COUNTRY OF ORIGIN INFORMATION REPORT

DEMOCRATIC REPUBLIC OF THE CONGO

21 MAY 2008

UK BORDER AGENCY
COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, Border and Immigration Agency (BIA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 1 May 2008. The 'Latest News' section contains further brief information on events and reports accessed from 2 May to 21 May 2008.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any BIA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by BIA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. BIA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the BIA as below.

Country of Origin Information Service
Border and Immigration Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the BIA's country of origin information material. The APCI welcomes all feedback on the BIA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk

xii In the course of its work, the APCI reviews the content of selected BIA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html

xiii Please note: It is not the function of the APCI to endorse any BIA material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals

(NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information:
Email: apci@homeoffice.gsi.gov.uk
Website: www.apci.org.uk

Latest News

EVENTS IN DEMOCRATIC REPUBLIC OF THE CONGO, FROM 1 MAY 2008 TO 21 MAY 2008

19 May — Human Rights Watch reported in a statement that the Lord's Resistance Army had carried out at least 100 abductions since February 2008 – some of which were carried out within the DRC.
News24, Rebels 'continue to rape', 19 May 2008.
http://www.news24.com/News24/Africa/News/0,,2-11-1447_2325120,00.html
(Date accessed 19 May 2008)

13 May — The presidents of the Democratic Republic of Congo and Uganda urged rebel Lord's Resistance Army (LRA) chief Joseph Kony to sign a definitive peace deal.
Amnesty International, Open letter to the Minister of Defence and Minister of Justice and Human Rights: death in detention of Major Yawa Gomonza, 13 May 2008.
http://www.amnesty.org/en/library/asset/AFR62/004/2008/en/bbd9509e-20df-11dd-b8be-ab2727142b96/afr620042008eng.pdf
(Date accessed 14 May 2008)

9 May — Police opened fire to disperse hundreds of demonstrating students at Kinshasa University on Friday wounding two people. The students were protesting against a three month strike by teachers which has forced the postponement of exams.
Agence France Presse, Police open fire on student demonstrators in DR Congo capital, 9 May 2008.
Dialog DataStar - Subscription website
(Date accessed 10 May 2008)

7 May — The UN in the Democratic Republic of Congo urged all rebel militias in the east of the country to immediately free their child soldiers, and put a stop to further recruitment. Spokesman for the UN Mission in DRC (MONUC) Kemal Saiki accused armed groups of not honouring their commitments under peace accords signed in the regional capital Goma at the start of the year.
Agence France Presse, Free child soldiers now, UN tells DRCongo militias, 7 May 2008.
Dialog DataStar - Subscription website
(Date accessed 8 May 2008)

6 May — Human Rights Watch wrote to the UN Secretary General, Ban Ki−Moon, accusing the United Nations of ignoring serious allegations of illegal arms and gold trafficking by soldiers of MONUC, the UN peacekeeping mission in Congo. Human Rights Watch first brought detailed information of gold−smuggling by Pakistani peacekeepers to the attention of UN officials in Ituri, eastern Congo, in December 2005.
New Vision (Kampala), UN Should Address MONUC Abuses in Country, 6 May 2008.
http://allafrica.com/stories/200805060162.html
(Date accessed 7 May 2008)

5 May

allAfrica reported that an awareness campaign against sexual violence was launched by the Public Information Section/ARU, in cooperation with the Gender Office, the "Forum des Mamans d'Aru" (ARU Women's Forum) and a number of other NGOs. The campaign, launched on 2 May 2008, is being aimed specifically at the army and security forces with the programme beginning at Odro Camp, headquarters of the first Brigade in Ituri.

allAfrica, ARU - Launch of an Awareness Campaign Against Sexual Violence, 5 May 2008.
http://allafrica.com/stories/200805051042.html
(Date accessed 5 May 2008)

4 May

Tension has been mounting along the Uganda - Congo border in West Nile after Congolese troops assumed control over a disputed piece of land between Arua district and Aru township in DR Congo. Sources said the Congolese authorities deployed several armed policemen and soldiers in a zone where the delineation of the border has never been defined though it is considered to be "No−Mans" ground.

New Vision (Uganda), Tension at Congo Border in West Nile, 4 May 2008.
Dialog DataStar - Subscription website
(Date accessed 6 May 2008)

3 May

A parliamentary commission investigating clashes between the police and members of the Bundu dia Congo in February found evidence of a ‘mass grave’ in Sumbi in western Bas-Congo. The grave was reported to have contained 29 corpses.

Agence France Presse English Wire, Graves of police victims in DR Congo secretly exhumed: report, 3 May 2008.
Dialog DataStar - Subscription website
(Date accessed 5 May 2008)

2 May

The International Criminal Court (ICC) issued an indictment for Bosco Ntaganda alleging that he committed war crimes including the enlistment and conscription of children under the age of 15. The court claimed that the child soldiers were recruited to fight in Ituri during hostilities in 2002/2003. Formerly the chief of military operations for the Union des Patriotes Congolais (Union of Congolese Patriots, UPC), Ntaganda now serves as military chief of staff of the Congres National pour la Defense du Peuple (National Congress for the Defence of the People, CNDP).

Dialog DataStar, Human rights activists welcomed the news of Ntaganda's indictment, 2 May 2008.
Dialog DataStar - Subscription website
(Date accessed 3 May 2008)

“The security situation in the east of the Democratic Republic of the Congo is relatively stable but fragile”, the Special Representative of the UN Secretary-General in the DRC, Alan Doss, reported on 30 April 2008 during MONUC's weekly press conference.

allAfrica, Alan Doss - Security in East Remains Fragile, 2 May 2008.
http://allafrica.com/stories/200805020828.html
(Date accessed 5 May 2008)

REPORTS ON DEMOCRATIC REPUBLIC OF THE CONGO PUBLISHED OR ACCESSED SINCE 1 MAY 2008.

International Crises Group

Congo: Four Priorities for Sustainable Peace in Ituri (full report only available in French), 13 May 2008

http://www.crisisgroup.org/home/index.cfm?id=5425&l=1

Date accessed 14 May 2008

Background Information

GEOGRAPHY

1.01 "The Democratic Republic of the Congo (formerly Zaire) lies in central Africa, bordered by the Republic of the Congo to the north-west, by the Central African Republic and Sudan to the north, by Uganda, Rwanda, Burundi and Tanzania to the east and by Zambia and Angola to the south. There is a short coastline at the outlet of the River Congo. The climate is tropical, with an average temperature of 27°C (80°F) and an annual rainfall of 150cm—200cm (59ins—97ins)." (Europa World Online, 20 February 2008) **[1a] (Location, Climate, Language, Religion, Flag, Capital)** The capital is Kinshasa, and other major towns are Lubumbashi, Mbuji-Mayi, Kolwezi, Kisangani, Kananga, Likasi, Boma, Bukavu, Kikwit, Matadi and Mbandaka. **[1b] (Area, Population and Density)**

1.02 Europa World online recorded on 20 February 2008 that a constitutional amendment in February 2006 increased the previous 11 provinces to 26. There are: "Bas-Uele, Équateur, Haut-Lomami, Haut-Katanga, Haut-Uele, Ituri, Kasaï, Kasaï Oriental, Kongo Central, Kwango, Kwilu, Lomami, Lualaba, Lulua, Mai-Ndombe, Maniema, Mongala, Nord-Kivu, Nord-Ubangi, Sankuru, Sud-Kivu, Sud-Ubangi, Tanganyika, Tshopo, Tshuapa and Kinshasa (city)." **[1b] (Area, Population and Density)**

1.03 Europa World online also stated that French is the official language, and more than 400 Sudanese and Bantu dialects are spoken. **[1a]** The Country Profile of 2 January 2008 by the Foreign and Commonwealth Office added that in the DRC there are "Over 200 African ethnic groups of which the majority are Bantu; the four largest tribes - Mongo, Luba, and Kongo (all Bantu), and the Mangbtu-Azande (Hamitic) make up about 45% of the population." **[22g]** The CIA World Factbook (updated 12 February 2008) estimated the population at 65,751,512 in 2007. **[13]**

1.04 The US Department of State's Background Note also stated the religions are "Roman Catholic 50%, Protestant 20%, other syncretic sects and traditional beliefs 10%, Kimbanguist 10%, Muslim 10%." **[3g] (People)**

See also; Section 21 on Freedom of Religion Section 22 on Ethnic issues

[Forward to Maps]

Maps of the DRC can also be accessed via sources **[55a] [56b]** and **[57a]**.

For further information on geography, refer to Europa World online, sources **[1a]** and **[1b]**.

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Map

1.05

DEMOCRATIC REPUBLIC OF THE CONGO
National capital
District capital
City, town
Major airport
International boundary
District boundary
Main road
Secondary road
Railroad
0 100 200 300 km
0 100 200 mi
CENTRAL AFRICAN REPUBLIC
SUDAN
UGANDA
RWANDA
BURUNDI
UNITED REPUBLIC OF TANZANIA
ZAMBIA
MALAWI
ANGOLA
CONGO
ATLANTIC OCEAN
Bangui
Bangassou
Juba
Gulu
Kampala
Jinja
Kigali
Bujumbura
Kigoma
Tabora
Brazzaville
Kinshasa
Pointe-Noire
Cabinda (ANGOLA)
Boma
Matadi
Mbanza-Ngungu
N'zeto
Luanda
Lobito
Benguela
Saurimo
Luena
Dilolo
Kolwezi
Likasi
Lubumbashi
Kipushi
Ndola
Sakania
Solwezi
Kasenga
Mbeya
Sumbawanga
Rukwa
Katanga Plateau
PROVINCE ORIENTALE
EQUATEUR
NORD-KIVU
SUD-KIVU
KASAI ORIENTAL
KASAI OCCIDENTAL
MANIEMA
KATANGA
BANDUNDU
BAS-CONGO
Lake Victoria
Lake Albert
Lake Edward
Lake Kivu
Lake Tanganyika
Lake Mweru
Lake Bangweulu
Lake Malawi
Aketi
Buta
Isiro
Watsa
Mungbere
Bunia
Ituri
Faradje
Bondo
Gbadolite
Zongo
Libenge
Gemena
Businga
Impfondo
Imese
Lisala
Bumba
Ouesso
Basankusu
Bolomba
Mbandaka
Liranga
Boende
Bolobo
Inongo
Kutu
Bandundu
Ilebo
Kole
Lodja
Basoko
Banalia
Bafwasende
Yangambi
Kisangani
Ekoli
Ubundu
Penetuta
Lubutu
Punia
Beni
Butembo
Kasese
Goma
Bukavu
Butare
Uvira
Kindu
Kilembwe
Kibombo
Makobola
Kenge
Bulungu
Kikwit
Bena Mweka
Lusambo
Mamba
Kasongo
Lubao
Kongolo
Kalemie
Kananga
Tshikapa
Mbuji-Mayi
Kabinda
Kabalo
Mpala
Moba
Kabamba
Moliro
Pweto
Manono
Kamina
Kapanga
Mwene-Ditu
Kahemba
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 4007 Rev. 8 UNITED NATIONS
January 2004
Department of Peacekeeping Operations
Cartographic Section

1.06

Map No. 4061 UNITED NATIONS
June 1998

Department of Public Information
Cartographic Section

ECONOMY

2.01 The Country Profile of 2 January 2008 by the Foreign and Commonwealth Office (FCO) stated:

"DRC is potentially one of the richest countries in Africa, with rich mineral resources, timber (75% of the country is forested) and extensive energy resources in HEP (hydroelectric power). It is however one of the poorest. Real GDP per capita fell from $380 in 1960 to $115 by 2004. The tense political situation, corruption and smuggling, as highlighted by the UN Panel on the Illegal Exploitation of Mineral Resources of October 2003, have resulted in a shortage of development capital that has stifled the development of the mining and other sectors. The DRC signed up to the Extractive Industries Transparency Initiative (EITI) in 2005 and is a member of the Kimberley Process". **[22g] (Economy)**

The FCO Profile also noted that in 2007 the exchange rate was Franc Congolais 510 = $1. **[22g] (Economy)** The United Nations Industrial Development Organisation gives the UN exchange rate from July 2006 as 1$US = 431 Franc Congolais). **[79]** The Economist Intelligence Unit report for December 2007 states that they forecast an average exchange rate of 1$US = FC530 in 2008 and 1$US = FC570 in 2009. **[30e]**

2.02 On 2 July 2007 Radio Okapi reported that the governor of the Central Bank of Congo had announced that there would be a launch of new Congolese franc notes which could happen around the end of the year. At the same time, coins of 25, 50 and 100 Congolese francs would also be released. The governor said that the new notes would replace those mutilated and others considered improper for circulation, and that the intervening time would be used to sensitise members of the public about the importance of protecting the Congolese franc. **[64ap]**

2.03 On 23 October 2007 Xinhua reported that according to the president of the parliamentary permanent commission in charge of relations with provincial institutions and devolved entities, the budget of the DRC was expected to increase from 2 billion dollars to 20 billion after the installation of a modern national payment system (SNP). He said that the new system was expected to pay out 52 million U.S. dollars in a year, which would not only enable the state to increase its revenues significantly, but would also protect its currency against depreciation. He went on to say that the SNP is a computer network linking the central bank to approved commercial banks, public and private companies across the entire territory, to facilitate instant payment operations to the exchequer through the central bank; and that all customs and taxes operation, at border entry points, and other parts of the country, would be immediately transmitted in real time to the general directorate, and to the finance ministry in Kinshasa. He added that the system was already in operation in certain countries in the Southern African Development Community (SADC) and would curb fraud, embezzlement and corruption and increase gross state revenues; but in order to achieve the objectives of the system, the government would have to ban the use of paper money in official transactions. **[62an]**

2.04 On 10 August 2007 the World Bank announced that as of March 2007, it had approved a total of 82 loans and credits to the DRC for a total amount of approximately US$3.6 billion. The commitment value of ongoing IDA/IBRD-financed operations was approximately US$1.4 billion. The bank said that there were eight active operations that would impact on Agriculture, fishing, and forestry; Education; Health and other services; Transportation; Law and public administration; Energy and mining; Water, sanitation and flood protection; Finance. **[17c]**

2.05 On 19 December 2007 the Peoples Daily on Line reported that the World Bank had approved the second additional financing grant of 12 million dollars from the International Development Association. This follows the first grant in 2005, and will be used to help cover cost overruns in the electricity and project execution contracts, and would also support the rehabilitation of key electricity sector infrastructure. **[142a]**

2.06 On the same date AFP reported that the DRC and the IMF had started talks on a three-year plan that could start in March 2008. The report said that the country had had no IMF backing since the last plan expired in April 2006, and that winning IMF support for its new economic plan was vital to the DRC government. **[65ek]**

2.07 On 4 January 2008 AFP reported that President Kabila had passed the state budget for 2008 worth some 3.6 billion dollars. The budget had been presented by the Prime Minister in November 2007 for 3.3 billion dollars but the sum was increased after debates by both the National Assembly and the Senate. Opposition members maintained that the amount was insufficient for a nation emerging from war. Most of the money is intended to pay state employees and keep institutions running at national and provincial level, and to repay part of a 12 billion dollar foreign debt. **[65el]**

2.08 Reuters reported on 11 January 2008 that the DRC had raised key interest rates and minimum reserve requirements for commercial banks in an effort to stave off rising inflation. The interest rate on short-term loans rose to 24 per cent from 22.5 per cent, while the rate on permanent facility loans rose from 25 per cent to 27.5 per cent. According to the central bank governor inflation stood at 12 per cent, above the 10 per cent goal fixed for 2008. **[21cw]**

2.09 The Economist Intelligence Unit (EIU) Country Report of December 2007 noted that "The government's most pressing economic policy task is to secure a new formal lending agreement with the IMF. The government's fiscal stance is sufficiently tight for a new poverty reduction and growth facility (PRGF) to be agreed by the end of 2007. This is despite the IMF's misgivings about the government's expenditure management and policy direction, and motivated in large part by the IMF's appreciation of the danger to political stability if there is no PRGF during the period. The IMF will seek to impose strict fiscal, monetary and structural conditionalities, mindful however of the futility of setting the government up to fail because of unrealistic and unachievable expectations". **[30e]**

2.10 "Assuming a new PRGF is in place, the government's economic policy in 2008-09 will focus on maintaining macroeconomic stability, building its domestic revenue base, and expanding social service and anti-poverty expenditure, while largely relying on donors and the private sector to invest in

infrastructure. Running parallel to this formal programme, the ruling elite will seek to maximise available revenue to finance the patronage underpinning Mr Kabila's coalition government". **[30e]**

2.11 The EIU December 2007 report also states:

"Despite all the problems with governance and public expenditure, the economic policy outlook still broadly favours growth. Neither the domestic business community nor investors expect much, if any, provision of services from the government, but they retain their hope that this is a stable political administration with a plausible democratic mandate and a business-friendly outlook. Violence in Kinshasa in early 2007 dented these hopes, but not irreparably. Mining companies have been alarmed by a leaked version of the mining review, which recommends either the renegotiation or the cancellation of all mining contracts. However, those with long experience in the country expected little different, and most will continue to press on with their projects. Newcomers will find the business environment uniquely challenging, a major risk factor being the weakness of the justice system in defending property rights and enforcing debt settlement". **[30e]**

2.12 The World Bank's 'Doing Business 2007' report which grades economies according to the ease in which they allow companies to set up and operate lists the DRC bottom of the 175 countries rated. **[65r, 94]**

2.13 The World Bank's 'Doing Business 2007' Economy Rankings report which grades economies on their ease of doing business list the DRC bottom of 178 countries rated. **[17d]**

2.14 The US Department of State's Background Note on the DRC of March 2007, stated:

"Sparsely populated in relation to its area, the Democratic Republic of the Congo is home to a vast potential of natural resources and mineral wealth. Nevertheless, the D.R.C. is one of the poorest countries in the world, with per capita annual income of about $98 in 2003. This is the result of years of mismanagement, corruption, and war." **[3g] (Economy)**

2.15 The USSD Background Note also reported that:

"For decades, corruption and misguided policy have created a dual economy in the D.R.C. Individuals and businesses in the formal sector operated with high costs under arbitrarily enforced laws. As a consequence, the informal sector now dominates the economy. In 2002, with the population of the D.R.C. estimated at 56 million, only 230,000 Congolese working in private enterprise in the formal sector were enrolled in the social security system. Approximately 600,000 Congolese were employed by the government." **[3g] (Economy)**

2.16 The Background Note went on to say:

"In the past year, the Congolese Government has approved a new investment code and a new mining code and has designed a new commercial court. The goal of these initiatives is to attract investment by promising fair and transparent treatment to private business. The World Bank also is supporting efforts to restructure the D.R.C.'s large parastatal sector, including

Gecamines, and to rehabilitate the D.R.C.'s neglected infrastructure, including the Inga Dam hydroelectric system." **[3g]**

2.17 On 3 December 2006 The South African Broadcasting Corporation reported that The World Bank had said that it would increase assistance to the DRC to support its economic reforms, but said that good governance and social spending remained key issues. A day later it was announced by Deutsche Welle that the EU planned to double reconstruction aid to 400 million euros. **[87c] [109]**

2.18 On 9 March 2007 MONUC reported that after discussions with President Kabila the World Bank had agreed to finance 1.5 billion U.S. dollars in support of the government's programme after the electoral process. **[56bf]**

2.19 On 13 March 2007 Reuters reported that the International Monetary Fund (IMF) had said that the DRC's new government needed to contain public spending and curb inflation as the country's economic growth slowed to around five percent in 2006 from 6.5 percent in 2005, and inflation reached 18.2 percent. It added that the economic and financial situation had continued to worsen in a "worrying manner" during the first two months of 2007. The fund had forecast gross domestic product would grow by 6.5 percent in 2006 with 12-month inflation below 10 percent. **[21ar]**

2.20 The Reuters report went on to say that government programmes announced in February by the Prime Minister were expected to cost the DRC around $14 billion over the next five years, of which some 51 percent was due to be financed by international donors. The World Bank had pledged $180 million in grants to revamp the dilapidated capital Kinshasa which is largely in ruin. **[21ar]**

2.21 On 23 April 2007 Agence France Presse announced that the UK and the World Bank had announced grants worth more than 436 million dollars. The World Bank said it was paying 296.7 million dollars towards restoring the country's main hydroelectric dams and getting the national grid back in service, with the grant being paid over three years. The UK announced a grant of 140 million dollars this year towards projects to support health, education, water and sanitation, roads, supporting good governance and security sector reform. **[65bx]**

2.22 On 31 July 2007 the South African Press Association announced that the African Development Bank would increase its support for reconstruction in the DRC from 200 to 450 million dollars. The bank has approved eight financial operations for a total of 228 million dollars for the DRC since the end of 2004. **[83t]**

2.23 On 17 September 2007 AFP reported that China had signed a deal to loan the DRC five billion dollars (3.6 billion euros) to build up infrastructure and to develop its mining industry. The report went on to say that three billion dollars would be spent to build 2,000 miles of railway between Sakania in the south and Matadi in the west, as well as 2,000 miles of road linking Kisangani in the northeast and Kasumbalesa in the south. A motorway will also be built between Lubumbahsi, capital of southern Katanga province, and Kasumbalesa a major customs point on the border with Zambia, within 36 months, the Congolese Infrastructure Minister said. The money will also pay for 31 hospitals, 145 health care centres, two large international-standard

universities and 5,000 government housing units, with the remaining two billion dollars being put towards the mining industry and creating joint Chinese-Congolese firms. **[65ct]**

2.24 The Financial Times reported on 19 September 2007 that the IMF and the World Bank were seeking to ascertain whether the Chinese loans were in line with Kinshasa's commitment under the financial institutions' heavily indebted poor countries debt reduction initiative not to contract new debt on anything but concessional terms. This comes at a delicate stage in the DRC's negotiations towards forgiveness of debt accumulated under former president Mobutu, totalling about $8bn, or equal to 800 per cent of current national exports. The report went on to say that in a best-case scenario the IMF would restart a lending programme – the last one stalled in 2006 because of poor implementation – and the DRC would stand to benefit from an 80 per cent write-off of its external debt in mid-2008 at the earliest. "If the terms of the deal do not meet the concessionality issue, that would be a concern", an IMF official is quoted as saying. A spokesman for a political risk consultancy said that the $5bn draft agreement with Kinshasa would put pressure on both the large mining companies looking to get in and the small miners already there. "It will give China a distinct advantage in the Congolese copper belt", he said. **[122d]**

2.25 On 3 October 2007 AFP reported that the IMF had warned of the risk represented by the Chinese loan. The IMF representative to the DRC argued that it was "the concern of the international community to avoid a new public debt for the DRC…that would go against debt relief". He added that care should be taken because of the large sum s involved, which could have an impact on the whole economy of the country. Elsewhere he commended the new DRC government for bringing macro-economic stability to the country, but also urged "realistic forecasts" for the 2008 budget. The government's financial management "is currently globally satisfactory" he added. He said that the government had "introduced a very tight fiscal policy" which had "allowed not only a certain appreciation in the rate of the Congolese franc (to the dollar) and…a substantial decline in inflation" now at nine per cent, but also "an increase in the Central bank's foreign reserves. **[65da]**

2.26 On 5 November The Star (South Africa) reported that in return for the loan the DRC would give China a majority stake in a mining joint venture as well as mineral rights. The report went on to say that four Chinese state enterprises would own a 68 per cent stake in the joint venture with Gecamines, the state owned mining company. **[139a]** On 7 December 2007 World Markets Research Centre reported that President Kabila had defended his country's decision to borrow $5 billion from China insisting that the deal was above board and transparent. He claimed that DRC had to find new donors as the traditional ones had not given sufficient assistance to rebuild the country's infrastructure. **[135b]**

2.27 AFP reported on 28 January 2008 that the Export-Import Bank of China was to make a 35 million dollar investment in the DRC. The DRC deputy Finance Minister signed the "preferential loan" which he said was to refurbish the DRC post office headquarters. The DRC's Minister for Public Works and Infrastructure, also signed a deal with Hydro-electric firm Sino-hydro. **[65fb]**

2.28 On 16 March 2007 Reuters reported that the newly elected governor of Katanga had halted the export of ore and cobalt to Zambia for processing on 3 March 2007, citing mining regulations in the DRC which specify that raw ore should only be transported when it cannot be processed locally. This resulted in large numbers of trucks being held at the border. **[21aw]** On 21 March the South African Press Association reported that DRC officials had said that the embargo would not be lifted until illegal exports and fraud were stamped out. It reported that mining experts claim that up to 90 per cent of the exports of heterogenite (a compound of cobalt and copper) elude DRC customs controls. The report went on to say that around 100 vehicles were seized in Katanga which were suspected of not declaring proper tonnage to customs. **[83k]** On 22 march MONUC reported that the DRC had authorised more than 400 trucks to cross the border. **[56bj]** On 30 March Mining Weekly reported an interview with the governor in which he said that he would be putting an end to wanton export of raw ore, and that he would ban the export of concentrate within six months, but until then all concentrate leaving Katanga would be laboratory certified. He continued to say that the State-owned Gecamines had a disused refinery, which would require a $60 million investment to restore, and that by October he wanted miners to conclude a new arrangement with Gecamines **[118a]**

2.29 The Vancouver Sun (British Colombia) reported on 5 December 2007 that the Deputy Mines Minister had alleged that three trucks owned by First Quantum had been stopped at the border with Zambia and been found to be transporting minerals illegally, which First Quantum denied. **[140a]** According to Mining Weekly on 12 December, the company had said that it would soon recommence transporting copper across the border. It said that it had received a letter date 28 November 2007 from the governor of Katanga ordering the closing of the border to the export of copper from First Quantum, but that after working with the government shipments would soon resume **[118d]** Reuters reported on 18 December that Zambia had denied a statement from First Quantum that the border had been closed to them, and said that deliveries of copper were continuing. **[21cv]** However, on 31 December 2007 Platts Metals Week reported that the border was still closed. **[141a]**

2.30 On 18 April 2007 Mining Weekly reported that, according to Bloomberg, the DRC had halted ore exports from the provinces of North and South Kivu. The news service quoted Victor Kasongo as saying no licences to export ore had been issued in the two provinces. The DRC's mining laws require miners, dealers and exporters to have a permit to handle raw materials, he told Bloomberg, adding that exports from North Kivu had been halted on 15 April 2007, and those from South Kivu on 17 April 2007. **[118b]** On 21 April Reuters reported that a local official had said that mineral exports should start to resume the following week. He said that 22 "counters" had been cleared to apply for licences, which show that the minerals were processed within the Congo and allowed them to be exported from the country. "Two counters have already paid for their permits. By the end of next week we should have at least four counters up and running" he said. **[21az]**

2.31 On 4 May 2007 the Independent online reported that mineral exports from the Kivu provinces were restarted on 3 May, after the government granted shipment licences to 11 companies with processing facilities, ending the two week ban. Other exporters operating in the Kivus complained that they had not been granted licences. The director of one company said that they had

been operating within DRC laws, even though it had no treatment facilities of its own. "We don't export untreated minerals. There are companies who do have facilities and we pay a percentage to treat (our mineral) there" he said. **[86p]**

2.32 On 9 May 2007 Reuters reported that due to the ban on the export of cobalt concentrate earlier in the year, China's cobalt importers were considering setting up processing plants in the DRC. The report went on to say that many of Chinese cobalt processors had complained that their supply of raw material had dried up due to the embargo, and quoted a spokesman as saying that China's cobalt production could fall by 30 to 40 per cent this year due to the shortage of concentrate from the DRC. A further report from the same source on 13 May 2007 stated that JMT Mining was setting up a furnace to process the ore that would allow it to resume exports. They expect the furnace to be completed by July 2007. **[21bb] [21bc]**

2.33 On 7 June 2007 Reuters reported that the authorities in eastern DRC had halted flights carrying tin ore for export out of a major producing area, citing aviation safety concerns. The measure stopped daily flights bringing the tin oxide from the Walikale mining area to the North Kivu provincial capital of Goma, from where it is exported out of the country. However, the flights resumed after two days after a request by the vice-governor of the province had asked for measures to be introduced gradually, as many people depended upon the mining sector. **[21bh] [21bi]**

2.34 On 27 June 2007 Reuters reported that around 350 foreigners from China, Lebanon and India had been deported and that scores of buying depots had been closed in Katanga, after a campaign to stamp out illegal mineral sales. Several hundred diggers from the informal mining sector in the DRC blocked streets in the town of Kolwezi to protest against the shutting down of the depots by the local authorities. The closures are part of the reforms by the governor of Katanga meant to bring order to the provinces mining industry. An estimated 150,000 people work in the informal sector and many feared the shutting down of illegal depots would take away their sole source of income. A spokesman for the National Union of Congolese Workers (UNTC) said "they've closed them without setting up an alternative. We do believe the governor wants to save the population … Replacement structures must be established". **[21br]**

2.35 On 2 April 2007 Reuters reported that the DRC was suspending negotiations on future mining deals until a mechanism to review existing contracts was created. On March 27 the minister of mines had ordered that details of all existing mining partnerships be delivered to his office by 4 April 2007, any violation of which would be subject to severe sanctions, including the revoking of contracts. **[21ba]**

2.36 On 14 May 2007 Reuters reported that the government review of mining contracts had been delayed until early June. The Deputy Minister for Mines stated that the delay was due to logistical reasons, and would still finish on time. **[21bd]**

2.37 On 5 June 2007 the Minister for Mines announced that the review would begin on 11 June 2007. Speaking at a mining conference in Namibia, he said that the DRC would start implementing plans to redevelop its mining industry by

the beginning of 2008. **[124a]** On 11 June 2007 the BBC reported that the government had announced that a commission would be reviewing at least 60 mining contracts signed in the last decade. An earlier report by government consultants found that some contracts lacked transparency, were signed without competitive bidding and made little attempt to get the best deal for the country. The Vice-Minster for Mines said that only six of the 60 mines were currently under operation. The review is likely to take three months and could result in contracts being renegotiated. **[15cv]**

2.38 On 19 June 2007 Reuters reported that whilst mining companies in the DRC said they backed the new government review of concession contracts they were concerned at the lack of information about the process. The newly established review commission had not made public the criteria it would use in evaluating the deals, and companies had not been told when their contracts would be looked at. According to the DRC Deputy Mines Minister the evaluation criteria already existed within the framework of DRC law and so no publication was necessary. "We look at what the mining code says. We're looking at every aspect of each contract to assure it's legal, and we are looking to see that they are fair", he said, adding that every effort would be made to involve the companies in the process. **[21bn]**

2.39 Reuters reported on 20 July 2007 that the review of mining contracts could take up to two months longer than forecast. According to a DRC official this was due to the volume of work to be done. **[21bw]**

2.40 allAfrica.com reported on 24 July 2007 that a meeting had taken place on 23 July between DRC deputies and senators and representatives of civil society to discuss the role that members of parliament must play in the control of the DRC's mining resources. Speakers included the vice-president of the National Assembly, the chair of the economic and financial commission, and the directors of the Ministries of Mines and Hydrocarbons. All agreed that the Congolese population does not profit from the natural resource potential, and unanimously recognised that there is an unquestionable absence of political will on the part of the Prime Minister for the transparent management of these resources, as many are controlled with difficulty by the state. Senator Mabi said that of 207 mining companies in the province of Katanga, only 20 were registered with the Ministry of the Economy. The vice president of the National Assembly stated that several facts were to be regretted, such as lack of transparency in the building of markets and the traceability of the money generated by these enterprises. **[74ca]**

2.41 According to the Mining Journal Online accessed on 11 September 2007, the deputy mining minister of the DRC had said that "less than ten" mining contracts needed to be renegotiated. "The commission has gone through all the contracts and the first report to the government will be done next week" he said. **[124b]**

2.42 Reuters reported on 3 November 2007 that sixty-one mining contracts under review by the mining commission should be cancelled or renegotiated according to their preliminary report. **[21cu]** According to the Times on 8 November, the commission concluded that 38 contracts would have to be renegotiated and 23 contracts cancelled because of legal and tendering irregularities **[133b]** The following day allAfrica reported that a worldwide coalition of NGOs had launched an international appeal demanding

publication of the governments report. "It is imperative that the government make the full report public now in order to put an end to the uncertainty and suspicion which are tarnishing the mining sector and to enable all concerned to respond publicly" the coalition of NGOs said. "Furthermore, the authorities should announce the measures that will be taken to follow up the commission's recommendations as well as the rules which will govern the pending renegotiation of mining contracts". **[74di]**

2.44 On 5 April 2007 Agene France Presses reported that the government had cancelled more than 20 illegal lumbering rights, covering nearly three million hectares of forest. The Environment Minister said that the forest concerned which had been divided up between 16 companies would revert to public ownership by the month's end. The 21 cases for cancellation concern forestry rights either obtained in violation of the law, or have not been the subject of a request for conversion into a licence agreement. Holders of the cancelled rights, mainly small companies, had two weeks to contest the decision. Large lumber firms which cover 70 per cent of production capacity in the DRC were not affected. **[65bs]**

2.45 Reuters reported on 14 June 2007 that a significant number of logging concessions issued by previous governments in the DRC could be scrapped under a World Bank-sponsored legal review. The independent review was being conducted by the World Resources Institute and was considering 156 titles, most of them issued during Dry's civil war 1998-2003, and the three year transition period led by the interim power-sharing government. There was the possibility of the monitories on new logging titles being lifted when the legal review was completed in October or November 2007. **[21bl]**

2.46 On 4 October 2007 the Guardian reported that the report conducted by senior staff and outside experts for the World Bank had concluded that the World Bank encouraged foreign companies to destructively log the DRC forest endangering the lives of thousands of Congolese Pygmies. The report also accused the bank of misleading Congo's government about the value of its forests and of breaking its own rules. The groups claimed that the bank-backed system of awarding vast logging concessions to companies to exploit the forests was causing "irreversible harm". **[132b]**

2.47 The Independent reported on 15 October 2007 that a delegation of Pygmies was going to Washington to meet the World Bank and hoped that the talks would lead to a deal safeguarding the world's second largest rainforest. **[97b]**

2.48 On 7 December 2007 the Financial Times reported that the World Bank had admitted that it had made a series of "omissions" in reforms it supported to promote the sustainable exploitation of Congo rainforests. In the report the bank defended its overall policy, but admitted that an environmental impact assessment "should have been prepared", and that its programme did not take into account the estimated 300,000-500,000 Pygmies who live in the forests. It also admitted that plans to earmark parts of the rainforest for alternative uses were "dropped before it started". According to one bank official this was because of tensions with the DRC then environment minister. **[122e]**

2.49 AFP reported on 11 January 2008 that the World Bank had pledged to do more for the DRC rainforest. A new action plan with a cost of 64 million dollars "was broadly supported" said the head of the Bank's environment and natural

resource management for Africa, and is based on four main points: respect for social and environmental criteria, work with indigenous populations, the future of the forestry sector and communication. She said "we were asked to report back a year from now on what we are doing". **[65em]**

2.50 Reuters reported on 3 July 2007 that the DRC planned an audit of its oil sector for the first time in ten years to ensure that the state was receiving a fair share of revenues. The head of the newly-created oil ministry said that the review would look mainly at whether there should be a renegotiation of the money the country's sole production partner, Perenco, deducts from profits it shares with the government to cover production costs. He went on to say that the DRC was negotiating with several independent auditing firms to evaluate both the declared charges and declared production figures, and that he hoped the process would begin in the coming months. **[21bs]**

2.51 On 8 May 2007 the Financial Times reported that the World Bank had withheld the findings of an inquiry into alleged mismanagement of bank funds in the DRC, raising fresh questions about the anti-corruption strategy of Paul Wolfowitz, the banks president. The audit by the integrity department was launched over a year previously, and bank insiders claimed that the draft report was completed in autumn 2006 when the DRC was in the midst of elections, but at that time the bank was reluctant to cause ructions by publicising the report. It had since been kept private. The bank told the FT that it hoped to share the findings with the DRC government during May 2007.A bank official said that one reason for the delay was an internal debate over the bank's legal authority in probing the DRC budget as part of the investigation. **[122a]**

2.52 On 11 June 2007 Xinhua reported that the border between the DRC and the Republic of Congo which had been closed for almost 10 years had reopened on 10 June 2007. The move is expected to contribute to the improvement of the socio-economic situation of the border populations of the two countries through enhancement of trade. **[62u]**

2.53 Reuters reported on 12 June 2007 that the DRC had cut electricity supply to Zambia over non payment of a £5 million debt. **[21bk]**

2.54 The South African Press Association reported that the UAE has agreed to invest 500 million dollars in a project to renovate and modernise housing in Kinshasa. According to the DRC public works minister the project involves the building of a 300 room hotel, a shopping centre, and four apartment blocks. The deal will be extended to other DRC cities in the regions most hard-hit by the years of war and conflict. **[83r]**

2.55 On 29 August 2007 Xinhua reported that according to the Governor of Orientale Province the government of DRC will start sharing 40 per cent of national revenues with the provinces in January 2008 instead of September 2007 as agreed earlier. According to the Governor it was decided to postpone the date as the programme was not in the 2007 budget, and the 2008 budget and the law on decentralisation had not been promulgated. According to the Governor of Kinshasa the government will continue the policy of distributing 20 per cent of national revenues to the provinces meanwhile. **[62y]**

2.56 On 8 November 2007 Xinhua reported that a British oil exploration and production company, SOCO, had said that it had discovered the existence of oil in the DRC's central basin. A DRC official said that they could only enter discussions with the company after studying the findings of a report by experts. **[62ak]**

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HISTORY

HISTORY TO 1997

3.01 The Country Profile of 2 January 2008 by the Foreign and Commonwealth Office (FCO) recorded:

"DRC (formerly Zaire) gained independence from Belgium in June 1960. Following a period of political instability, General Mobutu, the Chief of the Army, came to power in an army coup in 1965 and remained largely unchallenged throughout the 1970s and 1980s. President Mobutu presided over endemic corruption and reputedly built up a large personal fortune. Moves towards democratisation in the early 1990s did not succeed in removing him from power. But an already-fragile state was further weakened by the aftermath of the Rwandan genocide of 1994, when in October 1996 dissident groups, led by Laurent Kabila and strongly supported by Rwanda and Uganda, rose in revolt. They entered Kinshasa on 17 May 1997. Laurent Kabila declared himself President. Mobutu fled to Morocco where he subsequently died. " **[22g] (History)**

THE LAURENT KABILA REGIME 1997

3.02 The US State Department (USSD) Country Background Note of March 2007 recorded that:

"Kabila's Army Chief and the Secretary-General of the AFDL [Kabila military and political group] were Rwandan, and RPA [Rwandan army] units continued to operate tangentially with the D.R.C.'s military, which was renamed the Forces Armées Congolaises (FAC). Over the next year, relations between Kabila and his foreign backers deteriorated. In July 1998, Kabila ordered all foreign troops to leave the D.R.C. Most refused to leave. On August 2, fighting erupted throughout the D.R.C. as Rwandan troops in the D.R.C. 'mutinied,' and fresh Rwandan and Ugandan troops entered the D.R.C.… The Rwandan campaign was thwarted at the last minute when Angolan, Zimbabwean, and Namibian troops intervened on behalf of the D.R.C. Government. The Rwandans and the RCD [Rassemblement congolais pour la démocratie] withdrew to eastern D.R.C., where they established de facto control over portions of eastern D.R.C. and continued to fight the Congolese Army and its foreign allies." **[3g] (History)**

3.03 The same source continued:

"In February 1999, Uganda backed the formation of a rebel group called the Mouvement pour la Liberation du Congo (MLC), which drew support from among ex-Mobutuists and ex-FAZ soldiers in Equateur province (Mobutu's home province). Together, Uganda and the MLC established control over the northern third of the D.R.C."

"At this stage, the D.R.C. was divided de facto into three segments, and the parties controlling each segment had reached military deadlock. In July 1999, a cease-fire was proposed in Lusaka, Zambia, which all parties signed by the end of August. The Lusaka Accord called for a cease-fire, the deployment of a UN peacekeeping operation, MONUC, the withdrawal of foreign troops, and

the launching of an 'Inter-Congolese Dialogue' to form a transitional government leading to elections. The parties to the Lusaka Accord failed to fully implement its provisions in 1999 and 2000. Laurant Kabila drew increasing international criticism for blocking full deployment of UN troops, hindering progress toward an Inter-Congolese Dialogue, and suppressing internal political activity." **[3g] (History)**

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THE JOSEPH KABILA REGIME 2001

3.04 The Foreign and Commonwealth Office (FCO) Country profile of 2 January 2008 recorded that:

"In January 2001 President Kabila was assassinated by one of his bodyguards. His son, Joseph Kabila, took over as the new head of State on 26 January 2001 and proved more amenable to negotiations. Foreign forces gradually departed, and a protracted Inter-Congolese Dialogue led to an agreement between the belligerents and members of the political opposition on the formation of a transitional national government (TNG). This was agreed by the parties on 2 April 2003 in Sun City (South Africa). The TNG was promulgated on 30 June 2003, formally ending a war that had cost an estimated four million lives." **[22g] (History)**

See also Section 6.01 on Political system; Section 6.05 on Government; Section 11.01 on Military service; Section 12.10 on Disarmament of foreign armed groups Section 17.01 on Political affiliation; Section 37 on Assassination of President Laurent Kabila;

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EVENTS OF 2007

3.05 **January 2007**

Fighting continued in Ituri against the forces of Peter Karim, and in North Kivu against the forces of Laurent Nkunda. The elections for senator took place which gave a majority to parties supporting Joseph Kabila. Jean Pierre Bember gained a seat in Kinshasa. The gubernatorial elections also took place, again giving a majority to Kabila allies. In the middle of January Laurent Nkunda agreed to his troops joining the integration process. 1,000 Mai Mai joined the integration process in South Kivu. The trial of Marie-Thérèse Nlandu was adjourned on 3 January 2007, and resumed on 24 January 2007. It was again adjourned on 31 January 2007 after three prosecution witnesses admitted to being paid by the government to incriminate her. **[65az] [56ar] [56as] [15ce] [95ax] [110] [11s] [56au]**

3.06 **February 2007**

Rioting broke out in three towns in Bas Congo Province with 134 people killed including security forces. The rioters were protesting against the result of the gubernatorial elections. The Bas Congo Supreme Court later ruled that the elections must be re-run after objections by the MLC. The new government was announced. **[105d] [74ah] [112]** Soldiers of FARDC recently mixed Bravo Brigade were allegedly responsible for the growing insecurity in North Kivu. In

Ituri FARDC operations against FNI militias resulted in an increasing number of allegations of human rights violations against civilians by FARDC in the Walendu Pitsi collectivity in Djugu territory. ANR agents continued to arrest and detain persons for common law offences. Increasing attacks and violations by Rwandan Hutu combatants were reported in South Kivu. The Bunia Military Court delivered verdicts in two high profile military trials. **[56bu]**

3.07 **March 2007**

On 22 March fighting broke out in Kinshasa between forces loyal to Jean Pierre Bember and FARDC troops, after Bemba refused to disband his guards. This led to two days of fighting in which EU diplomats estimate that 600 died. Bember sought refuge in the South African compound and later left for Portugal. **[15cl] [83h] [3k]** A border dispute began after Angolan police and troops were accused of occupying DRC territory. A conference was held and it was finally agreed to hold a conference between DRC and Angola with the former colonial powers present to settle the disputed section of border. **[31c] [34b] [62n] [65bl] [65bq] [74ap] [74aq] [95bk] [95bm]** At least 15 people were arbitrarily executed by the recently mixed FARDC Bravo Brigade in Buramba village of North Kivu on 9-10 March. Numerous reports of arbitrary executions of civilians by the FARDC were received in most provinces. PNC agents were implicated in several cases of arbitrary arrest and illegal detention. FDLR/Rasta combatants were responsible for over 30 abductions in South Kivu. The Muanda Military court in Bas Congo province sentenced six FARDC soldiers to nine months imprisonment for having refused to obey a cease fire order given during violent clashes in the province on 31 January – 1 February. **[56bv]**

3.08 **April 2007**

A Military Court acquitted Marie-Therese N'Landu Nene and her co-accused at the end of a four month long trial. **[86o]** The Congolese army launched an offensive against the Rwandan Hutu rebels in the east of DRC. **[15cr] [65by]** The opposition boycotted parliament on the grounds of lack of safety and harassment, but later returned after being promised talks with President Kabila. **[56bp] [56br] [65bv]** The UNHCR began repatriating refugees from Tanzania **[48n] [92s]** Peter Karim the last of the warlords in the east joined the brassage process and became a colonel in FARDC. **[21ay] [56bo]** The border with Zambia was closed by the governor of Katanga to lorries carrying unprocessed ore. It was later reopened. **[21aw] [21ax] [56bj] [118a]** A MONUC Multidisciplinary Special Investigations Team continued investigations into the 22-23 March incidents in Kinshasa. Soldiers of Charlie Brigade arbitrarily executed four civilians in Rubaya, Maisisi territory, North Kivu. Elements of the 2nd Battalion of the Bravo Brigade continued to arrest and mistreat civilians on the pretext that they were Mayi-Mayi or FDLR collaborators; FARDC and PNC agents were responsible for serious human rights violations throughout the DRC. **[56bx]**

3.09 **May 2007**

The UN High Commissioner for Human rights paid a six day working visit to the DRC; FDLR/RASTA rebels killed 17 villagers in Sud Kivu Province; five civilians were arbitrarily executed by the second battalion of Bravo brigade in Rudhe-Katwiguru, North Kivu; FARDC and PNC elements were implicated in several violations of the right to life, physical integrity, particularly rape, as well as to the right to liberty and security of person. The UN Special Rapporteur on the Independence of Judges and Lawyers presented a preliminary report on

his visit to the DRC to the Human Rights Council. 252 inmates of the Kinshasa Central Prison (CPRK) were granted conditional release. In Lubumbashi the Kilwa massacre trial resumed before a Military Tribunal. The Boma Military Tribunal delivered its verdict in the case of seven members of the politico-religious group Bundu Dia Kongo (BDK). **[56cb]**

3.10 **June 2007**

The UNDP declared its support for the demobilisation of former members of various armed groups in Ituri. The DRC government began the review of mining contracts in the DRC. The World Bank approved US$150 million for education in the DRC. President Kabila named new commanders for the army, navy, air force and police. Refugees returned from Mozambique and Zambia. Journalists were killed and harassed, and TV and radio stations closed. .A campaign was launched to aid more than 14,000 street children in Kinshasa. Situation in eastern DRC deteriorated, particularly in the Kivus, with many displaced. Kilwa trial verdicts announced. EU announces support for police reform. Five Hutu civilians were arbitrarily executed by soldiers of the 3rd Battalion of Charlie Brigade in North Kivu Province. The Katanga Military Court acquitted all defendants in the Kilwa massacre trail. The Auditeur Militaire Supérieur of Kinshasa had appealed against the acquittal of Me Marie-Thèrese Nlandu and co-defendants. Rape and looting continued to be carried out by members of FARDC, the police, and armed groups. **[56ce]**

3.11 **July 2007**

At the request of the DRC government the UN Special Rapporeur on Violence against Women arrived in Kinshasa for talks with government authorities, UN agencies, national and international NGOs involved in the combat against sexual violence, victims and partners as well as civil and military authorities. She denounced the shortcomings and gaps of the criminal justice delivery system in dealing with cases of sexual violence. She further urged the local political and judicial authorities to commit themselves to fighting impunity, and preventing and combating all forms of violence against women. The report was released on the violence in Bass-Congo Province in January 2007. Elements of the 2nd Battalion of the mixed Bravo Brigade allegedly arbitrarily executed five male civilians from Rutshuru territory in North Kivu. Four villagers from Kisigari and four residents of Kinyandonyi were killed by FDLR troops. The result of the Bavi appeal case was delivered which confirmed the life sentence given to a FARDC captain in the first trial and another captain was sentenced to 10 years imprisonment for murder as a war crime. The remaining seven defendants received 15-year sentences for murder. Former Mai Mai leader Kyungu Mutanga alias Gédéon was committed to stand trial for insurrection and war crimes. FARDC soldiers were responsible for numerous cases of arbitrary executions and other human rights violations. Several incidents were reported of harassment of journalists. PNC agents were the alleged perpetrators of several violations of rights to life, physical integrity, and liberty during the month, and other security forces and members of armed groups were implicated in a number of human rights violations. **[56cl]**

3.12 **August 2007**

Jean Pierre Bemba missed the deadline for his return to the DRC. A spokesman said that he would return in September. **[15db]** Clashes took place on Lake Albert between DRC troops and those from Uganda when an oil survey barge was attacked. **[21cc]** It was reported that 3,500 militia had disarmed during the first two weeks of August. **[18fq] [74cn]** 6 bodies were

found in barracks in North Kivu recently occupied by forces loyal to Laurent Nkunda. [**21cd]** It was reported that Tutsi soldiers loyal to Nkunda had abandoned their positions to join his forces in North Kivu. **[56cj]** Rioting took place in Moba, in Katanga Province, when it was rumoured that Banyamulenge refugees were to be returned to the town. **[15dc]** The DRC government sought help for 75,000 homeless, 50,000 in Kinshasa and 25,000 in Lubumbashi. **[18gi]** More than 100 prisoners escaped form the central prison in Uvira. They claimed that they were starving; the prison governor said that he could not afford to feed them. **[18gj]** UN peacekeepers were attacked in the Rutshuru region of North Kivu after clashes between FARDC and troops loyal to Nkunda. The insecurity led to 10,000 IDPs in the region [**15dg] [18gk] [83v]** **Ebola** fever broke out in Kasai Province; according to a doctor there 217 people had contracted the disease, of whom 103 had died. **[18gl]**

3.13 September 2007

United Nations Human Rights Officers identified three mass graves in the former HQ of the 2nd Battalion of mixed Bravo Brigade (pro-Nkunda) in North Kivu. The trial of "Gédéon" continued before the Kipushi Military Tribunal in Katanga. MONUC and Congolese military judicial officials began preliminary investigations into allegations of mass rape perpetrated in Lleke Lesole in Orientale Province. Civilians suspected of being supporters of opposition leader Jean-Pierre Bemba, or of collaborating with Laurent Nkunda were subjected to arbitrary arrests and illegal detentions in North Kivu and Maniema Provinces. FARDC and the PNC were responsible for a number of violations of the right to life and the right to physical integrity, including rape. 10 Prison cells were inaugurated in Mban daka Central Prison in Equateur Province; they were funded by the Belgian Government through the Belgian Project that has been established to combat sexual violence. The project covers the Equateur, Orientale and Maniema provinces and provides medical, psycho-social and legal assistance to victims of rape and other forms of sexual violence. Given the frequent prison escapes of those accused of rape and serious human rights violations, and the resulting setback to the fight against impunity, it was decided to rehabilitate some of the prison cells in order to prevent such escapes. A civilian died in Luebo, Kasaï Province after inhuman and degrading treatment inflicted by four agents of the local Mining Office and an agent of ANR. The perpetrators were arrested and detained at the local prison while waiting for the judgements in their trial before the Tribunal de Grande Instance Luebo. **[56ct]**

3.14 October 2007

Germain Katanga, leader of the Force de Résistance Patriotique en Ituri (FRPI) militia was transferred to the International Criminal Court (ICC) for trial. In Kisangani in Orientale Province, two military magistrates were subjected to cruel, inhuman and degrading treatment by FARDC soldiers acting on the orders of the Commander of the 9th Military Region. This resulted in all civilian and military magistrates in the city of Kisangani going on strike and subsequently addressing a memorandum to the President of the Republic. An attempted prison break in Buluwo resulted in five deaths. The 'Gédéon' trial continued. MONUC and Congolese military justice officials conducted a second investigation into allegations of mass rape perpetrated in Lieke Lesole, Opala territory, Orientale Province. FARDC and PNC elements were responsible for a huge number of violations of the right to life and physical integrity, including rape. In South Kivu, fifty-seven civilians including 20 women, accused of practising witchcraft, were arbitrarily arrested in Luvungi

58km north of Uvira, illegally detained, subjected to ill-treatment and subsequently transferred to Lemera 80km north of Uvira, by elements of the FARDC 12th Integrated Brigade with the complicity of local traditional leaders. It was reported that the 57 were detained under very inhumane conditions at the residence of the traditional leader (Mwami) of the Bafulero tribe to await tests to determine if they were indeed involved in witchcraft. All were released after the intervention of UN Human Rights Officers, and most were transported back to Luvungi. As Congolese law does not recognise witchcraft as an offence, therefore the arrest of the 57 civilians was completely arbitrary; the Mwami's action was illegal and is punished under Article 57 of the Penal Code. **[56cu]**

3.15 November 2007

On the night of 9-10 November 2007, six civilians were killed, including a 9-month-old baby, in the locality of Lushebere, North Kivu, allegedly by CNDP elements (pro Nkunda). CNDP, FARDC and PNC elements were responsible for a large number of cases of arbitrary executions, rape and torture. The "Gédéon" trial continued in Kipushi Military court. As part of activities to mark 16 days of activism against sexual violence local authorities across the country, including law enforcement personnel and provincial deputies signed Acts of Engagement to demonstrate their commitment to the fight against the impunity of perpetrators of sexual violence. The President of the National Assembly expressed his support for this initiative and indicated that he would encourage members of the National Assembly to undertake similar commitment. Convictions for rape were reported by the Bunia Military Tribunal, the Luebo High Court, the Matadi Military Tribunal, and the Boma Miltary Tribunal, while the Bandundu Court of appeal confirmed a verdict in the case of two PNC officers charged with arbitrary arrest and torture respectively. In Ituri 38 inmates escaped from the Mahagi Prison during the month November 2007. **[56cv]**

3.16 December 2007

It was reported that because of the fighting the UN World Food Programme (WFP) had suspended the delivery of food aid to as many as 300,000 vulnerable people. WFP said that its trucks would no longer travel outside Goma. **[74dj]** Rukwanzi was temporarily placed under joint DRC-Uganda administration. According to the Ituri assistant district commissioner in charge of economy and finance, the decision was made at the last bipartite meeting the previous week. He said that there would be a joint administration and a joint police force, but that the administration would be temporary. Its mission would be to protect the population and to maintain public order, and that anyone arrested would be tried in their respective countries. **[64bv]** On 14 December 2007 diplomats form Uganda and the DRC had met to discuss border tensions on Lake Albert. A further report on stated that the talks had ended but that the two countries had failed to agree how the border should be drawn. **[21db, 21dc]** Fighting continued throughout the month in North Kivu. **[65ds] [65dv] [89e]** On 10 December 2007 FARDC was reported to have had captured the town of Kibali the previous day. **[62ai]** However, on the same date it was reported that forces loyal to Nkunda had retaken the strategic towns of Mushake and Karuba which was confirmed by MONUC. **[65do]** On the 11 December Nkunda's troops had advanced to a hill overlooking Sake 20 miles west of Goma, **[65dt]** and on 12 December, Nkunda called for talks with the DRC government. **[65dq]** On 17 December the DRC government announced that they would hold a peace conference in North Kivu by the end of the

month. **[65du]** North Kivu Civil Society decided to boycott the conference due to the speed with which it had been convened **[35b]** However, it was then postponed until 7 January 2008. **[64bi]** Laurent Nkunda then announced a ceasefire on 26 December 2007, **[105g]** Rwandan Hutu rebels from the Rally for Unity and Democracy (RUDD) held people hostage in Lubero. **[64br]** The ban on radio and television stations imposed in October 2007 was lifted from 22 of the stations. **[19n]**

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For further information on history refer to Europa World online, source. **[1c]**

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RECENT DEVELOPMENTS

January 2008

A peace conference took place in Goma with the aim of bringing peace to the eastern DRC, involving representatives from the government, various rebel and militia groups, refugees, and civil society. A peace accord was eventually signed on 23 January 2008. Clashes took place shortly after the signing of the accord between troops loyal to Nkunda and the Pareco Mai Mai.

