

DEMOCRATIC REPUBLIC OF THE CONGO

At the request of the United Nations Office of the High Commissioner for Human Rights (UNOHCHR), and the United Nations Organization Mission in the Democratic Republic of Congo (MONUC), two EAAF members and one member of the International Forensic Center of Excellence for the Investigation of Genocide (INFORCE, UK) conducted a preliminary forensic evaluation in the DRC from November 29 to December 9, 2002. OHCHR carried out the overall mission coordination and MONUC provided logistical support. At this point, the forensic mission report is not public.





Internally displaced women and children from Bunia, Eastern DRC. *Photo courtesy of Spencer Platt, Getty Images, June 2003.*

Map of the Conflict



GROUPS INVOLVED

1 M.L.C. *Movement for the Liberation of Congo*
Led by Jean-Pierre Bemba. Initially created by Uganda, now somewhat independent of Ugandan influence.

2 R.C.D. *National Congolese Rally for Democracy-National*
Headed by Roger Lumbala. Viewed as a proxy force created by the M.L.C.

3 R.C.D.-Goma *Congolese Rally for Democracy-Goma*
Original rebel movement from the beginning of the war in 1998. Closely linked to Rwanda.

4 R.C.D.-M.L. *Congolese Rally for Democracy Liberation Movement*
Headed by Mbusa Nyamwisi. Breakaway group from R.C.D. Goma. Allegedly linked to Ugandan business interests.

HISTORICAL BACKGROUND

In May 1997, the Alliance of the Democratic Forces for the Liberation of Congo, a political party headed by Laurent-Desiré Kabila, overthrew by force the Zairian Mobutu regime and restored the country's former name — the Democratic Republic of Congo. One year later, in August 1998 a massive armed rebellion against the Kabila government was launched in large part by two rebel groups claiming that they would restore democracy and respect for human rights within the Democratic Republic of Congo. The Movement for the Liberation of Congo (MLC), one of the rebel groups, was backed by Uganda while different branches of the Congolese Rally for Democracy (RCD), the second group, were also backed by Uganda as well as Rwanda and Burundi, despite the fact that Uganda and Rwanda were initially a crucial component of the alliance created by Mr. Kabila in 1997. After a short time the rebels controlled eastern and northern parts of the country, accounting for over 50% of the national territory. In response to the rebel offensive, Angola, Zimbabwe and Namibia sent troops to support the Congolese government at its request. The government forces and the troops from Zimbabwe, Angola, and Namibia have maintained control mainly of the western and southern parts of the country. The Mai Mai, a group of local people who took up arms in various parts of the country, has also played a large role in maintaining territory for the Congolese government. Since this takeover, war has ravaged the country and the Congolese government has been battling numerous rebel groups to maintain their power; many of these groups are constantly being reconfigured.ⁱ

The war in the Democratic Republic of Congo has been the most devastating war documented in African history. A mortality study released by the International Rescue Committee estimates that since August 1998, when the war erupted, through November 2002 when the survey was completed, at least 3.3 million people died in excess of what would normally be expected during this time.ⁱⁱ Human Rights Watch reports that all groups involved in the fighting have attacked civilians, killing, maiming, and raping hundreds of thousands of people.ⁱⁱⁱ Others have died because of hunger or disease due to the destruction

of homes, crops, hospitals, and markets. Furthermore, the conflict has forced an estimated two million persons to flee their homes in eastern Congo.^{iv}

The accession of Joseph Kabila as president of the DRC in 2001, after the assassination of his father, raised hopes for the end of the war.^v President Kabila was chosen by consensus among leading domestic and foreign players rather than by any constitutional mechanism.^{vi} Upon taking power, he vowed to honor civil and political rights. However, according to Human Rights Watch, throughout his two years as president, he has continued to exercise the autocratic authority inherited from his father as stated in Decree Law No. 3 of 1997 granting him full executive, legislative, and judicial powers.^{vii} Furthermore, one pervasive argument holds that RCD and MLC's premise of democracy and human rights restoration has also proven to be a front for territorial and economic expansion.

