

- In October 2002, elements of the Mayi-Mayi and FRF raped and killed an unknown number of civilians in the Uvira region and pillaged their property.<sup>823</sup>
- On 20 October 2002, having regained control of Uvira, ANC soldiers raped and killed an unknown number of civilians in the town and surrounding villages, particularly in Runingu, Kiliba, Sange, Ndunda, Luvungi and Kamanyola.<sup>824</sup>
- From 22 December 2002 and for the next several months, elements of the Mayi-Mayi launched home-made bombs on Baraka, in the Fizi region, from dugout canoes, killing at least 17 people and destroying at least 40 houses. None of these bombardments was aimed at military targets. The Mayi-Mayi targeted civilian populations in order to force them to leave the area under the control of the RCD-Goma.<sup>825</sup>

447. Towards the end of 2002, senior figures in the RCD-Goma began negotiations with a political wing of the Mudundu 40 Mayi-Mayi movement led by Odilon Kurhenga Muzimu and Patient Mwendanga. The aim of the negotiations was to complete the withdrawal of RDF soldiers from the Walungu region in return for the collaboration of the political wing of the Mudundu 40 in order to annihilate the movement's military wing, led by Commander Kahasha (Foka Mike) and elements of the Mudundu 40 operating in the region. In December, when the negotiations ended, the RCD-Goma appointed Patient Mwendanga to the post of Governor of South Kivu. The military wing of the Mudundu 40, however, received support from the Padiri Mayi-Mayi and strengthened its positions in the Burhale *groupement*. In March 2003, as the *rapprochement* between the RCD-Goma and the political wing of the Mudundu 40 had failed to undo the movement's military wing, Patient Mwendanga was dismissed from his post and the ANC, with the help of RDF reinforcements, launched an attack on the armed elements of the Mudundu 40 in the Walungu region.

- Between 5 and 13 April 2003, elements of the ANC/RDF used heavy weapons to attack the headquarters of the Mudundu 40 in Mushinga (the villages of Mwegerera, Lukumbo, Karhundu and Izirangabo) and the surrounding area, in the Burhale *groupement*, killing several tens of civilians. They also raped at least 27 women and caused the disappearance of six. They systematically pillaged the villages before they left. The bodies of several civilians and soldiers were buried in mass graves in Izirangabo, Butunza and Kibirira, close to the centre of the town of Walungu. To punish the population for its supposed support of the Mudundu 40, ANC soldiers intentionally and systematically destroyed educational

<sup>823</sup> Interviews with the Mapping Team, South Kivu, April 2009; Documents from October 2002 submitted to the Mapping Team by local NGOs, April 2009; IRIN, "Weekly Round-Up No. 146", 26 October-1 November 2002.

<sup>824</sup> Interviews with the Mapping Team, South Kivu, April 2009; Confidential report from October 2002 submitted to the Mapping Team by local NGOs in Uvira, April 2009; IRIN, "Weekly Round-Up 146", 26 October-1 November 2002.

<sup>825</sup> Interviews with the Mapping Team, South Kivu, April 2009.

institutions and healthcare facilities in the southern part of the centre of the town of Walungu.<sup>826</sup>

- On 31 January 2003, elements from the FNL Burundian Hutu armed group killed seven civilians, including minors, and pillaged and set fire to 41 houses in the village of Nyamwoma, 28 kilometres north of Uvira, in the Kabunambo *groupement* of the chiefdom of Bifuliro in the Uvira region. The victims were farmers who had refused to pay the tax demanded by elements of the FNL of Bitagi Umunyu, which controlled the Rukoko forest in Burundi. According to another source, the perpetrators of the crime were FNL deserters.<sup>827</sup>
- Between 1998 and 2003, over 1,660 cases of rape were recorded in the three areas of the Fizi region. All the armed groups operating in the area committed these acts. Of the 1,660 rapes recorded, 89 were rapes of men, mostly committed by the FDD. These figures naturally underestimate the scale of the phenomenon.<sup>828</sup>
- Between 1998 and 2003, elements of the FDD killed at least four, raped tens of people and pillaged civilian property in the village of Kalundja, seven kilometres from Baraka, in the Fizi region. Several cases of male rape were recorded in the village, which was ironically nicknamed “Dubai” because of the acts of pillaging committed practically every month against its inhabitants.<sup>829</sup>
- Between 2000 and 2003, local NGOs documented 2,500 cases of sexual violence in the chiefdom of Bakasi, in the Shabunda region, alone. Most of the violations took place in the villages of Mungembe, Matili, Nyalukungu, Lulingu, Chelamazi, Lugungu, Masanga and Kikamba. The perpetrators of these violations were firstly elements of the Mayi-Mayi and FDLR and to a lesser extent, elements of the ANC/APR.<sup>830</sup>
- Between 1998 and 2003, elements of the ANC/APR/RDF, Mayi-Mayi groups, and members of the ALiR/FDLR and FNL raped an unknown number of women, often collectively, in the Uvira region, in particular in the Ruzizi plain.<sup>831</sup>