February 2008

On 5 February 2008 an earthquake measuring 6.0 on the Richter scale left over 4500 people homeless in eastern Democratic Republic of Congo. "Local authorities have counted '915 families, about 4500 people, who need assistance with tents or tarpaulins', said Modibo Traore, head of the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Bukavu, the capital of Sud-Kivu province" The earthquake, the biggest of a number of quakes and after shocks hit the eastern DR Congo and western Rwanda. "In both countries extensive damage has been reported in cities near the epicenters of the quake. In Bukavu some 99 homes were totally destroyed and another 815 were uninhabitable ..." (OSISA, 20 February 2008) **[152a]**

In spite of signing up to a ceasefire agreement on 23 January, dissidents loyal to General Laurent Nkunda continued to engage in violent clashes. "UN investigators reported that Tutsi dissidents… killed at least 30 Hutu civilians as the 23 January peace settlement was being agreed by leaders of Nkunda's National Congress for the Defence of the People (CNDP)." General Nkunda subsequently suspended "…participation in planned follow-up meetings of the cease-fire in protest over UN reports which implicate his forces in massacres of Hutu civilians in January 2008." (International Institute for Strategic Studies, 4 March 2008) **[41c]**

In late February and early March 2008, followers of the Bundu Dia Kongo (BDK) clashed with police in Bas Congo province. The clashes followed weeks of low-level violence between BDK members, non members and the police. There were reports that dozens of BDK members had been killed in the clashes. (MONUC, 1 March 2008) **[56cy]** (IOL, 5 March 2008) **[86ag]** Towards the end of March 2008 the government withdrew the BDK's charitable status – in some media reports this was reported as the organisation having been banned. (Agence France Presse, 29 March 2008) **[65a]** (Jeuneafrique.com, 22 March 2008) **[50a]**

March 2008

On 4 March 2008, General Nkunda's "…National Congress for the Defence of the People (CNDP), announced it would rejoin the ceasefire commission. The group had suspended its involvement on 22 February in protest at a UN report which implicated the group in the massacre of Hutu civilians in January. The decision follows talks between the CNDP and special envoys from the USA and European Union in which guarantees that an independent inquiry into the massacres would be carried out in the 'near future'." (International Institute for Strategic Studies, 4 March 2008) **[41c]**

April 2008

BBC News reported on 16 April 2008 that "At least 21 have died after a plane hit a busy residential area while attempting to take off… The DC-9 skidded off the runway in the eastern city of Goma during heavy rain, smashed through a wall and broke up. The plane, which had 79 passengers and six crew on board, was chartered by the private airline Hewa Bora. Last week, the European Union added the carrier to its blacklist of airlines banned from flying in the EU." Un staff reported that there were 55 injured passengers receiving treatment in local hospitals. **[15f]**

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CONSTITUTION

5.01 The Country Background Note of March 2007 by the US State Department (USSD) stated: "A transitional constitution was adopted on April 2, 2003; a new constitution was promulgated February 2006. Extensive executive, legislative, and military powers are vested in the president. The legislature does not have the power to overturn the government through a vote of no confidence. The judiciary is nominally independent; the president has the power to dismiss and appoint judges. The president is head of a 35-member cabinet of ministers. **[3g] (Government)** The text of the proposed Constitution approved in May 2005, and the current transitional constitution of June 2003 were published by the Institute for Security Studies. **[27a] [27d]**

5.02 A report of 14 May 2005 from BBC News Online explained:

"The text is intended to end years of war and political instability in the country and has been agreed by all the former warring factions. The constitution limits the powers of the president, who will now serve a maximum of two five-year terms, and allows a greater degree of federalism.… The constitution provides for free primary education for all, and an exact parity between men and women in power.… And it sets the minimum age for presidential candidates at 30, allowing current President Joseph Kabila, who is 33, to stand for office. Parliament speaker Raphael Luhulu said the constitution was the result of a difficult consensus between different factions of the regime. It replaces a transitional constitutional which emerged at a peace deal reached in the South African city of Pretoria in 2002. The text, which has already been passed by the Senate, now has to [be] approved in a national referendum within the next six months. If ratified, the current power-sharing government has until June 2006 to organise free presidential and parliamentary elections, the first for 40 years." **[15k]**

5.03 The Economist Intelligence Unit (EIU) Country Report of June 2005 and BBC News Online on 14 May 2005 noted that the proposed Constitution also recognised as citizens all ethnic groups in the country at independence in 1960. **[15k] [30b] (p14)** The EIU Country Report also stated:

"The new constitution creates 26 provinces, and gives them greater autonomy than that enjoyed by the current 11. This is a major change for the DRC, which has traditionally been ruled in a highly centralised manner, a concession to the provinces and districts which have long complained about the over-centralised system in which Kinshasa is the main beneficiary of the country's resource wealth". **[30b] (p14)**

See also Section 22.06 on Ethnic issues

5.04 On 3 October 2007 AFP reported that some 300 delegates from around the DRC had begun a three-day forum on the decentralisation of power, ahead of legislative measures. The Prime Minister urged participants to contribute to the draft law the government was due to submit to the National Assembly, which would give greater autonomy to the provinces of the DRC. The DRC's new constitution gives the federal government responsibility for foreign affairs, the military, and the economy and overall budget, but the provinces take

responsibility for much of their own infrastructure, along with mines and forestry. **[65cy]**

5.05 A report by the United Nations Secretary-General on 2 August 2005 added that the new draft constitution was due to be submitted to a referendum currently scheduled for 27 November 2005. **[54g] (p2)** A report from Agence France Presse of 15 June 2005 confirmed: "Parliamentarians in the Democratic Republic of Congo approved Tuesday night by large majorities in both chambers legislation laying down the rules for a forthcoming referendum on the nation's constitution. The referendum, adopted on May 13, is due to be the first in a series of elections – local, parliamentary and presidential – marking the end of the political transition process initiated in 2003 in the DCR (formerly Zaire) after five years of civil war." **[65h]**

5.06 The referendum on a new constitution held in December 2005 was approved by a large majority. The proposed constitution, which grants greater autonomy to the provinces and lowers the minimum age for presidential candidates from 35 to 30 years – allowing an election bid by 34-year-old President Joseph Kabila, was approved by 84.31per cent with 15.69 per cent against. A total of just under 62 per cent of the 25 million registered to vote cast ballots. The results of the ballot were approved by the Supreme Court on 3 February 2006, and promulgated by President Joseph Kabila on 18 February 2006. A new flag was also unveiled which has a star on the left corner, and a red ribbon with yellow borders running diagonally across a sky blue background. **[18 bp, bq, br, bs] [21b, c] [23b]**

5.07 The turn out to vote for the constitution varied around the country. IRIN reported on 21 December 2005 that in Kinshasa 50.40 per cent were in favour with 49.55 per cent opposed on a 88.52 per cent count of the vote, reflecting the high concentration of opposition politicians who had called for a boycott of the vote. Voter turn-out was weak in Kasai Oriental and Kasai Occidental provinces, both UDPS strongholds. In the east of the country there was strong support for the constitution. In South Kivu for instance the 'yes' vote was 97 per cent compared with 2.33 per cent against. **[18dk]**

See also Section 6.15 Elections

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POLITICAL SYSTEM

6.01 The US Department of State's Country Background Note of March 2007 stated that the country is currently a "highly centralized [republic] with executive power vested in the president". **[3g] (Government)**

See also Section 5 on the Constitution

6.02 Details of the transition institutions were published by the UN Mission to the Congo Documents (MONUC) Documents Library on 19 July 2004. **[56c] (Institutions de la Transition en RDC)**

6.03 The US Department of State's Human Rights Report 2005 published on 8 March 2006 added: "There are also five 'citizens' institutions': an Observatory for Human Rights, a Truth and Reconciliation Commission, a High Authority for Media, an Ethics and Anti-Corruption Commission, and the Independent Electoral Commission". **[3h] (Section 3)**

6.04 MONUC reported on 5 October 2007 that the UN Development Programme's Project of Assistance to the Electoral Cycle in the DRC (PACE) project, which will support and assist the DRC electoral cycle from 2007 to 2011, was launched in Kinshasa the previous day. Initially the US$151 million project will assist and support the organisation and holding of the DRC local elections, envisaged for 2008. The DRC envisages the creation of a National Independent Electoral Commission (CENI) which will replace the IEC is mandated by the new DRC constitution to organise future elections. **[56cn]**

6.05 MONUC reported on 14 January 2008 that "on the 11 January the DRC National Assembly had adopted the decentralisation law, which defined the functioning of the new DRC territorial entities, or provinces. The law which would now be examined by the senate defined the organisation and working of the territorial and administrative decentralised entities, and their respective villages, towns, districts and territories, and laid down the rules governing the reports of the territorial decentralised entities to the state and the provinces, and determined human and financial resources to be distributed to its entities.

The report went on to say that instead of the current eleven DRC provinces, the country would be divided into 26 provinces, including the city-province and capital Kinshasa, in accordance with the Congolese constitution, and this division should come into effect in the 36 months following the enactment of the law. Under the new law, the provinces would keep 40 per cent of the income that they generate, and adjustment was planned to maintain a balance between the poorer regions and the others.

Every decentralised territorial entity "has a separate budget, distinct of the budgets of the state and provinces", and is allowed 'to have exceptional resources", but doesn't have the right to" resort to an outside loan". But the text of the law states that "autonomous management does not translate into independence". Under the new law, the state will be in charge of affairs such as foreign trade, the army, the currency, and the national budget, while the provinces will have the responsibility for provincial and local public functioning, as well as the development of mining and forest programmes, and will have part responsibility for roads" **[56cx]**

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GOVERNMENT

6.06 Following the parliamentary elections the parliament was inaugurated on 22 September 2006, replacing the transitional parliament created in 2002. On 28 September the political coalition, the Alliance of the Presidential Majority (AMP), led by President Kabila claimed a majority in the parliament. The AMP claimed that the grouping with more than 30 parties would have a large majority of 299 out of 500 deputies elected. Besides PALU and Udemo, three other groups with a total of nineteen seats had also pledged their support. **[18cs] [18db] [21q] [65ag]**

6.07 Agence France Presse reported that on 3 February 2007, following the elections, the 108 members of the senate of the DRC were formerly installed. They were chosen by indirect suffrage by deputies to provincial assemblies on a one-round proportional representation list system with a mandate for five years. The senators will represent the country's 11 provinces and will work with the lower house, the national assembly, in formulating and passing legislation. The party of President Joseph Kabila, the Alliance of the Presidential Majority (AMP) holds more than half the seats in the senate, while allies of defeated presidential candidate Jean-Pierre Bember hold 20 seats. The senatorial elections marked the end of the transition process in the DRC which began in 2003. **[65bd]**

6.08 On 26 November 2007 Reuters reported that Joseph Kabila had reshuffled his cabinet, cutting the numbers down to 45 ministers, ministers of state, and deputy ministers. **[21da]** BBC Monitoring reported that the number of state ministers had been reduced from six to three, although all the former ministers of state remained in the government. The report also said that in a search for efficiency in government's actions, the minister of state for agriculture, and the minister of state for the interior, would assist the prime minister as the coordinators of two new commissions in charge of handling social, economic and cultural policies. In a search for a regional balance, each province was represented by at least two ministers. **[95dw]** AFP pointed out in its report that the justice ministry, which includes human rights, was now headed by a former official in the regime of the country's late dictator Mobutu, and that the ex-finance minister in the transitional government, and then coordinator for Kabila's electoral alliance, had been put in charge of the economy. The report also stated that the new government includes five women. **[65et]**

See: Annex H for a full list of government members

6.09 On 1 February 2007, MONUC reported that opposition MP José Malika from the Union of the Nation coalition raised a motion in the National Assembly plenary session calling for "proceedings according to law against all MP's and politico-administrative officials holding dual nationality". **[56at]**

6.10 A report from MONUC on 20 February 2007 stated that a man named Kasongo Ilunga who had been chosen as the minister of trade in the new government was nowhere to be found. The Congolese press referred to him as the 'phantom minister,' a man no one has ever seen or heard of. In a list presented to the prime minister, he was nominated for a ministerial position

alongside his party's president Honorius Kisimba Ngoy, and out of the two nominees, Ilunga was chosen as minister of trade. A spokesman for the prime minister said "he never showed up to any of the meetings", nor had anyone heard of him. Shortly after the ministers appointment Ngoy sent the government a resignation letter on Ilunga's behalf, and has since put forward the name of another party member. According to the spokesman the prime minister cannot accept any new minister as long as the 'phantom' has not handed in his resignation personally. Ngoy has denied press reports that he listed a fake name to ensure that he got a cabinet post, and refuses to release Ilunga's contact details. **[56bc]** On 4 March 2007 it was reported by BBC news that the party led by Mr. Ngoy, Unafec, had removed him as president of the party. **[15ch]**

6.11 On 22 February 2007 Agence France Presse reported that the Prime Minister, Antoine Gizenga, presented his government's programme to the National Assembly. He said that major themes would include "strengthening peace and the nation" reconstruction and building the economy. He also spoke of battling poverty and of the "restoration of the family and moral values". He also stated that particular emphasis should be put on "the battle against corruption and political immorality". Gizenga said that working on those areas would allow the government to make progress on the five priorities named by President Kabila: infrastructure, employment, education, water and electricity, and health. He also said that the government planned to use the open-market approach, including privatisations. He also spoke of modernising the police and judicial system, reforming the armed forces and heavily investing in social and education programmes. The government is counting on 14.35 billion dollars over five years to finance its programme. More than half would come from international financial backers. "We intend to change our society from the top down, the time has come for the republic's administrators to no longer be above the law" Gizenga said. **[65bn]**

6.12 The parliamentary opposition leader Francois Muamba, second in command of the MLC, denounced Gizenga's speech as a "string of good intentions with few actions to take, of which the costs are not yet determined and the timing of the implementation is totally absent". He warned, "these outside resources are being taken as given. This is not the case". The MLC also believes the prime minister's forecast of economic growth of eight per cent leaves no "room for manoeuvre". **[65bn]**

6.13 On 15 March 2007 MONUC reported that the DRC National Assembly had met for its first ordinary session, which was attended by representatives from MONUC and the international community. **[56bh]**

6.14 On 2 April 2007 allAfrica.com reported that the DRC senate would fully adopt their internal rules on 4 April, following the holding of a plenary session on 29 March 2007, in which the majority of the 125 articles of the internal rules were adopted. According to a senate spokesperson, the chamber was in the process of "modifying and correcting some articles of the internal rules", which related to the creation of a conciliation commission in the senate. The spokesman continued "a plenary session will be held on 4 April 2007, to adopt all the internal rules of the senate for the next five years. The internal rules will then be given to the Supreme Court for verification, in order that they conform to the constitution of the third republic". He added that the work of the

Supreme Court could take up to 15 days. Following the Supreme Court's decision, the vote will then be held on the definitive office of the Senate. **[74av]**

6.15 On 14 April 2007 MONUC and the Independent on Line reported that the MLC had suspended participation in the lower house of parliament, citing security concerns. Members of the MLC had complained of harassment and intimidation by security forces since government troops routed Bemba's soldiers on 22 – 23 March 2007. The National Executive Secretary of the party said the decision followed the looting by a dozen members of the Republican Guard of the home of an MLC parliamentarian on 12 April 2007, which he said was part of a "targeted and programmed operation" against MLC members. **[56bp] [86l]**

See Security Situation – General 8.36

6.16 On 17 April 2007 DRC opposition parliamentarians called on President Joseph Kabila to clearly declare his position with regard to their security in order to ease political tensions in the country. A spokesman for the main opposition party the MLC claimed that the meeting held by presidents of parliamentary commissions and groups did not come up with solutions to guarantee the security of the opposition parliamentarians. He denounced the accommodating attitude regarding attacks on opposition members of parliament and the occupation of the MLC national headquarters by elements of the presidential guard (GSSP) and the national police (PNC). He went on to say that when a member of parliament was arrested and detained by the security forces without due process, the security agents involved must be sanctioned; adding that the GSSP and PNC elements must leave the MLC party headquarters in order for the opposition to function properly. **[56bq]**

6.17 On 23 April 2007 Agence France Presse reported that on 22 April police had killed one of three men dressed as members of the presidential guard who had attacked an opposition deputy of the Order of Republican Democrats (ORD) at his house, attempting to enter the house, and firing shots in the air. It was not clear if the dead man was a genuine member of the presidential guard. The ORD along with other opposition members had quit their seats in the national assembly earlier in the month calling for guarantees for their safety. **[65bw]**

6.18 On 24 April 2007 the Independent on Line reported that opposition groups of the MLC, Christian Democrats, and the Order of Democratic Republicans met in separate rooms in the parliament building to discuss a possible return to parliament. The meetings were held three days after the government ended its occupation of the MLC headquarters. The following day MONUC reported that the Christian Democrat MPs had returned to parliament the previous day ending the 11-day boycott brought on by alleged government intimidation. They said that they had received guarantees of "freedom of expression and safety". The other two parties said that they would make a decision on the matter the following day. On 25 April Agence France Presse reported that the MLC had returned to parliament. A party spokesman said "the MLC lawmakers received assurances from the head of state that he would personally seek adequate solutions to the problems and concerns of the opposition". **[56br] [65bv] [86m]**

6.19 On 26 April Radio France Internationale reported that the meeting between the President and the delegation representing the opposition MPs would not take place that day nor the next because of a cabinet meeting, but that the principle of holding the meeting remained. **[82d]**

6.20 On 7 May 2007 MONUC reported that the lists of candidates for the Senate's permanent office had been posted. Out of 21 senator candidates who were competing for the seven seats, three were running for presidency of the Senate. The party of President Kabila, the AMP had put forward candidates for every seat. The opposition led by Jean-Pierre Bemba had failed to name any candidates; however, one of its members, a woman, was running as an independent candidate for the second vice-president post. In addition to the AMP and 12 independent candidates, there was one candidate from PALU and another from the "Front Social des Independants Republicains" (FSIR). The election was planned for 11 May 2007. **[56bw]**

6.21 On 15 May 2007 Xinhua reported that Leon Kengo wa Dondo had been elected senate speaker and that the inauguration of the entire office of the senate which had taken place on 11 May 2007 had been the last step in the process of establishing all the institutions resulting from the elections of 2006. It also reported that the new senate speaker had been a close associate of the late President Mobutu. He had gained 55 votes in the election for speaker, against the 49 cast for his challenger from the Alliance for a Presidential Majority (AMP). **[62a]**

6.22 Xinhua reported on 30 May 2007 that provincial assembly speakers in the DRC had affirmed their opposition to the decision of the DRC's interior minister Denis Kalume, prohibiting them from retaining 40 per cent of revenues generated in their provinces. A statement issued by the nine speakers of the provincial assemblies, who were elected through an indirect vote in January 2007, said "We are calling for the enforcement, without further delays, of the provision for retention at source of up to 40 per cent of revenues generated in the provinces". Kimasi Matuiku, speaker of the provincial assembly of Lower-Congo stated, "at this level, it is provided that provincial revenues are not deposited in the accounts. This only affects revenues which are considered national, of which 60 per cent goes to the central government, with the remaining 40 per cent being retained by the provincial administration. According to the constitution, the sharing of revenues is supposed to be done at source". The speakers also called for the administrative autonomy of the provinces, refusing at the same time the hiring of staff on decisions made by the interior minister. **[62t]**

6.23 On 13 July 2007 Reuters reported that President Kabila had sacked his minister for scientific research, Sylvanus Mushi Bonane, for abuse of power. A presidential decree said that he was sacked because he had acted improperly during a court battle between a private company that he owns and Congo's state customs revenue collection office known as OFIDA. Mushi Bonane's private services company, Estari, had for several years been fighting to recover around $700,000 it said it was owed by OFIDA, and earlier this year won a court case against the customs office for its money. However, a second court later upheld OFIDA's right to appeal, but by then the bank holding the funds while the case was disputed had already released the money. **[21by]**

6.24 The South African Press Association reported on 25 September 2007 that the DRC had been placed 47 out of 48 African nations in the inaugural annual Ibrahim Index of African Governance published by the Mo Ibrahim Foundation. The foundation was created by Mo Ibrahim a wealthy Sudanese businessman, with the index drawn up by experts at the Kennedy School of Government at Harvard University in the US. The foundation ranks 48 countries against 58 individual measures. It uses those measures to rank countries on five factors: safety and security; rule of law; transparency and corruption; participation and human rights; sustainable economic opportunity; and human development. **[83aa]**

6.25 The Africa Research Bulletin reported on 31 October 2007 that the DRC Transport Minister had been sacked on 5 October, after an Anotov-26 cargo plane crashed just after take off from N'Djili airport, in which six homes were destroyed either by the crash or by the fire afterwards. The sacked Transport Minister Rémy Kuseyo said that the aircraft should have been prevented from taking off by a three-week-old ban on the use of Antonov planes because of recent crashes. He said that his dismissal was unjust. **[2e]**

6.26 On 15 November 2007 the BBC reported that 24 out of 35 local MPs had voted to oust the governor of South Kivu for failing to protect the state from violence. They also said that he had also badly managed finances and had little respect for local authorities **[15ea]** Commenting on the matter the following day IRIN reported that under the constitution, a governor subjected to a no-confidence motion is supposed to hand his resignation to the national president within 24 hours and dissolve his provincial government. A political scientist at Lubumbashi and Kinshasa universities stated "since the governor refuses to bend, the dispute can only be resolved in the courts. But in the time that takes, the insecurity is likely to get worse". A spokesman for the governor said that the governor had formally called on the Supreme Court of Justice in Kinshasa and the court of appeal in Bukavu, to throw out the no-confidence ruling. He added that the assembly had given no notice of the motion's debate nor offered the governor a chance to defend himself. **[18ge]**

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ELECTIONS

6.27 The US Department of State's Country Background Note of March 2007 stated that: "President Kabila on June 30, 2003 issued a decree that formally announced the transitional government line-up. The four vice presidents took the oath of office on July 17, 2003, and most incoming ministers assumed their new functions within days thereafter. **[3g] (Government and Political Conditions)** the US Department of State's Human Rights Report 2004 added: "The Transitional Constitution calls for elections to be held by June 30, 2005. This period may be extended for two additional 6-month periods, with the approval of Parliament." **[3f] (p18) (Section 3)**

6.28 On 15 June 2005, as reported by Xinhua on 17 June 2005, the transitional parliament agreed the recommendation of the head of the independent electoral commission to extend the transitional period for six months, in view

of the need for more time for preparations for the election, such as voter registration, infrastructure and training facilities. **[62b]**

6.29 Nevertheless, the Integrated Regional Information Networks (IRIN) reported on 17 May 2005 President Kabila's statement, in welcoming the new constitution, that the country's electoral process was irreversible. **[18as]** The United Nations Secretary-General (UNSG) reported on 26 May 2005 to the Security Council on the DRC election process, the preparations in hand, and issues still to be resolved. The report also described the status of preparations for holding elections, which involves the establishment of 64 liaison offices, detailed planning for registration of 28 million voters, and up to 40,000 polling stations. **[54f] (p2-3)** A further UNSG report on 2 August 2005 stated that the first weeks of the six-month extension of the transition had been generally peaceful, and that concerns that there would be an escalation of violence between demonstrators and security forces around 30 June did not materialise. **[54g] (p1,2)**

6.30 The UNSG report of 26 May 2005 also noted that several hundred political parties had so far applied to register as participants in the electoral campaign, including the three major parties in the present transitional government – Parti du peuple pour la reconstruction et la dèmocratie (PPRD), Rassemblement congolais pour la dèmocratie–Gorma (RCD-Gorma) and Mouvment pour la liberation du Congo (MLC) – as well as the Union pour la dèmocratie et le progrès social (UDPS) **[54f] (p4)** Coordination of international technical and political support was being given by the UN force, MONUC. **[54f] (p6-13)**

6.31 IRIN news reported on 7 and 21 June and 26 July 2005 on the start of voter registration for the elections, first in Kinshasa and then in two provinces outside the capital. **[18az] [18bd] [18bg]** A UN news report of 1 July stated that 250,000 voters had been registered in Kinshasa in the first 10 days. **[71a]** The 7 June report by IRIN stated that the government had announced a ban on political activity in universities to ensure that they were apolitical. **[18az]**

6.32 IRIN reported on 15 August 2005 that the registration period in Orientale and Bas-Congo had to be extended for an additional week due to transport and security difficulties, and the UN acknowledged in a UN news article of 17 August 2005 that a number of logistical problems could cause some delays in what will be the largest elections ever assisted by the UN. **[18bj] [71b]** On 22 August 2005 the BBC News reported that the voter registration process had started in North and South Kivu. The report also noted that voting cards would be valid as identification documents. **[15o]**

6.33 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated:

"With the campaign to enrol for the national elections, those who enrolled are using their voters card as an identity card, however those who did not enrol and those who cannot enrol are being harassed by the police constantly and being arrested because they do not have identity document." **[60f]**

6.34 The method of registering voters was criticised in its report Congo's Elections: Making or Breaking the Peace, by the International Crisis Group. It states that the number of voters registered is important for the distribution of parliamentary seats, but that due to time constraints the electoral commission

had to base its operations on the 1984 census. Together with the National Institute for Statistics it made a projection of the current population. The report goes on to say that the proportional distribution of registration sites does not correspond with the 1984 population levels. It quotes the example of Province Orientale being the most populous province in 1984 with 4.3 million, followed by Katanga with 3.9 million, but that the estimate now used indicates that Katanga is now the most populous province with some 400,000 more voters than Province Orientale, despite Katanga's high mortality rate in the war, and the fact that 750,000 Kasaians fled during the war and did not return. **[39h]**

6.35 Congolese organisations and parties complained that the locations of registration centres were not adequately mapped out; as a result many voters had to walk over 50 kilometres to register, while due to security and logistical problems, in 310 counties (*groupements*) mainly in Bandundu, Equateur, Province Orientale, and Katanga, no such centres were opened. **[39h]**

6.36 At the beginning of voter registration in June 2005, the UDPS had called for a boycott, and said that this was a factor in low registration rates in Kinshasa and the two Kasai provinces. **[39h]**

See Section 33.09 National Identity Cards

6.37 The UNSG reported on 2 August 2005 that in the previous three months: "MONUC has documented an increase in the number of violations of human rights associated with the forthcoming elections, including the arbitrary arrest and detention of members of political opposition parties in several provinces, in particular Katanga, the Kasais, Orientale and Bas-Congo, and in Kinshasa." **[54g] (p11)**

6.38 On 12 January 2006 News 24.com reported that 29 April had been set for the date of the first multi-party elections in four decades, as well as the first round of the presidential poll. BBC News online reported on 7 February, "The first round of the presidential poll is [sic] due to take place on 29 April, with a possible run-off on 2 June. The parliamentary vote is also due on the 29 April, in what will be the DR Congo's first national multi-party elections for four decades." However, BBC News Online reported on 22 February 2006 that the elections had been delayed from the original date of 29 April to 18 June 2006: "The electoral commission says the first round of voting will be on 18 June and a second round if needed would take place after the end of June." **[48b] [15s] [15w]**

6.39 On 7 February 2006 BBC News online reported: "Democratic Republic of Congo President Joseph Kabila has secured the governing party's candidacy in the presidential elections expected later this year. He was nominated unanimously at the end of the People for Reconstruction and Democracy Party congress in Kinshasa." **(15s)**

6.40 On 9 March 2006 President Kabila promulgated the electoral law for elections to enable the necessary preparations, such as registration of candidates and printing of ballot papers, to take place for the election to be held on 18 June 2006. **[21e, 62d)**

6.41 On 10 March 2006 registration opened for the elections which were to be held on 18 June, the closing date being 23 March 2006. IRIN reported that the

chairman of the Independent Electoral Commission, Apollinaire Muholongo Malumalu, had stated: "The Ministry of Interior registered 270 political parties today." **[18ca]**

6.42 By 22 March 2006 only 100 people had paid the required $250 to run for the 500 seat parliament and only nine candidates had registered to run for president. The registration period was therefore extended by the Electoral Commission by ten days until 2 April 2006. They said this meant that the election date of 18 June would also be pushed back. **[15ac, 65l]**

6.43 One of the main opposition parties the Union for Democracy and Social Progress (UDPS) boycotted the polls. The UDPS had boycotted the December 2005 referendum and the registration exercise which had taken place in November 2005, and only announced its intention to participate in January 2006 after both exercises were closed. It demanded that registration should be reopened to allow them to take part in the polls. This was refused by the Electoral Commission which led to demonstrations. **[15ad, 18cb, 65k]**

See also Section 17.09 on Freedom of association and assembly

6.44 Azarias Ruberwa, a vice-president and leader of the formerly Rwandan-backed RCD-Goma also threatened to boycott the election unless the transitional government agreed to create special constituencies in the territory formerly controlled by RCD-Goma, which still enjoys widespread support in the area. The population of this area is mainly ethnic Tutsis. However on 24 March they announced that they would end the boycott and that Ruberwa would lodge his nomination papers by the due date. The party acknowledged the mediation role played by the United Nations Secretary-General Kofi Annan, but said it would not rule out further protest action. **[21f, 81]**

6.45 By the closing date for nominations some 73 presidential candidates had registered along with 8,650 candidates for the legislative elections. On 6 April 2006 Reuters reported that the National Election Commission had pared the number of presidential candidates down to a provisional list of 32 and rejected 41 other candidates. It was reported that "over half of them had failed to pay a required $50,000 deposit or in one case provide a criminal record." **[18c] [21g]**

6.46 On 30 April 2006 the CEI announced that the presidential and parliamentary elections would be held on 30 July 2006, with campaigning beginning on 29 June and finishing at midnight on 28 July 2006. It also confirmed that there would be 33 presidential candidates and that the Supreme Court was sitting through 9,587 applications for 500 parliamentary seats. **[21h]**

6.47 In a report dated 27 April 2006 the International Crisis Group reported that the delays in the election process had prompted officials to overlook numerous irregularities in their desire to hold elections before 30 June 2006. The report went on to say that the delays were due to government inefficiency, but also a deliberate ploy by various parties to slow transition. **[39h]**

6.48 Other reasons for the delays were the fact that it took a year to set up the electoral commission, and key laws were bogged down. Above all, the report goes on to say, there was a lack of political will to move ahead with the elections, due to officials prolonging their tenure of office. Passing the

constitution and electoral law and conducting voter registration took longer than planned due to these delays. **[39h]**

6.49 The delays meant that the local elections would not now take place until 29 October, the same day as the run-off election for president, and it has meant that no laws on campaign finance or judicial independence were able to be passed. **[39h]**

6.50 By 21 May 2006, MONUC was already reporting that "the first multi-party elections in 40 years in the vast, war-torn Democratic Republic of Congo has already turned nasty, with rivals trading abuse, insults and accusations of plots and manipulations." It reported that on 18 May, the media regulator HAM had intervened to denounce what it called a "dangerously polluted political environment" in the media and suspended political programmes aired on three television channels. "The main political figures aspiring to the highest positions are using the media to make accusations, insult and demonise each other," complained HAM chairman Modeste Mutinga. HAM said the competitors lacked a sense of ethics and social responsibility in the way they were using their "lieutenants on various television channels". **[56g]**

6.51 MONUC also reported that "HAM is the first DRC institution to make such a clear condemnation of the perceived exploitation of media in which the contenders have direct interests." It went on to say that "HAM's main criticisms are against the current presidential team, saying that they are at the root of 'defamation' and 'blunders' which could compromise the entire election process if we don't take care." **[56g]**

6.52 However 13 presidential candidates hit back at HAM for alleged "totalitarian" tendencies, claiming that state institutions were being "diverted to the service of one particular camp," Kabila's by implication. **[56g]**

6.53 MONUC further reported that "threats have also increased towards journalists, prompting the United Nations to demand that the authorities guarantee protection to the media during election coverage." **[56g]**

6.54 On 24 May 2006 it was reported by Agence France-Presse that around ten opposition leaders were kept under house arrest the previous evening and released the next day, (Wednesday), with no reason for their arrest being given. Those detained included four presidential candidates, Roger Lumbala, Anatole Matusila, Joseph Olenghankoy and Christophe Mboso Nkodia Mpwanga. Later on the Wednesday Olenghankoy's party, the FONUS, joined with the UDPS in leading a demonstration to protest about the election date. **[65m]**

6.55 Radio France International reported on the same day that the house of Jean-Claude Vuemba, president of the opposition MPCR party, had also been surrounded by police in order to prevent a demonstration that the movement was organising. It also mentioned the house arrest of Roger Lumbala. **[82a]**

6.56 On 23 May 2006, ANR agents in Kinshasa arrested 32 men who they claimed were "foreign mercenaries" with South African, US, and Nigerian passports, who the government accused of plotting a coup. All of the arrested men worked for a private company called Omega. It later emerged that they had been contracted as security consultants and translators by Oscar Kashala,

one of the 32 presidential candidates who claimed the arrests were a government attempt to intimidate him. International donors accused the government of "the political exploitation of the so-called coup attempt". The detainees were released and deported on 28 May. The South African ambassador, in a prepared statement, suggested this was a "face saving measure", and that the arrest of the alleged coup plotters was "motivated by internal political squabbles". **[18dh] [56s] [56t] [56u] [82c]**

6.57 Hinting at torture, the ambassador said that the "detainees were manhandled and robbed of their personal belongings … they were coerced into signing French declarations stating that they indeed came to DRC to assassinate President Kabila." **[74t] [86f]**

6.58 On 31 May 2006 the governing party, the Political Party for Democratic Assembly, organised a rally in response to opposition protests over upcoming elections. Sapa-AP reported that the crowd appeared to be around 1,000, but Christian Eleko, a spokesman for the party claimed that between 30,000 and 35,000 responded to his party's call to protest – and to offers of around 1,500 francs (about US$2) in what he called "transportation costs". He stated: "There is nothing wrong with paying demonstrators – it is only to enable them to speak their minds." The report stated that demonstrators held up large portraits of President Joseph Kabila and chanted denunciations of Tshiskedi (leader of the UDPS) as they marched, but few could explain to a reporter why they were demonstrating. **[83a]**

6.59 On 12 June 2006 the UDPS held a protest march demanding negotiations that would see the party included in the election process. The protest turned violent with police firing tear gas after demonstrators threw stones. A further march was held on 30 June 2006 claiming it was the end of transition, when police again used tear gas. **[18cd, 15ae]**

6.60 Also on 12 June it was announced that an EU rapid reaction force would be sent to the DRC to assist with keeping order during the elections, with 400 troops in Kinshasa and the rest based in Gabon. At the same time, UN Security Council envoys urged President Kabila to urge calm. They expressed their concern about the ultra-nationalist speeches some politicians were making in campaigning. **[15av]**

See also Section 17.09 on Freedom of association and assembly;

6.61 On 30 June 2006, the date of the official launch of the election campaign, multi party talks commenced in order to ensure a smooth-run up to the election; they were attended by three of the four vice presidents, and the head of the independent commission. However the talks failed to resume on 1 July 2006 as they were shunned by over half of the 33 presidential candidates, and by representatives of President Joseph Kabila. The talks were never resumed. **[48c]**

6.62 On 4 July, 19 of the 33 presidential candidates had called for campaigning to be suspended because of irregularities, although none of the leading candidates signed the joint statement. This was rejected by the head of the election commission. On 10 July 2006, supporters of the 19 candidates were involved in a demonstration in Kinshasa against claimed election irregularities

and calling for the destruction of five million extra ballot papers. It was broken up by police using tear gas and batons. **[83b, 15af, 15ag, 84a]**

6.63 On 11 July it was reported that of 18 people arrested for electoral fraud, ten had been sentenced to five years in jail, and that another 15,000 people in Kisangani were suspected of registering twice for the polls. **[15ah]**

6.64 On 12 July, the Carter Centre reported that abuses of power by the government and the main candidates' domination of the media risked undermining confidence in the elections. The report stated that "Government actors have deliberately attempted to intimidate and obstruct certain candidates in their campaigning." It accused the government of unjustified arrests, intimidation of businesses to stop them working for challengers and unequal customs treatment of election material. **[21i, 84b, 74f]**

6.65 On 13 July 2006 a report from Sapa-AFP stated that an opposition coalition CODECO, headed by former Mobutu official Pierre Pay Pay, had accused the President of receiving "enormous" funding from foreign businesses for his campaign. NGOs accused the presidential camp of interference in the allocation of mining contracts in Katanga, and an anonymous expert mining source in Katanga was quoted as saying that big mining companies wanted Kabila to win re-election so that their lucrative contracts would be guaranteed. **[65n]**

6.66 Also on 13 July, a crowd estimated at more than 15,000 attended a rally in Kinshasa addressed by a presidential candidate, Dr. Oscar Kashala. The rally was disrupted by a gang of stone-throwing youngsters. They were accused of being paid by Kabila and then beaten up. Police fired tear gas to stop the clashes. **[85a]**

6.67 On 17 July, gunmen killed seven people at a rally near Rutshuru in eastern Congo. The rally was staged by independent parliamentary candidate, Jean-Luc Mutokambale, who fled to Uganda in fear of his life. **[21j, 86]**

6.68 In the capital, Kinshasa, on 18 July police fired tear gas at opposition supporters who ran riot in the streets, assaulting supporters of other parties and pulling down election posters and banners. They were protesting at what they called irregularities in the electoral process, and many were believed to be supporters of the UDPS. **[21j, 56h, 86a]**

6.69 On 19 July, the BBC reported that six television stations had been ordered to suspend broadcasts for 72 hours, including the state-owned Congolese National Radio Television. **[15ai]**

6.70 On 24 July, police had to disperse stone throwing demonstrators in Mbuji Mayi during a campaign visit by President Joseph Kabila. The demonstrators threw stones at UN vehicles and those in the president's convoy, in an area where the opposition UDPS has strong support. **[21k]**

6.71 On the same day it was reported that the Congo's Catholic bishops threatened to withhold their recognition of the validity of the elections if alleged vote rigging was not addressed. According to a statement read out in churches in Kinshasa, confusion over the number of voters could lead to attempts to rig

the election. However, in the east, the Catholic Church told the faithful to support the elections. **[15aj, 87a]**

6.72 On 25 July, another demonstration took place in Kinshasa. An estimated 5,000 demonstrators, mainly Tshisekedi supporters, called for the postponement of the elections, and tore down election posters, threatened foreigners, and threw rocks and petrol bombs. Police fired tear gas and warning shots in the air. A Reuters reporter saw officers arrest and beat several protesters. **[15ak, 18ce, 21i)**

6.73 On 27 July another violent rally took place, this time in support of presidential candidate Jean-Pierre Bemba. Earlier a fire had broken out in a compound housing Bemba's bodyguards. The rally reportedly became violent as word of the fire spread. According to SABC, the crowd set fire to the national media authority office, a beer warehouse, a musician's home, and looted a protestant church. In the course of the riot two policemen were killed. According to BBC Monitoring in a communiqué issued by the Congolese National Police, on RTNC TV, Kinshasa, it was claimed that there were four deaths, (three of which were police officers), and twenty people were injured, of which 18 were police officers and two were FARDC soldiers. Six vehicles were damaged, including two belonging to the police, one belonging to FARDC, and three to private citizens. It also stated that several buildings were raided and looted, among them, five offices of the police, the headquarters of the High Media Authority, the Eternal Victory Church of Pastor Sonny Kafuta and surrounding houses, the Church of Praise of Pastor Ngalasi, and the Lazamba Pliers bar, home to the music artist Werrason. The communiqué went on to say that "elsewhere, elements of the Congolese National Police were kidnapped, mocked, molested before being released a few hours later and their equipment taken away". **[15al, 15am, 87b)**

6.74 The elections took place on 30 July 2006. International observers praised the general conduct of the elections. The US-based Carter Center said the voting was "generally peaceful". There were however a few problem areas. In Ituri militiamen led by Cobra Matata barricaded a highway to stop hundreds of displaced persons from voting, whilst in Mbuji-Mayi in Kasai province, one of the main bases of support for Etienne Tshisekedi leader of the UDPS, would-be voters were pelted with stones and 11 polling stations were destroyed in the central provinces. A report from Radio Okapi stated that 40 polling stations and 134 electoral kits had been burnt throughout the country. As a result of the disturbances, 174 polling stations were reopened on Monday 31 July 2006, with enhanced security. **[15am,18cf, 48d, 85b, 64d]**

6.75 The RCD party led by presidential candidate Azarias Ruberwa alleged that there had been widespread fraud. The RCD Secretary General said RCD representatives had been chased out of polling stations when counting started, while ruling PPRD officials had been caught trying to vote more than once. Mr Ruberwa demanded a re-run of elections in some areas and stated that he would use all legal means to annul the results. Other candidates, including the son of former President Mobutu Sese Seko, Zanga Mobutu, also complained of irregularities. The Independent Electoral Commission announced on 2 August that it was looking into claims of irregularities and would make its findings public in a week. **[15an,15ao,18cg,74g]**

6.76 During the period between the elections on 30 July 2006 and the declaration of the results on 20 August 2006 there were several reports which raised serious concerns about the counting of votes. On 3 August a suspicious fire was reported at the Kinshasa voting centre of N'Djili. Election workers said they had burned empty ballot boxes, but a Reuters reporter claimed to have seen the remains of burned ballot papers – some used, others unused – in the ashes outside a room littered with voting material. The office was due to process around 25 per cent of Kinshasa's ballots. The BBC reported that international observers claimed to have seen votes dumped and voting tallies that did not add up, whilst the Independent on Line reported: "results were being burnt, were found on rubbish dumps, or were being handled by children, and security was so lax that anybody could walk in off the streets and take whatever paperwork they liked". The BBC and Reuters further reported that six election officials had been arrested in Kinshasa for allegedly trying to rig vote counting, and Radio Okapi reported that the head of the compiling centre in Kananga, Kasai-Occidental was arrested for falsifying the voter register. **[15ap, 15aq, 21m, 23e, 64e, 86b]**

6.77 On 2 August 2006, police in Kinshasa broke up a demonstration outside the offices of the Independent Electoral Commission by poll workers demanding payment for manning the polling stations. There were also demonstrations outside various electoral commission centres. **[88]**

6.78 A total of 19 of the 32 presidential candidates formed a protest group asking for the elections to be annulled and re-run, but this was rejected by the president of the Electoral Commission Apollinaire Malumalu. **[89a]**

6.79 On 16 August 2006, the media regulation authority announced that it had banned three television channels from the airwaves for 24 hours from 17 August, for allegedly "inciting violence" by what it called "emotionally charged" broadcasts. One of the stations was a state channel, another is owned by Vice-President Bemba, and the third to a church minister close to President Kabila. On the Thursday police fired shots into the air to disperse a crowd demanding the resumption of broadcasts by the pro-Bemba station. **[15ar, 15au, 65o]**

6.80 The results of the election were announced on Sunday 20 August 2006. The incumbent, President Joseph Kabila, took a 44.81 per cent share of the vote, while his nearest rival, Jean-Pierre Bemba, won 20.03 per cent. In third place was Antoine Gizenga with 13.06 per cent; whilst in fourth and fifth places were Mobutu Sese Seko, son of the former dictator, and Dr. Oscar Kashala, with 4.77 per cent and 3.46 per cent respectively. Turn-out for the election was put at 70.54 per cent according to the Independent Electoral Commission. **[15as, 65p]**

6.81 The results were announced on state TV later than expected due to shooting that had broken out just before the results were due to be declared, between forces loyal to President Joseph Kabila and Jean-Pierre Bemba, which forced the Independent Electoral Commission to abandon a planned results ceremony at its press centre and to announce the results on television. According to the Kenyan Daily Nation newspaper, the press centre was surrounded by Bemba troops, and the Commission's chairman had to be driven to the state television station in an armoured personnel carrier. **[15as, 90]**

6.82 On 21 August 2006 members of Kabila's presidential guard attacked Bemba's home whilst several foreign ambassadors were present, trapping them in the house. They were rescued by UN peacekeepers. According to IRIN they also attacked Bemba's other home in the capital and his party headquarters, as well as destroying his helicopter. **[18ci]**

6.83 On the same date the two television stations owned by Bemba namely Canal Kin and Canal Congo were shut down by the abrupt cutting of the signal. This was done on the orders of the Minister of Information and Press, Mova Sakanyi, a member of the PPRD. The ruling party had accused the media of carrying out a campaign of "incitement to hatred and violence" through their political programming. Subsequently one of the conditions laid down by Bemba before he would agree to a meeting with President Kabila was that the stations should be allowed to resume broadcasting. The stations eventually resumed broadcasting on 11 September 2006. **[15at, 18ch, 18cp, 65t, 93b]**

6.84 The fighting continued in Kinshasa for another two days until late on Tuesday, 22 August 2006, when a ceasefire was agreed and both sides agreed to withdraw their troops from the city centre. However looting continued on the Wednesday according to the BBC, with Mr. Bemba's supporters targeting premises thought to belong to supporters of the president. As a result of the violence more than 200 soldiers from the EU force sent to police the elections were transferred to Kinshasa from neighbouring Gabon. **[15au]**

6.85 On 25 August 2006, the Minister of the Interior announced that 23 people had been killed in the three-day outbreak and that 43 had been wounded. This did not include combatants from either side in the conflict. Of the 23 killed, 12 were policemen, four were soldiers, and seven were civilians. The minister added that 17 locations around the city had been pillaged. **[18ci]**

6.86 On Saturday 26 August 2006, President Joseph Kabila called a meeting which was attended by three of the vice-presidents, but which Bemba failed to attend. A spokesman for his party claimed that Bemba was in favour of a face-to-face meeting but suggested it take place under the supervision of MONUC. A meeting took place on 29 August, at which representatives of both sides agreed to set up sub-commissions under the aegis of MONUC to investigate the causes of the recent fighting in the capital, and work out ground rules for the run-off presidential poll on 29 October 2006. **[18cj, 48e]**

6.87 On 4 September 2006 an Electoral Commission spokesman announced that ten electoral workers in Kinshasa had been arrested for allegedly helping a candidate for the legislature. The spokesman stated that those arrested had supported the wartime Rally for Congolese Democracy led by Azarias Ruberwa, a candidate in the presidential election. It was announced that this would delay the announcement of the results. **[15bb, 48f]**

6.88 Also on 4 September 2006 the Supreme Court said it had finished hearing the eight appeals over the first round of the presidential election. **[65q]**

6.89 On 8 September 2006 the results of the parliamentary elections were announced. According to IRIN and the BBC, Joseph Kabila's PPRD took 111 seats and the MLC of Jean-Pierre Bemba took 64 seats. The UN News Service reported this gave President Kabila's Alliance of Presidential Majority (AMP) grouping 224 seats, and Vice-President Bemba's Rally of Congolese

Nationalists (RCN) grouping about a hundred. According to IRIN the Parti Lumumbiste Unifies (PALU) came third with 34 seats in the 500-seat National Assembly, followed by the Coalition of Congolese Democrats (CCD), led by Pierre Pay Pay with 30 seats. **[15ba, 18co, 65s, 93a]**

6.90 On 21 September 2006 it was reported that the Unified Lumumbist Party (PALU) led by Antoine Gizenga, the DRC's third largest party, had announced that it would support Joseph Kabila in parliament and in the second round of the presidential election. President Kabila is also supported in the parliament and presidential election by the party of Nzanga Mobutu, the son of the former dictator. However, BBC monitoring reported that followers of his party the Union of Mobutist Democrats (UDEMO) in Kisangani had "totally rejected the decision of their national leader." They claimed that they had not been consulted on the issue, and that therefore "the decision only bound the leader who had made it." According to the national executive secretary of the party, however, all structures of Udemo in Orientale Province supported the leader's position. On 17 October 2006 Joseph Kabila and Nzanga Mobutu signed a pact, according to which UDEMO would play a major role in government should Kabila become president. Meanwhile, several opposition politicians including 15 of the 33 other presidential candidates joined Vice-President Bemba's Union for the Nation but he failed to gain the support of Etienne Tshisekedi or his Union for Democracy and Social Progress (UDPS), which again renewed its unwillingness to accept the electoral process by refusing to back either candidate. **[15bd] [18db] [18eg] [56o] [56p] [65v] [95g] [96a]**

6.91 On 30 September 2006 the Alliance of the Presidential Majority (AMP) the electoral platform of outgoing President Joseph Kabila, and Antoine Gizenga's Unified Lumumbist Party (PALU) made their coalition official with an agreement of understanding. The terms of the agreement say that PALU particularly agrees to form with AMP the parliamentary majority and to mobilise all its supporters to vote for Joseph Kabila in the second round of the presidential election. In return the coalition government that will be formed thanks to the parliamentary majority will be led by a PALU member. **[95j]**

6.92 The parliament was inaugurated on 22 September 2006, replacing the transitional parliament created in 2002. On 28 September 2006 the political coalition, the Alliance of the Presidential Majority (AMP), led by President Kabila claimed a majority in the parliament. The AMP claimed that the grouping with more than 30 parties would have a large majority of 299 out of 500 deputies elected. Besides PALU and Udemo, three other groups with a total of nineteen seats had also pledged their support. **[18cs] [18db] [21q] [65ag]**

6.93 Meanwhile the British envoy in Kinshasa had reportedly drawn up a draft agreement between the two second round opponents in the presidential election. The document contained two main points. The first is the code of conduct that both candidates should adhere to during the campaign. The second point stipulates that the results will be accepted by the loser, but gives real standing to the loser. He will benefit from security and financial guarantees, legal immunity, and the possibility of keeping his personal guard, and receiving a salary. **[82b]**

6.94 On 11 September 2006 British Minister Hilary Benn, on a visit to Kinshasa, announced that the two presidential contenders had agreed to meet.

