

The U.N. High Commission for Refugees also suffered funding cuts, hampering provision of its services, including protection, for refugees just at a time when increasing numbers of Rwandans and Congolese sought their assistance and when planning was needed for the hundreds of thousands of refugees who may return home if the war ends.

Relevant Human Rights Watch Reports:

To Protect the People: The Government-Sponsored "Self-Defense" Program in Burundi, 12/01.

DEMOCRATIC REPUBLIC OF CONGO (DRC)

HUMAN RIGHTS DEVELOPMENTS

With the accession of Joseph Kabila as president of the Democratic Republic of Congo (DRC), hopes were raised in January for an end to the disastrous war that has cost more than two million lives. During the four years of war, all parties routinely attacked civilians, killing, raping, and maiming thousands. Hundreds of thousands of civilians died of hunger, diseases, or exposure as a result of the war. Belligerents this year implemented some terms of the 1999 Lusaka Accords meant to end the war: troops disengaged along the front lines, some Ugandan and Rwandan government soldiers returned home, some 1,500 Rwandan rebels laid down their arms, and United Nations troops (U.N. Organization Mission in Congo, MONUC) began monitoring compliance with the accord. But late in the year fighting still raged almost daily in the eastern provinces and the inter-Congolese dialogue among Congolese actors about the future of their country was suspended days after it began. The DRC government, supported by Zimbabwe, Angola, and Namibia, controlled the western half of the country. Rebel movements, the most important being the Congolese Rally for Democracy (RCD), backed by Rwanda, and RCD-Kisangani and the Movement for the Liberation of the Congo (MLC), both backed by Uganda, controlled the east. The Congolese government and rebel authorities declared support for political openness and Kabila implemented some reforms, but all continued to limit dissent and harass and punish journalists and human rights defenders.

Rwanda and Uganda originally claimed their troops were in Congo to fight armed groups hostile to their governments and based in the DRC. But by 2001 they seemed equally concerned to control resources, trade routes, and access to tax revenues. A U.N. Security Council expert panel reported extensive exploitation of Congolese resources by Rwandans and Ugandans, acting in both public and private

capacities, underlining the importance of economic motives for the war. In November, the panel confirmed these findings and also criticized the massive exploitation of DRC resources by Kabila's allies, particularly Zimbabwe. Belgium, named in the report, set up a parliamentary commission to inquire into the role of its nationals in this exploitation.

In eastern DRC various armed groups continued the war, often acting as proxies for governments. Those which generally benefited from the support of the Congo government included Mai-Mai, militia hostile to all foreign presence; Rwandan rebels, including a nucleus of those who participated in the 1994 genocide in Rwanda, formed into the Army for the Liberation of Rwanda (ALIR) in the north and the Democratic Forces for the Liberation of Rwanda (FDLR) in the south; and Burundian rebels, usually fighting as part of the Forces for the Defense of Democracy (FDD). Those supported by Rwanda and Uganda included the armed groups linked the different branches of the RCD and MLC. In addition Rwandan army and RCD forces supported the militia of the Banyamulenge, a people generally associated with the Tutsi of Rwanda, and Ugandan forces frequently backed the Hema in their two-year-long conflict with neighboring Lendu over control of land. In the worst recent episode of this conflict which has cost some 15,000 lives, approximately four hundred Hema and Lendu were killed in Bunia in January. Burundian army troops also operated in the southern part of eastern DRC, attacking Burundian rebels and collaborating with RCD and Rwandan army soldiers.

Mai-Mai represented a diverse group of autonomous actors, some of whom opportunistically switched alliances. By September their groups had gained such importance that government and RCD alike tried to incorporate Mai-Mai into their delegations to the inter-Congolese dialogue but Mai-Mai maintained they should participate on their own.

All parties to the war abducted and recruited children to be trained and deployed as soldiers, as members of local militia or civil defense forces, or as workers attached to military units.

