GREED & GUNS:

Uganda's Role in the Rape of the Congo

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The authors inspecting weapons held by the Moroccan MONUC contingent (Bunia, November 2005)

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Introduction

This report deals specifically with the recent Ugandan involvement in the military, political and economic affairs of its' giant western neighbour, the Democratic Republic of the Congo which has contributed to a pattern of serious human rights abuses of the Congolese people, reference needs to be made to the politics of Africa's Great Lakes Region over the previous decade or so. To corroborate evidence and gather additional information on Uganda's involvement in the Congolese conflict the authors of this report have visited Uganda and Ituri in November 2005.

Death Toll DR Congo (1998 - 2004)

1998-2002	1998-2004
3.3 million	3.9 million

Source: International Rescue Committee

One of the authors of this report, Brian Johnson Thomas, attached himself to the nascent rebellion of Laurent Desiree Kabila during the march from Bukavu to Goma in 1996 – a Long March that proceeded via Masisi and Kisangani to the final overthrow of President Mobutu Sese Seko in Kinshasa. Even at that early state it was clear that most of Kabila's military and political support came from Rwanda and Uganda – at that time operating in close harmony.

Indeed, one recalls that in late 1993 the then Major Paul Kagame of the Intelligence Section of U.P.D.F. Headquarters in Kampala was given "unpaid leave of absence" by Ugandan President Yoweri Museveni to begin the, ultimately successful, insurrection by the Rwandan Patriotic Front.

The Ugandan government and political-military elite then looked favourably on Rwandan aspirations and, it seems, readily appreciated the security concerns of the new Rwandan regime which led Kigali to seek to aid in the removal of Mobutu as a necessary step in the removal of the threat to their western border posed by soldiers of the former Rwandan regime and Interahamwe militias in exile.

By the time of Kabila's assassination, strains were beginning to appear in the Rwanda/Uganda alliance, culminating in a more or less complete rupture in 1999 amidst fighting between Rwandan and Ugandan troops in Kisangani over the control of the diamond and other resources thereat.

This fighting did more than create a political rupture; it also made explicit the implicit fact that all the states fighting in the Congolese civil war were - to a greater or lesser extent - involved in exploiting the economic resources of that vast country while aiding and abetting armed opposition groups in the DRC to assist in such activity.[1] Whilst the Ugandan involvement in the D.R. Congo is thus not unique in that sense, it is arguably unique in the way that the Congolese civil war has served both to enrich members of the ruling Ugandan political elite personally whilst simultaneously serving their national political ends. Not only are 'Ugandan' gold exports a polite fiction for looted Congolese gold, it is also true that the existence of a Congolese 'bogeyman' in the form of alleged Ugandan rebel groups hiding in the impenetrable jungles of Ituri has been a useful - maybe even the useful - public relations tool to keep domestic political opponents in order. There have been instances that MONUC has reported the presence of Ugandan armed insurgents in the DRC but not in the number and strength as indicated by the Ugandan authorities.

[1] *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo Source*, UN Security Council, S/2001/357, 12 April 2001; *Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, UN Security Council, S/2002/1146, 16 October 2002; *DRC: Arming the East*, Amnesty International, July 2005.

The primary purpose of this case study is to attempt to show how Uganda - both by allowing and by actively promoting illicit arms transfers to the eastern D.R. Congo - has contributed to the many and grave human rights abuses which continue to scar the emotional landscape in Ituri and the Kivus.

The gravity of the human rights violations committed and incited by Ugandan military involvement in the DRC was examined by the International Court of Justice, sitting at The Hague. In its December 2005 ruling in the case of the Democratic Republic of the Congo vs Uganda[2] the ICJ found that between August 1998 and June 2003 -

> "*The Court therefore finds the coincidence of reports from credible sources sufficient to convince it that massive human rights violations and grave breaches of international humanitarian law were committed by the UPDF on the territory of the DRC.*
>
> *The Court also considers that there is also persuasive evidence that the UPDF incited ethnic conflicts and took no action to prevent such conflicts in Ituri district.*
>
> *The Court finds that there is convincing evidence of the training in UPDF training camps of child soldiers and of the UPDF's failure to prevent the recruitment of child soldiers in areas under its' control.*
>
> *Having examined the case file, the Court considers that it has credible evidence sufficient to conclude that the UPDF troops committed acts of killing, torture and other forms of inhumane treatment of the civilian population.....incited ethnic conflict and took no steps to put an end to such conflicts.....*"

This study will briefly examine the history of economic exploitation of Congolese natural resources by powerful members of the Ugandan elite, so that the underlying reasons for the consequent political and military involvement by Ugandan armed forces in the DRC can be better understood. It will then look equally briefly at the political parties and their armed wings a.k.a 'rebel groups' established at the behest of Kampala, Kigali and Kinshasa in the eastern region of the DR Congo.

The bulk of the report will then attempt to shed more light on how the occupation of a large part of the eastern DR Congo by UPDF troops and the supply by Ugandans of small arms and light weapons to warring factions in Ituri and the Kivus has exacerbated - and in some cases incited - grave violations of human rights involving the wholesale killing, torture and rape of the civilian population of these provinces.

Congolese rebel groups

During the heyday of the second Congolese war between mid-1998 and 2004 the following rebel groups could be discerned in eastern DR Congo:

The ***Maï-Maï***, are local Congolese militias that were created in 1996 as a reaction against the aggression of the other armed parties. Since 1998 actively at war against anything Rwandan. Although currently integrated into the FARDC some units, according to the UN, has openly sided with the FDLR and FNL.

[2] *Case Concerning Armed Activities on the Territory of the Congo. (DR Congo vs. Uganda) - Judgment of 19 December 2005*, International Court of Justice.

The ***Forces démocratiques de libération du Rwanda*** **(FDLR)** are a coalition of Hutu's from the former Rwandan army and the *interahamwe* militia who were responsible for perpetrating the genocide in Rwanda in 1994, now augmented by thousands of newly recruited fighters from the Rwandan Hutus exiled in the DRC who were too young to be soldiers or militia at the time of the genocide and feel unsafe from attack by armed groups in the DRC sponsored and aided by the Rwandan government and armed forces. The presence of the FDLR in North and South Kivu has been constantly used by Rwanda to justify its meddling in eastern DR Congo.

The ***Rassemblement congolais pour la démocratie*** **(RCD**) was created in July 1998 from ethnic affiliates of the Rwandan ruling elite in the Kivu provinces of eastern DRC and depended "financially, politically and militarily on Kigali"[3]. On 2 August 1998 the RCD led by Wamba dia Wamba, and with aid from Rwanda[4], launched a major offensive against the Kinshasa government. It conquered large swaps of land in Orientale province, North and South Kivu, Maniema, Kasai Oriental and northern Katanga. An internal power struggle between March and May 1999 caused the RCD to split into two factions: RCD-Goma and RCD-Kisangani. The latter faction quickly sided with Uganda.

RCD-Goma has been the biggest RCD faction since 1999 and has been actively supported by the Rwandan political, military and business ruling circles. Currently it is led by Azerias Ruberwa. Its militia called the *Armée Nationale Congolaise* was 12,000 to 15,000 men strong. A notable figure within RCD-Goma is the governor of North Kivu Eugene Serafuli. The RCD has controlled North and South Kivu, Kasai Oriental, Maniema, Tshopa district and northern Katanga at different times, exploiting the coltan, diamonds and other natural resources in alliance with Rwandan and other foreign business interest in order to pay for military and other supplies, but is now mainly based in North Kivu. Governor Serafuli has received Rwandan backing to develop an NGO, *Tous pour la paix et le développement* (TPD), which UN officials have described as a means of organising a substantial ethnic militia attached to the RCD-Goma in North Kivu.

The ***RCD-Kisangani (RCD-K)*** was created by Ernest Wamba dia Wamba when he was ousted from the RCD in May 1999. RCD-K sought help from Uganda. The Ugandan government acknowledged before the International Court of Justice in The Hague that it had provided military support to the RCD-K, and later to RCD-ML.[5] In September 1999 Wamba changed RCD-K into RCD-ML. Mbusa Nyamwisi was appointed prime minister and subsequently received substantial military aid from the government in Kinshasa as well as military aid from Uganda.

