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**MONUC Human Rights Division**

**Office of the United Nations  
High Commissioner for Human Rights**

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**SPECIAL INVESTIGATION  
INTO THE KINSHASA EVENTS OF MARCH 2007  
AND THEIR AFTERMATH: PRELIMINARY FINDINGS**

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## 1.0 Executive summary

1. Following the armed confrontation in Kinshasa between DRC Government Forces and members of the personal security detail of former Vice President Jean-Pierre Bemba on 22-23 March 2007, MONUC established a multidisciplinary team to carry out a special investigation into these incidents. The Team<sup>1</sup> concluded that around 300 persons lost their lives during the hostilities and in their aftermath. However, the exact figure, which could be significantly higher, was impossible to ascertain, due, in large part, to the lack of cooperation from the authorities throughout the course of the investigation. The prevailing security situation and the scale and complexity of the incidents also rendered the verification of certain incidents and allegations difficult or impossible.

2. The violence erupted when a tense stand-off between the Armed Forces of the DRC (FARDC) and Jean-Pierre Bemba's security detail (DPP<sup>2</sup>) boiled over into armed confrontation in downtown Kinshasa. On 6 March 2007, an order had been given by General Kisempia, Commander<sup>3</sup> of the FARDC, to the effect that all military personnel providing security to, *inter alia*, former vice presidents, were required to present themselves at Camp Kokolo<sup>4</sup>, Kinshasa, by 15 March, with their weapons and equipment for enrolment or redeployment<sup>5</sup> into the regular armed forces. Bemba, however, refused to agree to this, and the DPP remained entrenched in Bemba's compounds in the Gombe *commune*, in the heart of Kinshasa. The FARDC and DPP came close to fighting in this area on at least three occasions between 19-21 March. On 22 March, however, the fighting broke out in earnest. Heavy weapons, including mortars and rocket-propelled grenades (RPGs), were used by both sides, and Government Forces deployed tanks and engaged targets with tank fire. The hostilities were initially concentrated in Gombe, except for an attack on Bemba's Camp and residence in Maluku<sup>6</sup>, which took place on the morning of 23 March. On the same date, in Kinshasa city the fighting moved progressively towards other areas in Limete and Barumbu *communes*, as the DPP moved in those directions and Government Forces pursued them. Military operations continued south of Ndolo and Kingabwa until 25 March. The following week, cordon and search operations were jointly conducted by Police, Intelligence Services and the Army in several areas of the city with the aim of arresting DPP soldiers and finding weapons, ammunition and military effects that the DPP was suspected of having hidden.

3. The Team found that serious human rights violations were committed during and in the aftermath of the violence. The Team documented incidents of excessive and indiscriminate use of force which occurred throughout the military operations conducted by the FARDC and the Republican Guard (RG). Heavy weapons were used by both sides in the city centre as well as in heavily populated residential areas where no military objective could justify the means or degree of force used, and where no consideration was given to the safety of the civilian population. At least 40 civilians and surrendered DPP soldiers were allegedly summarily executed, mainly by the RG, during or in the wake of these operations. Reports of mass burial sites and evidence of bodies of unidentified victims (civilians and military) recovered in the Congo River (some tied up and blindfolded) indicate that there may have been a significantly higher number of summary executions committed during and in the aftermath of these events.

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<sup>1</sup> Led by MONUC Human Rights Division and composed by staff from the United Nation Human Rights Office; MONUC Child Protection and UNPOL and with inputs from JMAC, JOC, MONUC Military and Political Affairs Division (PAD).

<sup>2</sup> *Département de la protection présidentielle*. This unit should not be confused with the Republican Guard (see below), which is responsible for the security of President Kabila.

<sup>3</sup> *Chef d'Etat-Major*.

<sup>4</sup> Major FARDC camp in Kinshasa.

<sup>5</sup> The communiqué referred to the "*enregistrement et prise en force*" of these soldiers.

<sup>6</sup> Military Camp located some 80km north-east of Kinshasa.

4. Over 200 persons were arrested by soldiers of the FARDC, the RG, the Rapid Intervention Police (PIR)<sup>7</sup>, the Police Special Intelligence Services<sup>8</sup> as well as Military and Civilian Intelligence services<sup>9</sup> during and after the fighting, in many cases without the correct legal procedures being followed and often on the sole basis that the arrested person hailed from the Equateur Province. A significant number of victims suffered cruel, inhuman and degrading treatment while in detention.

5. Numerous acts of looting were recorded, committed first by the DPP and subsequently by FARDC and RG soldiers. Downtown Kinshasa was the worst-affected area.

6. A climate of fear was created in the aftermath of the events, as opposition members and persons perceived as being affiliated with them (such as journalists working for pro-Bemba media establishments) were harassed, threatened or intimidated by State security services. The ensuing unstable political and security situation in Kinshasa led to the withdrawal, on 13 April, of the three opposition parliamentary groups from the National Assembly. The opposition continued to boycott the National Assembly until 25 April, as a sign of protest against the prevailing security situation.

7. Although President Kabila held a press conference on 26 March regarding the events, there was little further official reaction: no official death toll was communicated and no precise explanation as to how the fighting began was given to the public. The initiation of an investigation by the Attorney General<sup>10</sup> with a view to prosecuting Jean-Pierre Bemba was the only judicial action of note taken following the events. No investigations or prosecutions have been initiated against members of the RG, FARDC or Police suspected of committing serious human rights violations during the events. However, the Chief Military Prosecutor<sup>11</sup> did establish a commission to look into the legality of the detention of hundreds of people arrested during and after the violence and being held in Kinshasa's main prison<sup>12</sup>.

## **2.0 Methodology and difficulties encountered**

8. The Investigative Team was formed immediately after the events and conducted verifications and inquiries in Kinshasa and outlying areas from 24 March until mid-May. The Team visited various detention sites, including Camp Tshatshi (military camp of the Republican Guard, limited access), Camp Lufungula (Police camp in the Lukunga District), Military Intelligence<sup>13</sup> (limited access), IPKin (Provincial Police HQ), Kin-Mazière (Police Special Intelligence Services) and Kinshasa's Central Prison (CPRK)<sup>14</sup>. The Team also visited hospitals and medical facilities, graveyards and several parts of Kinshasa that were affected by the events, particularly areas surrounding Ndolo *quartier*. The Team carried out over 200 interviews, including with military, police, intelligence, political and administrative authorities; DPP, RG and FARDC soldiers; members of the opposition; military and civilian justice officials; prison authorities and detainees; witnesses and victims on both sides; hospitals and medical facilities; graveyard workers; local NGOs and journalists. The Team was equipped with the

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<sup>7</sup> *Police d'Intervention Rapide*.

<sup>8</sup> *Services Spéciaux de Renseignements de la Police*.

<sup>9</sup> Respectively, the *Etat-Major des renseignements militaires* (formerly known as "DEMIAP") and the ANR.

<sup>10</sup> *Procureur Général*. The *Procureur Général*, in a letter to the President of the Senate dated 10 April 2007, (but published on 12 April) requested authorization to initiate an investigation of Senator Jean-Pierre Bemba as the "intellectual perpetrator of the criminal acts committed by the soldiers in his security detail". These acts include: breach of national security, murder, armed robbery, looting, incitement of soldiers to commit acts contrary to their duties, assault and material destructions. In a letter of 19 April, he informed the SRSG that "an investigation is ongoing ... regarding the armed clashes which opposed soldiers of the FARDC to those in the security detail of Senator Jean-Pierre Bemba in Kinshasa on 22-24 March 2007".

<sup>11</sup> *Auditeur Général*.

<sup>12</sup> To date, however, this Commission has only ordered the release of five detainees suffering from medical problems.

<sup>13</sup> *Etat-Major des renseignements militaires*.

<sup>14</sup> *Centre Pénitentiaire et de Rééducation de Kinshasa, (CPRK) or "Makala"*.

necessary tools of professional human rights investigation including video cameras, digital cameras and GPS navigation apparatus.

9. It is expedient to recall at this point that the Team's investigation was not a judicial or criminal investigation, and does not in any way obviate the duty of the Congolese authorities to carry out their own, independent investigation into allegations of serious crimes and human rights violations committed during the events under review. To this end, it should be remembered that the Team had no powers to summon witnesses for questioning, carry out forensic examinations or exhumations of bodies, or compel the authorities to permit its access to all locations of interest in the inquiry. The Team's findings, therefore, should be considered as *prima facie* evidence of those criminal acts and human rights violations discussed herein. For the purposes of this report, a "confirmed" allegation means that compelling evidence was found to support the claims under investigation. Compelling evidence is evidence which strongly supports a particular allegation, including eyewitness and corroborating testimony, physical evidence (such as fresh unmarked grave sites, damage caused by heavy weaponry in specific locations and corporal lesions observed on victims' bodies) and documentary evidence (such as hospital and morgue registers).

10. Cooperation by the authorities was poor. The Team was greeted with hostility and even aggressiveness from the RG when trying to conduct a verification visit at Camp Tshatshi on 24 March. The Team could not obtain access to key locations such as Bemba's compounds, the *Palais de Marbre*, the GLM<sup>15</sup> and military installations of the RG (e.g. Camp CETA). For example, with respect to Bemba's compounds (which, according to a number of sources, were the scene of serious human rights violations including summary executions) members of the Team were referred to no fewer than eight different law enforcement or military officials and even to the Governor of the Central Bank; the military and police authorities claimed that they were not authorized to grant the Team access. When General Patience Yav (Commander of the PIR) was finally approached in this regard, he refused outright to allow the Team entry to the compound. When questioned as to the reasoning behind this decision, the General stated, among other things, that the Democratic Republic of Congo was no longer a colony. In other cases, only limited access<sup>16</sup> was granted (e.g. Military Intelligence Headquarters in Kitambo; Camp Tshatshi). Unannounced visits to places where people were being detained were very often met with a refusal of entry, despite the clear mandate of MONUC's Human Rights Division in this connection. In general, staff in hospitals, medical clinics and mortuary officials did not share lists or other information regarding those persons killed or injured with the Team, because they had received instructions not to share information with persons outside of their organizations. Repeated attempts to organize a meeting with General Banze (Commanding Officer of the RG) to discuss the serious allegations made against his unit were unsuccessful.

11. The investigation was further complicated by the prevailing political and security situation in the aftermath of the events (discussed above). Many victims and witnesses were reluctant to meet with the Team, in particular during the initial period of the investigation. Others were willing to speak with investigators but feared for their personal security and claimed that they could not meet with the Team as they were in hiding. Similarly, in hospitals and medical centres, as well as in some key locations, people were not comfortable being seen with Team members as they believed they were being watched by the intelligence services. This was the case in locations close to which bodies were found in the Congo River by fishermen, as well as in cemeteries where a large number of bodies were carried in military trucks immediately after the events and buried in unmarked graves. The Team observed that these cemeteries continued to be closely guarded by RG soldiers and ANR agents for some time after the events.