President Kabila, chosen by consensus among leading domestic and foreign players rather than by any constitutional mechanism, inherited autocratic powers from his father, the late President Laurent-Desiré Kabila. According to Decree Law No. 3 of 1997, all executive, legislative, and judicial powers rest in his hands. Kabila promised human rights reforms but delivered relatively little. He did impose a moratorium on the execution of death sentences in March which was still in effect in late November and in May he began demobilizing child soldiers from the Congolese army. But the security agencies continued the numerous abuses for which they were notorious in the past. Government agents were allegedly responsible for the summary execution of eleven Lebanese just after the assassination of the elder Kabila. Agents of the National Security Agency and the Military Detection of Antipatriotic Activities (DEMIAP) played an important part in investigations of the assassination. This occurred under the aegis of a commission set up in February and including Congolese and representatives of foreign allies of the government. The commission exercised unlimited power to interrogate and arrest suspects and afforded them no due process guarantees. Many detained by the com-

mission were reportedly tortured and some were “disappeared.” The worst abuses occurred in unofficial detention places run by the security agencies, including the death of one detainee from torture in mid-April. Bending to domestic and international outcry at abuses linked to the investigation, Kabila closed down unofficial places of detention and ordered detainees transferred to Kinshasa central prison. In September, authorities released some two hundred people detained mostly in connection with the investigation.

Kabila’s promises to limit the powers of the abusive Court of Military Order brought no reform by late October. In November 2000, the court found former presidential security adviser Anselme Masasu and eight of his subordinates guilty of conspiracy and ordered their execution, a sentence which was carried out before the moratorium mentioned above. In September 2001, in Katanga province, the court sentenced eight people to death and eighteen others to between five and twenty years imprisonment on charges of plotting to overthrow the government. All were said to have been tortured and to have had no legal counsel before the trial. There is no appeal to decisions by this court.

Officials in the Ministry of Interior and some provincial governors obstructed political party activities despite the promulgation of a new law in May that purported to liberalize political life. Leaders of opposition parties refused to acknowledge the new law. Police on July 30 arrested and beat participants in an opposition march in support of the peace process.

In areas under Rwandan government control, the RCD attempted to legitimate its de facto control by declaring eastern Congo a “federal state” and by establishing regional legislative assemblies. Many local leaders rejected these initiatives as preparatory moves towards secession. Anxious about challenges to their legitimacy, RCD authorities detained scores of Uvira residents, including leaders of civil society, when they sought to boycott a celebration of the August 2 anniversary of the RCD rebellion. Soldiers accused detainees of supporting the Mai-Mai and beat several of them, one so severely as to require hospitalization. In other areas as well, RCD and Rwandan soldiers routinely held persons accused of backing the Mai-Mai in military detention centers, private houses, or shipping containers and tortured and otherwise mistreated them. Several were reported to have “disappeared” while in custody. In Kisangani, RCD authorities denounced journalists and activists of the peace movement on the radio and at rallies, calling them traitors allied with hostile foreigners. After Radio Amani, owned by the Catholic Church, broadcast programs seen by the authorities as critical, agents of the Department of Security and Intelligence abducted and severely beat the clergyman who headed the Catholic Justice and Peace Commission. Authorities prohibited other civil society leaders from traveling and harassed them by sending soldiers to their homes at night.

This year, however, the RCD permitted Radio Mandeleo, banned two years before, to resume broadcasting.

Determined to avert any demonstration that might turn critical, RCD authorities banned public events planned by women’s organizations to celebrate International Woman’s Day on March 8. In September RCD soldiers broke up a demonstration of Bukavu residents who wanted to show support for a recent announcement that the Congo government would pay three years back pay to

state employees. RCD soldiers shot into the crowd and killed one fourteen-year-old boy.

In areas under Ugandan control, Ugandan soldiers and their local allies arbitrarily detained, ill-treated, or tortured political opponents, holding some in pits underground.

Banyamulenge militia, Rwandan rebels, and Mai-Mai attacked persons whom they suspected of supporting their opponents, killing and maiming civilians and destroying or pillaging their property. In May, Mai-Mai abducted twenty-six foreign nationals who worked for a logging company, but later released them all. In early September Mai-Mai in the area of Butembo ambushed a vehicle carrying two local civil society leaders who sought to mediate between their group and another. The assailants killed two Mai-Mai from the rival group and badly beat one of the civil society leaders.

Throughout eastern DRC armed men from various governmental and rebel forces have raped and otherwise sexually tortured thousands of women and girls.