## F. Maniema

<sup>826</sup> Interviews with the Mapping Team, South Kivu, March 2009; RODHECIC [Réseau d'organisations des droits de l'homme and d'éducation civique d'inspiration chrétienne], “INFO droits de l'homme no 36”, 2003, p. 7 to 12 and 29; ANB [*African News Bulletin*], “Weekly News Issue”, 14 April 2003, p. 1 to 4; MESEP [Messagers pour l'éducation and la sensibilisation des enfants à la paix], “Walungu après les Mudundu 40”, 2003, p. 2.

<sup>827</sup> Interviews with the Mapping Team, South Kivu, February and April 2009.

<sup>828</sup> Interviews with the Mapping Team, South Kivu, April 2009.

<sup>829</sup> Interviews with the Mapping Team, South Kivu, February and April 2009.

<sup>830</sup> Interviews with the Mapping Team, South Kivu, June 2009.

<sup>831</sup> Interviews with the Mapping Team, South Kivu, March and April 2009; Réseau des femmes pour un développement associatif (RFDA), Réseau des femmes pour la défense des droits and la paix (RFDP) and International Alert (IA), “Le corps des femmes comme champ de bataille durant la guerre de la RDC, 1996-2003”, 2004, p. 54.

448. From 2001 onwards, the Mayi-Mayi groups in Maniema stepped up the number of attacks against ANC/APR troops. In response, the ANC/APR set up local self-defence forces made up of young Congolese militiamen. The civilian population was thus forced to side with either one camp or the other and was targeted by the ANC/APR and the Mayi-Mayi.

449. From February 2001, the Mayi-Mayi and ANC/APR troops fought for control of the village of Kasenga Numbi, 22 kilometres from Kindu.

- In March 2001, elements of the ANC/APR kidnapped five civilians from Kasenga Numbi in the Kailo region and killed them on the basis that they supported the Mayi-Mayi. Two days later, elements of the Mayi-Mayi groups went to the village of Kasenga Numbi and buried a civilian accused of spying for the RCD-Goma alive. Before they buried him, the Mayi-Mayi cut off one of the victim's ears, forced his wife to fry it and finally, forced him to eat his own flesh.<sup>832</sup>
- During the night of 3 to 4 July 2001, on the orders of the security committee for the town of Punia chaired by the Administrator for the region, elements of the ANC/APR executed a minerals trader and 12 porters in Punia. The victims had arrived in Punia on 30 June accompanied by two other traders, with a sizeable cargo of coltan and gold and a large quantity of liquid silver. Accused of being spies working on behalf of the Mayi-Mayi, the victims were arrested and held in the central prison known as "Kigali". Two traders survived and were released after spending two and a half months in prison.<sup>833</sup>
- On 15 September 2001, elements of the ANC/APR bombarded the village of Lubao, in the Kailo region, with heavy weapons, killing six civilians and seriously wounding eight. The attack was intended to chase the Kabambe Mayi-Mayi from Lubao. The latter regained control of the village, however, on the following day. On 10 October 2001, ANC/APR troops launched a fresh attack on the village, killing four civilians and looting property.<sup>834</sup>
- In November 2001, elements of the ANC/APR killed at least 12 people in the village of Nyoka, 19 kilometres from Kindu, in the Kailo region. The victims, who had been accused of supporting the Mayi-Mayi, were shot during the night. One person managed to escape. The fate of two civilians arrested at the same time as the victims but who remained in prison on the night of the execution is still unknown.<sup>835</sup>

<sup>832</sup> Interviews with the Mapping Team, Maniema, March 2009.

<sup>833</sup> Interviews with the Mapping Team, Maniema, March 2009.

<sup>834</sup> Interviews with the Mapping Team, Maniema, March 2009.

<sup>835</sup> Interviews with the Mapping Team, Maniema, March and April 2009.