Late 1999 Wamba dia Wamba changed RCD-K into ***RCD-mouvement de libération*** **(RCD-ML)**. RCD-ML's militia was called ***Armée populaire congolaise***[6] **(APC),** and could field 3,000 men. The RCD-ML has received military and logistical support from Uganda as well as substantial military aid from the Kinshasa government in 2002 after Nyamwisi emerged as its main leader. Infighting led to an eruption of violence in Bunia in November 2000. The violence was so severe that Uganda had to intervene. Wamba dia Wamba and Nyamwisi were both convened to Kampala to settle their differences. Eventually Wamba dia Wamba was ousted and Mbusa Nyamwisi took over the leadership of the movement. Several smaller factions split off: RCD-N and RCD-Populaire. After August 2001 also known as **RCD-K/ML** because Wamba dia Wamba continued to claim legitimacy as leader of the original RCD-ML and sought approachment to the MLC. The RCD-ML has been in possession of the Moto gold mines in Haut-Uélé. In 2002 RCD-ML switched allegiance to the government in Kinshasa.

Jean Pierre Bemba's ***Mouvement de libération du Congo*** **(MLC)** was created in November 1998 with critical support from Uganda and the Central African Republic to counter RCD-Goma and later the RCD-

[3] S/2001/1072.
[4] Before the ICJ Uganda acknowledged that the RCD between August 1998 and March 1999 had received political support from Uganda.
[5] *Case Concerning Armed Activities on the Territory of the Congo. Rejoinder submitted by The Republic of Uganda*, Vol.1, 6 December 2002: §191.
[6] Also known as ***Armeé du peuple congolais***.

ML. The MLC has had its power base in the provinces Equateur and Orientale. The International Court of Justice was in no doubt that Uganda had supplied military support to the MLC.[7] Before the Porter Commission Major General Kazini has admitted that the UPDF had, for instance, given weapons to the MLC and RCD-ML seized from the Congolese army. Its militia consisted of 12,000 to 15,000 men.

The ***RCD-national*** **(RCD-N)**, was led by Roger Lumbala. Situated around Watsa (Orientale province). The internal power struggle within the RCD-ML led to the creation of RCD-N. The RCD-N was allied to Bemba's MLC. Its militia has demobilised and joined the FARDC.

The ***Front de libération du Congo*** **(FLC**), was a short-lived coalition of MLC, RCD-ML and RCD-N under Ugandan tutelage. On 17 January 2001 the three movements merged after weeks of talk between the parties in Kampala. The coalition collapsed in August 2001 after fighting between MLC and RCD-ML. The FLC was led by Bemba, and Nyamwisi as vice-president.

The following former warring parties are now part of the Congolese transitional government: MLC, RCD-Goma, RCD-ML, RCD-N, and some Maï-Maï.

The conflict in Ituri

Background to the Conflict in Ituri

Several of the rebel groups in the Ituri district of the Orientale Province in north eastern DR Congo are specifically linked to the Hema/Lendu conflict and therefore geographically restricted. The DRC legal team at the ICJ claimed that Uganda was an inducing factor in the Hema/Lendu conflict:

> "*Dans la région de l'Ituri... les forces de l'UPDF ont suscité un conflict ethnique entre deux groupe de population. Par la suite, les membres des forces armées ougandaises se sont impliquées de façon substantielle dans ce conflit, en prennant ouvertement le parti de l'un de ces groupes, en raison de liens ethniques supposés entre ses membres et les populations ougandaises.*"[8]

But different international bodies maintain that Uganda has fuelled ethnic violence in Ituri for its own benefit, especially to control the gold trade. The Ituri district is particularly endowed with gold deposits and other potentially valuable natural resources, including recently-discovered oil deposits. Uganda has always denied these allegations. The Ugandan legal team in its rejoinder before the ICJ claimed that

> "*[t]he DRC... distort the historical context of the Hema-Lendu conflict. The truth of the matter is that the conflict between the Lendu and the Hema peoples is deeply rooted, predates the current conflict, and is intimately entwined with issues of distribution of political and economic powers between them*"[9].

The Porter Commission added that the original rivalry between the Hema and the Lendu was related to land distribution and not natural resources, and that "*[t]his was long before the UPDF entered Congo and long before the on-going war started*"[10] and therefore Uganda can not be blamed for fuelling an armed conflict to get access to natural resources. The Commission concludes that "*[t]he recent conflicts have*

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[7] *Case Concerning Armed Activities on the Territory of the Congo. (DR Congo vs. Uganda) - Judgment of 19 December 2005*, International Court of Justice: §41.

[8] *Affaire rélative aux activités armées sur le territoire du Congo (République Démocratique du Congo c. Ouganda) - Réplique de la République Démocratique du Congo*, Mai 2002: §5.21.

[9] *Case Concerning Armed Activities on the Territory of the Congo. Rejoinder submitted by The Republic of Uganda*, Vol.1, 6 December 2002: §568.

[10] *Judicial Commission of Inquiry into Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo (May 2001 – November 2002) - Final Report*, November 2002: §22.4.1

been exacerbated as a result of the absence of effective authority capable of maintaining law and order in the Eastern Congo following the withdrawal of the UPDF from the area". But the authors of this report have two points of objection against the reasoning of the Porter Commission.

First of all, it seems that the original rivalry between the Hema and Lendu only became a fully blown armed conflict upon the arrival of the UPDF when they began to lend military support to one of the factions. The UN Special Rapporteur on the situation of human rights in the Democratic Republic of Congo (A/55/403) attests this when he wrote:

> "*The Ugandan occupation of the Ituri region has led to conflict between the Bahema (of Ugandan origin) and the Balendu, who have been in the region longer. With support from the Ugandan soldiers, the authorities appointed by them and RCD/ML, the Bahema have seized land from the Balendu who have no support. Except for some incidents in 1911, 1923 and 1955, these two ethnic groups had lived without major difficulties for nearly three centuries*".[11]

Furthermore the conflict was exacerbated by elements within the UPDF when these began to military train both tribes. The UN Panel of Experts (S/2001/357) for instance said that the Panel had obtained information that demonstrated *"how General Kazini[12] and Colonels Kyakabale and Arocha assisted in training different Hema militia, and manipulated those groups to fight each other…. While the Kazini camp was helping with the training of the Hemas, the Colonel Peter Kerim camp was assisting in training the Lendus*"[13]. Even the Porter Commission could not deny the involvement of these UPDF officers in the violence:

> "*[T]his Commission heard the UPDF Officers mentioned in the report on oath. All of them denied that they trained the tribes as alleged and manipulated them to fight each other. This Commission did not find them to be credible witnesses. Col. Mayombo, who was the Acting Head of Military Intelligence and Security, travelled to Bunia when he received a report of a flare up of the inter-ethnic fighting between the Lendus and the Hemas and remained at Bunia for two weeks. His evidence shows clearly that Cap. Kyakabale, Colonels Arocha, Angina, and the then Cap. Peter Kerim were in one way or another, highly suspected of being involved in the ethnic conflicts between the Hemas and Lendus*"[14].

The International Court of Justice (ICJ) in The Hague concluded that

> "*there is persuasive evidence that the UPDF incited ethnic conflicts and took no action to prevent such conflicts in Ituri district*".[15]

Secondly, there is no credible explanation for why the UPDF incited ethnic conflict in Ituri unless that violence was a way to seize control of the mineral rich areas and remain in the district. Uganda argued before the ICJ that the exploitation of natural resources in eastern DR Congo was carried out on humanitarian grounds, namely the cross-border trade had ameliorated the humanitarian crisis in eastern DR Congo.[16] This argument was rejected by the ICJ:

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[11] A/55/403, 20 September 2000: §26

[12] General Kazini was the commanding officer of the UPDF troops in DR Congo.

[13] S/2001/357: §180.

[14] *Judicial Commission of Inquiry into Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo (May 2001 – November 2002) - Final Report*, November 2002: §22.4.1

[15] *Case Concerning Armed Activities on the Territory of the Congo. (DR Congo vs. Uganda) - Judgment of 19 December 2005*, International Court of Justice: § 209.

[16] *Case Concerning Armed Activities on the Territory of the Congo - Rejoinder submitted by The Republic of Uganda*, Vol.1, 6 December 2002: §442-455.