Rwanda and Uganda, according to Human Rights Watch, "claimed their troops were in Congo to fight armed groups hostile to their government and based in the DRC. But by 2001 they seemed at least as concerned with the control of resources, trade routes, and access to tax revenues."^{viii} The war in the DRC has been fueled by the exploitation of Congolese resources. In November 2001, the UN Security Council investigated the situation and concluded in an October 2002 report that local conflicts were being spurred by Rwandan, Ugandan, and Zimbabwean army officers acting in both private and public capacities, and Congolese authorities, in order to more easily exploit Congolese natural resources.^{ix} According to author Dena Montague, sales from stolen Congolese resources such as diamonds, timber, copper, gold, cobalt and especially coltan, a mineral used in electronic devices, have earned Uganda and Rwanda multi-million dollar revenues, which each has used to sustain their respective war efforts in eastern DRC.^x Amnesty International reports, "foreign forces have also deliberately stoked inter-ethnic conflicts and mass killings in order to promote their economic interests."^{xi} According to a United Nations panel of experts, Zimbabwe has established economic investment in the DRC by setting up new companies in government controlled areas and contractual arrangements with an

elite group of Congolese businessmen and politicians. Revenue from mining ventures of these private companies bypasses the DRC's state treasury and rests in the hands of members of the elite private sector.^{xiii}

The Congolese government and all rebel groups have reportedly been involved with egregious violations of human rights of civilians throughout the war. Killing, maiming and destroying or pillaging property of people suspected of supporting the opposition has been ubiquitous throughout the fighting.^{xiii} Human rights activists and journalists have continually suffered harassment, abduction, physical assault, and arbitrary arrest by all sides. All combatant groups have also reportedly 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 unit.^{xiv}

Several attempts to instill peace in the DRC have been unsuccessful. It was hoped that the Lusaka Accords Peace Agreement, reached in July 1999, would lead to the cessation of hostilities. The United Nations Security Council established the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on 30 November 1999 to oversee the implementation of the accords. By 2001, it seemed that there would be a cessation of hostilities by involved parties as some of the accords of the agreement were enacted. Troops disengaged along the front lines, some 1,500 Rwandan rebels laid down their arms, and some Ugandan and Rwandan government soldiers returned home.^{xv} However, fighting resumed within months.

Finally, in December 2002, the Congolese government, rebels and opposition parties signed a peace accord in Pretoria, South Africa with the assistance of the South African government and MONUC. The agreement established a transitional government, stipulating that Joseph Kabila will remain the interim president until the first democratic elections are held in 30 months. The

interim government will include four vice presidents named from the Congolese government, the two main rebel groups RCD and MLC, and the political opposition. In addition, the agreement calls for the deployment of a national police force drawn from both government and rebel held areas to maintain law and order in the Congolese capital, Kinshasa. MONUC was also expanded from 5,537 to 8,700 international military personnel.^{xvi}

Yet the resumption of hostilities ensued. Although Rwanda had withdrawn its troops under international pressure, according to the International Crisis Group the country reorganized its military branch of the RCD-Goma to be ready for rapid deployment.^{xvii} By late December 2002, serious violations of human rights resulted along with the displacement of tens of thousands of civilians due to the RCD-National/MLC offensive in the district of Ituri, in the Oriental province, in late December 2002.^{xviii} More than 350 witnesses and victims interviewed by the UN confirmed earlier allegations that the MLC was responsible for rape, torture, and executions near the town of Beni in the Ituri district from October through December 2002.^{xix} The violence in Ituri stems from armed conflict between the Hema and Lendu ethnic groups. However, according to Amnesty International, "the conflict has been manipulated and exacerbated by leaders of armed political groups fighting for political and economic control in the region." On March 16, 2003, the Union of Congolese Patriots (UPC), which had taken Bunia with assistance of the Ugandan People's Defense Forces (UPDF)^{xx} from the RCD-ML in August 2002, was itself forced out of Bunia by the UPDF, resulting again in the extensive loss of civilian life and widespread property damage.^{xxi} Zimbabwe, Angola, and Namibia have withdrawn their troops in compliance with the accords. However, the International Rescue Committee reported in April 2003 that although Rwanda reportedly withdrew its forces in October 2002, militias that were part of the 1994 genocide in Rwanda still lurk in the forests of the eastern Congo.^{xxii}



