

**Document 39/04** (09.05.97)

Source: Joint Investigative Mission for eastern Zaire (UN) Date: 09 May 1997 -----  
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## **Human Rights Investigators Urge ADFL to Reconsider Position**

HR/97/25

The following statement is issued by the three members of the United Nations Joint Investigative Mission for eastern Zaire: the Special Rapporteur for Zaire, Roberto Garretón (Chile); the Special Rapporteur on extrajudicial, summary or arbitrary executions, Bacre Waly Ndiaye (Senegal); and Jonas Foli (Ghana), member of the Working Group on Enforced or Involuntary Disappearances.

We deeply regret that the Alliance of Democratic Forces for the Liberation of Congo/Zaire (ADFL) has so far declined to allow the United Nations Joint Investigative Mission for eastern Zaire to enter the territory under its control. We urge the leadership of the ADFL to reflect on its responsibilities and reconsider its current position.

Since the Joint Mission was established by a consensus vote of the Commission on Human Rights on 15 April 1997, the United Nations Security Council, the Special Representative of the Secretary-General and of the Organization of African Unity, diplomatic representatives of Member States and senior officials of the United Nations have urged the ADFL to cooperate fully with the Mission.

On 8 May, the ADFL provided our envoy in Lubumbashi with a paper setting out its views on the Mission and proposing that a team of "national experts" should work with our Joint Investigative Mission. The paper also notes "serious reservations" regarding the participation of Mr. Garretón in the Mission.

In our view, the paper indicates the ADFL's desire to be *juge et partie* (members of its own jury) in this investigation which we should conduct with regard to all allegations regarding massacres and other grave and massive violations of human rights by all parties in the area of conflict.

We are bound by the mandate determined by the Commission on Human Rights and by the standard terms of reference established for investigative procedures of the Commission and aimed at ensuring their independence, impartiality and security. Accordingly, we ask the ADFL to give our Mission its full and unconditional cooperation to enable it to fulfil its mandate, which, we believe, remains a priority issue for the international community.

It is generally accepted that there have been massacres and other grave violations of the right to life and international humanitarian law in eastern Zaire since September last year. Many of

the victims have been refugees from Rwanda, but Zaireans have also been targeted. There is evidence that various groups are responsible for such attacks. It is also clear that violations of human rights are continuing.

The purpose of our Mission is to investigate a number of the more serious and credible allegations with a view to ascertaining whether massacres have been carried out in a systematic and planned manner. We are also charged with investigating which individuals or groups have been responsible for such killings.

We believe such investigations are an essential part of the restoration of the rule of law for Zaire and also for its neighbours, Burundi and Rwanda. It is evident to all that the culture of impunity, in which one group kills another without fear of the consequences, only breeds more killings, instability and a perpetuation of the cycle of tragedies we have seen unfold in recent years.

The Mission, with its team of forensic experts, has been Kigali, Rwanda, for the past five days hoping for final clearance from the ADFL to begin its work. Despite the considerable preparations already undertaken, we believe that there is no longer enough time for the Mission to conduct sufficient investigations in Zaire in order to present a substantive report to the United Nations General Assembly by 30 June 1997.

In these circumstances, the report we will now prepare for the General Assembly will reflect our efforts to date and the most recent evidence available of human rights violations in eastern Zaire, as well as make recommendations for the remaining period of our mandate.

Our hope is that the ADFL will reconsider its current position and allow the Mission to carry out investigations in eastern Zaire in the coming months in order to provide a comprehensive report to the Commission of Human Rights at its next session in March-April 1998 or to another session of the General Assembly if it so decides.

For further information, please contact the information officer attached to the Joint Investigative Mission, John Mills, on Kigali 250-72892.

United Nations Information Service at Geneva Press Releases are available on the Internet at the following address: <http://www.unog.ch>

**Document 39/20** (12.05.97)

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## **Joint Investigative Mission to Eastern Zaire Leaves Region**

HR/97/26

The following is attributable to a spokesman for the Joint Investigative Mission to eastern Zaire which comprises: the Special Rapporteur for Zaire, Roberto Garreton (Chile), the Special Rapporteur for extrajudicial, summary or arbitrary executions, Bacre Waly N'diaye (Senegal) and Jonas Foli (Ghana) a member of the Working Group on Enforced or Involuntary Disappearances:

The joint Investigative Mission to eastern Zaire has decided that it will leave the region on the evening of 10 May, 1997

The Mission along with a five-member team of forensic experts has been in Kigali, Rwanda since the evening of 3 May, 1997 awaiting final clearance from the Alliance of Domestic Forces for the Liberation of Congo/Zaire (ADFL) to begin its work in eastern Zaire.

The three members of the Mission wish to underline their continued commitment to fulfilling the mandate from the Commission on Human Rights for a comprehensive, impartial and independent inquiry into the numerous allegations of massacres and grave human rights violations in eastern Zaire.

The mission is prepared to return once there are assurances from the ADFL of its full and unconditional cooperation including security guarantees.

United Nations Information Service at Geneva Press Releases are available on the Internet at the following address:

*Source: Joint Investigative Mission for eastern Zaire (UN)*

**Date: 20 Aug 1997**

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## **UN investigative team will travel to DR Congo on 23 Aug 1997**

HR/4334

GENEVA, 20 August (UN Information Service) -- The head of the Secretary-General's investigative team for the Democratic Republic of the Congo, Atsu-Koffi Amega, made the following statement today at a press conference at the Palais des Nations, Geneva:

On 15 July, the Secretary-General of the United Nations informed the President of the Democratic Republic of the Congo of his decision to appoint a team under his authority to investigate these serious violations of human rights and international humanitarian law allegedly committed in the country since 1 March 1993. The investigative team, which I have the honour to head, also comprises Reed Brody and Andrew Chigovera.

The team gathered in Geneva on 13 August in order to elaborate its methodology and work plan and to listen to presentations from concerned United Nations programmes, humanitarian organizations and non-governmental organizations.

This preparatory and conceptual work is now coming to an end, and the team will travel to the Democratic Republic of the Congo on 23 August.

The Secretary-General has been able to identify an initial amount of \$2.1 million from the regular budget of the United Nations to cover the immediate needs of the team. In order to collect additional funds, we have made initial contacts with donor countries. Moreover, this morning the Officer-in-Charge of the High Commissioner for Human Rights sent a letter to Member States asking them to do everything possible to aid the team to successfully fulfil its mandate.

We owe it to the people of the Democratic Republic of the Congo to shed light on the tragic events that have occurred there. The prosperity of the Congolese nation and the future of the observance of human rights depend on it.

We acknowledge with satisfaction the multiple expressions of cooperation by the authorities of the Democratic Republic of the Congo and count on a continuation of these positive arrangements. This will undoubtedly allow the team to advance the causes of justice, peace and stability, not only in that country but throughout the region and the world. \* \* \* \* \*