> "*The Court would add that Uganda's argument that any exploitation of natural resources in the DRC was carried out for the benefit of the local population, as permitted under humanitarian law, is not supported by any reliable evidence.*"[17]

The Second UN Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo (S/2002/1146) added that the

> "*UPDF have created the conditions that require the presence of troops and their continued involvement in commercial operations. This has entailed providing arms to both sides in the ethnic conflict, the Lendu and Hema. The consequent increase in ethnic fighting has resulted in UPDF being urged to assist in furthering the peace process in Bunia*".[18]

The Court therefore concluded that

> "*officers and soldiers of the UPDF, including the most high-ranking officers, were involved in the looting, plundering and exploitation of the DRC's natural resources and that the military authorities did not take any measures to put an end to these acts*"[19].

And although natural resources were not the primary reason why these two ethnic groups first began fighting, they surely became the primary motive for the armed clashes shortly after the arrival of the UPDF. Apart from the direct military aid provided to the armed groups in Ituri by the Ugandan armed forces, and also at times by the Rwandan armed forces, the cash generated by the exploitation of these natural resources via Uganda was used by the different rebel groups to buy the instruments of war.

Ituri Rebel Groups

The Hema movement ***Union des patriotes congolais*** **(UPC or UPC-L)** came forth from RCD-ML in July 2001 and was led by Thomas Lubanga. UPC is based in southern Ituri. Between July 2001 and early 2002 the UPC was allied to RCD-K/ML. Originally the UPC was supported by Uganda as a means of gaining control of the gold deposits in southern Ituri but since the capture of Bunia in 2002 by its armed wing ***Front pour la réconciliation et paix*** **(FPR)**, Lubanga had moved closer to Rwanda and RCD-Goma against RCD-ML and the FLC. One of its main military leaders, Chief Kawa Panga Mandro, left the UPC-FPR at the end of 2002 to form the ***Parti de l'unité et la sauvegarde de l'intégrité du Congo*** **(PUSIC).** The UPC has meanwhile split into UPC-L and UPC-K. After the arrest of its leader, Thomas Lubanga, in March 2005 by Congolese authorities on charges of human rights violations, including genocide, war crimes, and crimes against humanity - the UPC announced a ceasefire and an end to its insurrection. On 17 March 2006 Thomas Lubanga was transferred to The Hague to stand trial before the International Criminal Court.

The ***Parti de l'unité et la sauvegarde de l'intégrité du Congo*** **(PUSIC)** is a Hema movement that is situated in southeast Ituri. PUSIC's political head is Kisembo Bitamara. Its military wing was led by Chief Kawa Panga Mandro. It was created at the beginning of 2003 by UPC dissidents and received substantial financial and logistical support from Uganda. Kawa Panga was arrested by MONUC on 9 April 2005. Documents obtained by the authors of this report indicate that many former militia members were recruited when they were still children. One 15 year old had joined when he was 12 years old. The average recruiting age seems to be between 13-15 years old[20].

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[17] *Case Concerning Armed Activities on the Territory of the Congo. (DR Congo vs. Uganda) - Judgment of 19 December 2005*, International Court of Justice: §249.

[18] S/2002/1146: §122.

[19] *Case Concerning Armed Activities on the Territory of the Congo. (DR Congo vs. Uganda) - Judgment of 19 December 2005*, International Court of Justice: §242.

[20] For child soldiers in the DR Congo see also the Amnesty International publication "Still under the gun: more child soldiers recruited" (1 June 2004, AFR62/009/2004).

The ***Front des nationalistes et intégrationnistes*** **(FNI)** is a Lendu coalition that was established late 2002 and led by Floribert Ndjabu Njabu. Its stronghold was situated around the gold deposits of Mongbwalu. UPC and FNI fought hard for this region, aided and abetted by Uganda and Rwanda. Two aides of Ndjabu have been promoted to generals in the FARDC, the new Congolese army. These two aides and Floribert Ndjabu were arrested early March 2005.

The ***Front pour l'intégration et la paix en Ituri*** **(FIPI)** was created February 2003 with support of Uganda to form a counterbalance to the UPC. The coalition consisted of FNI, PUSIC and FPDC and was led by Kawa Pango Mandro. Amnesty International reported the following in its July 2005 report, "*DRC: Arming the East*":"*One of the main FIPI factions appeared in mid 2003 to have close ties with former Ugandan army Colonel Peter Karim... and another faction also benefited from military training and support from the RCD-ML and, through it, from authorities in Kinshasa.*"

The ***Forces Populaires pour la Démocratie au Congo*** **(FPDC)** was established in 2002 with support of Uganda in northern Ituri to counter the UPC.

The ***UPC-Kisembo*** **(UPC-K)** tore away from the UPC in 2003, and was led by Floribert Kisembo. He was arrested by MONUC on the 25th June 2004.

The Lendu ***Union des congolais pour la paix et la démocratie*** **(UCPD)**, a splinter group from the UPC, and its military wing, the ***Forces armées du peuple congolais*** **(FAPC)**, which was led by the former RCD-ML commander Jérôme Kakwavu, were active in north-eastern Ituri. Created in February 2003 with support of Uganda. The organisation had a strong allegiance to the FPDC. The FAPC surrendered to the UN in April 2005. Kakwavu was made a general in the new Congolese army FARDC.

The ***Front de Résistance Patriotique de l'Ituri*** **(FRPI)** was a Lendu militia based south of Bunia. The militia had close ties to FNI. Its leader Germain Katanga was arrested in 2005 [?].

The ***Mouvement révolutionnaire congolais*** (**MRC**) is a coalition founded in mid-2005 that has incorporated former members of some Ituri and North Kivu militias: FNI, PUSIC, UPC-L, FRPI, RCD-ML, etc. The United Nations obtained a document, dated 15 June 2005 and signed in Kampala, with the signature of 15 rebel commanders announcing the creation of the new formation. A UN spokesperson said at the time: "*We are being told* (by Ugandan authorities) *that these people are coming on personal business but the fact remains that to accept their presence on the territory and not hand them over to justice is contrary to the letter and spirit of the U.N. resolutions*"[21]. Uganda rejected the idea that they were harbouring Congolese rebel groups and responded by saying that "[T]*hose are Congolese fellows who are here, who have wanted to join parliament, but they think the army is harassing them, that MONUC is attacking them, and that the transitional government has not been treating them fairly*"[22]. During their stay in Uganda the writers of this report obtained documents relating to the arrest of several individuals who belonged to the MRC. Most of these had been former PUSIC members. Some of them had families on the Ugandan side of the border, and one of the militia members' parents had lived in Uganda for the past 18 years !

[21] "Uganda defying UN by sheltering Congo gunmen", *Reuters*, 22 July 2005.
[22] Ibid.

A Meeting With Chief Kawa Panga Mandro



Illustration 1: Kawa Panga Mandro in MONUC custody (Bunia, November 2005)

During their stay in the Great Lakes Region in November 2005 the authors of this report received information which raised new questions about Ugandan involvement with the Ituri armed militias. The authors were able to conduct an interview with Kawa Panga Mandro, former leader of PUSIC, in his prison cell in Bunia[23]. He refused to disclose information on the origins of his small arms out of fear for his family. He literally said: "*I told you I need security guarantees, for my family. Me, I'm alright, I'm in prison, I'm safe… but my family… imagine that if I go and make a statement today, my wife and children will be kidnapped and… my children will be killed*". Although he stressed that "*there are people, others who are responsible for arming the rebels in Congo*". He did explain how in his view Uganda and Rwanda are implicated in the Congolese conflict: "*Uganda was delighted with my defection from the UPC. Because the UPC was supported by Rwanda… Uganda knew that I was… in the UPC and my departure from the UPC was going to weaken it. And that is how I got in with my soldiers, Uganda did me a favour. I said a favour, they did not disarm my troops. That is how I came to set up the PUSIC in Uganda. When I had finished setting up PUSIC, when I was ready to enter [the DRC], they let me return with all my weapons*." By their inaction the Ugandan authorities were in violation of UN Security Council resolutions and previous commitments signed under the Lusaka Cease Fire agreement.

More intriguingly chief Panga told the authors: "…*when you get to Kampala, you can check with the Minister of Defence Amama Mbabazi. There he* [chief Kisembo Bitamara] *said that chief Kawa went to war but did not consult Uganda… that it was Uganda that was supposed to be supporting me*".

