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DEMOCRATIC REPUBLIC OF CONGO (FORMER ZAIRE)

In April 1997, EAAF contracted with the United Nations Center for Human Rights to lead and coordinate an international forensic team in the Democratic Republic of Congo, or DRC (formerly Zaire). This forensic team was part of a larger U.N. mission mandated to investigate allegations of severe human rights violations committed mostly against refugees.

In April 1997, EAAF contracted with the United Nations Center for Human Rights to assemble and lead an international forensic team to the Democratic Republic of Congo, or DRC (formerly Zaire). This forensic team was part of a larger U.N. mission mandated to investigate alleged violations of human rights and humanitarian law committed during a period of recent civil strife in the DRC. The conflict had involved soldiers of the former Zairian army and former Rwandan army, a coalition of rebel groups, troops from several neighboring countries, civilian and armed

refugees from Rwanda, a number of militias drawn from the local population, and local civilians. Between April and December 1997 four EAAF members conducted a series of missions to the UN headquarters in Geneva, Switzerland; to Kigali,



Mobutu's face appeared on the currency of the former Zaire

Rwanda; and to the Democratic Republic of Congo.

This was the first time that EAAF had entered into a contract of this nature with the UN.

Background

In the early 1990's the human rights situation began to deteriorate seriously in eastern Zaire, as violence broke out between the area's numerous ethnic and national groups. The most significant of these conflicts initially occurred between Kinyarwanda-speaking groups of Hutu and Tutsi ethnicity, and a number of other ethnic groups, including Nande, Hunde, Nyanga and Bembe. The Zairian Hutus and Tutsi were known as Banyarwanda because they or their ancestors had come from Rwanda. Some of the Banyarwanda had inhabited what is now eastern Zaire for centuries in areas that had belonged to the historical kingdom of Rwanda. During the first half of this century a large number of Banyarwanda came to eastern Zaire at the instigation of the Belgian colonial administration to serve as plantation laborers. Others migrated from Rwanda to Zaire on their own, seeking land for cultivating or pasturing livestock.

Another group of Banyarwanda, known as Banyamulenge, were ethnic Tutsis who had fled Rwanda and settled around the Mulenge hills in southeastern Zaire during the eighteenth and nineteenth centuries. The Banyamulenge had acquired a distinct group identity during a 1964

uprising against Mobutu.

Finally, several waves of Rwandan political refugees, mostly Tutsis, settled in eastern Zaire from 1959 onwards.

The many different groups in eastern Zaire had co-existed relatively peacefully through most of the century. Nonetheless, there were latent tensions between the Banyarwanda and other local groups. The Banyarwanda communities were large in size and often outnumbered the other local inhabitants. They tended to be relatively wealthy, and in some cases cleared forests that other groups had used for hunting. As a result, the Banyarwanda sometimes came into conflict with other groups over access to land and other economic issues.¹

These tensions were reflected in the ambiguous and changing nature of the Banyarwandans' legal status. After altering the law several times, long-reigning Zairian dictator Mobutu Sese Seko had granted full citizenship to most Banyarwandans in 1972. Then in 1981 he rescinded these rights for Banyarwandans who could not prove that they were descendants of people who had lived in Zaire prior to 1885. For some time, however, the law was not actively enforced.

In the early 1990's, Mobutu responded to intense public pressure by announcing that his government would begin preparing for a democratic transition. Members of several politically dominant ethnic groups in eastern Zaire feared that they would lose power if the Zairian Tutsi and Hutus were allowed to vote in future elections.

Tensions escalated, with Hunde, Nyanga and members of other ethnic groups attempting to ban Zairian Hutus and Tutsi from political participation, and the Zairian Hutus organizing in response. In March 1993 violence broke out, as members of the Mai-Mai and Bangirima - militias composed of local



Mobutu with Ugandan dictator Idi Amin...

1. "What Kabila is Hiding: Civilian Killings and Impunity in Congo," *Human Rights Watch/Africa*, Vol. 9, No. 5(A), October 1997, p. 8.

ethnic groups - began attacking Banyarwandans. The Zairian Hutus in particular responded by forming their own militias and fighting back. Over the following six months approximately 7,000 people were killed and an estimated 300,000 were displaced in the fighting. Soldiers from the Zairian Army (Forces Armées Zairoises, or FAZ) sent in to quell the conflict often contributed to it by taking sides or pillaging local villages.²

The situation was further complicated in mid-1994 by the massive ethnic conflict in neighboring Rwanda, instigated by the Rwandan government at the time, the Rwandan Armed Forces (Forces Armées Rwandaises, or FAR), and a civilian militia known as the Interahamwe. Beginning in April 1994 these organizations, each dominated by members of Rwanda's ethnic Hutu majority, committed what was probably the largest act of genocide since the Second World War, killing between 500,000 and 700,000 ethnic Tutsis and moderate Hutu over a period of several months. The Patriotic Front of Rwanda (Fronte Patriotique de Rwanda, or FPR), an armed, predominantly Tutsi, group that had been fighting the former Rwandan government, fought back, and by mid-July had defeated the FAR and effectively seized



... and with U.S. President
Ronald Reagan

control of the country. Between 1,000,000 and 1,200,000 Rwandans, almost all Hutu, then fled across Rwanda's western border into Zaire, where huge refugee camps were established under U.N. protection. These camps also housed a smaller number of refugees from Burundi who had escaped ethnic violence there.³

Many of the people in these camps were unarmed civilians trying to escape further bloodshed. However, some 20,000 to 30,000 armed soldiers of the

former Rwandan Army (who became known as "ex-FARs"), together with Interahamwe members and

leaders of the former Rwandan regime, also took refuge in the camps. This posed a serious dilemma for humanitarian agencies offering assistance to the camps, which were faced with the fact that by providing assistance to both real refugees they also helped persons accused in Rwanda of committing acts of genocide. With the tacit consent and possibly the cooperation of Mobutu's government, these forces regrouped, rearmed and began to make military preparations.⁴ By early 1995 armed militants based in the camps were launching raids into Rwanda against the RPF. The well-armed ex-FARs and Interahamwe members also began to intervene in the local struggles.

After the establishment of the refugee camps the pattern of violence began to change within Zaire. In 1993 the Mai-Mai and Bangilima militias had often attacked both Hutu and Tutsi Banyarwanda indiscriminately. The Hutu refugees, however, attempted to turn local ethnic groups against the Zairian Tutsis.

Local ethnic groups which had once viewed Hutu and Tutsi as a single enemy sided increasingly with Hutu, both refugees and local residents, in attacking Tutsi, who were sometimes branded as loyal to the new government of Rwanda. In South Kivu, members of the Bembe and Rega groups, encouraged by regional politicians, began to organize militia, following the model of the Interahamwe of Rwanda and the Mai-Mai and Bangilima of North-Kivu.⁵

The Zairian Tutsi's became increasingly marginalized and threatened. In April 1995 the Zairian parliament adopted a series of resolutions calling for the expulsion of some Banyamulenge and annulment of their property rights. In early 1996 members of the Interahamwe, Mai-Mai and Bangilima militias killed hundreds of Zairian Tutsi and displaced over 18,000. Finally, in September 1996,



Alone at the end, Mobutu flees to
exile in May, 1997 as the ADFL
prepares to advance
on Kinshasa.

² "Transition, War and Human Rights," *Human Rights Watch/Africa Report*, Vol. 9, No. 2(A), April 1997, p. 18-19.

³ Human Rights Watch. "Uncertain Course: Transition and Human Rights Violations in the Congo," *Human Rights Watch/Africa Report*, Vol. 9, No. 9(A), December 1997, p. 9.

⁴ Human Rights Watch. "Uncertain Course: Transition and Human Rights Violations in the Congo," *Human Rights Watch/Africa Report*, Vol. 9, No. 9(A), December 1997, p. 9.

