

## DEMOCRATIC REPUBLIC OF THE CONGO 1993-2003 UN Mapping Report

### Involvement of neighbouring states

At one stage or another during the period covered by the mapping exercise (1993-2003), it was reported that at least eight national armies and 21 irregular armed groups were taking part in the conflict in the Democratic Republic of the Congo (DRC). The report documents incidents involving six of the national armies and many of the armed groups. Involvement by neighbouring states was initially triggered by the influx of 1.2 million Rwandan Hutu refugees into what was then eastern Zaire in July 1994 following the Tutsi genocide in Rwanda. This humanitarian emergency quickly transformed into a diplomatic and security crisis between Zaire and the new Rwandan government, due in large part to the presence among the refugees of members of the former Forces armées rwandaises (or “ex-FAR”), as well as militias responsible for the genocide (the Interahamwe). It was further exacerbated by the longstanding alliance between the former Rwandan regime and Zaire's President Mobutu Sese Seko. (paragraphs 481/ 131)

Faced with the use by the ex-FAR and the Interahamwe of refugee camps as a base from which to launch their incursions into Rwanda, the new Rwandan authorities in 1995 opted for a military solution to the crisis. With the aid of Uganda, as well as Tutsis from Zaire's North and South Kivu who had been denied Zairian citizenship, they organized a rebellion to counter the ex-FAR and Interahamwe and to overthrow the Mobutu regime in Kinshasa. From July 1996, Rwandan-supported armed units, including APR (Armée patriotique rwandaise) troops, began operations to infiltrate the province of South Kivu via Burundi and to destabilize North Kivu via Uganda. (132 /178)

In October, the AFDL (Alliance des forces démocratiques pour la libération du Congo) rebel group was officially formed in Kigali with the aim of toppling President Mobutu. Under the cover of the AFDL, whose troops, arms and logistics were supplied by Rwanda, soldiers from the APR, the Uganda People's Defence Force (UPDF) and the Burundi Armed Forces (FAB) entered Zaire en masse. In a lightning offensive, units of the AFDL, APR and FAB attacked and destroyed all the Rwandan and Burundian Hutu refugee camps. While hundreds of thousands of Rwandan refugees returned to Rwanda, hundreds of thousands of others fled further into Zaire along with the ex-FAR/Interahamwe. For several months, they were pursued by AFDL/APR<sup>1</sup> soldiers, who systematically destroyed the makeshift refugee camps and persecuted anyone who came to their aid. In early 1997, the Angolan government made contact with the Rwandan and Ugandan authorities and also lent its support to the AFDL/APR/UPDF operation. (178-179)

The pursuit of Hutu refugees and the ex-FAR/Interahamwe by the AFDL/APR forces was relentless across the entire Congolese territory. Although abuses were carried out by all sides during this period, numerous systematic and widespread attacks on Rwandan Hutu refugees and civilians are described in some detail in Section 1 of the mapping exercise report. “These attacks resulted in a very large number of victims, probably tens of thousands of members of the Hutu ethnic group, all nationalities combined,” the report states. “In the vast majority of cases reported, it was not a question of people killed unintentionally in the course of combat, but people targeted primarily by AFDL/APR/FAB forces and executed in their hundreds, often with edged weapons. The majority of the victims were children, women, elderly people and the sick, who posed no threat to the attacking forces. Numerous serious attacks on the physical or psychological integrity of members of the group were also committed, with a very high number of Hutus shot, raped, burnt or beaten...” (193 / 513)

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<sup>1</sup> Given the heavy presence of Rwandan (APR) soldiers among the troops and commanding officers of the AFDL Congolese rebel group - a reality later recognised by the Rwandan authorities - and the great difficulty noted by the witnesses questioned by the Mapping Team in distinguishing between members of the AFDL and the APR on the ground, reference is made in the report to the armed elements of the AFDL and soldiers of the APR engaged in operations in Zaire between October 1996 and June 1997 using the acronym AFDL/APR. When several sources attest to the heavy presence of Ugandan (UPDF) soldiers under cover of the AFDL in certain regions (as in some districts of Orientale Province), or of the Forces armées burundaises (FAB), as in some territories of South Kivu, the acronyms AFDL/APR/UPDF, AFDL/APR/FAB or AFDL/UPDF and AFDL/FAB may also be used.

