kofi Annan, to let the investigation move forward. The same authorities deny the basic rights of Congolese and make little progress towards establishing a democratic state. In many parts of the country, they have engaged in brutal and arbitrary arrests of those whom they regard as political opponents and defenders of human rights. They have banned political activity by parties other than Kabila's Alliance of Democratic Forces for the Liberation of Congo (ADFL) and they named only ADFL members to a commission recently created to draft Congo's new constitution. They have restricted freedom of association and freedom of assembly, and have threatened journalists, human rights activists, and members of the political opposition. On November 25, for example, a leader of an opposition party was arrested after giving a press conference critical of the Kabila government. A group of ten journalists, including members of the international press corps, who had attended the conference, were also detained and whipped by police. They have warned organizations of civil society - development NGOs, churches, human rights groups and others - that they should expect to play only a limited role in reconstructing and re-defining the new Congo, despite their Herculean efforts over the past several years to serve the population of the decaying Zairian state.

During the last years of the Mobutu regime, the European Union and other donors brought hundreds of millions of dollars of assistance to the Congolese population through international and national organizations of civil society, while avoiding government bank accounts. Human Rights Watch urges the European Union, the United States, and other donors to continue this practice until the human rights record of the current government improves. In this way, donors may assist the people without backing their repressive leaders.

Human Rights Watch called on donors to make bilateral and multilateral assistance to the central government contingent upon: 1) demonstrable and tangible progress in the field investigative phase of the U.N. Investigative Team and ultimately in bringing the perpetrators of the massacres to justice; and 2) improved respect for the rule of law, human rights, and democratic principles by the Congolese government. The latter would include measures such as lifting the ban on political activity; guaranteeing the participation of organizations of the Congolese civil society in the reconstruction and re-defining of the new Congo; ceasing harassment of independent voices among the political opposition, media, and civil society; and a clear commitment to holding the military accountable for human rights abuses. Periodic evaluation and monitoring to ensure that benchmarks in these areas are met will be essential to guarantee that financial aid is well spent and is not serving to reinforce repressive practices, as

was the case under Mobutu. In order to discourage future rounds of massive civilian slaughter in the region, it will be particularly important to progressively monitor the Congolese government's cooperation with the U.N. investigation and subsequent efforts to bring to justice those implicated in crimes against humanity. Further bilateral aid, such as balance of payments support, should be contingent upon the progressive implementation of institutional and legal reforms to guarantee respect for human rights.

Human Rights Watch fears that the opportunity to have positive influence on Congo during its formative stages may be missed. Only a firm and consistent policy on human rights and the rule of law will limit abuses by those with military power and encourage those who are struggling to rebuild their societies.. To do otherwise risks creating the same destructive alliance that the West held with former President Mobutu; namely contributing to the bank accounts of a corrupt government that trampled on the rights of its citizens and destabilized the region.

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## **Halt of Arms to All Parties in Civil war**

(8 December 1997)--In *Stoking the Fires: Military Assistance, Arms Trafficking, and the Civil War in Burundi*, released today, Human Rights Watch charges that members of the international community have blithely continued to supply arms or other forms of military assistance to the parties to the civil war in Burundi, or have allowed their territories to be used as transshipment points for weapons.

The report documents how, during the past four years, a seemingly unstoppable flow of arms has reached all parties to the Burundian conflict and contributed to serious abuses of human rights and humanitarian law. Tens of thousands of unarmed civilians have been killed in this war, often solely because of their ethnicity, and hundreds of thousands of others have been forcibly displaced.

Human Rights Watch calls on the international community to impose an international arms embargo on both sides of the conflict, and on individual states to investigate and prosecute persons who, in their deadly commerce, have violated national and international laws.