At one instance Chief Kawa referred to support from the Kinshasa government to Ugandan rebels in Ituri. He said *'It is completely normal if, for example, Uganda becomes concerned that the Kinshasa government is supplying these rebels* [the Ugandan rebel groups] *and is also training another Congolese group* [Lendu] *in order to drive out the Ugandans and then enter Ugandan territory. Ituri's problem is that it's a counterbalance*." This counterbalance seems to refer not only to Hema/Lendu, or Congolese/Ugandan rebel groups but also to the rivalry between the Kinshasa/Kampala governments for *de facto* control of Ituri, which of course legally belongs to the DRC and therefore should be under the control of the Kinshasa government.

At this stage it is worthwhile to recall the Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo (S/2003/1027) which included a chapter that was never published. In this chapter it was revealed that Chief Kawa gave ammunition to the UPC in July 2003 which originated from Uganda.[24] It further claimed that "*various documents and receipts dated from May and June 2003 show transfers of funds from the Office of the* [Ugandan] *Presidency in support of PUSIC. This militia has also received arms and military supplies from the Ugandan army on a coordinated, institutional-basis and through individual UPDF officers. Some of these arms are delivered to PUSIC via Lake Albert. The Panel has photographs of some of these arms*"[25].

[23] Interview Bunia, 22 November 2005.
[24] Unpublished chapter Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo (S/2003/1027): §28.
[25] Ibidem: §54.

Ugandan resistance movements operating in the DR Congo arguably to some degree were:

The **Lord's Resistance Army (LRA)**, is since 1987 at war with the Ugandan government in north Uganda, the **Allied Democratic Forces (ADF) / National Army for the Liberation of Uganda (NALU)** in North Kivu, the **West Nile Bank Front (WNBF), t**he **Ugandan National Rescue Front II (UNRF II), t**he **Former Ugandan National Army (FUNA)**, and the shadowy **People's Redemption Army (PRA**).

The PRA is according to the Ugandanese authorities linked to opposition leader Kizza Besigye and Rwanda. The government in Kampala alleges that 3 former UPDF officers, who live in exile in Rwanda, command the rebel group. To proof their point the Ugandan authorities paraded 22 captives before the press in March 2003. The UPDF alleged that the 22 men were captured in DR Congo in a UPDF operation against the PRA. But the event raised more questions then it answered. The UPDF alleged that the men were recruited by a former UPDF soldier who took them to Kigali in July 2001. Unfortunately this man was conveniently killed a month before the capture of these men. The prisoners acknowledged that they were taken to Ituri in February 2003 to train a Lendu militia. (By whom?) Moreover "*they were promised good money and jobs if they raised a professional Lendu army to fight the Hema*"[26]. They further claimed that *"after less than one month, the very Lendu militia they were training suddenly attacked them, killing four of the trainers and holding the rest captive*"[27]. The prisoners were subsequently handed over to the UPDF by the FNI, the same group the 22 had been training. The FNI vehemently denied that the 22 accused had been there to train them. While a senior UPDF officer claimed that the men were captured during an active operation backed by the FNI. Only 19 of the 22 suspects were eventually brought to court in April 2003. Three others had been released by the UPDF raising suspicions that "*the three men were planted by the state to implicate the others and to establish the Rwanda government's alleged support for the PRA rebels*"[28].

Political and Military Context

The conflict in eastern DR Congo is hallmarked by a multitude of rebel groups, shifting alliances and grave human rights abuses. The second Congolese war began on the 2nd August 1998 when the *Rassemblement congolais pour la démocratie* (RCD) started an offensive, supported by Rwanda and Uganda, against the Congolese government of Laurent-Désiré Kabila. RCD quickly gained ground in North and South Kivu, and in Orientale province. Kisangani was taken near the end of August. At the end of October the RCD rebels had taken a large portion of Congo's territory. By late 1998 a rebel group emerged in Equateur province, the *Mouvement de libération congolais* (MLC), under tutelage of Uganda. In November 1998 the UPDF had reached the capital of Ituri (Orientale province), Bunia.

DR Congo
IDPs:
1,664,000 (October 2005, UN OCHA)
Refugees:
462,203 (June 2005, UNHCR)

The Ituri district is populated by amongst others Hema and Lendu tribes. Relations between the two groups has always been volatile. Major conflict erupted between the Hema and the Lendu in June 1999 over local land disputes, but was exacerbated by the wider conflict in eastern DRC. Hema backed by Ugandan troops attacked Lendu villages which caused mass population displacement. Some 150,000 people fled from their homes. A month later Uganda announced the creation of a new province in eastern Congo, Kibali-Ituri, that was fully under control of Uganda. On July 10, 1999 the Lusaka ceasefire agreement was signed in Zambia by the six states involved in the conflict. MLC and RCD became parties to the agreement in August 1999. The cease-fire was disregarded by all parties. When Wamba dia Wamba moved his faction of the RCD to Kisangani (Orientale province) in May 1999

[26] "Ituri drama?: what should we believe", *The Monitor*, 24 March 2003.
[27] "Who is lying about the 22 PRA captives?", *The Monitor*, 8 April 2003.
[28] "3 PRA suspects now free men", *The Monitor*, 23 April 2003.

shortly thereafter the first cracks in the Ugandan-Rwandan alliance began to appear. In August 1999 Rwandan and Ugandan forces fought one of there first of many battles over the key diamond trading centre Kisangani.

In March 2000 Rwanda and RCD-Goma launched offensives south and eastwards into Kasai Oriental. In May 2000 Kisangani was witness to heavy fighting between the Rwandan Patriotic Army and the UPDF leaving numerous civilian casualties. During the same month MLC began a southward offensive in Equateur province which was stemmed by the Congolese army and its allies. The UPDF hastily sent reinforcements to the MLC which resulted in a MLC counter-offensive during August 2000. Meanwhile Kisangani was again witness to heavy fighting between Ugandan and Rwandan forces in June 2000. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/55/403) said that "*the causes are economic (both armies want the huge wealth of Orientale province) as well as political (control of the territory)*"[29]. A ceasefire agreement left the city and its surroundings divided between the UPDF, the Rwandan army, RCD-Goma and RCD-ML.

Joseph Kabila stepped into the DRC Presidential footsteps of his father when the latter was assassinated in Kinshasa on 16 January 2001 by a member of his presidential guard. Lendu-Hema relations worsened in that month when Lendu militias attacked Ugandan and RCD-ML positions near Bunia. The Hema retaliated by attacking Lendu villages. In February 2001 a short-lived peace accord between Hema and Lendu was signed. Early June 2001 tensions between MLC and RCD-ML erupted into violence in Beni, North Kivu. On 11 June 2001 Uganda established a judicial commission of inquiry – the Porter Commission – into allegations of exploitation of natural resources in the DR Congo. [ ] On the 15 October 2001 the Inter-Congolese Dialogue is started in Addis Ababa but is postponed until February 2002[30]. The MLC retreated from Bunia in November 2001.