- On 29 December 2001, following a brief incursion by some Mayi-Mayi into the town of Kindu, elements of the ANC/APR killed seven civilians during a search operation in the Basoko neighbourhood.<sup>836</sup>
  - In 2002, in Yumbi, 35 kilometres from Punia, elements of the ANC/APR shot and killed around 20 civilians in retaliation for the killing of the Administrator of the Punia region by elements of the Mayi-Mayi. The victims were killed after ANC/APR forces had chased the Mayi-Mayi from the village.<sup>837</sup>
  - On 17 January 2002, elements of the Mayi-Mayi buried 15 civilians alive in Lub-elenge, in the Kailo region. The victims were part of a group of 40 people travelling from Kibombo to Kindu. Having intercepted the group, the Mayi-Mayi separated the women from the men. The 15 men were each forced to dig a grave and were then buried alive in front of the women, many of whom were married to the victims. The 25 women were finally released.<sup>838</sup>
  - In April 2002, elements of the ANC/APR set fire to 64 houses in the village of Makali, 12 kilometres from Kindu, in the Kailo region. The soldiers viewed the village as a Mayi-Mayi stronghold. Shortly before the incident, the convoy of the provincial Governor, escorted by the same members of the ANC/APR, had been attacked by the Mayi-Mayi in the village of Lengwa, nine kilometres from Kindu. Only the church in Makali was spared.<sup>839</sup>
  - In April 2002, in the town of Kasongo, the administrative centre of the region of the same name, elements of the ANC/APR burned alive four members of a Mayi-Mayi group who were out of combat. The victims, who had been captured during Mayi-Mayi attacks on Kasongo, were all tortured and executed at the Palace Hotel.<sup>840</sup>
450. In May 2002, there was fighting in the Pangi region between Mayi-Mayi based in Kampene and the ANC/APR troops based in Kasongo.
- In May 2002, elements of the ANC/APR killed over 50 people in the village of Kitangi, 15 kilometres from Kampene, in the Pangi region. The killing took place after the Mayi-Mayi had been chased from the village by the ANC/APR. Rather than returning directly to Kitangi, the ANC/APR soldiers disguised themselves as Mayi-Mayi combatants. Having observed the enthusiasm with which they were greeted arriving disguised in this way, they arrested a large number of civilians, including some of the villagers as well as simple passers-by, who were rounded up along the roads. Most of the victims were killed by being struck on

<sup>836</sup> Interviews with the Mapping Team, Maniema, March 2009; Haki Za Binadamu, "Les exécutions sommaires, extrajudiciaires and les meurtres dans la province du Maniema (septembre 2001 à mai 2002)", 18 June 2002.

<sup>837</sup> Interviews with the Mapping Team, Maniema, March 2009.

<sup>838</sup> Interviews with the Mapping Team, Maniema, March 2009.

<sup>839</sup> Interviews with the Mapping Team, Maniema, March 2009.

<sup>840</sup> Interviews with the Mapping Team, Maniema, March 2009.

the back of the neck. In 2003, the villagers found the skulls of over 50 people, only 17 of which were identifiable.<sup>841</sup>

451. From 2001 onwards, Mayi-Mayi groups organised a blockade around Kindu in order to hamper the provision of fresh supplies to the ANC and force the APR to leave the town, which created a situation of ongoing food shortages. The people living in the town were accused of supporting the Mayi-Mayi and suffered numerous atrocities at the hands of the ANC/APR/RDF troops and their allies in the local self-defence forces. They were also the victims of frequent attacks by the Mayi-Mayi, many elements of which acted criminally. To counter the blockade, the ANC/RDF<sup>842</sup> troops launched an operation known as “Kangola Nzela” (Open the Door) above and below Kindu. During the operation, the civilian populations living around Kindu were assumed to be Mayi-Mayi and targeted directly by the soldiers.

- Between 28 August and the first week of September 2002, elements of the ANC/RDF killed over 100 people, including women and children, on the islands of Nyonga and Katangila and in the village of Keko, in the Basongola community in the Kailo region. After one of their canoes had been attacked, the soldiers launched an offensive on the island of Katangila, killing at least 21 civilians, including women and children. Once they had returned to the right bank, the soldiers assembled the civilians from the villages of Hongelo, Okoko, Lubende, Kaseke and Nyonga and took them onto the island of Nyonga. On 30 August, the soldiers separated the men from the women and children and killed around 50 men. Some of the victims were shot, whilst others were killed with pickaxes or machetes. Their bones are still visible in various places on the island. After the killing, the soldiers set fire to numerous villages. The women and children who had been taken to the island of Nyonga were finally taken to Kindu. Over the same period, the ANC/RDF soldiers also arrested numerous civilians in the forests around the village of Keko. Having taken them back to the village, they killed the ten or so men in the group.<sup>843</sup>
- Between June and October 2002, elements of Mayi-Mayi groups kidnapped between 200 and 300 people, including women and children, and reduced them to slavery at their camp in Kipala, 29 kilometres from Kindu. They also whipped and killed five civilians with machetes after they refused to work as forced labourers. The victims were held by the Mayi-Mayi for two weeks before being released. Similar cases of kidnapping and cruel, inhuman or degrading treatment were observed in the Pangi region. Several dozen civilians, including women and