DEFENDING HUMAN RIGHTS

Dozens of Congolese NGOs and other civil society organizations documented and reported on human rights abuses by all parties and the larger human toll of the war. Many NGOs also provided assistance to victims of abuses and advocated on their behalf. Government and rebel authorities generally ignored their pleas and mirrored each other in clamping down on vocal rights defenders, often by accusing them of being enemy agents.

The government detained human rights activists Golden Misabiko and N'sii Luanda for months without charges in connection with the Kabila assassination but released them in September. Once free Misabiko said that he and other prisoners had been tortured and inhumanely treated and that some had "disappeared."

At a national human rights conference in June government delegates and civil society participants from throughout the country adopted a Congolese Charter of Human Rights and a National Plan of Action on human rights. The government in May authorized the reopening of the Kinshasa office of the African Association for the Defense of Human Rights (ASAHDO), a leading human rights organization which it had closed in May 1998.

RCD officials frequently summoned and publicly threatened leading members of Heritiers de la Justice, a human rights NGO in Bukavu. They warned members of the Goma-based Center for Research on the Environment, Democracy, and Human Rights (CREDDHO) not to divulge information to foreigners and made death threats against them. The RCD subjected human rights defenders and women activists to similar treatment in Kisangani.

In an early October press conference in the Ugandan-controlled town of Beni, Hangi Bin Talent, the local representative of ASADHO, asked officials of the local RCD branch (Congolese Rally for Democracy-Movement for Liberation, RCD-ML) about the recent multiplication of underground detention cells. In response, RCD-ML officials ordered him detained in such a cell, where he was severely beaten for two days.

THE ROLE OF THE INTERNATIONAL COMMUNITY

The international community welcomed Kabila's overtures towards peace and reform, ready to end the Congo's decade of relative isolation. But donors reengaged cautiously, unwilling to encourage Kabila to entrench himself as unelected head of state. International leaders denounced human rights abuses and supported the peacekeeping force to help assure an end to the war that was thought to be the source of many of these abuses. They also called for accountability but established no mechanism to assure it.

United Nations

Both U.N. Secretary-General Kofi Annan and the Security Council devoted much attention to ending the DRC war and frequently denounced human rights abuses and the humanitarian crisis spawned by it. In an effort to be well informed about the situation in the DRC, eleven ambassadors of the council visited the region and all members attended an Arria-formula briefing in which representatives of Human Rights Watch and other nongovernmental organizations presented analyses of the war.

Yet the council hesitated to commit significant resources to a war whose end was not yet sure. It voted in February in resolution 1341 to deploy only 2,300 MONUC troops, about half the number originally foreseen. Although the resolution condemned war-related atrocities and reminded all parties that they were obligated to protect civilians, it gave no mandate for civilian protection to MONUC.

In addressing the council in late May, the secretary-general spoke of the importance of accountability for past crimes in establishing a lasting peace in the region. The council extended the mandate for MONUC for a year in mid-June and itself affirmed in resolution 1355 the importance of accountability. In his mid-October report to the Security Council, the secretary-general denounced human rights abuses in some detail and again called for accountability in the DRC. The council's adoption of resolution 1376 in November launched phase III of MONUC, requiring the demilitarization of Kisangani, the restoration of freedom of movement throughout the country, and the full cooperation of the belligerents with MONUC's activities.

Roberto Garretón, then special rapporteur on the situation of human rights in the DRC, issued damning reports on abuses by government and rebels alike after his two missions to DRC in March and June. During his tenure, he briefed the Security Council several times on abuses in the DRC and in the speech marking the end of his tenure he too called for accountability for past crimes in the DRC. The Field Office of the High Commissioner for Human Rights continued to play a prominent role in monitoring conditions in the country, assisting government reform initiatives and supporting local rights groups.

In early December, child protection officers attached to MONUC and UNICEF reported that Congolese children had been sent from Bunia to Kampala, Uganda's capital, for military training. In mid-December, the Security Council urged that these children be demobilized and sent home for rehabilitation, steps which were

taken several months later after continued pressure from MONUC, UNICEF, Human Rights Watch, and other organizations.