In 2002 there was increased violence between the three Ugandan backed armed groups: RCD-ML, RCD-N and MLC. Most of the battles fought between these groups were over areas with cassiterite, coltan, diamonds or gold deposits, or stands of timber. Occasionally these groups received help from the Maï-Maï or the UPDF. Meanwhile the Kinshasa government had signed a peace accord with Rwanda in Pretoria (30 July 2002). Rwanda agreed to withdraw all its troops from Congo if Kinshasa agreed to disarm and repatriate *Interahamwe*.[31] On 6 September 2002 the Congolese government signed a withdrawal agreement with Uganda. During 2002 the RCD-ML lost its most valued economic possession, Kilimoto[32], to the FNI[33]. When the RCD-ML moved closer to Kinshasa it came into conflict with the Hema under Thomas Lubanga. This led to severe violence mid-2002 in Mongbwalu between the RCD-ML, FNI and Thomas Lubanga's UPC. Meanwhile Uganda had decided to shift its support to the UPC which eventually was able to take Bunia from RCD-ML. But this only resulted in Uganda's withdrawal of support for the UPC, because the latter was gradually moving closer to Rwanda and RCD-Goma. The RCD-ML, to strengthen its position, sought ever closer ties to the FNI. The result was a spiral of violence between November 2002 and June 2003 for the Mongbwalu gold fields between the UPC[34], RCD-ML, and FNI. In March 2003 the UPDF joined the fray supporting the advancing FNI which subsequently overran Mongbwalu. Violence between Hema and Lendu re-erupted after the withdrawal

[29] A/55/403, 20 September 2000: §23.
[30] The Inter-Congolese Dialogue restarted on 25 February 2002 in Sun City, South Africa. A preliminary power-sharing arrangement is reached but several rebel groups refused to sign. An agreement on a transitional government is reached in Pretoria on 17 December 2002. A Global and All Inclusive Agreement is finally signed on 4 April 2003 in Sun City. The Transitional Government is sworn in on 30 June 2003.
[31] Rwanda withdrew his forces from the DRC on the 5 October 2002.
[32] The Kilomoto gold belt in north-eastern DR Congo is one of the richest gold deposits in the world. The exploitation rights are held by the parastatal Office des Mines d'Or de Kilo-Moto (OKIMO). The Gorumwa, Durba and Agbarabo mines are located in the Moto section in the northern Haut Uélé district, while Kilo in north-eastern Ituri district harbours the Mongbwalu gold deposits.
[33] See: *The Curse of Gold. Democratic Republic of Congo*. Human Rights Watch, London, 2005: p.15.
[34] In November 2003 former RCD-ML commander Jerome Kakwavu had joined UPC. Two months earlier he had been driven from the Durba gold fields by RCD-N and MLC. In February 2003 he left the UPC to create, with support from Uganda, the FAPC.

of the Ugandan soldiers in May 2003[35]. The UPC launched a desperate offensive against the FNI positions near Mongbwalu in June 2003. In this 8 month period nearly 2,000 civilians were killed and more then 140,000 persons displaced.[36]

Another step forward to peace in Ituri came on 14 May 2004 when the seven rebel groups operating in the district signed on to the *Kinshasa Acte d'Engagement* by which they promised to lay down their arms. But violence resumed in June 2004 near Bunia where the FNI and the FAPC fought several bloody battles. Two militia leaders were arrested by MONUC: Pitchou Iribi (FNI) and Floribert Kisembo (UPC-K).

The United Nations Mission in DR Congo (MONUC) announced in January 2005 that nearly 2,000 ex-combatants had laid down their arms. But this was followed by renewed fighting near the village of She leaving 1,500 villagers displaced. FNI and UPC-L blamed each other for the attack. Several prominent rebel leaders were arrested in the first half of 2005 following the killing of 9 Bangladeshi peace keepers: John Tinanzabo (UPC), Thomas Lubanga (UPC), Kawa Panga Mandro (PUSIC), Floribert Ndjabu (FNI), Goda Sukpa (FNI), and Germain Katanga (FRPI). MONUC also engaged itself to disarm the remaining Ituri militia members. The first of these operations was against a rear base of the FNI near Kafe. In The Hague, at the International Court of Justice, a number of hearings began in April 2005 in a case brought by the DR Congo against Uganda accusing it of unlawful invasion and committing gross human rights violations. Violence in Ituri renewed when in September 2005 suspected FNI and UPC rebels attacked government troops guarding Bambu Gold Mines. The fighting left 5,000 civilians displaced. At the end of 2005 heavy fighting between the Congolese army, supported by MONUC, and the remaining militias were reported from Ituri.

Expectations are high among the international community and the Congolese for the elections of July 2006 in DR Congo – the first free elections since the 1960s – but the peace in DR Congo is very unstable. Because the Congolese conflict was characterized by a multitude of antagonists the results of the elections can produce dissatisfaction in a wide circle. First and foremost are the rebel leaders who have been co-opted into the transitional government to realise peace in the country. The future of some rebel leaders and their parties seems bleak. One can think of for instance RCD-Goma, currently hated and despised but once very powerful, and their Rwandan backers. The same can be said of the corrupt politicians who have backed Joseph Kabila. Secondly there is the populace at large, tired with the violence, corruption and nepotism, with the hope for a better life after the elections. Unfortunately the odds are against them. Every major player in the Congolese drama is positioning himself so as to be assured of a tactical advantage if they fail the elections.

The Struggle to Control Natural Resources in eastern DRC

When one looks at the detail of the actions of the UPDF in regard to the illegal exploitation of the natural resources of the Congo it is hard to avoid the conclusion that the Ugandan Government was, if not incredibly incompetent, at least insuperably inept.

Despite President Museveni's assertion to the Porter Commission that he did not intend to allow UPDF officers and Ugandan politicians to indulge in trade with the Ugandan-occupied Congo, the Commission found that - over a three year period - nearly four thousand "businessmen" travelled back from the Congo on Ugandan military aeroplanes and that "*there is clear evidence that non-military goods were carried on the military chartered planes*". The Commission also noted that it "*was not permitted to inspect the hangars at the Military Air Base*," adding that "*the Commission thinks that the UPDF had some things in the hangars that they did not want the Commission to see*". In conclusion the Commission said

[35] The UPDF officially left Bunia on 7 May 2003 but some troops remained in Ituri.
[36] According to HRW most of the killings can be attributed to the UPC, although the FNI were equally involved in the massacres (*The Curse of Gold*, p. 31-44).

"*military transport of goods from the Congo, which cannot have been anything other than natural resources, has been proved to have been taking place*", adding "*on many occasions, military flights paid for by Ministry of Defence, or flown on Uganda Air Cargo (flying for Ministry of Defence) were carrying large quantities of coffee in particular back from the Democratic Republic of Congo*". Therefore, thus the Commission, it appears "*that the UPDF [can] do whatever it likes, even when specifically told not to by its Commander in Chief* [= Museveni], *and this raises the whole question of transparency and accountability within the UPDF*".

Coffee was a very minor Congolese 'export' facilitated by the occupying Ugandan troops: all the rare minerals, such as cassiterite and coltan (colombo-tantalite) which were formerly exported from that part of the Congo continued to be exported to global destinations across the alphabet from Antwerp and Birmingham in Belgium and Britain, to Canada, China, France, Germany, Spain and the USA. For all these multinational customers it was business as usual - except, of course, they no longer needed to pay any export duties to the Congolese government; nor did they pay taxes to the Ugandan Government's coffers either since the exports were a private enterprise controlled by Ugandan politicians and UPDF officers.

Import rough diamonds (Antwerp)		
	Ct	USD
2000	9.387,51	1.263.385
2001	23.957,63	2.539.270
2002	18.358,30	6.656.387

Source High Diamond Council

It gets better: for the first time in its' history Uganda had a thriving diamond export trade - on paper, anyway. The stones actually came, of course, from Congolese mines. The Porter Commission happily accepted this fact, saying "*There is no doubt in our minds that diamonds are being smuggled and falsely declared as sourced in Uganda. Bearing in mind that a fortune can be carried in a pocket it is difficult to see what Uganda as a state can do about this, bearing in mind that the Partner Countries must be aware that Uganda is not a diamond producing country, and yet are prepared to publish figures which deny that fact*".

Up to a point, Mr. Justice Porter, up to a point....leaving aside for the moment the anomaly that the Head of State's own brother was the very man accused by a United Nations Expert Panel of personal involvement in the lucrative but illicit trade in Congolese diamonds, it is - in the opinion of the authors of this Report - certainly true that, despite all the media 'hype' surrounding "blood diamonds" and about also the so-called 'Kimberley Process', diamond dealers in Antwerp, London, Tel Aviv and elsewhere are still only primarily concerned with getting a good bargain for themselves when diamonds of doubtful provenance are offered for sale. Indeed one of the authors of this Report was able to successfully "sell" to London's Hatton Garden uncut stones declared as from Sierra Leone at the height of the "blood diamonds" furore some years ago. It therefore seems reasonable to assume that "Ugandan" diamonds would be equally acceptable.

The same situation, in essence, applies to gold from Ituri in the eastern part of the Congo. Again, even the Porter Commission concluded "*It is quite clear to us that there is a massive smuggling of gold*", adding "[*O]ne wonders how Uganda can be blamed for anything but an inefficient Customs Service*" - a rather strange observation given that the same body also noted that UPDF officers were collecting 2kg of gold a day as "taxes" from local gold miners at Kilo Moto during the UPDF occupation there. Moreover the Commission noted that General Kazini , up to February 2000, had been informed on numerous occasions by Wamba dia Wamba "*that UPDF soldiers in Watsa were in conflict with civilians in relation to mining*".