The report, summing up an extensive field investigation in central Africa, describes the routes and the networks through which weapons are supplied to the Burundian combatants. *Stoking the Fires* also reveals that China, France, North Korea, the Russian Federation, Rwanda, Tanzania, Uganda, the United States, and Zaire (the pre-May-1997 Congo) have directly provided military support to abusive Burundian forces (though France and the United States maintain that their assistance ceased in 1996). Angola, Kenya, Rwanda, Tanzania, Uganda, and Zaire permitted the transshipment of weapons through their territories or allowed insurgents to establish bases on their soil. Most commonly, private arms merchants took and continue to take advantage of loose restrictions on arms transfers, poor controls at border points and corrupt officials.

"Governments and arms traffickers through much of the region have supported or supplied both Hutu rebels and Tutsi forces in Burundi," says Kathi Austin, Human Rights Watch investigator and co-author of the report. "There are, however, instances in which states have clearly taken sides. The Mobutu government's support for the Hutu rebel forces in eastern Zaire and elsewhere in the region extended both to hosting these forces and facilitating their resupply. At the same time, some of Mobutu's cronies have offered supplies to the Burundian government." In contrast, continues Austin, Uganda and Rwanda appear to have served as conduits primarily to Burundian government forces and associated Tutsi militia. Arms flows through Kenya, Tanzania, South Africa, Mozambique, and on direct flights from European

suppliers tended to be less partisan. While the Tutsi-dominated government in Burundi as well as the Hutu rebels each had procurers operating in Europe and in east and southern Africa, some arms suppliers appear to have catered to either side motivated exclusively by profit.

Typically, the Burundian security forces and Tutsi militia and gangs received weapons over land via Tanzania, Uganda or Rwanda, by air into Bujumbura from central and southern African states, including Zaire and South Africa, and across the lake from Zaire. The Hutu insurgents were supplied in Tanzania and, at least until the end of 1996, in eastern Zaire, usually via Angola, South Africa, Zambia and Zaire.

Whether motivated by profit or acting on a political agenda, governments and private weapons suppliers share responsibility in the Burundian civil war and the human rights abuses that it has engendered. Now raging in several provinces of that country, this recent round of conflict was ignited in October 1993 when the predominantly Tutsi army assassinated Hutu president Melchior Ndadaye and effectively put an end to Burundi's brief experiment with democracy. The cycle of ethnic strife and reprisal that ensued saw the emergence of a steadily growing insurgency organized on behalf of the Hutu majority. The rebellion intensified after the July 1996 coup d'etat that dissolved a transitional government and, with the army's backing, installed Pierre Buyoya to the presidency.

"We believe that nations as well as individuals continue to stoke the fires despite a regional embargo imposed against Burundi in August 1996," observes Joost Hiltermann, director of the Human Rights Watch Arms Project and the other co-author of the report. "This ongoing pattern is fully consistent with information we have collected in the Great Lakes region over the past four years. But the international community, while noting almost as a matter of bureaucratic routine the serious abuses that have occurred, has taken precious few steps to stop them." Hiltermann adds that when it comes to official responsibilities, research conducted by Human Rights Watch shows that governments were either involved in the direct supply of military assistance, or have wittingly failed to inhibit the trade, while some have simply adopted a laissez-faire attitude, tolerating corruption and illegal activities by private actors.

Human Rights Watch has asked several governments to provide answers to these issues. "We certainly did not expect a choral mea culpa," says Loretta Bond, advocacy coordinator of the Human Rights Watch Arms Project. "However, the outright denials we have received blatantly clash with the evidence from the field. Meanwhile, the Burundian government remains defiant in the face of regional sanctions, knowing that the one-sided embargo can be and is circumvented."

In light of the evidence collected by Human Rights Watch of continuing transfers of weapons to Burundian belligerent parties, Human Rights Watch provides an extensive list of recommendations. These include:

- Imposition of an international arms embargo on the sale or supply of arms and ammunition, as well as military materiel and services, against all sides in the war.

-Deployment of U.N. or Organization of African Unity (OAU) military observers at key border crossings and airstrips in the Great Lakes region, including, and especially, in Burundi, Rwanda, Uganda, Tanzania, Angola and Congo.