<sup>841</sup> Interviews with the Mapping Team, Maniema, March 2009; Twelfth report of the Secretary-General on MONUC (S/2002/1180); CDJP-Kasongo, “La province du Maniema dans la tourmente de deux guerres dites de libération”, June 2003; Kaki Za Binadamu, “Lecture de l’environnement and situation des droits de l’homme dans la province du Maniema (juin-juillet 2002)”, 10 August 2002.

<sup>842</sup> As mentioned previously, from June 2002, the Armée patriotique rwandaise (APR) was renamed the Rwandan Defence Forces (RDF).

<sup>843</sup> Interviews with the Mapping Team, Maniema, March 2009; CDJP [Commission diocésaine Justice et Paix]-Maniema “La province du Maniema (1998 à 2004) durant 7 ans de guerre and de conflits sanglants”, 2006; Bureau of Democracy, Human Rights and Labor, U.S. Department of State, *Country Reports on Human Rights Practices*, 2003.

children, were kidnapped from the villages of Avanga and Amikupi and reduced to slavery by the Mayi-Mayi in Mimbite and Lumembe.<sup>844</sup>

452. On 30 July 2002, President Kabila and President Kagame entered into an agreement in Pretoria, providing for the withdrawal of the RDF from Congolese territory and the dismantling of the ex-FAR/Interahamwe over a period of 90 days. During the following weeks, Kinshasa prohibited the political activities of the FDLR in the area under its control. Between 17 and 18 September, the RDF left Kindu and the mining town of Kalima. On 19 September, the Mayi-Mayi groups active around Kindu entered into a ceasefire agreement with the leaders of the RCD-Goma, which was immediately welcomed by the population. During the day, however, an isolated incident between Mayi-Mayi elements and ANC soldiers degenerated into several violent incidents.

- From 19 or 20 September 2002, elements of the ANC and their allies in the local self-defence forces killed over 100 civilians in the Brazza neighbourhood in the town of Kindu, mostly around a barrier put up to filter the villagers as they returned from the fields. During the previous months, the Brazza neighbourhood had been the scene of regular confrontations between Mayi-Mayi and ANC/APR/RDF troops. At least 40 bodies were found on boulevard Joseph Kabila and over 70 on the road to Lwama.<sup>845</sup>
- Between September and October 2002, elements of the ANC and their allies in the local self-defence forces executed 20 civilians, including a baby and young schoolchildren, in the municipality of Alunguli in the town of Kindu. The victims were travelling into the centre of Kindu, having learnt that the Mayi-Mayi and the RCD had agreed a ceasefire. They were intercepted at the Alunguli barrier and executed with edged weapons on the grounds that they were collaborating with the Mayi-Mayi. Two mass graves containing 9 and 11 bodies were discovered in the municipality in 2007.<sup>846</sup>
- On 22 September 2002, elements of the ANC and their allies in the local self-defence forces killed seven civilians during a search operation in the Tokolote neighbourhood in the town of Kindu. Five of the victims were arrested at their homes during the night and executed on the grounds that they were collaborating with the Mayi-Mayi. In 2006, the local population discovered the mass grave that

<sup>844</sup> Interviews with the Mapping Team, Maniema, March 2009; Haki Za Binadamu "Lecture de l'environnement and situation des droits de l'homme dans la province du Maniema (juin à juillet 2002)", 10 August 2002.

<sup>845</sup> Interviews with the Mapping Team, Maniema, March and April 2009; Interview with MONUC's Human Rights Division, Kindu, April 2003; Les Amis de Desmond Tutu, *Rapport d'identification des tombeaux anonymes and des fosses communes au quartier de Brazza* May 2006; CDJP-Maniema, "La province du Maniema (1998 à 2004) durant 7 ans de guerre and de conflits sanglants", 2006.