Mineral Production										
Mineral Ore	**Quantity (tonnes)**					**Total Value (million of Ug Shs)**				
	2000	**2001**	**2002**	**2003**	**2004**	**2000**	**2001**	**2002**	**2003**	**2004**
Coltan	3	2	6	16	0	21,560	30	97	244	1
Gold	0	0	0	0	1	758	2	44	846	30,621
Mineral Exports										
Mineral Ore	**Quantity (tonnes)**					**Total Value (million of Ug Shs)**				
	2000	**2001**	**2002**	**2003**	**2004**	**2000**	**2001**	**2002**	**2003**	**2004**
Coltan	nil	15	3	6	0	nil	224	50	92	1
Gold	7	6	8	4	7	98,942	105,505	131,546	88,034	151,879

Source: Ministry of Energy & Mineral Development

And, of course, the illegal export of Congolese gold in defiance of the United Nations still continues. The most recent Expert Panel report to the Security Council in February this year said that they had seen correspondence between a Ugandan Company, a man called Jonathan Graff of Hussar Ltd., and a Swiss metal refining company called Argor-Heraeus which the Panel believes "*completes the chain of evidence for sanctionable activities. All the parties involved in the gold transactions starting with entities and individuals based in Ituri, Uganda, Switzerland and the United Kingdom have acted against paragraph 15 of resolution 1596 (2005)".*

In July last year, Argor-Heraeus - responding to a previous U.N. Report - said, in effect, that their function was simply to refine the gold supplied to it. Presumably in this case that also involves - metaphorically at least - washing the blood off it.

In concluding that section of their report, the Expert Panel made an observation which has resonance also for this Report, namely: "*the underlying problems that have fuelled the wars of Central Africa are far from settled. As long as an ounce of refined gold fetches over $400 while a used Kalashnikov firearm can be bought for less than $40, the incentives to acquire control over the Congo's resources by violent means will be overpowering*".

Which leads us on neatly to the final and more detailed section of this Report, which deals with the transfer of weapons by and from Uganda to the various Militias which have contributed so much both to the legendary lawlessness of Ituri and the Kivus and to the private fortunes of senior UPDF officers and Ugandan public servants.

Small Arms & Ammunition

Country	Area (sq. km)	Peacekeeping force	Number of soldiers/sq. km
DR Congo	2,267,599	16,000 soldiers	0.007
Kosovo	10,887	17,000 soldiers	1.5

This section of the Report draws heavily on our recent visit to Bunia in Ituri and to Entebbe and Kampala in Uganda during November 2005: we are especially grateful to the officers and men of the Moroccan battalion of MONUC for their unstinting assistance during our inspection of the surrendered rebel weapons held in their compound at Bunia. However, we have also considered carefully both the unpublished and the published sections of the Porter Commission's papers, plus the relevant United Nations and Amnesty International reports on the eastern regions of the Democratic Republic of the Congo.



Illustration 2: Chinese made Kalashnikov (Bunia, November 2005)

If one were to venture a general observation on the security situation throughout Ituri, it would be that the weapons surrendered do not appear to be of the best quality and, as an inescapable corollary, that there are still far too many weapons held by unauthorised groups throughout the Province - certainly it appears to be the case that the control of Bunia, for example, by MONUC forces is limited to the hours of daylight. The militias still own the night.... This is largely due to MONUC's resources being overstretched. 16,000 soldiers are stationed in a country larger than western Europe. Compare that to the currently 17,000 soldiers stationed in Kosovo to keep the peace.



Illustration 3: Kalashnikovs (Bunia, November 2005)

The weapons surrendered are diverse as to provenance if not by type. They are overwhelmingly from one of the many variants of the AK47 assault rifle. It appears to be the case that a majority of the weapons are the Chinese Type 56 variant, that of itself is not a surprise given that large amounts are known to have been purchased by Uganda from China and the demonstrated links between the UPDF and the militias operating in Ituri and the Kivus; many examples were also seen from Bulgarian factories, these are ascribed in the most recent report of the UN Expert Panel to an original, legal, export to Nigeria which somehow arrived in the eastern Congo. A few examples of Belgian FN rifles were also found, however, where the serial numbers appear to have been changed.

There have been rumours, which appears to be corroborated by a recent classified UPDF report which we have obtained, that the Ugandan military ammunition facility at Nakasangola has been in the habit of repairing - and subsequently renumbering - weapons of various types. This facility, which is managed - says the classified report - by the wife of the Defence Minister, was established for the UPDF by the Chinese government and there have been reports in the past of that facility producing ammunition (7.62x39mm) used by various factions involved in the Congolese war.[37]

[37] See also *DRC: Arming the East*, Amnesty International, July 2005.

Some of the weapons in the Bunia store are clearly Romanian AK47's, with their distinctive wooden butts, again this is not a surprise since we have also obtained both copies of the original Ugandan End Use Certificate supplied to the Romanian factory at Cugir in late 2000 and internal UPDF documents authorising the issue of some of these guns to Bunia early in 2001 "*to deal with the emerging situation*".

The position with regard to ammunition is yet more obscure and even the Porter Commission had to observe that the UPDF had not, at least initially, kept any records of small arms and other ammunition sent to the Congo: from the partial records which they were able to obtain it is possible to count over 5 million rounds of such ammunition leaving Entebbe for the Congo (Kisangani, Lisala…) in 1999-2000, but it is important to remember that most military supplies to locations such as Beni and Bunia would have been delivered by truck and not by aircraft.

It is a characteristic feature of the AK47 that firing off a full magazine of ammunition is easily done by default: added to this, untrained militias the world over are notorious for what has become known as the "Beirut Unload" i.e. pointing one's weapon in the air and firing off a fusillade of the entire magazine contents. These two factors go some way towards explaining the large amounts of small arms ammunition expended by all the warring factions in the Congo. They also explain why concomitant civilian casualties are, in this context, unavoidable. As a general rule in most such conflicts the civilian casualties comprise more than 90 percent of the whole (ICRC - 2001) and this pattern is certainly still the norm in the eastern regions of the Congo.

The bulk of the ammunition supplied - as one would expect - was 7.62X39mm, smaller quantities of 7.62X54mm and 5.56mm have also been supplied. Because it has been the practice for MONUC to render to the FARDC - the Government Forces - useful quantities of captured ammunition we were unable to sample ammunition stocks in the same way as weapon stocks.

In a recent Amnesty International publication it was reported that "large quantities of small arms, light weapons and ammunition from late 2001 to mid 2003" were exported to Uganda, from Bosnia, using a brokering firm in Cyprus.[38] The shipments did include almost 12 million rounds of 7.62x39mm ammunition, 14,000 rounds of 82mm mortar ammunition, and nearly 11,000 rounds of 60mm mortar ammunition.

The authors of this report obtained a photograph of an unmarked Ilyushin 76 cargo plane offloading ammunition at Entebbe airport on 2 December 2005.[39]

Mines & Missiles

Uganda signed the Mine Ban Treaty on 3 December 1997 and ratified it on 25 February 1999. The Treaty thus entered into force for Uganda on 1 August 1999. Nevertheless, early in January 2000 the Namibian Defence Ministry and others accused Uganda of laying mines in the Democratic Republic of the Congo. Later, there were further reports of use of mines in June 2000 in the hostilities between Rwanda and Uganda over the city of Kisangani, held at that time by rebel RCD forces. the RCD rebels subsequently claimed that many land mines had been laid close to a former UPDF base on the road to Bangoka airport before and after the fighting of 5 - 11 June 2000. The Landmine Monitor Report 2000 - issued by the International Campaign to Ban Landmines - observed that "*The Commander in Chief of the UPDF has issued an order to all UPDF Unit commanders prohibiting the use of AP (anti-personnel) mines*". However, a detailed examination of the unpublished documents considered by the Porter Commission has revealed two Loading Schedules for military goods sent from the UPDF Supply Depot at Entebbe on 24 January 1999 to Kisangani and on 28 January 1999 to Lisala (further West from Kisangani along

[38] *Dead on Time – arms transportation, brokering and the threat to human rights*, Amnesty International, ACT 30/008/2006.
[39] Photograph obtained in January 2006 from United Nations official.

the Congo River). Both consignments are described as "Metallic land Mines" and consist of 108 boxes x 10kg a box, or a total of just over one metric tonne per shipment. It has not been possible to ascertain exactly what type of land mine was being sent to the war zones in the Congo: a likely candidate can perhaps be deduced from the discovery, by South African deminers, of boxes of land mines in store at a military camp near Bukavu in 2004. These Serbian mines were packed in quantities of ten to a box and from an (admittedly unscientific) look at pictures of the boxes, they probably would weigh about 10kg a box. In any event, the provenance of these mines is of lesser importance than what appears to be a deliberate decision on the part of the UPDF to lay mines in disregard of its international obligations, freely entered into, to discontinue the use of land mines.