Candidates also held meetings with South African President Thabo Mbeki. **[65t]**

6.95 President Kabila and Vice-President Bemba finally met on 13 September 2006, MONUC reported that "the atmosphere was relaxed and conciliatory, and the head to head meeting lasted some time into the evening." **[56k]**

6.96 On 18 September 2006 a fire broke out at the party headquarters of Mr. Bemba's opposition party in Kinshasa. The building also houses Mr. Bemba's two television stations. Crowds of Mr. Bemba's supporters demonstrated outside the building. During the early afternoon of the 19 September, some of the MLC supporters demonstrating in front of the building began to stone the police as they attempted to disperse the crowd. Tyres were set on fire on Kinshasa's main boulevard, and stones were thrown at UN armoured vehicles. Police fired tear gas to dispel the demonstrators. One western diplomat is quoted as saying "it is a fairly concerted campaign against Bemba to stop him from campaigning." Troops loyal to Vice President Bemba assisted the police in breaking up the demonstration. On 22 September 2006 the BBC reported that following on from the demonstrations the police arrested hundreds of people living rough in Kinshasa. They quote police chief Patrick Sabiti as saying "These young people have been behaving like bandits for some time now, attacking members of the public. We have had several complaints." According to News 24 the number arrested was more than 700, whilst on 24 September 2006 in a report the BBC stated that the figure was 800. In the same report the BBC said that after three days in custody 200 children were released, but that
more than 500 adults, including women with their babies, were still being detained. **[15bc] [15bd] [15be] [23f] [48g] [65x] [74l]**

6.97 On 11 October 2006, the UN protested that 130 of the 800 arrested, 130 people were still being held in detention. A UN spokesman stated "some of these people have been detained beyond the legal (48-hour) custody deadline, and all are detained without any precise charges filed against them". He went on to say that the fate of those still detained in the police stations, which included minors and women, hung on a decision of the regional governor. He added "The human rights division of the UN peacekeepers notes that only the judicial authority is competent in matters of arrests and detention, and that detention and arbitrary arrests represent breaches of the Congolese penal law". **[48j]**

6.98 On 10 October 2006 74 street dwellers, who had been detained since 21 September, were charged with "vagabondage" and begging and transferred to the "Parquets de Grande Instance" of Gombe and Kalamu in Kinshasa. On 21 October the Prosecutor of Kalamu released 29 people on the grounds that they had been illegally detained. Twenty-five other people and the sick were released by the Prosecutor of Gombe who issued a committal against 24 people on 13 October 2006. **[92h]**

6.99 On 19 September 2006 the Independent Electoral Commission published the new electoral calendar. This confirmed 29 October as the presidential election run-off date, with the start of the campaign being midnight on 13 October 2006 and running until 27 October. The provincial elections will take place on the same day as the presidential run-off, with the provincial campaign beginning at midnight on 28 September 2006. **[56l] [74k]**

6.100 On 25 September 2006 it was reported that senior aides to the two candidates running for president had agreed to make Kinshasa a weapons-free zone in order to ensure that the fighting which followed the first round of elections was not repeated. It was stated that Kabila and Bemba had agreed to keep their troops in the barracks during the second round. It did not say who would enforce the ban, although the agreement does say that assistance will be sought from MONUC and the European Union force known as EUFOR. A spokesman for MONUC stated that the police would be the only national security force permitted to carry weapons. **[74r]**

6.101 The National Congolese Police (PNC) launched its first operation of "weapons control patrol" on the evening of 25 September 2006. For the operation 1,200 policemen and 150 elements of the national military police were mobilised. **[74s]**

6.102 MONUC announced on 27 September 2004 that it would deploy mixed street patrols of DRC civilian and military police plus MONUC personnel, to enforce commitments by the candidates to make the capital a city free of guns. **[56a]** The patrols commenced on 2 October 2006. The patrols comprised 248 police and military personnel, and operated city wide. **[18ed]**

6.103 On 11 October it was announced on state-owned television that President Kabila had appointed Army General Denis Kalume and Admiral Liwanga Numbi as Interior Minister and governor of Kinshasa respectively. Kalume replaced Theophile Mbemba and Numbi took over from Mazunga Kimembe. According to the secretary-general of Kabila's Parti du peuple pour la reconstruction et la démocratie "the maintainance of order in Kinshasa and the need to keep the peace during the election period justify the decision to have one general heading the Interior Ministry and another as governor of Kinshasa." Supporters of Jean-Pierre Bemba said the appointments were an attempt to pack the outgoing transitional government with Kabila supporters, whilst the president of the NGO la Voix des sans voix (Voice of the Voiceless) stated "it is clear that efforts are being made to have Kabila lead the country again." **[18ee]**

6.104 The presidential election campaigns were officially launched on 14 October 2006. From the start of the campaigns, acts of political intolerance increased countrywide. Campaign supporters burnt effigies and stoned a convoy of cars in Mubuji Mayi, the capital of eastern Kasai Province **[18ef],** whilst in Mbandaka, the capital of the province of Equateur, supporters of the rival contenders accused each other of ripping down portraits and campaign posters. **[65aj]** Elsewhere six people, including three police officers, were hurt when rival supporters clashed in Lodjo, 185 miles north of Mubuji Mayi, at a rally held by the campaign director for Jean-Pierre Bember. **[65ak]** On 18 October 2006 supporters of President Kabila in Lubumbashi stoned the motorcade of Bemba's deputy campaign director Theodore Ngoy. They were dispersed by riot police. **[65al]** Later Ngoy had to be evacuated from his hotel by police and UN peacekeepers after members of the nationalist group, the Union of Nationalists and Federalists of Congo (UNAFEC) surrounded the hotel **[65am]**

6.105 On 24 October 2006 it was announced by Radio Okapi that five electoral agents in Bunia's vote-counting centre, Ituri district, had been arrested on 22 October 2006 for falsifying results in the parliamentary election. **[95m]**

6.106 Also on 24 October 2006 Radio Okapi announced that Oscar Kashala of the Union for the Reconstruction of DR Congo (UREC), and Katabe Katoto of the Union of Liberal Democrats (ULD), had allied themselves with Jean-Pierre Bemba in the presidential election. **[95n]**

6.107 On 12 October 2006, it was announced by Radio France International that a televised debate would take place between the two presidential candidates. **[95o]** However, on 26 October 2006, BBC News announced that the debate had been cancelled as the candidates could not agree on the terms of the debate, with Mr. Bemba wanting a live face-to-face discussion, whilst the president wanted separate pre-recorded interviews to be edited before being shown. According to the country's electoral laws there should have been a debate before the second round of voting. **[15bo]**

6.108 On 26 October 2006 at least four people were killed in Gbadolite in the northwest of the country when shooting broke out between supporters of Jean-Pierre Bember and guards of Nzanga Mobutu, a supporter of President Kabila. Mobutu was trapped in the offices of Radio Liberty (a station owned by Bemba). Three policemen and one of Bemba's troops were killed and one of Mobutu's troops injured. It is not known why Mobutu had been visiting the station. **[65an]** United Nations forces freed Mobutu the following day using a tank. **[15bp]**

6.109 The election took place on Sunday 29 October 2006. According to a researcher from the US - based NGO Human Rights Watch, Congolese government forces in Ituri district prevented between 15,000 and 25,000 civilians from voting, by setting up roadblocks and demanding money for passage. **[56af]** On 3 November an army spokesman stated that four of its soldiers had been arrested and would be put on trial for erecting barriers and beating up dozens of civilians when they tried to vote near the town of Aveba in Ituri. **[48i]** Meanwhile, in Bumba, 800km from Kinshasa, police opened fire and killed two rioters. According to the governor of the northerly Equateur province they were killed when police intervened and fired to disperse the crowds, when supporters of Jean-Pierre Bemba destroyed a polling station after alleging that a ballot box had been stuffed with votes for Joseph Kabila. **[56ag]** Also in Bumba people throwing stones attacked a radio station supporting Joseph Kabila, while assailants ransacked the home of an official in Kabila's political alliance. In Mbandaka, a police officer was badly wounded in an assault on a bus carrying the coordinator of the Independent Electoral Commission (CEI) and other electoral officials who were taking ballot papers to a polling station. In Basankusu, 200km north of Mbandaka, MONUC and CEI officials reported clashes between Bemba and Kabila supporters and in Bikoro an armed gang made off with ballot boxes. **[56ah]** In the town of Fataki a soldier shot two election workers and was arrested by the police. The killings sparked rioting and villagers in Fataki burned down 43 polling stations. **[23g]** As a result, a special round of voting was held on Tuesday 31 October 2006 in Equateur Province. **[74w]** The soldier who shot the two election workers in Fataki was sentenced to death. **[96b]**

6.110 A woman, a MLC witness at a voting centre in Kinshasa during the second round of the presidential elections allegedly disappeared on 30 October 2006. The disappearance was possibly linked to the fact that on Election Day the woman protested against the collection of blank voting papers by an unidentified vehicle. She also allegedly requested verification of the procès verbaux of all polling stations at voting station 1039 after the centre had closed. After an argument started the police intervened, and she was taken away. She was finally located at Kin-Mazière where she was detained by PNC Special Services for two weeks. After being questioned by the Military Prosecutor and charged with espionage, treason, illegal detention of weapons of war and organisation of an insurrection, she was transferred with four other women to the CPRK on 22 November. **[56am]**

6.111 In South Kivu, two cases of arbitrary arrests related to the elections were reported. Seven national police officers were arrested by the Military Prosecutor and were detained in Bukavu central prison on 2 November 2006. Two of them were allegedly arrested for supporting political parties other than the PPRD, and the five others for not wearing uniforms when accompanying the Minister of Environment to Bukavu. According to MONUC the arrests may be linked to the fact that the seven were arrested for supporting Vice-president Bemba in the run-off. **[56am]**

6.112 On 10 November 2006, with partial results of the election announced, supporters of Jean-Pierre Bemba complained of "systematic" errors amounting to a "policy of cheating" in the compilation of results. **[21v]**

6.113 On 11 November 2006 clashes erupted between security forces and supporters of Jean-Pierre Bemba near his office in Kinshasa. Police said two civilians were killed in the crossfire and that explosions were heard. Police reportedly fired into the air to disperse the protestors who had placed burning tyres in the streets to disrupt traffic. The government threatened to despatch the army to quell the unrest. UN and EU peacekeeping troops in the city were on alert, but did not intervene. **[15bq]** A later report stated that four people, three civilians and a soldier had been killed. The Interior Minister speaking on television stated that the clashes had been sparked by young street gangs. **[65ao]**

6.114 On 13 November 2006 it was reported that police had rounded up hundreds of people in connection with the disturbances near Bemba's residence. A police spokesman stated "in all 337 street kids have been picked up in the wake of the disturbances and put at the disposal of the National Service," an agency that gives training in farming. The city governor Admiral Baoudouin Liwanga announced that the people detained included "87 minors and 35 adult women, three of them with babies". He said the boys would be sent to the agricultural study centre at Kanyame-Kasese in south-eastern Katang province, while the girls would go to another national service base at Menkao. **[83e]**

6.115 On 16 November 2006, a civilian, a MLC/L supporter, was arbitrarily arrested by the ANR in Uvira. The ANR could not explicitly state the official reason for the arrest, but according to MONUC, local sources in Uvira said that the ANR compiled a list of all MLC supporters and had started locating them. The civilian was released on 17 November. **[56am]**

6.116 On 17 November 2006 MONUC reported that a civilian MLC militant was arrested by PNC/Groupe d'Intervention Mobile (GIM) following a private dispute between him and his partner, a PPRD militant. Allegedly he was then placed in ANR custody. **[56am]**

6.117 On 20 November 2006 UNICEF announced that the UN Children's Fund had persuaded officials to free 143 of the street kids that had been rounded up. The children - 33 girls, and 110 boys aged between two and 17 were among about 500 street kids, locally known as "shegues", hauled in by police in the aftermath of the 11 November clashes. Six of the children were handed over to their parents, while the 137 others were sent to shelters run by the ministry of social affairs. Admiral Liwanga told Agence France Presse that 265 boys had been transferred to Katanga, and that about 100 girls would soon be transferred to Menkao. **[65as]**

6.118 On 14 November 2006 the electoral commission announced that indirect elections to the Senate had been postponed due to lack of candidates in some constituencies. The deadline for standing as a candidate for the Senate was postponed from the 13 November 2006 to 30 November 2006, with elections taking place on 7 January 2007. The Senators will be elected by the members elected to the provincial parliaments at the end of October 2006. **[65ap]**

6.119 Also on 14 November, the Union for the Nation, the coalition backing Jean-Pierre Bemba, announced that it had rejected results from the presidential run-off. They said that victory "was being stolen form the Congolese people" **[15br]**

6.120 On the evening of 15 November 2006, the president of the Independent Electoral Commission, Apollinaire Malumalu, declared on state television that Joseph Kabila had won the presidential election with 58.05 per cent of the vote as opposed to the 41.95 per cent gained by his opponent Jean-Pierre Bemba. Malumalu said that 65.36 per cent of the nation's 25.4 million registered voters had cast their votes. The results were provisional until endorsed by the Supreme Court. **[18eh]** The following day Bemba rejected the result and stated that he would use all legal channels to contest it. **[15bs]** On 18 November the Union of the Nation filed a petition at the Supreme Court of Justice in Kinshasa challenging the election result. **[95p]**

6.121 On 19 November 2006 it was reported that large numbers of people had fled the town of Gbadolite following rumours that there could be chaos there on 19 November, due to fighting between Jean-Pierre Bemba's security men and the rapid intervention police who were recently deployed to Gbadolite, and the fact that Bember was contesting the election results. **[95x]**

6.122 On 20 November 2006 Reuters reported that more than 2,000 people in Bolobo, 175 miles upriver from Kinshasa, had crossed the river into the Republic of Congo to escape fighting between supporters of the rival candidates in the presidential election. **[21w]**

6.123 On 21 November 2006, while the Supreme Court was reviewing the electoral fraud complaints made by supporters of Jean-Pierre Bemba, the court was set on fire. The hearing was suspended and UN soldiers evacuated those people inside the building. A crowd of around 200 Bemba supporters had attempted to enter the building for the hearing, and were involved in violent protest with

the police that subsequently led to the building being set ablaze. The violence was condemned by Bemba. **[15bt] [18ei] [56ai]**

6.124 On 22 November, Vice-President Azarias Ruberwa announced that following the fire the offices of the Supreme Court would be relocated to different parts of Kinshasa or elsewhere in the country. He promised to punish those responsible for the fire. **[18eo]**

6.125 On 22 November 2006 the Congolese authorities and the UN argued over who should disarm Bemba's followers. Kinshasa's governor Admiral Mata Liwanga threatened to use the army instead of the police should the demonstrations of 21 November be repeated. While the UN spokesman stated "… it is primarily the responsibility of the Congolese". **(56al)**

6.126 Later that day President Kabila issued a 48-hour ultimatum giving Mr. Bemba's forces until 24 November 2006 to leave Kinshasa. **(15bz)** On 23 November, it was reported that some 50 of Mr. Bemba's troops had moved from Kinshasa to Maluku, 50 miles to the east of Kinshasa. **(15ca)**

6.127 On 27 November the Supreme Court rejected the legal challenge submitted by Bemba. Supreme Court judge Kalonda Kele said that complaints of fraud filed by Mr. Bemba were "unfounded". The head of the Supreme Court Benoit Iwamba announced Joseph Kabila as president. **[15bu]** [**15bv]**

6.128 On 28 November 2006 Jean-Pierre Bemba accepted defeat in the presidential election, although he stated that he stood by his complaints which were rejected by the Supreme Court the previous day. He said that he would participate in a "strong republican opposition in the interests of the nation". After the violence the previous week, forces loyal to Mr. Bemba were subsequently ordered to leave the capital by Kabila. **[15bw]**

6.129 Joseph Kabila was sworn in on 6 December 2006 at a ceremony attended by many heads of state, but the transition process had yet to finish with the election on 7 January 2007 of senators by the members of provincial parliaments, who will choose their governors a week later. According to Agence France Presse, the new government is due under accords by political parties to be headed by Antoine Gizenga, an 80-year-old political veteran who served under Patrice Lumumba after independence 41 years ago. **[65aq]**

6.130 On 8 December 2006, Agence France Presse reported that Jean-Pierre Bemba had announced that he would run for the Senate as a candidate for the MLC in Kinshasa. **[65ay]**

6.131 Reuters reported on 29 December 2006, that presidential allies had been elected to key parliamentary posts. Vital Kamerhe, a former minister and secretary-general of the PPRD was elected as the legislature's president. The PPRD took six of the seven parliamentary positions in the ballot. The remaining post was to be decided on 30 December. The Union for the Nation – a coalition led by Jean-Pierre Bember – had criticised the president's supporters for changing parliamentary bylaws to secure control of influential commissions. **[21af]**

6.132 On 30 December 2006, the BBC reported that Joseph Kabila had appointed Antoine Gizenga, leader of the Unified Lumumbist Party (Palu) as Prime Minister. **[15ce]**

6.133 On 3 January 2007 Radio Okapi reported that in accordance with Article 99 of the constitution, President Kabila had submitted a written declaration of his wealth to the Supreme Court, thereby making it public property. **[95ac]**

6.134 On the same day Agence France Presse reported that Antoine Gizenga, the new Prime Minister, had began talks on forming a coalition government. The administration was expected to be made up of politicians belonging to Kabila's Presidential Majority Alliance, the Union of Mobutist Democrats (Udemo) led by Nzanga Mobutu – son of the late dictator – and Gizenga's Unified Lumumbist Party (PALU). A meeting was scheduled for Friday 5 January 2007 between the Prime Minister and party chiefs belonging to the Kabila camp. **[65az]**

6.135 On 7 January 2007, it was announced that the senate elections and polls for provincial governors, postponed from the 7 January and 16 January 2007, would be held on 19 January for the senate, and that the polls for provincial governors would take place on 27 January 2007. The 108 senators will be elected directly by the 690 members of provincial assemblies, while the provincial parliaments will later elect governors and vice-governors. Candidates will have a mandate renewable after five years. A total of 1,124 candidates had registered for the 108 seats in the senate, while 76 people were vying for the posts of governor and deputy governor. The results of the senate elections would be announced on 20 January, and the outcome of the gubernatorial polls on 7 February 2007. **[65bh]**

6.136 On 19 January 2007, Reuters reported that Jean-Pierre Bemba had won a Senate seat in Kinshasa. Provisional results showed that Bemba and two allies from his Movement for the Liberation of Congo (MLC) had one three of the eight Senate seats for Kinshasa. Pro-Kabila candidates also won three. **[56ar]**

6.137 According to Agence France Presse, the provisional results of the Senate elections show that the Senate will be dominated by the multi-party coalition of President Joseph Kabila. The presidential alliance which brings together around 40 parties, won almost 50 seats, while the MLC won more than 20 seats. Independents get 26 seats, although most of these are seen as having an allegiance to one or other of the main groupings. **[65bi]**

6.138 The BBC reported on 25 January 2007 that in South Kivu the youth wing of the South Kivu Civil Society, had marched against members of the South Kivu provincial parliament. The march was consequent to the results of the national election of senators. The march was conducted concurrently with that of the women of the League of Women for the Presidential Majority, AMP, who protested against the deputies' choice during the election of senators. The women said that the interests of the province had been jeopardised by the AMP deputies' thoughtless choice. **[95az]**

6.139 On 30 January 2007, MONUC reported that in the gubernatorial elections the AMP gained a majority with six candidates elected as governors in Bandundu, Orietnale province, South Kivu, Maniema, Katanga and Kinshasa. The MLC

gained one seat in Equateur, with the remaining governor positions being won by independent candidates in Bas Congo and North Kivu. The election in the remaining two seats of Kasai Occidental and Kasai Oriental were postponed after it was found that both candidates had duel nationality, which is deemed unconstitutional by the Independent Electoral Commission (IEC). The IEC are considering the situation regarding the election of governors for the Kasai provinces, with a decision expected on 10 February 2007. **[56as]**

6.140 On 1 February 2007 Agence France Presse reported that clashes had taken place in Bas Congo between police and supporters of the Bundu dia Congo sect. They were protesting against the results of the governors' elections where a candidate of President Joseph Kabila's coalition won, despite the opposition being the majority in the province. It was reported at that time that 58 people had been killed.**[65bc]** The following day the BBC reported that at least 90 people had been killed in the rioting which took place in three towns, Matadi, Mwanda, and Boma, during which a police station was raided and inmates freed from a prison. The report also stated that 20 civilians were killed by the Congolese army when they re-took control of Boma. According to the UN at least four policemen were killed. **[15cg]** On the 7 February 2007 the Mail&Guardianonline reported that the United Nations estimated that the total number of lives lost as being 134, although the official toll according to the Interior Ministry was 87 dead, including 10 from the security services. It also reported that a UN team had been sent to investigate the clashes. The report also stated that the opposition Congo Liberation Movement (MLC) had filed official complaints about the result in Bas Congo as well as the capital Kinshasa. An organisation called Solidarity with the Victims and for Peace (SOVIP) published the names of 25 people it claimed had been killed in Boma, 19 people who had been killed in Matadi, and 15 people who had been killed in Moanda [sic]. It also published the names of 15 of those it claimed had been injured in Boma, and 12 men who had been arrested in Matadi. **[105d] [121d]**

6.141 On 8 February 2007, Allafrica.com reported that the Bas-Congo Appeal Court had reached a verdict in relation to the contested election for governor, and had demanded that the Independent Electoral Commission (IEC) organise a second round of elections for the positions of governor and vice governor of the province. The exact date will be fixed by the IEC. **[74ah]**

6.142 On 16 February 2007 Agence France Presse reported that the DRC Supreme Court had upheld the election of the governor of Bas-Congo. "The Supreme court of Justice proclaims Simon Mbatshi Batshia elected in the first round", chief justice Tshimbamba Ntoka ruled after a public hearing. **[65bk]**

6.143 BBC Monitoring reported on 10 February 2007 that the postponed polls in Kasai Occidental and Kasai Oriental, originally set for 10 February, had now been postponed until 15 February 2007. **[95bc]**

6.144 The result of the elections was a victory for President Kabila's AMP. In Kaisai Oriental the AMP candidate took 51 of the 66 votes to 11 by the MLC candidate. In Kasai Occidental the AMP candidate took 28 votes to the 26 for the MLC. **[65bj]**

6.145 On 14 February 2007, a report from Radio Okapi stated that at its plenary session on 12 February, the National Assembly had decided that deputies with

dual citizenship should regularise their situation. They have a grace period after which an inquiry commission would be set up to decide their fate. **[95be]**

6.146 A report from the BBC on 14 February 2007 stated that on 13 February, Congolese radio had reported from Goma, that the Court of Appeals in Katanga had in the past week handed down 30 verdicts relating to disputed elections for provincial assembly members. Out of the 30 applications, 29 were declared defective. The only dossier accepted was struck out for lack of evidence. **[95bd]**

6.147 The BBC also reported on the same date, that a report from Congolese radio in Goma had announced that the head of Jean-Pierre Bemba's Union for the Nation in Orientale Province, was being investigated by the national intelligence agency for suspected usurpation of someone else's identity and for extortion. He was being held in a cell belonging to the Congolese national police. **[95bg]**

6.148 On 20 February 2007 Radio France Internationale reported that following the gubernatorial elections the opposition Congolese Liberation Movement (MLC) had accused the presidential camp's of using public funds to buy votes of big voters. **[95bj]**

6.149 On 9 May 2007 Agence France Presse reported that the Supreme Court of the DRC had annulled the election of 18 MPs, and the results of one constituency for reasons ranging from fraud to counting errors. Nine months after the elections of July 2006, the court released its decision on 350 election-linked complaints lodged by the independent electoral commission. Among those who had lost their seats was Joseph Mbeza Thubi, the head of the small democratic Christian party who had presided over parliament. The Supreme Court also cancelled the results in the Befale constituency in Equateur Province as the voters had not been sufficiently informed about the polls. **[65cc]**

6.150 Afriquenligne reported on 19 July 2007 that the National Assembly had challenged the judgement of the Supreme Court by raising a number of irregularities, particularly in the partial and unilateral process of recounting the votes. The National Assembly also cited as irregularities the partial cancellation of results in a district, and not taking into account this material error. These irregularities forced parliament to reject the decision of the Supreme Court on the principle of separation of powers sanctioned by the Constitution in article 151. However, the Constitution says that "decisions of the Supreme Court of Justice cannot be appealed except by a third party in administrative matters". To avoid a constitutional crisis, the National Assembly abided by the decision of the Supreme Court and agreed to invalidate the election of the 18 MPs, but asked President Joseph Kabila to urgently convene a constitutional meeting to draw all the conclusions from the faulty operations of the justice system. **[127a hard copy only]**

6.151 On 31 October 2007 the Africa Research Bulletin reported that the new United Nations Development Programme (UNDP) PACE project which would support and assist the Congolese electoral cycle from 2007 to 2011 had been launched on 4 October. Initially the project aimed to assist and support the organisation and holding of the local elections, envisaged for 2008. The report went on to say that the DRC envisaged the holding of elections and the

creation of a National Independent Electoral Commission (CENI), which would replace the IEC, as mandated in the new DRC constitution to organise future elections. The report also stated that the PACE project's first goal was to assist the CENI to complete the identification and registration of voters, and to hold the forthcoming elections. **[2e hard copy only]**

6.152 MONUC reported on the 7 December 2007 that on that day, a one day plea for equal man-woman representation within the National Independent Electoral Commission (CENI), initiated by the Permanent Dialogue Framework of the Congolese Woman (CAFCO), was held in the Palais de Peuple in Kinshasa. The aim was that members of parliament respected the equality man-woman law in the bill on the CENI. They were addressed by the Special Representative of the UN Secretary General for the DRC, William Swing, who encouraged CAFCO in their plea which "is justified and completely legitimate" and on which female representation in the future local elections depends. Mr. Swing recalled that it is the will of the UN to encourage the active participation of women in decision making, referring to Security Council Resolution 1325 on "Women, peace and Security". He went on to congratulate the country in devoting article 14 of the Constitution in this regard, but deplored the application of this law which "was not effective through the electoral law", because of article 13 which stipulates that "the non realisation of man woman equality during the next elections is not a reason for inadmissibility of a list". **[56cs]**

See also Section 8.117 on Katanga; Section 17.09 on Freedom of association and assembly; 17.16 on Opposition groups and political activists; Section 18.01 on Freedom of speech and media; Section 26.01 on Children – Basic information; Section 33.06 on Official documents.

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Human rights

INTRODUCTION

7.01 Amnesty International's (AI) 2007 annual report drew attention to the continuing serious abuses of human rights in the DRC, noting that:

"The Democratic Republic of the Congo (DRC) remained unstable, and several regions of the country suffered widespread insecurity and ethnic tensions. Sporadic conflict continued in most eastern provinces. Extrajudicial executions and other unlawful killings, arbitrary arrests, unlawful detentions, acts of torture or ill-treatment, and life-threatening prison conditions continued on a daily basis. Decades of neglect, poor governance and mismanagement of resources, compounded in the east by war, left essential services and infrastructure, including the justice, health and education sectors, in a state of near-collapse." **[11w] (Overview)**

7.02 The AI report continued:

"Acts of torture and ill-treatment, committed by government security services and armed groups, were routinely reported across the country. Arbitrary arrests, illegal detention, including incommunicado and secret detention (sometimes amounting to enforced disappearance) and prolonged detention without trial remained commonplace. Extremely harsh conditions were reported in most detention centres and prisons, in many cases amounting to cruel, inhuman or degrading treatment. …

"Human rights defenders continued to receive anonymous death threats and were routinely harassed by the authorities. …

"Some perpetrators of human rights abuses were brought to justice. However, impunity persisted in the majority of cases and the government awarded certain armed group leaders command positions in the FARDC, despite well-founded allegations against them of serious human rights abuses." **[11w] (p3-4)**

7.03 The HRW World Report 2008, commenting on events in 2007, stated: "Despite widespread optimism following the 2006 elections, violence against civilians, political repression, and impunity has continued… All sides in the conflict commit atrocities against civilians, especially women, and a further 350,000 people joined the hundreds of thousands already displaced. In western Congo, soldiers and police killed more than 100 persons protesting corruption in the Bas Congo provincial elections. In March [2007] the soldiers and bodyguards of opposition leader Senator Jean-Pierre Bemba clashed with government soldiers in the heart of Kinshasa, leaving hundreds of civilians dead. Law enforcement officials arbitrarily detained over 300 people linked to the opposition, including journalists and members of civil society, and brutally tortured some of them. Few military or civilian authorities were held accountable for past crimes. Warlords and militia leaders continue to be awarded top army positions instead of facing justice for their abuses." **[5ad] (overview]**

7.04 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2008 (USSD 2007) reported that:

"In all areas of the country the government's human rights record remained poor, and security forces acted with impunity during the year, committing numerous serious abuses, including unlawful killings, disappearances, torture, and rape, and engaged in arbitrary arrests and detention. Harsh and life-threatening conditions in prison and detention facilities, prolonged pre-trial detention, lack of an independent and effective judiciary, and arbitrary interference with privacy, family, and home also remained serious problems. Security forces recruited and retained child soldiers and compelled forced labor by adults and children. Members of the security forces also continued to abuse and threaten journalists, contributing to a decline in freedom of the press. Government corruption remained pervasive. Security forces at times harassed local human rights advocates and UN human rights investigators. Discrimination against women and ethnic minorities, trafficking in persons, child labor, and lack of protection of workers' rights continued to be pervasive throughout the country." **[3k] (Overview)**

7.05 AI, HRW, ICG and other observers also referred to the failure of the different factions of the previous conflict to put aside their competing interests in the interests of national unity, and to the lack of political will to make progress with setting up integrated state structures. **[5k] (Overview) [11f] (Overview) [30a] (p9) [39a] (Overview) [39c] (Overview) [39d] (p3)** The HRW World Report 2008 stated that during the year political agreement to integrate combatants loyal to General Laurent Nkunda, and other factions involved in the war, had failed. **[5ad] (Overview)**

7.06 A statement issued by Amnesty International on 22 February 2006 called on the DRC government to take concrete steps to identify and bring to justice individuals, including state officials, responsible for threatening human rights activists. The report goes on to say:

"Human rights defenders in DRC often work in conditions of extreme danger. Congolese activists have previously been victims of torture, extrajudicial execution and arbitrary arrest. In most areas the local political and military authorities are hostile to the activities of the local NGOs, which they fear may expose their involvement in human rights violations. The activists are frequently called in by the authorities for questioning or to settle so-called 'administrative matters' that are in reality thinly disguised acts of intimidation; their offices are subject to unannounced arbitrary visits by security officials. In some cases, human rights activists have been threatened with death at gunpoint. On 31 July 2005, human rights activist Pascal Kabungulu Kibembi, the Secretary-General of Héritiers de la Justice (Heirs of Justice), a leading human rights organization, was murdered at his home in the eastern city of Bukavu, allegedly by soldiers." **[11i] (Background)**

7.07 A report from the UN News Service in March 2007 stated:

"Summary executions, enforced disappearances, mass arbitrary arrests, ill-treatment and torture of civilians for their political affiliations as well as rape continued at an alarming rate in the Democratic Republic of the Congo (DRC) in a climate of total impunity in the second half of 2006," **[93f]**

7.08 The South African Press Association and allAfrica.com reported on 16 May 2007 that the UN's top human rights official, Louise Arbour, had called for the listing of serious abuses committed in the DRC between 1993 and 2003, before taking them to the International Criminal Court. "In the second phase, this list could be presented to the government and people of the DRC, who could decide on which options to take … to compensate the victims," she said. She went on to say that President Joseph Kabila had welcomed the initiative and pledged to tackle the issue of impunity. **[74bc] [83p]**

7.09 However, the 2008 Human Rights Watch report noted that even where individuals were identified as having been responsible for grave violations against human rights, the judicial system such that most escaped with near total impunity. "Only a handful were arrested and prosecuted while dozens of others were promoted to senior positions in the army or the government. In one exceptional case the Ituri warlord Chief Kahwa Mandro was tried on charges of war crimes and crimes against humanity, but he was acquitted after an appeals process marred by irregularities. The judicial process continued to be characterized by political interference and corruption." **[5ad] (p1-2)**

For further information see relevant sections, including:
Section 3.04 on Events of 2005;
Section 6.01 on Political System;
Section 8.01 on Security situation;
Section 8.15 on Security situation – Eastern DRC;
Section 10.20 on Police; Torture
Section 10.29 on Armed forces; Torture
Section 11.01 on Military service;
Section 14.01 on Arrest and detention - Legal Rights;
Section 16.01 on Death Penalty;
Section 17.09 on Freedom of association and assembly;
Section 22 on Ethnic Groups;
Section 25 on Women;
Section 26 on Children;
Section 31 on internally displaced persons;

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SECURITY SITUATION - GENERAL

8.01 The International Institute for Strategic Studies (IISS), Armed Conflict Database, accessed on 11 March 2008, noted the findings of an International Rescue Committee (IRC)report that stated "…that 5,400,000 people had died from war-related causes in the DRC since 1998, a figure almost one and half times higher than previous estimates. …Ethnic violence increased during the year. Population movements following the government offensive in December [2007] were increasingly ethnically based, confirming a warning in September by Human Rights Watch that fighting between the Congolese Army and forces loyal to dissident General Laurent Nkunda was increasing ethnic tensions in eastern DRC." **[41b] (p1)**

8.02 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2008 (USSD 2007) reported that during 2007 "…government control of many areas of the country remained weak, particularly in North and South Kivu provinces." **[3k] (Overview)** In some areas (mainly the eastern provinces), conflict increased with "army units loyal to dissident General Laurent Nkunda deserted and the Democratic Liberation Forces of Rwanda (FDLR) and Mayi-Mayi militias refusing to demobilise. There were a reported 1,301 conflict-related deaths, though the actual number of fatalities is likely to be far higher." (The International Institute for Strategic Studies, Armed Conflict Database, accessed on 11 March 2008) **[41a] (p1)**

8.03 The USSD 2007 noted that civilian authorities did not maintain effective control, and different sections of Government acted independently or contrary to the interests of the others. It also reported that during the year the Government had made progress in integrating key institutions such as the army and the police. **[3k] (Overview)** However, there were signs that President Kabila was continuing to bolster his power base by appointing loyal commanders to head the "…armed forces and the national intelligence agency. This was widely perceived as an attempt to remove ex-rebel officers." (The International Institute for Strategic Studies, Armed Conflict Database, accessed on 11 March 2008) **[41a]**

8.04 A number of sources noted the importance of the United Nations peacekeepers, MONUC, to the continuing fragile stability within the country. **[3k] [56ax]** Serious concern was therefore expressed by Oxfam, when the UN's mandate was due to expire in 2007. Gains in stability made since the 2006 elections were reported to be fragile with the country's fledgling democracy remaining unstable. The aid agency said despite the shift towards democracy, the DRC remained very weak in a number of important areas, specifically human rights, with the reform and effective operation of the army and police essential before any withdrawal should take place. **[56ax]**

8.05 On 15 May 2007 Reliefweb reported the United Nations Security Council had unanimously adopted resolution 1756 (2007) which extended the deployment of MONUC until 31 December 2007. **[92p]** On 30 January 2008 the UN Security Council passed resolution 1797 authorising MONUC to remain in the DRC to assist the Congolese authorities to organise, prepare and conduct local elections. Provincial elections are expected to be held in the latter half of 2008. (Democratic Republic of the Congo – MONUC) **[56cz]**

8.06 News reports documented the continuing instability caused by raids from rebels groups based in the DRC and neighbouring countries. The situation was particularly problematic in the east of the country, specifically areas bordering Burundi, Rwanda and Uganda, where "negative forces" were responsible for indiscriminate acts of violence. The problem was further complicated by a long running dispute between the DRC and Uganda over the ownership of Rukwanzi Island. However, despite a number of sticking points (specifically the DRC's unwillingness to allow a joint military force within its borders), the DRC Government engaged with neighbouring countries throughout 2007 in an attempt to find a new approach towards tackling the rebels groups. **[95bp] [74be] [74ci]**

8.07 On 2 March 2007, MONUC reported that a regional parliamentary meeting held in Kinshasa, on the International Conference on the Great Lakes region, (following the meeting held on 15 December 2006), had been held for three days from 26 February to 28 February 2007. The meeting was hailed as "a step forward" by the UN. The parliamentarians considered and debated on their role in contributing to the fast ratification and implementation of the Great Lakes regional pact on security, stability and development, with the support of the respective populations. The respective countries committed themselves to establishing a regional parliament forum in order to encourage dialogue; to contribute to the mobilisation of internal and external resources for the implementation of the programmes and to urge their states to quickly honour their financial contribution to the ordinary budget of the secretariat of the Great Lakes pact. **[56be]**

8.08 On 9 September 2007 the Ugandan publication *The New Vision* reported that the presidents of Uganda and the DRC had met in Tanzania and had agreed to immediately remove troops from the contested Rukwanzi Island on Lake Albert, and that within a month, a joint team of experts from both countries, and members from other countries will demarcate the joint border. **[114c]** Radio Okapi reported on 22 December 2007 that the island would temporarily be under joint DRC-Uganda administration and a joint police force, but that the administration would be temporary. Its mission would be to protect the population and to maintain public order, and that anyone arrested would be tried in their respective countries. **[64bv]**

8.09 Following Kabila's presidential win in November 2006, FARDC began pushing for the militias aligned with the two main opposition leaders to disarm and integrate into the national force. **[15cl]** President Kabila decreed that all former vice president's demobilise "… their militias and replace them with twelve police officers for close protection. With an ultimatum set for March 15, brinkmanship between hard-liners on both sides led to a deadly confrontation on Kinshasa's main boulevard…" (United States Institute of Peace, February 2008) **[47a] (p14)** The situation came to a head when demands to demobilise was rejected by both sides and a request for further negotiations was rejected. On 16 March 2007 the BBC reported that the Defence Minister told the BBC that violence would not be used to disarm the guards. **[15cl]** However, on 17 March 2007 the South African Press Association reported that the armies of Jean-Pierre Bember and Azarias Ruberwa had refused to disband. **[83h]**

8.10 On 21 March 2007 Reuters reported that the previous day the UN had deployed dozens of soldiers and vehicles outside Bember's residence amid fears of clashes between his security guards and FARDC soldiers. **[21as]**

8.11 However, the USSD 2007 noted that the situation escalated out of control with a series of armed confrontations between the 21 and 23 March 2007. Armed confrontations between "…forces loyal to President Kabila and those of Movement for the Liberation of the Congo (MLC) leader and former vice president Jean-Pierre Bemba killed approximately 300 persons, including many civilians, according to the multidisciplinary investigative team headed by the UNHRO. During the fighting, soldiers from both forces looted homes, schools, and businesses. The team also determined that pro-Kabila forces used excessive force and engaged in summary executions." (USSD 2007, 11 March 2008) **[3k] (overview)**

8.12 Reuters reported on 30 March 2007 that following the violence, the government had ordered Bemba's arrest for high treason. However, the MLC leader and his family had taken refuge in the South African embassy. Following intervention from the international community, the DRC government agreed that Bemba could leave the country to receive medical treatment in Portugal. **[21cj]** (BBC News, 28 March 2007) **[15ec]**

8.13 The USSD 2007 noted that following the events in March 2007, "…an elite armed force under the control of the president, arrested over 200 persons, mostly from Equateur Province (Bemba's province of origin), and subjected a significant number of them to cruel, inhuman, and degrading treatment. The UN called on the government to investigate the incident fully through the use of an independent investigative body and take action against those responsible. The government did not initiate any investigations or prosecutions against any FARDC or GR soldiers for roles in the killings or detentions. However, the chief military prosecutor established a commission to look into the legality of the detentions. By year's end authorities had released only five of the detainees, and they did so on medical grounds." (USSD 2007, 11 March 2008) **[3k] (overview)**

8.14 On 28 November 2007 allAfrica.com reported that the authorities in the province of Equateur had imposed a night-time curfew in the area until further notice in a bid to curb insecurity, including murder and extortion by armed men. The 11pm to 5am curfew would apply mainly in the capital, Mbadaka, and in other areas of the province where cases of murder and extortion had been on the rise. The governor of the province said "There are many armed men roaming about, especially at night, committing murder and extortion. They have not been properly identified, but we know there are at least 18,000 former rebels at large". The report stated that the majority of the demobilised rebels came from the MLC, an armed group headed by Jean-Pierre Bemba, and a demobilisation, disarmament and reintegration process, which was initiated with the formal end to the civil war in the DRC in 2002, has not been completed. However, military authorities in Equateur denied that former fighters were behind the insecurity. **[74dn]**

8.15 The International Institute for Strategic Studies (IISS), Armed Conflict Database (accessed on 11 March 2008), noted that:

"The most significant military development of 2007 came in August, when the mixage process between the FARDC and troops loyal to Nkunda broke down. This effectively ended a tacit agreement and eight-month truce with the FARDC, reached at the beginning of the year, to establish the mixed brigades

Alpha, Bravo, Charlie, Delta and Echo. In mid August, reports surfaced that pro-Nkunda elements of the mixed brigades were deserting their positions in North Kivu. On 28 August, fighting broke out in Masisi and Rutshuru between pro-Nkunda troops and remaining FARDC soldiers. MONUC reported that Nkunda had recruited combatants in Rwanda, and that the DRC had reinforced its troops in Masisi Territory, North Kivu. Estimates of Nkunda's troop strength ranged up to 8,000. FARDC deployments in the Kivus increased in September, October and November, and a major military offensive was launched at the beginning of December around Karuba, Shasha, Ngungu, Mushake and Kashanga in Masisi. The FARDC used heavy artillery, armoured vehicles, two tanks (either Type 59s or T-55s) and two helicopter gunships to move against dissident positions." **[41a]**

8.16 The Economist Intelligence Unit reported in its March 2008 Country Report that: "A peace conference held in January [2008] in [Goma] North Kivu, with the encouragement of the US administration, resulted in a ceasefire agreement signed by 22 armed groups, including those of General Nkunda. However, neither the Rwandan government nor the Rwandan Hutu rebel forces, which control parts of eastern DRC, attended the conference." However, the report considered that while the conference was a positive development, political-ethnic unrest was likely to continue in the Kivus as elements within the DRC and Rwandan governments have an interest in continued instability in the two provinces. **[30g] (p3&7)**

8.17 In late February and early March 2008, followers of the Bundu Dia Kongo (BDK) clashed with police in Bas Congo province. The clashes followed weeks of low-level violence between BDK members, non members and the police. (MONUC, 1 March 2008) **[56cy]** (IOL, 5 March 2008) **[86ag]**

8.18 Sources reported that the violence was concentrated in the towns of Luozi and Sekebanza (MONUC, 1 March 2008) **[56cy]** (Mail and Guardian Online, 5 March 2008) **[105h]**, with claims by some that upwards of 300 people had been killed during the disturbances. Agence France Presse noted, on 29 March 2008 that according to government figures, only 27 people had been killed. However, UN and NGO sources put the figure at between 100-136 dead. **[65a]** (BBC Monitoring, 1 April 2008) **[95ed]** The Mail and Guardian Online reported on 5 March 2008 that UN forces dispatched military and police reinforcements to the province in an effort to calm the situation. **[105h]**

8.19 Agence France Presse noted on 29 March 2008 that the government outlawed the Bundu Dia Congo towards the end of March 2008. **[65a]** However, Jeuneafrique.com reported on 22 March 2008 that the government had not banned the organisation as such, but had withdrawn the BDK's charitable status. **[50a]**

Also see the following sections: Elections Section; Crime Section; Military service; Arrest and detention - legal rights; Annex B Political organisations; Annex D Armed forces in the DRC

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SECURITY SITUATION – EASTERN DRC

8.20 The DRC has been involved in a major civil war in recent years. There has been fighting in the eastern area of the country involving the forces of rebel groups and those of other African countries, including Rwanda and Uganda. The provinces of North and South Kivu, Maniema, Equateur and the Ituri district of Orientale have been badly affected, and violence has also occurred in Katanga and North and South Kasai. (Europa World Online, 20 February 2008) **[1c] (Recent History)** (Institute for Security Studies, 12 January 2005) **[27e] (Security Information)**

8.21 The Country Fact File by the Institute for Security Studies (ISS) commented that "The conflict in the DRC is multidimensional, and the conflict of the last six years has both regional and domestic aspects which have become intermingled. Both Uganda and Rwanda became involved in the DRC following the rupture of their alliance with Kabila and their dissatisfaction with his inability to effectively address their security concerns. Since then they have cultivated their own interests in the areas which they controlled, and this has perpetuated an ongoing cycle of violence which has also stoked further local conflicts." **[27e] (Security Information)**

8.22 The fighting has had a devastating effect on the population in the east, where the infrastructure of transport, commerce, medical and social support was already extremely poor. **[3h] (Overview) [11f] (Overview)** The International Rescue Committee (IRC) stated recently that around 5.4 million people had died as a result of the war. (IISS, accessed 11 March 2008) **[41b]** Grave human rights abuses continued to be carried out in the region by government and rebel forces, including the murder and rape of civilians. (USSD 2007, 11 March 2008) **[3k]**

8.23 Human Rights Watch reported, on 31 January 2008, that:

"The people of the eastern Congo, buffeted by years of war, endured more armed conflict and human rights abuses, including murders, rape, and the recruitment and use of child soldiers, despite political agreements meant to resolve conflicts in the eastern province of North Kivu. Early in the year combatants loyal to the renegade general Laurent Nkunda were integrated into the national army in a process called 'mixage'. The newly established mixed brigades killed scores of civilians and committed rapes and other abuses in their operations against the Forces for the Liberation of Rwanda (FDLR), a Rwandan rebel group based in eastern Congo. By August the political agreements had collapsed and many of Nkunda's former troops returned to his control; renewed clashes between Nkunda's troops and government soldiers followed.

"Government policy towards the FDLR followed a confused and contradictory course, with the army sometimes supporting and sometimes attacking this group. The FDLR, composed largely of Rwandese combatants, is supposedly committed to overthrowing the current government of Rwanda, but in recent years its members have attacked Congolese civilians more than they have engaged the Rwandan military.

"The shifting configurations of the conflict have variously seen all forces fighting each other. The Congolese government, backed by the international community, tried various measures to end the fighting, but failed to address its underlying causes. Although crimes by all parties constituted violations of international humanitarian law, virtually none has been investigated, let alone prosecuted." (World Report 2008 – Democratic Republic of Congo) **[5ad] (p1)**

8.24 On 25 June 2007 allAfrica.com reported that MONUC was taking steps to enable the authorities to bolster security in the eastern provinces. A spokesman for MONUC said that in the previous two weeks UN troops together with FARDC had conducted some 600 patrols in North and South Kivu as part of efforts to restore security and public safety. The spokesman also stated that UN peacekeeping naval units had also stepped up patrols on Lake Kivu to stop the illegal traffic of arms between the DRC and neighbouring countries. **[74bn]**

8.25 Relief Web reported on 18 July 2007 that MONUC had announced that they were deploying to the northeast of the country to try to intercept incoming rebels from Uganda entering the DRC via Sudan. The UN troops in cooperation with soldiers from FARDC were responding to the appearance of rebels from Uganda's Lords Resistance Army (LRA), who had arrived in the country via Sudan. **[92w]**

8.26 On 17 September 2007 BBC Monitoring reported that the UN had deployed at least 16,000 troops against rebels fighting in the east of the DRC. The UN Ambassador stated "We have deployed 90 per cent of 17,000 of our forces to eastern (DR) Congo". He also said that the UN had deployed a full battalion brigade in Ituri and reinforced three battalion brigades in North Kivu, and another three in South Kivu. He also said a small battalion brigade had been deployed in Kitenge. **[95da]**

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NORTH/ SOUTH KIVU

8.27 "The activities of Rwandan and allied Banyamulenge (Congolese Tutsi) soldiers have been strongly resented by soldiers and militias from other Congolese peoples. The problem was especially serious in the Hauts Plateaux region of South Kivu province, where Babembe (Maï-Maï) were set against Banyamulenge, with foreign support for both groups. The Banyamulenge have been in the Democratic Republic of Congo for more than 200 years, but for many Congolese they remain Tutsi from Rwanda and are treated as foreigners. Laurent-Désiré Kabila used the Babembe in his long struggle against Mobutu Sese Seko, but they refused to help him when he incorporated Banyamulenge and members of the Rwandan Patriotic Army into his fighting force. Indications of anti-Tutsi groups forming an alliance against the Tutsi-dominated forces of Laurent-Désiré Kabila and his erstwhile Rwandan allies emerged, inter alia, in the form of, for example, the Alliance for Democratic Resistance (Alliance pour la Résistance Démocratique: ARD), headed by Leonard Nyangoma, of the Burundian National Council for the Defense of Democracy (Conseil National pour la Défense de la Démocratie:CNDD). Maï-Maï ethnic militias from the Kivu provinces sided largely with Kabila's forces

and the various Hutu militias insofar as they all opposed Tutsi influence in the region.

"While the CNDD-FDD has now become part of the political establishment in Burundi (thereby relinquishing its rebel status and moving out of the Democratic Republic of Congo), militant Hutu Rwandans have remained as a significant presence in the Democratic Republic of Congo. The disarming of these anti-Tutsi forces (as reconfirmed by the July 2002 Pretoria accord with Rwanda) is proving to be one of the most daunting challenges in the peace process, not least because Rwandan occupation was incredibly unpopular in the Kivus, and Kigali was still perceived by some to be manipulating local conflict in its favour. Such tensions retained considerable potential to derail the national political transition process, as seen during the Bukavu crisis of mid-2004 and a pro-Banyamalunge militia offensive against both pro-Hutu militia and the Congolese army in North Kivu in December 2004.