The AFDL/APR troops made rapid gains with the help of the UPDF and other forces, and AFDL/APR forces entered Kinshasa on 17 May 1997. The AFDL leader, Laurent-Désiré Kabila, declared himself President of the Republic and renamed the country the Democratic Republic of the Congo (DRC). (180)

In July 1998 amid deteriorating relations with Rwanda, President Kabila dismissed the Rwandan general, James Kabarebe, from his position as army chief of staff and ordered Rwandan soldiers to leave the DRC. In response, on 2 August 1998, some Tutsi soldiers mutinied and, with the help of the Rwandan military, the Ugandan army, the Burundi army and some soldiers from the ex-Forces armées zairoises (ex-FAZ), launched a rebellion under the so-called RCD (Rassemblement congolais pour la démocratie) to overthrow President Kabila. In the following months, the country was divided into two zones, one led by Laurent Kabila with the support of the armed forces of Zimbabwe [Zimbabwe Defence Forces (ZDF)], Angola [Forças Armadas Angolanas / Forces armées angolaises (FAA)], Namibia [Namibia Defence Force (NDF)], Chad [Armée nationale tchadienne (ANT)] and Sudan, and the other controlled by the armed wing of the RCD, the Armée nationale congolaise (ANC), the Rwandan army (APR), the Ugandan army (UPDF) and the Burundian army (FAB). (308-309)

The warring parties' motivations and alliances shifted over time. Initially, in 1996, the conflict appeared to be driven primarily by political, ethnic and security considerations. Later, however, exploitation of the DRC's rich natural resources enabled these groups to finance their war efforts and also became a source of personal enrichment for their leaders. Natural resources thus gradually became a driving force behind the conflicts. (see Factsheet No.5 – Natural resources)

Throughout, the DRC remained racked by horrendous human rights abuses and numerous armed conflicts – some international, others internal, as well as national conflicts that became internationalized. Despite the Lusaka Ceasefire Agreement in July 1999 calling for the respect of international humanitarian law and the withdrawal of all foreign forces, fighting and serious violations of human rights and international humanitarian law continued. In June 2000, the UN Security Council called for all parties to cease hostilities and demanded that Rwanda and Uganda withdraw from the DRC, having been in violation of its sovereignty. But it was not until the signing of two new agreements with Rwanda (Pretoria Agreement) and Uganda (Luanda Agreement) in 2002, that these foreign forces actually began to withdraw. (19)

In 2001, Security Council Resolution 1341 warned that foreign “occupying forces should be held responsible for human rights violations in the territories under their control.” As for individual responsibilities, the Security Council reminded the Congolese Government and the other states in the region, particularly states involved in the armed conflict, of their obligations “to bring to justice those responsible [for the violations], and [...] ensure accountability for violations of international humanitarian law.” Without such cooperation, the mapping report says, it will be impossible to establish the extent to which those who gave orders are responsible. It adds, however, that so far “no third-party State involved in the conflicts in the DRC has brought proceedings against nationals suspected of perpetrating crimes, despite the existence of considerable evidence pointing to the implication of their forces in crimes committed in the DRC.” (1015-16 / 64)

The report identifies countries “that could be held responsible for serious violations of human rights committed by their national armies during the period under consideration in the DRC, and in particular Uganda, Rwanda, Burundi and Angola.” It also notes that further investigation could result in determination of the extent to which other countries – and possibly foreign companies – carried some responsibility. Moreover, it notes, “foreign countries that bear State responsibility for serious violations of human rights and of international humanitarian law also have the obligation to pay reparations to the State on whose territory these acts were committed and harm suffered...” (1088 / 72)