<sup>846</sup> Interviews with the Mapping Team, Maniema, March 2009; Interview with MONUC's Human Rights Division, Kindu, April 2003; *Twelfth report of the Secretary-General on MONUC (S/2002/1180)*, CDJP-Maniema, "La province du Maniema (1998 à 2004) durant 7 ans de guerre and de conflits sanglants", 2006; Haki Za Binadamu, "Lecture de l'environnement and situation des droits de l'homme dans la province du Maniema (juin-juillet 2002)", 10 August 2002.

contained their bodies. A file on the case was opened in 2004 at the Military Prosecutor's office but no trial has ever taken place.<sup>847</sup>

- On 25 September 2002, elements of the ANC killed 19 civilians, including women and children, in the Church of the Apostles in the village of Songwe, 24 kilometres south of Kindu, in the Kailo region. The victims had been accused by the soldiers of being Mayi-Mayi. Thirteen civilians managed to escape but the others were shot dead inside the church itself. The victims' bodies were buried by the villagers in five mass graves.<sup>848</sup>
- Also on 25 September 2002, elements of the ANC killed 22 civilians, including women and children, in the villages of Katalama and Mongali, 14 kilometres from Kindu. The killings took place after the ANC had chased the Mayi-Mayi from these villages. In Katalama, ANC soldiers found six women hiding in their houses, who agreed to help them flush the other villagers out of their hiding places. The soldiers then told the 17 civilians to gather for a census and shot them dead. In the neighbouring village of Mongali, the ANC troops found five civilians, whom they accused of collaborating with the Mayi-Mayi and killed.<sup>849</sup>
- Towards the end of 2002 and in early 2003, elements of the ANC occupying the town of Kibombo, 110 kilometres south of Kindu, executed at least 37 civilians suspected of supporting the Mayi-Mayi in the surrounding fields. The civilian population was seen as colluding with the enemy by both camps. The victims were killed in Kibombo by an ANC firing squad and their bodies thrown into two wells in the Kawelo neighbourhood (30 bodies) and the police district (seven bodies).<sup>850</sup>
- In early 2003, elements of the ANC from Kimbolo looted the village of Lubelenge and set fire to over 100 houses as well as places of worship (the United Methodist church, the Catholic church and the mosque) and health centres. The soldiers were trying to clear the Mayi-Mayi from the main road between Kibombo and Kindu as part of the "Kangola Nzela" (Open the Door) operation. Lubelenge was the headquarters of a Mayi-Mayi group that regularly attacked ANC soldiers along this road.<sup>851</sup>

<sup>847</sup> Interviews with the Mapping Team, Maniema, March 2009; Twelfth report of the Secretary-General on MONUC (S/2002/1180); Haki Za Binadamu, "Lecture de l'environnement and situation des droits de l'homme dans la province du Maniema (juin-juillet 2002)", 10 August 2002; ACIDH [Action contre l'impunité pour les droits humains], "Pour un système judiciaire plus opérationnel and crédible au Maniema. Rapport sur l'observation du système judiciaire du Maniema à travers 13 cas ciblés", October 2008; Military Prosecutor at the Kindu garrison, *Rapport de l'instruction du dossier judiciaire RMP 087/ KMB/ 04 MP c/ Longamba et consort*, October 2006; CDJP-Maniema "La province du Maniema (1998 à 2004) durant 7 ans de guerre and de conflits sanglants. Quelles leçons tirées pour l'avenir?", 2006.

<sup>848</sup> Interviews with the Mapping Team, Maniema, March 2009.

<sup>849</sup> Interviews with the Mapping Team, Maniema, March 2009; CDJP-Maniema "La province du Maniema (1998 à 2004) durant 7 ans de guerre and de conflits sanglants", 2006.

<sup>850</sup> BNUDH, Mission report - discovery of two mass graves in Kibombo, 15 January 2007.

<sup>851</sup> Interviews with the Mapping Team, Maniema, March 2009.