"Since the elections in 2006, sporadic destabilising attacks by unreconciled militia have continued, with renegade general Laurent Nkunda a particular thorn in Kinshasa's side. Having originally launched his rebellion in 2004, when he and his fighters staged a week-long occupation of Bukavu ostensibly to protect Banyamulenge from alleged attack by anti-Tutsi forces, Nkunda has remained outside the political process despite initial optimism over a peace deal signed in January 2007. Escalating clashes since mid-2007 have displaced hundreds of thousands of Congolese, worsening the humanitarian crisis in North Kivu. A government counter-offensive in December against the rebels initially saw Congolese troops retake territory from the rebels, although they were hit by setbacks within days, with Nkunda's forces again retaking the towns of Mushake and Karube." (International Institute for Strategic Studies, accessed 11 March 2008) **[41c] (Security)**

8.28 The United Nations reported on 15 April 2008 that its mission in eastern DRC had "made solid progress" in stabilising the situation, "…but the continued presence of armed rebels and militias meant the region will remain the overwhelming focus of its operations for some time…" Two thirds of MONUC's troops are currently based in North and South Kivu with the mission claiming that it "… was making relative progress in restoring State authority to areas formerly controlled by rebels or other irregular armed groups…" **[93q]** On 7 April 2008, Mr Alan Doss, the Special Representative of the UN Secretary General, explained at the launch of the next phase of the Goma peace accord – the "Amani Programme" or realisation phase – that in spite of the "… many violations of the cease-fire…" most were "…due to banditry than to real military action; none of the violations were likely to affect the peace process..." (MONUC) **[56d]**

8.29 However, a spokesman for the International Committee of the Red Cross stated that the situation in North and South Kivu remained "dangerous" in spite of the progress made at the Goma Peace Conference in January 2008. (Thai Press Reports, 15 April 2008) **[154a]**

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ITURI (NORTH KIVU)

8.30 Jane's Security Sentinel noted (updated 7 January 2008) that the violence in Ituri region had arisen between the Ugandan-backed Hema and Kinshasa-backed Lendu militias. The problems in the region were apparently "…stoked by Ugandan intervention in the area and the shifting alliances of the trilateral Uganda-Rwanda-Kinshasa conflict in 2002/03.

"The Ituri Pacification Commission, resulting from the bilateral peace accords signed in Luanda in September 2002, failed to make headway against the chaotic situation around Bunia and the main Hema and Lendu armed factions remained outside the overall political dialogue until May 2004. The conflict subsequently transcended ethnic lines, before a successful drive by the UN peacekeeping mission, known as MONUC, (helped in part by the Congolese army) resulted in the demobilisation of 15,000 combatants in the Ituri region in 2005, making the area MONUC's most successful sphere of operation." **[151a] (Security)**

8.31 The Economist noted in it's 2007 Country Profile that:

"There has also been continued, although increasingly sporadic, violence during 2006-07 in the troubled Ituri region of Orientale province. The main warring militias, including Front nationaliste et intégrationiste (FNI) [Hema] and Mouvement révolutionnaire congolais [Lendu], have signed numerous peace, disarmament and amnesty deals but have been reluctant to implement them, preferring to continue their conflict with each other and the Congolese armed forces instead. However, in an apparent breakthrough, in April 2007, Peter Karim, a commander in the FNI, formally joined the Congolese armed forces as a colonel, resulting in the disarmament and demobilisation of hundreds of his fighters. The disarmament process has continued since, and MONUC has expressed cautious optimism that peace may be returning to Ituri." **[30f] (p12)** IRIN published on 20 April 2005 a report 'Who's Who in Ituri' giving background on the main parties to the conflict. **[18bm]**

8.32 The United Nations Secretary-General's twenty-first report of June 2006, noted that a fundamental cause of ethnic tension in Ituri was land ownership. **[54i]**

8.33 On 21 January 2008 UPI reported that the UN had said that violence against women, including rape, continued to be a problem in Ituri. A report released in November 2007 had said that since 2003, between 30 and 500 persons reported sexual assaults each month. The head of the Office for Gender, Family and Children in Ituri said "the statistics do not give the real picture on the ground". The report went on to say that at least 30 boys, some as young as 14, have been detained on rape charges at the central prison in Bunia. **[148a]**

8.34 As previously mentioned, the UN's handling of the situation in Ituri and it's subsequent success in pushing forward the demobilising process resulted in around 15,000 combatants laying down their arms or being integrated into the Congolese army. However, while being MONUC's most successful operation, the process has throughout been torturously slow with setbacks often following gains. **[41c] (Security) [30f] (p12)** The UN News Service reported on 5 November 2007 that the last three warlords from Ituri, Peter Karim of the FNI,

Cobra Matata of the FRPI, and Mathieu Ngudjolo of the MRC, had joined FARDC and had been flown to Kinshasa along with 13 of their officers to begin army training, while the majority of their disarmed fighters – about 300 men – would join the 'brassage' process in Kitona, along with another 44 ex-combatants flown to Kitona on 3 November, **[93k]** MONUC reported on 16 October 2007 that while most rebels groups had surrendered and entered the 'Brassage' process, a significant number of combatants had not surrendered. **[56cr]**

8.35 However, while the main rebel groups had finally joined the 'brassage' process, allAfrica reported on 21 January 2008 that MONUC had appealed to members of the Ituri Patriotic Resistance Front (FRPI) to surrender to FARDC, whose troops were removing insurgents from their hideouts in the towns of Kamatsy and Tchei, after two days of violent clashes in Bunia between FARDC and the Front had left two soldiers dead and another two wounded, while seven militiamen were captured. **[74do]**

8.36 On 18 October 2007 the BBC reported that Germain Katanga who had led the FRPI in 2003, and had been arrested in 2005, had been flown to the International Criminal Court in The Hague. He was accused of murder, sexual enslavement and forcing children under 15 to fight as soldiers. **[15dy]** A further report form the same source on 22 October reported that Katanga had appeared before the court. **[15dz]**

8.37 Thousands of Congolese civilians remained displaced by fighting in Ituri between Congolese forces backed by MONUC troops and remnants of various defunct militias, namely the Front nationaliste et integrationiste (FNI), and the Forces de résistance patriotique en Ituri. Some IDPs were able to return to their homes once violence had subsided but other remained displaced. **[18ct] [54i]** BBC Monitoring reported on 9 November 2007 that according to the UN the threat of violence from rebel remnants was preventing thousands of IDPs from returning home, while harassment from regular troops was adding to their woes. "With dissident groups hiding in the forest, displaced people dare not return to their villages. At the same time they are being mistreated by the army in the very areas where they are seeking refuge", a UN spokesman said. He was referring to 2,890 displaced households; some 14,450 people form Lalo, Dhera, and Doi and Du villages in the Djugu district. UN investigators found that the army was forcing civilians to work as porters over long distances, and was exacting "taxes" at roadblocks on market day. **[95dr]**

8.38 In addition to violence perpetrated by rebel groups in Ituri, both the Congolese army (FARDC) and the United Nations peace keeping force (MONUC), were found to have been responsible for a large number of very serious human rights violations, including murder. On 30 July 2007 allAfrica.com reported that MONUC had welcomed the conviction by a court in Bunia of nine FARDC soldiers for killing 31 unarmed civilians last year. The nine defendants were found guilty of war crimes, rape, arson, pillaging and murder. The court handed down lengthy sentences, including life in prison for the leader of the assault on 11 August 2006. Most of the victims had been displaced by the violence in eastern DRC. MONUC stated that although the ruling sent a strong message against impunity in the DRC, much remained to be done, including the prosecution of similar cases. **[74ce]**

8.39 In the previous month, (12 June 2007) Reuters reported that MONUC was investigating allegations that Bangladeshi troops had beaten and killed prisoners in reprisal for the ambush that had killed the nine troops. A UN spokeswoman said that there had been a number of investigations into this case and an earlier probe had found that "excessive force was used against detainees who were reportedly trying to escape". Still, a new investigation was scheduled on the allegation, reported in the Financial Times, which said that UN peacekeepers captured 30 suspected militia men in February 2005, and that Bangladeshi soldiers detained 15 of them in makeshift cells, and allegedly beat and killed some of them. **[21bj]**

8.40 Foreign armed groups, including Ugandan rebels, the Lord's Resistance Army, the Sudan People's Liberation Army (SPLA) and the ex Sudanese rebels the Mbororos, continued to operate within Oriental Province. On 24 January 2008, the SPLA crossed into the DRC and attacked Kengezi base border post. Officials from both countries met to resolve the situation, but demands from the Sudanese that a buffer zone be set up within DRC territory was rejected. Calm was reported to have returned to the Kengezi base area, but tensions remained between FARDC and the Sudanese rebels who remained on DRC territory. (Radio Okapi, 28 January 2008) **[64bz]** In the Haute Uele district armed groups from the Lord's Resistance Army and the Mbororos continued to cause problems in the region, The commander of the 9th military region pledged to restore order in what some NGOs described as a deteriorating and worrying situation. (BBC Monitoring, 2 February 2008) **[95ec]**

8.41 In spite of the relative calm in Ituri, occasional skirmishes between the army and the FRPI (Patriotic Resistance Forces in Ituri) were reported to continue. (Inter Press Service, 17 April 2008) **[153a]** The International Institute for Strategic Studies (accessed 11 March 2008) noted that "…ongoing fighting between government troops and rebel militias had displaced more than 1,000 civilians… The army confirmed the death of three of its soldiers in operations against Patriotic Resistance Forces in Ituri (FRPI) rebels on 25 January in Hero locality." **[41c]** However, the Inter Press Service reported the fears of some officials in Ituri who believe that "… Uganda's political and business establishment are still arming factions in Ituri so as to continue exploiting the region's natural resources." **[153a]**

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GOMA PEACE CONFERENCE – JANUARY 2008

8.42 The United Nations Security Council reported on 2 April 2008 that:

"In order to address the escalating crisis, the Government announced its intention to organize the long-awaited Conference on Peace, Security and Development in the Kivus. With the active engagement of and support from MONUC and international partners, the conference was held in Goma from 6 to 25 January. In all, 1,250 delegates attended, including representatives of Congolese armed groups, local communities, local authorities, political parties and civil society. The work of the conference was conducted in two seminars, one for North Kivu and one for South Kivu. At each seminar four committees were set up to consider issues relating to peace, security, social and humanitarian affairs and development. …

"A key outcome of the conference was the adoption, on 23 January, of two statements of commitment for North and South Kivu. The statements were signed by all participating Congolese armed groups, including CNDP and Banyamulenge insurgents from South Kivu, represented by the Forces républicaines fédéralistes. … The statements committed the armed groups to (a) accepting a ceasefire, to be monitored by MONUC; (b) agreeing that all militias should undergo disarmament, demobilization and reintegration or brassage; and (c) facilitating the return of refugees and internally displaced persons. The Government in turn committed itself to presenting to Parliament a measure renewing until January 2008 the amnesty law, which had expired in 2003, and extending it to cover recent acts of war and insurrection. The amnesty would not, however, apply to war crimes, crimes against humanity or genocide.

"The statements of commitment did not address several key issues, including the timeline for disarming the armed groups and modalities for brassage. The signatories agreed to establish a joint technical commission on peace and security to address those issues and to monitor implementation. It was agreed that the commission would comprise representatives of the Government, the armed groups and international partners.

"To support the work of the commission, an ad hoc ceasefire monitoring mechanism, chaired by MONUC, became operational on 10 February. As at 15 March, the mechanism had received 108 reports of violations, of which 64 had been verified, 30 had been confirmed as non-violations and 14 remained under investigation. Most violations were reported in North Kivu, involving FARDC, CNDP, the Coalition of Congolese Patriotic Resistance and Mayi-Mayi groups." **[54a] (p2)**

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KATANGA

8.43 The International Crisis Group noted in 'Katanga: the Congo's Forgotten Crisis', that Katanga province has had a long history of unrest which has been worsened by the involvement of 'Western powers', eager to maintain control over the province's rich mineral resources. (Published 9 January 2006) **[33] (Introduction)**

8.44 The Institute for Security Studies noted in a report published in 2005 that the provinces of Katanga, along with Kasaï were recognised by MONUC as potential conflict areas. "In Katanga, rivalry between northerners and southerners creates a dynamic that is exacerbated by competition for economic and political power in Katanga itself and revolves around the presidency of Joseph Kabila, who is from Katanga. In addition, many people of Kasaian origin in Katanga have become the objects of vilification, particularly from prominent Katangan personalities." **[33] (p55-56)** This view was echoed by the International Crisis Group who noted in 'Katanga: the Congo's Forgotten Crisis' that: "The home province of President Joseph Kabila and many senior Kinshasa politicians is divided by three conflicts: tensions between southerners and northerners, between outsiders and natives, and between Mai-Mai militias and the national army." **[39g]**

8.45 The Institute for Security Studies paper stated that prominent Katangan personalities, in order to achieve their objectives of support for President Kabila "have supported the tribal 'Mai Mai' militias as well as urban gangs that are available for hire for political agitation and violence against political and ethnic opponents, including members of the Union pour la Démocratie et le Progrès Social (UDPS) party of Kabila's main opponent, Etienne Tshisekedi, who is supported by many Kasaians." **[33] (p55-56)**

8.46 More than 300,000 people were reported to have been displaced in the province as a result of insurgent activities. The Mai-Mai were considered the greatest security threat to Katanga with "… more than nineteen warlords in the northern and central territories command bands – estimated by the UN to total 5,000 to 8,000 – who regularly abuse the local population." (International Crises Group, 9 January 2006) **[39g] (p2)** However, a report from the United Nations, published on 19 March 2008, stated that conditions had improved to such an extent that it was now safe for refugees to return to the province in spite of "recent agitation" that the UN would return Banyamulenge. **[18gj]**

8.47 The United Nations Secretary General noted in December 2005 that armed groups in northern and central Katanga continued act with impunity resulting in an ever worsening security situation for civilians. **[54h]** In May 2006, MONUC reported that Mai Mai rebels and FARDC had been responsible for a large number of serious offences raging in seriousness from summary execution, through to rape and kidnapping. MONUC denounced the actions of these groups in the strongest terms calling for the perpetrators of crimes to be pursued, and for an inquiry into the presumed summary executions to be opened immediately. **[86d]**

8.48 In a report from the International Crises Group dated 9 January 2006 it was reported that the election campaign had reignited conflict between Katangans and immigrants from Kasai province. It also reported that the Union of Congolese Nationalists and Federalist Party (UNAFEC) was using youth gangs to intimidate the opposition, who are often Luba. **[39g] (Executive summary)**

8.49 With regard to the elections and the political parties involved in Katanga the ICG report states:

"The various conflicts in the province have set the stage for a tense electoral season. While all major Congolese parties are represented in Katanga, only a few have significant support. The main players in the presidential elections will be UNAFEC, which will probably back Kabila, UDPS and PPRD. The other two main former belligerents, the Movement for the Liberation of the Congo (MLC) and the Rally for Congolese Democracy (RCD), are weak in Katanga. Smaller provincial parties such as the National Congolese Confederation (CONACO) and the National Union of Federalist Democrats could get support in the legislative and local elections but risk being outmatched by the larger parties' resources. It is possible, however, that a coalition of smaller parties from the south could rally against Kabila with the support of civil society groups like Solidarité Katangaise." **[39g] (p6)**

8.50 The UNSG reported that during the period up to June 2006 the continued existence of armed groups in the central and northern districts of the province

remained a major concern. FARDC operations against the Mayi-Mayi, which began in mid-November 2005, were initially unsuccessful and contributed to the deterioration of an already precarious humanitarian situation by forcing 150,000 civilians to flee their homes. Following intensive sensitisation efforts by MONUC in March and in agreement with FARDC regional command, elements from the main Mayi-Mayi group led by Kyungu Mutanga, known as Gédéon, surrendered to MONUC in April and began disarming in May. On 8 May, close to 200 Mayi-Mayi fighters surrendered at Lubumbashi. Among them were 50 men and 100 women and children. Subsequently, on 12 May, Gédéon surrendered to MONUC together with several commanders and 750 followers. Subsequently in his report of September 2006 the UNSG stated that MONUC had learned that Gédéon may be given a command position and an officer rank upon being integrated into the army. MONUC had contacted the Auditeur militaire requesting that he expedite the judicial investigation into the crimes of which Gédeon is suspected, and of those of several other Ituri militia leaders. All the investigations have been effectively blocked, in most cases by political and military interference. **[18df] [54i] [54j]**

8.51 From June to September 2006 the situation in Katanga remained relatively calm, with the exception of the northern and central areas of the province where Mayi-Mayi groups remained reluctant to demobilise. Splinter factions continued to commit atrocities, especially in the Pweto, Mitwaba and Manono triangle. On 28 August another Mayi-Mayi commander, Fidel N'tumbi surrendered and 171 of his followers disarmed by 8 September 2006. The unpaid and non-*brassaged* FARDC brigades in the area continued to be a security risk and continued to prey on the local population causing displacement. **[54j]**

8.52 On 20 December 2006, MONUC announced that a total of 2,500 Mai Mai elements in Katanga had surrendered and entered the brassage process. **[57ap]**

8.53 BBC Monitoring reported on 25 July 2007 that the commander of a MONUC Brigade as saying that there were pockets of Mai Mai combatants in North Katanga Province, although the security situation remained relatively calm. At Kongolo the Mai Mai combatants and their dependants numbered some 1000 people, while in other areas of Katanga; they numbered between 200 and 500, except at Mitwaba where a General Maho was reportedly at the head of 500 men. **[95ch]**

8.54 On 1 August 2007 BBC reported that UN monitors had evacuated the town of Moba after two of their civilian staff were injured in rioting that took place when people took to the streets, angered by rumours that ethnic Tutsis who fled during the war may be returning to the area. According to the report the unrest began in the early hours of the morning with people shouting anti-Tutsi slogans. The UN's offices were then targeted and some vehicles destroyed. **[15dc]**

8.55 IRIN reported on 2 August 2007 that calm had returned to Moba after demonstrators wounded four UN military observers and destroyed several offices belonging to the UN and NGOs. FARDC troops prevented the crowds from attacking other UN agencies. A spokesperson for the UN said that there were no plans to repatriate the Banyamulenge. The Moba Member of Parliament stated "The news of the repatriation of Banyamulenge refugees did

not please the residents as the Banyamulenge had killed a traditional chief of an indigenous group during the war in 1998". Residents claim that demonstrators were in their thousands, but MONUC estimated the group at less than 1,000. **[18fp]** A week later on 9 August the UNHCR announced that it was resuming operations in Moba. A spokesman said that repatriation efforts would continue, and that the Congolese authorities "have said they are ready to receive them". He said that the refugee agency was trying to sensitise the local population and Congolese refugees to avoid similar incidents in future. **[74ch]**

8.56 On 16 August 2007 the BBC reported that the central government Minister for Rural Development, speaking in Kalemie, had warned inhabitants of the province against propagating rumours of the return of Banyamulenge refugees. According to the Minister, the return of Banyamulenge refugees was no on the agenda of the government, and not even on that of the UNHCR. The Minister was heading a government delegation investigating the incidents in Moba. **[95cs]**

8.57 On 14 January 2008 AFP reported that two days previously a dozen people, including children, had been injured in clashes between demonstrators in Lubumbashi. A rally had been held in the city centre to back the peace conference taking place in Goma. After speeches by the mayor, who had called the rally, the governor and the president of the provincial assembly, students had wrestled to be heard form the podium, but were blocked by supporters of Gabriel Kyungu the speaker of the provincial assembly. The report said that "under an immense rush by the crowd, the injured included children who were hit by thrown stones or violently shoved aside and were trampled as people thronged the podium". **[65ez]**

See also Section 6.15 on Elections; Section 17.16 Opposition groups and political activists

KILWA OCTOBER 2004

8.58 A report by the International Crisis Group in January 2006 Katanga: The Congo's Forgotten Crises states:

"The Kilwa incident offers insight into how close the connection is between politicians, commercial interests and conflict. In the early hours of the morning of 14 October 2004, the lakeside town was attacked and captured by combatants led by Alain Kazadi Mukalayi. According to investigations by MONUC and local human rights organisations, Kazadi had ten to 30 accomplices with only a handful of weapons. He held a public meeting and declared that he was the leader of the Revolutionary Movement for the Liberation of Katanga (MRLK), which had the blessing of President Kabila and the nearby FARDC commander, Colonel Ademar Ilunga. He then distributed money to the local population, recruited soldiers and sacked local government offices.

Two days later, to Kazadi's surprise, Colonel Ademar Ilunga attacked the insurgents from his base in nearby Pweto. While there was no resistance, the FARDC troops rounded up local civilians, accused them of collaboration, and killed many. A MONUC investigation and local human rights group put the death toll at more than 100.

The way the attack was conducted suggests manipulation by local and national officials. Shortly before, Anvil Mining, an Australian company whose shares are traded on the Toronto stock exchange, broke off negotiations with Ademar's brigade regarding security for its warehouse. These talks were allegedly at the behest of General John Numbi, who took an avid interest.
During the previous month, many FARDC troops stationed locally were withdrawn to Kolwezi, apparently on his orders. While he currently commands the air force, Numbi formerly was the regional military commander and often is involved in Katangan military affairs. The day before Kazadi's arrival, Ademar moved heavy weapons and some of his children out of town, and the local administrator evacuated his personal belongings. According to a witness, when Ademar saw Kazadi in the hospital on 16 October, Kazadi exclaimed: "You betrayed me!" He died in detention several days later of wounds sustained during the fighting.

While the real motives behind the attack on Kilwa and its recapture are difficult to pin down, it is likely the fighting was used by Lubumbashi and Kinshasa politicians. The affair may have been intended as a reminder of Numbi's strength in the province and been directed at his rivals, including Katumba Mwanke, a close counsellor of President Kabila who was until recently on Anvil Mining's board, and other southern politicians such as Katebe Katoto, who had interests in the company. The incident was an opportunity for authorities to settle scores and extort money; in the subsequent weeks some dozen individuals – many of them southern Katangans – were arrested for alleged association with Kazadi although these links were often flimsy or non-existent. MONUC concluded: "It is tempting to believe that this group was not an uncontrolled group within a global separatist movement, but the easy prey of a group of manipulators who wanted to create a situation of instability in Kilwa and in fact play a double game".

"Anvil Mining denies any wrongdoing. While it allowed the army to use its vehicles and airplanes during the affair, it claims it did so at gunpoint, although the UN investigation suggests its statements have been contradictory. The World Bank has supported Anvil Mining by giving it insurance worth $10 million in 2005 through the Multilateral Investment Guarantee Agency (MIGA) but has been accused by NGOs of not conducting a thorough investigation into the company's role in the massacre and has asked an ombudsman to look into the matter.

MONUC refused to publish the findings of its thorough investigation until recently, limiting itself to a press statement. Whatever the full story, the Kilwa events indicate that business interests, if poorly managed, can contribute to destabilisation of the peace process and thus are another reason why it is important for bilateral and multilateral donors to support reform in the country." **[39g]**

8.59 In October 2006, based on Congolese Criminal Law and the Rome Statute, nine FARDC officers (four of whom were charged with war crimes), as well as representatives of Anvil Mining were charged with murder, summary execution, torture and other crimes committed during the massacre, and sent for trial by a Military Court in Lubumbashi. **[92h]**

8.60 On 12 December 2006 the FARDC officers went on trial together with three employees of Anvil Mining. Only seven of the nine soldiers appeared in court. None of the three Anvil Mining employees, who no longer live in the country, attended. The soldiers are charged with the summary execution of 26 civilians, as well as rapes, looting and arbitrary arrests during an army crackdown on the uprising in October 2004. The trial was adjourned and resumed on 18 January 2007. **[95ag] [110]**

8.61 On 28 June 2007 Agence France Presse reported that the three employees of Anvil Mining had been acquitted by the military court. Two FARDC officers, Colonel Ademar Ilunga and a lieutenant Sadiaka Sampanda, were jailed for life for the massacre, along with two other FARDC soldiers who received sentences of five years and one year respectively for their part in the atrocities. Five other soldiers were acquitted for "lack of proof". The African Association for the Defence of Human Rights, a DRC-based NGO, denounced the verdict as "a faithful rendering of the government's wish to ensure the impunity of the authors of the Kilwa war crimes, and their collaborators, for political and economic reasons". The verdict was also criticised by lawyers for the victim's families. Since the beginning of the trial in December 2006, lawyers and NGOs blasted the series of adjournments as "manoeuvring" aimed at protecting the reputations of Anvil Mining and the interests of people close to President Joseph Kabila in his fiefdom of Katanga. **[65ch]**

8.62 The UN News Service and Reuters on 4 July 2007 reported that the UN High Commissioner for Human Rights had voiced concern of the decision by the military court to acquit all defendants of killings, torture and other abuses that occurred during the events in Kilwa. "I am concerned at the court's conclusions that the events in Kilwa were the accidental results of fighting, despite the presence at the trial of substantial eye-witness testimony and material evidence pointing to the commission of serious and deliberate human rights violations", she said of the verdict. "I am pleased that an appellate instance will have the opportunity to revisit these findings" she said, urging the appeals court to "fully and fairly weigh all the evidence before it reaches the appropriate conclusions that justice and the rights of victims demand". She also condemned the fact that a military court had tried civilians. The DRC Justice Minister said that he had not yet read the decision of the court and could not comment on the Commissioner's statement. **[93i] [21bt]**

8.63 On 17 July 2007 Agence France Presse reported that four Congolese and international human rights groups had issued a report documenting what they called "serious flaws" and "irregularities" in the trial of nine DRC soldiers for war crimes over the 2004 massacre in Kilwa. The report by two Congolese human rights organisations and the British NGOs Global Witness and Raid, claimed that the trial was plagued by obstructions and political interference, including authorities blocking investigations and witnesses being intimidated. Agence France Presse goes on to say "the report includes extracts of witness testimony and exposes inconsistencies in some defendant's statements, including the mining company employees". They went on to say "from the beginning of the six-month-long trial, lawyers and non-government organisations had blasted a series of adjournments as 'manoeuvring' aimed at protecting the reputations of Anvil Mining and the interests of people close to President Joseph Kabila in his fiefdom of Katanga". The groups also called for a swift appeals trial in the case. **[65cl]**

8.64 On 18 October 2007 Voice of America reported that the families of the victims believed that their court case was being blocked by powerful politicians. The families were appealing the decision of the court in June 2007. (See para 8.307). **[89g]**

See also Annex D Armed forces in the DRC

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BAS-CONGO

Gubernatorial elections – February 2007

8.65 The United States Institute of Peace noted in a report published in February 2008 that: "In late January 2007, members of the religious sect Bundu Dia Kongo (BDK) protesting the appointment of a pro-Kabila governor in Bas-Congo were met with deadly force by the police and the army, resulting in over one hundred civilian deaths." **[47a] (p13)** The protestors claimed that despite having a majority in the province, President Kabila's candidate had been imposed upon the province. (Agence France Presse, 1 February 2007) **[65bc]**

8.66 At a press conference on 15 February 2007 MONUC announced that it had "a total of 260 troops deployed in Muanda and Matadi, to stabilise the province and aid its return to normal socio-economic activity, following the unrest of January 31 and February 1 last". **[56av]**

8.67 On 1 February MONUC condemned the use of violence following the unrest in Bas-Congo the previous week, and demanded that the elected authorities find an equitable resolution to the situation in the province. **[74ag]**

8.68 On 16 April 2007 Monuc reported that on 17 March the Muanda Military Court in Bas Congo had sentenced six FARDC soldiers to nine months imprisonment for having refused to obey a cease fire order given during the violent clashes in the province the previous month. **[56bt]**

8.69 On 12 April 2007 Human Rights Watch published a statement condemning the FARDC for opening fire on unarmed protestors from the BDK, although it also accused the BDK of violence. The report said that 116 people were killed, 104 of which were killed by the army or police, and 12, including ten members of the security forces were killed by the BDK. The report also condemned the BDK saying that although the majority of the protests against alleged corruption were peaceful, in several cases "the BDK demonstrators, armed with clubs, took part in violent illegal acts. These demonstrators killed ten police officers and police, as well as two civilians, broke into and pillaged government buildings and set up barricades". The report also criticised the DRC government officials who it said "didn't consult MONUC… which had the ability to maintain peace and help the civil police" and which "could have stopped the violence". **[5ab]**

8.70 On 24 May 2007 Reuters reported that opposition lawmakers and human rights campaigners had dismissed a parliamentary report on the violence in Bas-Congo province as a whitewash. The report said that government security forces acted against "an illegal group" which attacked them and committed

murder, arson, looting and rape. "The report, as it is written, does not reflect the truth", said Frank Diongo, an opposition MP who served as the commission's vice-president before resigning. "It suggested no punishment whatsoever, even though we know there were massacres of civilians", he added. A spokeswoman for HRW said "this looks to me like a whitewash. Since when does spontaneous firing result in more than 100 dead? This is not a serious response. It seems intended to protect members of the army and the government". Parliament, dominated by allies of President Joseph Kabila, voted to hold the debate on the parliamentary commission report behind closed doors. During a visit the previous week the UN High Commissioner for Human Rights criticised this lack of openness in the probe into the Bas-Congo violence. **[21be]**

8.71 Reuters reported on 27 July 2007 that the report from the UN High Commissioner for Human Rights into the violence in Bas-Congo at the end of January 2007 had stated that soldiers and police in the DRC used "excessive and indiscriminate lethal force" to quash clashes in which 105 people were killed. The report called for those who had perpetrated summary executions and other crimes during the government crackdown on opposition protesters to be prosecuted. The UN inquiry found that while "in certain cases the security forces probably fired in legitimate defence, it appears fairly clear that the PNC (National Congolese Police) and FARDC (Armed Forces of the RDC) used excessive force in firing real bullets on BDK sympathisers only armed with sticks and stones". In her statement the Commissioner deplored "the impunity being enjoyed by security forces" and said that civilians were being tried before military tribunals, in violation of international human rights standards. **[21bx]**

8.72 On 29 May 2007 the Boma Military Tribunal delivered its verdict in the case of seven members of Bundu Dia Kongo charged with rebellion, participating in an insurrectionary movement, murder, criminal conspiracy and theft at the on site hearings in Muanda. Two of the accused persons were acquitted; four were sentenced to three years in prison and the other to five years. The tribunal did not refer to the objections that had been raised at the previous hearing to the competence of the tribunal to try civilians. The defence lawyers have appealed the decision. **[56cb]**

8.73 On 16 February 2007 Agence France Presse reported that the DRC Supreme Court had upheld the election of the governor of Bas-Congo. "The Supreme court of Justice proclaims Simon Mbatshi Batshia elected in the first round", chief justice Tshimbamba Ntoka ruled after a public hearing. **[65bk]**

Events of February/March 2008

8.74 In late February and early March 2008, followers of the Bundu Dia Kongo (BDK) clashed with police in Bas Congo province. The clashes followed weeks of low-level violence between BDK members, non members and the police. (MONUC, 1 March 2008) **[56cy]** (IOL, 5 March 2008) **[86ag]**

8.75 Suggesting a reasons for the clashes, IRIN reported on 6 March 2008 that:

"BDK followers reject Kinshasa's authority over the province and the appointment of outsiders to local government positions and in recent weeks have begun carrying out popular justice through their own improvised

tribunals. Three people suspected of being witches were burned alive by BDK members…" at the end of February "…before the government vowed to restore order in the province…" on 28 February. **[105h]** However, the BDK's leader, Ne Mwanda Nsemi, claimed that the government had effectively provoked disturbances in the province so that it could blame the BDK and avoid having to hold talks on the future of Bas Congo. This view was more or less echoed by NGO group 'Voice of the Voiceless', based in Kinshasa, who also blamed the government for the violence, claiming that "The government is in the process of cultivating violence where it did not exist before…" (IRIN, 6 March 2008) **[18e]**

8.76 BBC News reported on 16 March 2008 that a United Nations internal report stated that the violence of February/March may have escalated following the killing of an army captain - allegedly by members of the BDK. "Since then, the Congolese police have started a campaign against this group that includes destroying its churches and many houses believed to belong to its members." **[15e]**

8.77 Sources reported that the violence was concentrated in the towns of Luozi and Sekebanza (MONUC, 1 March 2008) **[56cy]** (Mail and Guardian Online, 5 March 2008) **[105h]**, with claims by some that upwards of 300 people had been killed during the disturbances. Agence France Presse noted, on 29 March 2008 that according to government figures, only 27 people had been killed. However, UN and NGO sources put the figure at between 100-136 dead. **[65a]** (BBC Monitoring, 1 April 2008) **[95ed]** The Mail and Guardian Online reported on 5 March 2008 that UN forces dispatched military and police reinforcements to the province in an effort to calm the situation. **[105h]**

8.78 IRIN reported on 11 April 2008 that human rights NGO Asadho (African Association for Human Rights) claimed that "…mass graves have been found in the southwestern Bas-Congo Province where security forces recently clashed with followers of…" the BDK. "'The most recent of these graves, containing the remains of 20 bodies, was discovered on 31 March in Materne, between Boma and Matadi towns,' Amigo Gonde, coordinator of…" Asadho told IRIN. "The other two graves – discovered further away and several days earlier – contained some 30 bodies. … Civilians in the area said a doctor in a rural health clinic, who first spotted one of the graves…" and who alerted the human rights NGO, was reported to have been questioned by the authorities for 'divulging professional secrets'. The remains, were believed to be those of BDK supporters. **[18f]**

8.79 Agence France Presse noted on 29 March 2008 that the government outlawed the Bundu Dia Congo towards the end of March 2008. **[65a]** However, Jeuneafrique.com reported on 22 March 2008 that the government had not banned the organisation as such, but had withdrawn the BDK's charitable status. **[50a]**

See also Section 21 for further information about the Bundu Dia Congo

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CRIME

9.01 Travel advice by the Foreign and Commonwealth Office dated 17 July 2006 gives the following information on crime:

"The collapsed economy, non-payment of military and public service salaries, and very high unemployment has led to a high level of crime. You should be alert to the risk of street crime and armed robbery at all times, including being targeted by armed gangs when driving. There has been an increase in street robbery of foreigners in Kinshasa, often in the vicinity of hotels and supermarkets. Some gangs use girls to lure the unwary into traps; others promise cut price gold and diamonds or pose as police to rob foreigners, including in daylight. There is also a risk of arbitrary arrests of foreigners by security authorities who demand payment for release.

There have been armed attacks on vehicles travelling on the main Kinshasa to Matadi road, including one during daylight hours. Military roadblocks apply on the Kinshasa-Matadi road from 18:00 to prevent traffic from circulating after dark. You should take sensible security precautions, i.e. do not walk in the streets alone or after dark. Safeguard and avoid displaying valuables and cash. Deposit them in a hotel safe, where practical. Keep copies of documents including passport separately. On the road, you should keep doors locked and windows shut while driving. Do not drive off the main thoroughfares or park in unsupervised areas."

9.02 On 6 March 2007 the BBC reported that the authorities in the DRC claimed to have dismantled an international network set up to illegally use uranium mined there. The Scientific Research Minister, Sylvanus Mushi, had announced that DR Congo's top nuclear official, Fortunat Lumu, and a colleague had been arrested and were being questioned in connection with the case. The move came amid reports that a large quantity of uranium had gone missing in recent years in the DRC. The DRC daily newspaper Le Phare reported that more than 100 bars of uranium, as well as an unknown quantity of uranium contained in cases had disappeared from the atomic energy centre in Kinshasa, as part of a vast trafficking of the material going back years. However, no evidence was produced to support the newspaper allegations. In 2006 a partnership was signed between Congo's energy centre and the British company Brinkley Mining, aimed at prospecting for uranium deposits in the DRC. **[15ci] [15cj]**

9.03 On 13 March 2007 the BBC reported that the two men arrested in connection with the incident had been released from custody. According to Mushi they were still accused of belonging to the international ring. He claimed that the release of Mr. Lumu would harm the potential success of the investigation which was continuing. He stated that the officials had not informed their superiors about the deal they had made with Brinkley Mining, and that the agreement was therefore void. Mr. Mushis predecessor, Kamanda wa Kamanda, however, said that if the deal was cancelled, it would open the door to illegal trading. He accused the new scientific research minister of trying to deprive DR Congo of foreign assistance in its attempt to exploit its uranium for civilian purposes. He claimed that the charges were unfounded and that the agreement was legal. "We are talking about the management of sensitive materials. This company was to help us do so transparently" he said. **[15ck] [21aq]**

SECURITY FORCES

10.01 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) reported as follows:

"The security forces consist of a national police force, including the Rapid Intervention Police unit, which the Ministry of Interior oversees; an immigration service under the Ministry of the Interior; the National Intelligence Agency (ANR) overseen by the National Security Advisor; the military intelligence service overseen by the Ministry of Defense; and the GSSP, which reports directly to the presidency. The national police have primary responsibility for law enforcement and maintaining public order. The ANR is responsible for internal and external security. The FARDC was responsible for external security but also had domestic security responsibilities."

10.02 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 noted that there are a number of security agencies. **[24a] (p9)** These include DEMIAP (Detection Militaire des Activités Anti-Patrie / Military Detection of Anti-Patriotic Activities). DEMIAP is formally answerable to the staff of the Congolese armed forces (Forces Armées Congolais/Congolese armed Forces (FAC)) [renamed FARDC in 2003] It is subdivided into internal and external departments. The internal section has a prison known as Ouagadougou. **[24a] (p9)**

10.03 The same report advised that the ANR was set up in 1997 to replace SNIP (National Service for Intelligence and Protection) and has made efforts to remedy the worst abuses. Most of the ANR's illegal prisons have been closed in recent years, except for those at ANR/Fleuve and ANR/Lemera. This service is subdivided into a Department for Internal Security (ANR/DSI) and a Department for External Security (ANR/DSE), both run by a Director General. In March 2001, Kazadi Nyembwe was appointed general administrator of ANR. **[24a] (p9)**

10.04 Regarding the GSP (Garde Spéciale Présidentielle/Special Presidential Guard, also known as GSSP), the CEDOCA report stated "This special department consists of President Kabila's Praetorian Guard and was set up to replace the no less infamous Special Presidential Division of former President Mobutu. Starting off with the name GSSP, this Guard has had several name changes." **[24a] (p9)**

10.05 CEDOCA also stated that the General Migration department (Direction Génerale de Migration) (DGM) was responsible for border control, among other things. It succeeded the former National Immigration Agency (ANI). **[24a] (p10)**

10.06 CEDOCA also stated that the Special Intervention Forces (Forces d'Intervention Spéciale) (FIS) were formed from part of the GSP and part of the former 50th Brigade, now the 7th Military Region and their headquarters were in the military camp of Kokolo. **[24a] (p10)**

10.07 A situation report issued via the Institute for Security Studies in January 2005 titled 'Summary Overview of Security Sector Reform Processes in the DRC' detailed plans for the reform and restructuring of civilian and military security

forces and stated that police reform was an integral part of SSR [Security Sector Reforms] efforts in the DRC. **[27f] (p11)**

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POLICE

10.08 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 stated that the Congolese National Police (Police Nationale Congolaise) (PNC) was formed on 7 June 1997 to replace the National Guard and the Gendarmerie, and was run by the Police General Inspectorate (l'Inspection Génerale de Police). **[24a] (p9)** The PNC is made up of Communal Police (Police Communale) (PC); Rapid Intervention Police (Police d'Intervention Rapide) (PIR); Internal Police (Police des Polices) (PP); Special Transport Police (Police Speciale de Roulage) (PSR). The uniform of the PNC and the PIR was reported as all blue or all black, and the uniform of the PP and PSR as yellow shirt and blue trousers (often with a yellow line). **[24a] (p10)**

10.09 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2008 (USSD 2007) reported as follows:

"The security forces consist of the PNC, which operates under the Ministry of Interior and has primary responsibility for law enforcement and public order. The PNC includes the Rapid Intervention Police (PIR) and the Integrated Police Unit. The ANR, overseen by the president's national security advisor, is responsible for internal and external security. Other agencies include the military intelligence service of the Ministry of Defense; the Directorate General of Migration (DGM), responsible for border control; the GR, which reports directly to the presidency; and the FARDC, which is part of the Ministry of Defense and generally responsible for external security, but which also exercises an internal security role.

"Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The government prosecuted and disciplined relatively few security forces personnel for abusing civilians. Impunity in the security forces remained a severe, widespread problem. …

"According to an August UN independent expert's report on the human rights situation in the country during the first six months of the year, "86 percent of human rights violations were committed by the army and police," raising "doubts" about the ability and commitment of the government to uphold human rights and ensure security. The independent expert recommended the government undertake fundamental and effective security sector reform and develop mechanisms to effectively reduce impunity and end widespread sexual violence. The independent expert also recommended that the government vet (through a confirmation process) members of the security forces in order to restore public confidence in government institutions, and suspend security forces members accused of human rights violations. …

"During the year the government continued to cooperate with MONUC and international donors on police training programs. According to a needs assessment of the police force conducted in Kinshasa during the year by an

international NGO, 58 percent of police officers questioned indicated they had never received training in human rights." **[3k] (1d)**

10.10 A report by the International Crisis Group titled 'Security Sector Reform in the Congo' dated 13 February 2006 states in relation to the police:

"The Congo police have never been able to provide basic law and order and have themselves ranked among the top abusers of citizens' basic human rights. **[39f] (page 4)** It continues, police reform has gone forward on an ad hoc basis driven by what individual donors are willing to provide rather than on the basis of a long term strategic plan. These reforms have not been without success; for example, when the elections were postponed in June 2005, demonstrations in Kinshasa were handled well for the most part. However there is little co-ordination among the main donors – France, EU, South Africa, Angola and MONUC police – on the training and nature of the force. The bulk of the effort has focused on Kinshasa, and there is virtually no long term plan. A police reform reflection group (groupe de reflexion) was only recently established to improve co-ordination between MONUC, the European Commission, The EU police mission (EUPOL) and bilateral donors." **[39f] (page 6)**

10.11 In March 2006 it was announced that the International Committee of the Red Cross (ICRC) and the Congolese national police were jointly organising a series of events to teach the principles of international humanitarian and human rights law applicable to law-and-order operations. **[92e.]**

10.12 In May 2006 a report supplied by BBC Monitoring stated that some 500 ex-Mai Mai policeman based in Walikale, North Kivu Province, were becoming impatient with the delay to integrate them into the national police. The commander of the policemen Captain Mungara alleged that only 52 policemen out of the 500 in his station were being paid. The provincial inspector of police contended that everything was being dictated by the general directorate in Kinshasa. Captain Mungara also claimed that ex Mai Mai policemen based in Pinga did not have sufficient equipment to discharge the duties expected of them, and that a lack of logistics prevented the transfer of prisoners to Goma. The provincial inspector claimed that the police in Pinga had not been paid because the government delegation which visited Goma were unable to reach Pinga for logistical reasons. **[95k]**

10.13 The twenty-first report from the UNSG in June 2006 reported that while the national police in Kinshasa had demonstrated an ability to control political demonstrations without violating human rights, there was a tendency to use excessive force. **[54i]**

10.14 In June the UNSG's special representative Mr. William Swing announced that 46,000 police officers had been trained so far 14,000 of them by MONUC. The majority were trained by partners such as South Africa, Angola, France, the European Union and Japan. According to Mr. Swing the aim was to train 50,000 police by the date of the election. [71d]

10.15 On 9 October 2006 in Buta, 300km north of Kisangani, capital of Orientale Province, a high school student was killed in a stampede when police tried to disperse student demonstrators protesting against alleged police aggression against one of their teachers. The death of the student provoked members of

the crowd who then attacked police and beat one officer to death; another 17 people were injured. **[86j]**

10.16 On 16 December 2006, Radio France International reported that a police academy, funded by France, had been inaugurated in Kinshasa. The academy will receive 270 trainees each year. **[95ak]**

10.17 On 15 January 2007, Angola Press reported that over 2,700 DR Congo policemen had been trained by the Angolan National Police (PN) since 2004. Since 2004 the PN have organised the Mbakana Training Centre, and trained a police battalion and other units in anti-riot, and anti-terrorism. In Angola, they have held a course for trainers in public order, and trained 80 staff in the motorbike brigade for special anti-terrorism units. **[34a]**

10.18 The European Information Service announced on 5 July 2007 that following the elections the EU would now be supporting the development of a modern police force capable of maintaining the rule of law in a country still marked by considerable tension. As part of the European Security and Defence Policy (ESDP) a new mission had been launched by EU27, EUPOL DR CONGO, in order "to shore up the government of DR Congo as it put together a viable, multi-ethnic and effective national police force". According to the Head of Mission the job will take at least "ten years or so". The EU Special Representative for the Great Lakes Region said that at present there was no unified police force capable of backing up an effective judicial system because each ministry had developed its own force without coordinating it with the others. **[125a]**

10.19 The new mission will be composed of 39 European experts charged with advising the Follow-up Committee for Police Reform, put in place by the DRC authorities. The mission is funded for a one year mandate but is meant to operate for the long term and to play a key role in defining the reform process. That phase will take two to three years according to the Head of Mission, who added that it will be for the DRC authorities to determine their needs and the shape of the future police force. The new mission will act throughout the DRC but will initially focus on Kinshasa. **[125a]**

10.20 The Economist Intelligence Unit report of September 2007 stated that General John Numbi, previously chief commander of the air force, had been appointed head of the national police force on 13 June 2007. **[30c]**

10.21 On 6 September 2007 allAfrica.com reported that the police general commander of the DRC had visited Angola. He said that his visit was aimed at boosting and diversifying police co-operation with Angola, mainly in the area of training. "Angolan police are very advanced in the area of training and the DRC has been benefiting from this experience through various interchange programmes, but we need to increase this co-operation", he said. During his visit he discussed matters relating to the border and illegal immigration with the local Home Minister. **[74cu]**

10.22 MONUC announced at a press conference on 19 November 2007 at the closure of the joint child protection sensitisation campaign with the Congolese National Police (PNC) that the benefit of direct training while participating in workshops organised in 24 townships in Kinshasa, had allowed 3,000 policemen to learn the police's role towards minors. The campaign, initiated by

MONUC's Child Protection Division, had as an objective to know and promote the PNC's role in child protection and to demonstrate that the Congolese child can also benefit from protective international standards. The DRC Minister for Women and the Family, who was present at the conference, announced that the government adopted code of protection for children was like a national law containing arrangements for the promotion and protection of children's rights in conformity with international norms, to replace the existing legislation. "With regard to the protection code, after its adoption by the government in the past week, it will soon go to parliament for adoption. This fundamental instrument which is going to contribute to improving juvenile justice in the DRC requires the implication of all for its application, in order to assure protection of the child in all circumstances", she said. **[56cq]**

See Children Section 26

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ARBITRARY ARREST AND DETENTION

10.23 A report from MONUC on 27 July 2006, covering the period January to June 2006 states that:

"The police, the ANR and other members of the security forces have been involved in repressing the civil liberties of individuals suspected of holding certain political affiliations …These violations have included arbitrary arrest, illegal detention or acts of physical violence such as beatings or use of excessive force by police during demonstrations." **[56w]**

10.24 According to a MONUC report of 8 December 2006, "on 22 and 23 November 2006, at least 29 street dwellers, together with eight other civilians, including minors, were reportedly arbitrarily arrested, beaten and seriously injured by PIR agents following a clash between the police and shégués in Kisangani, on 22 and 23 November. Seven minors were reportedly released after the intervention of UNICEF and local NGOs. The remaining victims are currently detained in a police holding cell". **[56am]**

10.25 The report also states that "a woman, a MLC witness at voting centre 1039 in Kinshasa during the second round of presidential elections, allegedly disappeared on 30 October. The disappearance might be linked to the fact that on the day of the elections, 29 October, the woman protested against the collection of blank bulletins by an identified vehicle. She also allegedly requested to verify the procès verbaux of all polling stations at voting centre 1039 after the centre was closed".

The report continues: "After the argument started, the police intervened and the woman has not been seen since. She was finally located at Kin-Mazière where she was detained by the PNC Special Services for two weeks. She was questioned by the Military Prosecutor of Kinshasa/Gombe and subsequently later charged with espionage, treason, illegal detention of weapons of war and organisation of an insurrection. She was transferred to the CPRK together with four other women, on 22 November". **[56am]**

10.26 The same report also states:

> "In South Kivu, two cases of arbitrary arrests related to elections were reported. Seven national police officers were arrested by the Military prosecutor and have been detained in Bukavu central prison since 2 November 2006. Two of them were allegedly arrested for supporting political parties other than PPRD, and the five others for not wearing uniforms when accompanying the Minister of Environment to Bukavu. The arrests might be linked to the fact that the seven were arrested for supporting Vice-president Jean Pierre Bemba in the run-off". **[56am]**

TORTURE

10.27 In May 2006, Amnesty International reported on a visit to detainees at the Inspectorate Provincial de Kinshasa (IPK) in March 2006. They reported that among the 100 detainees, at least 20 bore signs of ill-treatment. These included open wounds to the legs, arms and head, and in one case apparent cigarette burns to the body. The report stated that many bore friction burns to the wrists suggesting they had been tied up. Some of the wounds appeared fresh, and none of the detainees had access to medical treatment. **[11l]**

10.28 Many of the detainees alleged they were daily tied to pillars and beaten. Although this was denied by the deputy commander of the detention centre, AI believes that he and senior IPK personnel were aware of the beatings, and were party to them. **[11l]**

10.29 The UNSG report of June 2006 stated that MONUC had found that the use of torture to obtain confessions from criminal suspects is routine in police stations across the country. The Garde Républicaine which is deployed in several key towns has also committed acts of violence against the civilian population. **[54i]**

10.30 A United Nations report (28 February 2008) noted that FARDC also continued to use sexual violence, especially in the east of the country, to intimidate the local population. The report went on to note that "…police who commit these acts amounting to crimes against humanity and war crimes are rarely held to account by the commanding officers." Some were promoted further aggravating the situation. **[100b] (p8 & 22)**

10.31 A report from MONUC dated 20 November 2006, dealing with human rights abuses in October 2006, stated that "most of the human rights abuses committed by the PNC during the month in review constituted sexual violence against women and girls, namely in Equateur, Kasai Oriental and North Kivu". **[92h]**

10.32 A report from MONUC dated 8 December 2006, dealing with human rights abuses in November states:

> "Most of the human rights violations committed by the PNC during the month in review constituted arbitrary killings and acts of sexual violence". **[56am]**

10.33 The report goes on to state:

"In Equateur province, the evidence was found that a group of PNC agents, together with two civilians, were responsible for mass rape, torture, cruel, inhuman and degrading treatment, looting and forced labour committed against residents of Bolongo-Loka – 530 km north-east of Mbandaka, on 5-6 August 2006. According to local sources, about 37 women and girls were victims of systematic rape and sexual assault on the part of twelve identified policemen. Sixteen civilians, including seven women, were subjected to cruel, inhuman and degrading treatment and torture and twenty-seven others were allegedly victims of looting and forced labor as they were forced to transport the loot from Bolongo-Loka to Botewa – 45 km away. As a consequence of the incident, hundreds of villagers had to seek refuge in the nearby villages and forest. Nine perpetrators, including seven PNC agents and the two civilians involved in the violations, were arrested and are currently detained in a holding cell of the Military Prosecutor in Lisala. **[56am]**

10.34 On 24 October 2007 Amnesty International released a report calling on the government to reform its security troops and prosecute those accused of torture, murder and rape. The report focused on violence in Kinshasa during and after the 2006 elections. The report blamed two government security forces – the special services police (DRGS) and the republican guard (GR) – for attacks on political opponents of President Kabila. The report details a number of cases where soldiers and civilians had been subjected to arbitrary arrest, torture, and suspected extra judicial executions. The report also accuses the troops of Jean-Pierre Bemba of carrying out similar acts of violence. **[11v]**

See also Section 15.01 Prison conditions

ARMED FORCES

10.35 Except where indicated, the following information is taken from the South African Institute for Security Studies Country Fact File - Security Information 12 January 2005 - source **[27e]**

The Congolese Armed Forces, which was renamed the Forces Armees de la Republique Democratique du Congo (FARDC), consists of an army, air force and navy. The army is relatively poorly trained (even by local standards) and has infantry, some armour, and air defence and artillery units. The infantry seem to be a conglomerate of ex-FAZ (old Zairian Armed Forces) and recruits collected by the ADFL during the 1997 conflict.