⁵ Human Rights Watch/Africa and FIDH, "What Kabila is Hiding: Civilian Killings and Impunity in Congo," *Human Rights Watch/Africa*, Vol. 9, No. 5(A), October 1997, p. 8.

after several months of escalating harassment, local officials in southeastern Zaire ordered the local Zairian Tutsis - the Banyamulenge - to leave the country, a decision ratified by the provincial governor in early October. At the same time, a local militia formed by members of the Bembe ethnic group began attacking Banyamulenge communities.⁶

After 1994, some Banyamulenge apparently went to Rwanda, where the Rwandan Army (*Armée Patriotique Rwandais*, or RPA) provided them with military training and weapons.⁷ In October 1996 these Banyamulenge began an insurrection in southeastern Zaire against the Mobutu government. The Zairian Tutsis quickly joined forces with several other ethnic groups, and several small armed movements that had opposed the Mobutu regime for years. This coalition, which called itself the Alliance of Democratic Forces for the Liberation of Congo (Alliance des Forces Démocratiques pour la Libération du Congo, or ADFL) was led by Laurent Desiré Kabila, leader of a small guerrilla group that had existed in eastern Congo since 1967. Rwanda provided aid and support to the Alliance, and Rwandan troops assisted the ADFL at certain points, although the Rwandan government did not admit to their involvement until much later.⁸

The ADFL forces proved extremely successful. They rapidly captured several major towns in eastern Zaire, and launched attacks against the Hutu refugee camps around Bukavu, in South Kiva and on the road from Bukavu to Uvira in November 1996. A few weeks later they bombarded the Mugunga refugee camp in North Kivu, the largest in eastern Zaire, emptying it of inhabitants. As the ADFL moved on to other camps, approximately 600,000 Hutu refugees and approximately 100,000 Burundi refugees returned to their countries at considerable risk, according to figures given by the UN High Commissioner on refugees.⁹ Despite the presence of civilians, including women, children, and the elderly,

most of the refugees who remained in Congo were considered by the Rwandan government and the AFDL as “perpetrators of genocide” who preferred to remain in Congo than confront justice in Rwanda, and Kabila’s troops continued to attack and pursue them. Large groups of the remaining refugees, including civilians, ex-FARs and Interahamwe — at times separately and at times together — began the long march on foot through the jungle from Kivu in the east to the province of Equator on the other, western side of the country.

The ADFL troops continued a successful advance



May 17, 1997:
ADFL troops capture
Kinshasa, ending the 7-
month civil war and
installing Laurent
Desire Kabila as
president of the re-
named Democratic
Republic of Congo.

6 Human Rights Watch/Africa and FIDH, “What Kabila is Hiding: Civilian Killings and Impunity in Congo,” *Human Rights Watch/Africa*, Vol. 9, No. 5(A), October 1997, p. 9-10.

7 “Transition, War and Human Rights,” *Human Rights Watch/Africa*, Vol. 9, No. 2(A), April 1997, p. 18.

8 “Uncertain Course: Transition and Human Rights Violations in the Congo,” *Human Rights Watch/Africa Report*, Vol. 9, No. 9(A), December 1997, p.9-11; see also John Pomfret, “Rwandans Led Revolt in Congo,” *Washington Post*, July 9, 1997.

9 “Report on the Joint Mission Charged with Investigating Allegations of Massacres and Other Human Rights Violations Occurring in Eastern Zaire (now DRC) since September 1996,” General Assembly, Fifty First Session, Agenda Item 110 (c), July 2, 1997, Page 13, A/51/942

across Zaire. By May 17, 1997 they had captured Kinshasa, forcing Mobutu to flee. As leader of the ADFL, Kabila proclaimed that Zaire's name would be changed to the Democratic Republic of Congo, and declared himself president.

Throughout this period of conflict, each of the various parties involved allegedly committed serious violations of human rights. International and local human rights organizations, humanitarian agencies, and the press, among others, denounced and

executions and massacres. Although there were certain continuities in the violence, which began in 1993 and lasted in the spring of 1997, the pattern of the internal conflict and human rights violations allegedly changed significantly after ADFL declared its insurrection in October 1996.

Between 1993 and 1996 violence was first instigated by local militias against Banyarwandan communities, often with the complicity of the Zairian military. Afterward, the massive influx of Rwandan Hutu refugees violence was increasingly focused on Zairian Tutsis. In northeast Zaire (North Kivu province) at least 7000 persons were killed, over 250,000 displaced, and approximately 16,000 Zairian Tutsis forced into exile in Rwanda. The alleged perpetrators were primarily local ethnic militias and the FAZ, and later the ex-FARs and Interahamwe.¹⁰

After the insurrection began in October 1996, ex-FARs, Interahamwe, FAZ soldiers, and mercenaries in the pay of the Zairian government, allegedly committed important violations of human rights, including summary executions and massacres. During the war, however, the ADFL troops allegedly committed the largest proportion of human rights violations, mostly against the Rwandan Hutu refugees, and to a lesser extent against local populations. A Human Rights Watch report states:

The human rights abuses and violations of international humanitarian law committed by the ADFL and its allies are remarkably different in their scale, nature and motivation from abuses perpetrated in Congo by the FAZ and ex-FAR. From the beginning of the war up to the present, ADFL troops or their allies, in particular those of Rwandan or of ethnic Tutsi origin, have carried out large-scale killings of civilians, predominantly refugees as well as some Congolese. In addition, the intentional blocking of humanitarian assistance to civilian refuges by ADFL troops is likely to have resulted in thousands of additional deaths.¹¹



Photo courtesy of Gilles Peres

provided information about several hundred incidents of severe alleged violations of human rights and humanitarian law, including summary

The geographic locations of the sites of the alleged massacres trace the route taken by the refugees and the thousands of internal displaced who fled from

10. Human Rights Watch/Africa and FIDH, "Forced to Flee: Violence Against the Tutsis in Zaire," *Human Rights Watch/Africa*, Vol. 8, No. 2(A), July 1996, p. 2.

11. Human Rights Watch/Africa and FIDH, "What Kabila is Hiding: Civilian Killings and Impunity in Congo," *Human Rights Watch/Africa*, Vol. 9, No. 5(A), October 1997, p. 14.

Kivu to the western area of the Congo. By May 1997, the UN repatriated approximately 180,000 foreign refugees to Rwanda, Burundi, and other countries. Others relocated to new refugee camps in the Republic of Congo (Congo-Brazzaville), the Central African Republic, or fled to other neighboring countries. The UN High Commission for Refugees estimates that there are approximately 150,000-200,000 refugees, whose state and location are unknown.

Introduction

On April 15, 1997, the UN Joint Investigative Mission for the East of Zaire (now the DRC) was established by resolution 1997/58 of the UN Commission on Human Rights. The resolution enjoins the UN Special Rapporteurs for Zaire and for Extrajudicial, Summary and Arbitrary Executions, together with a member of the Working Group on Forced and Involuntary Disappearances, to lead a mission investigating allegations of massacres and human rights violations which occurred as consequences of the conflicts that began in eastern Zaire in September 1996. The first leaders of the Joint Mission were Mr. Roberto Garreton, Mr. Bacre Ndiaye, and Mr. Jonas Foli, representing, respectively, the UN bodies listed above.

At short notice, the UN contracted EAAF to conduct the forensic aspect of the Joint Mission's investigations. Specifically, EAAF was responsible for the excavation and analysis of human remains and associated evidence at alleged burial sites, with the object of verifying or disproving allegations of massacres. The forensic team included archaeologists, anthropologists, forensic pathologists, and crime scene investigators. Given the magnitude of the investigation, EAAF invited a number of other forensic specialists to take part in the mission.

The Joint Mission was initially mandated to investigate the period between September 1996 and the present. It was given between one and two months to conduct the investigation.

During 1997, EAAF participated in two missions for the Joint Mission, and two other missions for the Investigative Mission of the UN Secretary General. The Secretary General's Mission was formed in July 1997 as an attempt to break the impasse between the Joint Mission and the government of President Kabila.

Due to difficulties of a political nature, archaeological investigations did not begin at the sites of alleged mass graves during any of the four

missions. Instead, EAAF began analyzing the documents collected by various NGOs and UN agencies, and conducting interviews with witnesses present at the events. The team has provided the UN with detailed accounts of its findings.

In the following, the history of EAAF's involvement with the four missions is described chronologically, beginning in May and continuing through December.

First Mission: May 1997

On May 1st, 1997, the members of the Joint Mission, including EAAF, traveled to Rwanda with the intention of subsequently crossing the border into eastern Zaire. At the same time, two representatives from the UN Center for Human Rights traveled to Lumbumbashi – a city in southern Zaire where Kabila was headquartered – to obtain authorization from the ADFL to begin investigations in the territory it controlled. The ADFL denied the Joint Mission permission to enter its territory.