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<sup>15</sup> GLM - Groupe Lito Mobutu: an intelligence facility under the direct control of the Presidency, located close to the Presidential residence.

<sup>16</sup> "Limited access" indicates that the Team was not able to move around freely or interview persons confidentially, or that the Team was delayed before being allowed to enter a particular location.

12. Finally, as a result of security considerations and time constraints, the Team could not systematically investigate all neighbourhoods affected by the events, although *ad hoc* verification missions were conducted in several of these areas. The Team received numerous allegations of crimes and abuses committed in *quartiers* such as Funa, Ofitra, Sokopao, Pakadjuma, Gemo-nord, Hotel FIKIN (Limete *commune*), Mandrandela, Maman Zende, Yaounde, Kingabwa (Lemba *commune*), Bon Marché and Ndolo (Barumbu *commune*).

### **3.0 Context and overview of the events**

#### **3.1 Context**

13. During the Transition, members of the Transitional Government were allowed to maintain a certain military security detail, normally comprised of members of their former respective militia factions (the *Mouvement de Liberation du Congo* (MLC) in the case of then Vice President Jean-Pierre Bemba). Although in theory these military personnel were members of the FARDC, they responded, *de facto*, directly to their former wartime leaders. During the period spanning the first and second rounds of the presidential elections the situation in Kinshasa was tense and the security personnel of Candidate Bemba and President Kabila fought in the city on 20-22 August 2006. The PNC and FARDC also clashed with the DPP in Gombe on 16 November 2006 and then, days later, the PNC exchanged fire with the DPP near the Supreme Court on 21 November 2006.

14. The proclamation of Joseph Kabila as President and the installation of a new government implied changes with respect to the provision of security to former members of the Transitional Government. Bemba, now a Senator, continued to maintain troops in Kinshasa in his private residence (Av. du Fleuve, Gombe), and in his official residence and office compound (Av. de la Justice, Gombe) and in Maluku in his countryside villa. On 6 March 2007, an order was given by General Kisempia to the effect that all military personnel providing security to, *inter alia*, former vice presidents were required to present themselves to Camp Kokolo, Kinshasa, by 15 March with their weapons and equipment for enrolment or redeployment into different units of the regular armed forces. Bemba claimed that to comply with such an order would place his life at risk, given the meagre (in his judgment) substitute being offered for the DPP<sup>17</sup> and previous attempts he claimed had been made on his life. His refusal to instruct his troops to comply with this order and a public accusation of high treason which he levelled against President Kabila<sup>18</sup> opened a phase of increasing tensions in the capital. In downtown Kinshasa, close to Bemba's compounds, FARDC and DPP soldiers came close to fighting on at least three occasions between 19-21 March.

#### **3.2 Composition, weaponry and command structure of the parties to the fighting**

15. The RG was the main Government unit engaged in combat with the DPP, but the Team was not able to confirm whether it was deployed in Gombe from the outset or whether it arrived some time after the withdrawal of the 7<sup>th</sup> Integrated Brigade (7<sup>th</sup> IB)<sup>19</sup>. RG soldiers ordinarily posted as security guards or guards of honour at certain locations (Gombe Cemetery, Beach ONATRA, the Presidential Lounge, the Presidential Ship at Chantier Naval ONATRA, the RTNC<sup>20</sup>, Av. Uganda, *Palais de la Nation*, etc.) within the city may have joined the fighting before the arrival of the rest of the RG. The total RG/FARDC force was estimated by MONUC military as three battalions (comprising around 2600 men), plus tanks and their crews. There has been no official confirmation of reports of the participation of foreign troops alongside Government Forces. However, several sources report the presence and participation of Angolan troops during the fighting<sup>21</sup>. Government Forces were

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<sup>17</sup> The DPP was to be replaced by a rotating security detail to be provided by a total of 12 PNC officers.

<sup>18</sup> In an interview broadcast the weekend preceding the incidents, Bemba accused President Kabila of high treason for the alleged occupation of Kahemba territory by Angolan forces.

<sup>19</sup> See section 3.3, below.

<sup>20</sup> *Radio Télévision Nationale Congolaise*.

<sup>21</sup> According to military sources, several units of the RG and the PIR, despite being Congolese, have been trained in Angola, and often speak Portuguese amongst themselves as a sign of identity. This could explain reports received of Portuguese-

armed with assault rifles, heavy machine-guns, RPGs<sup>22</sup> and artillery, including mortars<sup>23</sup>. In addition, the RG utilized around ten T-55 tanks and BMP infantry combat vehicles. Officially the overall commander of military operations was General Kisempia himself, while the RG was probably under the ultimate command of General Banze. General Nabiola, Commander of the 7<sup>th</sup> IB and of *Defense Ville Kinshasa* (DVK), was injured during the events, but it is unclear how this occurred (see below).

16. With respect to the DPP, there were an estimated 500-600 people in the Gombe compounds, of which only 200-300 were professional DPP soldiers: the rest were youths, street dwellers (*shégués*) and dependents. The DPP were armed mainly with assault rifles although they had a limited number of RPGs and mortars. Initially, the DPP were organized into three companies, all located around Bemba's compounds on the Boulevard du 30 Juin and on the Congo River. In theory, the DPP operated under the direct command of Senator Bemba, although tactical decisions were probably taken by a limited number of ranking officers including Major Jean Benoit and Captain Patrick. A group of DPP soldiers were used to provide close protection for Bemba.

### **3.3 Fighting in Gombe commune on 22 - 23 March<sup>24</sup>**

17. As regards the onset of the fighting, and based upon information gathered by the Team (including from MONUC's Western Brigade, JMAC and reliable diplomatic sources), it appears that the Government had already decided to forcibly disarm the DPP by 21 March, ignoring calls by the international community to encourage a negotiated solution to the stand-off. This was evidenced by the reinforcement of troops around Bemba's compound. As a result of this troop build-up and the already high tensions, the fighting was probably sparked off earlier than the Government had anticipated. The attack was probably not programmed to take place on 22 March but at a later stage<sup>25</sup>. A programmed assault operation would have more likely been scheduled to take place at dawn (to minimize civilian casualties and to take advantage of the hours of darkness to position troops out of sight of the enemy).

18. The preparation of the military operation to take the compounds necessitated the cordoning-off of the area, which was being encircled by positions manned by soldiers belonging to the FARDC 7<sup>th</sup> IB. At around 1200hrs on **22 March**, the hostilities commenced. Shortly before 1200hrs, RG troops had been observed *en route* from the airport, heading towards JP Bemba's compounds. Gunshots were first heard coming from a location between the residences of former Vice Presidents Azarias Ruberwa and Jean-Pierre Bemba, on Av. de la Justice, at around 1220hrs. Almost immediately, the sound of automatic weapons was accompanied by that of mortar and RPG fire as the fighting rapidly intensified. The battle spread to the rest of Gombe, although the fighting was at first confined to a small perimeter between Boulevard du 30 Juin and the Congo River, as well as between MONUC HQ and Mandela roundabout.

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speaking soldiers. However, JMAC sources have reported that an Iliushyn-76 aircraft transporting one company of Angolan Special Forces did indeed land at Ndjili Airport in Kinshasa at around 1900hrs on 22 March. Some evacuated international staff members also reported seeing men in Angolan military uniforms during the fighting. Officially, there are 40 Angolan military advisors permanently based in Kinshasa, but unofficially, the number of Angolan troops is believed to be closer to 300 (source: JMAC).

<sup>22</sup> Hand-held, shoulder-launched anti-tank weapon capable of firing an unguided rocket equipped with an explosive warhead.

<sup>23</sup> A mortar is a muzzle-loading indirect weapon that fires shells at low velocities, short ranges, and in high-arching ballistic trajectories.

<sup>24</sup> See Annex II – Deployment Map – Kinshasa 22 March, including sites of incidents (Source: JMAC).

<sup>25</sup> On 21 March the FARDC Command finalized a plan aiming to reinforce FARDC presence and encircle the compounds, with the intent of forcibly disarming the DPP in the event that negotiations failed. During the night of 21-22 March, two FARDC Companies ("Coys") were moved from Camp Maluku to Camp Kokolo. One Coy and one Platoon moved to Gombe in the morning, where they arrived late (at around 1030hrs) due to logistical problems. Elements of the Naval Forces were tasked with preventing any movement on the river, particularly around Bemba's residence.

19. According to the Deputy Chief of Military Intelligence, the FARDC 7<sup>th</sup> IB company positioned around Jean-Pierre Bemba's compound in Gombe was to be relieved by another company and (empty) trucks had come to pick them up when a rogue DPP soldier provoked the FARDC and opened fire with a general purpose machine gun, killing seven FARDC soldiers on the spot<sup>26</sup>. The FARDC subsequently began to return fire and the armed confrontation quickly intensified. The theory, however, that empty trucks had come from Camp Kokolo to relieve 7<sup>th</sup> IB companies makes little sense from a logistical or military point of view: it is difficult to see why the relief troops would not come into town on the trucks in the first place, in order to save a long trip from Camp Kokolo and to avoid leaving the FARDC positions below strength for a substantial amount of time. This version also goes against several eye-witnesses accounts, including from MONUC sources, who reported troop build-up on the morning of 22 March. According to DPP soldiers interviewed after the events, FARDC soldiers initiated the hostilities, taking them by surprise and firing without warning. According to a report by members of Congolese civil society<sup>27</sup>, the first shots were fired when the 7<sup>th</sup> IB clashed with troops from the *Etat Major Général* sent to replace them. According to this version, the 7<sup>th</sup> IB had not been informed that they were to be replaced and refused to comply, provoking a fire-fight between the two units of the FARDC. The DPP allegedly then took advantage of this misunderstanding between the Governmental Forces to gain ground. The Commander of the 7<sup>th</sup> IB was reportedly injured when he tried to complain about this incident.

20. It is simply not clear which side fired the first rounds, and none of several competing versions of how the fighting commenced could be satisfactorily confirmed. However, a likely scenario is that the DPP, upon realizing that they were being encircled, tried to break out of the area by moving south-west along the Boulevard du 30 Juin, which was the only direction that remained open to them after the FARDC troops had been reinforced and repositioned.

21. In any event, according to MONUC Military and other independent sources, once the fighting had started, the 7<sup>th</sup> IB was pulled back to be replaced by the RG. Initially positioned around the compounds, the 7<sup>th</sup> IB was comprised of four companies on Boulevard du 30 Juin, Rond Point Mandela, Gombe Cemetery/Golf and at the Supreme Court. The 7<sup>th</sup> IB probably received orders not to engage in full combat with the DPP for two main reasons: to utilize the superior training and weaponry of the RG and to minimize the risk of the FARDC panicking, deserting or defecting to the DPP<sup>28</sup>. The 7<sup>th</sup> IB fell back to the southern side of the Boulevard du 30 Juin, which became the *de facto* boundary between both sides for a time, and was involved in various skirmishes in Gombe and in other areas following this withdrawal.