There are army bases at N'djili, Kitona, Kotakoli and in Lubumbashi. Air force bases are at N'djili and Kamina. Naval bases are at Matadi, Kinshasa and Banana.

10.36 On 22 January 2007 Agence France Presse reported that the commander of MONUC had stated that the UN peacekeeping force must stay in place until the country's military can be overhauled. "The problem is that of reforming the army," he said. He continued "Until this army is more solid, there are clearly risks in letting it secure territory on its own, especially in the east where local militias and renegade forces have terrorised civilian populations, leaving

thousands dead". He went on to point out that some of the continuing violence came from the army itself. "The FARDC are among the worst violators of human rights in the country" he said. "The difference with the armed groups is that they (the army) are not acting on orders. The lack of discipline and the violence come from individuals". "Soldiers who are malnourished, poorly paid, without uniforms…it is a difficult army to command," he added. **[65bb]**

10.37 On 25 January 2007, Amnesty International (AI) published a report, Disarmament, Demobilisation and Reintegration (DDR) and the Reform of the Army. In the report AI urged the DRC to forge ahead with integrating ex-combatants into the national army and tackling widespread human rights abuses by the armed forces as a strategy to secure peace. "A failed demobilisation and army reform programme risks a new cycle of political and military crises that could lead to an escalation of violence and a deterioration of the humanitarian and human rights situation in a country already ravaged by war," said the deputy director of Amnesty's Africa programme. She went on to say, "a framework does exist for the creation of a truly national, apolitical army that respects the rights of the people. But this framework needs to be translated into a reality on the ground". **[11t] [21al]**

10.38 In a report dated 10 February 2007, allAfrica.com reported that the government of the DRC had recruited into its military ranks members of Interhamwe militia from the rebel group FDLR. It claimed that sources in eastern DRC as well as officials from the RCD claimed that a number of Rwandan rebels had also been issued with Congolese national Identity Cards. **[74ai]**

10.39 On 27th February 2007, allAfrica.com reported that in a bid to enhance security in Ituri district, MONUC's Ituri brigade was helping in a pilot programme to train 675 members of the 1st battalion of the 13th FARDC Brigade. The programme commenced on 18 December 2006, with the aim of enhancing the post brassage troop's tactical and operational capacities. However, it was also reported that due to poor working conditions of the original twenty four instructors and interpreters who commenced on 18 December, only seven remained by 27 February 2007. **[74al]**

10.40 On 17 April 2007 Radio Okapi reported that 600 soldiers from Nyunzu in Katanga had refused to join the mixing process. The elements belonged to the 683rd battalion of FARDC. According to the report they believed that the conditions for their security had not been met in this area some 200km west of Kalemie. The previous Saturday they did not take the train prepared to evacuate them to Kamina. According to the territorial administrator the soldiers did not understand that the order to join the mixing process came from the army HQ in Kinshasa. They were waiting for the order to come from the 6th Military Region. However, to justify their refusal to join the mixing process, they claimed that there were Interhamwe and Mai Mai in the region the same source said. **[64Ad]**

10.41 On 19 April BBC Monitoring reported that the Disarmament, Demobilisation, Resettlement and Reintegration (DDRR) of MONUC had repatriated 15 ex-combatants and their 23 dependants to Rwanda. According to MONUC, 10 of the ex-combatants belonged to FDLR/FOCA, one was a Mai Mai ex-

combatant, and the other four, ex-combatants loyal to dissident General Laurent Nkunda. **[95bq]**

10.42 On 13 June 2007 the IndependentonLine reported that President Joseph Kabila had reshuffled his top officers. Lieutenant General Dieudonne Kayembe Mbandakulu was named as the chief of army staff, replacing Lieutenant General Philemon Kisempia Sungilanga Lombe. The new chief comes from Katanga, a stronghold of the Kabila family, and served as vice-minister for defence under Kabila's father. **[86r]**

10.43 Kabila also promoted Major General Rigobert Masamba Musungu as head of the air force and Vice Admiral Didier Etumba Longila as navy chief. Military experts said that the reshuffle was aimed at putting Kabila's aides in top defence positions. The announcement came barely a day after Kabila urged the army and the police "to prepare yourselves to ensure the state's control across the length and breadth of the country". **[86r]**

10.44 Xinhua reported on 18 September 2007 that the DRC vice-minister for defence had called on military experts from around the world to propose ways of transforming the DRC army into a modern-day security force. "We would like to make use of your expertise to transform our army into a professional well-equipped and motivated force that is capable, within the short-term, of taking over the provision of security in the country from the United Nations Mission to the DRC (MONUC) by 2009" he said in a speech to military experts who were meeting ahead of the 27 October 2007 roundtable discussion on DRC's army reforms. **[62ab]**

10.45 Reuters reported on 27 September 2007 that the DRC hoped that a new biometric identity card scheme backed by the EU could help overhaul its undisciplined armed forces. The report added that the ID card scheme should allow the government to determine the exact size and whereabouts of its armed forces, as a first step to protecting civilians from abuses by the armed forces. "The only sure way of reducing and eventually stopping these abuses of power is to put soldiers in barracks, to make them lead a normal military life" the DRC's top military commander General Dieudonne Kayembe told Reuters. "With the improvement that will result from this biometric control, we will be able to envisage building barracks", he said. According to the report each soldier will be issued with an identity card with a microchip containing a digital finger print and information including rank, age, marital status and number of children. The report goes on to say that not everyone is convinced that the system will work. Many question whether the army will be able to maintain the identity card readers in working order in far flung barracks and whether soldiers will lose their cards. According to the Africa director for International Crises Group "the tradition of the army as a force of internal repression, as it was under Mobutu, has survived. When you put on a uniform, it gives you a right to do whatever you want…You need to end this impunity". **[21cm]**

ARBITRARY ARREST AND DETENTION

10.46 See Human rights organisations and activists Section 19.01

TORTURE

10.47 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2008 (USSD 2007) detailed a number of cases of torture and cruel treatment by members of the security forces and armed groups, the report noted:

"The law does not criminalize torture, and during the year there were many credible reports that security services tortured civilians, particularly detainees and prisoners, and employed other types of cruel, inhuman, and degrading punishment. There were relatively few reports of government authorities taking action against members of security forces responsible for these acts. …

"There were reports that members of the security services tortured and abused civilians to settle personal disputes. …

"There were continuing reports of rape of civilians by members of the security forces. A November MONUC report stated that reports of "arbitrary execution, rape, torture, and cruel, inhumane, and degrading treatment by FARDC and the Congolese National Police" were increasing." The report went on to note that while the authorities took action to prosecute some of those responsible, the overall lack of action "…contributed to an atmosphere of impunity." **[3k] (Section 1c)**

10.48 Reports by human rights organisations, including Amnesty International (AI) and Human Rights Watch (HRW), also referred to the regular use of torture by members of armed groups, including those officially integrated into the army, against civilians, for the purpose of extortion of money or 'illegal taxes'. **[5L Civil and Political Rights] [11f] (Violence against Women)**

10.49 Human rights reports also referred to the widespread atrocities committed in the east of the country in the context of the exploitation of gold and other natural resources, and arms smuggling. **[5o] [11g])** A United Nations report (28 February 2008) noted that FARDC also continued to use sexual violence, especially in the east of the country, to intimidate the local population. The report went on to note that "soldiers… who commit these acts amounting to crimes against humanity and war crimes are rarely held to account by the commanding officers." Some were promoted further aggravating the situation. **[100b] (p8 & 22)**

See also; Section 8.14 on Security Situation – Eastern DRC; Section 25.01 on Women

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EXTRA-JUDICIAL KILLINGS

10.50 A report from MONUC dated 10 May 2006 covering April to December 2005 states that whilst they had observed a decrease in the number of human rights abuses compared to 2004, they had noticed an increase in individual cases of

summary executions and torture by members of the security forces particularly FARDC. **[56v]**

10.51 A further report dated 27 July 2006 covering the period January to June 2006 states:

"The routine use of physical violence against civilians, including summary executions, beatings and rape, committed by FARDC soldiers, who often underwent the 'brassage' process, is reported wherever the army is deployed. MONUC has also noted with concern the level of violence against civilians perpetrated by the FARDC in the course of military operations. In the Ituri District, a number of counter-insurgency operations since the beginning of the year have led to the arbitrary killing of civilians accused of complicity with militia groups. Arbitrary arrest and ill-treatment of militia suspects in military camps (including women and children) have also led to several deaths in custody in the District." **[56y]**

10.52 Another report from MONUC dated 20 November 2006, which covered human rights abuses in October 2006, states:

"Sexual violence continued to be committed on a regular basis in North Kivu. According to local sources, only one medical centre in a rural area of the province treated at least 28 victims of rape committed by both FARDC soldiers and FDLR combatants in August, September and in the first week of October. None of these cases was reported to the police. There are also reports of cases of summary executions, extortions, looting and arbitrary arrests committed by the FARDC in the area" **[92h]**

10.53 On 6 November a captain of the 4th Integrated Brigade of FARDC in Ituri was sentenced to 20 years in prison for ordering the killing of five children in October 2005. The officer and his men ordered five schoolchildren to carry loot they had taken from village residents after they conducted an operation against militiamen. Upon reaching his home the captain ordered one of his men to shoot the five children, claiming they were militiamen. The victims were buried in the same village in a mass grave. The captain and the army were also ordered to pay $265,000 in compensation to the families of the victims. **[15cd]**

10.54 Numerous other reports of ill treatment and extra judicial killings by FARDC troops were received by MONUC during October and November 2006. **[56am] [92h]**

10.55 On 3 August 2007 Reuters reported that police in Kinshasa had arrested two soldiers, one belonging to the Republican Guard, for the murder of a Belgian businessman in his home. **[21bz]**

OTHER GOVERNMENT FORCES

10.56 On 27 June 2006, 12 UDPS supporters were arbitrarily arrested by ANR and detained in Mbuji-Mayi in a military camp, while ANR in Kalemie, Lubumbashi and Uvira made a number of arrests for political reasons and mistreated detainees, some of whom were tortured. **[54j]**

10.57 A report by MONUC dated 20 November 2006, dealing with human rights abuses in October 2006, gave instances of a police officer being summarily executed by a Republican Guard (RG), and a woman abducted, raped and subjected to cruel and degrading treatment by members of the RG, both in Kinshasa. In Kalemie and Manono, according to local sources, ANR agents continued to harass civilians, whilst in Kananga the director and staff of a primary school were arbitrarily arrested by ANR agents. A 16-year-old girl was raped by the head of the Departement Sécurité Frontière (DSF) in Kyatsaba. The perpetrator was reportedly arrested by the Military Prosecutor. **[92h]**

10.58 A report from MONUC dated 8 December 2006 states:

"A civilian, a MLC/L supporter, was arbitrarily arrested by the ANR in Uvira, on 16 November 2006. An ANR representative could not explicitly state the official motive for the arrest. According to local sources in Uvira, the ANR compiled a list of all MLC supporters and has started locating them. The civilian was released on 17 November 2006". **[56am]**

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MILITARY SERVICE

11.01 "On 20 August 2003 Kabila announced nominations to the military leadership of the new unified armed forces, which was to incorporate elements of all the former rebel groups and the Mai-Mai militia; former RCD – Goma and MLC commanders were appointed to senior posts, including those of services Chiefs of Staff. (Europa World Online, 20 February 2008) **[1c] (Recent History)** "As part of the power-sharing agreement between the Government and former rebel factions, a new unified armed forces, which incorporated former rebel combatants and militia, was officially established in December 2003. Under a military co-operation agreement, signed in June 2004, South Africa was to assist in the integration and training of the new armed forces; the Belgian Government was also to support the programme." (Europa World Online, 21 February 2008) **[1f] (Defence)**

11.02 The United Nations Secretary-General (UNSG) reported on 15 March 2005 on security sector reform and disarmament issues, noting that the total number of combatants in the country was estimated at 250,000. The report commented on the slow pace of the work and referred to doubts as to the extent of the political will on the part of the Democratic Republic of the Congo Government to accomplish disarmament, demobilization and reintegration. **[54e] (p7)** A further UNSG report on 2 August 2005 added that funding had recently been strengthened to support the complex process of reconstituting the various armed groups and forces into brigades into the national army. **[54g] (p8)**

11.03 However, other reports from sources including Human Rights Watch, Amnesty International, and the International Crisis Group (ICG) have commented on the lack of progress in setting up an integrated armed forces structure below the headquarters and regional level, and chronicled incidents in which army units fought each other, and where soldiers, including senior officers were allegedly involved in killings and human rights abuses. **[5ad] [11f] [39d]** The ICG in a report of 12 May 2005 also stated that "Parallel chains of command persist in the army as well as in the administration as the former belligerents compete for resources and power." **[39d] (Executive Summary and Recommendations)**

11.04 The Economist Intelligence Unit (EIU) Country Profile of October 2005 also stated:

"Although the government has created 11 military regions and appointed military commanders to these regions, the distribution of armed forces on the ground has been much the same as it was when the ceasefire agreement was signed in early 2001. As a result, these forces often remain loyal to the rebel group for which they fought during the war rather than to a new national army and the transitional government. An integrated command structure exists in theory, but many of the forces on the ground continue to answer to their former commanders. This is a particular problem in military regions whose commander is from the rebel group that previously controlled the area, as is the case in the 8th military region (North Kivu province), which was previously under the control of RCD-Goma. The decision to appoint a former leader of RCD-G forces to command the 8th military region was due to the nature of the transitional government, which is based on political compromise between the various parties. Unfortunately it has led to devastating consequences, as

troops in this region have been used to undermine the authority of the transitional government." **[30b]**

11.05 News reports in 2005 also referred to various measures to assist and improve military integration and reform. The Integrated Regional Information Networks (IRIN) reported on 3 June 2005 about training assistance from Belgium and the creation of new integrated brigades in Katanga, South Kivu and Ituri, and also in North Kivu, according to a further IRIN report of 23 August 2005. **[18ax] [18bk]** IRIN also reported on 3 May 2005 on European Union (EU) support in security and military reform, and Xinhua news agency reported on 10 August 2005 on EU assistance with running a mechanism for paying salaries to soldiers. **[18ap] [62c]**

11.06 An ICG report dated 13 February 2006 (Security Sector Reform in the Congo) states: "Reform of the army is far behind schedule. Eighteen integrated brigades were supposed to be created before elections but only six have been deployed."

11.07 The report also states: "There is no better example of the challenges surrounding army reform than the question of former combatants on the payroll. Three years into the transition, there is still no reliable count of the new army's numbers. FARDC is drawn from the armed wings of the former government forces and rebel groups signatory to the transitional agreements, and the exact number of each has been contentious." **[39f] (p15)**

11.08 Referring to the objectives for the armed forces the report states:

"A National Strategic Plan for the Integration of Armed Forces, to serve as a blueprint for a five-year program, was not published until August 2005. The direct outgrowth of the Belgian-organised workshops, it went through revisions at the behest of major donors including the World Bank, South Africa and the EU, before it was endorsed by the transition government. It envisages reaching an army of about 125,000 in three successive steps." **[39f] (p17)**

11.09 The three steps envisaged may be summarised as follows:

Short-term target. By no later than 30 April 2006, Territorial Forces are to be established in the entire country. This involves a three-stage integration process whereby armed forces hand in their arms, after which they are sent to orientation centres where they are given the choice to return to civilian life or continue in the army. Those who choose to stay in the military are then sent to one of the six integration centres to receive a 45-day training course. These centres were at Kisangani (Orientale province), Kitona (Bas Congo province), Kamina (Katanga province), Mushaki and Nyaleke (North Kivu), and Luberizi (South Kivu). Each integration centre trains a brigade at a time, with the process being repeated in three cycles so that by the end of the period 18 brigades will have been created. **[39f]**

11.10 On 16 February 2006 a report from Reuters stated that six soldiers awaiting reintegration had died from malnutrition at the Congolese training camp at Kamina. The Congolese army confirmed the deaths but claimed that the soldiers were among the old and sick who had travelled long distances by rail to get to the camp. An unnamed UN source is quoted as saying that there were "critical" food shortages. This was denied by the Congolese army. A

report from BBC News Online stated that the six soldiers were ex-Mai Mai fighters. On March 16 a report from Reuters quoted a UN official as saying that twenty soldiers had died, and it reported that a Congolese general was accused of diverting military food trains, intended for Kamina, for his own private business. **[21d] [21p] [15u]**

11.11 According to a situation report from the Institute for Security Studies in July 2006, "… the entire integration process has been severely abridged as a result of organisational and financial constraints. According to the original plans, combatants were supposed to be regrouped in 25 orientation centres around the country, where they would have undergone an orientation and selection process. As a result of capacity constraints however, the orientation centres were never set up, and combatants have instead been channelled directly into regroupment centres. However these centres, which the FARDC has been setting up gradually since 2004, were severely under-funded and lacked basic hygiene and medical facilities, as well as food supplies and proper shelter. As a result, several thousand troops deserted from the Mushanki and Luberezi camps alone between March and August 2005." **[27i]**

"Since then, the Belgian and Dutch governments as well as the European Union (EU) have provided funding for upgrading facilities and payment of salaries to the troops in the centres. South Africa, Angola and Belgium are also providing military training." **[27i]**

11.12 "Additional training will be provided by MONUC once the brigades have been deployed to their areas of operation. MONUC will engage in six-week training exercises with nine brigades, which will subsequently engage in joint operations with MONUC. This has already been the case in Ituri, where the first integrated brigade is now regularly involved in joint operations with MONUC against recalcitrant militia. It is hoped that the training and subsequent joint operations will enhance these elements' tactical skills, as well as improve overall respect for the civilian population." **[27i]**

11.13 "At the same time however, the FARDC faces serious logistical and organisational hurdles, which further complicate the integration process and negatively affect military operations. These problems include inadequate food distribution, poor water supplies, poor medical care, inadequate shelter, insufficient vehicles and the irregular or non-payment of salaries." **[27i]**

11.14 **Medium-term target.** By 2007, or the beginning of MONUC withdrawal, a Rapid Reaction Force of two or three brigades is to be established. Its units are to be located near airports so that they can be quickly deployed to trouble spots.

11.15 **Long-term target.** By 2010, or the completion of a MONUC withdrawal, the main defence force capable of defending the country against invasion is to be created, including heavy-armour units.

11.16 The section dealing with the integration process states:

"Army integration appears to be unable to reach the goal of eighteen integrated and deployed brigades by March 2006. With only 6 such brigades having completed their courses, the training of three more underway in January, and three integration centres awaiting the arrival of troops, most

Congolese and foreign observers consider that twelve brigades are the most that can be in the field by the April elections." **[39f] (page 25)**

11.17 The report also states:

"One of the most problematic features of army reform is the considerable imbalance between demobilisation and integration. The negative incentive for the latter created by the difference between army pay ($10 per month) and demobilisation allowances ($110 immediately and $25 monthly for a year)…This discrepancy largely reflects donor reluctance to support the military. Donors rapidly adopted a common position, donated funds and set up the institution – the MDRP – to tackle demobilisation but have been notably less unified and generous in their efforts to assist with the construction of a new national army. Even human rights training has not been given the same importance in army integration as in development of the new police." **[39f] (p22)**

11.18 The Situation Report from the Institute of Strategic Studies in July 2006 stated "Another key task of the transition process was the creation of a new, unified national army out of the various armed groups that had fought one another during the five-year war. While it was stressed consistently that this was a priority, in reality the transition government did almost nothing to move this process forward until early 2005. Although the former belligerents have been sitting in the same government in the capital Kinshasa, the animosity between them remains largely intact, and they have made few real efforts to cooperate with one another. This is not really surprising, as there is little reason for them to do so; as long as they maintained their military power in the areas they controlled during the war, they could happily play at ruling the country for the sake of the international community and the Congolese general public without relinquishing any real power." **[27i]**

11.19 "Although the military reintegration process has now been in motion for close to a year, and some progress has been made, a number of serious problems remain: ongoing conflicts; competing loyalties; spoiler armies; human rights abuses and regional instability." **[27i]**

11.20 The FARDC brigade in Ituri district is the best the FARDC has to offer, as it was trained by Belgian military. Other deployments of integrated brigades composed of elements of the various former rebel groups, have been less well trained. In addition, they do not receive adequate logistical support, lack training and, most importantly, are irregularly paid. **[27i]**

11.21 The twenty-second report by the UNSG in September 2006 stated that as of 13 September 2006, 13 out of the 18 integrated brigades had been established. **[54j]**

11.22 On 28 October 2006 Joseph Kabila told state television that the DRC would reduce its national army to 50,000 troops over five years, but that FARDC first had to complete its reorganisation. He said that FARDC only had 14 integrated brigades and was still short of the targeted 18 brigades. He vowed to step up the rebuilding of the army and to improve the welfare of the army and accelerate the construction of barracks and military bases. **[56aj]**

11.23 On 10 December 2007 a spokesman for FARDC stated that his country intended to expand military co-operation with Angola, in all the branches. **[146a]**

11.24 The UN News Service announced on 31 December 2007 that a new military operations centre for the armed forces of the DRC, built by MONUC, had been inaugurated in Goma. At the inauguration ceremony on 29 December, General Mayala of the DRC's armed forces said that the new centre was "the most modern in the DRC". **[93n]**

See also Section 8.18 Ituri and Annex D Armed Forces in the DRC

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TREATMENT OF DESERTERS AND CONCIENTIOUS OBJECTORS

11.25 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "The organization and the jurisdiction of the military, as well as the modalities of punishment for military desertion, are specified in two Laws on Military of the 18 November 2002: the Law n. 023/2002 and the Law n. 024/2002. It is worth mentioning that Courts of Appeal also exist in military jurisdiction." **[60b]**

11.26 War Resisters' International (WRI) in 1998 stated the following:

"Draft evasion and desertion"

Penalties

Desertion is punishable under chapter I; section III of the Code of Military Justice. Penalties given are described as penal servitude (servitude pénale), which may be imprisonment as well as forced labour in a camp.

Desertion in the country is punishable by 2 months to 10 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime, during a state of emergency, or during a police operation to maintain public order (art. 410).

If two desert together, this is considered desertion with conspiracy and may be punished by 2 to 20 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime (art. 411).

Desertion abroad is punishable by 6 months to 10 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime (arts. 416-418).

In aggravating circumstances, such as desertion during active service, desertion with the taking of arms or desertion with conspiracy, the punishment may be from 3 to 10 years' penal servitude (art. 417).

Desertion and running over to another armed group is punishable by 10 to 20 years' penal servitude in peacetime, and execution in wartime (art. 419).

Desertion in front of the enemy will be punished by execution. This also applies to civilians who form part of a military unit (arts. 420-422). **[9]**

11.27 On 25 April 2007 BBC Monitoring reported that Uganda had handed over eight Congolese army deserters to the DRC authorities, bringing to about 40 the number of deserters from the Congolese army that Uganda had handed over in the last year. Six of them were named as Kamble Mvenge, Rukundo Zikundi, Patrick Baphanguheki, Akizimana Mapenzi, Bahiri Twisingize, and Mutabzi Munyana. The handover took place in the DRC town of Rubiriha. According to a Ugandan army spokesman they had been captured as they fled from the FARDC "B" brigade based in Rutsuru and commanded by Laurent Nkunda, whose forces were integrated into the national army. **[95br]**

11.28 A report on 27 April 2007 by allAfrica.com named the other two deserters as Staff Sergeant Safari Karake Tomath and Cpl Musafiri Jankuradi. The report also stated that only seven had deserted from Rutsuru, and that the eighth which it named as Cpl Kambale Muenge had been arrested by civilians while on a robbery mission. An official from the joint verification team Fort Portal liaison office said that the deserters would face a military court. The report continued to say "Once found guilty, the fugitives will have to serve a maximum sentence of five years in prison". In a separate interview the fugitives complained of harassment by their superiors in FARDC and low pay compared with what they had been promised by Nkunda. **[74ax]**

11.29 WRI reported that there was provision for conscription in the 1964 constitution; however, this was not enforced under the Mobutu regime. **[9]** A letter from the British Embassy in Kinshasa in December 2001 stated that there was no compulsory military service scheme and recruitment into the Congolese armed forces was on a voluntary basis only. The same letter stated "Desertion in peacetime and in wartime is dealt with under ordinance-law No 72/060 of 25 September 1972, articles 409-425 of the Code of Military Justice. In peacetime desertion is punishable by 2 months to 10 years penal servitude; up to life-long penal servitude or even the death penalty in wartime, during a state of emergency, or during a police operation to maintain public order (article 10)…. A soldier has no right to refuse to fight on moral or conscientious grounds. Such an act is considered as desertion or high treason and treated as such." **[22c]**

11.30 WRI also noted that the legal basis of conscientious objection was uncertain; however, as conscription was not enforced it was unlikely that the provision had been used. **[9]**

See also Section 7.01 on Human rights introduction; Section 8.15 on Security situation – Eastern DRC; Section 22.01 on Ethnic groups; Section 26.35 on Child soldiers; Annex D Armed forces in the DRC

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ABUSES BY NON-GOVERNMENT ARMED FORCES

See Also Section 17.01 Political affiliation

12.01 Many humanitarian and human rights organisations reported on human rights abuses and atrocities committed by armed groups operating in the east of the country. **[5] [11b, e, g, l] [39 a-f] [49] [50] [51a, b] [54a-j]**

12.02 The USSD 2007 Country Reports on Human Rights Practices published on 6 March 2007 stated: "At year's end government control of many areas of the country remained weak, particularly in North and South Kivu provinces. Civilian authorities generally did not maintain effective control of the security forces." **[3k] (Overview)**

12.03 A report of March 2005 by the International Crisis Group added that some of these groups included militias who were not fully integrated into the national army but remained under the control of the same military hierarchies as before the transition was set up. **[39d] (Executive Summary)** The United Nations Secretary-General also reported on 15 March 2005 that "The presence and activities of the ex-Forces armées rwandaises (FAR)/Interahamwe [elements of the Forces Démocratiques de Libération du Rwanda (FDLR)] on Congolese territory continues to be a destabilizing factor in bilateral relations between the Democratic Republic of the Congo and the Government of Rwanda." **[54e] (p9)**

12.04 The USSD 2007 report stated:

"Internal conflict continued in rural and mineral–rich parts of the east, particularly in North Kivu Province, and, to a lesser degree, South Kivu Province and the Ituri District. During the year the government increased the level of its forces in North Kivu Province, drawing many units previously deployed in South Kivu Province and Ituri District. ... All parties continued to use mass rape and sexual violence with impunity, often as weapons of war, and to humiliate and punish individuals, victims, families, and communities. … FDLR [Democratic Forces for the Liberation of Rwanda] fighters continued to commit abuses against civilians, including killings, abductions, and rapes. In a series of attacks between January and April 2007, FDLR militia killed 10 of the 75 villagers they abducted in South Kivu Province." **[3k] (1g)**

12.05 Concrete evidence of both Burundian and Rwandan support is supplied in the Second Report of the Group of Experts on the Democratic Republic of Congo published by the UN Security Council. It details the events in Kamanyola in 2004 when in order for troops under Colonel Mutebutsi's command to regroup; they were assisted by the Forces Armées Burundaises, and the mainly ethnic Tutsi forces of the Burundian Government, who transported them to the Rwandan border, where with Rwandan assistance they were able to meet up with Colonel Mutebutsi. **[54k]** The same source relates how after they withdrew from Bukavu, Colonel Mutebutsi and 300 of his troops were harboured by Rwanda. **[54k]**

See also Section 11.01 on Military service; Section 8.18 on Ituri

12.06 The ISS Country Fact File listed various ex-rebel and other armed groups operating in the country. **[27e] (Security Information)**

12.07 In 2006, it was reported that Joseph Kony, commander of Uganda's rebel Lord's Resistance Army (LRA), which had established bases in the DRC in 2005, had failed in an attempt to find allies in DRC. The MRC rebels in the DRC had refused to co-operate with the LRA. According to an MRC spokesman, the LRA had asked for the troops to merge in exchange for arms and ammunition and for the MRC to have nothing to do with Uganda. According to the MRC spokesman: "We cannot ally with a terrorist group like LRA which has no cause for its war". **[62g]**

12.08 At the end of August 2006 after a truce was signed with the Ugandan Government, the Lord's Resistance Army rebels began to leave their bases in the DRC and move to assembly points in the Sudan. **[15bg]**

12.09 In October 2006 evidence was found of mass rape committed by the 83rd Brigade ex-ANC/FARDC in the course of the occupation of Kibirizi in January 2006. Up to 90 women and girls were raped. Women and girls were allegedly attacked in their homes, in the fields, and in some cases in front of their family members including children. According to MONUC "several sources claim the 83rd Brigade had the specific objective to sexually assault the women of Kibirizi, thus using rape as a weapon of war". **[92h]**

12.10 On 31 January 2006 Radio Okapi reported that the governor of Equateur Province had said that he is ready to end the insurrection of the armed group which was created near Yakumbo, 24km from Ikela, in Tshuapa District. The group is led by a former Mai Mai who has been demobilised, called 'Lebanese'. **[64v]** On 5 February 2007, the same source stated that the situation was now under the control of the national police. NKoy Azoki, the leader of the insurrection had fled, abandoning his men. The insurgents fled the Yekumbu area and sort refuge in Opala, in Orientale Province. Police arrested 14 members of the gang and recovered some weapons. **[64w]**

See also Annex D Armed forces in the DRC

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DISARMAMENT OF FOREIGN ARMED GROUPS

12.11 The International Crisis Group (ICG) in a report of 17 December 2004 stated "A key bargain that remains unfulfilled [between parties to the transition agreements] is definitive Rwandan withdrawal in exchange for disarming of the Democratic Forces for the Liberation of Rwanda (FDLR), the insurgent force with strong links to the genocidaires of 1994." and "Unfortunately, the voluntary program of disarmament, demobilisation, repatriation, resettlement, and reintegration (DDR) has failed." **[39c] (Overview)**

12.12 The United Nations Secretary-General (UNSG) reported on 15 March 2005 that "The total number of foreign combatants and their dependants repatriated to Uganda, Rwanda and Burundi now stands at 11,410. Progress in repatriation remains slow, because of the continued resistance by the hard-line leadership of the armed groups and the persistent military tension and instability in the Kivus, which have significantly eroded the climate of confidence and security necessary to progress with voluntary disarmament,

demobilization, repatriation, resettlement and reintegration." and "The presence and activities of the ex-Forces armées rwandaises (FAR)/ Interahamwe on Congolese territory continues to be a destabilizing factor in bilateral relations between the Democratic Republic of the Congo and the Government of Rwanda." **[54e] (p9)**

12.13 In a further report on 2 August 2005 the UNSG stated that the head of the FDLR announced on 31 March 2005 that the group "had decided to renounce violence and denounce the Rwandan genocide and was prepared to join the disarmament, demobilization, repatriation, reintegration, and rehabilitation process." **[54g] (p8)** However, an ICG report of 12 May 2005 commented on this commitment that "There are serious reasons to doubt matters will go so smoothly." citing the absence of Rwanda from the agreement. **[39e] (p1)** A report by IRIN of 25 August 2005 noted that at a recent meeting of ministers of regional cooperation from DRC, Rwanda and Uganda "The ministers at the Kigali meeting criticised the rebels, known as the Forces démocratiques de libération du Rwanda (FDLR), for failing to keep a promise they made in March to end attacks against their homeland."; and gave Rwandan Hutu rebels in the DRC "until 30 September to disarm or else face "severe" consequences". **[18bn]** The UNDPKO (2005) Year in Review stated that FDLR members did not surrender in significant numbers, and in June the leadership split, delaying the full repatriation of the rebels to Rwanda. At the end of June the Transitional Government announced its intention to forcibly disarm the FDLR in a joint operation with MONUC which had some impressive results. **[103]**

12.14 BBC News reported on 18 April 2005 that the UN Security Council had adopted a resolution that "widened an international arms embargo to include all rebel and militia groups in the Democratic Republic of Congo." The report stated "The ban follows a recent push to disarm militias in the volatile east and comes after a pledge from the main Hutu rebel group to disband and go home to Rwanda." **[15j]** Amnesty International (AI) issued a report on 5 July 2005 expressing its concern about the continuing large scale flow of arms to eastern DRC, despite the UN embargoes, citing Rwanda and Uganda in the practice. **[11g] (Introduction)** This AI report and another by Human Rights Watch of 13 July 2005 also deplored the arming of civilians in North Kivu. **[5q] (Arms distribution to Hutu civilians) [11g] (Arms distribution to civilians in North-Kivu)**

12.15 In his report dated 28 December 2005 the UNSG stated that "The Transitional Government with MONUC support intensified its planning and operations to forcibly disarm and repatriate Rwandan and Ugandan armed groups in the country. Several operations have been carried out in North and South Kivu and about 60 Rwandan combatants and their dependants have agreed to enter the demobilization process, some after being arrested and held in custody by FARDC." **[54h] (p8)**

12.16 The report went on to say that after negotiations the Ugandan Amnesty Commission had opened a small office in Beni in North Kivu. It added that the Transitional Government had granted ADF/NALU an additional month, until 30 October, for voluntary disarmament, and that meanwhile FARDC prepared for military operations in the area. The report stated that this "carrot-and-stick" approach had begun to bear fruit with a number of ADF/NALU elements contacting FARDC to enquire about the conditions of voluntary disarmament. **[54h] (p8)**

12.17 The same report also stated that MONUC was assisting the Amnesty Commission in conducting an intensive campaign in North Kivu to bring Ugandan combatants and their dependants into the demobilisation process, as well as establishing a temporary assembly area in Beni to accommodate those who decided to enter the programme. **[54h] (p8)**

12.18 The USSD Human Rights Report published 11 March 2008 reported in connection with the FDLR that: "Between 6,000 and 8,000 FDLR fighters remained in the provinces of North and South Kivu. According to MONUC, a few hundred opted to voluntarily demobilize and return to Rwanda during the year." **[3k] (1g)**

12.19 In April 2006, Ignace Murwanashyaka the political leader of the Democratic Forces for the Liberation of Rwanda (FDLR) was arrested in Germany for entering the country illegally. He was arrested as he returned from a trip to eastern DRC via Uganda and Belgium. In November 2005, the UN Security Council imposed a travel ban and asset freeze on Murwanashyaka and 15 others accused of violating an arms embargo aimed at ending fighting in the DRC. He claimed he was arrested because of this. He was released by the German court after three weeks. **[18de] [21t]**

12.20 The twenty-second report from the UNSG in September 2006 reported that Major Ninja, an FDLR leader active in North and South Kivu, and 84 of his followers were disarmed in August 2006. Of those, 26 were repatriated to Rwanda, while 58 entered into the national disarmament and demobilisation programme. The report goes on to say that Major Ninja was a well known source of destabilisation in the Kivus, and his repatriation is likely to further weaken FDLR command and control, and to encourage other militia members to undergo the disarmament and repatriation process. **[54j]**

12.21 During the period from June to September 2006, some 600 FDLR members voluntarily repatriated to Rwanda, bringing the total of voluntary repatriation of foreign armed groups under the facilitation on MONUC to 13,000 combatants and dependants. **[54j]**

12.22 The report stated that as of 8 September 2006, CONADER had demobilised more than 76,614 ex-combatants, including 19,000 children. Meanwhile, some 85,000 more have yet to undergo the disarmament, demobilisation, and reintegration process, but that the budget of CONADER had been exhausted. **[54j]**

12.23 On 8 November 2006 it was reported that Rwandan President Paul Kagame had said that he was ready to send troops back into the DRC if it failed to rein in militias, but that he would wait for the results of the election in DRC. **(56ak)**

12.24 On 13 November the Rwandan President denied his troops would invade the DRC. He claimed that what had been reported while he was in Japan was not what he had said. "What I said was that if we were attacked by anybody from Congo, we would do what any country would do to protect itself" he added. **(21y)**

See also; Section 8.18 on Ituri; 8.62 on North Kivu; 8.87 on South Kivu; 8.117 on Katanga; Section 26.35 on Child soldiers

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TORTURE

12.25 See Police Torture 10.20 above

FORCED CONSCRIPTION

12.26 See Section 26.35 Child soldiers

JUDICIARY

ORGANISATION

13.01 The US Department of State Country Background Note of March 2007 stated that "The judiciary is nominally independent; the president has the power to dismiss and appoint judges." **[3g]** Whilst in comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR advised that "In DRC, there are 12 Courts of Appeal, 1 in each Province and 2 in Kinshasa." **[60b]**

13.02 Europa World online (accessed 21 February 2008) added:

"Under the Constitution that entered into effect in February 2006, the judicial system is independent. Members of the judiciary are under the authority of the Conseil Supérieur de la Magistrature. The Cour de Cassation has jurisdiction over legal decisions and the Conseil d'État over administrative decisions. The Cour Constitutionnelle interprets the provisions of the Constitution and ensures the conformity of new legislation. The judicial system also comprises a Haute Cour Militaire, and lower civil and military courts and tribunals. The Conseil Supérieur de la Magistrature has 18 members, including the Presidents and Chief Prosecutors of the main courts. The Cour Constitutionnelle comprises nine members, who are appointed by the President (three nominated by the legislature and three by the Conseil Supérieur de la Magistrature) for a term of nine years. The Head of State appoints and dismisses magistrates, on the proposal of the Conseil Supérieur de la Magistrature." **[1e] (Judicial System)**

13.03 A report compiled by the Canadian Immigration and Refugee Board in February 2005 stated that the Congolese justice system is based on Belgian law and on tribal law and consists of various courts, including superior courts of law and military courts, and legally recognised tribal courts. The report stated that the tribal courts are often under the control of local chieftains and although they have the advantage of being more accessible to the population – they cover 80 per cent of the country – are often not considered to provide appropriate sentences, and can be discriminatory against women. **[43s]**

13.04 On 17 April 2007 Xinhua reported that the UNHCR was ready to make its contribution towards the improvement of the justice system in the DRC, with a view to strengthening its independence. After discussions with an official in the prime ministers office, a spokesman for the UNHCR commission of independence of judges and lawyers said that during his visit he would assess the situation of the justice system, and gather information on organic laws, before seeking an agreement on the establishment on the establishment of an institutional frame work for the country's justice system. **[62p]**

13.05 On 5 July 2007 the European Information Service announced that it had launched a new mission EUPOL DR CONGO, "to put together a viable, multi-ethnic and effective national police force". It announced that EUPOL DR CONGO would also have a judicial component to provide support for the reform of the country's judicial system and advise the criminal investigation police in Kinshasa. It went on to say that four European judges would work on

setting up a criminal judicial system, independent from the military courts which were still preponderant in many regions of the country. **[125a]**

13.06 Radio Okapi reported on 6 October that the Congolese National Magistrates' trade union, Synamag, had said that Congolese magistrates had gone on strike to protest against "inhuman and humiliating treatment inflicted on three of their colleagues in Kisangani, on the orders of the commander of the 9th Military Region. There had been no hearings or trials for two days. According to the Synamag deputy vice-chairman the strike was an expression of their determination to bring the commander to book "for inflicting on the magistrates blows and serious injuries, for torture and assassination attempt" [sic] **[64ax]**

INDEPENDENCE

13.07 As the US State Department Background Note 2007 states, the judiciary is nominally independent from the government. **[3g]** However, a lack of resources and poor salaries has led to high levels of corruption that seriously affects the workings of the judicial system and its impartiality. Political interference was reported to be "widespread". With some judges earning as little as US$ 20-30 per month it was easy to understand why many defendants "…with a minimum of influence or affluence…" were able to escape imprisonment. (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p16-17, 22)**

13.08 A report by the United Nations (UN) Special Rapporteur for the DRC in March 2004 stated:

"As emphasized by the Special Rapporteur in her previous reports, the Congolese justice system is far from meeting the minimum required standards. In the words of the memorandum sent by the Independent Union of Judges of the Democratic Republic of the Congo to the Special Rapporteur "Judges in the Democratic Republic of the Congo are not immune to the many ills that are eroding Congolese society at large: i.e. corruption, carelessness, lack of accountability and discipline, not to mention human and general moral values. Congolese society needs to be rapidly and thoroughly overhauled in order to win back the confidence of the people." **[55b] (p15)**

13.09 A report by Human Rights Watch (HRW) in January 2004 also commented on the widespread disarray of the justice system, notably the judiciary's lack of independence, and the lack of training, investigative capability, fair trial standards and rights of the accused. **[5c] (Section 4)**

13.10 The 2005 Annual Survey 'Freedom in the World' by Freedom House stated "Despite guarantees of independence, in practice the judiciary remains subject to corruption and manipulation by both official and non-state actors. However, there are some indications that the nearly defunct legal system is beginning to revive. A court in Ituri resumed hearing cases after suspending work in 2003 because of poor security conditions, although it has generally avoided investigating the most serious human rights abuses." **[66] (Political Rights and Civil Liberties)**

13.11 The US Department of State Human Rights Report 2007 published on 11 March 2008 reported that:

"The law provides for an independent judiciary; in practice judges, who were poorly compensated, remained subject to influence and coercion by officials and other influential individuals. … The civilian judicial system, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, failed to dispense justice consistently and was widely disparaged as ineffective and corrupt." **[3k] (Section 1e)**

FAIR TRIAL

13.12 The HRW report of January 2004 added that "Amid outcry and denunciations from all sectors of the society, the government abolished the COM [Military Order Court] in early 2003 and replaced it with new military tribunals. Nevertheless, the Cour de S˚reté de l'Etat, a special tribunal established in the 1970s to prosecute political offenses, continues to try members of the opposition, journalists, and union leaders without due process." **[5c] (Section IV)**

13.13 In reference to military courts USSD 2007 stated:

"Military courts, which had broad discretion in sentencing and provided no appeal to civilian courts, tried military as well as civilian defendants during the year. The military code of justice, in place prior to the adoption of the present constitution, continued to remain in force. It prescribed trial by military courts of all cases involving state security and firearms, whether the defendants were military or civilian. In August the UN's resident expert on human rights recommended that the government establish a clearer separation between civilian and military jurisdictions." **[3k] (Section 1e)**

13.14 With regard it civil courts, the USSD 2007 noted the following:

"Although the government permitted, and in some cases provided, legal counsel, lawyers often did not have free access to defendants. The public could attend trials only at the discretion of the presiding judge. Juries are not used. Defendants have the right to appeal in most cases except those involving national security, armed robbery, and smuggling, which the Court of State Security generally adjudicates. Defendants have the right to confront and question witnesses against them and can present evidence and witnesses in their own defense. The law requires that defendants have access to government-held evidence, but this was not always observed in practice. There were no reports of women or specific ethnic groups being denied categorically these rights." **[3k] (Section 1e)**

13.15 In a report from Irin in July 2006 the chief security guard of Osio prison is quoted as thinking many of the prisoners serving there were not judged fairly. "These are not the tough criminals people believe. We live with them and know who they are. Many were members of the rebel movement UPC." According to Katrina Ladwig, a criminal lawyer from Germany and human rights officer for the MONUC protection unit in Kasangani, about 50 per cent of the prisoners in Osio were soldiers or militias – many having been sentenced for belonging to the wrong rebel group. **[18cq]**

13.16 In the same report it states that "members of an international human rights organisation looking after prisoners' rights had told IRIN the problem with

justice in DRC is that politicians nominate prosecutors – justice has the colour of parties. To change this, the transitional parliament on 24 May 2006 passed a law that should guarantee the justice system's independence from the executive bodies. But it has not been enacted yet." **[18cq]**

See also Section 7.01 on Human rights general issues; Section 37.01 on Assassination of President Laurent Kabila

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ARREST AND DETENTION – LEGAL RIGHTS

14.01 Articles 19 and 20 of the current draft transitional constitution of 23 March 2003 (published by the Institute for Security Studies) provided for all citizens to have the right to be detained or arrested only in accordance with the law and within 24 hours, to be permitted contact with their family and a legal adviser, informed of the reason for the arrest, their legal rights, and any charges. Article 20 also states that police custody should not exceed 48 hours; after this period the detainee should be brought before a competent judicial authority. The same Article states that treatment should be in accordance with maintaining life, physical and mental health, and dignity. **[27a]**

14.02 A report compiled by the Canadian Immigration and Refugee Board in February 2005 also stated that in theory, the Congolese constitution guarantees impartial justice, defendants have the right to appeal in most cases, and the right to defence is recognized by all courts. **[43s]**

14.03 Several reports indicated that although the law provides for a speedy process, access to family and lawyers, and prohibits arbitrary arrest and detention, these provisions were not followed in practice. **[3k] (Sections 1d, 1e, 1f) [11f] (Torture and Illegal detention) [55b] [56a]** "Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. Authorities rarely pressed charges in a timely manner and often created contrived or overly vague charges. No functioning bail system existed, and detainees had little access to legal counsel if unable to pay. Authorities often held suspects in incommunicado detention and refused to acknowledge their detention." (US State Department Report on Human Rights Practices - 2007, 11 March 2008) **[3k] (Section 1d)**

14.04 A report in April 2004 by the United Nations Mission for Congo (MONUC) on Detention in the Prisons and Detention cells of the DRC, based on a series of visits in 2002 and the first six months of 2003, stated that:

"The lawfulness of the arrest and detention is often an infringement of the law linked to the serious disfunctions [sic] in the police force and in the legal system. It is clear that the fundamental rights of persons arrested are not respected, in particular:

- The period in police detention, which may not exceed forty-eight hours,
- The right for any person arrested to be informed immediately or at the latest within twenty-four hours of the reasons for his/her arrest and of any accusation made against him,
- The right to a just and fair trial within the legal periods." **[56a] (p4)**

14.05 The MONUC report recommended a number of measures to improve the situation of illegal detention, and to reduce the number of people held in preventive detention and limit its duration. **[56a] (p39-44)**

14.06 The Amnesty International (AI) Annual Report in 2005, reporting on events in 2004, stated that "Arbitrary arrest and illegal detention remained frequent across the DRC. Many people spent long periods in detention without charge or trial. A number were reportedly ill-treated or tortured. Human rights

defenders and journalists engaged in legitimate investigation and criticism were also threatened and unlawfully detained." **[11f] (Torture and Illegal detention)**

14.07 A report by the United Nations (UN) Special Rapporteur for the DRC in March 2004 also stated "Crime generally goes unpunished in the Democratic Republic of the Congo and arbitrary detention is practised on a wide scale." **[55b] (p16)** The same report also stated "The lack of security for the civilian population is one of the impediments to the realization of human rights in the Democratic Republic of the Congo. The civilian population is subject to violence by the military and police, often for financial reasons; most such offences go unpunished. Since bribery is ubiquitous, the guilty parties can buy off the justice system and the police, and justice officials often help victims and perpetrators to make deals in exchange for part of the compensation paid." **[55b] (p12)**

14.08 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated: "In cases of witchcraft, people accused of doing witchcraft by their community are put in detention to prevent any revenge, instead of finding a more suitable solution." **[60f]**

14.09 In contrast, the US State Department (USSD) 2007 Religious Freedom Report stated that there were confirmed incidents where children and elderly persons were driven from their homes or killed after being accused of witchcraft, and that officials often did not charge or prosecute the perpetrators of such offences. **[3j] (section 3)**

See also; Section 11 on Military service; Section 12 on Abuses by non-government forces - torture; Section 15 on Prison conditions; Section 26 Children and Witchcraft

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PRISON CONDITIONS

15.01 The US State Department noted that "Conditions in most large prisons remained harsh and life threatening" with an "…unknown but sizable number of prisoners [dying] due to neglect." (US State Department Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)** The negligent allocation of resources by central government accounted for most of the problems experienced throughout the criminal justice system, specifically prisons. Prisons visited for the purpose of a UN report on violence against women (published 28 February 2008) were found to be dilapidated and lacking the most basic of hygiene standards with life threatening deficiencies in the provision of food and healthcare. "During the first six months of 2007, MONUC documented at least 30 deaths of detainees." (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p21)**

15.02 The US State department went on to note that:

"The penal system continued to suffer from severe under funding, and most prisons suffered from overcrowding, poor maintenance, and a lack of sanitation facilities. Health care and medical attention remained inadequate and infectious diseases rampant. In rare cases prison doctors provided care; however, they often lacked medicines and supplies. In August the UN's independent expert on human rights in the DRC recommended that the parliament adopt a law to reform the prison system." (US State Department Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)**

15.03 The United Nations reported that most prisons did not receive a budget from the authorities for food. And as a result, some prisons allowed inmates to leave the prison during the day to search for food with some prisoners failing to return. Serious violent offenders, such as rapists, were reported to have absconded in this manner. (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p19-21)** In addition, information from UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), dated June 2002, noted that it was generally possible to bribe one's way out of custody, including military custody. However, it would be more difficult to do so in the case of a high security category, especially in the case of the CPRK [Centre pénitentiaire et de rééducation de Kinshasa] in Kinshasa. (June 2002) **[52] (p93)** A report from the Foreign and Commonwealth Office in February 2007 noted that security at CPRK continued to be robust with armed police and FARDC troops providing the security. **[22i]**

15.04 "In all prisons except CPRK [Centre pénitentiaire et de rééducation de Kinshasa], the government had not provided food for many years – prisoners' friends and families provided the only available food and necessities. Malnutrition was widespread. Some prisoners starved to death. Prisoners with no one to provide them with food often experienced malnutrition. Prison staff often forced family members to pay bribes to bring food to prisoners." (US State Department Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)**

15.05 The US State Department noted that while "larger prisons sometimes had separate facilities for women and juveniles, …others generally did not. Male

prisoners raped other prisoners, including men, women, and children." The United Nations confirmed that pre-trial detainees and convicted persons were often held together. Partially as a consequence of this, the UN noted that there were increasing numbers of rapes taking place in detention with some women being forced into prostitution. (Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)** (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p6 & 21)**

15.06 Individuals detained on state security grounds were held in special sections. "Government security services often clandestinely transferred such prisoners to secret prisons. Civilian and military prisons and detention facilities held soldiers and civilians alike." (US State Department Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)**

15.07 "The law provides that minors may be detained only as a last resort; however, in part due to the absence of juvenile justice or education centers, authorities commonly detained minors. Many children endured pre-trial detention without seeing a judge, lawyer, or social worker; for orphaned children, pre-trial detention often continued for months or years." (US State Department Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)** A United Nations report noted that: "Children as old as 8 years of age are kept in prison with their mothers, without access to education, adequate medical care or food. In several localities, there are no separate sections for women or minors." (Report of the Special Rapporteur on violence against women, its causes and consequences, 28 February 2008) **[100b] (p21)**

15.08 The USSD 2007 report also stated that "In general the government allowed the International Committee of the Red Cross, MONUC, and some NGOs access to all official detention facilities; however, it did not allow these organizations access to illegal detention facilities." In addition, during the year, some foreign diplomats made prison visits. (US State Department Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)**

15.09 A member of the British Embassy staff visited the CPRK prison, Kinshasa, in February 2007, and submitted the following report.