Another question of great concern must be the ultimate destination of some 600 SA-16 Igla surface-to-air missiles. The SA-16 is comparable to the U.S. 'Stinger' SAM and is, according to Western intelligence sources, the most sought-after weapon by terrorist groups worldwide. We have obtained a document, from a company called TRANMOSS Uganda Ltd., but with a postal address in Chisinau, capital of the Republic of Moldova, which appears to confirm the purchase of 100 Igla-1 9P519 and 500 Igla-1 9M313, making a total of 600 missiles, in May 2001 (see Annex 2). The Permanent Secretary of the Interior Ministry in Kampala told the authors that Uganda did not buy Igla missiles nor was his government familiar with a Tranmoss Uganda ltd.[40] In any event, it is a matter of some concern that these especially deadly weapons are probably not subject to an appropriate control regime.

Conclusion

There can be no doubt that Uganda bears much of the responsibility for the present state of insecurity within the eastern regions of the Democratic Republic of the Congo. Such a conclusion has been endorsed by several United Nations Expert Panels and also by the International Court of Justice in its' ruling of December 2005.

However, the way in which this Ugandan intervention has taken place means that it is difficult, if not impossible, to ascribe blame and also to delineate in detail whose acts contributed what to the broad picture. Because the primary motive for Ugandan involvement appears - on the surface at least - to have been personal greed amongst individual members of the ruling elite in Kampala it is therefore difficult to find a consistent thread of evidence, whether documentary or otherwise, which clearly illustrates the phenomenon in its' entirety.

The Porter Commission - perhaps understandably - sought to put all the blame into private, rather than State, hands and it is probably beyond the powers of any extraneous organisation to acquire better access to documents and witnesses than that Commission enjoyed.

Yet when one examines the detail of that Commission's work and looks, for example, at the voluminous Appendices which were produced, it becomes clear that one cannot, in practice, separate the State of Uganda from the Head of that State and from the family and friends of that Head of State.

There are other strong indications: the fact that the international gun runner Viktor Bout, currently wanted by two Interpol international Arrest warrants, has been - and remains - a frequent visitor to Kampala must surely point to a deliberate failure of will on the part of the Ugandan Police Service. That failure of will can only have been induced at the highest political levels since, to put it kindly, it has allegedly created difficulties for that Police Service with it's professional colleagues both regionally and globally.

[40] Meeting Dr. S. P. Kagoda and BJT in Kampala on 21 April 2006 and subsequent phone conversation on 12 May 2006.

Again, when one examines the detailed documentation - the Cargo Manifests and Airway bills from the so-called 'military' side of Entebbe International Airport, it becomes clear that the Ugandan people's Defence Force were operating 'their' aircraft - both military and civilian - as much for commercial gain as for military purposes. It does not do credit to the Civil Aviation Administration of Uganda to note the numerous occasions when they allowed airlines to operate out of Entebbe solely under the signature of the Minister of Defence, rather than with a properly recognised Airline Operator's Certificate or an individual aircraft's Certificate of Airworthiness. Such a cavalier approach to the preeminence of the military over the civilian administration, again, could only have been sanctioned at the highest levels of the State.

Likewise with the occasions when several Congolese 'rebel' groups were able to meet with impunity in Kampala - and, indeed, to hold Press Conferences - when their leaders were being actively sought for war crimes in the Democratic Republic of the Congo. The authors of this Report spoke at length with one such ' rebel leader' who was absolutely clear that he had enjoyed the patronage, firstly of Rwanda, and subsequently of Uganda. One of the U.N. Expert Panels also uncovered evidence of payments to at least one rebel group directly from the Office of the President of Uganda.

Finally, there is the basic common-sense approach of simply looking at the amount of arms and ammunition notionally imported by Uganda for its' own use. We have reported elsewhere on the case of the Romanian AK47's which were passed directly to militias, or 'rebel groups' operating in Ituri; it is equally clear in other cases, such as the 2004 exports from Bosnia & Herzegovina to Uganda, that the amounts being sent are far in excess of that needed for an army notionally the size of the UPDF.

It is thus our contention that, given all the evidence, it is clear that the part played by Uganda in what can only be called the rape of the Congo was orchestrated, albeit loosely, at the highest possible political and military levels within Uganda and therefore that, ultimately, the responsibility must lie with the President and Commander-in-Chief, Yoweri Museveni.

Annex 1

Letter dated 17/12/1999 by Col. Peter Kerim to President Museveni on ethnic fighting in Ituri Province. CW/05/05 Col. Peter Kerim

Exh. PK/S/110

"RESTRICTED"

UGANDA PEOPLES DEFENCE FORCES,
OPERATION SAFE HAVEN,
WEST NILE REGION,
PAIDHA.

17th December, 1999.

H.E. THE PRESIDENT
OF THE REPUBLIC OF UGANDA.

RE: REPORT OF ETHNIC FIGHT IN ITURI PROVINCE, BUNIA, DEMOCRATIC REPUBLIC OF CONGO.

Your Excellency, the purpose of this report is to express myself clearly about what is taking place and what may turn to be dangerous to our forces operating currently in the D.R.C.

I am writing to Your Excellency, this report in the strongest feeling, is that what you have done for our Country and this Region; NOBODY can dispute. Through your efforts you have created and trained a formidable force to fight all the bad leaderships.

Therefore, Your Excellency, I believe the U.P.D.F., under your leadership has emerged in Uganda a force of the people and very disciplined in the Region.

Today, it will appear to me very bad, that some of our comrade Officers and men have been killed without wars in the hands of the civil population that U.P.D.F. which was once liked by the people have turned against them; leave alone our people of Uganda, but in foreign land, where I feel your politics should be protected by us but we are instead spoiling it by not being clear to you and NOT telling the truth.

LOOKING AT THE SITUATION

The current situation is not really good in some parts of districts of Ituri Province. For instance, killings have been reported in Njugu Zone (District), U.P.D.F. have been named being used by some ethnic groups to kill other groups; all that you may not be aware about. It will be bad, for me to hear that the International Organisation asks you about the killing in some parts of Congo and you are taken by surprise.

As a senior member of this Army or organisation and a Regular Officer of the U.P.D.F. and who has contributed to this Army with or without little knowledge, I stand by my two (2) legs opposed to Madam Governor of Ituri, Bunia and some U.P.D.F. Officers of using some soldiers of U.P.D.F. to kill and evict civilian population. This situation, I request to be investigated very well.

I feel, Your Excellency, the situation in this Zone has been reported one-sided whereby we are very worried; such one-sided reporting will cause loss of lives and spoil the effort of some good cadres who may not be negative to the cause of this Country! Although some of us did not go much higher in learning, but under your good teaching, we used to learn and it has brought us in through your Lovely Guidance.

Due to my strong position on this, what has happened and still going on, I have been accused on so many things which have no basis. I have been called a Smuggler, a Thief, a Rebel, etc. so as to shut me down. To me I feel that is not the way you have brought us in the CHAMA. Openness was our moto during our struggle in 1981.

Your Excellency, I will just remind you on one event during our struggle.

SAFARI FIFTY - ZERO

When we had walked several days and we were about to reach Kabamba, we had reached the assembly area; there came in your final and last reconnaissance that the enemy had dug in. Then you called us and briefed us, but some of us were opposed to you, that we should go but you as Head and Eye of all those Ugandans who came from all walks of life, you strongly said NO!! If you want to go, you people should first sign and agree that all the blood of these Ugandans will not be shed on YOWERI*s name. Then the Commanders saw the point. Indeed the soldiers were saved. We came losing fewer comrades than it would.