-Reactivation of the U.N.-established International Commission of Inquiry (Rwanda), known as UNICOI, and extension of its mandate to include Burundi; and the immediate and public release of the commission's yet-unpublished final report dated October 29, 1996.

-Imposition of an OAU moratorium on arms sales to the Great Lakes region as proposed by the U.N. special rapporteur on Burundi.

-Convening of a regional conference on arms trafficking, security and human rights in the Great Lakes region.

-Establishment of a regional arms control agency, with representation from all states in the Great Lakes region, empowered to investigate members' compliance with the international arms embargo and other arms control mechanisms.

-Creation of national mechanisms to support an international arms embargo, including the establishment of offices by states neighboring Burundi whose tasks would be to monitor, implement and enforce the operation of the embargo on their own territory.

-Enaction and implementation of domestic legislation enabling the prosecution of nationals who sell weapons, ammunition, military materiel (including dual-use equipment) or military services to the warring sides in Burundi, even if such nationals operate on the territory of other states.

-Creation of a voluntary register of movements and acquisitions of small arms, ammunition, and military materiel and personnel to which all states in the Great Lakes region would submit full information about their purchases and knowledge of transactions on an annual basis.

-Funding for serious institutional attempts in the Great Lakes region to improve control of weapons transfers through stricter border controls and regular information exchanges between senior security and customs personnel of states in the region.

-Funding for a disarmament commission to study the feasibility of demobilization and ethnic integration of Burundi's security forces, and of possible weapons destruction and buy-back programs.

-Active enforcement of measures to prevent armed organizations with a record of gross abuses from operating from the territories of states in the region.

-Publication of all information on arms transfers to Burundi since 1993, including types and quantities of weapons, ammunition, military materiel (including dual-use equipment), and military services.

-Strict enforcement of existing export controls on weapons (especially light weapons and small arms) and military services.

-Creation of a voluntary U.N. register of light weapons and small arms that would complement the existing U.N. conventional arms register.

-Adoption of a code of conduct on arms transfers by regional entities like the European Union, the Organization of African Unity, the South African Development Community, and others.

-Support for new initiatives aimed at curbing the flow of arms into conflict-ridden zones, such as the E.U. "Programme for preventing and combating illicit trafficking in conventional arms".

Human Rights Watch calls on the international community and individual member states to implement the above measures to prevent further abuses of human rights and international humanitarian law in the tragic conflict in Burundi.

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## **Human rights headed in the wrong direction**

(New York, December 18, 1997) Political parties, other than the ruling Alliance of Democratic Forces for the Liberation of Congo (ADFL), are banned, government agents continue to disperse political meetings and peaceful demonstrations, journalists are frequently detained and ill-treated for their words, and rights defenders who seek to document and report these abuses and promote human rights are themselves targeted for arrest and ill-treatment. In *Uncertain Course: Transition and Human Rights Violations in the Congo*, released today, Human Rights Watch charges that the government of President Laurent Kabila of the Democratic Republic of the Congo commits violations of fundamental rights daily. Peter Takirambudde, executive director of the Africa Division of Human Rights Watch, declared, "We are concerned that things are headed in the wrong direction in the Congo. The evidence we have gathered indicates that so far there is no hint of democracy anywhere in the practice of the new government. Unless significant changes occur, the Congolese peoples' hopes for a quick return to the rule of law, genuine democratization, and full enjoyment of democratic rights will wither away." In May 1997, the ADFL ousted long-time dictator Mobutu Sese Seko. The alliance appointed its president as head of state and, by constitutional decree, gave him sweeping legislative, executive and judicial powers reminiscent of the Congo's authoritarian past. He is empowered to legislate by decree and to head the council of ministers, whose members he can both hire and fire. Although the decree provides for the independence of the judiciary, the president can dismiss judges, magistrates and the public prosecutor.

Upon taking office, in late May 1997, President Laurent Kabila promised a transitional agenda that would lead to legislative and presidential elections in two years. In practice, the ADFL enforced a strict ban on political activities. The ban affects both political parties friendly to the ADFL and those opposed to its exclusive hold on power. For example, in a first move towards the implementation of the electoral calendar, a constitutional commission was appointed, but excluded non-ADFL members.