22. By 1230hrs, the sound of heavy weapons could be heard close to MONUC HQ. The fighting rapidly enveloped most of Gombe and continued with almost no interruption until the next day. By nightfall on 22 March, DPP soldiers had spread over a large part of Gombe by dividing themselves into sections of 10-15 persons. The DPP were in control of significant portions of central Kinshasa by this stage, particularly around Beach Ngobila and ONATRA, Memling Hotel, MONUC HQ and Kin-Mazière (the headquarters of the Police Special Intelligence Services)<sup>29</sup>. Although Military Intelligence asserted that the DPP was following an organized plan, there did not appear to be any clear chain of command as small groups of DPP scattered throughout the middle of town. The DPP seemed to be trying to initially assert some kind of control over the city centre before fleeing

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<sup>26</sup> During his press conference of 26 March, President Kabila also referred to alleged provocations by DPP soldiers, whom he claimed fired first, killing seven FARDC soldiers. Other sources declared that, in the very early stages of the fighting, the DPP managed to kill six or seven FARDC soldiers near the Supreme Court building and that the rest of the FARDC company deployed there fled as a consequence, leaving behind several weapons (including a 60mm mortar). This version of events would also explain how Jean-Pierre Bemba managed to move away from Gombe without being noticed or captured.

<sup>27</sup> *Déclaration commune des professionnels des droits de l'homme, des analystes politiques et des libres penseurs de la société civile sur les affrontements armés de Kinshasa du 22 au 24 mars 2007.*

<sup>28</sup> Roughly 30 per cent of the 7<sup>th</sup> IB are ex-MLC troops.

<sup>29</sup> According to Military Intelligence sources, one group of DPP soldiers took control of the Port (Beach area) and another overran Kin-Mazière on Thursday 22 March evening. A third group, which had entered into the vicinity of the Ministry of Foreign Affairs (not far from Kabila's residence), triggered the deployment of the Republican Guard (RG).

when it became obvious that they could not overcome Government Forces<sup>30</sup>. According to interviewed DPP soldiers, their only mission was to protect the compounds and to secure the area between the compounds and Beach Ngobila for the extraction of Senator Jean-Pierre Bemba and their own family members. However, it is possible that the DPP had some kind of basic contingency plan in case of attack, which would explain the dispatch of sections of DPP soldiers that moved out of Boulevard du 30 Juin to try to reach other areas of the city (i.e. Ndolo, Kin-Mazière<sup>31</sup> and other key locations). It is possible that they attempted to reach weapons caches and ammunition stocks and tried to induce the population to revolt in pro-Bemba neighbourhoods, such as Ndolo, hoping to trigger a popular uprising against Kabila and also to gain some support from disenfranchised ex-MLC 7<sup>th</sup> IB troops.

23. At nightfall on 22 March, the entire Gombe *commune* was controlled by the DPP. However, DPP soldiers were not being re-supplied with food or ammunition. Some had removed their uniforms while others had not worn one from the outset, making them difficult to identify. The FARDC and the RG controlled main roads, as well the rest of Kinshasa where the situation was reported to be calm. The RG had been significantly deployed at this stage. A group of DPP soldiers escorted Jean-Pierre Bemba to nearby South African diplomatic premises, where he sought shelter.

24. On **23 March**, heavy fighting started again in the city centre at around 0500hrs and lasted for most of the morning, although it gradually became sporadic. DPP soldiers began to surrender in large numbers to MONUC after Government Forces took control of Bemba's compounds in Gombe at around 0600-0700hrs. When the RG took control of these compounds, DPP soldiers reportedly tried to regroup with their families at the CCTV building with the intention of surrendering to MONUC<sup>32</sup>, but before they could do so, they were allegedly encircled by Government Forces, who took control of the building shortly before 0930hrs. Most DPP soldiers subsequently surrendered at MONUC HQ or fled from Gombe. A significant number of soldiers and their family members succeeded in reaching Beach Ngobila<sup>33</sup> and fleeing on a boat to Brazzaville. Another group of around 10-20 DPP (initially deployed in Beach SCIBE<sup>34</sup> to guard Bemba's boat) had departed from Beach SCIBE for Brazzaville in two boats (the Wotshimi<sup>35</sup> and the Ville de Gemena<sup>36</sup>) at around 0800hrs, accompanied by 35 to 55 civilians (employees, traders, visitors and *shégués*). In the meantime, in Maluku, DPP soldiers also began to surrender to the FARDC.

25. Fighting also spread toward the RTNC building during the night and in the early hours of 23 March. Official sources have indicated that DPP soldiers attempted to take control of the RTNC and to reach nearby Camp Kokolo with the aim of conducting a coup attempt, but it is unclear whether an attack by the DPP on the RTNC building actually occurred. It was suggested that the DPP expected FARDC troops to side with them and

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<sup>30</sup> According to the Deputy Chief of Military Intelligence, Colonel Mulondo, the DPP split into several groups, following an organized plan. A copy of this "battle order" signed by Jean-Pierre Bemba himself, was allegedly found when it fell from the pocket of a DPP soldier assigned as a bodyguard at François Mwamba's residence. However, the Investigative Team was not able to obtain or see a copy of this plan. Information gathered through various interviews, including with DPP soldiers, tends to indicate that there was no clear plan of action other than to defend the compounds. In an interview given by Jean-Pierre Bemba to a Belgian radio station on 23 March, Bemba claimed that he was not able to control his men from the moment they left his compounds.

<sup>31</sup> Different sources attributed the DPP's assault on Kin-Mazière variously to an attempt to get weapons and ammunition; an attempt to free Jean-Pierre Bemba's brother (it was erroneously believed by the DPP that he was being held there); or to an attempt to free detainees (a goal which was effectively achieved).

<sup>32</sup> MONUC was requested by telephone to come and pick up a group of DPP soldiers who wanted to surrender. By the time MONUC arrived at CCTV, the RG was in control of the building and declared that they had not found any DPP soldiers or others present when they arrived on the scene.

<sup>33</sup> Ferry port adjacent to ONATRA port. Heavy fighting took place for control of ONATRA installations.

<sup>34</sup> The firm SCIBE-CONGO and the adjacent SCIBE Beach, in Kingabwa, belong to JP Bemba's father, Jeannot Bemba.

<sup>35</sup> Boat belonging to Jean-Pierre Bemba.

<sup>36</sup> Boat belonging to a merchant that was forcibly seized by the DPP.

to provide them with vehicles and weapons. However, the Investigative Team was not able find any evidence demonstrating the existence of such a plan<sup>37</sup>. In any case, it seems that no FARDC troops from Camp Kokolo rallied to the DPP side during the events. By midday, the city centre was under FARDC/RG control, except for Beach Ngobila. Shooting continued only in a sporadic manner. Looting by Government Forces was witnessed along Av. de la Justice, Boulevard du 30 Juin and around the Memling Hotel. FARDC soldiers were seen drinking alcohol in the streets. Summary executions of civilians were also reported at that time.

26. The fighting progressively moved from the city centre to Barumbu *commune*, Bon Marché and Ndolo (see below). Sporadic firing continued to be heard throughout the night in downtown Kinshasa but was apparently caused by the victory celebrations of the FARDC and RG, who by the morning of **24 March** fully controlled Gombe, after retaking Beach Ngobila in the early morning. Other sources suggested that Government troops continued to fire in order to carry out further looting or “clean-up” operations to rid the streets of dead bodies.

27. The DPP continued to retreat toward Limete *commune*, Ndolo and Kingabwa on 24 March with the FARDC and RG in their pursuit. Traffic went progressively back to normal in Gombe and civilians gradually went back to their regular activities.

### **3.4 Displacement of the hostilities to Barumbu and Limete *communes* from 23 March and subsequent cordon and search operations conducted in the aftermath of the events**

28. DPP soldiers retreated from Gombe into Barumbu and Limete *communes* during the morning of 23 March. Government Forces followed them, continuing to use heavy weaponry (including tank fire) and RPGs in densely populated residential areas. A number of neighbourhoods in these *communes* suffered important human and material damage between 23-25 March, particularly pro-MLC areas, mainly inhabited by natives of Equateur Province, such as Limete, Funa, Socopao, Ofitra and Pakadjuma.

29. On 23 March, at around 0700hrs, small units of DPP (around 4 men per group) patrolled in Barumba and the Marché Central area, attacking several public buildings, including the *maison communale*. MLC sympathizers in the area started to celebrate what they believed was a DPP victory. As mentioned above, the DPP had allegedly planned to reach weapons caches and organize a popular uprising by distributing arms to the population, in particular to street dwellers. The DPP reportedly took control of Ndolo military airport during the night or early morning of 22-23 March. At around 1500hrs, the airport was back under FARDC/RG control, but fighting was continuing in Kingabwa.

30. In the days following the events, cordon and search operations were jointly conducted by military, police and intelligence services in these same areas, with the aim of arresting runaway DPP soldiers and recovering weapons, ammunition and military effects. On 28 March, for example, operations were conducted in Mandrangele, Maman Zende, Yaounde and Kingabwa neighbourhoods by a mixed security force composed of the PIR, Immigration Services<sup>38</sup>, Military Intelligence, and the FARDC 7<sup>th</sup> IB, under the overall command of the General Sabiti, PNC Provincial Inspector. This operation was carried out under the orders of the Governor of Kinshasa, after he received information that DPP runaway soldiers with weapons and ammunition were still present in these areas. The Governor specifically warned that *shégués* would be targeted as they had received weapons from DPP soldiers. During this operation, two FARDC soldiers, two PNC officers and 16 civilians were arrested. The civilians were reportedly mainly from Equateur Province and had been identified by the local population. Security forces also found three light weapons and 10 military uniforms. The suspects were subsequently detained at IPKin.

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<sup>37</sup> Although around 30 per cent of 7<sup>th</sup> IB soldiers are ex-MLC (see above), no evidence was found to suggest that a significant number of FARDC troops from Camp Kokolo were supportive of such a plan, if it existed. Accounts that RG or Angolan soldiers were deployed around Camp Kokolo to prevent any mutiny could not be verified by the Investigative Team. Such a deployment, as well as the presence of Angolan soldiers, was denied by military authorities.

<sup>38</sup> DGM – *Direction Générale des Migrations*.