"Security around the prison was visible but not overly so. There was a single police officer controlling vehicle access to the outer CPRK compound with the aid of a rope across the track. Inside the compound, there was another small group of police, armed with AK47s, and other police monitoring the entrance and controlling the queue of people waiting to visit friends and family inside. FARDC troops were not present at the time of the visit, although they sometimes are. The armed police stay in the outer compound to avoid antagonising the prisoners - since the riots in CPRK in October 2006 (in which MONUC think 5 people died, denied by the authorities) the atmosphere inside is reported to still be quite tense.

15.10 Access through the main gates was controlled by a group of prison officials. They handed out yellow squares of cardboard to visitors, who handed in ID - these bits of card must be presented on the exit and the ID checked in order to exit the prison. Bags were being given a cursory search but individual visitors were not. Most members of the public were seemingly able to gain access to the prison without any particular hassle, but it was commented by one visitor

that the only reason she hadn't had to pay a bribe (payable in cash or food) was because a foreign visitor was present.

15.11 The British Embassy member of staff found entering the prison manageable, without needing prior authorisation from any Ministry. MONUC now say that they have no problem entering CPRK on demand - but their access to special police and ANR jails (cachots) is severely restricted.

15.12 Visiting is 10-15:30 on Sundays, Wednesdays and Fridays. Additionally, on Monday, Tuesday, Thursday and Saturday, families and friends are permitted to drop off parcels of food, money and clothes. Such parcels are very important as official rations (supplied pretty regularly) consist of just half a cup of maize broth a day. Some of the prisoners (probably those without contacts inside or outside) surviving on these rations looked malnourished. For those lucky enough to get regular deliveries, the prison represented a sales opportunity, with several rudimentary stalls doing good business in food items, tissues, paper, pens etc. **[22i]**

PRISONER CONDITIONS

15.13 The possibility of trading remains open only to some prisoners, those who have worked their way up the strict hierarchy. New arrivals continued to do most of the harshest duties and have the worst sleeping arrangements. Money, gifts and friendship could buy a place in a more comfortable room and relief from certain duties. Each of the separate buildings - "pavilions" - was controlled by a senior prisoner - the "commandant", who was in charge of access, administration and prison "services". Some pavilions seemed better organised than others - one of the pavilions holding military prisoners was in the process of holding a trial ("justice within justice" - they called it) over an infraction committed by one of their number. The pavilion commandant had a small group of "militaires" who worked directly for him - these were effectively the prison guards despite being prisoners themselves. They controlled access to the pavilions and decided which prisoners had the right to trade, play football or socialise with other inmates. They also had sticks for disciplinary purposes.

15.14 The prison is divided into two halves - one for military prisoners (1,614) and one for civilian prisoners (2,377). Within the civilian half, there was a women's wing containing around 170 prisoners plus small children, and a children's' wing, which contained the minors (from a total of 118) not with their mothers. The bulk of the prisoners were in dormitory-style cells and had about 12-15sq ft of bed space in the pavilions witnessed, but the high profile prisoners (including Marie-Therese Nlandu, Fernando Kuthino and Colonel Eddy Kapend) had rooms with individual beds. They shared the cells with between 1 and 3 other people. These de luxe cells come with their own supply of electricity, and had a TV and a fan (although these were personal possessions).

15.15 Sanitary conditions in the prison were poor, a consequence of the 1,500 person capacity prison holding 3,991 people. The prison had a reasonably reliable supply of water brought in from outside and electricity, but the inmates did all their cooking, cleaning and excretion within small communal spaces, which presented an obvious hygiene risk. Washing facilities for prisoners were limited to access to a few communal basins. There was a football field for

exercise for the male prisoners; the female prisoners had a smaller courtyard, which also served as a cooking and food serving area. There are rooms designated in some of the pavilions as sick bays, but the prison had hardly any medicines at all - these needed to be brought in by relatives/friends of the incarcerated.

15.16 As well as having no difficulty gaining access to three high-profile political prisoners, the member of British Embassy staff was able to speak briefly to a few of the ordinary prisoners - all bar one said they were in CPRK unjustly, but more tellingly, three of them said that they had not faced any kind of trial, and didn't know how long they were going to be in prison for (and in one case what they were in for)". **[22i]**

15.17 USSD 2007 reported:

"Even harsher conditions prevailed in small detention centers, which were overcrowded, had no toilets, mattresses, or medical care, and which provided detainees with insufficient amounts of light, air, and water. Originally intended to house short-term detainees, they were often used for lengthy stays. They generally operated without dedicated funding and with minimal regulation or oversight. Detention center authorities often arbitrarily beat or tortured detainees. Guards frequently extorted bribes from family members and NGOs to visit detainees or provide food and other necessities." (US State Department Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)**

15.18 The same source also stated:

"Despite a pre-2007 presidential decision to close illegal jails operated by the military or other security forces, there were no reports of illegal jails being closed during the year. According to MONUC, the security services, particularly the intelligence services and the GR, continued to operate numerous illegal detention facilities characterized by harsh and life threatening conditions. Authorities routinely denied family members, friends, and lawyers access to these illegal facilities." (US State Department Report on Human Rights Practices, 11 March 2008) **[3k] (Section 1c)**

15.19 A report by the United Nations (UN) Special Rapporteur for the DRC in March 2004 also noted that there were still small dug out punishment cells (cachots) in a number of locations in the Kivu provinces, where military and civilians were often detained in inhuman conditions and torture was practised. **[55b] (p16)**

15.20 MONUC noted in a report published in March 2006 that "The limit on the time period for being kept under arrest without charge should not exceed 48 hours…" **[56j]**

15.21 It goes on to say that there are more and more places countrywide where arrest and illegal detention are carried out, and that serious violation of human rights take place in the premises and cells of the Intelligence Service (ANR), the Directorate of General Migration (DGM), the National Security Council (CNS) and the Republican Guard (GR) where the report gives details of widespread abuse and accounts of torture for reasons ranging from illegal arrest, extortion of money, and political reasons. The same offences are often

committed in the cells of military camps, where most of the arrests are for reasons supposedly linked to security of territory. The majority of those detained in these establishments were soldiers or members of armed groups. These services often deny the existence of their places of detention, escape control, and can also be places where forced disappearances start. **[56j]**

15.22 The decision of the President to close all places of detention which are not under the control of legal authorities has not always been implemented properly, since almost all the detention sites covered by the Presidential measures continue to be in full and open operation. **[56j]**

15.23 The rights of those placed in detention are far from respected, especially the right to a just and fair trial in a reasonable time. The report states that the proportion of remand prisoners in many establishments varies between 70 per cent and 80 per cent of the prison population. This means that the overpopulation of Congolese prisons is not solely due to the number of prisoners placed in too few detention sites, but also due to the average duration of incarceration of each prisoner due to the poor functioning of justice, particularly military justice. **[56j]**

15.24 An item from Irin News in July 2006 reported on the fact that in many prisons the prisoners stay voluntarily in captivity. It quotes the example of Osio penitentiary near Kisangani, "where the fences are damaged or missing, that there are no gates or locks, and the prison guards show little interest in keeping anyone inside the prison". This despite the fact "that there is nothing that resembles a toilet, no clean water, often no food and no security for those inside or outside". The report goes on to say that there are no locks on the cells which were all broken during a riot at the prison in February 2006. "The prisoners went on a rampage because they had not been fed for weeks". **[18cq]**

15.25 On 21 December 2006 Congolese radio from Bukavu reported that five detainees had died the previous weekend at the central prison of Mbuji Mayi, a penitentiary where deaths are regularly reported. A spokesman for a local NGO, Fraternite des Prisons (Brotherhood of Prisons), felt the inmates were suffering from food starvation. He warned that some 30 prisoners were currently in a critical condition, and that 10 of them could die within hours. However, according to the head of the provincial division of justice, some people have been coming forward with help since the beginning of December, and had been offering food to detainees. Medical sources claimed that the abrupt switch from starvation to abundance was behind the deaths of the prisoners. **[95aj]**

I15.26 IRIN reported on 26 January 2007, that two prisoners were killed and 25 others wounded when police moved into a jail in Ituri district to quell a riot over poor conditions. The report continued "According to a doctor who treated some of the prisoners conditions in Ituri prisons are deplorable, with inmates forced to share their meagre rations. Malnutrition is rampant, with 10 per cent of all those in jail in Bunia showing signs of malnutrition. 3 prisoners died of severe malnutrition in December. Hygiene in the prisons is also poor exposing prisoners to diseases such as dysentery". **[18ex]**

15.27 A report from IRIN on 13 February 2007 entitled 'DRC: Prisoners endure appalling conditions' that dealt with conditions in the prison at Bunia quoted a

prison doctor as saying, "at least 10 percent of the inmates are showing signs of malnutrition". He continued "it is a serious public health problem. The rate of malnutrition should normally be lower than 10 percent. We registered 13 cases of severe malnutrition, three moderate cases and 12 cases of mild malnutrition. Generally, there are cases with digestive problems, including diarrhoea". The report went on to say that these cases are referred to the main hospital in Bunia, with the severely malnourished being taken to the Therapeutic Nutritional Centre run by an Italian NGO. The doctor also stated: "Whereas each prisoner should receive 2,000 calories a day to meet his nutritional needs, the inmates here get less than 300 calories per day". The report goes on to say that the prison was built to accommodate 102 inmates, but holds 437, and that the rise in the number of prisoners has been attributed to rampant crime in the northeast district of Ituri. The public prosecutor of the Magistrate's Court in Bunia is quoted as saying "there is no prison in the district so the detainees are brought to Bunia from all over the district". According to him the inadequate number of judges to handle trails quickly had also led to a proliferation of remand prisoners in the jail. **[18ez]**

15.28 According to a nurse at the General Military Referral Hospital in Bunia, military detainees had not received any medicines since July 2006. The prison holds both military and civilian inmates. The nurse is quoted as saying, "normally there should be separate military and civilian prisons, but our country has no military prison. It is dangerous". The presiding judge of the military tribunal in Ituri said "when there is an escape or an attempted escape, generally it is the convicted soldiers who take the lead". Since September 2006, there have been at least 14 prison escapes involving death-row convicts and war crime suspects. **[18ez]**

15.29 On 15 May 2007 BBC Monitoring reported that during the five-day visit to the DRC by the UN Commissioner for Human Rights, Congolese authorities had freed over 250 prisoners who were jailed for common law crimes at Makala Central Prison in Kinshasa. **[95by]** During her visit the commissioner criticised the appalling conditions in prisons in the DRC. "Congo's prisons are overpopulated because there are many prolonged detentions as most detainees don't have access to justice", she said. "The great majority of Congolese do not have access to justice and then face major obstacles to benefit from fundamental rights". She called for reforms to improve the detention system in the DRC to be accelerated. **[74bc]**

15.30 On 24 May 2007 allAfrica.com reported that the official handover of the keys to Mahagi central prison by MONUC had taken place the previous day. The renovation of the prison was financed by UNDP and cost US$37,000. The work was completed in six months by a construction company based in Bunia. The prison now has a capacity for 250 people, and is equipped with seven rehabilitation cells, six for men and one for women. Seven other individual cells are destined for criminals and those condemned. Each cell is equipped with toilets, showers, beds and lockers, and all doors and windows are metallic and double barred for security. The Bunia Public Prosecutor welcomed the completion of the work and said "the rehabilitation of this prison will ease the problems of overpopulation that is affecting Bunia central prison". **[74bh]**

15.31 On 5 July 2007 BBC Monitoring reported that 24 detainees had escaped on 30 June 2007 from Mbandaka prison in Equateur province. **[95cb]**

15.32 BBC Monitoring reported on 3 August 2007 that 114 out of 155 prisoners in Uvira Prison in South Kivu had escaped. **[95cj]**

15.33 Independent on Line reported on 26 September 2007 that 49 detainees had escaped from a prison in North Kivu recently renovated by MONUC. Six of the prisoners were recaptured the following morning. According to a broadcast by Radio Okapi the majority of the jail breakers were death row criminals. The Prison Director said that all but three of the escapees were military prisoners. According to witnesses the prisoners complained for a number of days on the lack of food, water and access to proper sanitation. They escaped by breaking a hole in the wall of the prison. **[86ac]**

15.34 On 16 October 2007 Independent on Line reported that three law enforcement agents and a prisoner were killed during an attempted jail break from a prison in Katanga Five others – two policemen, one soldier and two prisoners – were injured during the clashes, during which prisoners seized weapons from their police guards. A police officer was quoted as saying "These people were killed during gunfire exchanged between the prisoners … and soldiers dispatched to restore order". **[65eq]** On 18 October IOL reported that the total of dead had risen to five with the discovery of a body within the prison ramparts. It named the prison as the Katanga high security prison at Buluo, which houses prisoners considered dangerous to the authorities, notably soldiers condemned to death or long sentences for serious crimes, undermining the security of the state, or acts of rebellion. **[86ae]**

15.35 Radio Okapi reported on 18 October 2007 that 14 inmates had escaped from the Mahagi-Centre prison situated some 200km north of Bunia. The prisoners were reported to be for the most part in detention temporarily, and according to the chairman of the local peace tribunal, succeeded in escaping from their cells without damaging any of the locks. The prison warden as well as the police in charge of guarding the prison had been arrested for questioning. **[64bs]**

15.36 On 4 January 2008 the Institute for War and Peace Reporting published a report detailing prison conditions in Goma Central Prison – nicknamed Munzenze which means impenetrable. The officer accompanying Lisa Clifford the writer of the article informed her that he had not been paid since 1996, and claimed that he survived by having his wife work. Clifford was told by the NGO that had arranged the visit that in reality prison staff in the DRC supplement their non-existent incomes with bribes form inmates and their relatives, as the authorities in Kinshasa refused to send money to pay salaries or food for the prisoners. **[144a]**

15.37 Dealing with the prisoners' accommodation the report states that the women prisoners were kept in small, dark cells off a corridor covered by a leaking roof. Among the older women were two young girls aged around 12 or 13. In the men's area young boys were incarcerated with older, hardened criminals including military prisoners. Most of the prisoners were in a courtyard. **[144a]**

15.38 There were no beds, no blankets, no food, no electricity, and nothing for the prisoners to do but stand around or squat down in the dirt. **[144a]**

15.39 According to Clifford the worst part of the prison was a small, filthy room housing the mentally ill and those with contagious diseases such as tuberculosis. It was near an open toilet with an "unbearable" smell. "A man dressed only in a sack wandered around in confusion, while another leaned against a wall coughing". **[144a]**

See also Section 26.55 also Imprisonment of children

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DEATH PENALTY

16.01 Hands off Cain noted on 28 February 2008 that the Democratic Republic of Congo was one of 49 countries that have retained the death penalty. **[12]** Although, Amnesty International USA reported on 21 July 2007 that the DRC was among those 85 countries that had signed a statement of intent regarding the abolition of the death penalty. **[11u]**

16.02 Little information, regarding the numbers of prisoners currently being held on death row (throughout the country), was available. However, a report published by *The New York Times* on 27 September 2007 noted the escape of forty-nine prisoners from a prison in Beni territory in North Kivu. The article noted that the majority of prisoners were believed to be death row criminals, the prison held 60 detainees. **[134b]**

16.03 A moratorium on the death penalty was imposed in 2003, but was subsequently lifted in 2004. However, since April 2001 no sentence of death has been carried out in spite of the death penalty being passed on a regular basis. Most death sentences are handed down by military tribunals. "Judges at military courts, where most of Congo's death penalties are handed out, rarely follow the penal code's guidelines…" Such trials "…are usually expeditious without respect for fair trial guarantees for the rights of the accused or victims." (The Inter Press Service, 26 April 2006) **[74dq]**

16.04 The Inter Press Service reported on 26 April 2006 that at least ten children (between 15 and 18 years of age) had been sentenced to death and were waiting on death row for sentences to be carried out. However, the report noted that the death penalty can only be imposed on under 18 year olds where no proof of age was obtainable. Where the age of the child was available (i.e. they are under 18) it is illegal to pass a sentence of death. **[74dq]**

See also Section 37.01 on Assassination of President Laurent Kabila

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POLITICAL AFFILIATION

17.01 A report of 2 August 2005 by the United Nations Secretary-General noted that:

> "The debate over the future of the transition has divided the Congolese polity into two major camps. The parties participating in the transitional institutions – the PPRD, the Mouvement pour la libération du Congo (MLC), the Rassemblement congolais pour la démocratie-Goma (RCD-G) and the Forces du futur – favoured an extension of the transition. At the same time, political parties that are largely not represented in the transitional institutions – led by UDPS [Union pour la Democratie at le Progrès Social (Union for Democracy and Social Progress]and including PALU [Parti lumumbiste unifié (Unified Lumumbist Party)], the Groupe des Quatorze of political parties, the Mouvement du 17 mai, and the Forces novatrices pour l'union et la solidarité – accused the Transitional Government of failing to organize the elections on time, opposed an automatic extension of the transition, and called for public demonstrations to stop the transitional process." **[54g] (p1)**

17.02 Freedom House Annual Report 2005 stated that "At least 400 political parties registered after their 1990 legalization, but they were later banned under Laurent Kabila. Following the passage, in April 2004, of new electoral laws, 34 of 239 existing political parties were dissolved for failing to register with the government before a six-month deadline; however this did not preclude them from re-registering. Most former rebel groups are now authorized to act as political parties." **[66] (Political Rights and Civil Liberties)**

17.03 Referring to the elections which were expected to take place on 29 April 2006, allAfrica.com, on 2 February 2006, reported: "As preparations for DRC's first democratic elections in over 40 years swing into gear, the country's interior ministry announced that it has so far registered some 300 political parties keen on taking part in the polls." It should be remembered that all political parties have to register with the Government, as do candidates for the presidential and general elections, although this does not mean that they will all participate in the elections. **[74a]**

17.04 In April 2006 the electoral commission approved lists with 33 presidential and more than 9,500 legislative candidates from 269 parties. Only a handful of parties, however, could field candidates in all districts due to cost. In addition despite the new constitution requiring the government to promote equal representation at all levels of government, only four of the presidential candidates, and ten per cent of the legislative candidates were women. **[39h]**

17.05 Information from the Country Fact File of the Institute for Security Studies updated on 12 January 2005 stated that apart from the main parties "There are a multitude of other, smaller parties, many of which were involved in the inter-Congolese dialogue and are which [sic] now have representatives in the transition government." **[27b] (History and Politics)** The British Embassy in Kinshasa advised in February 2003 that the vast majority of political parties have a small membership and are no more than a loose collection of like-minded persons, with no formal organisational structure. **[22f]**

17.06 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 noted:

"[In addition,] the territorial problem [also] plays a vital role in the political arena. The PDSC distinguishes three categories of party on this basis:

1. National parties such as the UDPS, the MPR and the PDSC that are represented throughout the territory of the Congo;
2. Semi-national parties, active in Kinshasa and in one or two other provinces, e.g. PALU, UNADEF (present in Kinshasa and in Katanga) FSD (active in Kinshasa and in Low Congo), MNC-L, FONUS;
3. Parties built round a personality such as the MSDD [Mouvement Social Democratie et Developpement] (Lutundula), the MDD [Mouvement pour la démocratie et le développement], the ANADER [Alliance Nationale des Démocrates pour la Reconstruction] (Lutete), the ROM and the ROC." **[24a] (p11)**

See also Section 17.08 on Letters of support from opposition political parties; Section 17.09 on Freedom of association and assembly; Annex B Political organisations

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FREEDOM OF POLITICAL EXPRESSION

17.07 Article 11 of the transitional constitution stated:

"Political pluralism shall be recognised in the Democratic Republic of Congo. All Congolese shall have the right to create a political party or to become a member of a party of their choice. The political parties shall contribute to the expression of suffrage, the formation of national conscience and citizenship training. They shall form and freely exercise their activities whilst respecting the law, public order and morality. Political parties shall be obliged to respect the principles of multi-party democracy, national unity and sovereignty. No person may establish, in any form whatsoever, a single party on all or part of national territory. The establishment of a single party shall constitute a crime of high treason punishable by law." **[27a]**

Article 11 of the post-transition constitution stated:

"All human beings are free and equal in dignity and rights. However, the pleasure of the political rights is recognized only for the Congolese, except exceptions established by the law." **[27d]**

See also Section 33.01 Citizenship and nationality

LETTERS OF SUPPORT FROM OPPOSITION POLITICAL PARTIES

17.08 The British Embassy in Kinshasa advised in February 2003 that there is no standard practice or format regarding letters of support produced by opposition political parties. The vast majority of political parties have a small membership and are no more than a loose collection of like-minded persons,

with no formal organisational structure. In these circumstances, it is easy for members of these political parties to obtain letters of support signed by anyone generally recognised as an official of the party. **[22f]**

FREEDOM OF ASSOCIATION AND ASSEMBLY

17.09 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that while the "…constitution provides for the freedom of peaceful assembly …the government restricted this right in some instances." **[3k] (Section 2b)** The text of the proposed Constitution approved in May 2005 published by the Institute for Security Studies contains provision for the rights to set up trade unions and take part in their legal activities. **[27d]**

See also Section 35.01 on Employment rights

17.10 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "Procedures on registration and restrictions of political parties were ruled by law n. 90/007 of 18 July 18 1990, which was modified by the Law n. 90/009 of 18 December 1990, the Decree-Law n. 194 of 29 January 1999 and the law n. 001/2001 of 17 May 2001. Nowadays, the only law which is into force is the law n.04/002 of 15 March 2004." **[60b]**

17.11 The Economist Intelligence Unit (EIU) Country Profile 2005 also stated:

"New legislation governing political activity was passed in 2004. Political parties are free to hold meetings and campaign, but must first register with the Ministry of the Interior. This last restriction, which has been in place since 1999, is contested by the main political parties, such as the Union pour la démocratie et le progrès social (UDPS), which argue that they have been registered as political parties since the national conference in the early 1990s, and do not need to do so again. There are dozens of small opposition parties, but few are of significance, frequently being the vehicle for individuals some of whom have made it into the transitional government as ministers." **[30b] (p12)**

See also Section 17.01 on Political Affiliation

17.12 Freedom House stated in the Freedom in the World report for 2005 "The people of the DRC cannot change their government through democratic means. There are no elected representatives in the entire country." The same source stated "Freedom of assembly and association allowed by law is limited in practice." **[66] (Political Rights and Civil Liberties)**

17.13 The USSD 2007 report also detailed a number of occasions during 2007 when freedom of assembly was restricted and stated that: "The government required organizers of public events to inform local authorities in advance; to deny authorization, authorities must do so in writing within five days of being notified." However, the report noted that even where prior notice had been provided, demonstrations were broken-up and curtailed. There were reports that security forces were responsible for the deaths of at least 14 individuals during the year with assault and unlawful detention also common. **[3k] (Section 2b)**

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

17.14 The World Report 2008 by Human Rights Watch (HRW) commenting on events in 2007 stated: "On March 22, government forces and bodyguards of disappointed presidential contender Bemba clashed for three days in Kinshasa, the third such incident since August 2006." Over 300 people are believed to have been killed during the disturbances, many of them civilians caught in the crossfire. In western Congo, government forces killed over 100 opposition supporters protesting against corruption in the Bas Congo provincial elections. **[5ad] (Overview)**

17.15 The USSD 2007 report stated that: "Political parties were able to operate without restriction or outside interference. Unlike in 2006, the electoral commission did not disallow the registration of any political parties for technical or other reasons; however, there were no reports that any parties attempted to register. …

"A law on the status and rights of the political opposition, which was adopted in late 2007, recognizes opposition parties represented in parliament as well as those outside it and guarantees their right to participate in political activities without fear of retribution." **[3k] (Section 3)**

17.16 On Friday 10 March 2006, a demonstration by members of the UDPS in Kinshasa was broken up by armed riot police. The demonstrators were protesting that President Joseph Kabila had approved the electoral calendar allowing nominations and that UDPS demands for voter registration and UDPS participation in elections had not been met. There were reports that the police used tear gas and batons to disperse demonstrators. A Reuters reporter saw police drag at least ten demonstrators into the back of police trucks. The UN mission said that around 40 people were arrested, though one organiser of the demonstration, Franck Diongo, said he thought that up to 250 had been detained. Among those arrested was UDPS Secretary-General Remy Masamba. **[15z, 23c]**

17.17 On Wednesday 22 March 2006 demonstrators again took to the streets of Kinshasa to demand that the UDPS be integrated into the country's election organisational structures. The UDPS estimated the number of demonstrators at 5,000. **[18dt] [15bk]**

17.18 The United Nations Secretary-General (UNSG) reported on 2 August 2005 that during the previous three months "MONUC [had] documented an increase in the number of violations of human rights associated with the forthcoming elections, including the arbitrary arrest and detention of members of political opposition parties in several provinces, in particular Katanga, the Kasais, Orientale and Bas-Congo, and in Kinshasa." The UNSG report added "My Special Representative addressed a letter to President Kabila on 21 June concerning the difficulties faced by MONUC in accessing political detainees held in several detention facilities. While the Presidency has since indicated that the Government will facilitate such access, the Mission is still frequently prevented from monitoring political detainees." **[54g] (p11)**

17.19 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated:

"The murder of an influential member of the UDPS took place in November 2005. Alexandre Mbuyi was found dead in his car in early November, he was a figure of the party, very close to the UDPS vice-president of the Transitional Government and a member of the national committee of the UDPS. Here again the motive of the murder remains unknown."

17.20 On 10 April 2007 Radio Okapi reported that a peaceful march had taken place in Mbandaka organised by the Union of the Nation. The protesters said they were protesting against acts of looting carried out in broad daylight by the government, acts that Union of the Nation and MLC officials, who were natives of Equateur, were victims of in Kinshasa. The march started from the MLC headquarters and ended at the MONUC headquarters where a memo from the demonstrators, addressed to the UN representative in DRC and the US president was handed over by the MLC/Equateur federal chairman. **[64Ac]**

17.21 A letter from the British Embassy in Kinshasa dated 7 June 2007 dealing with the treatment of the UDPS states:

"The treatment of UDPS members is significantly better than in 2005. This is directly related to the UDPS' decreasing significance as a political entity since early 2006 – once it became clear that Etienne Tshisekedi was not going to stand for President, and that UDPS members were not going to stand for parliament, the DRC security apparatus was given different targets.

The UDPS' virtual silence over many key political issues, combined with Tshisekedi's refusal to participate in the elections, meant that many UDPS members left the party in 2006 to pursue electoral dreams elsewhere. A corollary of this was that the UDPS organised substantially fewer demonstrations and public meetings than it did in 2004-5 – meaning that there were fewer opportunities for UDPS members to be arrested/get themselves arrested.

Since the electoral period began in June 2006, the number of abuses of human rights of UDPS members reported to MONUC and Embassies in Kinshasa diminished drastically. Harassment and abuse of supporters of political parties linked to the MLC rose commensurately. This trend continued until after the events in Bas-Congo and Kinshasa in January / March 2007. Since then, reports of politically-motivated harassment on all sides have diminished.

The Embassy continues to have frequent contacts with members of the UDPS, from grassroots members up to the senior leadership. On no recent occasion have these individuals told us of harassment / abuse of UDPS members. In the past, our contacts have made such grievances very clear to us. MONUC staff have told us the same thing.

It is possible that UDPS members are the victims of human rights abuses – but in our opinion this would not be linked to the fact that they are members of that particular political party". **[22x]**

See also Section 6.15 on Elections; Section 8.117 on Katanga; Section 17.01 on Political affiliations; Annex B Political organisations

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FREEDOM OF SPEECH AND MEDIA

18.01 The US State Department Report on Human Rights Practices in 2007 published on the 11 March 2008 (USSD 2007) reported "The law provides for freedom of speech and of the press; however, the government restricted these rights in practice. Freedom of the press declined as the result of threats and actions by government officials at several levels during the year. In August the UN's independent expert on human rights in the DRC noted dozens of cases in which security forces harassed and arbitrarily arrested journalists and other media personnel and recommended that the government increase its dialogue with the media to seek "remedies, when necessary, through the law" and reduce violence against the media." **[3k] (Section 2a)**

18.02 The same report stated that:

"Generally individuals could privately criticize the government, its officials, and private citizens without being subject to official reprisals. However, on at least one occasion, security forces committed a reprisal in reaction to remarks by a political party member, although the comments did not include criticism of the government. GR soldiers arrested and detained a member of the Union for Democracy and Societal Progress (UDPS) political party in Bukavu on May 17 because of remarks he made about the anniversary of the liberation of Kinshasa by Laurent Kabila's troops during the war. The soldiers reportedly beat and interrogated the party member before releasing him. The GR commander reportedly threatened to kill him if he said anything about the arrest to human rights NGOs or MONUC's Radio Okapi. The victim remained in Bukavu and by year's end had suffered no additional harm." **[3k] (Section 2a)**

18.03 "A large and active private press functioned throughout the country, and the government licensed a large number of daily newspapers to publish. The government required every newspaper to pay a $500 (250,000 francs) license fee and complete several administrative requirements before publishing. Many journalists lacked professional training, received little if any salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles. Many newspapers remained critical of the government and many others showed bias toward it or supported particular political parties. The government press agency published the Daily Bulletin which included news reports, decrees, and official statements." (USSD 2007, 11 March 2008 **[3k] (Section 2a)**

18.04 The Reporters sans Frontières (Reporters without Borders) (RSF) Annual Report 2005 on events in 2004 stated:

"The DRC's journalists held a national congress in March [2004] to discuss this situation [threats against journalists] and the fact that the country has too many news media – 213 (officially-registered) privately-owned newspapers, 122 privately-owned radio stations, 12 public radio stations, 52 privately-owned TV stations, 10 public TV stations etc. Leading journalists from Kinshasa and all 11 provinces took part. At the end of a week of work, they agreed to set up two important new organizations. One was the Congo Media Watchdog (OMEC), whose responsibilities were to include a self-regulatory role and 'conciliation' between news media and persons who believe they

have been libelled. The other was the Congo Press Union (UNPC), with a unifying role." **[7c]**

18.05 On 29 September 2006 the Human Rights Division of MONUC, The High Authority for the Media (HAM) and the United Nations Commission for Human Rights organised a forum under the theme "the responsibility of the media for the coming elections." The forum was aimed at reminding the media of their responsibilities in this period. At the forum the representative of MONUC raised some issues about the role of the media in the first round of the presidential and legislative elections. He also pointed out the weaknesses which had characterised the media, notably lack of respect for their constitutional and legal obligations, lack of pluralism of information, incitement to hatred, as well as to the media's lack of unbiased reporting with regards to the different political actors. The President of HAM, Modeste Mutinga, stated that freedom of speech and opinion must take into account some fundamentals such as general interest, public order and freedom. **[56ad]**

18.06 At its weekly press conference on 15 August 2007, MONUC called on the DRC authorities to reinforce protection for the media, and to do all in its power to allow them to work freely, without hindrance or intimidation; following the murder of a journalist in Goma and a local official in Nyamilima village in Rutshuru. **[56ci]**

See also Section 18.27 on Newspaper articles

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JOURNALISTS

OVERVIEW

18.07 A number of reports from human rights organisations, including Human Rights Watch (HRW), RSF, the Committee to Protect Journalists (CPJ) drew attention to the highly politicised nature of the media in the country which has resulted in significant cases of harassment of newspaper and broadcasting journalists with sometimes deadly score settling. Journalists were often caught between the different political factions with various influence networks jostling for power. **[5ad [7i] [19o]**

18.08 Reporters Without Borders noted in its 2008 annual report that: "Journalists are imprisoned frequently both in Kinshasa and in the provinces. Press freedom organisations often face Kafkaesque situations because of absurd laws, a high level of corruption in all sectors of the administration and the authorities' aggressive policies." **[7i]** Freedom House noted that: "Officials used an array of prohibitive licensing and criminal libel laws to restrict free speech and suppress political criticism by imprisoning journalists under the country's repressive defamation laws, shutting down broadcast operations, and seizing copies of newspapers critical of the authorities." (Freedom of the Press: DRC 2007) **[66b]**

18.09 AFP reported on 10 December 2007 that according to Journaliste en Danger [JED] more than 160 attacks on press freedom had been registered in 2007 in the DRC, nearly a third up form 2006. "A total of 163 cases of different attacks

against journalists and against media were registered" according to the JED Secretary Tshivis Tshivaudi, the highest number since the foundation of the organisation in 1998. Nearly 60 per cent of cases, including assassination, imprisonment, threats, censorship and other pressure were registered in Kinshasa, "the riskiest place for journalists" he said. According to JED nearly 90 per cent of the threats, attacks or violence against journalists and the media in 2007 were committed by the military or different security services. **[65eh]**

18.10 Agence France Presse reported on 27 June 2007 that around 100 media workers had protested outside the military headquarters in Kinshasa against what they called a campaign of intimidation and murder against journalists in the country. The protestors handed in a statement addressed jointly to the chiefs of the army and police which detailed a series of attacks on press freedom in the country, ranging from threats to murders. "In all cases of assassinations or violent aggression (against journalists) … the military or police are involved", it said. **[65cg]**

18.11 The Committee to Protect Journalists (CPJ) noted in 'Attacks on the Press in 2007' (published February 2008), that:

"The policy of this government is that freedom of the press and freedom of opinion must be respected at all costs," Kabila declared in an official press conference in September. Yet CPJ research showed that national and regional officials and security forces were responsible for the overwhelming majority of media abuses in 2007. Broadcast outlets were the primary targets. In one notorious week in October, Information Minister Toussaint Tshilombo summarily banned 22 private television channels and 16 radio stations for alleged non-compliance with national media laws, while Higher Education Minister Sylvain Ngabu ordered police to beat two Horizon 33 TV journalists after a critical news program." **[19o]**

18.12 Freedom House noted that press freedom was further undermined by poor pay and inadequate training, creating an environment where journalists were "… vulnerable to bribery and political manipulation." (Freedom of the Press: DRC 2007) **[66b]**

18.13 The CPJ also noted that since 2002 the DRC's record on press freedom has deteriorated significantly with large rises in the numbers of journalists being imprisoned and attacked. It noted that "Outside Kinshasa, particularly in the DRC's central and eastern provinces, local politicians sought to silence critical coverage…" sometimes "…detaining and interrogating journalists about their sources." This happened "… despite the presence of the world's largest U.N. peacekeeping force…" In addition, rebels, including forces loyal to General Nkunda, were responsible for serious violations against journalists. (The Committee to Protect Journalists: Attacks on the Press in 2007) **[19o]**

GOVERNMENT ACTIONS

18.14 A number of sources during the year reported that government ministers were accused of ordering arbitrary attacks against journalists following the publication/broadcast of unflattering and critical stories. On 24 October 2007 allAfrica.com reported that two journalists working for the Horizon 33 television station were reported to have been beaten on the orders of Sylvain Ngabu

(DRC Higher Education Minister) after the journalists refused to retract a story they had broadcast. **[74dd]** However, BBC Monitoring noted that "…the government is believed to be behind most cases of intimidation of journalists…" it also noted that "… Human Rights Watch documented at least one case when a journalist fled the country after receiving threats form the opposition." **[95a]**

18.15 There were reports that government controlled forces, such as the army and police, often refused to allow western and African journalist from entering and reporting from sensitive areas. (Radio Okapi, 21 October 2007) **[64bk]** (SAPA, 15 September 2007) **[83y]** Journalists have also been arrested for filming "strategic places". (Radio Okapi, 15 October 2007) **[64bj]**

18.16 In July 2006 a reporter with Radio France International (RFI), Ghislaine Dupont, was expelled from the DRC allegedly for not having the right papers, although according to RFI she "had carried a journalists' visa and was accredited by the United Nations Mission in Congo". She had been in the DRC to cover the elections, but the Congolese Information Ministry had complained about her impartiality and refused to grant her accreditation**. [19j] [65u]**

18.17 On 6 May 2007 Angola Press reported that Journaliste En Danger (JED) had appealed for an end to state violence against journalists and the media. In a statement made on World Press Freedom Day, JED said that it noticed "… it is becoming increasingly dangerous to work as a journalist in the Democratic Republic of Congo, in view of the important number of media professionals exposed to violence by reasons of their activity or simply because they are journalists." They said that in the first quarter of 2007, 27 cases of various attacks targeting journalists or the media were reported, including at least 20 cases of imprisonment, attack or torture, as well as open or anonymous threats. JED said that over 90 per cent of cases of violence targeting the media were by State agents or the government, including members of the special services or civilian or military intelligence. **[34c]**

VIOLENCE AND HARASSMENT

18.18 Reports from a number of respected NGOs noted the continuing highly politicised nature of the media in the DRC, which in some cases has led to journalists being attacked, imprisoned and murdered. Freedom House reported journalists faced harassment and physical violence across the country, but this was more prevalent in the eastern provinces where "… central government exercised little control and armed groups continue[d] to terrorize journalists and the civilian population." (Freedom of the Press: DRC 2007) **[66b]**

18.19 The Committee to Protect Journalists (CPJ) noted in 'Attacks on the Press in 2007' (published February 2008), that:

"Violence in …North Kivu province claimed the life of respected freelance photojournalist Patrick Kikuku Wilungula. Gunmen shot Wilungula and stole his digital camera as he returned home after covering a local conference on environmental protection. The gunmen, suspected to be soldiers, allegedly

argued with the journalist before shooting him, sources close to Wilungula told CPJ. No arrests were reported.

"At least two other journalists have been killed in unclear circumstances since 2005: political affairs journalist Franck Ngyke Kangundu and freelance journalist Bapuwa Mwamba. While authorities apprehended and convicted suspects in both cases, investigations fell short of exploring possible links between the killings and the journalists' work. As Le Potentiel's Mutinga put it: 'Despite the arrests, the truth was never known, the masterminds never identified. The end results have always been fuzzy.'" **[19o]** A spokesman for JED alleged that Kangundu was killed because of an article on embezzlement of government funds. **[18cr]** *The Scotsman* noted that before being killed Mwamba was reported to have been attacked and harassed on previous occasions. (Published by Reuters, 10 July 2006) **[21o]**

18.20 In another incident a journalist was arrested on 20 April 2006 following the publication of an article denouncing the embezzlement of funds and mismanagement of donations by the Protestant University of Congo (UPC). He was subsequently kept in prison by the state prosecutor until 5 July 2006. During that time he was sentenced on 14 June 2006 to four months in prison and payment of US$5,000 in damages for "damaging allegations" against the UPC. **[63d]**

18.21 Agence France Presse reported on 7 February 2007 reported that a radio journalist working for a station in Muanda in the Bas Congo region had been beaten up by a group of soldiers while investigating violence in the region. He had witnessed two young men being beaten by soldiers who accused them of having killed their commander. When the journalist intervened he was accused of being a spy and attacked in his turn. **[65bf]**

18.22 On 26 February 2007, allAfrica.com reported that Popol Ntula Vita, a reporter with the Kinshasa-based weekly 'La Cité Africaine', had been sentenced to three months in prison without parole and a fine of US$6,450 in damages by the Kalamu Peace Court in Boma, Bas-Congo province. He was prosecuted for "defamation and damaging allegations" against the local head of the public tax office Thomas Ndombasi and three of his colleagues. In an article published on 6 January 2007 the journalist accused Ndombasi and his colleagues of misappropriating funds from the issuing of vehicle licence plates. **[74aj]**

18.23 The same source stated that three journalists working for Bemba owned media, Solange Kwale, Basile Olon go, and Abou Zanga, had been receiving death threats and had had to take special safety measures. **[74au]**

18.24 On 10 May, 2007 Journaliste En Danger reported that the publisher of the Kinshasa-based bi-weekly newspaper "La Tolérance", had been in police custody since 6 May charged with "threatening and attempted swindling" of Pauline Ipeluka, a senior official with Kinshasa's property tax office. The publisher, Phambu Lutete, told JED that he had been preparing an article in which he criticised Ipeluka's recent appointment to a high level post, given the fact that she was up on charges of "breach of trust" brought by the Kinshasa/Kalamu High Court's prosecutor. **[117b]**

18.25 BBC Monitoring reported on 22 July 2007 that according to a press release by the Committee to Protect Journalists Pold Kalombo, the editor of Le Soft International had gone into hiding after being convicted without his knowledge and ordered to report to prison. **[95cg]**

18.26 MONUC reported on 19 June 2007 that Anne-Marie Kalanga, a journalist with the state broadcaster RTNC, had been shot by three men, along with her younger brother. They were both hit in the leg, Kalanga by two bullets and her brother by one. The Congo Media Watchdog (OMEC) group "rigorously denounced" what it called the "murder attempt" on Kalanga saying in a statement that it was one of many such acts of violence apparently aimed "at silencing journalists". **[56bz]**

18.27 According to a report by allAfrica.com on 3 July 2007, Journaliste En Danger (JED) had expressed outrage over the 30 June 2007 savage beating of journalist Ernest Mukuli, a reporter with the Catholic broadcaster Radio Télévision Amani (RTA) in Kisangani, the main city in Orientale province. The incident occurred during festivities marking the 47th anniversary of Congolese independence. According to information received by JED, five men in jackets entered the RTA studios looking for Mukuli, whom they had witnessed filming the presidential procession from the studios' balcony. When they saw him the men (who did not identify themselves) began beating the journalist in front of his colleagues. They led him forcibly around the studios, demanding that he produced his journalist's accreditation to cover the procession. They later made off with one of the station's cameras. Mukuli said that the men drove one of Kisangani's two Republican Guard Jeeps, and that he had spotted one of them earlier in the day at the procession. He also said that all attempts to recover the stolen material had been unsuccessful, and that the Republican Guard had denied any involvement in the incident dismissing it as the work of either a military or civil intelligence agency. **[74br]**

18.28 On 30 July 2007 all Africa.com reported that Reporters Without Borders had condemned the arrest of three journalists employed by the public broadcaster Radio Télévision Nationale Congolaise (RTNC). The reporters were being held by the Republican Guard on the orders of the head of RTNC because of union activities. The Congolese partner of Reporters Without Borders, Journalists in Danger (JED) claimed that they were arrested at the behest of the general manager of the station who accused them of "preparing a meeting with a view to destroying the public TV stations installations". The RTNC's chief union representative rejected the allegations and said that the three journalists had just been trying to organise a general meeting with a view to demanding additional rights for station employees. **[74cd]** The following day the Independent on Line reported that an additional journalist had been arrested with the other three and that all four had been transferred to police custody. According to JED citing a police official, they are accused of publicly offending the president, aiming to destabilise RTNC and discrediting the government by organising a strike. **[86y]**

18.29 On 13 August 2007 Agence France Presse reported that two of the journalists arrested had been released on bail after their lawyer had complained that the incidents they had been arrested for took place after their arrest. The third journalist arrested with them was released on 31 July after charges against him were dropped. JED had previously reported a fourth arrest, but it emerged that he was not a journalist. **[65co] [74ck]**

18.30 MONUC reported on 2 August 2007 that it denounced the attack against the chief of Radio Okapi in Bunia. Florian Barbey was handcuffed, insulted and threatened in his residence and all his belongings were stolen. The incident followed many acts of violence and threats that targeted several journalists of Radio Okapi and other DRC media during the previous few weeks. **[56cf]**

JOURNALISTE EN DANGER

18.31 Journaliste en danger (JED) is a non governmental organisation whose stated purpose is the defence and promotion of press freedom. The organisation, founded in Kinshasa on 20 November 1998, was established by journalists who increasingly felt that they were unable to operate freely within the country and who were often victims of the partisan judicial system. (Journaliste en danger, accessed 26 March 2008) **[117c] [149a]**

18.32 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA), dated October 2002, noted that JED "…keep a record of almost all interrogations, arrests, incidents of censure, etc." **[24a] (p20)** JED is also a member of the IFEX group, a Canadian-based organisation which is managed by Canadian Journalists for Free Expression and publishes reports from JED on its website. **[63b]**

18.33 Since its foundation, JED members have continued to face harsh and sometimes deadly treatment from government supporters, state agents and opposition politicians and supporters. Reporters Without Borders voiced its exasperation and anxiety about the constant level of intimidation faced by the organisation's members. **[7i]** The Committee to Protect Journalists noted that the JED had received credible "death threats from government supporters" prompting its Secretary General and President to go into temporary hiding. (Annual Report, February 2008) **[19o]** In February 2006 allAfrica reported that JED members had received death threats following an investigation. **[74c]**

18.34 Harassment and detention without trial continued to be a constant problem for FED members with allAfrica reporting in March 2007 that the organisation had sent a letter to the Kinshasa Military High Court's auditor general expressing concern over the prolonged detention of two journalists. **[74at]** On 11 September 2007 Reporters Without Borders said that it was "worried and exasperated" about the continuing threats against the members of Journalist in Danger (JED) its partner organisation in the DRC. "Aside from making life impossible for a small group of courageous journalists, these repeated threats shows (sic) how dangerous it is to defend press freedom in the DRC today." **[7h]**

18.35 On 11 September 2007 Reporters Without Borders noted that press and information minister Toussaint Tshilombo's had made public threats against JED members. The threats followed criticism of the way the authorities had handled the investigation into the murder of Serge Maheshe. JED secretary-general Tshivis Tshivuadi received a telephone warning at the end of June 2007 that he might see "a rocket fall on your house". In early July both he and the JED executive director were warned by reliable sources that JED's activities in the Maheshe case were upsetting certain unidentified "chiefs" within the government, and advised them to "adopt a low profile" and "leave

the country temporarily". In an interview on TV on 31 July Tshilombo called JED "an anti-patriotic organisation" and urged it to take "great care". Following these comments both men then left Kinshasa for several weeks. The report then went on to detail threats that had been made against the two men in previous years, and since the July 2007 interview with Tshilombo. **[7h]**

See Section 6.09 Government
See Section 6.15 Elections

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NEWSPAPERS

18.36 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 stated:

"No newspaper is the government's mouthpiece, although the papers can be divided into categories of pro-government and pro-opposition. Some papers enjoy government support. The press in the DRC enjoys, relatively speaking, a lot of freedom and is first and foremost an 'opinion press' and not an 'information press'. Some newspapers and journalists take this task particularly to heart and sometimes write very cutting articles about one person or another. This is why some observers say that the problem with the press lies partly in the attitude of the journalists themselves, given that they do not always correctly apply ethical and moral prescriptions. Generally, we can confirm that Joseph Kabila is proving to be less repressive towards journalists than was his late father." **[24a] (p17)**

18.37 Freedom House stated in the Freedom in the World report 2005 that "At least 30 independent newspapers are published regularly in Kinshasa but are not widely circulated beyond the city." **[66] (Political Rights and Civil Liberties)** The EIU 2005 Country Profile also stated:

"There are many newspapers in Kinshasa, but only a handful are regularly printed and read. The main opposition newspapers are Le Potentiel, Le Phare, Tempête des Tropiques and La Référence Plus. Le Palmares and L'Avenir are the two main pro-government newspapers. Le Potentiel has the largest circulation, at 8,000 copies a day. There are few newspapers in the rest of the country. However, since the resumption of national air traffic, the Kinshasa newspapers are getting to cities in the rest of the country, if only in small quantities." **[30b] (p21)**

18.38 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, reported that:

"A large and active private press functioned throughout the country, and the government licensed a large number of daily newspapers to publish. The government required every newspaper to pay a $500 (250,000 francs) license fee and complete several administrative requirements before publishing. Many journalists lacked professional training, received little if any salary, and were vulnerable to manipulation by wealthy individuals, government officials, and

politicians who provided cash or other benefits to encourage certain types of articles. Many newspapers remained critical of the government and many others showed bias toward it or supported particular political parties. The government press agency published the Daily Bulletin which included news reports, decrees, and official statements." **[3k] (Section 2a)**

18.39 According to a report in The East African published in Nairobi, on 26 September 2006 there are 176 newspapers and magazines in the country. **[74q]**

18.40 On 11 January 2007 Congolese Top Congo FM radio reported that HAM had suspended several Kinshasa media outlets for ethical and ideological violations. Two newspapers were suspended; Alerte Plus was suspended for one month, and Moniteur for six weeks. HAM emphasised that these punitive measures were intended to make the media chiefs and the announcers respect the standards regulating the advertising of alcoholic beverages. The media were accused of not respecting their programme schedules and of violating the morals of youth. **[95aq]**

18.41 The USSD 2007 reported that: "Government officials used criminal libel laws to suppress criticism of the government and pursuit of corruption in the private sector by the press." **[3k] (Section 2a)**

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NEWSPAPER ARTICLES

18.42 The CPJ report for 2003 stated that "[However,] limited financial resources hamper news gathering. Because journalists in the DRC remain severely underpaid, it is difficult for them to remain independent, and local sources say that many journalists are susceptible to bribes. According to JED, most local journalists have no contracts with their employers and often work on a project basis, so taking bribes is sometimes the only way journalists can support themselves." **[19a] (p3)** The RSF 2003 annual report also stated that "In the course of the year [2002], several press and journalists' associations deplored the insults, defamation, unfounded rumour and inaccurate reporting that too often appeared in the Congolese press." **[7a]**

18.43 A Special Report by the CPJ in September 2004, Fragile Freedom, also stated: "[And] though journalists believe that poverty is no excuse for keeping criminal sanctions for press offences on the books, many who spoke with CPJ also expressed concerns about the quality of journalism in the DRC. They cited the weak economy, low salaries, and poor working conditions as threats to the independence of journalists and media outlets. According to Kabeya Pindi Pasi, president of the Congolese Press Union UNPC, most journalists do not have work contracts, and many lack training." **[19c] (Low standards and pay)**

18.44 The CPJ report on 2004 also stated:

"Many Congolese journalists recognize the need to improve professional standards and keep ethnic and political propaganda out of the media. Three new regulatory bodies have recently been launched to oversee the press, two of them created by journalists: the High Authority on Media (HAM), a public

agency created under the peace accords; the Observatory of Congolese Media (OMEC); and the Press Card Commission of the Congolese National Press Union (UNPC). A national journalism congress in March 2004 created OMEC and UNPC." **[19b]**

18.45 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 stated:

"The relatively high price, that is 300FC (nearly US$1) [of a newspaper] is an obstacle for many Congolese. Consequently, no Kinshasa newspaper has a circulation of more than 2,500. The poor economic circumstances and the small circulation also prevent the papers from generating sufficient advertising revenue. This precarious financial situation affects firstly the quality of the writing. To minimise salary costs, the papers often employ students or trainees. Similarly, the papers cannot call on experts to write specialised articles. The journalists' low or non-existent pay often exposes them to a 'thank you for the arrangements' situation. Politicians as well as other figures, therefore, can pay 'to alter the editorial lines'. A number of observers confirm quite frankly that some articles are bought. Dishonest people sometimes pay journalists to write an article. So, in this sort of article you may read that Mr X or Mrs Y has disappeared without a trace and that there are fears for his/her life. It is very difficult to discover these lies because when an attempt is made to check the facts, these articles prove to be 'authentic' and actually published. … People with sufficient experience in this area still manage to decode these articles. The message is often all too clear and the tone overly moving." **[24a] (p18-19)**

18.46 The USSD 2007 also reported that: "Many journalists lacked professional training, received little if any salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles." **[3k] (Section 2a)**

18.47 On 21 October 2006 HAM warned broadcasters and newspapers against inciting violence in the run up to the elections on 29 October. It criticised weekly *Le Soft International*, close to President Joseph Kabila, for again publishing an article which led to the regulators banning the paper in September. **[86i]**

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RADIO, TELEVISION AND THE INTERNET

18.48 The Economist Intelligence Unit (EIU) Country Profile 2007 in December 2007 stated:

"Private radio and television stations thrive in Kinshasa; most are domestically owned and run. Raga-TV, Tele-Kin Malebo, Antenne-A and Tropicana-TV are the most widely watched broadcasters. There is a large number of religious radio and television stations. The state-run radio and television network, Radio et télévision nationale congolaise (RTNC), broadcasts locally, having ceased national coverage over a decade ago. In early 2002 MONUC launched Radio

Okapi, a national radio network which broadcasts from Kinshasa. It has established local FM stations in Bukavu, Bunia, Goma, Kalemie, Kananga, Kindu, Kisangani and Mbandaka, and relays in Mbuji- Mayi, Butembo and Lubumbashi, gathering and broadcasting material from over 100 correspondents in these areas. The station provides the only truly national service and has won respect for competent and unbiased coverage." **[30f] (p22]**

18.49 The BBC News on Line Country Profile on 3 February 2006 states that "there are dozens of private TV stations and more than 100 private radio stations, some of which broadcast news." The report lists the main television stations as:

- Radio-Television Nationale Congolaise (RTNC) – state-controlled terrestrial and satellite TV.
- Television Congolaise – government commercial station run by RTNC.
- Antenne A – private, commercial.
- Canal Z – commercial.
- Canal Kin – private.
- Raga TV – private.
- Radiotelevision Kin Malebo (RTKM) – private.