Internally people from Bunia, Eastern DRC. Photo courtesy of Spencer Platt, Getty Images, June 2003.

FOOTNOTES

- i. The Movement for the Liberation of Congo (MLC), the Congolese Rally for Democracy-National (RCD National), and the Congolese Rally for Democracy Liberation Movement (RCD-ML) have controlled the north. These groups were initially backed by Uganda, although it appears as though the MLC and RCD National are now somewhat independent. Nevertheless, according to the New York Times, RCD-ML is still allegedly linked to Ugandan business interests. The Congolese Rally for Democracy-Goma (RCD-Goma) is the original rebel group who ignited the war in 1998. With the support of Rwanda, the RCD-Goma has controlled the east. Human Rights Watch believes that some of the Rwandan insurgents participated in the 1994 genocide in Rwanda. Burundi also played a role in the fighting by supporting the RCD for many years.
- ii. International Rescue Committee, April 4, 2003.
- iii. Human Rights Watch: Eastern Congo Ravaged, 2000.
- iv. Human Rights Watch "Democratic Republic of Congo" World Report 2003.
- v. Joseph Kabila assumed power upon the assassination of his father, Laurent Kabila, in January 2001. The assassination was reportedly masterminded by a top aid later sentenced to death by a criminal tribunal in January 2003. (East African Standard, January 9, 2003.)
- vi. Human Rights Watch "Democratic Republic of Congo" World Report 2002.
- vii. Ibid.
- viii. Human Rights Watch, "Democratic Republic of Congo" 2002 World Report.
- ix. Human Rights Watch "Democratic Republic of Congo" World Report 2003.
- x. See "Stolen Goods: Coltan and Conflict in the Democratic Republic of Congo", SAIS Review vol. XXII no. 1 (Winter-Spring 2002) by Dena Montague.
- xi. Amnesty International, "Democratic Republic of Congo: Time to stop the carnage and economic exploitation", 28 April 2003.
- xii. The Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo, United Nations, October 2002.
- xiii. Human Rights Watch "Democratic Republic of Congo" World Report 2002.
- xiv. Human Rights Watch "Democratic Republic of Congo" World Report 2002.
- xv. Human Rights Watch "Democratic Republic of Congo" World Report 2002.
- xvi. "Congo Peace Deal Signed", Global Policy Forum December 17, 2002.
- xvii. International Crisis Group: The Kivus: the Forgotten Crucible of the Congo Conflict, 24 December 2003.
- xviii. UN Security Council, Press statement on DR Congo by President of Security Council, 24 Dec 2002.
- xix. BBC, "DR Congo rebels dismiss 'cannibalism'", 16 January 2003
- xx. Ituri has been under the direct or proxy control of the UPDF since the outset of the current conflict in the DRC in August 1998. The UPDF is reportedly responsible in Ituri for unlawful killings and has sold arms to warring ethnic groups and has trained militias, including child soldiers according to Amnesty International. Bunia, the capital has fallen under the control of different armed political groups. Amnesty International, "Democratic Republic of Congo: Time to stop the carnage and economic exploitation", 28 April 2003.
- xxi. Amnesty International, "Democratic Republic of Congo: Time to stop the carnage and economic exploitation", 28 April 2003.
- xxii. International Rescue Committee, April 8, 2003.