### 3.5 Fighting in Maluku on 23 March

31. Jean-Pierre Bemba's personal military detail was initially based in Maluku, located 80 km north-east of Kinshasa, where Bemba owned a residence overlooking the Congo River. Temporary wooden houses were built near this residence, forming a makeshift military camp known as Camp Mabaya. The 7<sup>th</sup> IB of the FARDC set up its headquarters nearby.

32. Raising tensions created by the presidential electoral period were used to justify a progressive redeployment of most DPP troops to Bemba's compounds in Kinshasa-Gombe. At the time of the events of 22-23 March, it is estimated that around 125 DPP soldiers were still based in Maluku with their families<sup>39</sup>.

33. When the hostilities broke out in Kinshasa on 22 March, the situation remained calm in Maluku. Instructions were reportedly sent by General Kisempia to DPP soldiers to the effect that they should surrender to the 7<sup>th</sup> IB<sup>40</sup>. DPP soldiers were reportedly divided amongst themselves: some, led by their commander, Major Zarirwa (also known as Major Zairois) agreed not to fight and gave instructions in that sense<sup>41</sup>, while others refused to surrender. The soldiers of the 7<sup>th</sup> IB took positions around the Camp at 0500hrs and fighting began at around 0530hrs<sup>42</sup>. The hostilities took place around the DPP camp in the so-called "Villa-2" (residential area of the industrial company SOCIDER<sup>43</sup>) located approximately 5km from Maluku village.

34. FARDC soldiers reportedly used heavy weapons (including RPGs and heavy machine guns). Fighting continued for approximately two or three hours. After taking control of the Camp, FARDC soldiers moved towards Bemba's residence and in pursuit of runaway soldiers who had hidden. No resistance was reportedly met at Bemba's residence, which was already empty and therefore did not suffer material damage. However, it was subsequently completely looted by soldiers of the 7<sup>th</sup> IB at around 1000hrs<sup>44</sup>. The accommodation and personal effects of DPP soldiers and their families were similarly looted. At around 1200hrs, the FARDC attacked SIFORCO<sup>45</sup> installations, where a few DPP soldiers had hidden, killing one of them and arresting five others. The FARDC subsequently systematically looted SIFORCO.

35. Most DPP soldiers managed to escape, either through the bush or by crossing the Congo River. A total of 25 of them, including Major Zarirwa, were arrested after they surrendered on 23 and 24 March. They were transferred to Camp Kokolo on 25 March and subsequently taken to Makala, with some passing through Military Intelligence headquarters. Major Zarirwa, however, was released. Seven FARDC and at least 12 DPP soldiers were reportedly killed in the fighting. Twenty-six FARDC and an undetermined number of DPP soldiers sustained injuries. Only one civilian casualty (a three year-old child) was reported, but it is possible that family members of DPP soldiers were killed during the attack<sup>46</sup>.

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<sup>39</sup> DPP officers indicated that between 120 and 200 DPP soldiers were at Maluku Camp while FARDC officials of the 7<sup>th</sup> IB claim that they found documentary evidence that 185 DPPs were in the camp.

<sup>40</sup> Interview conducted with the Chief of Operations of the 7<sup>th</sup> IB.

<sup>41</sup> Female DPP soldiers who did not want to fight were instructed to go and hide in the SOCIDER house with civilian women and children. Male DPPs were told to hide with Major Zarirwa in the bush until the end of the attack. After the attack, the major called to express his intention to surrender, together with the soldiers who were with him and the FARDC came to pick them up. However, there were only 12 DPP left at that time, including Major Zarirwa himself.

<sup>42</sup> The 7<sup>th</sup> IB claims DPP soldiers initiated the attack, while DPP soldiers maintained that the 7<sup>th</sup> IB attacked them.

<sup>43</sup> *Société Congolais de Sidérurgie*, a State-owned metal company.

<sup>44</sup> According to the Chief of Operations of the 7<sup>th</sup> IB, unidentified persons looted the residence. He denied the implication of his soldiers. However, corroborated evidence, including several eyewitness accounts, lay the blame for the looting on FARDC soldiers.

<sup>45</sup> *Société Industrielle et Forestière du Congo*, a timber company.

<sup>46</sup> MONUC Milobs reported that the Congolese Red Cross transported 22 bodies from Maluku on 25 March.

36. Those DPP soldiers and their dependents who surrendered to MONUC during and in the aftermath of the armed clashes are temporarily sheltered at MONUC Western Brigade HQ in INCAL Base. They number around 430 persons, including 160 DPP soldiers, around 100 women, 146 children and a few civilians unrelated to the DPP (numbers varied on almost daily basis, following births at the camp, transfers to hospital of injured people, departure of civilians no longer at risk or arrival of additional persons). MONUC is continuing to hold talks with the Government to discuss the modalities of transfer into Congolese custody or release of these persons in order to provide adequate guarantees to all interested parties. The ICRC was invited to monitor the situation and register the people in the camp to facilitate the follow up of all individual cases.

#### **4.0 Human rights violations committed during and following the armed clashes**

37. The Team was able to confirm that the violence in Kinshasa claimed the lives of around 300 persons, including civilians, PNC officers, and FARDC, RG, and DPP soldiers. Figures of around 180 injured persons were recorded. However, it was impossible to verify the exact number of persons killed and injured due to the lack of cooperation from the authorities, who generally refused to provide access to the morgues and to share official lists of persons killed and injured during the events<sup>47</sup>. Evidence that at least 100 bodies were disposed of by Government Forces in the Congo River or in unmarked graves in military camps indicates that the death toll could be significantly higher. Furthermore, many injured persons did not go to hospitals for treatment out of fear of the heavy RG presence at the main hospitals and morgues in the immediate aftermath of the events. Finally, it is unknown how many DPP soldiers or other persons who remain unaccounted for were killed, and how many have simply fled Kinshasa or have gone into hiding. The only official figures released by the authorities stated that 60 people had been killed and 74 injured<sup>48</sup>. However, the General Hospital of Kinshasa alone registered 163 casualties. The Team contacted the *Inspection générale de la Santé* to obtain a global official number of casualties. However officials there stated that they had not been authorized to provide the relevant information.

38. Excessive and reckless use of force, summary executions, looting and mass arbitrary arrests followed by cruel, inhuman and degrading treatment were the main human rights violations committed during and after the events. Moreover, as mentioned above, a significant number of persons considered as being affiliated to the opposition in some way were targeted for intimidation by the security forces<sup>49</sup>. Isolated cases of sexual violence were also reported.

#### **4.1 Illegitimate use of force**

39. This section of the report discusses concerns related to the use of force by all parties to the incidents which took place in Kinshasa in March 2007. Two principal and distinct issues must be considered:

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<sup>47</sup> OCHA registered a total of 208 bodies in four different hospitals and at the municipal morgue, plus 12 more bodies which were found at Kinsuka. A total of 147 injured persons were also registered by OCHA in the four hospitals. In a press release, a leading Human Rights NGO, ASADHO, stated that 245 persons had been killed in Gombe alone. CARITAS gave a number of 191 bodies and 151 injured in three hospitals, two clinics and the main morgue. On 27 March, European Union Ambassadors held a press conference and stated that the death toll could be up to 600 people. Establishing a clear death toll after the events was complicated by the fact that “double counting” almost certainly occurred when bodies were brought to more than one hospital or clinic after being turned away from other establishments that could no longer cope with the influx of corpses, or for more sinister reasons related to attempts by some authorities to conceal the real loss in human life occasioned by the violence (see above). It was also difficult to determine the proportion of civilian victims, as hospital lists often did not state whether the victim was military or civilian.

<sup>48</sup> The Minister of Information, Toussaint Tshilombo, announced these numbers on Radio Okapi on 24 March. The official death toll announced by General Amisi (FARDC Land Forces Commander) on 24 March afternoon was 35 military or police personnel killed. No indication was given regarding civilians killed. Injured persons were estimated at 80.

<sup>49</sup> See section 5, below, with respect to the incidents of intimidation directed against the political opposition.

- The overall political and military decision to forcibly disarm the DPP, which was taken in spite of the fact that a negotiated solution to the stand-off could still have been found, and in spite of the clear risk such an operation and its preparation posed to the civilian population; and
- Acts of unwarranted, excessive, indiscriminate or reckless use of force occasioning civilian casualties and material damage to property perpetrated by the parties to the fighting.

40. In this regard, “unwarranted” use of force is the use of force where it was unnecessary to use any force whatsoever to achieve the military or other objective desired. “Excessive” force refers the use of force in a manner disproportionate to the military or other advantage that was likely to be gained, and “indiscriminate” or “reckless” use of force are used to describe incidents where soldiers used force without sufficient regard for the collateral damage that the degree of force used was likely to provoke<sup>50</sup>.

41. With respect to the first issue, it would appear that, whether or not the Government had intended to actually launch an attack on Bemba’s compounds at a later stage, the prevailing tensions, ratcheted-up by increasing FARDC troop numbers in the zone, rendered the possibility of an outbreak of heavy fighting highly foreseeable. The fact is that military operations and preparations liable to provoke an eruption of violence were commenced mid-morning on a working day, in the centre of town. Children were in schools and people were at work or about to leave for lunch when the fighting broke out. The civilian population could barely have been more exposed. In spite of this, heavy weapons were used almost right away and no warning was given to the civilian population to avoid the area or to stay at home. A high degree of collateral damage must have been considered probable by the Government, who decided to continue its preparations regardless of the above factors.

42. The Team documented incidents of unwarranted, excessive, indiscriminate or reckless use of force which occurred throughout the fighting. Both sides fired rocket-propelled grenades at civilian residences and other non-military targets. The RG, at the vanguard of the operations, deployed T55 tanks in downtown Kinshasa and used tank and mortar fire with little regard for the collateral damage such weapons were bound to cause in built-up areas. When the RG was deployed in some of Kinshasa’s poorer neighbourhoods to capture or kill DPP soldiers and secure weapons caches, several civilians were killed or injured as AK-47 rounds ripped through flimsily constructed homes.

43. Heavy weapons were also used indiscriminately in densely-populated residential areas in Limete and Barumbu *communes*. Numerous casualties resulted from indiscriminate or reckless use of force, in particular in residential neighbourhoods outside of Gombe, where the hostilities continued from 23-25 March. Several tank and mortar shells fell on residential properties throughout Kinshasa during the events. For example, a shell from a RG tank fell on the *Hotel Tropical* close to Ndolo in Barumbu *commune* on 23 March, causing serious injuries and material damage. On 23 March in Bandalungwa, a shell killed a woman and a nine year-old girl. Three other women from the same family were injured. Similarly in Barumbu, a woman who was in her home was seriously injured when a shell fell through the roof of her house on 23 March.