The members of the Mission remained a week in Kigali. EAAF used this time to begin to analyze all the available documents concerning the events under investigation and to receive interviews from witnesses to these events. On the basis of this work, begun in Kigali and continued for the following six weeks in the U.S. and Argentina, EAAF prepared a report that was sent to the UN Center for Human Rights and the members of the Joint Mission. The report details allegations of 210 massacres, and was used by the Special Rapporteur for Zaire, Mr. Roberto Garreton, in a report that he subsequently presented to the UN.

The forensic team included: Patricia Bernardi, Anahi Ginarte, and Mercedes Doretti, anthropologists and members of EAAF; Dr. Gustavo Politis, an Argentine archaeologist; and Dr. Derik Pounder, an English forensic pathologist.

Second Mission: June-July 1997

On May 17th, 1997, Kabila captured Kinshasa, capital of the Congo. Immediately after, he installed himself as president and formed a new government. Several hours before Kinshasa fell to the rebels, former Zairian president Mobutu fled into exile, where he died several months later.

On June 20th, 1997, a UN negotiating commission acting in the name of the Joint Mission traveled to Kinshasa to negotiate terms for another mission with the new government of the Democratic Republic of

Congo. EAAF members Ginarte and Doretti participated in this commission in the capacity of forensic advisors. However, the negotiations with the government of the DRC ended up focusing on issues that had little to do with technical or forensic matters. Two issues in particular were discussed without a final agreement being reached: the time period to be investigated by the Joint Mission, and the presence of Roberto Garreton, the UN Special Rapporteur on DRC, as one of the mission's leaders.

Accordingly, Ginarte and Doretti's participation was limited to suggestions concerning the protection of possible burial sites and the chain of custody of evidence.

The EAAF members used the time to interview new witnesses and improve the existing documentation of human rights violations. EAAF incorporated the new material into a second report that expanded and modified the data presented in the previous report.

The mission ended on July 4th without an agreement from the government of the DRC that would have permitted the Joint Mission to enter the country.

Third Mission: August-September 1997

In July 1997, UN Secretary General Mr. Kofi Annan and President Kabila met in Harare, Zimbabwe, during a summit meeting of the Union of African Nations. At this meeting, Kabila verbally agreed to allow a new UN investigative mission into Congo. In August, the UN Secretary General proposed to the Security Council the creation of an Investigative Team under his orders that would begin to investigate allegations of human rights violations and violations of general humanitarian law that had occurred in the DRC from March 1993 to the present. In effect, this proposal extended the period under investigation by three years, as requested by the Kabila government. It also extended the time allowed for the investigation to six months. By forming a new investigative commission under his mandate that did not include Mr. Garreton, the Secretary General tacitly also accepted the second condition set by the Congolese government.

At this point, EAAF was again requested to act as forensic consultant to the mission by the UN Center for Human Rights in Geneva, which was still in

charge of recruiting and administration for the UN Secretary General's mission. EAAF was required to guarantee a forensic team that would remain in the field for three months. EAAF assembled a team of nine specialists from the fields of archaeology, physical anthropology, forensic pathology, and crime scene investigation. Since few specialists could spend the entire three months, EAAF contacted 25 forensic specialists from nine different countries who could



Refugee collapsed on the road.

Photo: Gary Knight/SABA

serve rotating shifts over the three-month period. EAAF also requested the assistance of a specialist in bio-statistics.

In August 1997, a smaller forensic team of four persons initially traveled to Geneva for two weeks. This team included Patricia Bernardi, Mercedes Doretti and Anahi Ginarte from EAAF, American forensic anthropologist Dr. Clyde Snow, and Argentine archaeologist Dr. Gustavo Politis. There, together with the rest of the new team for the Secretary General's mission, they participated in preparing a strategy and a workplan for the mission. As part of this work the team members recommended several sites for forensic investigation.

On August 24th the mission moved to Kinshasa, DRC. Despite President Kabila's verbal assurances, during all of September the leaders of the mission found it necessary to negotiate with the government of DRC in order to begin the investigations. The smaller forensic team formed by Ginarte, Bernardi, Snow and Politis initially remained with the mission. During this time, Doretti and another member of the mission went for three days to London to gather more information about the events under investigation.

While the mission's leadership negotiated with the government, the forensic team and the mission's investigative team held long planning meetings in order to coordinate the forensic work with the mission's general investigative strategy. The members of these two groups also held numerous meetings with the personnel responsible for logistics and security on the mission. From a logistical perspective, Congo is an extremely difficult country to work in, as its infrastructure is minimal. In particular, the almost complete absence of navigable roads in such an immense country created tremendous logistical problems; everything, including personnel, cars, electrical generators, camping and forensic equipment, had to be transported by airplane from one side of the country to the other.



Many of the Hutu refugees fled west on a route following the lower Congo River.

EAAF also developed a preliminary database to order the information gathered up to that point. The database was designed to be used by either the forensic team or the

investigative unit.

Together with members of the mission's investigative team, one EAAF member Anahi Ginarte, traveled to Lukulela, a refugee camp in the country of the Republic of Congo (Congo-Brazzaville) which borders the Congo. Many of the Rwandan refugees who fled from the camps in the eastern region of Congo finally arrived in Lukulela after a six-to seven-month march. The mission's team remained four days in Lukulela receiving testimonies from the refugees.

Given the lack of authorization from the government of Congo to begin investigative work in the country, the members of the forensic team returned to their countries at the end of September. The members of the investigative unit and the security personnel remained in Kinshasa while the mission's leadership was called to New York for consultation with the UN Secretary General.

Fourth Mission

In October 1997, Bill Richardson, US representative to the UN, was sent to Congo to attempt to break the impasse and move the Investigative Mission forward. Richardson eventually obtained a verbal agreement from Kabila that authorized the UN investigation to begin. The UN thus requested the forensic team to return to Kinshasa once again. During this mission, the forensic team was formed by EAAF members Doretta, Ginarte, and Dario Olmo; Dr. Clyde Snow; Peruvian physical anthropologist Jose Pablo Baraybar; Austrian archaeologist Ute Hofmeister; and Ruud Schouten, Dutch police crime scene investigator.

However, only in December and after much more negotiation, was the Secretary General's team authorized by the government of Congo to relocate in Mbandaka, a city in the Equator region where Alliance troops had allegedly massacred between 800 and 2,000 Rwanda refugees.

Again, however, the Mission's work could not begin, due to security problems. The members of the investigative and forensic teams were constantly followed by Congolese military, police, and civilians, who impeded team members from making direct contact with members of the local population and with witnesses to the events, and from visiting the alleged burial sites. The mission was also confronted by four demonstrations protesting the mission, staged by local residents against the mission. The government may have organized these demonstrations, because their timing and location corresponded closely with the mission's itinerary, which only the government knew.

At the end of December, the members of the forensic team returned to their countries.

In early 1998, at the request of the UN Mission a small forensic team composed of Gustavo Barrientos, physical anthropologist from Argentina, Jose Samuel Suasnabar from the Guatemalan Forensic Anthropology Foundation, and Luis Fondebrider and Anahi Ginarte from EAAF returned to Congo, and began work at an alleged gravesite near the town of Mbandaka. Evidence recovered during the excavation, including the non-articulated bones of two individuals, strongly suggested that the site had been used as a mass grave which had subsequently been disturbed - that is, skeletal remains had been removed from it. These findings were consistent with information collected by the UN investigative team indicating that the remains buried there had been

removed by the Congolese government several months before the UN team arrived. The forensic team was only able to work at the site for two days, after which it was prevented from continuing by demonstrators armed with spears and machetes, who appeared to have been encouraged by the government. The forensic team left Congo shortly thereafter and the Secretary General withdrew the entire mission several weeks later, on April 17th, 1998.