It lists the main radio stations as:

- La Voix du Congo – state-controlled, operated by RTNC, broadcasting in French, Swahili, Lingala, Tshiluba and Kikongo.
- Radio Okapi – UN-backed politically independent network, on FM and short wave.
- Raga FM – private network. **[15v]**

18.50 The UNHCR third periodic report of 3 May 2005 lists the following radio and television stations as at 30 May 2004:

94 radio stations:

- Kinshasa – 25;
- Bandundu – 6;
- Bas-Congo – 9:
- Kasaï Occidental – 13;
- Kasaï Oriental – 17;
- Katanga – 16;
- Equateur – 4;
- Province Orientale – 1;
- Grand Kivu (North Kivu, South Kivu and Maniema) – 3;

45 television channels:

- Kinshasa – 21;
- Bandundu – 1;
- Bas-Congo – 3;
- Kasaï Occidental – 4;
- Kasaï Oriental – 4;
- Katanga – 4;
- Equateur – 2;
- Province Orientale – 2;

- Grand Kivu (Nord Kivu, Sud Kivu and Maniema) – 4. **[60d]**

18.51 Freedom House stated in the Freedom in the World Report 2005 "The UN broadcaster, Radio Okapi, has expanded its coverage of the country to include several local languages. The Catholic Church operates the Elikya radio network throughout most of the country.… Although the government does not restrict access to the Internet, very few people can afford the connection costs or have computers and reliable electricity." **[66] (Political Rights and Civil Liberties)**

18.52 According to a report in The East African published in Nairobi on 26 September 2006, there are 119 radio stations and 52 television stations in the DRC**. [74q]**

18.53 This figure agreed with that published by the International Crisis Group in their report Congo's Elections: making or breaking the peace dated 27 April 2006. The report stated:

"There are 119 radio stations in the Congo, more or less throughout the country; 52 television stations, some half of which broadcast in Kinshasa; and 176 newspapers and magazines, most with limited circulation." **[39h]**

The report went on to say that most of the media are affiliated to, or owned by politicians, and that although the management of state-run media was supposed to be shared between the peace deal signatories, it was not until August 2005 that its management was integrated and a director named from Kabila's party; which has led to bias. The report gives the example that during the referendum campaign 43 per cent of television time devoted to the referendum was given to those who supported it, and only eight per cent to opponents, whilst on state radio the ratio was 32:1. The report also states that in January 2006, the national conference of Kabila's People's Party for Reconstruction and Democracy (PPRD) was televised for over four hours, but no other party received similar coverage. This earned the station a minor sanction from the state media watchdog: not to broadcast political programmes for 48 hours. **[39h]**

18.54 USSD 2007 stated that:

"Radio remained the most important medium of public information due to limited literacy and the relatively high cost of newspapers and television. More than 200 privately-owned radio and television stations operated, in addition to two state-owned radio stations and one state-owned television station, Congolese National Radio-Television (RTNC). The president's family also owned and operated a television station, Digital Congo. Political parties represented in the government could generally gain access to RTNC." **[3k] (Section 2a)**

18.55 During the 2006 election campaign there were several attacks on radio and television stations throughout the country. On 14 May 2006, armed police ordered the electricity to be cut in the district where the Kinshasa-based broadcaster Radiotélévision Message de Vie (RTMV) broadcasts its signal, which effectively shut down the station for three days. On 22 May 2006 armed assailants stormed into the offices of RTMV, where they destroyed equipment

and forced the station off the air. Sources claimed that the assailants were state security agents dressed in civilian clothes. **[63e]**

18.56 Local journalists believe the move was intended to prevent RMTV from broadcasting the arrest of the evangelist pastor Fernanado Kuthino, whose church owns RTMV and who expressed political views at a rally on 14 May 2006. **[63e]**

18.57 Interviewed on 15 May on public radio channel RTNC, the Kinshasa Governor accused Kuthino of inciting hatred and division during his preaching. He also claimed to have discovered arms at the pastor's residence. The trial by a military tribunal of Pasteur Kuthino (and two co-defendants) was concluded on 16 June. All four were found guilty of charges of attempted murder, criminal association and the illegal possession of arms. Kuthino was sentenced to 20 years in prison. Amnesty International believes that the accusations against the men were politically motivated **[11m] [63e] [65ai]**

See also Section 21.22 Armée de Victorie

18.58 Journaliste en Danger (JED) documented three cases in April 2006, in which radio and television antennas belonging to politicians in Butembo, Lodja, and Kisanga, were sabotaged. **[63e]**

18.59 On 30 June 2006, agents from the Congolese National Police's intelligence services arrested the news director of RAGA TV at his office and took him to the Gombe neighbourhood prison. He was released later that night and ordered to cease live coverage of the opposition demonstrations. **[7e]**

18.60 Later that same evening a technician for the station was arrested and detained at the same prison for a few hours and later released. He was accused of continuing to broadcast programmes despite the police's suspension order. **[7e]**

18.61 On 1 July 2006, the radio and television stations RAGA FM, RAGA TV and RAGA Plus ceased broadcasting. Police arrived at RAGA's headquarters in Kinshasa, and cut the various stations' transmissions and seized equipment. This was done without a warrant. According to Reporters without Borders, that same afternoon under police pressure, the DRC's media regulatory body HAM, suspended RAGA FM and RAGA TV for ten days, on the pretext that the stations aired "biased reports" about demonstrations that had taken place on 30 June 2006. **[7e]**

18.62 A camera operator with the French public station RFO/AITV, was arrested by members of the President's personal guard in Kinshasa, and held at the Colonel Tshatshi military base in Kinshasa. He was released later that evening. **[7e]**

18.63 A reporter from the privately-owned station Antenne A (AA) was arrested in his newsroom as he was hosting a programme; he was taken together with the AA programming director, to the Gomba neighbourhood prison. Both journalists were released that evening. **[7e]**

18.64 A journalist and camera operator from the privately-owned Radio Télé Kin Malebo (RTKM) were arrested early that same morning as they were shooting

footage in Kinshasa. They were detained in police cells and released in the early afternoon. **[7e]**

18.65 In Kitwit, the editor-in-chief of the local Catholic Church-owned community radio station TOMISA, was beaten up and injured by soldiers. The incident occurred as he was covering a march by opposition supporters from the Parti Lumumbiste Unifié (PALU). **[7e]**

18.66 On 31 August 2006 it was reported by allAfrica.com that at least a dozen journalists, presenters and technicians working for Canal Kin Television, a private television station owned by the Vice-President Jean-Piére Bemba, had complained about attacks and threats they had received from unknown persons over several days. Some claimed that they had received visits from unknown persons as well as receiving anonymous phone calls threatening them with death if they did not stop working for Mr Bemba. Others claimed to have been targeted by armed men, which had forced them to go into hiding. **[74j]**

18.67 On 18 September 2006 it was reported that fire had broken out in the offices of CCTV and CKTV. According to Journalists en danger, as reported by allAfrica.com, journalists and technicians working for the channels were surprised by a sudden "explosion", which was followed by a huge flame. The fire spread rapidly on the third floor of the building which houses the channels' editorial offices, and studios. Witnesses stated that important equipment was damaged and persons inside the building were injured. The general manager of CCTV suffered serious burns. The television stations resumed broadcasting four days later on 22 September 2006. **[15bc] [74l] [74o]**

18.68 On the same day it was reported by RAGA FM that High Media Authority (HAM) had suspended the broadcast 'Big Issues' by Radio Tele Groupe L'Avenir, (RTGA), for a period of one month. This programme is also broadcast by two other television channels: Digital Congo, and Radio-Television Nationale Congolaise (RTNC). **[95b]**

18.69 HAM was of the opinion that statements by two politicians during the broadcast were against the political code of ethics, and were a hindrance to the ongoing enquiry into the disturbances of 20 to 22 August 2006. Both politicians were also suspended on all Congolese media and HAM called on the court to enforce the decision. **[95b]**

18.70 On 25 September 2006, the BBC reported that the HAM had put a broadcasting embargo on four politicians for a period of 15 days for broadcasting statements inciting xenophobia, demonising political opponents, and exalting "Congolese Identity" and other forms of discrimination. Another politician was suspended for 30 days for advocating "Congolese Identity", and two others were suspended for 60 days for having made outrageous statements against a public authority. **[95f]**

18.71 On the 23 September 2006 HAM issued a warning to the directors of Canal Congo Television and Canal Kin Television, and forbade them from broadcasting statements relating to "Congolese Identity", and wording such as "bird" or "chicken" when referring to a political opponent, or to referring to Vice–President Bemba as President of the Republic. **[95f]**

18.72 HAM had also suspended Radio Sankuru Liberte which broadcasts in Katakokombe, Kasai Oriental Province for 45 days. **[95f]**

18.73 On 27 September 2006 HAM suspended Francis Kalombo a parliamentarian from President Joseph Kabila's Peoples Party for Reconstruction and Democracy from any access to the media for two weeks for breaking election rules. HAM said that he had "made slanderous remarks, hurtful insinuations and incited hate and scorn for his political rivals." **[65ad]**

18.74 On the same day HAM suspended private television channel Moliere TV which was also given a 48-hour suspension for breaking election rules. **[65ad]**

18.75 On 8 October 2006 it was reported that HAM had banned Ambassador Theodore Mugalu (phonetic), a supporter of Joseph Kabila, and the Reverend Theodore Ngoy, the spokesman for Jean-Pierre Bemba, from going on air for seven days. The two men were accused of making defamatory remarks demonising political opponents. **[95q]**

18.76 On the 12 October 2006 armed men invaded a satellite relay station belonging to Rentelsat, National Satellite Telecommunications Network and destroyed the transmitter for a television station belonging to Jean-Pierre Bember, 15 kms to the south of Lubumbashi. Police sources stated that the three policemen who were guarding the station were tied up and beaten by a group of unidentified men. **[95r]**

18.77 On 15 October 2006 Radio Okapi reported that private radio and television stations in the town of Kananga had not been on air since 14 October. The stations were observing "days without media" to protest against a decision by HAM to suspend for 30 days all commercials on the local stations on grounds of non-respect for norms. The officials of the radio and television stations termed the move dangerous, and accused HAM of only wanting to bar stations from transmitting programs that sensitize the population to participate massively in the upcoming presidential election. **[95ao]**

18.78 On 21 October 2006 the HAM warned broadcasters and newspapers against inciting violence in the run up to the elections on 29 October. The regulator told Radio Liberte Kin (Ralik) controlled by Jean-Pierre Bember, to cease broadcasting live political programmes where callers are given free rein to voice their opinions, some of which could incite violence. **[86i]**

18.79 On 31 October 2006 the HAM decided to take disciplinary action against Congolese National Radio and Television (RTNC) for duration of 48 hours. The authority criticised the official media station for not having broadcast an interview with Jean-Pierre Bemba. According to HAM this was a violation of the rules of equality, impartiality, objectivity and neutrality which the media should demonstrate. The ban only applied to the radio section. **[95t]**

18.80 On 5 November 2006 in response to supporters of both candidates in the election claiming victory before the results had been announced, the HAM criticised the behaviour of the supporters, and banned five of them from the air. They were Olivier Kamitatu of the Alliance of the Presidential Majority (AMP), and Joseph Olenghankoy, Roger Lumbala, Gaston Dinko (phonetic), Justine Kasdabuvu for the union of the Nation. **[95s]**

18.81 On 11 November 2006 a report by Journaliste en Danger (JED) called for a radical reform of state-owned radio and television stations so that they might effectively serve the public interest. The report notes that during the election campaign a large number of the Congolese media failed to live up to their role. A summary of the report in English by IFEX goes on to state:

"As the D.R. Congo was organizing its first 'free, democratic and transparent' general elections since the country's independence, a propaganda press committed to defending the political interests of its own candidates and demonizing its political adversaries, to shamefully exploiting macabre images, to inciting revenge and accusations and to justifying crime was born, cementing political tensions around it throughout the elections. Worst of all, state-owned radio and television stations took part in the general decline, by siding almost exclusively with their respective candidates.

"JED believes this war of attrition between privately-owned and state-owned media outlets and between the two main political forces set the stage for the armed clashes which occurred in Kinshasa between 20 and 22 August 2006, following the announcement of the results of the first round of presidential elections.

"Since that time, and in the face of these dangerous breaches of ethics, the press has been placed under tight surveillance, not only by the governments' own services but by the international community gathered in the country under CIAT (Comité International de l'Accompagnement de la Transition), who have stepped up their response in the form of thinly-veiled threats, warnings and sanctions - justified or not - against the media.

"In its report, entitled: 'Press freedom during the election period', JED also notes that the struggle against incitement to hatred and violence, while noble in principle, has allowed the media regulator (Haute autorité des médias - HAM) to exercise systematic censorship on the privately-owned media, thereby restricting the democratic debate so greatly needed during election period, while the state-owned media has been usurped by the ruling party.

"The stigmatization of the press, combined with a generalized atmosphere of political intolerance, has resulted in an increase in acts of violence targeting journalists and certain media outlets. In one instance, a station in Kisanga, a suburb of Lubumbashi, was attacked by gunfire causing at least one victim". **[63g]**

18.82 On 13 November 2006 the World Association of Community Radio Broadcasters condemned the suspension of seven radio stations and three television stations by HAM. The decision was taken on 8 November 2006 with immediate effect "until the delivery of (the media outlets') programme schedules to the HAM". The radio stations suspended were:

- Radio Réveil FM
- Radio ECC
- Radio Elikya

- Radio Mirador
- RTP
- Canal Futur
- Radio Parole de L'Eternal

The three television stations were:

- Mirador TV
- Moliere TV
- RTP **[74x]**

18.83 On 12 November 2006 a Kinshasa correspondent for Radio France's overseas division, RFO, and his cameraman were attacked by guards of the minister of the interior and security, General Denis Kalume Numbi, as they attempted to interview a local pastor, Theodore Ngoy, a member of Jean-Pierre Bemba's inner circle. As they were interviewing the pastor the guards turned up and threatened to kill the pastor. They then turned on the journalists, and demanded they hand over their equipment. The men were taken to General Kalume's office, where he eventually surrendered the equipment after intervention by MONUC forces, but not before removing the tape with the recording. **[63h]**

18.84 According to MONUC, a journalist of a private television station RTK was allegedly arrested by the PNC Special Services in Kinshasa, on 25 November 2006. He was arrested during a live TV broadcast on the insecurity of the city of Kinshasa caused by a lack of electricity in several areas. The police had allegedly advised the journalist to control the interventions of callers to his live programme before they visited the station. A cameraman arrested with him was released the following day; the journalist was detained until 29 November. **[56am]**

18.85 On 27 November 2006 Reporters Without Borders and its local partner JED called on the Congolese authorities to explain why they had been holding two journalists since 21 November 2006 without bringing charges against them. Clément Nku, a cameraman with Bemba-owned Canal Congo Télévision was arrested after filming events at the Supreme Court. His family believe he was arrested for filming policemen taking off their uniforms and fleeing from clashes with Bemba supporters. He has been held without charge at the Kinshasa Provincial Inspectorate (IPK), the police headquarters. Bosange Mbaka a reporter with the magazine "Mambenga" was arrested near the scene of the clashes. According to IFEX he has been held illegally at the headquarters of the police's Special Services Unit, known as "Kin Mazière". **[63j]**

18.86 On 11 September 2007 allAfrica.com reported that Bosange Mbaka had finally been released on 7 September after being acquitted by a military tribunal in Kinshasa, after having spent 10 months in pre-trial detention. Prosecutors had

demanded a one-year prison sentence but the military tribunal dismissed the case for lack of evidence. **[74cw]**

18.87 On 11 January 2007 Congolese Top Congo FM radio reported that HAM had suspended several Kinshasa media outlets for ethical and ideological violations, and that sanctions were also imposed on some programme directors. The broadcast of any advertisements was prohibited for seven days on RTGA, Canal Congo, and Mirador Television, and for three days on Radio Liberte Kinshasa. The programme directors of RTGA, CCTV, and Mirador TV were given 15-day suspensions. The programme director of Hope TV received a warning. HAM emphasised that these punitive measures were intended to make the media chiefs and the announcers respect the standards regulating the advertising of alcoholic beverages. The media were accused of not respecting their programme schedules and of violating the morals of youth. HAM has also committed the media from advertising alcoholic beverages very late at night. **[95aq]**

See Section 6.15 Elections

18.88 On 1 March 2007, the BBC reported that a new community radio station had been launched in Walikale, North Kivu, and was presided over by the North Kivu divisional chief for information and the media. The station had started broadcasting civil education and news programmes two months previously. **[95bn]**

18.89 On 22 March 2007 The Christian Science Monitor reported on Interactive Radio for Justice a radio station in Bunia started in 2005 that now broadcasts across Ituri from the local station Canal Revelation answering listener's questions about law and justice in the DRC. The programme was started and is run by Wanda Hall, a former International Criminal Court employee. The programme also has a web site. **[120a]**

18.90 On 8 March 2007 Journaliste En Danger (JED) condemned the police invasion of the Congolese National Radio-Television (RTNC) studios in Butembo, North Kivu province, and the interruption of a live programme reporting on the prevailing insecurity in the city. According to JED on 7 March a group of police officers, acting under orders from the mayor, invaded the studios of RTNC's local station, following which RTNC's signal was interrupted, and two journalists were assaulted prior to being taken to the mayor's office, where they were ordered to stop reporting on security problems in the city. According to the mayors office claimed that RTNC had continued to distribute a civil society group press release requesting that merchants observe a one-day strike action to protest the prevailing violence in Butembo, where a teacher had been killed by a soldier on 3 march. JED reported that since this incident at 9:00 hrs local time, RTNC-Butembo had not resumed broadcasting but would do so from that evening. **[117a]**

18.91 On 29 March 2007 allAfrica.com reported that the broadcast signals of three television and radio stations owned by Jean-Pierre Bemba – Canal Kin Télévision (CKTV), Canal Congo Television (CCTV) and Radio Liberté Kinshasa (Ralik) – had been cut on 21 March 2007 after Bemba claimed in a Lingala-language interview that the army high command embezzled 500 million Congolese francs (approx. US$900,000) from the military payroll each month. During the clashed that took place over the next two days the studios

of CKTV and CCTV were attacked and ransacked. According to all.Africa.com it seemed probable that the attack was the work of troops as virtually no civilians were on the streets during the fighting. **[65br] [74au]**

18.92 The same source reported that during a meeting with Journalist (sic) in Danger (JED) the DRC Information Minister claimed that the Bemba-owned stations' broadcasts were cut by the company that that manages TV signals in Kinshasa because of unpaid debts. However, when contacted by JED a representative of the company confirmed that CCTV was behind with payments, but said there was "never any question of turning off its signal". **[74au]**

18.93 On 5 April 2007 BBC Monitoring reported that Radio ODL (Organisation for the development of Luebo) had been closed down on 17 March 2007. The local authority in Luebo, Kasai province, had accused it of airing hate messages and appeals for civic disobedience. An investigation carried out by HAM could not confirm the accusations and lifted the ban on 20 March 2007. However, the district authorities maintained their position and refused to withdraw the soldiers and policemen who had blocked the entrance to the radio premises. The Luebo territorial administrator admitted receiving orders from HAM to lift the ban, and he referred the matter to the district commissioner who was supposed to implement the measure. However, when asked, the district commissioner claimed to be unaware of the HAM decision. MONUC expressed concern over the matter. **[95bn]**

18.94 Radio Okapi reported on 2 May 2007 that ODL had been given permission to re-open after 45 days. On 1 May the authorities in Kasai had asked the soldiers guarding the station to leave and called on radio staff to resume broadcasting. However, the radio officials said that there was a need at first to assess material losses incurred during the closure before resumption of activity. **[65ca]**

18.95 On 9 May 2007 Radio Today announced that the BBC World Service had launched two new FM radio stations in the DRC, broadcasting in French, English, and Swahili. The report stated that the stations BBC 92 FM were in Lubumbashi and Kisangani, and would continue the local partnership with Raga FM. The launch of the new relays coincided with the release of a BBC national survey in the DRC, which showed that over 7 million people regularly listened to BBC Afrique in the DRC. **[123a]**

18.96 On 23 May 2007 the Committee to Protect Journalists issued a press release stating that authorities in the town of Mbuji-Mayi had closed down a private broadcaster, Radiotelevision Debout Kasai (RTDK), in connection with comments critical of the provincial governor in two programmes broadcast the previous week. The station was closed on the orders of Governor Ngoyi Kasanji and the DRC High Authority on Media (HAM). In its ruling HAM suspended the station for seven days on charges of "contempt, threats and bullying toward the authorities". Authorities have harassed RTDK previously in 2002 and 2005. It is the fifth Congolese broadcaster this year to be censored for its coverage, following the Goma and Butembo affiliates of the public broadcaster RTNC and the private stations Radio Liberte and Radio ODL. **[19L]**

18.97 On 6 June 2007 BBC Monitoring reported that the Labour Minister Marie-Ange Lukiana Mufwankolo had convinced the RAGA radio and television company manager to pay journalists' salaries and to suspend his decision to dismiss eight RAGA union activists. Following the discussions the minister held with the union activists, they decided to stop their strike and resume work. **[95ca]**

18.98 On 15 June 2007 the Committee to Protect Journalists (CPJ) reported that intelligence agents in the DRC had shut down a privately owned radio station, Radio Canal Satellite, for "intoxicating the population" and "broadcasting in bad French". The report went on to say that this was the sixth DRC broadcaster to be raided by security forces over its coverage in 2007, and that the agents had confiscated equipment after the staff fled the studios fearing arrest. Local journalists had told CPJ that the station's director, Yves Beya, had received several phone threats. The deputy chief of the ANR in Tshikapa, 405 miles southeast of Kinshasa, Gustave Amuri, later accused the station of "operating without ANR documents", despite the country's press laws not granting ANR any authority in media regulation. Local journalists also said that Amuri had cited three things in the broadcast he objected to, including a report about a pay dispute between Congolese workers and Lebanese employers in Kinshasa. **[19m]**

18.99 On 11 July 2007 allAfrica.com reported that the Committee to Protect Journalists had sent a letter to President Kabila protesting that since 24 February 2007, eight broadcasters had been raided by government security forces in connection with their news coverage, and one journalist killed. They called for the fundamental rights of press freedom and freedom of expression as laid down in the transitional constitution. **[74bv]**

18.100 On 28 August 2007 Reporters Without Borders reported that the National Intelligence Agency (ANR) had detained and questioned executives from two TV stations, Canal Congo Télévision (CCTV) and B Télévision (BRTV) in Kinshasa about their decision on 24 August to broadcast a 2006 interview with dissident general Laurant Nkunda about the integration of his troops into the regular army. At the same time, BRTV's broadcast signal was interrupted on 26 August without any explanation being given. The four journalists were told by the ANR to "remain available for any additional questioning". **[7g]**

18.101 On 4 September 2007 allAfrica.com reported that earlier on 2 September the premises of Radio La Colombe, a community radio station broadcasting from Rutshuru, 72 km from Goma, were ransacked by rebel soldiers supporting Laurant Nkunda. According to a representative of the station, the soldiers lead by Colonel Makenga burst into the station at around 19:00 hrs and took away the stations transmitter and other equipment. During the raid they kidnapped three programme hosts and two technicians, according to Journaliste en Danger the hosts managed to escape but the two technicians remain missing. When questioned about the attack, representatives of the National congress of the People (CNDP), a political-military movement created by Nkunda, denied any involvement and attributed the actions to "uncivil" people. **[74cs]**

18.102 On 25 October 2007 allAfrica.com reported that the information, press and communication minister had announced a ban on around 40 TV and radio stations on 20 October. This had been condemned by Reporters without Borders who said that it had the effect of silencing four community radio stations based in Kinshasa, while around 200 other community radio stations

throughout the country were threatened. They said "We are not convinced by the government's arguments for taking this abrupt decision. Poorly documented, politically suspect and hastily adopted, the minister's decree is dangerous and unfair for the country's community radio stations, which play an important roll in informing the public in the provinces" adding "Regulating the broadcast media is one thing, but it is absurd to make it impossible for these small radio stations to survive". The minister had said at a news conference on 20 October 2007 that the scores of TV and radio stations were being banned for not complying with regulations. "This measure aims to clear up the airwaves in Democratic Republic of Congo and leave them to the real professionals", he was quoted as saying by Radio Okapi. He claimed that the targeted media did not have proper licences, registration or proof of tax payments. **[74de]**

18.103 Among the broadcast media whose transmissions were stopped after the announcement were CCTV and Canal Kin Television (which belong to opposition leader Jean Pierre Bemba), Molière TV, Horizons 33, Mirador and Numerica TV, and the four Kinshasa community stations – Radio Elykia, Radio Lisanga, Réveil FM and Ralik (which also belongs to Bemba). **[74de]**

18.104 Since the 20 October 2007 some of the banned stations had produced evidence that they were complying with the law, in particular, by negotiating a payments timetable with the General Directorate for Administrative and State Revenue Collection (DGRD), and as a result, they were able to resume broadcasting on 24 October. The Congo Federation of Community Radio Stations (FRPC) said that the ministry demanded 5,000 dollars for a registration receipt and another 2,500 dollars for an operating licence, sums far beyond the reach of community radio stations operating in remote parts of the country. The federation also correctly pointed out that their status was not defined by the media law of June 1996, which covered only radio and TV stations of a commercial nature, and asked the minister to suspend his decision pending the adoption of a law that would regulate community radio stations. **[74de]**

18.105 On 23 November Radio Okapi reported that the Higher Media Authority (HAM) believed that the television stations shut down by the Ministry of Information, Press and National Communication should remain closed until a commission cleared their case. According to the Congolese media regulation body, the commission would be in charge of revising their frequencies in DRC. According to the HAM chairman, about 20 Kinshasa television stations were said to be using frequencies belonging to Congo-Brazzaville, and a joint commission from the two countries would meet on 7 December to discuss the issue. **[64bl]**

18.106 On 27 December 2007 the Committee to Protect Journalists welcomed the decision by the new minister of communication and media to lift the October ban on 22 of 38 radio and television stations. On 20 December 2007 he had signed a decree authorising the 22 stations to return to the air. Among them were Canal Kin Television, Moliere TV, and Radio Lisanga TV according to Journaliste En Danger. The minister's chief of staff stated that the 16 remaining broadcasters were still banned for not complying with government regulations. The 22 reinstated broadcasters had reached a minimum of 70 per cent of the legal criteria required to broadcast he said. **[19n]**

18.107 BBC Monitoring reported on 30 October 2007 that the South Kivu chapter of HAM had banned two journalists from broadcasting for 60 days. One of the journalists from Sauti ya Rehema Radio was accused of allowing a politician from the MLC opposition to publicly hurl abuse and denigrate the established authority. The politician received the same punishment as the journalist. The second journalist form Radio Apide was accused of giving an opportunity to a Sakima (Gold Mining Company of Kivu and Maniema) official to call for a people's uprising against the authorities and institutions of the republic. According to HAM the station had allowed the official to read a live statement denouncing the minutes of the South Kivu provincial government depicting shortcomings of the company. **[95do]**

18.108 A report from the Rwanda News Agency on 29 November 2007 stated that Dr. Rabbi David Kuperman a Jewish-American academic had claimed that the DRC government had been broadcasting hate messages since 1998 on Congolese National Radio and Television (RTNC), branding Congolese Tutsis as Rwandan with the aim to have them "annihilated". "Now once again RTNC is broadcasting messages of hate towards Congolese Tutsis and preparing their neighbours to participate in the annihilation of the Tutsi population. Hate broadcasts are undeniably a powerful tool for indoctrinating and manipulating", he was quoted as saying. According to the report Kuperman seemed to suggest that the broadcasts were strengthening the resolve of dissident General Nkunda not to make peace with the Kinshasa government. Contrary to media ethics, Kuperman said, RTNC – a public network that includes several regional stations and is controlled by the Ministry of Information and Press not known for journalistic freedom, had joined the battle. "The current hate broadcasting by the DRC government's RTNC is reminiscent of that which incited genocide in Rwanda in 1994, and is just as dangerous", he said. **[138a]**

18.109 Uni Global Union reported on 17 December 2007 that as part of Uni-Africa's project to help unions in the DRC to revive, they had met with three broadcasting unions in Kinshasa. The largest broadcasting and press union the SNPP had recently had its representative for Kinshasa arrested for a week after he sought to get management in public broadcasting to pay pensions to over 200 long-time employees. UNI-MEI and UNI representatives raised this issue and others with the deputy minister of labour. **[147a]**

18.110 Radio Okapi reported on 15 January 2008 that the manager of radio and TV station RTL4, broadcasting from Likas in southern DRC, had denounced the arrest two days previously of two journalists, one of whom was beaten. According to the station's chief administrative officer, the journalists were arrested for taking pictures of the demolition of kiosks and public booths erected unlawfully. The Mayor denied accusations that he ordered the beating of the journalist. He claimed that when the journalists were taking footage of the demolition they were thought to be people whose booths were being destroyed, as they could not provide proof of their journalist status. According to a witness the journalists were arrested then released and given back their cameras. The witness also said that it was the journalists who were aggressive towards the police who defended themselves. **[64bn]**

18.111 The EIU 2006 Country Profile stated "There are several local Internet service providers." **[30b] (p21)** The same source noted, however, that "The state-owned fixed-line telephone operator, Office national des postes et

télécommunications (OCPT), is close to collapse. As a result, the use of cellular services has surged since 1993, and subscriber numbers reached more than 1 million in 2003. **[30b] (p21]** The CIA World Factbook 2008 reported that the telephone system was "Inadequate; state-owned fixed-line operator has been unable to expand fixed-line connections and there are now fewer than 10,000 connections; given the backdrop of a wholly inadequate fixed-line infrastructure, the use of cellular services has surged and subscribership now exceeds 4 million - roughly 7 per 100 persons." **[13]**

18.112 The USSD 2007 report dated 11 March 2008 stated that:

"The government did not restrict access to the Internet or monitor e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Private entrepreneurs made Internet access available at moderate prices through Internet cafes in large cities throughout the country. Poor infrastructure and high prices limited the ability of all but the wealthiest to have Internet access in their homes." **[3k] (Section 2a)**

See Also Section 6.15 Elections

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

GENERAL

19.01 Amnesty International's (AI) 2007 report noted that human rights defenders continued to work in extremely dangerous conditions with some NGOs operating under the continuous threat of death and harassment from the authorities. **[11w]** In an earlier report published on 22 February 2006, AI noted that human rights "…activists have previously been victims of torture, extrajudicial execution and arbitrary arrest. In most areas the local political and military authorities are hostile to the activities of the local NGOs, which they fear may expose their involvement in human rights violations. The activists are frequently called in by the authorities for questioning or to settle so-called 'administrative matters' that are in reality thinly disguised acts of intimidation; their offices are subject to unannounced arbitrary visits by security officials." **[11i] (Background)**

19.02 An example of the kind of conditions some NGOs have had to work under was report by Action contre l'impunité por les droits humains (ACIDH), (Action Against Impunity for Human Rights), which is based in Lubumbashi, Katanga. The report noted that on 1 April 2006, Hubert Tshiswaka, the Director of the human rights organisation, received death threats after his organisation had published two press releases calling on the electorate not to vote for the "alleged perpetrators of human rights abuses", and called on them to vote for candidates able to promote human rights. In apparent response to the press release ACIDH workers received threatening letters from the Union nationale des federalistes au Congo (UNAFEC), a coalition member with President Kabila's party in the elections. The party is headed by the Minister of Justice, Honorius Kisimba Ngoy, and the letters accused Tshiswaka of "inciting ethnic hatred" and of being a representative of the migrants from Kasai province. The second press release condemned UNAFEC's creation of a youth wing which they had previously used as militia to intimidate their opponents, and called for all youth wings to be disbanded. On 1 April 2006 a letter from UNAFEC accused Tshiswaka of being a UDPS supporter, and that UNAFEC would no longer tolerate his "campaign of indoctrination and incitement to hatred." That evening Tshiswaka received an anonymous telephone call from a man who told him "you are enjoying it, we will sort you out. What you write will lead to your death." On 12 April an article in the newspaper Le Lushois which is run by the Secretary-General of UNAFEC entitled "Hubert Tshiswaka is inciting tribal hatred in Katanga. His object is to sabotage the election." **[11n]**

TREATMENT OF NON-GOVERNMENT ORGANISATIONS (NGOS)

19.03 The US State Department Report on Human Rights Practices in 2007 (USSD 2007), published on 11 March 2008, stated:

"The main Kinshasa-based domestic human rights organizations included ASADHO, VSV, Committee of Human Rights Observers (CODHO), JED, and the Christian Network of Human Rights and Civic Education Organizations. Prominent organizations operating in areas outside Kinshasa included Heirs of Justice in Bukavu, Lotus Group in Kisangani, and Justice Plus in Bunia, Ituri District. The government's human rights bodies met with domestic NGOs and sometimes responded to their inquiries but took no known actions. There were reports that NGOs seeking to register had to pay bribes to local officials to avoid lengthy application requirements." However, the report also noted that a group of United Nations experts on the DRC "…expressed 'great concern' in their July 18 report about the levels of harassment and threats by FARDC soldiers and armed groups against NGO child protection officials in Ituri District and South and North Kivu provinces." **[3k] (Section 4)**

19.04 USSD 2007 stated that: "The government generally cooperated with international NGOs that published reports on human rights and humanitarian issues and permitted their investigators access to conflict areas. Unlike in 2006, there were no reports of security forces detaining members of international NGOs." **[3k] (Section 4)**

For further information see relevant sections, including:

Section 3.04 on Events of 2005
Section 6.01 on Political system
Section 8.01 on Security situation
Section 8.15 on Security Situation – Eastern DRC
Section 10.20 on Police; torture
Section 11.01 on Military service
Section 14.01 on Arrest and detention; legal rights
Section 16.01 on Death penalty
Section 17.09 on Freedom of association and assembly
Section 22.01 on Ethnic groups
Section 25.01 on Women
Section 26.01 on Children
Section 31.01 on Internally displaced persons

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HUMAN RIGHTS ACTIVISTS

19.05 USSD 2007 reported that:

"A wide variety of domestic and international human rights organizations investigated and published findings on human rights cases. The Human Rights Ministry worked with NGOs and MONUC during the year and responded to requests for information. However, security forces harassed, intimidated, or arrested local human rights advocates, NGO workers, and MONUC investigators during the year. In addition prison officials sometimes obstructed NGO access to detainees." **[3k] (Section 4)**

19.06 The USSD 2007 report also stated: "The government generally cooperated with international NGOs that published reports on human rights and humanitarian issues and permitted their investigators access to conflict areas.

Unlike in 2006, there were no reports of security forces detaining members of international NGOs." **[3k] (Section 4)**

19.07 In February 2006 in a document, DRC: Time to end threats against human rights defenders, AI stated:

"Human rights defenders in DRC often work in conditions of extreme danger. Congolese activists have previously been victims of torture, extrajudicial execution and arbitrary arrest. In most areas the local political and military authorities are hostile to the activities of the local NGOs, which they fear may expose their involvement in human rights violations. The activists are frequently called in by the authorities for questioning or to settle so-called 'administrative matters' that are in reality thinly disguised acts of intimidation; their offices are subject to unannounced arbitrary visits by security officials. In some cases, human rights activists have been threatened with death at gunpoint. On 31 July 2005, human rights activist Pascal Kabungulu Kibembi, the Secretary-General of Héritiers de la Justice (Heirs of Justice), a leading human rights organization, was murdered at his home in the eastern city of Bukavu, allegedly by soldiers." **[11i]**

See also Section 8.18 on Ituri; Section 8.62 on North Kivu

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CORRUPTION

20.01 A report from Global Witness in July 2006 claims that international companies and local elites in the DRC are pocketing revenues from copper and cobalt production instead of sharing it with local communities or spending it to reduce poverty. The report states:

"Corruption both in the state and private sector is not unique to the mining industry. It is widespread throughout the DRC and has been one of the fundamental causes of the country's disastrous economic situation and enduring poverty for several decades. It has also been one of the factors perpetuating the conflict and threatening the fragile transition process." **[36b]**

20.02 The report goes on to say that corruption is prevalent in both the formal and informal mining sectors. In the artisanal sector corruption takes place at every stage of the mining process. Bribes are payable to officials at various points in the chain, at the entrance to every mine, at the mineshafts where the miners dig, at the exit points from the mines, along the roads, at checkpoints and border posts. Sometimes mine officials demand payment in kind rather than cash. The miners have little choice but to pay these bribes in order to work. **[36b]**

20.03 As an example, a MONUC report of July 2006 reported that a commission set up in Katanga to combat customs fraud was disbanded after it was discovered charging an illegal tax on all traffic passing across the border with Zambia. Traders said that every vehicle that passed through the border post had been charged between 20 and 50 dollars by the commission made up of police, customs officials, and intelligence agents. The border post at Kasumbelesa handles virtually all of DR Congo's exports of copper and cobalt. **[56r]** The Global Witness report quotes a transporter as saying that the government departments at Kasumbelesa usually asked for between US $3000 and $5000 per truck. **[36b]**

20.04 The Global Witness report also stated that trading companies paid even higher bribes and that in some instances the main trading companies paid the equivalent of a regular monthly salary to senior officials of the national customs agency (OFIDA), the intelligence services (ANR), and other government officials. The report states that some Congolese businesses were in the habit of paying $50 to the governor of Katanga "for him to tell the various government agencies to leave us alone". **[36b]**

20.05 The Report goes on to state:

"For decades, politicians in the DRC, at the highest levels of government, have concentrated on enriching themselves from the lucrative copper and cobalt trade in Katanga instead of using these resources for the development of the country and the province. This pattern of personal appropriation of

Katanga's minerals by senior politicians has continued since the war began and throughout the transitional period, from 2003 to 2006. If anything, national level politicians' hold on these resources has tightened in the run-up to elections in 2006: Katanga province is the heartland of the Kabila family and the home area of Laurent-Désiré Kabila, father of current president Joseph Kabila. Numerous sources interviewed by Global Witness in Katanga affirmed that Kinshasa-based political actors close to President Joseph Kabila had a direct hand in all the mining deals in the province. The report of the Lutundula Commission also highlighted the interference of Kinshasa based politicians in the negotiation of some of the large mining contracts in the industrial sector. The report states, in its section on Katanga: 'The political leaders at the top levels of government intervene in the shadows by using their influence and giving inappropriate orders to the negotiators or signatories of the contracts. They follow closely and interfere in the activities of the partnership.'" **[36b]**

20.06 The report continues:

"Sources interviewed by Global Witness also frequently referred to regular, large cash payments from mining companies to President Kabila and individuals close to him, usually paid through various intermediaries. Several said it was impossible for a company – whether big or small – to operate in Katanga without a "political umbrella", meaning protection and support from politicians in Kinshasa. The involvement of members of the political elite in the mining sector in Katanga occurs both in the formal industrial sector, where they are alleged to have close links to some of the big mining companies, and in the artisanal sector, where they are facilitating illicit exports by trading companies and individuals on a regular basis." **[36b]**

20.07 The US State Department Report on Human Rights Practices 2007 published on 11 March 2008 also noted that: "Corruption remained endemic throughout the government and security forces. The public perceived the government to be widely corrupt at all levels. According to the World Bank's worldwide governance indicators, official corruption was a severe problem." **[3k] (section 3)**

20.08 The report continued, "Weak financial controls and lack of a functioning judicial system encouraged officials to engage in corruption with impunity. Many civil servants, police, and soldiers had not been paid in years, received irregular salaries, or did not earn enough to support their families, all of which encouraged corruption. Reports indicated that the mining sector continued to lose millions of dollars as a result of the corruption of government officials at all levels." **[3k] (section 3)**

20.09 On 23 May 2007 the BBC reported that the UN had stated that it would seek to discipline anyone who had compromised peacekeeping in the DRC by trafficking in gold or guns. The vow came after the BBC claimed that it had found that an inquiry into claims that Pakistani UN troops were smuggling, may have been blocked for political reasons. According to the BBC their reporter had found that the UN had started an investigation in early 2006 into allegations that Pakistani peacekeeping troops had traded gold and sold weapons to Congolese militia groups that they were meant to disarm. The report claimed that witnesses had said that Pakistani officers had supplied weapons to notorious militia commanders in return for gold, and that as the trade developed, the officers brought in the Congolese army and then Indian traders from Kenya. According to the BBC when the UN was eventually

alerted to the allegations by Human Rights Watch in late 2005, it instituted a major investigation by the Office for Internal Oversight Services. However, a UN official connected with the enquiry told the BBC there seemed to have been a plan to bury its results, in order to avoid alienating Pakistan – the largest contributor of troops to the UN. The report went on to say that following the BBC investigation, MONUC issued a statement saying no action had been taken because the enquiry was still active. **[15cs]** The statement issued by the UN stated that the investigation was well advanced and that it was expected to be completed in about three weeks. **[93h]**

20.10 Radio Okapi reported on 28 May 2007 that the Union of Congolese Patriots (UPC), the political party formed by Thomas Lubanga's militia, wanted to contribute to the UN inquiry into the allegations of arms trafficking brought against the Pakistani peacekeepers. According to John Tinanzabo, the interim president of the UPC, "the UPC has a bank of reliable and justifiable data that it could avail to whoever is ready to listen". **[64ai]**

20.11 The BBC reported on 13 July 2007 that a UN inquiry has confirmed that an individual Pakistani peacekeeper in the DRC was involved in smuggling gold, but the inquiry found no evidence of gun-running. **[15cx]**

20.12 On 11 August 2007 the BBC stated that it had obtained an internal UN report examining the allegations of gold smuggling by Pakistani peacekeepers. According to the BBC the report concluded that Pakistani officers provided armed escorts, hospitality and food to gold smugglers in eastern DRC. The Pakistani battalion at the centre of the claims was based in and around the mining town of Mongbwala in 2005. Although UN investigators found local people and UN staff who testified that weapons and ammunition were sold to the FNI militia operating in the area, they said this could not be substantiated. The report made no reference to the evidence of a Congolese army officer whom they interviewed, and who later spoke to the BBC, who said he had seen Pakistanis rearming the militia, nor does it refer to a letter from two former militia leaders in which they admitted receiving arms from the Pakistanis to control the gold mines. The report did provide detailed evidence of the trading network established in the gold mines of eastern Congo, involving Pakistani troops, Congolese army officers and Indian traders from Kenya. **[15dd]**

20.13 On 23 July 2007 the BBC reported that a Human Rights Watch (HRW) report criticised the United Nations probe into allegations against Pakistani peacekeepers in the DRC, which after an 18 month investigation had concluded that only one man was involved in gold smuggling and refuted allegations that UN staff were involved in supplying arms to militia. HRW criticised the under-secretary-general for UN peacekeeping operations for saying the matter "is now closed", and maintained that the UN report should be the start, not the end of the process. **[15cy]**

20.14 On 15 July 2007 allAfrica.com reported that MONUC was embroiled in allegations that its troops were spying for Rwanda militias. The UN peacekeepers were being investigated over allegations that they traded weapons and military intelligence with the FDLR in return for gold. The report said that the UN's Office for Internal Oversight Services (OIOS) was investigating the matter. It was also investigating accusations that MONUC troops were also providing food to the rebels in exchange for gold. **[74bx]**

20.15 Agence France Presse reported that the FDLR denied accusations that they had been involved in gold trafficking with Indian UN peacekeepers in eastern DRC. However, FDLR officers have made statements to AFP confirming that they were able to foil an anti-rebel operation by MONUC-backed Congolese troops in 2005 thanks to information given to them by peacekeepers. **[65ck]**

20.16 On 18 July 2007 at its weekly press conference MONUC said that they could not make any comment on media reports that MONUC Indian peacekeepers were implicated in the traffic of gold in North-Kivu province, as the official investigation was still underway. **[56cd]**

20.17 Reuters reported on the same day that Rwanda had called for the UN to take action against peacekeepers in the DRC accused of trading food and intelligence with the FDLR. According to the Rwandan President his government had received intelligence reports implicating UN peacekeepers in the smuggling before reports appeared in the press the previous week. He said that Rwanda had shared the information it received with regional governments and the UN. **[21bv]**

20.18 On 5 August 2007 BBC Monitoring reported that a group of FARDC soldiers and policemen had been arrested the previous day and taken to the headquarters of the 9th military region. The commander of the military region accused them of having erected illegal road blocks. Among those arrested were a Migration General Directorate official and an officer of the Orientale Province FARDC headquarters. According to the report Kisangani residents saluted the 9th military region commander's actions but feared the re-erection of the road blocks. Responding to their fears the commander promised that he would be making visits to the area to arrest recalcitrant officers erecting road blocks and get them to obey the law. **[95ck]**

20.19 On 8 August 2007 MONUC reported that five UN civilian staff members had been suspended after being accused of "improper collusion with vendors" by awarding contracts to certain suppliers in violation of UN regulations. **[56ch]**

20.20 IOL reported on 8 November 2007 that 18 tonnes of radioactive minerals had been seized in late October in Likasi en route for export, and that the authorities had ordered the material to be disposed of in an abandoned uranium mine at Shinkolobwe. However, workers were believed to have dumped the materials into a river near Likasi. According to an initial report by the Likasi mayor's office, 17 tons of the material belonged to a Chinese firm Magma-Lubumbashi, while another 1.4 tons of copper and cobalt belonged to Chemaf, a Congolese mining company, and Louis Kiyombo, a Lumumbashi-based mining broker. **[86af]** Radio Okapi reported on 10 November that the material dumped in the river had been recovered and had been taken to Shinkolobwe, but that according to the authorities the mine was not guarded. **[64bt]** A later report dated 14 November 2007 from AFP stated that according to the Environment Minister only four tonnes of the material had been dumped into the river and that 15 tonnes of the material was still missing, and that the authorities had no information as to its whereabouts. The report went on to say that seven people suspected of being involved in the affair, had been arrested the previous week, including law enforcement officers. **[65eu]**

20.21 On 8 December 2007 AFP reported that the Zambian government had dropped all corruption charges against the governor of Katanga, Moses Katumbi, who had been accused of benefiting from public funds stolen by a Zambian ex-president. **[65ev]** According to Xinhua on the same date the Zambia Daily Mail had reported that Katumbi surrendered properties and assets amounting to 8 billion kwacha (about 2 million US dollars). Among the properties and assets surrendered were 80 per cent of the shares in Mansa Millling Co. Ltd. At the purchase price of 840 million kwacha, together with a workshop, plot and vehicles. Katumbi, who used to be a businessman in Zambia, was wanted by Zambia for his involvement in a botched arms deal in which the Zambian government lost 20 million US dollars, according to an earlier report in the same paper. **[62ao]**

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FREEDOM OF RELIGION

GENERAL

21.01 The USSD Religious Freedom Report 2007 stated that amicable relationships among the main religions contributed to religious freedom: "There were no reports of societal abuses or discrimination based on religious belief or practice; however, many families continued to accuse children and elderly persons of practicing witchcraft and to drive them from their homes." **3j] (Section 2 & 3)**

21.02 While the government supported religious freedom and "there were no reports of religious detainees or prisoners in the country", the USSD 2007 noted that areas of marginal control, such as "…eastern areas of the country, where significant numbers of armed groups remained active, religious freedom was not abused. However, armed groups attacked both religious and nonreligious individuals and institutions as part of the general population. There was no evidence that religion was the motivating factor in any attacks during the reporting period. **[3j] (Section II)**

LEGAL FRAMEWORK

21.03 The US State Department (USSD) 2007 Religious Freedom Report on the DRC stated "The Constitution, approved in a national referendum in December 2005 and formally adopted in February 2006, provides for freedom of religion, and the Government generally respected this right in practice, provided that worshipers did not disturb public order or contradict commonly held morals." **[3j] (Introduction)**

21.04 Freedom House stated in the Freedom in the World report for 2006 published before the elections, "The DRC's draft and transitional constitutions provide for freedom of religion, and this right is generally respected in practice, although religious groups must register with the government to be recognized." **[66] (Political Rights and Civil Liberties)**

21.05 The USSD Religious Freedom Report 2007 also stated:

> "A statutory order on the Regulation of Non-profit Associations and Public Utilities provides for and regulates the establishment and operation of religious institutions. Requirements for the establishment of a religious organization are simple and generally are not subject to abuse. Exemption from taxation is among the benefits granted to religious organizations. A law regulating religious organizations grants civil servants the power to recognize, suspend recognition of, or dissolve religious groups; however, no one invoked this law in the period covered by this report. Although the law restricts the process of

recognition, officially recognized religions are free to establish places of worship and train clergy.

"A 2001 decree allows non-profit organizations, including religious organizations, to operate without restriction provided they register with the Government by submitting a copy of their bylaws and Constitution. The Government requires practicing religious groups to be registered; however, in practice unregistered religious groups operated unhindered." **[3j] (Section 2)**

RELIGIOUS GROUPS

21.06 The USSD Religious Freedom Report 2007 stated:

"The country has an area of 905,000 square miles and a population of 65,751,500. Approximately 55 percent of the population is Roman Catholic, 30 percent is Protestant, and less than 5 percent each Kimbanguist and Muslim. The remainder largely practices traditional indigenous religious beliefs. There were no statistics available on the percentage of atheists. Minority religious groups include, among others, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (Mormons), and Coptic (Orthodox) Christians.

