

Briton linked to Cor



■ Jon Swain

THE deadliest war in the world was raging and hundreds were dying every day when Graham Pelham, a former special forces operative in the French Foreign Legion, reported for duty in the Congo. He had been appointed country manager of Avient, an air cargo company run by Andrew Smith, a former British army officer.

What he discovered has led, seven years on, to moves in Britain to investigate Smith — a pillar of the community in the peaceful Wiltshire village where he lives — for possible war crimes.

The conflict in the Democratic Republic of Congo (DRC), which had drawn in troops from six African nations, was of huge concern to the UN. By the time the war ended in 2003 more than 3m people had died. The civilian toll was the highest anywhere since the second world war.

Pelham, an Irishman, was acting as an undercover investigator for the UN security council. He had been sent to the Congo to find out about the activities of another company that was believed to be trafficking in illicit weapons and diamonds.

Instead he reported back to his controller on the activities of the company employing him.

Avient's role was supposed to be logistical but Pelham says he was put in charge of helicopter gunships and civilian aircraft that had been converted to drop bombs and were being flown by Avient crews.

Under a crewing agreement Smith had signed with General Joseph Kabila, the future president of the Congo, on September 21, 1999, Avient undertook to provide aircrew who would "operate along and behind the enemy lines in support of ground troops and against the invading forces".

Pelham claims he found that Ukrainian and Russian aircrews recruited by Avient on behalf of the Congolese airforce were flying blanket bombing raids that in all probability were killing and maiming civilians caught in the war zone thousands of feet below.

Rudimentary bombs made from industrial gas cylinders filled with



‘I was reporting to Smith and he was aware of what was going on... he told me, ‘This is what Avient is there for and it is part of the fun of Avient’s activities’.’



TNT were being rolled out of the backs of giant Antonov transport aircraft flown at high altitude in indiscriminate raids, according to Pelham.

The crewing agreement signed by Smith and Kabila noted that Avient was acting as an "intermediary to facilitate the supply" of aircrew and said the company could not be held accountable for the individual performance of crew members.

Pelham says that the reality was different. He alleges that Avient was providing crews for aircraft involved in military activities, including Antonovs and an MI-24 attack helicopter gunship, and that Smith knew what they were doing.

"I was reporting to him and he

was completely aware of what was going on," Pelham said. "It was not the government coming to Smith and saying, 'Can we use these aircraft for these missions like this?' It was, 'You have got a problem. You do not have helicopter support and you do not have military aircraft support. Let us assist you. We will run that for you.'"

At one point, he claims, he tried to put a stop to the bombing by informing Smith that he was not happy about the missions. But he says in a sworn affidavit that Smith replied: "This is what Avient is there for and it is part of the fun of Avient's activities."

Last week Pelham spoke to The Sunday Times about his clandestine

mission in the Congo and said he had discovered that Avient crews were not only rolling crude bombs out of the back of their aircraft but strafing from a MI-24 helicopter gunship.

"All the aircraft that were being used by Avient were kitted out on the back with rollers on the floor," Pelham said. "We then constructed special pallets that could slide along the rollers to deploy bombs out of the back. And we rigged them so that as the pallets rolled towards the back the safety catch on the bombs would come off."

He added: "Bombs were being dropped from high altitude and there was no accuracy in it. It was blanket bombing."

Congo war crimes

Reuters/Sergey Ponomarev/Linda Charles



Smith, left, is accused of using helicopter gunships in activities that may have caused the deaths of civilians

providing aircrews for the Congo government.

Also the Department of Trade and Industry has previously exonerated Smith of mercenary activities in the Congo following evidence presented by the United Nations.

In 2002, a UN panel of experts named Avient among companies whose activities in the Congo were alleged to have breached international norms. In 2004, however, the DTI found that a number of allegations were unsubstantiated. It accepted that the company was "working within a contractual arrangement with the officially recognised government in the area".

RAID is to press the DTI to reopen its investigation into whether Avient breached the guidelines of the Organisation for Economic Co-operation and Development (OECD), to which Britain adheres.

Much of the bombing in the Congo in 1999 and 2000 was directed at rebel forces backed by Ugandan troops in Equator province. More than 200,000 people were forced to flee to neighbouring countries and thousands more survived in the forest.

According to Feeney, schools and hospitals were hit and Equator province now has more problems with unexploded ordnance than anywhere else in the Congo.

Smith has denied responsibility for the actions of his aircrews in the Congo. He said: "It is a matter of record that I worked for a company which assisted the government of the DRC to locate crews to fly transport aircraft and helicopters.

"It is also a matter of record that the company was not responsible for the activities of any crew. This lay directly with the legally recognised government of the country. It was also a policy that the company would not comment on matters of state or government.

"The company I was working for at the time was not a UK entity and its activities were conducted with full disclosure to the authorities relevant to its base of operations."

He now runs his Avient air cargo business from his Wiltshire home, a world away from the war-scarred Congo, and says his fleet of aircraft fly the world. A former officer in the Queen's Gurkha Engineers, Smith is a well-known local figure. He recently presented the prize to the winner of the ladies' race at a Royal Artillery point-to-point at Larkhill.

Pelham is doing security work for governments in the Middle East and Africa.

Additional reporting: Brian Johnson-Thomas

At one point, Pelham said, he learnt that Avient crews were to drop aviation-fuel bombs, which he knew to be "very destructive". He said he had foiled this by claiming he did not know how to arm the bombs and that nobody else should try because they had sophisticated pressure devices that could detonate on change of altitude.

Just before he arrived, an Antonov 12 cargo plane loaded with bombs had blown up while taking off from Mbandaka airfield. All six Avient crewmen had died.

Pelham's testimony is to be presented with other documentary evidence to Lord Goldsmith, the attorney general, by Rights and Accountability in Development

(RAID), an Oxford-based group campaigning for corporate responsibility in the Congo.

Tricia Feeney, the group's executive director, said: "In view of the gravity of the allegations and the evidence that RAID has compiled we are calling on the attorney general to instigate a full investigation into whether the activities of Andrew Smith as director of Avient during the war in the Congo constitute complicity in war crimes."

The development may embarrass the government. Smith has claimed that he cleared his operations with the British high commission in Harare, the Zimbabwean capital, where Avient is registered, and that diplomats were aware of his role in