The UN Report

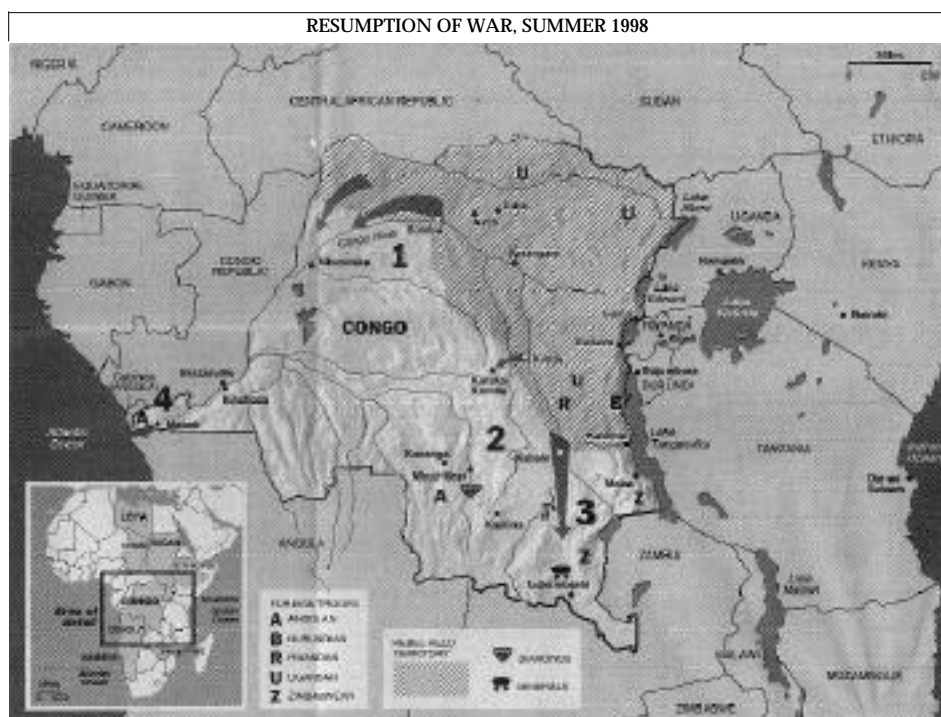
In June 1998 the leaders of the Secretary General's Investigative Team submitted its report to the UN Commission on Human Rights. The report stated that the Congolese government had deliberately impeded the investigative missions from conducting a full and thorough investigation of human rights violations, and it described in some detail instances in which government officials and ADFL leaders had intimidated or assaulted people who cooperated with the UN investigation. However, the report concluded that despite these obstacles, there was evidence that severe violations of human rights had occurred.

The deliberate execution of unarmed civilians during and after the attacks on camps of displaced Rwandans by AFDL troops... violates Common Article 3 of the Geneva Conventions.

The AFDL was also responsible

for other violations of international humanitarian law, including the detention of malnourished children being treated in a hospital, killing of wounded patients in another hospital, the beating and killing of nurses in those hospitals, denial of access by relief organisations to camps for displaced persons containing large numbers of ill and wounded persons and the failure to "collect and care for the sick and injured," in violation of Common Article 3.

The available information strongly suggests that



The Battle Fronts

FROM THE NEW YORK TIMES

1 NORTH
A Congo Coalition unit made up mainly of Chadian forces recently attacked Buta, which has been in rebel hands since the summer, but was repelled with heavy casualties. Rebel forces moved west of Buta, capturing Aketi and Bumba on a route that follows the Congo River toward Mbandaka and the capital, Kinshasa. The force has been marching on Mbandaka, as has another Congolese rebel force led by Jean-Pierre Bemba.

2 CENTRAL
Rebel forces have been moving west from Kindu toward Kataku Kumbi, after which they are expected to turn south toward Kananga and Mbuji-Mayi, which is the center of the diamond industry. The terrain around Kananga and Mbuji-Mayi is open and favors the air power and artillery of the Government forces.

3 SOUTHEAST
A rebel force has captured Kabelo and is preparing to move south against Lubumbashi, which is the center of a region rich in minerals, especially copper. A rebel force has taken Moba on Lake Tanganyika. The route south to Lubumbashi is swampy, and some analysts speculate that the rebels may try to infiltrate through northern Zambia, drawing another country into the war.

4 WEST
In a daring move just after fighting began in Auusa, the rebels hijacked three Congolese planes in the east and ferried troops to the Atlantic coast. They quickly captured several cities and military bases and were within 30 miles of Kinshasa when the Government's allies intervened and Angolan, Namibian and Zimbabwean forces drove the rebels back. However, small rebel units continue to operate in the bush, ready to mobilize if other rebel units reach Kinshasa.

at least the massacres committed by the AFDL and its allies during the period October 1996 to May 1997 and the denial of humanitarian assistance to displaced Rwandan Hutus were systematic practices involving murder and extermination, which constitute crimes against humanity, as defined by the Statutes of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. (Security Council document S/1998/581., pp. 24-25.)

The UN report documented a number of abuses by other parties, including the former Zairian Army (FAZ), Rwandan Hutu militias and members of the former Rwandan army (ex-FARs), foreign mercenaries, and other groups engaged in inter-ethnic violence.

The report concluded with a call for a renewed investigation into human rights abuses committed during the period by a judicial body or another investigative commission.

The Congolese government issued an official response to the report, accusing its authors of "politic motivations," and of designing the report in order to distract attention from French complicity in the Rwandan genocide of 1994. It denied that it had obstructed the investigators' work in any way. And it claimed that ADFL troops had not committed human rights violations.

The attacks on the refugee camps and other isolated cases of massacres were moreover the work of the armed bandits (the ex-FAR and Hutu Interahamwe extremist militias) who took the refugees hostage and used them as human shields in order to pursue their diabolical plan and alarm international public opinion in favour of military intervention by the United Nations. (Letter from DRC representative to the UN Secretary General; Security Council document S/1998/582, p. 19)

The Rwandan government acknowledged that its troops had fought with the ADFL, but refused to accept responsibility for human rights violations.

RESUMPTION OF WAR

In the summer of 1998 fighting broke out once again in eastern Congo. Over the course of the previous months relations between Kabila and the Tutsis who had made up the bulk of the ADFL forces had become increasingly strained. Possibly attempting to win favor among Congolese citizens, many of whom distrusted Rwandans and the

Banyamulenge, Kabila eventually dismissed Tutsis from his government. Shortly thereafter, a new rebel army, apparently largely composed of Tutsis with Rwandan and Ugandan support, launched a new surprise attack, this time against their erstwhile ally Kabila and his government. By the end of the year they controlled large swathes of territory in eastern Zaire. By then the conflict had become increasingly international in scope, as other African nations - Zimbabwe, Namibia, Angola, Chad, and others - intervened. These interventions often grew out of complex political calculations: while the Angolan government, supported Kabila, for example, the Angolan rebel army UNITA provided some support to the Tutsi side. Paradoxically, thousands of Hutu refugees, whose compatriots had allegedly been massacred by ADFL troops under Kabila's command, now joined with his army to combat the new Tutsi-led rebellion.

NATIONAL WEDNESDAY, JULY 1, 1998

U.N. Team Says Congo Army Killed Hutu

Rwandans Also Accused in Massacres; Both Nations Deny Charges

By BARBARA CROSSETTE

UNITED NATIONS, June 30 — The human rights investigators whom Secretary General Kofi Annan was forced to withdraw from Congo, the former Zaire, in April today accused Congolese soldiers and their allies in the Rwandan Army of killing unarmed Hutu refugees in 1996 and 1997.

The team's report, admittedly incomplete because of the difficulties in gathering evidence, did not estimate the total number of Hutu killed, but cited individual massacres of up to 500 people. It called for more investigations and a tribunal to try those responsible.

It also concluded that the Congolese Government of President Laurent Kabila, which blocked the inspectors' work, "has shown no interest in fulfilling its obligation, under international law, to investigate responsibility for serious violations of human rights and grave breaches of humanitarian law."

The investigators stopped short of calling the massacres genocide, but said that if it could be proved that "a decision was taken to eliminate this part of the Hutu ethnic group as such," the killings would amount to genocide.

The Congolese and Rwandan Governments immediately criticized the report, calling it biased and inconclusive. Congo's reaction, a 32-page response to the team's 52-page report, argued that the investigators had caused problems of their own and could not blame the Government for the failure of the mission or any lack of cooperation.

The Congo Government was not alone in withholding cooperation, the investigators said. Daniel Michael O'Donnell, an American human rights lawyer who was on the team, said at a news conference today that several nations with satellite photography and intelligence information at their disposal were asked for help in gathering evidence and did not reply.