44. Although damage to buildings observed in most areas around Bemba’s compounds, FORESCOM building, the Spanish and Greek Embassy building (also known as the BIAC or UNICEF building) do not seem

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<sup>50</sup> It should be noted that the terms “excessive and indiscriminate use of force” are technical and legal terms which are defined in varying ways in different texts. For the sake of clarity and to avoid a lengthy technical discussion on this subject, the key elements of the varying definitions have been extracted and applied to the facts as established by the Investigative Team. As used in this report, the concepts of “unwarranted” and “reckless” use of force almost certainly fall within the scope of widely accepted definitions of “excessive and indiscriminate use of force”. These terms are used where they provide the uninitiated reader with a clear idea of the type of incident being discussed. Intentional targeting of civilians or civilian property also falls under standard definitions of “excessive and indiscriminate use of force”, but is discussed in more detail under sections 4.2 (Summary executions) and 4.3 (Looting and destruction of property): see below.

excessive given the intensity of the hostilities, the destruction of diplomatic premises, whether deliberate or not, is *prima facie* evidence of indiscriminate use of force.

45. During their search for DPP soldiers, Government Forces (particularly RG soldiers) used force in where no force was warranted and in the absence of any military target. In many cases, this was probably done with the aim of creating fear and extorting money and goods from the civilian population. Throughout the city, accounts were gathered of civilians who were deliberately shot for no apparent reason. On 23 March, RG soldiers entered the house of a pregnant woman in Batshako, looking for DPP soldiers. Although they did not find anyone, they shot the woman twice, causing her to lose her unborn child. In Gombe, on 22 March, the son of a policeman was called by a group of FARDC soldiers to the corner of *Av. 24 Novembre* and *Mont des Arts*. The soldiers threatened to kill him but injured his eye with a blow from a rifle butt instead. On 23 March on *Av. Lowa* (in *Masina commune*), a civilian was arrested by two RG soldiers, who forced him to raise his hands and then shot him in the leg. There were also reports of civilians being killed by RG tanks, which were allegedly deliberately used to run them over. This was allegedly the case of two young women, who were selling goods in the street on 22 March when they saw a tank going in the direction of *Ma Campagne*. According to one witness, when the soldiers inside the tank saw the women, the tank changed direction and went after them, destroying the shop where they took shelter and killing them. In Gombe, many schools were visited by RG soldiers in the evening of 22 March. These visits tended to follow a similar pattern: soldiers forcibly entered the premises in groups of 10 to 20, shooting in the air and at the ground; then searching the premises and checking the identity documents of all present while continuing to shoot in the air despite the absence of any enemies. Quite a few school pupils were injured by these acts of recklessness, including an eight year-old girl who was hit in the head by a bullet. Before leaving the premises, the soldiers systematically extorted all money, personal belongings and valuables from the civilian population. Victims at the *Institut Supérieur Pédagogique (ISP)/Gombe*, *Collège Boboto*, *Lycée Sacré Cœur*, and *Lycée Bosangani*, among other establishments, were affected by such acts. On 23 March, around 30 soldiers and police officers belonging to the RG, FARDC and PIR violently broke into the *Centre Hospitalier Mixte SCIBE-Congo*, near Ndolo. They fired rounds at windows and doors and entered every room shouting, pointing their weapons carelessly and shooting indiscriminately. A number of patients and visitors were injured and one died a few days later from injuries sustained. There were no enemies in the hospital<sup>51</sup> and there was no apparent reason to discharge weapons inside the hospital building, especially since the soldiers claimed to be coming to transfer their injured comrades to the medical facilities in Camp Kokolo<sup>52</sup>.

46. The large number of civilian casualties, whether killed or injured by stray bullets, as well as some shocking material damage to diplomatic premises caused by heavy weapons demonstrates that force was used excessively and recklessly by both sides during the Kinshasa events. Deliberate targeting of civilians and other non-military targets, as well as careless use of heavy and light weapons in densely populated residential areas are also demonstrative of excessive and indiscriminate use of force.

#### 4.2 Summary Executions

47. Allegations of up to 100 summary executions were received by the Investigative Team. However, most allegations could not be verified due to the denial of access to the Team to key locations, such as Tshatshi, CETA and Kibo Mango military camps, the GLM and *Palais de Marbre*. Credible accounts of at least 40 summary executions were collected, and 18 cases were confirmed by site visits and corroborating testimony. Summary executions were mainly perpetrated against civilians, surrendered DPP soldiers their family members. They were committed in Gombe, Limete and Barumbu, as well as in military camps.

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<sup>51</sup> It is possible that a small number of DPP had been near the building at a certain point, and that they engaged in combat with the RG.

<sup>52</sup> Information gleaned from interviews with a reliable source from the hospital staff. It is noteworthy that this hospital was established by Jean-Pierre Bemba's father, Senator Jeannot Bemba, and was known as "Bemba's hospital" in spite of the fact that it has become a private hospital.

48. Summary executions documented were mainly committed by the RG, except for the execution of a Naval Force soldier by 12 DPP soldiers in Limete *commune* on 23 March and that of a PNC commander at the central market on the same day by DPP soldiers who were accompanied by *shégués*. However the Team received accounts from witnesses who narrowly escaped execution by the DPP in Beach Ngobila and Kin-Mazière, which may indicate that the DPP were involved in more executions than reported.

#### 4.2.1 Gombe *commune*

49. In Gombe, most confirmed summary executions took place on 23 March between mid-morning and afternoon when Government Forces controlled the area. Six cases concerned DPP soldiers, who had allegedly surrendered. They were killed in the vicinity of the compounds and Beach Ngobila. After Government Forces took control of the compounds early on 23 March, a significant number of DPP soldiers and their family members (including more than 90 minors) surrendered to MONUC or fled towards Beach Ngobila to attempt to gain Brazzaville by boat. Summary executions of DPP soldiers and family members who were trying to reach the Beach were reportedly committed by RG soldiers, particularly between 1200hrs and 1500hrs on 23 March<sup>53</sup>. Some family members of DPP soldiers explained that they were spared execution because they were able to speak in Swahili with the RG soldiers.

50. Due to denial of access, the Team could not properly verify allegations that mass summary executions were committed inside Jean-Pierre Bemba's compounds on 23 March when the RG took control of it. Aside from DPP soldiers, a significant number of their family members, mainly women and children, lived in the two compounds and were trapped inside when the fighting commenced. The RG finally took control of these compounds between 0600 and 0700hrs on 23 March. While it has been reported that most (if not all) civilians present in the River Compound had fled before the attack, there are indications that a relatively small number of civilians as well as some DPP soldiers remained in the main Av. de la Justice compound at the time of the attack. At least 10 women who were too sick or too old to run away, as well as women who had recently given birth or were heavily pregnant, were hiding in the basement of a blue building known as Starcell, situated inside the compound, next to Bemba's office complex. The Team was not able to establish the fate of these women or their exact number at the time of the attack and does not exclude the possibility that they were killed during or after the assault. Once the RG took control of the compounds, it rounded up the persons who remained inside and put them under arrest in the main compound. Reports of at least one summary execution of a civilian<sup>54</sup> and of serious mistreatment of others by the RG at that time were confirmed. The compound was completely looted, including the houses and personal effects of the family members of DPP soldiers. Around 15 civilians, who found themselves in the vicinity of the compound when the fighting broke out, had hidden in places like nearby ditches to shelter from the shooting. A number of them were arrested by the RG and brought to the compound and subsequently transferred to other detention centres or military facilities such as Camp Kokolo, Camp Tshatshi and the Military Intelligence facility in Kitambo<sup>55</sup>. The main compound may have been temporarily used as a storage location for bodies collected by Government Forces throughout the city centre<sup>56</sup>.

51. At least five civilians were killed on the Boulevard du 30 Juin, at Rond Point Forescom and around the *Galleries présidentielles*. Most of the victims were street vendors or *shégués*<sup>57</sup>. For example, on 23 March, one

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<sup>53</sup> The RG had regained full control of the Beach area by 0800hrs on 24 March.

<sup>54</sup> A 20 year-old *pousse-pousse* (wheelbarrow) operator, stabbed by RG soldiers inside a container within the compound, near the wall adjacent to Av. de la Justice.

<sup>55</sup> See section 4.4, below, on arbitrary arrests.

<sup>56</sup> The bodies (number unknown) were probably moved to an unknown location on 24 March 2007.

<sup>57</sup> Some of the street dwellers who were killed may have been killed for accepting weapons from the DPP and/or helping them locate RG/FARDC positions during the fighting. It is clear that at least some unarmed street dwellers were summarily executed. The age of these *shégués* is difficult to ascertain and some could have been minors.

RG soldier shot four street vendors hiding inside the *Galleries présidentielles*. According to an eyewitness, the street vendors presented their documents to an FARDC/RG patrol. The soldiers left but one member of the RG accused the street vendors of being foreigners. When one of the vendors reacted to these accusations, the RG soldier asked them to lie down and shot them. Three died on the spot and the fourth was seriously injured. In a different episode another *shégué* was killed by an RG soldier near Rond Point Forescom. In another case, RG soldiers shot a drinks vendor as they began looting a bar on 23 March. They forced another civilian who had been hiding inside the bar to open the fridge and storage room. When they finished looting, they forced him to leave with them, took everything he had and shot him in the leg on the Boulevard du 30 Juin.

52. The Team received other allegations that could not be confirmed. For example, allegations of summary executions of DPP soldiers allegedly committed by the RG within the MARSAVCO concession<sup>58</sup> remained unconfirmed. The Team could not establish what happened to a group of DPP soldiers and family members who had claimed to be inside the CCTV building and who had called MONUC to pick them up as they intended to surrender. It is likely that they managed to flee the area. By the time MONUC reached the building, RG soldiers were in full control of the zone and declared that no one had been inside the building at the time of their arrival.

#### 4.2.2 Limete and Barumbu communes

53. In Limete and Barumbu *communes*, summary executions of civilians were also reported<sup>59</sup>. However, on the basis of the available evidence, the Team was not in a position to establish how many summary executions occurred and how many persons were killed as a consequence of excessive or indiscriminate use of force, or simply as a result of being hit by stray bullets. Often it was unclear whether Government Forces had been deliberately targeting civilians with the intention of killing them, or whether these people were killed accidentally by the fire-fights which were taking place around them. Whether or not individual acts can be classified as summary executions, it is important to note that a significant number of civilians were killed or injured in residential areas by rounds fired by Government Forces in pursuit of DPP soldiers.

54. Allegations of forced recruitment of civilians by DPP soldiers in Limete/Funa and Ndolo, followed by summary executions of those civilians who refused to take up arms, could not be verified. No eyewitnesses were found and the information provided on this allegation by various indirect sources remained vague and unsubstantiated.