WHAT WAS THE CAUSE OF OUR SOLDIERS FIGHTING WITH R.P.F. IN CONGO?

1. To me, I would say and comment very little, that we have forgotten our method of work and the team work spirit is lost.

2. The Commander does not involve one who is going to participate in the actual mission work.

3. Both Officers and men are under fear. They think once he is called, he might be arrested, yet they are called to perform the normal duty.

4. A Superior Commander does not listen to the Junior Commanders who is actually the shock-absorber who plays bodily roles in case of any situation that erupts, or in any military operation, they are always the ones who play the bigger roles there. Therefore, their opinion must be asked too.

Therefore, with these few examples, there are many but that also contribute to the cause of the fight.

WHAT ARE THE CURRENT PROBLEMS IN ITURI PROVINCE?

1. There is no elected Political and Local Leadership. The current local leadership from the Province and from the MILOKA are just appointed, which appointment are being questioned by the population in D.R.C.

2. The army is overstretched, doing all source of work which, some would have been the work of Political Leaders and local leadership.

3. Lack of mobilisation in all (Districts) Zones in ITURI PROVINCE.

Very little has been achieved. Currently, as I write, this report there is a very big problem of Political Wrangle between R.C.D. Leadership and the Governor so that has created division among the people and the Population are very confused of what is going on. That is why there is some small fighting coming up in the areas.

If the problems are still left to be handled by one person who is overstretched, it is likely going to cause us a big problem in the D.R.C. And we may come back home with embarrassing situation like Americans in Somalia or Vietnam.

SUGGESTION

I would suggest to you, Your Excellency, that our Political Leadership must be involved directly so that they can at least try to cement what was done wrong by some Army Officers and Local Leadership in Congo.

The Army must take full account and control on personnel which are in Operation in the D.R.C.

Proper deployment by the Army Leadership for the purpose of confidence and moral building in the force in the foreign land. Inquiries to be carried in the Districts where fighting took place. The inquiries MUST be carried independently from the Local Leadership.

Command and Control be put in place and Central Operation Command Post be established to answer all the day to day operations and routine work for Operation Safe Haven.

Clear roles to be spelt out and demarcation is necessary in that type of operation. A clear and overall Operation Commander who can create harmony among all troops and rebels operating in areas that will ease the Command and Control to the High Command. Also our Political Leadership will be protected from being asked simple and useless questions. I believe the leader has laid the structures for us; it is we to maintain and look after the whole thing in a collective way of doing things.

If all that was followed, there would be no fighting between the sister forces in Kisangani, and the leadership would just do their political duties than coming to rescue the Army from the situation which they have created by themselves and it has resulted in deaths of the soldiers.

I would also like to assure you that one person cannot do every work alone. If he is over-loaded, at times he can make such mistakes which can cause more damages. I recommend that we should mobilise the Congolese themselves to be directly in their affairs as we have done to other revolutionaries by assisting them from behind.

WHO IS TO BLAME ON THE CASE OF KISANGANI AND IN OTHER PLACES IN CONGO?

Up to now there is no clear report on what has happened in Kisangani. That gives stronger basis of arguments that the Command must tell us what happened so that our High Leadership should be in position of explaining it. In other words, they must be protected. As I have already put it, on the above.

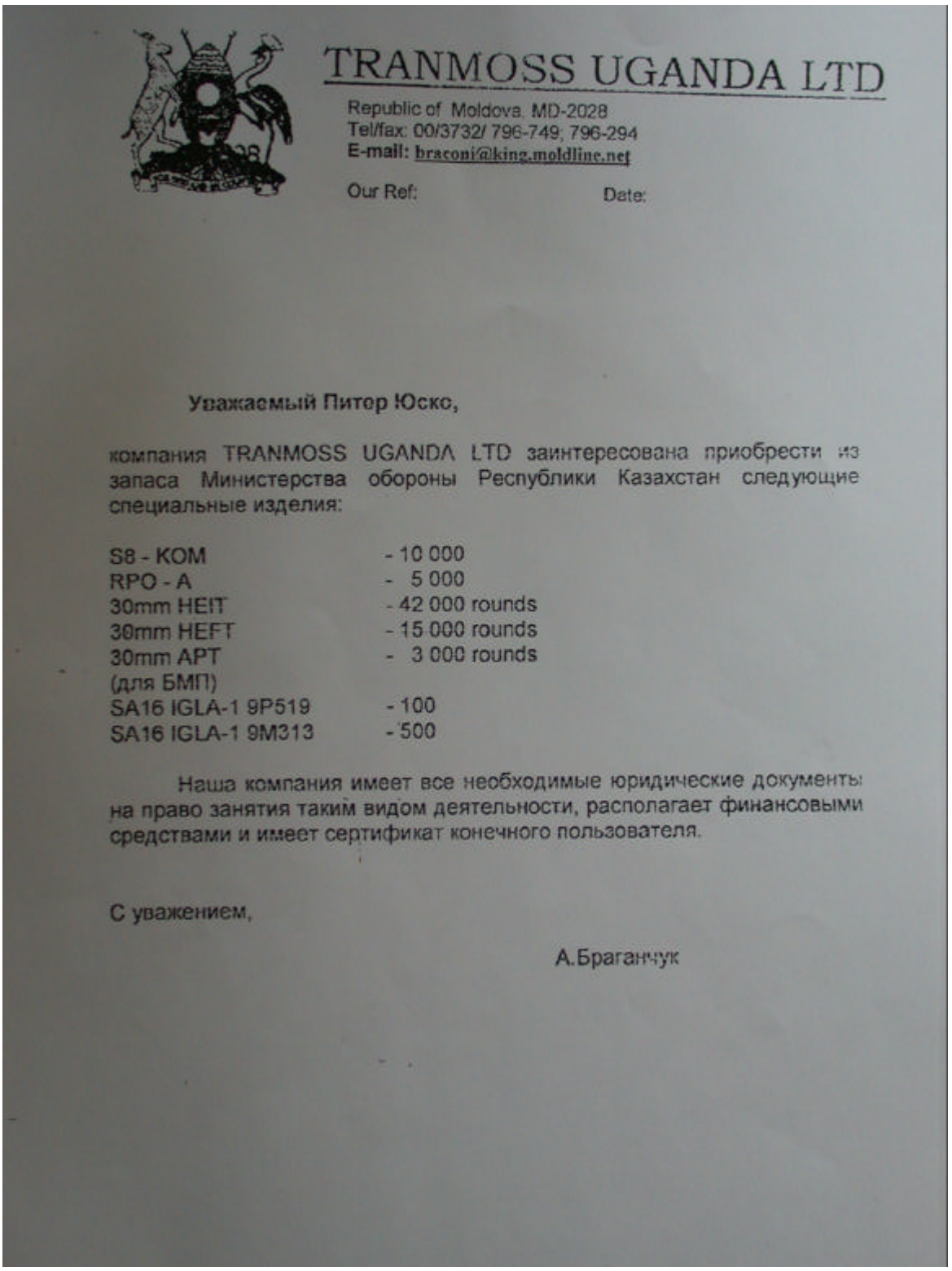
CONCLUSION

In conclusion, I would conclude that:-

1. An independent team be established to verify the ACTUAL CAUSE of the ethnic clashes in ITURI PROVINCE.
2. A good and clear Overall Operation Commander capable of creating harmony among all troops and rebel groups be named.
3. Elections must be carried out directly by the masses themselves.
4. Both Officers and Men implicated in the clashes should immediately be withdrawn to cement the current bad relationship between the population and the Army.

PETER KERIM
COL.

Annex 2



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Our Ref: Date:

Уважаемый Питер Юско,

компания TRANMOSS UGANDA LTD заинтересована приобрести из запаса Министерства обороны Республики Казахстан следующие специальные изделия:

S8 - KOM	- 10 000
RPO - A	- 5 000
30mm HEIT	- 42 000 rounds
30mm HEFT	- 15 000 rounds
30mm APT	- 3 000 rounds
(для БМП)	
SA16 IGLA-1 9P519	- 100
SA16 IGLA-1 9M313	- 500

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С уважением,

А.Браганчук