The United States, which has close ties with the Rwanda Government, was among those who did not respond to requests for assistance, said Reed Brody, advocacy director of Human Rights Watch and a former member of the team.

"The U.S. never provided us with information," he said in an interview today. "When I was a member of the team, we asked Ambassador David Scheffer for information. Later official requests were made for satellite

photos." Mr. Scheffer is the Clinton Administration's ambassador-at-large for war-crimes issues.

Mr. O'Donnell said it was his sense that the investigators "were played with a bit" by Congolese officials who appeared to fear no reprisals.

"There were a number of obstacles that were deliberately placed in our path by the Government," he said.

"We have clear evidence that Government agents intimidated the population in the sense of going out and warning people not to talk to us, systematically interrogating people who did talk to us and in some cases making direct threats to people who they knew had given information to us.

"Demonstrations were organized against us in various cities, including the capital. In some cases we have

Trying to fix blame in the killings of civilians.

direct evidence of Government involvement in what they referred to as spontaneous demonstrations."

The team met the most serious protests in Mbandaka, a town in western Congo where refugees had fled to escape pursuers from the east. Mr. Brody was one of those threatened.

"We had interviewed priests who were eyewitnesses to the massacre of innocent civilians in Mbandaka," he said today. "The reason the Government was always trying to keep us away from Mbandaka is that most of the other incidents occurred far away, out in the middle of the jungle. The only witnesses were the refugees themselves, who then scattered to the four winds.

"In Mbandaka you had Rwandese and Congolese troops massacring people in front of the populace. There are hundreds of potential eyewitnesses."

The investigation was ill-fated from its inception more than a year ago, when the United Nations Human Rights Commission asked its special monitor for what was then Zaire, Roberto Garretón of Chile, to look into charges that massacres had taken place during Mr. Kabila's mili-

tary advance late in 1996 on the Government of Mobutu Sese Seko.

Rebels loyal to Mr. Kabila and the Tutsi-dominated Rwandan Army emptied refugee camps in eastern Zaire populated largely by Hutu and were accused of scattering and killing many of them.

About 800,000 refugees were driven back into Rwanda; others fled deeper into Zaire. The United Nations High Commissioner for Refugees estimates that 180,000 people are still missing, from a refugee population of about a million.

In its response today, the Tutsi-led Rwandan Government said that the civilian refugees had been held hostage by Hutu militias and that it was "the duty of the Government of Rwanda to rescue its people."

Rwanda condemned the investigators for taking testimony from Hutu who fled Rwandan troops to neighboring countries, saying these Hutu had led the 1994 genocide that left hundreds of thousands of Rwandan Tutsi and moderate Hutu dead.

Rwanda now admits that its troops took part in operations in Congo but denies that soldiers committed human rights violations.

Witnesses have told the investigators that Rwanda Army troops took direct part in massacres, and that Hutu extremists were not singled out as victims.

After Mr. Kabila's forces captured Kinshasa, the capital, in May 1997, he indicated that he would not allow the United Nations investigation to continue under Mr. Garretón.

Last July Secretary General Annan — to the consternation of human rights groups — decided to send a new team and slightly alter the scope of its investigations.

Months passed before the new investigators were able to begin work. Bill Richardson, the United States representative at the United Nations, went to Kinshasa in October 1997 and extracted a promise from Mr. Kabila to let the team in. Today's report says that promise was a sham.

"The Government of the Democratic Republic of the Congo had no intention of accepting the mission of the Secretary General's investigative team and the Government merely made a show of willingness to cooperate," the report says.

Six months later, with little of its field work completed, the team was withdrawn.

THE FRESH AIR FUND: 1877-1998

U.N. Report Accuses Zaire Rebels of Mass Killings

By PAUL LEWIS

UNITED NATIONS, April 8 — A United Nations investigator told the organization's Human Rights Commission in Geneva today that the rebels in Zaire had rounded up and killed hundreds of Hutu refugees and local civilians since beginning their insurgency last year.

Special United Nations commission to investigate the killings and for those responsible to be brought to justice. He said such a commission should include forensic and ballistic experts and the means to exhume mass graves he says he found in Zaire during a brief visit there last month.

In his report, Mr. Garretin accused the rebels of "massacring" and "liberating" the area.

Liberation of Congo — Zaire is far from fulfilling its commitments to respect human rights," he said of the rebel group led by Mr. Kabila.

In an earlier report, issued at the end of last year, Mr. Garretin spoke of "many reports of atrocities committed" by the rebel group, which habitually separates men from women and children.

FROM THE NEW YORK TIMES 1997

NEW YORK TIMES INTERNATIONAL TUESDAY, APRIL 29, 1997

U.N. Says It Has Evidence of Killing of Rwanda Refugees

By BARBARA CROSSETTE

UNITED NATIONS, April 23 — The United Nations said today that it had its first direct evidence that Rwandan refugees may have been killed as they fled camps in eastern Zaire that had been under attack by rebels in recent weeks.

Hospital at Bukavu over the weekend, abducting sick or malnourished children. Unicef said that the attack took place at 4 A.M. on Saturday, and that 48 to 52 children and some of their parents were taken away in trucks by about 20 rebels. Two nurses and an aide were severely beaten with sticks and rifle butts and

Nations proposes.

A commission to look into human rights abuses generally in eastern Zaire was named last week in Geneva. It includes experts from Chile, Ghana and Senegal.

Mrs. Ogata described talks over the weekend with Mr. Kabila about access to missing refugees as "long

Thursday. But the supply warehouses of the refugee agency and other organizations in eastern Zaire have been looted and stripped of all equipment and supplies.

More than 80,000 Rwandan refugees are missing from camps between Kisangani and Uvuhlu that

THE NEW YORK TIMES INTERNATIONAL THURSDAY, MAY 15, 1997

Zairian Insurgents Keep U.N. From Suspected Massacre Sites

By DONALD G. McNEIL Jr.

BIARO, Zaire, May 14 — Facing two soldiers on the other side of a stock across a jungle road, a high-level United Nations delegation today tried to get into an area where a team of Rwandan soldiers is rumored to be massacring refugees, burning their bodies and scattering the ashes in the forest.

point turned them back, saying they had received no orders.

Mr. Kabila gave similar assurances weeks ago, in both United Na-

spokesman for the United Nations High Commissioner for Refugees, which has repeatedly asked for access to areas more than 26 miles

Rwandan Tutsi have marched men, women and children out of the camps and back down the road to die. Aid agencies and journalists have not

York T

JUNE 8, 1997

NEW CONGO LEADER MEETS U.S. ENVOY ON REFUGEE ISSUE

'BREAKTHROUGH' IS CITED

Kabila to Allow U.N. Inquiry on Killings—He Is Offered Aid on Mobutu Wealth

By RAYMOND BONNER

LUBUMBASHI, Congo, June 7 — The new leader of Congo, Laurent Kabila, promised today to allow the United Nations to investigate accu-

Reports Point to Mass Killing of Refugees in Congo

By DONALD G. McNEIL Jr.

KISANGANI, Congo, May 22 — Since the middle of last month, no outsider has been allowed down the six miles of jungle road that began at a roadblock manned by soldiers at Kilometer 42 south of here. But a growing number of accounts emerging from that zone suggest that some form of systematic killing of refugees and disposal of the evidence has been taking place there.

The accounts suggest — although they do not conclusively prove — that people have died in significant numbers in the jungle and that their remains, often in the form of skeletons, are being disposed of en masse. Aid workers now express a deepening

THE DEAD ZONE

A special report.

Among the things that cannot be documented are how many people may have died or are continuing to die. But with an estimated 40,000 refugees, mostly ethnic Hutu from neighboring Rwanda, still missing in the area, the refusal of the soldiers at the roadblock to admit outside observers has only darkened the suspicions about their role.

"They march them down the road — yes, children and mothers too," said a terrified 34-year-old man in the Biaro camp, just south of here. He said he had heard from other

week ago after winning a seven-month rebel war. The new Justice Minister, Mwenze Kongulu, said he knew nothing directly about what was happening near here.

The Hutu refugees "be a lot," he said. In denying that his Government was in any way responsible for their deaths, he pointed to a separate group of refugees, many suspected of being former Rwandan Hutu militia members, that had emerged hundreds of miles away, in the western town of Mbandaka.