Current human rights concerns in the Congo include:

**Freedom of Association and Assembly:** In its bid to monopolize power, the government of the Congo routinely cracks down on those political parties with any credible claim of popularity and national presence. Police and a plethora of security agencies attack their meetings, public and private, and arrest their supporters and often subject them to torture and ill-treatment. The attacks are strategically targeted to cripple the infrastructure of these parties, and frighten away their members, particularly those in the youth branches and the student movement who to a large extent give the opposition its vitality and credibility. Human rights defenders who

stepped forward to denounce the abuses themselves became the targets of arbitrary detentions and ill-treatment.

**Freedom of Expression:** The bustling private press of Kinshasa maintains the same critical stance toward the new government as it had under Mobutu. Authorities show some tolerance of criticism, as long as certain issues they deem sensitive, such as high-level corruption and the human rights record of the government, are not raised. Newspapers which crossed the line have been raided and ransacked and their reporters have been detained for weeks at a time.

**Insecurity:** The political and civil situation in the Congo is also dangerous for average Congolese. The government has yet to integrate soldiers from different regions, ethnic backgrounds, or from neighboring countries, under a unified command structure. Tensions between competing military units led to several shootouts in which civilian bystanders were killed.

**The Judiciary:** The new authorities have failed to address the much needed reform of the tainted and ineffective judicial system they inherited from the Mobutu era so that the judicial protection of rights remains a dead letter.

Human Rights Watch offers extensive recommendations to the government of the Congo and to the international community:

Human Rights Watch Calls on the Government of the Democratic Republic of the Congo (DRC) to:

1. Guarantee the full respect of human rights and fundamental liberties in accordance with the provisions of international and regional instruments for the protection of such rights and liberties to which the Democratic Republic of the Congo is party, notably the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, taking action to this effect to:

establish an independent judiciary in accord with the U.N. Basic Principles on the Independence of the Judiciary, institute safeguards against torture and ill-treatment, including by bringing all detainees before a judicial authority without delay; ending routine incommunicado detention; and providing for prompt and regular access to detainees by relatives, doctors and legal counsel;

institute further safeguards against "disappearance" and extrajudicial execution, including provisions that no one ever be held in secret detention, prisoners only be held in places publicly acknowledged as places of detention, relatives be promptly informed of the whereabouts of prisoners, and prisoners be held only under the supervision of the courts;

carry out a thorough and independent inquiry into cases of arbitrary detention, beatings, and torture of human rights defenders, journalists, and political activists documented in this and other reports, and bring the perpetrators to justice;

respect freedom of expression, lift arbitrary restrictions on the print media and public broadcasting and cease harassment and arbitrary detention of journalists, political



commentators and others solely for the expression of their opinions;

uphold the right of people to form political parties by lifting the ban on political activity and guaranteeing the freedom of people to participate in the political process;

respect freedom of assembly by lifting the arbitrary ban imposed by law and in practice on public meetings and halting arbitrary police actions to ban or disperse such meetings and demonstrations;

recognize the right of Congolese to form nongovernmental organizations and their right to freedom of association and expression;

halt arbitrary arrests, intimidation and acts of violence targeting participants in nonviolent civil organizations;

release all those imprisoned on strictly political grounds or who have not been charged with a recognizable criminal offense;

recognize the rights of human rights defenders in the Congo to monitor, investigate, and speak out on human rights concerns and to associate freely with others nationally and internationally in the promotion and protection of human rights;

create an independent electoral commission that can put in place mechanisms to ensure an accurate and credible registry of voters and the development of an open and fair process for the registration of political parties and candidates;

reform the army and other security institutions as non-partisan, professional and nationally-representative forces under civilian control. All security forces should be trained regarding the relevant international standards and national laws that govern arrest, the use of force, and the rights of suspects.