- Between 2001 and 2003, Mayi-Mayi raped a large number of women of all ages in the town of Kindu and the surrounding area. Between 2002 and 2003, for example, 238 cases of rape were recorded in the village of Lubelenge alone. The victims were mostly attacked when they were leaving the town to get fresh food supplies during the blockade in Kindu. Many women were also kidnapped and used for several months or even a year as sex slaves in the Mayi-Mayi camps. Cases of rape involving ANC/APR soldiers were also recorded, but in smaller numbers.<sup>852</sup>
- Between 2002 and the first quarter of 2003, Mayi-Mayi elements kidnapped, raped and used hundreds of women from Kalima and the surrounding area, in the Pangi region, as sex slaves. Most of the victims were kidnapped while they were on their way to Kamakozi, in the Kailo region, to till their fields there. They were often taken to the villages of Amisi and Kamakozi, where the Mayi-Mayi had their bases. The Mayi-Mayi also often kidnapped men, whom they then used for forced labour. Some women remained in the Mayi-Mayi camps for several days and others for several months. All of them were raped on a daily basis by several men and subjected to all kinds of cruel, inhuman and degrading treatment.<sup>853</sup>
- Between 1999 and 2003, elements of the Mayi-Mayi and ANC/APR raped over 2,500 women in the communities of Maringa, Mulu and Bakwange in the Kasongo region alone. Most of the victims were attacked when they were out looking for food or doing domestic chores. When the Mayi-Mayi took control of a village that had previously been occupied by the ANC/APR, they often forced members of the same family suspected of having cooperated with the RCD-Goma to have incestuous sexual relations in public. When they carried out a rape, the Mayi-Mayi forced the men in the victim's family to witness it.<sup>854</sup>

453. These figures are given by way of example and represent only a fraction of what happened in reality. As in the other provinces, many places are still inaccessible; sometimes victims and witnesses did not survive the violations or are still ashamed to speak about them. When they did survive rape, women were generally rejected by their husbands and families instead of being supported by their communities.

## **G. Rest of the country**

### **1. Kinshasa**

454. Between January 2001 and June 2003, the repression of political opponents and members of civil society continued. Although there were fewer cases of violations, the security forces continued to commit murder, summary and extrajudicial executions, rape

<sup>852</sup> Interviews with the Mapping Team, Maniema, March-April 2009; CDJP-Kasongo, "Des graves violations des droits de l'homme consécutives aux affrontements mai-mai and militaires du RCD (de juin à août 2002)", August 2002.

<sup>853</sup> Interviews with the Mapping Team, Maniema, March and April 2009; CDJP-Kasongo, "Au nom de toutes les miennes. SOS pour les femmes victimes des crimes sexuels and autres violences à Kalima", 2003.

<sup>854</sup> Interviews with the Mapping Team, Maniema, March 2009.



and acts of torture with complete impunity. They also caused the disappearance of an unknown number of people. The conditions in which people were detained remained cruel, inhuman or degrading and likely to lead to heavy losses of human life.

455. During the period under consideration, over 30 reports of cases in Kinshasa were sent to the Government through the mechanisms provided by the Commission on Human Rights, including the Working Group on enforced or involuntary disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading punishments or treatments and the Working Group on arbitrary detentions.<sup>855</sup> A large number of these reports concerned human rights violations committed in relation to the pursuit of those suspected of playing a part in the assassination of President Kabila.

- On 16 January 2001, at Camp Kokolo, in Kinshasa, elements of the FAC summarily executed 11 Lebanese men suspected of being involved in the assassination of President Kabila. In the raids organised after the death of the President, a total of around 100 people were arrested and tortured. Some were held for over two years in various detention centres, in particular Building 1 of the CRPK, without being formally charged.<sup>856</sup>
- From 23 April 2001, 19 FAC soldiers, most of whom were originally from the provinces of North and South Kivu and had officially applied for asylum at the UNHCR office in Brazzaville, were transferred to Kinshasa in breach of legal procedures and then tortured and subjected to cruel, inhuman and degrading treatment in the ANR prisons. They had been accused of being involved in a plot to overthrow President Kabila. On 7 January 2003, they were sentenced to life imprisonment by the Military Court.<sup>857</sup>

456. During the period under consideration, the security forces in general committed assassinations, extrajudicial executions, rapes and acts of torture directed against political opponents and ordinary civilians, with almost complete impunity. As the incidents are too numerous to list in full, a few cases are reported below for illustrative purposes.

- Between February and September 2001, an unknown number of people were killed and subjected to cruel, inhuman or degrading treatment in the GLM building by the security services. Some people were taken out of their cells during

<sup>855</sup> Most of these reports, which relate to hundreds of people, were produced jointly with the Special Rapporteur on the situation of human rights in the DRC: E/CN.4/2002/74/Add.2, E/CN.4/2002/76/Add.1, E/CN.4/2002/77, E/CN.4/2002/79, E/CN.4/2003/3/Add.1, E/CN.4/2003/8, E/CN.3/2003/68/Add.1, E/CN.4/2003/70, E/CN.4/2004/3, E/CN.4/2004/7/Add.1, E/CN.4/2004/56/Add.1 and E/CN.4/2004/58.