"They were fighters," he said. "If we'd been logical and consistent, we'd have killed them instead of treating them medically and bringing them near the airport. How can you put that together with accusa-

THE NEW YORK TIMES INTERNATIONAL WEDNESDAY, JUNE 11, 1997

U.N. Says Congo Blocks Investigation of Reported Massacres

By BARBARA CROSSETTE

UNITED NATIONS, July 1 — The United Nations said today that the Government of President Laurent Kabila is blocking an international investigation of reported massacres in eastern Congo, demanding that the Congo's leader be replaced and its east redeployed. United Nations officials said today after a meeting in Kinshasa.

United Nations and Congo officials plan to meet again Wednesday.

"There is a real urgency in getting this done," John Muta, a spokesman for the United Nations, said in a telephone interview from Kinshasa.

"There are still people at risk in the east. And there is a real concern about the loss of evidence and the deterioration of evidence."

The United Nations High Commissioner for Refugees announced that more than 300,000 Rwandan Hutu refugees are still unaccounted for in Congo, the former Zaire.

On July 1, an investigating team including 1000 human rights experts and forensic pathologists was scheduled to begin examining possible mass graves where Hutu refugees from Rwanda were reported killed and buried by forces loyal to Mr.

Kabila in recent months.

But an advance team from the United Nations Human Rights Council in Geneva went to Kinshasa on May 20 to arrange details of the investigation but was told that the Kabila Government will not admit the team's leader, Roberto Garretin of Chile, a lawyer who assisted victims of the Pinochet dictatorship.

Mr. Garretin, the United Nations Human Rights Council in Geneva, visited the country briefly in March and concluded that there was enough evidence to warrant a full investigation of massacres. He has a list of about

45 sites.

The 53-member Human Rights Commission decided in April that incidents since September 1996 should be studied. The Kabila Government says it will not accept an investigation that does not go back to March 1993. Mr. Kabila also wants no questions about those events after May 17 of last year, when he seized power in Kinshasa after the fall of the 1996-1997 Mobutu Sese Seko Sualongo Nzabanga Ndilu.

Albino Des Forges of Human Rights Watch filed a suit in 1996 to view on Monday that the Kabila Government would not "let us approach

FROM THE NEW YORK TIMES 1997

U.N. Yields to Congo on Massacre Investigation

By BARBARA CROSSETTE
UNITED NATIONS, July 5 — Say- ing to be realistic in dealing with President Laurent Kabila of Congo, Secretary General Kofi Annan has given in to Mr. Kabila's demand that the United Nations refrain from international teams of experts who were to investigate allegations of massacres of their relatives from Rwanda.

The Government has also asked for 18 days' notice of the outside of the new investigators and is insisting on other concessions. The decision to yield is seen as a victory for Mr. Kabila's demand that at least 200,000 Rwandan Tutsi once in eastern Congo, the former Zaire, are still unaccounted for. It has also led to re- strictions to WARREN A full investigation. The 56-member United Nations Human Rights Commission then asked him to lead a team to eastern Congo, where reports of massacres of one of its ethnic groups were more than a week in Kinshasa, trying to reach an agreement with Mr. Kabila's Government, which last fall, the United Nations Human Rights Center in Geneva

with Rwanda as the result. "We've got to understand the economy in Zaire," Mr. Annan said. "We have some difficulties in that role for a long time." The study for the conflict in the case in early October, when the Government of Joseph Kabila, an ally of the Tutsi exiles in the Congo, announced

Rwanda's War Role May Haunt Congolese

By JAMES C. MCKINLEY Jr.
NAIROBI, Kenya, July 11 — Diplomatic and intelligence officials here last week said that Rwanda's Operation Golden Storm, which they said was the trigger for the current Mobutu Sese Sese's crackdown in Congo.

Rwandan officers took part in the capture of the coastal, Kinshasa, in May, as well as in the taking of three other strategic cities — Kisangani, Lubumbashi and Mbuji — earlier in the year, the officials said. Throughout the seven-month campaign, Rwandan officers were accused of

with Rwanda as the result. "We've got to understand the economy in Zaire," Mr. Annan said. "We have some difficulties in that role for a long time." The study for the conflict in the case in early October, when the Government of Joseph Kabila, an ally of the Tutsi exiles in the Congo, announced

U.N. Report Says Congo Troops Are Massacring Civilians

By BARBARA CROSSETTE
UNITED NATIONS, Oct. 8 — A report by the United Nations Human Rights Commission says there is irrefutable evidence that President Laurent Kabila's troops in Congo have killed large numbers of civilians, including women, children and the elderly.

United Nations Human Rights Commission officials said today that Secretary General Kofi Annan had given the United States two weeks to withdraw from the investigation. Human rights organizations and United Nations officials said the Administration, which has been searching

"What we've come back with is a small piece, but it's irrefutable evidence of what was happening," Mr. Campbell said in an interview. "There is no question what happened in those three areas villages. The same type of testimony has been

in groups of up to 40 or 50, or were buried in mass graves. In one village, where United Nations officials thought at most 20,000 people had gathered, hundreds of bodies were found. Human rights groups have been consistently critical of American

THE NEW YORK TIMES INTERNATIONAL THURSDAY, OCT. 8

U.S. Team to Go to Kinshasa to Try to Restart Massacre Inquiry

By STEVEN LEE MYERS
WASHINGTON, Oct. 15 — The Clinton Administration announced today that it would send a senior delegation to Congo next week to try to restart the United Nations investigation into massacres and other atrocities during the 1996 war that toppled Mobutu Sese Sese's

led the rebellion, but it also under- mined the limits of the Administration's influence over him. "The failure was not to respect a message by a leader to get it," Mr. Rubin said at a news conference

"The failure was not to respect a message by a leader to get it," Mr. Rubin said at a news conference

values to the things. The United Nations Secretary General, Kofi Annan, has twice re-

Inquiry Into Congo Killings Meets Obstacles

By BARBARA CROSSETTE
UNITED NATIONS, Nov. 14 — The United Nations Human Rights Commission officials said today that Secretary General Kofi Annan had given the United States two weeks to withdraw from the investigation. Human rights organizations and United Nations officials said the Administration, which has been searching

with Rwanda as the result. "We've got to understand the economy in Zaire," Mr. Annan said. "We have some difficulties in that role for a long time." The study for the conflict in the case in early October, when the Government of Joseph Kabila, an ally of the Tutsi exiles in the Congo, announced

The United Nations has attached great urgency to the investigation, and its members pass their are groups that Congolese troops are accused of in massacring civilians of other groups.

Congo Killings Are Now Open To U.N. Inquiry

KINSHASA, Congo, Dec. 3 (AP) — Members of a United Nations team investigating allegations that President Laurent Kabila's forces massacred Rwandan refugees made their first trip into the field today after five months of delays. Only 2 of the more than 20 investigators in the team left Kinshasa for the western city of Mbandaka, where Mr. Kabila's rebel fighters are suspected of carrying out mass killings during their eight-month drive across the country recently known as Zaire. Mr. Kabila captured Kinshasa, the capital, in May. The 20 investigators, who plan to lay the groundwork for a later visit by the 500-member African Commission on Human and Peoples' Rights, were accompanied by three Congo Government officials.

On Visit to Congo, Albright Praises the New Leader

By HOWARD W. TRENCH
KINSHASA, Congo, Dec. 12 — In the highest level American visit to Congo since a rebel army seized power in May, Secretary of State Madeleine Albright applauded the leadership of President Laurent Kabila today and pledged to increase American aid. Although Mr. Albright repeatedly stressed in a speech to the assembly and the role of law here, her message centered on playing down concerns over political repression, violence and ethnic tensions. "This is not the time to sit on the sidelines," she said at a breakfast with leading cabinet and foreign ministry ministers. "This is the time to engage." The Secretary's visit here, the centerpiece of a seven-city African tour, comes as opposition leaders are reportedly being jailed and their par-

Washington supports Kabila despite human rights complaints in Congo.