2. Uphold the binding norms of international humanitarian law, in particular:

investigate the violation of international humanitarian law by members of the government's military and security forces and hold them criminally accountable for such abuses;

cooperate with United Nations Secretary-General's Investigative Mission which is investigating violations of international humanitarian law;

permit and facilitate access by humanitarian organizations to civilian populations, including to refugees and the internally displaced, in areas affected by conflict and other emergencies. Provide safe land, river and air access for the provision of humanitarian aid.

Human Rights Watch urges all members of the International Community, including the United Nations, the European Union and its member states, the Organization of African Unity, the World Bank, Canada, Japan, and the United States to:

immediately reinforce the flow of aid for the Congolese people through organizations of Congolese civil society, international NGOs, United Nations agencies, and channels other than the central government. This aid should focus on humanitarian needs and development projects, as well as human rights and pro-democracy initiatives that focus on key areas such as health, education, infrastructure, and the rule of law;

vigorously and publicly call on the government of the Congo to improve its human rights record and ensure that accountability for human rights abuses in the Congo is not sacrificed for economic or political expediency;

make bilateral and multilateral assistance to the central government of the Congo contingent upon the government's meeting a series of calibrated benchmarks over time. Minimum conditions for aid to the government should be: 1) demonstrable and tangible progress in the field investigative phase of the U.N. Secretary-General's Investigative Mission; and 2) improved respect for the rule of law, human rights, and democratic principles by the Congolese government.

Respect for these basic rights includes:

lifting the ban on non-ADFL political activity;

ceasing its ongoing intimidation and harassment of independent voices, including the political opposition, the nongovernmental community, and the media;

extending guarantees of freedom of assembly, association, and expression to these groups. Encouraging the participation of civil society in reconstruction initiatives, and including non-ADFL voices in decision-making processes, such as the development of a new constitution, that will shape the new Congo;

demonstrating a clear commitment to end impunity and to hold its security forces accountable for human rights abuses.

Further aid to the government of the Congo, including for balance of payments support, should be contingent upon the progressive implementation of institutional and legal reforms to guarantee respect for human rights and the rule of law, including:

judicial independence, guided by the U.N. Basic Principles on the Independence of the Judiciary. Restoration of bilateral and multilateral assistance to the Congolese judiciary at all levels should be an urgent priority once the government meets the basic conditions outlined above;

respect for the rights of human rights defenders in the Congo to monitor, investigate, and speak out on human rights concerns and to associate freely with others nationally and internationally in the promotion and protection of human rights;

the creation of an independent electoral commission that can put into place mechanisms to ensure an accurate and credible registry of voters and the development of an open and fair process for the registration of political parties and candidates;

the reform of the army and other security institutions as non-partisan, professional and nationally-representative forces under civilian control. All security forces should be trained regarding the relevant international standards and national laws that govern arrest, the use of force, and the rights of suspects;

ongoing cooperation of the government with the U.N. Investigative Mission and subsequent efforts to bring the perpetrators of the massacres to justice.

Additionally, members of the international community should hold regular and frank discussions with the Kinshasa government regarding the nature of their assistance and the precise outcomes of aid. Donors must be willing to monitor and progressively evaluate the impact of their assistance to ensure that aid is well spent and not reinforcing repressive practices;

establish a special working group to coordinate aid policies and review the performance of the government of the Congo in meeting the aforementioned conditions;

provide moral, financial, and technical support to civil society organizations to assist them in playing an active role in the transition toward a democratic society and in monitoring, lobbying and campaigning for improved human rights standards.

Human Rights Watch calls on Canada, E.U. member states, Japan, Norway, the OAU member states, and the United States to :

Encourage their diplomatic representatives in Kinshasa to commit to the energetic advancement of human rights in the Democratic Republic of the Congo by meeting regularly with the human rights community, publicly censuring human rights abuses, and using their bilateral relations with the DRC to achieve maximum leverage on human rights.

**Human Rights Watch: Mission Statement** Human Rights Watch is dedicated to protecting the human rights of people around the world. We stand with victims and activists to bring offenders to justice, to prevent discrimination, to uphold political freedom and to protect people from inhumane conduct in wartime. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those holding power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all.

Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Peter Takirambudde is the executive director; Janet Fleischman is the Washington director; Suliman Ali Baldo is the senior researcher; Alex Vines is the research associate; Bronwen Manby and Binaifer Nowrojee are counsels; Ariana Pearlroth and Juliet Wilson are associates; Alison DesForges is a consultant;

and Peter Bouckaert is the OrvilleSchell Fellow. William Carmichael is the chair of the advisorycommittee.

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## **Mudende massacre investigation urged**

HUMAN RIGHTS WATCH / AFRICA F+D+RATION INTERNATIONALE DES  
LIGUES DES DROITS DE L'HOMME

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(December 19, 1997) Human Rights Watch and the International Federation of Human Rights Leagues (FIDH) strongly condemned the slaughter of at least one thousand Congolese refugees at Mudende camp in northwest Rwanda last week. According to the Rwandan government, insurgents within the country and others from the Congo launched the midnight attack. Only the most recent case of combatants killing civilians in the region, the massacre underscores the need for full inquiry and firm action against those who blatantly violate international humanitarian law.

The two international human rights organizations urged the United Nations Human Rights Field Operation in Rwanda to investigate the attack fully and to publish the results of its inquiry promptly.

They also called upon Rwandan authorities to investigate the failure of Rwandan Patriotic Army (RPA) troops to protect the refugees. According to a preliminary account by Rwandan authorities, the soldiers charged with protecting the 17,000 refugees in the camp were absent investigating a reported ambush at the time of the attack and failed to return in time to halt the slaughter. None of the attackers was captured or killed.

United States Secretary of State Madeleine Albright, who was visiting Rwanda at the time, directed David Scheffer, U.S. Ambassador-at-large for War Crimes, to visit the site and to investigate the massacre. Human Rights Watch and FIDH urge Ambassador Scheffer to make public the results of his inquiry.

Human Rights Watch and FIDH urge that in the future all refugee camps be established at a substantial distance from national frontiers in order to minimize the risk of cross-border attacks.

Congolese of Rwandan Tutsi origin, attacked last week, were previously targeted in massacres in Masisi, Congo, in 1993 and 1996, attacks previously documented by Human Rights Watch and FIDH.

The two organizations insist that the international community, whose failings at the time of the Rwandan genocide have been recently acknowledged both by Secretary of State Albright and the Belgian Senate, require compliance with international humanitarian law as a condition for military and financial support. Only such a policy, in combination with judicial action, can offer a possible end to continuing conflict and instability in the region.

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The staff includes Kenneth Roth, executive director; Susan Osnos, associate director; Michele Alexander, development director; Cynthia Brown, program director; Barbara Guglielmo, finance and administration director; Patrick Mingos, publications director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Susan Osnos, communications director; Jemera

Rone, counsel; Wilder Tayler, general counsel; and Joanna Weschler, United Nations representative. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair.

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#### Fédération Internationale des Ligues des Droits de l'Homme (FIDH)

The International Federation of Human Rights is an international nongovernmental organization for the defense of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 89 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in some one hundred countries. FIDH enjoys consultative status with the United Nations, UNESCO, the European Council and observer status with the African Commission of Human and Peoples' Rights. Antoine Bernard is the executive director. Patrick Baudouin is president; Pasquale Bandiera, Húne Cidade-Moura, René Degni-Segui, Enoch Djondang, Michael Ellman, Oswaldo Enriquez, Carmen Ferrer Peña, Cecilia Jimenez, Haytham Manna, Gerald McKenzie, Sabine Missistrano, Francisco Soberon, Robert Verdier, Vo Van Ai and Saadeddine Zmerli are vice-presidents; Odile Sidem Poulain, Claude Katz and William Bourdon are secretary generals; and Philippe Vallet is treasurer of the international board. Catherine Choquet is deputy secretary general and Eric Gillet is coordinator for Burundi and Rwanda.