In April, a U.N. panel of experts reported to the Security Council that the governments of Uganda, Rwanda, and Burundi were illegally exploiting natural resources and other forms of wealth of the DRC. The report also found that foreign forces allied with the Congolese government were profiting from the conflict. This exploitation had especially exacerbated the suffering of the population in parts of eastern Congo occupied by the Ugandan and Rwandan armies. The governments named contested the report and the Security Council extended the mandate of the panel for three months to supplement its information.

European Union

Soon after being installed as president, Kabila visited Paris, Brussels, London, and Bonn as well as Washington and New York, promising at each stop to cooperate with the U.N., to facilitate the internal political dialogue, and to return the country to the rule of law.

On a visit to the DRC in June, Belgian Prime Minister Guy Verhofstad responded to Kabila's assurances by announcing a new aid package totaling U.S. \$18 million dedicated to health, education and infrastructure. In inaugurating his country's presidency of the E.U. in July, Verhofstad called for greater attention to the DRC. The E.U. council of ministers in March approved a provisional allocation of about U.S. \$100 million for health, education, justice, and road repair programs, but had insisted Congo could access the funds only after achieving real progress in the inter-Congolese dialogue. During a July visit to the DRC, Paul Nielson, the E.U.'s commissioner for development and humanitarian affairs, stated that E.U. structural assistance would be delivered only after consensus had been achieved among the Congolese. He indicated that part of the E.U. allocation would also go to finance the reintegration of armed groups in eastern Congo, a program for which the United Kingdom also pledged funds. In late November, an E.U. delegation headed by Belgian Foreign Minister Louis Michel visited the DRC and other countries involved in the war to promote peace.

In July, the European Parliament urged making the DRC a priority for the E.U. It urged foreign forces to withdraw from Congo, condemned the plundering of Congo's national wealth, and appealed to the World Bank and the International Monetary Fund (IMF) to stop supporting the countries implicated in that plunder.

Donor Community

Kabila initiated reforms including the floating of the Congolese franc, the decontrol of prices, the improvement of collection of state revenues, and the commitment to balance the state budget which rapidly strengthened the economy. Impressed by the improvement, bilateral and multilateral donors in early July noted that Congo had U.S. \$280 million of programs underway and pledged further assistance of U.S. \$240 million before the end of the year, subject to adherence to the Lusaka Accords and improved security for the population.

To encourage the new government, the World Bank and the IMF arranged relay

loans to address its debt to them of U.S. \$800 million. Both provided assistance to the government in preparing for the July donor meeting and the IMF helped plan a program which was expected to spur increased levels of international assistance, starting with the IMF's own heavily indebted poor countries (HIPC) debt-relief initiative. The World Bank in late July approved a U.S. \$50 million grant for the economic recovery program.

United States

The significant political changes that took place in Kinshasa in January coincided with the installation of George W. Bush as the U.S. president. As the Clinton administration drew to a close, its "new leaders" policy had lost credibility as those once thought to be beacons of hope, such as the presidents of Rwanda and Uganda, were more and more identified with serious human rights abuses and deadly wars. The Bush administration made no dramatic changes, but pressed Uganda and Rwanda more firmly to adhere to the Lusaka agreement in withdrawing their forces. On November 10, President Bush discussed with visiting President Kabila the state of the Congolese economy, humanitarian issues, and the nature of the war. Despite this and earlier indications that the Congo crisis would attract high-level attention, the State Department issued only one public statement on the DRC by late October compared to twenty-five issued over the same period the year before. The September 11 attacks on the U.S. and the focus on building an international anti-terrorism coalition contributed to further diminishing U.S. attention on central Africa.

In recognition of the growing misery in the DRC, however, the U.S. tripled its humanitarian assistance in 2001 to approximately U.S. \$80 million, most of it for food and other emergency supplies, immunization programs, and refugee relief. It also spent some U.S. \$5 million on judicial programs under the Great Lakes justice initiative.

Relevant Human Rights Watch Reports:

Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu, 5/01

Uganda in Eastern DRC: Fueling Political and Ethnic Strife, 3/01

ERITREA

HUMAN RIGHTS DEVELOPMENTS

A border war with Ethiopia that began in 1998 was a disaster for Eritrea. The war, which ended with a cease-fire in mid-2000 and a peace agreement in December 2000, displaced over a quarter of the population; seriously undermined the