The opposition will have and the al- supporters were on the line today. The party is seen as a major force in the country, and they are expected to get 20 to 30 percent of the vote in the 1997 elections, a senior official of the Union for Democracy and Social Progress, the largest opposition party, who was at the breakfast. "It would have been nice to have a clear single winner at that time, but a clear winner is not what the opposi-

Albright, who was without the weight and respectability needed for her message to have a significant impact on the Congo. "We're not a perfect government," she said, "but we're a government that is trying to do the right thing." She also praised the leadership of President Laurent Kabila, who she said had shown a "clear commitment to the rule of law and to the protection of human rights." She also praised the leadership of President Laurent Kabila, who she said had shown a "clear commitment to the rule of law and to the protection of human rights."

for months she acknowledged with her Washington support for Congo's President Laurent Kabila, and her support for the opposition in Rwanda in 1994. She visited the Congo for the first time in 1994, when she met with Mr. Albright's secretary — Kinshasa, Lubumbashi, Mbandaka, Kisangani and Kinshasa — would be recorded as a strong supporter of African democracy and Washington's new policy of focusing on support, and the role of law here, she said. She also praised the leadership of President Laurent Kabila, who she said had shown a "clear commitment to the rule of law and to the protection of human rights."

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ÉDITORIAL

La conjuration du silence

La lumière ne sera sans doute jamais faite sur les massacres commis depuis l'automne 1996 contre les réfugiés hutus dans l'ex-Zaïre, lors de la longue marche de Laurent Désiré Kabila vers le pouvoir. Une équipe de l'ONU vient d'arriver à Kinshasa avec pour mission d'enquêter sur les crimes dénoncés par les organisations humanitaires. Mais il ne faut pas trop en attendre. Après avoir assisté passivement à la dernière en date des gigantesques tragédies humaines africaines, la communauté internationale est tenue à ce minimum: l'intervention post mortem, un simulacre de recherche de la vérité. Mais la lumière ne sera pas faite, pas plus que la justice ne sera rendue, car aucun Etat ne le souhaite.

Le nouveau Congo n'en veut pas car il serait mis en cause. Le régime de M. Kabila n'a cessé depuis des mois d'entraver la mission de l'ONU et les experts qui viennent de s'installer à Kinshasa n'auront pas la tâche facile. Le régime rwandais, principal allié de M. Kabila, en veut encore moins. Selon les témoins, c'est son armée qui a encadré les tueries de réfugiés hutus au Zaïre et l'organisation de leur « extermination lente », par famine et élimination. Les organisations humanitaires ont toutes le même sentiment: dès lors qu'avait eu lieu le rétro-massac de réfugiés au Rwanda en novembre 1994, l'armée de Paul Kagame, alliée des forces de Kabila, se comporta comme si elle avait reçu consigne d'éliminer le plus grand nombre possible de ceux qui restaient en-

core au Zaïre. Washington affirmait alors que la question des réfugiés était réglée, tandis que le HCR était chargé du rapatriement des retardataires. Un problème « résolu » qui concernait des centaines de milliers de personnes. Deux à trois cents mille d'entre elles ont disparu.

Alors que l'aide active apportée par Washington à l'armée rwandaise est désormais avérée, les Américains n'ont évidemment pas intérêt à ce que soit instruit le procès de ladite armée. Nul ne leur en voudra dans la région des Grands Lacs, ni même en Afrique du Sud, où Nelson Mandela ne ménage pas son soutien à M. Kabila au point de mettre publiquement en doute la réalité des massacres allégués. Nul ne les incriminera non plus en Europe, pas même la France... Un ne peut pas tout contrôler, dit-on aujourd'hui à Paris, en ajoutant avec mansuétude que les États-Unis n'ont pas plus souhaité les massacres de réfugiés au Zaïre que la France n'avait souhaité, quelques années plus tôt, quand elle appuyait le précédent régime de Kigali, le génocide contre les Tutsis.

Face à la *Realpolitik*, qui incite chacun aujourd'hui à faire sa cour au nouveau maître de Kinshasa, la justice, la morale, la vérité n'ont pas leurs chances. A d'éventuels accusateurs, M. Kabila et M. Kagame auraient beau jeu de demander ce qu'ils ont fait contre les turpitudes de Mobutu et contre les organisateurs du génocide de 1994 au Rwanda. L'impunité appelle l'impunité: l'ONU aura bien du mal à briser la conjuration du silence.

Stonewall in Congo

For months, the new Congolese Government of Laurent Kabila has been trying to thwart a United Nations investigation of ethnic killings and other human rights abuses during that country's recent civil war. The Security Council must now make clear that it has run out of patience with his obstructions. If that fails to inspire better cooperation, Washington should suspend its plans to provide generous aid to reconstruct the Congolese economy.

A credible investigation is crucial because ethnic violence drove the fighting in Congo, formerly known as Zaïre. Tutsi troops from Rwanda and eastern Congo joined to defeat marauding Hutu militia units in the border area between the two countries. In the process, they allegedly massacred innocent Hutu refugees as well. The insurgency continued until the largely Tutsi rebels entered Kinshasa on the Atlantic coast.

Many Congolese now distrust the Kabila forces as an instrument of Rwandan foreign policy and inadequately representative of the country's ethnic diversity. Democratic government may not be possible until Mr. Kabila resolves these suspicions by permitting an impartial investigation as well as the punishment of any soldiers guilty of killing innocent civilians. That investigation must begin now, before crucial evidence disappears.

The United Nations team has already been delayed for nearly two months because Secretary General Kofi Annan tried to accommodate earlier demands by Mr. Kabila. The U.N. agreed to replace the first head of the investigation and to expand its mandate to alleged atrocities by Hutu militias.

That seemed reasonable. Hutu violence was an important part of Congo's human rights problem.

But with its latest demands, the Kabila Government seems to show that its real goal is endless delay. Congolese officials have rejected Mr. Annan's new choice of chief investigator, refused visas for six U.N. security people accompanying the team and demanded that the whole effort be held up until the Organization of African Unity forms a parallel team to accompany the U.N. investigators.

The Security Council has called on Mr. Kabila to reconsider these unacceptable demands. It should take further action in the coming days if he refuses to cooperate. As it happens, the American representative to the U.N., Bill Richardson, took over the rotating presidency of the Council yesterday. Mr. Richardson, who also serves as President Clinton's personal emissary to Mr. Kabila, has previously urged the U.N. to give the new Congolese leader time to prove his good faith. That gives Mr. Richardson a special obligation to demand strong steps if Mr. Kabila continues to obstruct the investigation.

Washington has greater leverage outside the U.N. Last spring, Mr. Richardson proposed a large American aid package for Congo provided Mr. Kabila respected democracy and human rights. The Clinton Administration must make it clear that this aid, which has already begun to flow, will be suspended until Mr. Kabila cooperates with the U.N.

After decades of uncritical support for Mobutu Sese Seko, the corrupt dictator Mr. Kabila overthrew, America has some obligation to help rebuild Congo's shattered economy and society. But Washington should not repeat its original mistake by giving a blank check to a new strongman who refuses to be accountable to his own people and to the international community.

FROM THE NEW YORK TIMES, SEPTEMBER 2nd 1997

L'ONU confirme la suspension de ses enquêtes en République démocratique du Congo Kinshasa a empêché les recherches sur les massacres de réfugiés

NEW YORK
(Nations unies)
de notre correspondante

Après des mois de tergiversations, le secrétaire général des Nations unies, Kofi Annan, a décidé de mettre un terme à la mission d'enquête de l'ONU sur les massacres de réfugiés rwandais en République démocratique du Congo (RDC, ex-Zaïre). Cette décision, qui devait être annoncée vendredi 17 avril par M. Annan, a été prise avec l'aval des Etats-Unis, a-t-on appris de source informée.

Le constat d'échec de la mission d'enquête intervient à la suite de la détention, la semaine dernière, de l'un des enquêteurs de l'ONU, le Canadien Christopher Harland, a été arrêté par les autorités congolaises à Goma. Ses bagages contenant des documents sensibles ont été saisis et fouillés et

M. Kabila envoie deux ministres à Paris

Le rapporteur de l'ONU sur la RDC (ex-Zaïre), Roberto Garretón, a rendu, mercredi 15 avril, un rapport accablant pour Laurent-Désiré Kabila à la commission des droits de l'homme de l'ONU. « La régime a fait table rase des droits à la vie, à la liberté, à l'intégrité physique, les droits à la vie politique étant suspendus », note M. Garretón, qui cite des assassinats politiques, des disparitions, des cas de torture, la restriction de la liberté de réunion, d'opinion et d'expression.