#### 4.2.3 Military camps and other locations

55. The most worrying allegations received by the Team concern a large numbers of prisoners who were allegedly executed and buried in military camps or in other locations. However, only nine cases could be confirmed due to lack of access to these locations. According to the evidence gathered, at least five DPP soldiers and four civilians arrested by the RG were taken to Camp CETA on 23 March, detained in a holding cell and then summarily executed on 26 and 28 March and buried at a nearby location<sup>60</sup>. One civilian, arrested on 30 March and taken to Camp CETA by RG soldiers who accused him of being “one of Bemba’s men”, allegedly narrowly escaped execution when an RG soldier accepted to save him against payment of money, “because enough innocent people [had] already been executed.”

56. In Camp Maluku, one eyewitness asserted that two DPP soldiers, who had hidden in Bemba’s residence after the attack on Camp Mabaya, were shot and killed by FARDC soldiers as they tried to surrender with their

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<sup>58</sup> MARSAVCO cleaning and hygienic products company is situated in Gombe (see Annex II).

<sup>59</sup> The Team could confirm the death of at least five persons who may have been intentionally killed. At least another eight fatalities were recorded in the area but are likely to have been caused by stray bullets.

<sup>60</sup> The five DPP soldiers were apparently arrested at Ndjili Airport while guarding Bemba’s plane. The civilians were arrested for not having ID with them.

hands up. Other persons interviewed referred to 5-20 persons, mainly civilians, who were allegedly killed in their homes in Camp Mabaya and in some cases while hiding under their beds. However, the circumstances of their deaths remain unclear and it is possible that they were hit by rounds which pierced the walls and roofs of their wooden houses during the FARDC attack.

57. Other allegations of summary executions perpetrated inside Camp Tshatshi, Camp CETA, Camp Kibo Mango, the GLM and the *Palais de Marbre* were reported but could not be verified by the Investigative Team for reasons already mentioned. However, attempts to hide bodies were evidenced by the macabre discovery of around 30 corpses in the Congo River, as well that of a number of fresh, unmarked graves in Kinkole and Mikondo Cemeteries, allegedly containing a total of around 60 bodies<sup>61</sup>. These findings indicate that a substantially higher number of people may have been killed or executed during the violence than could be confirmed. Some of the bodies thrown into the river and later recovered at the Kinsuka Rapids were tied-up and blindfolded.

### 4.3 Looting and destruction of property

58. Looting of shops, bars, at least one hospital and other establishments during and after the fighting was confirmed. The DPP, RG, FARDC and PNC were all responsible for such acts. Among many others, the following buildings were looted: *Chine Congo Télécommunication*, the offices of the NGO WOPPA, the bar and restaurant “3615”, the *Centre Hospitalier Mixte*, ONATRA port buildings and the firm SCIBE-Beach Congo (see below). A few shops were looted and broken into, such as the shops of the FORESCOM building, FINA Service Station and a supermarket in Barumbu *commune* which was completely vandalized and looted. Congolese military sources maintained that the DPP committed widespread looting, while neither the FARDC nor the RG were responsible for any looting whatsoever.

59. However, although acts of looting and some other abuses were indeed committed by DPP soldiers during the period in which they exercised some control over the city centre (in the afternoon of 22 March and during the night of 22- 23 March), the investigation has revealed that these acts were somewhat limited in scale and time, as the DPP soldiers were soon forced to flee the city centre. A few stores with valuable goods, such as cell phones or electronic devices, appear to have been looted at that time, and it was confirmed that DPP soldiers committed acts of looting around the Memling Hotel area and attempted (unsuccessfully) to loot a supermarket (Hasson & Frère in Gombe). Most reports indicate that DPP soldiers carried out limited looting in order to take food and drink, or to steal civilian clothing in order to hide themselves amongst the population. Numerous eyewitnesses reported that most of the looting effectively took place on 23 March, when the RG and FARDC controlled the city. It is also at that time that a number of RG and FARDC soldiers were seen in a jubilant state, drinking in the streets and under the influence of alcohol (and possibly other substances) which were probably taken during these episodes of looting.

60. Whether looting was committed by DPP soldiers or RG/FARDC elements, street dwellers generally followed immediately after them in order to take possession of remaining items. A few *shégués* were subsequently arrested<sup>62</sup>. The central market of Kinshasa was allegedly looted by DPP soldiers and *shégués* on 23 March. DPP soldiers did not stay in the area very long and the *shégués* appear to have been responsible for most of the looting.

61. In Kingabwa, Port SCIBE and the SCIBE-Congo company (owned by Jean-Pierre Bemba’s father, Jeannot Bemba) were entirely looted and seriously damaged. On 23 March, soldiers belonging to former Vice

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<sup>61</sup> Dead bodies of civilians or unidentified persons who died at Camp Kokolo’s hospital or were taken there were reportedly subsequently put on a military truck and taken to Kinkole Cemetery to be buried.

<sup>62</sup> See section 4.4 below. Some street dwellers were taken to Camp Lufungula while others were taken to IPKin after being found in areas where looting had occurred.

President Ruberwa's personal security detail (ex-RCD-Goma)<sup>63</sup> and to the RG came to the port to look for DPP soldiers<sup>64</sup>, taking with them the personal effects left by the DPP. These soldiers subsequently returned in larger groups to loot, firing their weapons in a reckless manner. After these troops left, around 50 Naval Force soldiers arrived on the scene and misappropriated all that remained. One of them forced two security guards to carry looted goods to the Naval Camp. This soldier was allegedly subsequently arrested. On 28 March, SCIBE Congo filed a complaint with the Military Prosecutor of Gombe with respect to these incidents.

62. As discussed above, once the FARDC attack was over in Maluku on 23 March, 7<sup>th</sup> IB soldiers were seen looting the DPP camp and Bemba's residence, taking mattresses, television sets, boxes, tables, chairs, fans and other items. FARDC soldiers also looted the SOCIDER estate located in the area. They allegedly destroyed all items they could not carry with them. Fourteen villas in the DANZER/SIFORCO concession were looted as well as two other villas belonging to national employees. The company filed a complaint with the Chief Military Prosecutor on 26 March.

63. While some of the looting which took place was clearly conducted by ill-disciplined and underpaid soldiers with the aim of making money out of the events, other incidents of pillaging were conducted in a much more organized manner and with the aim of punishing the enemy rather than for personal financial gain. The studios of CKTV<sup>65</sup>, CCTV<sup>66</sup>, RALIK<sup>67</sup> (all Bemba-owned), were attacked and ransacked during the course of the armed clashes. Members of the RG and other units confiscated and destroyed, in systematic manner, essential broadcasting equipment, making further broadcast impossible. All furniture and equipment was looted, including electrical sockets, switches and fitted carpet. In addition, the systematic looting of the MLC Headquarters, of the company and port SCIBE-Congo<sup>68</sup>, as well as of both Jean-Pierre Bemba's Gombe compounds and his residence in Maluku would all seem to have been carried out in a punitive manner<sup>69</sup>.

#### **4.4 Mass arbitrary arrests, illegal detentions and cruel, inhuman and degrading treatment inflicted upon persons in detention**

64. More than 200 people, mainly civilians not directly concerned with the fighting, were arrested on dubious charges related to public disorder offences or looting. Some were arrested without any apparent legal reason whatsoever. A number of DPP soldiers were also arrested following the events. Most of those arrested were initially detained in military camps such as Camp Tshatshi, Camp Kokolo, and Camp CETA<sup>70</sup> as well as in Military Intelligence facilities, IPKin, and police camps (Camp Lufungula, Légion PIR<sup>71</sup>). These people were, in the main, subsequently transferred to the CPRK. Most persons currently detained at the CPRK were arrested between 22 and 26 March by RG/FARDC, PIR or PNC in Gombe, Limete, Barumbu and Kasavubu *communes*. However, it is likely that the most politically sensitive detainees were not transferred to the CPRK, but kept in military camps or intelligence service facilities to which the Team was denied access.

65. At least 60 persons were detained at **Camp Tshatshi** during the events. Among them were a significant number of DPP soldiers and their family members, domestic workers of Senator Jeannot Bemba and

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<sup>63</sup> A number of ex-RCD-Goma members apparently reside in a villa in Place Apollo, not far from the Beach.

<sup>64</sup> DPP soldiers had been present in this location but most of them had left earlier for Brazzaville.

<sup>65</sup> Canal Kin Télévision.

<sup>66</sup> Canal Congo Télévision. In addition, the RG occupied CCTV premises for three weeks following the violence until they were replaced by PNC officers. Access to the premises was denied to the Investigative Team until the police presence was removed from the building.

<sup>67</sup> Radio Liberté Kinshasa.

<sup>68</sup> See also section 3.3, above.

<sup>69</sup> See section 5.1, below, for further details on the incidents of intimidation directed at the political opposition.

<sup>70</sup> Where executions of prisoners allegedly took place: see section 4.2, above.

<sup>71</sup> According to a PIR Colonel, 66 persons were arrested by the PIR during the events.

two foreign nationals. Witnesses reported that DPP soldiers and their family members, including women, were seriously and systematically beaten while in detention. In the afternoon of 24 March, around 50 of the detainees were put on board a military truck and transferred to the CPRK. The remainder were taken first to the Military Intelligence facility in Kitambo, presumably for interrogation, before being brought to the CPRK.

66. Some FARDC soldiers based in **Camp Kokolo** were reportedly arrested because they were natives of Equateur Province and detained for a few days by the Camp's Military Police. Twenty-five people, including DPP soldiers who had surrendered or been arrested in Maluku and family members of DPP soldiers were also transferred to Camp Kokolo. Many injured persons, including civilians, women and children were reportedly taken to Camp Kokolo's hospital during the events.

67. At least 25 persons suspected of being DPP soldiers were transferred from **IPKin** to CPRK on 29 March. Fifteen civilians, allegedly arrested in Kingabwa following the joint cordon and search operations of 28 March<sup>72</sup>, were transferred to the Prosecutor's Office in Kalamu on charges of looting. IPKin was actively implicated in the search and cordon operations, and numerous allegations of mistreatment of detainees by IPKin officers were reported to the Team.

68. According to official sources<sup>73</sup> 162 persons – all military – “passed through” the Kitambo **Military Intelligence** facility during the events, before being transferred without delay to the CPRK. According to other sources, including persons who were detained in this facility, 25 DPP and FARDC soldiers from Ndolo arrived there on 27 March, and there were at least 41 persons, (including civilians and DPP soldiers) who remained in detention in Kitambo. The existence of two underground cells was reported. When the Investigative Team was finally granted access to this facility on 30 March, the old holding cells, which had been in disuse for some time according to Military Intelligence officials, were empty. However, the Team was denied access on two occasions before the authorized visit and delayed from entering on the occasion of its third visit.