<sup>856</sup> Interviews with the Mapping Team, Kinshasa, March 2009; *Report on the situation of human rights in the DRC (A/56/327)*; *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading punishments or treatment (E/CN.4/2004/56/Add.1)*.

<sup>857</sup> *Torture and other cruel, inhuman or degrading punishments or treatment – Report presented by the Special Rapporteur (E/CN.4/2002/76/Add.1)*; CODHO, “Des arrestations et détentions arbitraires à Kinshasa”, 2003; AI, *DRC. A past that haunts the future*, 2003.

the night and taken to the river bank, where they were executed. Other prisoners died as a result of torture.<sup>858</sup>

- In mid-December 2001, FAC soldiers arrested around 100 students following demonstrations organised to protest against the increase in university fees. The FAC raped three female students during the operation. Nine students seen as the leaders were tortured for three months in the various prisons in the town, including at the DGRS (Kin Mazière) and the CPRK. Soldiers also looted university halls of residence during the operation.<sup>859</sup>

## 2. Bas-Congo

457. The Bundu Dia Kongo (BDK) is a political, cultural and religious movement that fights for the defence of the Kongo people. In addition to the establishment of a federal State in the DRC, the BDK wants a redefinition of national boundaries on the African continent and recognition of an autonomous republic of Central Kongo, which would combine the parts of Angola, the Republic of the Congo and the DRC that belonged to the former kingdom of Kongo.

- On 22 July 2002, elements of the police and the FAC killed at least 14 civilians, primarily in Luozi and Moanda, and arrested over 40 people during demonstrations organised by the BDK. The security forces also arrested a large number of militants from the party who were arbitrarily detained and tortured for several months in prisons in the Bas-Congo region and Kinshasa.<sup>860</sup>

## 3. Kasai Occidental

458. From 2001 onwards, the stabilisation of the front line and the MONUC deployment all along it gradually restored calm to the province of Kasai Occidental. The FAC and soldiers from the ANC/APR, however, continued to commit atrocities directed at the civilian population in their respective areas. Several cases were reported but the land-locked nature of the region and lack of time meant it was not possible for the Mapping Team to confirm all of them. One confirmed case is mentioned below for illustrative purposes.

- In July 2001, elements of the ANC/APR killed four civilians in the village of Mwanza, 12 kilometres from Kajiba, in the Dimbelenge region. The victims had been accused by the soldiers of collaborating with the FAC, primarily by providing them with information.<sup>861</sup>

<sup>858</sup> Interviews with the Mapping Team, Kinshasa and Lubumbashi, April 2009.

<sup>859</sup> Interviews with the Mapping Team, Kinshasa, April 2009; Bureau of Democracy, Human Rights and Labor, U.S. Department of State *Country Reports on Human Rights Practices*, 2001.

<sup>860</sup> Interview with the Mapping Team, Bas-Congo, March 2009; ASADHO, *Annual Report, 2002*; SCEPDHO [Structure de culture, d'éducation populaire and des droits de l'homme], *Rapport sur les événements survenus suite à la marche du Bundu Dia Kongo, 2002*; Bundu Dia Kongo newsletter, "Le Ministre Mashako and les massacres de Luozi", 2002.

<sup>861</sup> Interviews with the Mapping Team, Western Kasai, April 2009.

#### 4. Kasai Oriental

459. Between January 2001 and June 2003, following the introduction of the ceasefire and the MONUC deployment along the front line, peace was gradually restored to the south and east of Kasai Oriental. In spite of this, civilians continued to live in wretched conditions and women were still raped in large numbers.

460. In Mbuji-Mayi, hundreds of civilians, including very large numbers of young people, attempted to earn a living by clandestinely entering the *Minière des Bakwanga* (MIBA) mining concession, looking for any diamonds. In response, the MIBA and the provincial authority called on groups of security guards nicknamed Blondos to support the mine police.<sup>862</sup> During the period under consideration, elements of the FAC and, until their withdrawal from the DRC in 2002, Zimbabwean army (ZDF) troops, were also present at the MIBA concession. The situation at the mine quickly became anarchic as a result of the competition between the various armed groups who were supposed to protect the concession and the presence amongst the illegal diggers of certain so-called “suicide” armed elements.