Par ailleurs, le ministre de l'information de la RDC, Raphaël Genda, est arrivé, mardi 14 avril, à Paris, avec le ministre de la fonction publique, Paul Kapita. La Belgique a refusé de les recevoir. « Nous sommes venus briser la glace, expliquer nos positions à la France et à l'Union européenne, répondre à toutes les questions », explique un porte-parole de la délégation. Les envoyés de M. Kabila attendent une décision de M. Annan sur les « hauts fonctionnaires » qu'ils doivent rencontrer.

une liste de témoins a été photocopiée. Créée en avril 1997 et chargée d'enquêter sur les massacres de dizaines de milliers de réfugiés hutus par l'armée rwandaise et les forces de Laurent-Désiré Kabila lors de leur offensive contre Mobutu Sese Seko, cette mission d'enquête a été systématiquement bloquée par le gouvernement congolais. Le retrait de la mission avait été réclamé par des défenseurs des droits de l'homme. La décision de Kofi Annan de maintenir les enquêtes en RDC était due aux « pressions énormes » américaines.

DÉCEPTION AMÉRICAINE

Jugeant les explications de Kinshasa sur la détention de M. Harland « insuffisantes », M. Annan a décidé, mardi 14 avril, de rappeler la mission d'enquête. Selon une source onusienne, il a pris sa décision « sans consultation » avec le Conseil de sécurité. Il reste à préciser si les enquêteurs de l'ONU continueront leurs travaux hors de RDC ou si leur tâche sera allouée à la Commission des droits de l'homme de l'ONU à Genève.

Kofi Annan a retardé l'annonce de sa décision, car, selon un diplomate des Nations unies, l'ONU est « extrêmement préoccupée » par d'« éventuelles » mesures de représailles de Kinshasa à l'encontre des enquêteurs internationaux et des témoins qui avaient coopéré ou avaient l'intention de coopérer avec la mission. Le porte-parole du département d'Etat, James Rubin, a assuré mercredi au Monde que le gouvernement américain a d'ores et déjà entrepris des démarches pour « s'assurer qu'il n'y aurait pas de représailles contre les témoins ». Selon M. Rubin, Washington est « extrêmement » déçu par la décision des autorités congolaises de « ne pas coopérer avec la mission d'enquête de l'ONU ». Quant à la décision de l'ONU de retirer l'équipe des enquêteurs, le porte-parole affirme que le département d'Etat « comprend les préoccupations des Nations unies ». Il ajoute : « Nous avons exhorté les responsables

congolais à honorer leurs engagements vis-à-vis de la mission d'enquête et nous avons encouragé l'ONU à être plus sensible aux préoccupations des Congolais ». M. Rubin conclut qu'« étant donné la situation, Washington estime que l'échec de la mission repose sans le moindre doute sur les épaules du gouvernement de Kinshasa ».

Un responsable du département d'Etat, parlant sous couvert de l'anonymat, se dit lui « désole » que l'ONU n'ait « jamais su prendre en compte les préoccupations de Kinshasa ». Selon lui, le « double standard » de l'ONU en Irak et en RDC est « incompréhensible ». « A Bagdad, on nous demande de respecter la dignité et la souveraineté de l'Irak, mais à Kinshasa les onusiens se comportent comme s'ils étaient chez eux ». Cet argument est « rejeté » par un diplomate à New York qui rappelle que l'ONU a été sévèrement critiquée pour avoir « laissé fuir » pour

accommoder les autorités congolaises. Il rappelle que Kinshasa a « même eu le luxe de choisir ses enquêteurs » après avoir refusé de coopérer avec l'investigateur chilien Roberto Garretón.

Ce diplomate révèle par ailleurs que, mis à part le fait que des témoins ont été harcelés, certains ont purement et simplement disparu. « Le témoin le plus important de l'ONU » a été tué en RDC, affirme-t-il. L'information est confirmée par l'organisation Human Rights Watch, qui précise que Oswald Haintrina, membre d'une organisation non gouvernementale congolaise - la Grande Vision pour les droits de l'homme - a été tué le 30 mars à Goma sur ordre du « pouvoir congolais ». Avant sa mort, M. Haintrina avait fourni « des informations extrêmement détaillées sur les massacres de réfugiés ».

Afané Bastin Pour

New Congo, Old Politics

It was just under a year ago that Laurent Kabila drove the longtime Zairian ruler, Mobutu Sese Seko, from power. Promising to end 32 years of dictatorship, corruption and incompetence, Mr. Kabila restored the country's pre-Mobutu name of Congo. Eleven and a half months later, far too much of the Mobutu style remains.

While the Clinton Administration went out of its way to cultivate Mr. Kabila, the new Congolese leader has proved to be a rigid and intolerant autocrat who scorns democracy, jails rivals and has signalled United Nations investigations of reported massacres of Hutu refugees during last year's fighting.

The latest outrage was the detention last month of a U.N. investigator and the copying of his confidential files, jeopardizing those who cooperated with the U.N. Secretary General Kofi Annan rightly withdrew the investigators after this incident. They will now try their best to continue their work from outside Congo, relying on information already gathered by Western governments on the missing Hutu. The victims are believed to have been slaughtered at the behest of Rwanda's Tutsi-led Government, whose troops helped bring Mr. Kabila to power.

Mr. Kabila treats the international community contemptuously, counting on the lure of Congo's mineral resources to attract the foreign funds he needs to finance his administration. But foreign investors should be cautious. The Kabila Government's highhandedness offers little assurance that contracts will be enforceable. Meanwhile, Mr. Kabila's refusal to broaden the narrow base of his rule in a diverse country has sparked new fighting in the eastern jungles and clashes between police and protesters in several cities.

Washington has always made cooperation with the U.N. human rights investigation a condition for proceeding with its \$50 million aid package for Congo. All parts of that aid program must now be reconsidered. Those that can be administered independently of the Kabila Government and directed to humanitarian and development needs should continue. But programs likely to tighten Mr. Kabila's grip or signal Washington's support for his methods should not.

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M. Kabila s'oppose à toute enquête sur les massacres de réfugiés au Zaïre

Les rebelles contraignent les experts de l'ONU à renoncer à leur mission

LES SOUPÇONS qui pèsent sur le sort réservé aux réfugiés rwandais dans les zones du Zaïre conquises par les troupes de Laurent Destré Kabila se sont aggravés ces derniers jours. Alors que les récits faisant état de massacres se multiplient, le chef des rebelles a interdit à une mission d'enquête des Nations unies de pénétrer dans les zones qu'il contrôle. L'équipe d'experts dirigée par le Chilien Roberto Cuervo, qui attendait depuis une semaine dans la capitale rwandaise les autorisations et garanties de sécurité nécessaires, a décidé, vendredi 9 mai, de repagner Genève, tout en soulignant sa disponibilité et M. Kabila venant à changer d'avis.

L'accueil réservé à cette mission était considéré comme un test dans les capitales occidentales et à l'ONU, où l'incident grandit sur le sort des réfugiés rwandais. Les organisations internationales et associations humanitaires ne cessent de sonner l'alarme depuis des semaines, dénonçant non seulement l'impossibilité dans laquelle elles se



trouvent d'effectuer leur mission dans les zones rebelles du Zaïre, mais aussi les massacres rapportés par des villageois et des réfugiés secourus. Un accord a été conclu vendredi entre le HCR, l'Alliance du Rwanda pour accélérer le rapatriement vers Kigali des réfugiés rwandais de la région sud de Kivu qui chassés de leurs camps fin ont par les rebelles. Mais les conditions dans lesquelles s'effectueraient les rapatriements restent très mauvaises. Le fait que l'Alliance et les autorités rwandaises s'efforcent de maintenir le nombre des réfugiés se trouvant encore dans l'est du Zaïre (où l'ONU évalue à au moins 300 000 et un autre motif d'inquiétude.

Samedi en fin de semaine, le rwandais Mutsaers avait toujours rencontré Kibumba, alors que les députés zairois s'apprêtaient à désigner l'archevêque de Kisangani M. Mombenge, à la présidence du Parlement provisoire.

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