69. According to the Director of the **CPRK**, 201 persons, including eight children (three girls, including the wife of a DPP soldier) and 49 members of the DPP, were arrested during the events and transferred to the CPRK without arrest warrants. Progressively, one or more of five different charges were eventually pressed against these people: participation in an insurrectional movement (191 persons), rebellion (19 persons), failure to follow orders (three persons), refusal to obey orders (three persons) and desertion and looting of military effects (eight persons). Allegations of torture in the CPRK could not be verified, although witnesses have reported hearing screams at night. The list of detainees provided by the Prison Director to the Team was incomplete. However, out of 95 detainees interviewed, 35 were DPP soldiers (including five female military personnel), 52 were civilians (including six women and eight minors), four were FARDC soldiers, one was a PNC officer and three were foreign nationals. As stated above, a judicial commission was established soon after the events by the Chief Military Prosecutor to accelerate the processing of detainees at the CPRK and ensure the prompt release of persons arbitrarily arrested or detained. However, to date this Commission has ordered the release of only five detainees who were suffering from medical problems.

70. On the whole, most detainees were arrested arbitrarily and detained for more than 48 hours without appearing before a judge or being informed of the reason for their arrest, in breach of Congolese law. The majority of detainees were transferred to the CPRK without an arrest warrant or valid legal document authorizing their transfer to this facility. This lack of accurate documentation, coupled with the sheer number of detention centres (or places used as such) and the varying and conflicting accounts of transfers, arrests and releases made it nearly impossible for the Team to track all arrested persons in a meticulous fashion. A significant number of detainees were victims of cruel, inhuman and degrading treatment while in detention at IPKin, Military Intelligence, Légion PIR and Camp Tshatshi. Ill-treatment generally involved beatings inflicted with rifles butts,

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<sup>72</sup> See sections 1.0 and 3.4 above.

<sup>73</sup> Interview with the Deputy Chief, *État Major des renseignements militaires*.

boots, pieces of wood and whips, among other things. DPP soldiers and detainees from the Equateur Province were specifically targeted.

#### **4.5 Rape and sexual violence**

71. Although nothing suggests that rape and sexual violence were used in a systematic or targeted way during the events, the Team received allegations of several isolated episodes in which young girls were raped by small groups of 2-3 soldiers in isolated locations of the Ngaliema area. Cases involve FARDC soldiers (one case, on 22 March, the victim was a minor) and RG soldiers (two cases on 24 and 25 March, one of the victims was a minor).

72. It appears possible that some female detainees were sexually assaulted in Camp Tshatshi in the night of 23-24 March but this could not be verified. On 31 March, a woman who had been detained in Camp Tshatshi since 27 March was allegedly beaten and later raped by three RG soldiers, but it is unclear if her case is related to the events. A male prisoner was allegedly sexually abused by a fellow prisoner in Camp Tshatshi who accused him of being from Equateur and pro-Bemba. The holding cell guards reportedly did nothing to help the victim.

#### **5.0 Intimidation and harassment by security forces in the wake of the events**

73. Following the violence, the UNHRO Victims, Witnesses and Human Rights Defenders Protection Unit (the Protection Unit) registered 51 cases of intimidation or harassment of members of the opposition (including Senators and National Assembly Deputies, most of them from the MLC) and other persons believed to be affiliated with Jean-Pierre Bemba or other opposition leaders (including 13 journalists, mostly from Bemba's TV and radio stations, employees working for Bemba's businesses, persons from Equateur or thought to be pro-Bemba, and family members of opposition figures). The victims in these cases claimed to have been the targets of death threats, intimidation, harassment, illegal arrest and detention, and cruel, inhuman and degrading treatment at the hands of the security services.

#### **5.1 Members of the political opposition**

74. Most victims informed the Protection Unit that they had been intimidated and harassed during and after the events of March by the Congolese security services, particularly the RG. Amongst their number were two National Parliamentary Deputies from the political opposition: one from the ODR<sup>74</sup> who declared that he had received threatening and anonymous telephone calls and another MLC Deputy who went into hiding after allegedly receiving death threats on 31 March from the RG. One MLC party member interviewed by the Protection Unit declared that he had received threatening messages on his mobile phone aimed at preventing him from convening a political meeting. In other cases, acts of intimidation allegedly consisted of repeated visits to victims' residences, sometimes during the night. Most often RG soldiers were accused of making these visits but the PNC and agents from other security services, (such Military Intelligence and the ANR) were also reportedly involved. At least three National Deputies, two national *cadres* from the MLC party and one other MLC party member claimed to have received such visits. In most of these cases, no search warrant<sup>75</sup> was shown by the State agents who entered these private residences. In some cases, the security forces took advantage of the situation to steal money or other items.

75. In many instances, security forces (mainly PIR and RG) carried out searches in private residences, (usually without a valid warrant) on the pretext of searching for DPP soldiers and illegal arms, including in the houses of at least one senator and in a number of residences belonging to members of the MLC. In other cases,

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<sup>74</sup> *Ordre des démocrates républicains.*

<sup>75</sup> *Mandat de perquisition.*

security services exceeded the limits of their warrants, stealing personal effects and cash from the victims rather than seizing items in the context of a legal search and seizure operation.

76. Of particular concern was the looting of the MLC Headquarters (both the *Permanence Nationale* and the MLC Inter-Federal HQ Offices)<sup>76</sup> conducted by security services during and after the fighting. Other examples of targeted looting by the security services concern the offices of two leaders of the opposition. In one case the office was looted during the fighting by unidentified armed persons, while the other occurred in the night of 23-24 March and was perpetrated by the RG.

77. In two cases, the PNC were deployed in operations to recover official cars that had been assigned to Members of the Transitional Parliament. However, in absence of the former Member of Parliament to sign for the hand over of the vehicles, the PNC seized the cars by force. In both cases members of the PNC verbally and physically mistreated the persons who were present at the time and stole money and others items from them.

78. Other examples of harassment include a member of the opposition who was arrested by agents of the security services on 27 March and detained in Kin-Mazière before being released the next day. Five opposition members declared that they had become aware of a list of opposition members who were to be targeted for arrest by the ANR. According to these persons, the President of the National Assembly was officially informed of the existence of such a list. Another member of the opposition from Equateur reported to the Protection Unit that he has been hiding since the beginning of the events, fearing for his security after his residence was repeatedly visited by RG soldiers and PNC officers. On 25 March, four members of his family were arrested by the PIR and transferred to the CPRK. The Investigative Team confirmed that these persons were in detention despite the fact that no particular charges had been levelled against them and without regard for the relevant legal procedures governing arrest and detention. One family member interviewed by the Team declared that police officers from the PIR had seriously beaten them during their arrest. Traces of beatings were visible on this person's body. Another case involved the illegal arrest of a family member of a person from Equateur, who was threatened by the RG and 'accused' of having personal connections to Jean-Pierre Bemba. The Protection Unit verified the arrest and the illegal detention (in Camp Tshatshi) of this person, who, in the absence of the RG's real target, was arrested on 23 March. The family member was released on 27 March following the intervention of the Investigative Team.

79. In a collective response to these incidents of intimidation and harassment, the parliamentary opposition took the extreme step of withdrawing from the National Assembly on 13 April. However, two of the three parliamentary opposition groups, including the MLC, had returned by 25 April after obtaining certain guarantees from the Presidency, through the mediation of Vital Kamere, President of the National Assembly.

80. In several cases, the Protection Unit was unable to interview victims because they feared for their safety and refused to come out of hiding or risk being seen with MONUC staff. The Protection Unit maintained contact with these people on a 24 hour per day basis and continued to monitor their security situation. Almost all victims have refused to even entertain the idea of using the Congolese justice system to address their situations, fearing retaliation by the security forces.

## **5.2 Journalists and media organisations**

81. In numerous cases, journalists and news editors have received threatening phone calls and/or messages and have been "visited" at their private residences by the security services. Following the events, MONUC and several NGOs voiced concerns about the fate of several journalists and technicians working for TV

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<sup>76</sup> See above. The Inter-Federal HQ is located in *Avenue de l'enseignement* and was looted by PIR on 31 March, while the *Permanence Nationale* is located in the CCTV Building and was looted by the RG on 23 March.

and radio stations owned by Jean-Pierre Bemba<sup>77</sup>. These persons were forced to go into hiding after the broadcast of Bemba's stations was cut on 21 March.

82. However, Jean-Pierre Bemba's media interests were not the only ones to have been threatened in the aftermath of the incidents. Many other persons working for independent newspapers and magazines<sup>78</sup> were also targeted. Journalists and other personnel from radio and TV stations who openly criticized government policies and practices became victims in what has been referred to as an ongoing "campaign of intimidation". Many of them have requested MONUC's assistance to ensure that special safety and protection measures be taken.

83. A reliable Congolese NGO reported to the Protection Unit that three journalists<sup>79</sup>, although not personally or politically linked to Jean-Pierre Bemba, had received death threats allegedly for the mere fact that they had interviewed Bemba. In an interview broadcast the weekend preceding the incidents, Bemba had accused President Kabila of high treason for the alleged occupation of Kahemba territory by Angolan forces.

84. Sources from CCTV reported that one journalist and one technician had fled the country after being visited by the RG and threatened several times. Both of them have sought refuge in neighbouring Congo-Brazzaville. On 25 March, two RG soldiers, accompanied by five police officers, broke into the residence of the CCTV Technical Director and abducted him along with his two brothers. All three were brought to Camp Tshatshi, where they were detained for a number of days. All of them were eventually released upon remittance of a "fine" of \$100 US each. The victims and their relatives decided to remain in hiding for the next month.

85. On 25 March, a Canal-Kin Télévision staff member received two threatening phone calls, one anonymous and one from a member of the RG. The same day, she received an unambiguous death threat by SMS. Consequently, the presenter went into hiding for one month. Two days later, a journalist working for the same TV station reported that he had fallen victim to a similar series of events and advised the Protection Unit that he felt unable to come out of hiding.

86. On 27 March, three CCTV journalists contacted the Protection Unit to report that they had been receiving threatening phone calls since 23 March and that for security reasons they had been forced to leave their residences<sup>80</sup>.

### **5.3 Equatoriens and persons and institutions perceived as being "pro-Bemba"**

87. There is probably insufficient evidence to suggest that persecution took place based exclusively on the provincial origin of the victims. However, in the aftermath of the events, the security forces, supposedly in their attempts to track down fugitive DPP soldiers, carried out numerous arbitrary arrests of young persons after an examination of their identity cards revealed them to be *originaires* of Equateur Province. As mentioned above, these persons were, in many cases, singled out for ill-treatment. Moreover, the fact that DPP soldiers were thought to be hiding in certain neighbourhoods known to be inhabited by *Equatoriens* (such as Ofiltra, Funa and Pakadjuma) caused security raids to be carried out in these areas. Once again, the security services often abused their powers by stealing personal effects from victims, or arresting them without cause. The accounts of several persons who managed to escape from RG military installations after it had been decided that they would be executed gives rise to concerns that an unknown number of these arrests may have terminated in the summary execution of the victim.