- Between 2001 and 2003, MIBA guards killed and wounded several hundred civilians who had entered the mine illegally. The victims were either shot dead or buried alive in the holes they had hidden in. MIBA guards also held an unknown number of illegal diggers, including minors, in cruel, inhuman or degrading conditions in prisons on the concession. Several killings were reported during 2001. On 21 February 2001, MIBA guards surprised around 30 illegal diggers in the mine and opened fire. They also blocked up the entrance to the gallery where some of the diggers had hidden, using stones and jumpers. The following day, nine bodies were exhumed, including those of eight diggers who had suffocated and one who had been shot dead. On 27 February 2001, the Minister for Human Rights ordered an enquiry and referred the case to the Prosecutor at the Military Court. The MIBA guards claimed they had acted in self-defence, arguing that the diggers were armed. The case was finally dropped on the grounds that the victims had died as the result of a rockfall. On 10 June 2003, MIBA guards again killed an unknown number of illegal diggers in similar circumstances.<sup>863</sup>

461. During the period under consideration, the security situation in the north of the province (in the Katako-Kombe region) deteriorated significantly following the

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<sup>862</sup> In the remainder of the text, the term “MIBA guards” will be used to refer both to the armed police officers at the mine and the “Blondos”. Officially, the Blondos were not armed but in practice they opened fire on the illegal diggers on numerous occasions.

<sup>863</sup> Interviews with the Mapping Team, Kasai Oriental, April-May 2009; Centre d'étude et de formation populaire pour les droits de l'homme (CEFOP), “Journal Le Facilitateur”, April-June 2001; CEFOP, Rapport sur les tueries au polygone minier de la MIBA, March 2003; Press release by human rights NGOs in the province of Kasai Oriental, 4 March 2003; RENADHOC, *Panorama de la situation des droits de l'homme en RDC, rapport annuel 2003*, March 2004, p. 15 and 16; AI, “The diamond trade in government-controlled DRC”, 2002; IFHR, “Note de situation RDC: le far-west minier de Mbuji-Mayi n'a pas besoin d'un nouvel étouffement !”, March 2003.

appearance of numerous Mayi-Mayi groups hostile to the presence of ANC/APR/RDF troops in the Sankuru region. Some groups were affiliated to Mayi-Mayi movements in neighbouring Maniema. Others, conversely, had remained more independent, although all were allied in practice with the Government in Kinshasa. Alongside the confrontations between ANC/APR/RDF soldiers and these Mayi-Mayi groups, civilians were subjected to numerous serious violations of their rights.

- In May 2001 and again from October 2001, elements of the ANC/APR/RDF killed at least seven civilians and tortured two in the town of Katako-Kombe. The victims were suspected of collaborating with the Mayi-Mayi.<sup>864</sup>
- In March 2002, soldiers from the ANC/APR/RDF raped two women and tortured 18 men in the village of Nyeme in the Katako-Kombe region. The soldiers also looted the village. The victims were members of the Kimbanguist church. The soldiers had accused them of collaborating with a minister who was in conflict with two ANC/APR leaders over a case of diamond-smuggling.<sup>865</sup>
- In August 2002, Mayi-Mayi from Lomassa executed one civilian, raped two women and wounded three civilians in the village of Omeoga in the Basambala area, in the Katako-Kombe region. The Mayi-Mayi also looted and set fire to the village. The Mayi-Mayi had accused the villagers of collaborating with the ANC/APR/RDF soldiers based in Katako-Kombe.<sup>866</sup>
- From April 1999 until 2003, ANC/APR/RDF soldiers recruited an unknown number of child soldiers (CAAFAG),<sup>867</sup> often by force in the Katako-Kombe region. Most of the victims were used to carry looted property or transport weapons and munitions. They were often tortured, subjected to cruel, inhuman or degrading treatment and raped. Some of the victims were given firearms and used either as bodyguards or combatants during confrontations with the Mayi-Mayi. To a lesser extent, local Mayi-Mayi groups and the FAC also recruited child soldiers in the region.<sup>868</sup>

<sup>864</sup> Interviews with the Mapping Team, Kasai Oriental, May 2009; *L'Éclairneur* newspaper, "Tous seront disqualifiés par la CPI aux élections de 2005", 28 October 2004, p. 4.

<sup>865</sup> Interviews with the Mapping Team, Kasai Oriental, May 2009.

<sup>866</sup> Interviews with the Mapping Team, Kasai Oriental, May 2009.

<sup>867</sup> Children associated with armed groups and forces.

<sup>868</sup> Interviews with the Mapping Team, Kasai Oriental, May 2009.