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<sup>77</sup> The victims work for *Kin Télévision* (CKTV), *Canal Congo Télévision* (CCTV) and *Radio Liberté Kinshasa* (Ralik).

<sup>78</sup> MONUC has received serious allegations that news editors, all from Equateur Province, have received threats because of their anti-government editorials in the wake of the incidents. This was the case for editors from *Le Collecteur*, *L'Alerte plus*, *Le Tapis Rouge*, *La Proclamation* and *L'Alarme*.

<sup>79</sup> One from the private TV station "Antenne A", one from the station "RCTV" and a third from CCTV.

<sup>80</sup> Contacted in early May, the journalists declared that they had returned to their homes.

88. As mentioned above<sup>81</sup>, on 23 March, around 30 soldiers and police officers belonging to the RG, FARDC and PIR violently broke into the *Centre Hospitalier Mixte SCIBE-Congo*, near Ndolo. This hospital is also known as “Bemba’s hospital”, and the violence employed during this operation, ostensibly aimed at the transfer of injured soldiers to Camp Kokolo, seems to have resulted, at least in part, from the connection that security forces appear to have made between the medical facility and the Bemba family.

## **6.0 Conclusions and Recommendations**

### **6.1 Main Conclusions**

89. The principal conclusions of the Investigative Team are as follows:

- Around 300 persons, possibly more, lost their lives during or after the armed clashes that took place in Kinshasa in March 2007;
- Military force was used in an unwarranted, excessive, indiscriminate and reckless manner during and in the wake of the hostilities. The Congolese Government was negligent in its duty to protect the civilian population of Kinshasa when it took a decision to assault Bemba’s compounds, or to order actions, such as troop movements, which were likely to provoke an armed clash in the city centre. Insufficient regard was had for the collateral damage that would inevitably be provoked by these actions, which were undertaken in the middle of a working day, without prior warning to the population, and without sufficient measures being taken to prevent civilian casualties. Other acts of unwarranted, excessive, indiscriminate or reckless use of force committed by both sides during the fighting, or in the context of operations undertaken after the city was back under Government control, were documented by the Investigative Team;
- Civilians, soldiers and at least one police officer (who had surrendered or who were otherwise *hors de combat*) were summarily executed by Government Forces and in some cases by the DPP. Credible accounts were collected of at least 40 such cases, and 18 cases were confirmed by site visits and corroborating testimony;
- Looting was committed by both sides to the clashes, but mainly by Government Forces, once Kinshasa was already under the control of Government troops;
- Mass arbitrary arrests and illegal detentions took place during and after the hostilities. A large number of detainees were the victims of cruel, inhuman and degrading treatment in detention centres or military camps, particularly arrested DPP soldiers and natives of Equateur Province;
- Rape and sexual violence do not appear to have been used in a systematic or targeted way during the events. However the Team received allegations of several isolated cases in which young girls were raped by small groups of 2-3 soldiers in the Ngaliema area;
- The security forces are responsible for numerous acts of intimidation and harassment against members of the political opposition and journalists and media organisations or other persons or institutions seen as being “pro-Bemba”.

### **6.2 Recommendations**

90. **The Investigative Team recommends to MONUC senior management that:**

- **A version of this report, in summary form, be shared with the Congolese Government;**
- **A version of this report be made public;**

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<sup>81</sup> See section 4.4, above.

- **Pressure be put on the Congolese authorities to undertake a thorough and impartial investigation into the serious crimes and human rights violations discussed in this report. Such an investigation should be a judicial investigation in order that those found to have perpetrated criminal acts might be tried and sentenced in accordance with the law. MONUC could stand ready to assist and to provide information with respect to such an inquiry;**
- **Pressure be put on the Congolese authorities to immediately release all those persons who are still in custody and who were arbitrarily arrested or detained during and after the Kinshasa events;**
- **The issue of lack of cooperation with the Investigative Team be raised with the appropriate authorities. MONUC's mandate to investigate violations of human rights and to access detention centres or places where persons are detained should be recalled to the Congolese authorities. The issue of access to military camps or other locations which the Team has not yet visited should be raised in this connection;**
- **Pressure be put on the Congolese authorities to compensate or indemnify victims of the events who lost family members or whose property was damaged by military operations or by Government troops who acted in breach of the law;**
- **Pressure be put on the Congolese authorities to make a comprehensive public statement about the events, providing the population with an explanation of what happened and what has been done by the authorities since the events to correct wrongdoing by Government Forces, the DPP, the police, or other security services.**

## ANNEX I

### Chronology of reactions to the Kinshasa events and other developments in their aftermath

During the violence, on **22 March**, MONUC and the UN Security Council called for the immediate cessation of hostilities. Jean-Pierre Bemba called for a ceasefire on Radio Okapi at 1830hrs and the Government issued a statement at around 2040hrs accusing Bemba of being the instigator of the violence, denouncing “provocation” by the DPP and reaffirming that the Government was determined to put an end to the situation once and for all. The Minister of Information, Toussaint Tshilombo, accused Bemba of a failed attempt to take power by force.

On **23 March**, FARDC Commander General Kisempia deplored the loss of life and property sustained during the fighting in a statement broadcast in the afternoon and declared that the perpetrators would be brought to justice. He ordered all mutineers to immediately surrender to the FARDC or to MONUC. Defence Minister Tshikez Djemo also made public declarations accusing Bemba of high treason and declaring that the Government was using all constitutional and democratic means to resolve the crisis. MONUC issued a statement “[welcoming] the restoration of order by Government Forces” and “deeply [regretting] the fact that force was used in order to resolve a situation that could and should have been settled through dialogue”. MONUC also deplored “the loss of life, the damage to property, the looting and the serious risks caused to civilians living in the capital”.

On **24 March**, President Kabila held a meeting with the *Conseil des Ministres* which was followed by a declaration made by the Minister of Information on Radio Okapi, announcing a provisional toll of at least 60 dead (military, police and civilians) and 74 injured. The Minister also congratulated the Armed Forces for the rapid restoration of order in Kinshasa and encouraged them to continue necessary operations. He took note of the judicial proceedings opened against Senator Bemba and officers and soldiers who mutinied as announced by the Attorney General<sup>82</sup> on the morning of 23 March. Initial press reports referred to an international arrest warrant issued against Bemba for high treason<sup>83</sup>. The *Conférence des Présidents de l'Assemblée Nationale* issued a declaration deploring the armed confrontation and condemning all forms of violence. It was recommended that the Government take all necessary and appropriate measures to protect the population in Kinshasa, prosecute the perpetrators, encourage national reconciliation and dialogue and accelerate the reintegration of armed militias.

On **26 March**, President Kabila held a press conference where he justified the military operations by asserting that “order had to be restored at any cost” and stating that “you do not guarantee security through negotiation”. Kabila warned that “all those responsible for insecurity [would] be tracked down”. The same day, the MLC condemned threats against Bemba, called for an end to alleged acts of intimidation and arbitrary arrests of MLC members and civilians and reaffirmed its commitment to acting as a strong political opposition force.

On **27 March**, the ambassadors of the European Union held a press conference and issued a declaration expressing indignation at the recourse to violent armed conflict in Kinshasa and calling the use of force by the Government “premature”, since all routes to dialogue had not been exhausted. The declaration referred to the high death toll occasioned by the armed clashes, stating that up to 600 people may have been killed. The ambassadors condemned looting and other crimes committed by both FARDC and DPP soldiers and urged the Congolese authorities to bring the perpetrators to justice.

On **28 March**, in its weekly press conference, MONUC called for the respect of the rights and liberties of all citizens and stated that it expected the judicial authorities to punish all perpetrators of criminal offences without distinction. The Minister of Health visited the main hospital and the morgue, which registered 116 deaths.

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<sup>82</sup> *Procureur Général*.

<sup>83</sup> However, no arrest warrant had been issued. An arrest warrant could not be immediately issued as senators enjoy immunity from arrest under the Constitution. This can only be lifted by the Senate following an official request by the Attorney General.

On **3 April**, the United Nations Security Council issued a declaration deploring the violence which occurred from 22-25 March in Kinshasa and expressing grave concern at the loss of life and urging all parties to respect the sanctity of human life and principles of human rights. The declaration emphasized the need to avoid any unnecessary or disproportionate use of force and encouraged MONUC “to undertake the necessary investigations into these events”.

On **5 April**, MONUC announced that an Investigative Team had been established. MONUC also condemned the alleged ongoing intimidations of opposition members and warned against the establishment of a climate of persecution of opposition members and people from Equateur Province.

On **8 April**, the MLC issued a statement condemning ongoing arbitrary arrests and acts of intimidation which they said had created a climate of terror aimed at destroying the opposition. The statement also denounced the occupation and looting of its headquarters, of residences of MLC officials and illegal visits and searches as well as arbitrary arrests of party members. On **9 April**, a peaceful MLC demonstration took place in Mbandaka to denounce the intimidation of the political opposition in Kinshasa. Vital Kamerhe, National Assembly Speaker subsequently urged that “an inquiry be held and that the orchestrators be identified and punished”.

On **11 April**, Jean-Pierre Bemba left the DRC for treatment in Portugal with the Senate’s approval.

On **12 April**, the Attorney General officially requested the Senate to lift Senator Bemba’s immunity so he could be charged as the “*auteur intellectuel*” of the violence in Kinshasa. Bemba was to be charged with undermining State security and murders, armed robberies and the destruction of property allegedly committed by his troops<sup>84</sup>.

On **13 April**, the MLC suspended its participation in the National Assembly until such time as the Government undertook to guarantee the safety of MLC members and put an end to harassment by security forces. The two other opposition parliamentary groups also withdrew from Parliament. RG soldiers who had been guarding the MLC headquarters, Bemba’s compounds and the CCTV/Canal Kin/RALIK building were replaced by PNC officers.

On **21 April**, one month after the events, the Government lifted the ban on access to the headquarters of MLC and to the CCTV/Canal Kin/RALIK building. MLC leaders submitted a memorandum to President Kabila regarding their security situation.

On **25 April**, MLC members of Parliament ended their 12-day boycott and returned to the National Assembly after obtaining guarantees that President Kabila would meet with them. Christian Democrats had returned the previous day. However, members of the ODR parliamentary group continued the boycott, asserting that they could not go back to the National Assembly until they had effectively met with President Kabila and obtained proper assurances regarding their security (an ODR Deputy had been attacked at his residence by soldiers suspected of belonging to the RG the previous day).

On **3 May**, dozens of journalists gathered in front of CCTV in a show of solidarity for their colleagues and to denounce what they saw as excessive restrictions on the freedom of the press.

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<sup>84</sup> The letter was dated 10 April but made public on 12 April.