"Most religious groups are scattered throughout the country and are widely represented in cities and large towns. Muslims are mainly concentrated in the provinces of Maniema, Orientale, and Kinshasa. Members of the ethnically based spiritual and political movement Bunda dia Kongo reside predominately in Bas Congo." **[3j] (Section1)**

21.07 The report noted that foreign religious groups operated freely within the country, but the report also noted that they had to "…obtain approval of the president through the Minister of Justice, foreign religious groups generally operate without restriction once they receive approval from the Government. Many recognized churches have external ties, and the Government generally allowed foreign missionaries to proselytize and did not interfere with their activities." **[3j] (Section 1 & 2)**

BUNDU DIA KONGO

21.08 GlobalSecurity.org noted (accessed 30 April 2008) that:

"The Bundu dia Kongo (Kingdom of Kongo) is a political-religious group centred in the Bas-Congo province (west of Kinshasa) which has campaigned for the independence of the Bas-Congo region from the rest of the DRC. Its adherents have to renounce western and eastern religions. It seeks the restoration of the ancient Kongo Kingdom with its pre-colonial boundaries, which encompass parts of today's Angola, Republic of Congo and Gabon. The centre of the kingdom was located in Bas-Congo Province and in neighbouring Bandundu Province in the DRC. Bundu dia Kongo adherents have protested in the past against former presidents Mobutu and Laurent Kabila." **[150a]**

21.09 A report by the United Nations (UN) Integrated Regional Information Networks (IRIN) dated 26 July 2002 stated that:

"Bundu dia Kongo demands that its adherents renounce western and eastern religions, and has sometimes pushed them into committing acts of violence. It seeks the restoration of the ancient Kongo kingdom within its pre-colonial boundaries, which encompassed parts of today's Angola, the Republic of Congo and Gabon. The centre of the kingdom was located in Bas-Congo Province and in neighbouring Bandundu Province of modern-day DRC." **[18a]**

21.10 An information response by the Canadian Immigration and Refugee Board (IRB) dated 15 October 2003 also stated:

"According to Yabili [Web site], [translation] The Bundu dia Kongo (Bdk) doctrine, which is compiled in the 'Kongo Dieto,' [described by source as an information sheet printed in Kinshasa, whose frequency varies as required] is a hodge-podge of ideas. It covers religion, philosophy, pure science, history, geography and politics. It is tailored to the Bakongo, the chosen people of the worldwide Black race. They are convinced that the DRC is composed not of a single people, but of a heterogeneous group of diverse and sometimes contrasting cultures. This is why they demand an ethnic-based federalism, which has nothing to do with separatism (6 Apr. 2003)." **[24b] (p15) [43h]**

21.11 A report of December 2003 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) described the sect in detail, including its creation, philosophy, structure, leadership, the conditions and training for new members, its emblem, membership cards and statutes, as well as the events of July 2002 and subsequently. **[24b]**

21.12 The CEDOCA report stated that the basic philosophy of the organisation was to promote the positive aspects of the Kongo ancestral traditions. **[24b] (p7)** The management committee, as of 2003, was a chief executive, Ne Muanda Nsemi, an administrative director, Malozi ma Mpanza, a secretary (name not known) and a treasurer, Nzaki Bazola. Its office headquarters in 2003 was in Kinshasa. **[24b] (p8)**

21.13 With regard to membership cards the CEDOCA report stated:

"The membership card is yellow with BDK and the party emblem on it, then it says KALATI KIA KESA which actually means membership card in Kikongo. The card is written in Kikongo (there are none in French). The card includes a photo of the member. NB: no cards have been issued since the events of July 2002. In fact during the events of July 2002, the majority of the schools and zikua were looted by soldiers. As a result, membership cards were found lying about and were then used by certain people who sold them to false members. This is why BDK decided to develop a new design (but it has not yet been issued). Under the circumstances, Ne Muanda Nsemi has written to various asylum authorities to warn them that false members of BDK might produce genuine membership cards. In parallel to this membership card there is a subscription card which is blue. This card is like the first one, but includes the words KIMBANGI KIA KESA = proof of payment." **[24b] (p18-19)**

21.14 In February 2007 supporters of the movement clashed with security forces in three towns in Bas Congo. They were disputing the results of the gubernatorial elections in the province. As a result of the violence the UN estimate that 134 people had lost their lives, including members of the security forces. **[15cg] [65bc] [105d]**

21.15 AFP reported on 6 January 2008 that five people had been killed after being hit by a police vehicle, as police retreated from a barrier set up by members of BDK in the western Seke-Banza area, where BDK is extremely active. According to a police spokesman "faced with a crowd that had turned threatening (police) commander Dieudonne Odimba Okito ordered his chauffeur to shoot off and it was in this panicked reaction that five people … were hit", he said. Witnesses said that shots were fired into the air to disperse the BDK followers armed with stones and clubs. Police said that a senior regional official was wounded in his right eye and a policeman seriously wounded in the leg during the standoff. **[65ey]**

21.16 The USSD Country Report on Human Rights – 2007, published on 11 March 2008 reported that:

"On January 31 and February 1, security forces in Bas-Congo Province used excessive force against demonstrators of the ethnic separatist group Bundu dia Kongo (BDK), who were protesting the conduct of gubernatorial elections in the province. Demonstrators blocked streets and engaged in other unlawful acts. A report by the UN Mission in the Congo (MONUC) concluded that at least 105 persons were killed, including six police and four soldiers, and more than 100 were injured. It also stated that both sides were to blame." **[3k (1a)**

21.17 The clashes followed police operations aimed at routing out BDK strongholds and hunting down militants. The BDK is reported to control its own militia. (BBC News, 22 March 2008) **[15a]** In response to the violence, the government announced that it had decided to "'withdraw' the decision to recognise the BDK as a non profit organisation…" **[48q] [15a]** as there was no evidence that it was using its status to enhance social activities. **[15a]**

See also Section 8 Bas Congo for further information about the Bundu dia Congo

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ARMÉE DE VICTOIRE (ARMY OF VICTORY CHURCH)

21.18 A report of December 2003 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) advised that this Church is the main branch of the World Mission for Message of Life (Mission Mondiale Message de Vie) (MMMV) organisation, which was founded by Archbishop Fernando Kutino in 1984. The MMMV has five main areas of activities involving:

- The Army of Victory (Armée de Victoire) Church
- Kutino Ministries – evangelisation work both in the DRC and abroad
- The Victory School (école de la victoire) (religious training)
- Compassion – community work such as schools, old people's and retirement homes)
- Radio-Télé Message de Vie [message of life] (RTMV) – MMMV's radio and television stations. **[24c] (p6, 9, 20)**

21.19 The CEDOCA report stated that the Church was founded in 1989 and had its headquarters in Kinshasa. It had between 10,000 and 15,000 supporters in 2003. Membership cards were issued to the Church's members. The Church had seven parishes and 26 'prayer units'. The leader of the Church was Archbishop Fernando Kutino, who was assisted by 14 bishops. There were 12 church elders who had a spiritual function, deacons, who dealt with the practical management needs of the Church, and church shepherds who were responsible for the prayer units. **[24c] (p7, 10-13)**

21.20 The CEDOCA report also stated that the Church's emblem was a circle with a sword and a cross forming the 'A' for 'Army' and the 'V' for 'Victory' and a flame in the middle. The swords symbolised the word of God fighting against the forces of evil. The flame represented the fire that is the Holy Spirit. RTMV was located at the same place as the headquarters of MMMV and its function was to educate and instruct people about the MMMV and its message. **[24c] (p13)**

21.21 The CEDOCA report also stated that, on 30 May 2003, Archbishop Kutino launched a political/religious movement called Sauvons Congo (Save the Congo). It was created as a means to express people's frustrations over the failure of politicians to establish a democratic system of government and improve conditions for the Congolese people. Leaders of the movement denounced the problems that affect Congolese society such as corruption and human rights abuses. Government officials viewed the movement with suspicion and some criticised it severely. **[24c] (p18-19, 21)**

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EVENTS OF JUNE 2003 AND SUBSEQUENTLY

21.22 The CEDOCA report stated that on 10 June 2003 police officers in plain clothes raided the Church's premises where the radio station was based. The police officers assaulted Archbishop Kutino, who was having a meeting with members of the Sauvons Congo movement and took away some of the people who had been at the meeting, including Kutino. **[24c] (p20-25)** The CEDOCA report reported differing sources about whether anyone was arrested, stating that Le Phare and other newspapers reported that arrests had taken place, however interviewees, including church members, and local human rights groups ASADHO and VSV, did not mention any arrests. **[24c] (p21, 26)**

21.23 The 2004 Annual Report by Reporters Without Borders, commenting on events in 2003, mentioned that broadcasting resumed in December 2003. The report stated:

"Radio-Télévision Message de Vie (RTMV), a Kinshasa-based radio station run by the Victory Army Church of protestant pastor Fernando Kutino, stopped broadcasting on 10 June after being ransacked by unidentified assailants. Acting on the pretext of restoring order, the police occupied the station's transmitter, located 10 km from the studios. Police were also permanently posted outside the studios and the church, while Rev. Kutino went into hiding. The church was finally able to resume broadcasting on 14 December." **[7b]**

21.24 A report from International Freedom of Exchange (IFEX) mentioned that RTMV resumed broadcasting on 14 December 2003. The report stated that it had been prohibited from operating by the governor of Kinshasa on the grounds that it did not have the legal status necessary to do so. The document confirming that status was delivered to the church on 5 December [2003] by the justice minister. **[63a]** Further information from CEDOCA in February 2004 confirmed that the RTMV had obtained the legal status required for its operations on 5 December 2003. The report stated "This had the consequence of not only the Church's activities being taken up again but also those of the RTMV, the radio-television network which was also closed on 10th June 2003..... On 14th December 2003 reopening took place in the presence of [Vice-President] Jean-Pierre Bemba." **[24d]**

21.25 Shortly after his return to the DRC in 2006, Pastor Ferdinand Kuthino was arrested on 14 May 2006. According to Agence France Presse, security forces raided his church in Kinshasa, fired teargas and beat members of his flock in what was described as a "very forceful" operation targeting the pastor. **[65ai]**

21.26 Kuthino had earlier that day given a speech to several hundred supporters, in which he criticised preparations for the elections, and called on the Government to hold talks with the opposition, which was boycotting the polls to ensure "national unity." **[65ai]**

21.27 On 15 May 2006, police cracked down hard on a demonstration by supporters who were demanding the release of the pastor. According to BBC Monitoring "the police crackdown was extreme. Several people were injured among the faithful and passers-by. Some 10 vehicles were also damaged." **[95l]**

21.28 The trial by a military tribunal of Pastor Kuthino (and two co-defendants) was concluded on 16 June. Kuthino was sentenced to 20 years in prison. **[11m]**

21.29 Christian Today reported on 21 January 2008 that the case of Pastor Kutino (sic) was reopened on 12 December 2007, apparently due to international pressure, but although his case had been reopened, the trail was reportedly being hampered by official obstruction and delays. **[116b]**

See also Section 18.01 Freedom of speech and media

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ETHNIC GROUPS

22.01 The World Directory of Minorities, issued in 1997 by Minority Rights Group International, advised that there were over 200 ethnic groups in the DRC. **[8] (p523-526)**

22.02 Referring to languages the same source states: "In the Democratic Republic of the Congo the official language is French. In addition, some 250 languages and dialects are in widespread use. Of these, 90 per cent are of Bantu origin. Four of them are referred to as 'national languages', namely: Swahili (40 per cent) in the east, in North Kivu, South Kivu, Katanga, Maniema and Orientale provinces; Lingala (27.5 per cent) in Kinshasa (the capital) and the neighbouring region, and in Equateur and Orientale provinces; Kikongo (17.8 per cent) in Bas-Congo and Bandundu; Chiluba (15 per cent) in the provinces of Kasaï Oriental and Kasaï Occidental. It should also be noted that in the northern part of the country the many spoken languages belong to the Niger-Congo family (Ubangian subgroup) and the Nilo-Saharan families (central Sudan group and Nilotic subgroup)." **[60g]**

22.03 Ethnologue provides maps showing the main locations for Congolese ethnic groups and languages. **[6b]**

22.04 The US State Department Background Note of March 2007 affirmed that "Although 700 local languages and dialects are spoken; the linguistic variety is bridged by the use of French and the intermediary languages Kikongo, Tshiluba, Swahili and Lingala." **[3g] (People)**

22.05 Ethnologue provided the following information:

"Lingala is widely used in Bandundu, Equateur, and Orientale provinces, except the southeast of Orientale; and is also spoken in the Central African Republic and the Republic of Congo; alternate name: Ngala. Luba-Kasai is used throughout Kasaï Occidental and Kasaï Oriental provinces; alternate names: Luba-Lulua, Tshiluba, Western Luba, Luva. Koongo is used in the Bas-Congo Province and around Mbanza Manteke, Fioti north of Boma, and scattered communities along the Congo River from Brazzaville to its mouth, and is also spoken in Angola, and the Republic of Congo; alternate names: Kongo, Kikongo, Congo, Kikoongo. Congo Swahili is used throughout the Katanga, North-Kivu, South-Kivu, and Maniema provinces and the southeastern part of the Orientale Province. There are other varieties of Swahili in East Africa. Alternate names: Zaïre Swahili. Dialects: Ituri Kingwana, Lualaba Kingwana, Katanga Swahili, Kivu Swahili." **[6a]**

See also Section 1 on Geography

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ETHNIC ISSUES

22.06 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, reported that: "Members of virtually all of the country's more than 400 ethnic groups practiced societal discrimination on the basis of ethnicity, and discrimination was evident in hiring patterns in some cities. The government took no reported actions to address this problem." **[3k] (Section 5)** Freedom House also stated in the Freedom in the World report for 2005 "Ethnic societal discrimination is practiced widely among the country's 200 ethnic groups." **[66] (Political Rights and Civil Liberties)**

22.07 The UNHCR Global Appeal 2005 noted that "The DRC's internal and external problems are fuelled by power struggles revolving around ethnicity and the desire to control the immense untapped natural resources of the country." **[60a] (p84)** The 2007 Country Profile by the Economist Intelligence Unit stated "Ethnic conflict is apparent in several areas of the country: between the Hema and Lendu around Bunia in Orientale province, between Congolese Tutsis (Banyamulenge) and other groups in the Kivus, and between the baLuba of Kasaï and the Lunda of Katanga." **[30f] (p18)**

22.08 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that, particularly in the east, members of mixed marriages between different ethnic groups such as the Hema, Lendu or Banyamulenge may be rejected by each of their communities, and that a family of mixed ethnicity should be identified as a group at risk. **[52] (p117)**

22.09 The United Nations (UN) Special Rapporteur also stated in March 2004:

"The Special Rapporteur notes that the Batwa pygmies are not represented in political life or civil society but are the targets of human rights violations. In Maniema, she was able to meet representatives of pygmies living in the Kabambare, Kailo, Kasongo and Kibombo areas and was told of the grave human rights violations committed against them. She also received reports from pygmies living in Kinshasa. Minority indigenous peoples continue to be subjected to large-scale acts of discrimination of all kinds by the population. They are among the first victims of massive human rights violations." **[55b] (p19)**

22.11 On 3 August 2007 MONUC issued a statement in which it stated that "It is with great concern that MONUC notes the multiplication of rumours, speeches, leaflets, radio and television broadcasts, press articles, or crowds' manipulation, calling for incitement to inter-communitarian, ethnic or tribal hatred, intolerance, exclusion and xenophobia". The statement went on to say that such acts were committed and peddled more frequently in several parts of the DRC, mainly in Kinshasa and in the east of the DRC, in particular in the Kivus, and called on the DRC authorities to ensure that those responsible for inciting the population were held accountable for their acts. **[56cg]**

See also Section 8.15 on Security situation – Eastern DRC

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BANYARWANDA/BANYAMULENGE/TUTSIS IN EASTERN DRC

22.12 The history of the Banyarwanda ethnic group in eastern DRC was described by the World Directory of Minorities:

> "When colonial boundaries were drawn in the late nineteenth century many Banyarwanda (Hutus, Tutsis and Twa, who all speak Kinyarwanda) found themselves on the Zaire side of the Rwandan border, in Kivu province. More Banyarwanda subsequently crossed from Rwanda to work on Belgian colonial farms. In the late 1950s (and subsequently) Tutsi refugees fleeing persecution in Rwanda also crossed to Zaire; Banyarwanda came to comprise around half the population of North Kivu, yet were widely viewed as 'foreigners' by other ethnic groups. The waves of immigration intensified competition over land."
>
> The source added that the situation deteriorated into a virtual civil war in 1992—93. **[8] (p524)**

22.13 There is also an ethnic group known as the Banyamulenge, defined in 'The Historical Dictionary of the Democratic Republic of Congo' by F Scott Bobb as "A group of primarily ethnic Tutsis who before independence migrated from Burundi and Rwanda into the Mulenge Mountains of South-Kivu. Like the Banyarwanda living in North-Kivu, the Banyamulenge were drawn into the interethnic violence that spilled into Zaire from Rwanda and Burundi in the 1990s." **[68]** A report by the International Crisis Group of July 2004 also explained that "The Banyamulenge are the Congolese Tutsi community in South Kivu." **[39a] (p3 footnotes)**

22.14 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) states that "In fact, the consensus is that the Banyamulenge narrowly speaking (the Tutsi community of the high plains of Itombe, South Kivu) have immigrated to these areas long before the beginning of colonial rule. Also, their origin seems to be Rwandan, rather than Burundian. Burundians also immigrated to South Kivu (mostly the plains between Bukava and Uvira), but they need to be distinguished from the Banyamulenge." **[102]**

22.15 A report by the International Crisis Group (ICG) of March 2005 stated that in November 2004 "A law effectively granting citizenship to the Kinyarwanda speaking communities in the east was passed". The same report added a footnote that "The law grants citizenship upon individual application to those whose tribes were present in the Congo at independence in 1960." **[39d] (p15)**

22.16 The Economist Intelligence Unit Country Profile of June 2005 also stated that the draft post transition constitution "addresses the extremely touchy question of the Banyamulenge Tutsis long-settled in the region whose status as Congolese citizens has been heavily politicised and manipulated over the past 25 years." It stated that the draft constitution recognises "as Congolese

citizens all those that were resident in the DRC at independence in 1960." **[30b] (p14)**

22.17 A report of 14 May 2005 from BBC News Online about the proposed post-transition Constitution approved by the National Assembly in May 2005 also stated "It also recognises as citizens all ethnic groups at independence in 1960. This article is recognition of the citizenship of thousands of ethnic Tutsis, who were transplanted to the then Belgian-ruled Congo back in the 19th Century." **[15k]**

22.18 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) states that this report mixes different historical processes and is erroneous on two accounts.

"First that in the 19th century, movement of Rwandan Tutsi to the Congo was either voluntary and part of the expansion of the Rwandan state (for whom central Rwandan elites acted as a spearhead) or, by contrast, was driven by the search for autonomy from the Rwandan state. Rwandan Hutus migrated to the Congo in search for land, but also in search of autonomy from the state. In addition, there were also autochthonous 'Hutu' communities in Bwisha (Rutshuru), although they only came to see themselves as Hutu with the incorporation of that territory in the Rwandan state. Thus, it is wrong to frame the migration of Rwandans in the 19th century in terms of colonial resettlement policies (which the term 'transplanted' evokes). Rwandans of both ethnic groups (but with different roles and statuses) were transplanted to the Congo only from the mid 20th century onwards in the framework of a massive resettlement programme. **[101]** The new constitution and the new citizenship act clearly also gives these colonial immigrants (or 'transplantés as they are often called) Congolese citizenship." **[102]**

22.19 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated:

"The present report makes references to the chronology of their arrival in Congo, saying that the Banyamulenge arrived before independence into the Mulenge mountains of the South Kivu from Rwanda and Burundi, and the Tutsis arrived to Congo due to the conflicts in the 1990s in Rwanda and Burundi. However, Tutsis like Hutus have not migrated from Rwanda/Burundi but were found to be living in the area between the Occidental Rift and the lack [sic] Victoria by the Europeans in the XIXth century. There was never a conquest from the North or the East by the Tutsis into Congo. At the time of independence those people were found to be separated by the borders dividing Rwandan/Burundi/Congo. Those same people who have always lived in the South Kivu were once before given the Congolese nationality under the Mobutu regime by a nationality law dated 1971, but a subsequent law in 1982 retroactively withdrew their Congolese nationality. It is only recently with the 2004 nationality law that the Congolese citizenship can be granted to those whose tribes were present in the Congo at independence in 1960. Munyamulenge (plural for Banyamulenge) are considered and consider themselves Congolese, whereas Tutsis are not, they are viewed as foreigners – Rwandans or Burundians — who arrived in the Congo (mostly in North Kivu) at different times and were never considered for Congolese citizenship. It has to be made clear that Munyamulenge are not all Tutsis. The issue of statelessness of the Munyamulenge which might appear to have been solved

by the 2004 nationality law, has not yet produced effects, in practice there is no example of cases of Munyamulenge who have successfully obtained the Congolese nationality. As an indication, during the voters' registration there were some incidents reported over the registration in the Kivus by 'tutsis' being Munyamulenge or alien tutsis whose nationality was reported to be unclear. (Atlas des Peuples d'Afrique, Jean Sellier, Edition La Decouverte, Paris 2004, pp 143, 167, 171, 173,175-177). The persecution and discrimination suffered by both groups, Congolese Banyamulenge and aliens [sic] Tutsis is very much similar." The document went on to say that there should be no differentiation in the approach to these groups". **[60g]**

22.20 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) states that this statement by the UNHCR contains factual errors. He states:

"First the summary of the statements contained in the October 2005 report by the UNHCR commentary contains two major errors, which are not corrected by the commentary that follows. The first one has already been dealt with above (the arrival of Banyamulenge before Independence and their origin from Rwanda and Burundi). A second error contained in that summary is the claim that Tutsi also arrived because of the conflicts of the 1990s. There was a major wave of refugees in the 1960s in the wake of the 'Rwandan revolution' (1959-1962) and following massacres in 1963 as well as ethnic persecution in 1972. In the 1990s, the thousands of Rwandan Tutsi managed to escape the genocide to the Congo, where they remained only briefly, fleeing the arriving Hutu refugees, or more precisely, the Interahamwe and ex-government forces which arrived in the Congo with the Hutu refugees". **[101] [102]**

While it is true that some Tutsi as well as Hutu were living in the area of present-day Congo before colonisation, they were restricted to specific areas and had specific histories. In the south, the main settled community of Rwandan origin were the Banyamulenge. Another area of traditional settlement of Rwandans was Bwisha (present day-Rutshuru territory). The population, however, was almost entirely made up by Hutu and only few aristocratic members of the Rwandan Tutsi elite settled there in the course of the expansion of the Rwandan central state in the 19th century. While the southern Tutsi community was relatively insulated both from neighbouring groups as well as the Rwandan states, Bwisha became incorporated into the Rwandan state in the 19th century and received a constant trickle of migrants. Thus migration and previous settlement are not contradictory in this context. Thus, the only communities whose ties to Rwanda were severed through colonial boundaries were the inhabitants of Idjwi (the island in Lake Kivu was only loosely integrated into the Rwandan state at the time of colonisation and initially was part of German East Africa until boundaries were demarcated), and the Rwandan communities in Bwisha and Rwandan communities in the south of Uganda" **[102]**

22.21 Dealing with the UNHCR comments on Munyamulenge Mr. Kraler states:

"In fact, Munyamulenge is the singular for Banyamulunge. More important, although the nationality of the Banyamulenge was contested, legally, the Banyamulenge should always have been considered Zairean citizens as made clear in a previous commentary to the April 2005 report. More important, the second part of the quote completely misrepresents the actual situation: both

Tutsi and Hutu immigrants who came to Eastern Congo from the 1920s onwards (and sometimes even before) are viewed as foreigners by many locals, however, many of these consider themselves Congolese and indeed have a strong claim to Congolese nationality. It is actually these immigrants that were most affected by successive changes of citizenship legislation under Mobutu, if very often not in practice (as it was relatively easy to obtain a citizenship card through bribing the relevant authorities). In addition, the academic consensus is that Banyamulenge in the narrow sense are exclusively Tutsi (in contrast to the last sentence of the quote). However, in popular language Banyamulenge is often taken as a term for either Congolese Tutsi or Congolese Kinyarwanda-speakers in general, although the term should be reserved to the actual Banyamulenge community in South Kivu." **[102]**

22.22 Commenting further on the UNHCR report he states:

"Finally, the UNHCR report states that *"The persecution and discrimination suffered by both groups, Congolese Banyamulenge and aliens [sic] Tutsis is very much similar."* The author of this report feels that the label'"alien Tutsi' is a serious and dangerous misnomer, since many of these Tutsi are second or third generation immigrants and thus have a strong claim to nationality, in particular under the new nationality legislation. **[102]**

See also Section 5.01 on the Constitution; Section 33.01 on Citizenship and nationality

22.23 Human Rights Watch (HRW) in the World Report 2005, commenting on events in 2004, also reported "The Bukavu revolt and the Gatumba massacre sharply increased fear and hatred between Tutsi and Banyamulenge peoples and other ethnic groups in eastern DRC. In some places animosity against Tutsi and Banyamulenge is generalized to all Rwandaphones, people linguistically or culturally linked to Rwanda." **[5s] (Increasing Ethnic Hostility)** HRW also reported in June 2004 that killings and other abuses of Banyamulenge people by pro-government forces were claimed as the reason why rebel forces took control of Bukavu in June 2004. **[5d] (Overview)**

22.24 A Reuters news report of 11 October 2004 also advised that there were violent protests in the eastern town of Uvira against returning ethnic Tutsi refugees (Banyamulenge). **[21a]**

22.25 The World Refugee Survey 2005 by the US Committee for Refugees and Immigrants (USCRI) also stated "In October [2004], UNHCR and WFP aided 1,500 families who returned via the Uvira transit center. That same month, the Government deployed 5,000 troops to protect displaced Tutsis threatened by other ethnic groups." **[53]**

22.26 USCRI also reported that "In July [2004], the military and local authorities detained 283 Rwandan immigrants and Congolese of Rwandan ancestry in a military camp in Bunyakiri [South Kivu] for two weeks and, with UNHCR's assistance, deported them to Rwanda, which granted them asylum. UNHCR reported that those deported were not refugees but second-generation Congolese nationals of Rwandan origin." **[53]**

22.27 A letter from the British Embassy in Kinshasa dated 7 June 2007 states:

The Embassy has regular contacts with many members of the Tutsi population in DRC, both those based in the Kivus and those who live in Kinshasa.

Tutsis continue to face serious difficulties in the Kivu provinces, where their relations with other local communities remain poor. In non-Tutsi dominated areas, Tutsis face regular harassment from police and armed forces, although the extent of such harassment is overstated by Tutsi lobby groups. The recent fighting between pro-Laurent Nkunda forces and FARDC or FDLR troops has exacerbated anti-Tutsi feeling in the Kivus, which continues to be fuelled by many Congolese politicians, but thus far it has not manifested itself in anything more serious than the regular harassment and some arbitrary arrests. **[22x]**

22.28 The British Embassy's view was echoed by a report from allAfrica, who noted on 18 October 2007 that Tutsi's in spite of being only one of over 200 ethnic groups in the DRC, have for long been a vulnerable group. A press release from MONUC noted that the Congolese Tutsis were the victims of discrimination in DRC, treated as second class citizens. Ethnic Tutsi have for some time been considered as outsiders and continue to be discriminated against. **[74dr] [8] (p523-526)**

22.29 On 1 August 2007 the BBC reported that UN monitors had evacuated the town of Moba after two of their civilian staff were injured in rioting that took place when people took to the streets, angered by rumours that ethnic Tutsis who fled during the war may be returning to the area. According to the report the unrest began in the early hours of the morning with people shouting anti-Tutsi slogans. The UN's offices were then targeted and some vehicles destroyed. **[15dc]**

22.30 IRIN reported on 2 August 2007 that calm had returned to Moba after demonstrators wounded four UN military observers and destroyed several offices belonging to the UN and NGOs. FARDC troops prevented the crowds from attacking other UN agencies. A spokesperson for the UN said that there were no plans to repatriate the Banyamulenge. The Moba Member of Parliament stated "The news of the repatriation of Banyamulenge refugees did not please the residents as the Banyamulenge had killed a traditional chief of an indigenous group during the war in 1998". Residents claim that demonstrators were in their thousands, but MONUC estimated the group at less than 1,000. **[18fp]**

See also Section 8.15 on Security situation – Eastern DRC; Section 8.106 on Bukavu June 2004; Section 8.112 on Gatumba massacre August 2004

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TUTSIS IN KINSHASA

22.31 A Fact-Finding Mission Report dated October 2002 by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) advised that in August and September 1998 an undetermined number of people who were Tutsis, or were perceived as being Tutsis, were subjected to indiscriminate human right abuses in Kinshasa, in reaction to the

conflict between the DRC and Rwanda that occurred in August 1998. The report stated:

"It emerges from numerous conversations with the Kinois [Kinshasa citizens] that, in their eyes the Rwandans are the enemy, the occupier and the aggressor. Often the Kinois make no distinction between the Tutsis, the Hutus, the Rwandans and the others. During the August and September 1998 pogrom, an undetermined number of people were subjected to indiscriminate anger simply because of their appearance. The Tutsis are in fact recognised by their great height, their pointed noses and their oval faces." **[24a] (p21)**

22.32 The same report advised that during late 1998:

"People of Tutsi origin or who were presumed to be of Tutsi origin were arrested and a number of them were burnt alive or shot. In order to excuse themselves, the pogrom participants argued that the Congolese authorities played a significant role in stirring up anti-Tutsi hatred. During this period, a certain number of ministers in fact served as official spokesmen to designate the enemy by popular condemnation by labelling them as vermin which should be exterminated at any price." **[24a] (p21)**

22.33 The Belgian report of 2002 concluded that:

"In Kinshasa, Tutsis and individuals whose morphology resembles that of Tutsis, individuals who speak kinyarwanda and individuals from Kivu may be in danger because of the aforementioned characteristics. According to certain interlocutors, the husband or wife of a Tutsi may also experience some problems.… A Congolese citizen who accommodated a Rwandan in his own home always runs the risk of being harassed by the security services.… As is often the case in the Democratic Republic of Congo, the situation is in fact very volatile in relation to the Tutsis in Kinshasa." It also noted that since 1998, the Government had allowed international agencies to resettle thousands of Tutsis in other countries. **[24a] (p22)**

22.34 A country report dated January 2004 by the Ministry of Foreign Affairs of the Netherlands advised:

"The camp on the premises of the INSS (National Social Security Institute) in Kinshasa, which had housed several hundred Tutsis since 1998, was closed in the summer of 2003 by the Ministry of Human Rights because the local population had become more tolerant towards the Tutsi. The International Committee of the Red Cross helped find solutions for the ex-inhabitants of this camp. Approximately 100 persons have obtained a visa for Canada, and approximately 80 persons have travelled to the east of the Democratic Republic of Congo (this was coordinated by the Office of the United Nations High Commissioner for Human Rights). The remaining ex-inhabitants have remained in Kinshasa and joined society. The Red Cross helped them in this for six months." **[42] (p20)**

22.35 A report by the International Crisis Group (ICG) of March 2005 commented on the situation of Tutsis in Kinshasa as follows:

"Anti-Tutsi sentiment has been high in Kinshasa for years. After Laurent Kabila expelled members of the Rwandan army from the capital in July 1998, the

head of his cabinet, Yerodia Ndombasi, called the Tutsi 'scum, vermin that must be methodically eradicated'. In the weeks that followed, hundreds of Tutsi civilians throughout the Congo were arbitrarily arrested, tortured and killed. In subsequent years, anti-Tutsi sentiment has formed a cornerstone of the PPRD platform. According to a UN analyst, 'In the absence of a solid popular base and public services, anti-Tutsi propaganda is one of the only things that can rouse the rabble in Kinshasa'." **[39d] (p12)**

22.36 As reported in USSD 2005 at 6.105 above there were no incidents reported of anti-Tutsi sentiment being expressed in the media or hate speeches against Tutsis.

22.37 The Congolese press freedom organisation, Journaliste en Danger, published via the International Freedom Exchange (IFEX), reported on 19 January 2005 that "On 13 January 2005, the Congolese media regulatory body (Haute Autorité des Médias, HAM) announced the one-month suspension of the controversial programme 'Forum des médias'. The weekly programme is produced and broadcast by the public broadcaster's (Radiotélévision nationale congolaise, RTNC) Channel Two station." JED reportedly stated that "Over the last few months, the programme – which is reportedly under the complete control of the Information Ministry – has become a breeding ground for fanaticisms of every kind. It convenes virtually the same group of individuals each week and has become a catalyst for the vilification of anyone not aligned with the official version of current events in the Democratic Republic of the Congo (DRC)." and "Congolese citizens of Rwandan origin, including Vice-Presidents Azarias Ruberwa and Jean Pierre Bemba [n.b. not of Rwandan origin], have been the principal targets of the programme." **[63c]**

22.38 A letter from the British Embassy dated 7 June 2007 states:

"In Kinshasa, the Tutsi community is small, probably no more than 60 people. There is also a small detachment of mostly Tutsi soldiers who work as former Vice-President Ruberwa's bodyguards, and some Tutsi officers in the FARDC high command. Many of the Tutsis living in Kinshasa have a high political profile".

"For the most part, Tutsis in Kinshasa go about their daily business unmolested, although they are subjected to more racist comments in the street than other Congolese ethnicities (but less than white people are). Over recent years, many of the Tutsis resident in Kinshasa were men who had left their families in the Kivus or overseas. Many have begun to or plan to bring their families to Kinshasa, reflecting their increased confidence in their local security".

"Recent fighting in eastern DRC has seen Nkunda blamed, and Tutsis demonised by certain sections of the Kinshasa media and political scene. However, we have no reliable evidence to suggest that this has translated into increased harassment or other abuse of Tutsis in the city".

"There are currently no Tutsis in the government. However there are strong rumours that one or more RCD Tutsis will be appointed to the government during a reshuffle expected in the second half of 2007. There are Tutsi members of both houses of parliament, in total we estimate there to be 5, the most prominent of which is Senator Moise Nyuragabo, who was elected for

Kinshasa province. There are Tutsi members of provincial assemblies and provincial governments as well". **[22x]**

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

23.01 The 1998 survey by the International Gay and Lesbian Association reported that the Pink Book had stated that parts of the Penal Code concerning 'crimes against family life' could be used to punish homosexual acts. This included laws governing assaults against a person, with a penalty of six months to five years imprisonment; rape, with a penalty of five to 40 years imprisonment; and assaults on minors, as a 'break [sic] of public morals' with a penalty of a fine and five months to five years imprisonment. **[45]** However, in comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "In Congolese Criminal Law, higher punishments are 20 years imprisonment or life imprisonment. There is no 40 years imprisonment." **[60b]**

23.02 A country fact finding report of 2002 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) also noted that:

"The Congolese Criminal Code does not contain any article dealing with homosexuality or makes it a criminal offence. Some international organisations for the defence of homosexuals state that articles 167,168,170 and 172 of the Zaire Criminal Code, "Section II: Indecent Assault, Rape" and "Section III: Offences Against Common Decency" could be used by the authorities to punish homosexuality. However, information obtained from organisations in defence of human rights in Kinshasa includes no indication of these suppositions. It is, however, an established fact that homosexuality is taboo in DRC. Merely raising the subject makes some interviewees feel embarrassed." **[24a] (p28)**

23.03 The same report stated that the observers questioned on the subject did not know of any cases of Congolese being persecuted by the authorities because of their sexual orientation. They did not know of the existence of an organisation for the defence of homosexual rights. The report referred to comments from two local human rights groups, CODHO (Committee of Human Rights Observers), and VSV (La Voix des Sans-Voix) that homosexuals are rejected by society and homosexuality cannot be displayed in public; however, homosexuals could manage to live as they wish in Kinshasa if they remained discreet. The report also stated that there were a number of clubs in Kinshasa where homosexuals meet. **[24a] (p28)**

23.04 A report from the British Embassy in Kinshasa dated 10 April 2007 stated the following:

Legal rights

- There are no laws explicitly punishing or discriminating against LGBT persons. However, LGBT people face wide social discrimination. Be that as it may, the Constitution, while not overtly granting them the right of marriage, seems to have a loophole for that, as constitutional specific provisions relating to marriage do not clearly indicate that it should be undertaken by *persons of different genders*. They only state that "…marriage must be entered into by two individuals."
- They do not benefit from any legal protection whatsoever, more so as their alternative lifestyle still constitutes a legal issue not addressed by the DRC lawmakers of all times.

- No enforcement (there are no laws yet)

Government attitudes

- LGBT people are mostly negatively portrayed by DRC politicians, although this is not often a central campaign focus for politicians. These politicians hail from a society that is extremely intolerant to any sexual practices termed "against nature". Besides, most of them claim to be or are Christians so that LGBT are, in their eyes, violators of the biblical principles.

- Evidence of police/authorities taking actions against LGBT people are few and far between. There is no legal basis to substantiate any such actions, so LGBT people are seldom disturbed by police/authorities.

- LGBT people are a tiny (but slowly growing) minority which has not yet felt strong enough or sufficiently accepted to aggregate into any form of organised group.

- The government does not provide funding to LGBT groups, as there are not any yet in existence. It is unlikely that the government would fund them in the present climate.

Social and economic rights

- It is difficult to tell what social rights are denied them. LGBT people scarcely display their LGBT status so that they can still have access to education, health care or employment opportunities. Yet, those few who challenge the social intolerance are likely to also face denial of a number of social/economic rights.

- Theoretically LGBT people can enlist in the army without suffering violence or discrimination. There is, however, a strong probability of them being victims of violence/discrimination if their status is revealed.

'Societal' ill-treatment or discrimination

- General perceptions and treatment of LGBT people by the majority of DRC population are very negative. There are two major societal inhibiting factors towards LGBT status: religious factor and African (Bantu) cultural aspects. On the religious side, the DRC (although constitutionally a secular state) is around 75-80% Christian. Prevailing religious doctrine is

either very traditional Catholic/Protestant or revivalist Christian. Either way, religious teaching in DRC is strongly anti-homosexual. Any homosexual and/or transgender behaviour is, hence, seen and socially condemned as being abnormal/unacceptable. Congolese (Bantu) culture finds LGBT status to be practically unthinkable.

- As mentioned in the preceding bullet, major religions in DRC regard and unanimously condemn sexual minorities as "filthy sinners". The practical impact of these religions' views is that their strong influence shapes the general stigmatisation of Congolese LGBT people.

- LGBT persons are often called names in DRC society. The verbal invective targeting them can be construed as part of the 'societal' violence/harassment inflicted them.

- The police virtually never consider complaints (if any at all) filed by LGBT persons. **[22b]**

23.05 The Mail&Guardianonline on 28 April 2007 reported a Congolese human rights activist, now living in Nairobi, as saying that he suspected that he was imprisoned for six months in Kinshasa prison, where he was continually abused, because he openly admitted being homosexual. "If you are gay in Congo, you become an outlaw" he is quoted as saying. After leaving prison, he left the DRC for Uganda, where he was granted asylum. "When the authorities found out that I was gay, I was asked to leave the country" he said. **[105f]**

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DISABILITY

24.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008 stated:

"The law prohibits discrimination against persons with disabilities; however, the government did not effectively enforce these provisions, and persons with disabilities often found it difficult to obtain employment, education, or government services. The law does not mandate access to buildings or government services for persons with disabilities. Some schools for persons with disabilities, including the blind, received private funds and limited public funds to provide education and vocational training." **[3k] (Section 5)**

24.02 Care for handicapped people was given in some cities, such as Kinshasa, Mbuji Mayi and Kisangani, by an international organisation, Handicap International. This included supporting a Centre for the Rehabilitation of Handicapped People (CRHP) in Kinshasa. **[32]**

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WOMEN

LEGAL RIGHTS

25.01 According to the Natlex index of the International Labour Organisation family law is governed by Law 87/010 of 1 August 1987. **[69]**

25.02 The US State Department Human Rights Report (USSD 2007), published on 11 March 2008 stated that:

> "Women did not possess the same rights as men in law and in practice. The law requires a married woman to obtain her husband's consent before engaging in legal transactions, including selling or renting real estate, opening a bank account, and applying for a passport. Under the law women found guilty of adultery may be sentenced to up to one year in prison; adultery by men is subject to legal penalty only if judged to have 'an injurious quality'." **[3k] (Section 5)**

25.03 "The Family Code recognizes equality between the spouses (art. 330), but effectively renders a married woman a minor under the guardianship of her husband. Article 444 stipulates that the wife must obey her husband; article 448 requires a woman to obtain her husband's authorization to effect any legal act for which she must present herself in person. The law also endorses double standards on marital fidelity: all cases of adultery committed by a married woman are punishable by six months to one year of imprisonment, whereas male adultery is only punishable if it is of an 'injurious quality'." (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p21)**

25.04 Amnesty International (AI) in a report of 26 October 2004 'Mass rape – Time for remedies' stated:

> "There is a direct link between discrimination practised against women in general and the exacerbated violence inflicted on women in times of war. The fact that women in the DRC are considered to be second-class citizens is closely related to the violence inflicted on them and to the discriminatory absence of appropriate measures on the part of the State to combat such violence."
>
> "Before the war, women suffered economic, social, cultural and political discrimination. The situation for women has deteriorated since the start of the armed conflict. Widows or rape survivors fare even worse than the rest of the female population. According to one Congolese activist, 'In some traditions, for

example, women who have lost their husbands, are, as widows, considered to be the property of the husband's family. In this way, they often become victims of sexual violence from members of his family."

"The legal system discriminates against women on different levels. For example, under Article 448 of the Family Code (Code de la famille), while unmarried women over the age of 18 are treated as equal before the law, a married woman who wishes to take a case to court must first ask her husband's permission (10). [footnote: '10. Similarly, until October 2002, when the Labour Law (Code du Travail) was amended, women had to ask their husband's permission before applying for a job.']

The law criminalizing consensual sex out-side marriage, termed as adultery, is also applied differently to husband and wife. Article 467 sub-section 4 of the Family Code lays down a term of imprisonment of six months to a year and a fine for a married women [sic] committing adultery. A husband, however, will only face the same punishment if behaviour covered by this law is found to be of an 'offensive character' (caractère injurieux) (Article 467, paragraph 2).

Article 352 of the same Code provides for different ages of marriage for men and women: women/girls need only be aged 15 or over, men have to be aged 18 or above. Given the very high number of forced marriages, human rights organizations are campaigning for the law to be changed in favour of an equal age of marriage for both sexes.

According to article 490 paragraph 2 of the Family Code, whatever the marriage settlement, the management of the wealth is entrusted to the husband.

These are among examples of a number of discriminatory provisions in Congolese legislation." **[11c] (p10)**

25.05 Freedom House also stated in the Freedom in the World report for 2005 "Despite constitutional guarantees women face de facto discrimination, especially in rural areas, where there is in any case little government presence. They also enjoy fewer employment and educational opportunities than men and do not receive equal pay for equal work. Violence against women, including rape and forced sexual slavery, has soared since the onset of armed conflict in 1996." **[66] (Political Rights and Civil Liberties)**

POLITICAL RIGHTS

25.06 The United Nations (UN) Special Rapporteur stated in a March 2004 report that "several women's associations in Lubumbashi and elsewhere had told her about the difficulties they face when they try to take part in political life through a political party, and have expressed the desire to become involved in political life through community organisations." **[55b] (p18-19)**

A report by the Integrated Regional Information Networks (IRIN) on 10 March 2005 reported comments by women's representatives on International Women's Day that "Women are still under represented at decision-making levels in the Democratic Republic of Congo's (DRC's) institutions, reduced to

the role of house help and have even become victims of repeated sexual violence". The report also stated:

"The UN Development Fund for Women (UNIFEM) gender adviser, Miranda Kabefor, told IRIN that women were far from attaining 30 percent representation in decision-making bodies of the government – the Senate, the National Assembly, and heads of public firms. She said more concrete action was needed.… There were, she said, just nine women among the 61 ministers and vice ministers in the transitional government, and only 60 women sit in the two chambers of the 620-member parliament. The same situation prevails in state-owned firms."

"One reason for the low representation of women in state bodies could be a reflection of their low enrolment in school. UN Children's Fund (UNICEF) statistics illustrate this." **[18ah]**

25.07 In the twenty-first report by the UNSG in June 2006, he states that according to figures from the Independent Electoral Commission about fifty per cent of registered voters in the election were women. It was also reported that MONUC is continuing to work with other UN and national and international organisations to establish and strengthen women's networks, platforms and consultation frameworks and to launch media campaigns, training and sensitisation sessions nationwide. The report also noted that four women had registered as candidates for the presidential elections, and that 13.5 per cent of candidates for the legislature were women. **[54i]**

25.08 Reporting on the government reshuffle which took place in November 2007 BBC Monitoring stated on 26 November that a new ministry had been created, that of Gender, Women and Children, which had been given to Philomene Omatuku, who was previously Minister of Social Affairs. **[95dw]**

25.09 MONUC reported on the 7 December 2007 that on that day a one day plea, for an equal man-woman representation within the National Independent Electoral Commission (CENI) initiated by the Permanent Dialogue Framework of the Congolese Woman (CAFCO) was held in the Palais de Peuple in Kinshasa. The aim was that members of parliament respected the equality man-woman law in the bill on the CENI. They were addressed by the Special Representative of the UN Secretary General for the DRC, William Swing, who encouraged CAFCO in their plea which "is justified and completely legitimate" and on which their representation in future local elections depends. Mr. Swing stated that it was the will of the UN to encourage the active participation of women in decision making, referring to Security Council Resolution 1325 on "Women, peace and Security". He went on to congratulate the country in devoting article 14 of the Constitution in this regard, but deplored the application of this law which "was not effective through the electoral law", because of article 13 which stipulates that "the non realisation of man woman equality during the next elections is not a reason for inadmissibility of a list". **[56cs]**

See also: Para 25.14

SOCIAL AND ECONOMIC RIGHTS

25.10 "In almost all ethnic groups, bride price is practised, which leads some men to believe that they have 'bought' their wife. Punishment of women's 'disobedience' enjoys considerable social acceptance, whereas the concept of marital rape is often not understood." (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p21)**

25.11 An information response by the Canadian Immigration and Refugee Board (IRB) of 17 July 2003 about forced marriages in the DRC, particularly among the Yansi tribe, reported a comment by the president of the Réseau Programme d'appui aux actions féminines [Network Support Programme for feminine actions] referred to the "negative customs and traditions that drive [women] to commit suicide or leave the country." The same source also referred to an initiative by President Kabila to increase the birth registration rate which is currently at 34 per cent, and said that this could assist the problem of girls being forced to marry before they are of legal age in the absence of proof of their date of birth. **[43e]**

25.12 A further IRB information response dated 14 April 2004 about forced marriages, particularly among the Bambala ethnic group, also reported that "a researcher and legal advisor at Éveil de la femme, a women's rights organization based in Kinshasa, said that forced marriages are common throughout the RDC, and particularly in Bandundu and Kasai. Women are often forced to marry the uncle, brother or cousin of a dead husband, or even their own cousin, nephew, or uncle, though the latter is less common." The response also reported that the president of the Programs for the Call to Women's Action (Programme d'appui aux actions féminines, PAAF), who is also a lecturer at the University of Kinshasa, stated that "customary marriages, like civil marriages, are recognized by Congolese law. Consequently, the Democratic Republic of Congo (RDC) does not interfere with the customs of the various ethnic groups, unless there is a complaint." **[43m]**

25.13 The same response of 14 April 2004 also reported "Though it does not refer specifically to the Bambala, a paper titled Congo, l'itinéraire noir indicated that, among some ethnic groups in RDC, [translation] marriage is the society's fundamental institution. Preferential marriages and lineage exogamy between clans are practised, and the notion of incest is a social concept, not a genetic one. Rules are very precise because marriage is an exchange of women between groups, an alliance, a means of social cohesion, and often a political tool. Being single is inconceivable." **[43m]**

25.14 Another IRB information response dated 8 April 2004 about marriage in the absence of one of the spouses, reported information from a researcher and legal advisor at a Congolese women's rights organization in Kinshasa called Éveil de la femme that "the absence of one of the spouses does not prevent the celebration of a customary or civil marriage. Religious marriages, however, always require the physical presence of both spouses. In the case of a customary or civil wedding, a family member, such as a brother, uncle or male cousin for the groom, or a sister, aunt or female cousin for the bride, may stand in for the missing spouse. The representative of Éveil de la femme said that some men have married by proxy while they were abroad." The same response also reported that "the permanent secretary of the National Committee for Women in Development (Comité national Femme et Développement, CONAFED), a Congolese women's organization, stated that

customary or civil marriages by proxy are common in the RDC. She explained that a friend or family member can stand in for one of the spouses." **[43l]**

25.15 A further IRB information response dated 9 January 2006 on forced marriages stated that according to two sources 74 per cent of girls between the ages of 15 and 19 in the DRC were already married. Amnesty International reported, without naming the ethnic groups concerned, the existence of a "very high number of forced marriages" in the DRC. An article posted on a DRC civil society website societecivile.cd stated that early marriages were among the main problems that women face in the DRC. The response then went on to detail the various ethnic groups that practice forced marriage. **[43u]**

25.16 The USSD 2007 report on Human Rights stated: "The constitution prohibits forced prostitution and bans prostitution of children under age 18. Although no statistics were available regarding its prevalence, adult and child prostitution occurred throughout the country, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There were anecdotal reports that members of the security forces harassed or raped women engaged in prostitution." **[3k] (Section 5)**

25.17 The same source also stated "Sexual harassment occurred throughout the country; however, no statistics existed regarding its prevalence. The 2006 sexual violence law prohibits sexual harassment, and the minimum penalty prescribed by law is a prison sentence of one to 20 years; however, by year's end judicial authorities had yet to prosecute any cases." **[3k] (Section 5)**

25.18 On 20 September 2007 allAfrica.com reported that the launch of UN resolution 1325 in the DRC, entitled "Women, Peace and Security", had taken place the previous day in Kinshasa. The resolution envisaged an action plan aimed at empowering women in order to have gender equality and a durable peace, where there is no impunity for sexual violence and other human rights violations against women. The resolution puts the focus on implicating women in decision making at all levels of society, whether in peace, conflict or post conflict situations. The DRC Minister for Women and the Family said the situation of women in the DRC was of concern, and all decision-makers should pay attention to this, notably in the economic arena where women are often far poorer than men. She also cited "rising mortality and illiteracy, non-schooling of girls, low numbers of women in decision making positions and in employment, and sexual and other violence against women, despite the fact that 80% of the population survives thanks to the efforts of women in the casual sector". The Minister also announced the holding on 25 November 2007, of the first National Solidarity Congress for Congolese women, which would unite more than 2,000 from the whole country under the theme "Gender Equality, Feminization of Aids and No Violence against Women". The Minister of the Interior recognised the merit of resolution 1325 in favour of Congolese women which will serve as "a political reference document for everything concerning gender in the DRC". **[74cz]**

See Also: Para 25.06

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FEMALE GENITAL MUTILATION

25.19 USSD 2007 stated "The law does not prohibit female genital mutilation (FGM), but there were no reports of FGM being practiced." **[3k] (Section 5)** A report from the IRB on 13 July 2006, quoting from the Rights of the Child in the Democratic Republic of Congo by the World Organisation Against Torture, stated that although the report did not specify the ethnic groups that practice FGM, the report added that five per cent of people in the DRC undergo the procedure. **[43v]**

VIOLENCE AGAINST WOMEN

25.20 The Report of the United Nations Special Rapporteur on violence against women, its cause and consequence states:

"Extreme sexual violence against women is pervasive in the Democratic Republic of Congo (DRC) and local authorities did little to stop it or prosecute those responsible… Rape and brutality against women and girls are 'rampant and committed by non-state armed groups, the Armed Forces of the DRC, the National Congolese Police, and increasingly also by civilians'…"

The report went on to note with concern that an increasing number of rapes was being committed by civilians, creating a situation where general violence against women has "eroded all protective social mechanisms". Violence and sexual violence against women is now accepted by large sections of society as normal. (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p2-7)**

25.21 The UN Special Rapporteur went on to note that: "Many survivors of sexual violence are severely injured, since most rapes are collective and carried out with an extraordinary brutality. … In some cases, the perpetrators deliberately seek to destroy the victim's genital and reproductive organs." Authoritative estimates suggest that around "… 20 per cent of all rape victims have suffered irreparable damage to their genital organs" with many women continuing to suffer from long term ill-health. As an example of the brutal treatment that some women and girls suffer, the report noted the case of a 10 year-old girl who was abducted by armed men before being severely assaulted with a stick rammed into her vagina damaging her genital organs. Often as a consequence of sexual violence, a high proportion of women will be infected with HIV or another sexually transmitted disease – around 22 per cent of rape victims in South Kivu are believed to have been infected in this way. **[100b] (p14)**

25.22 The report further noted that aside from acts of violence committed by strangers, domestic violence and marital rape are considered to be socially acceptable. Outside the domestic sphere, women often faced discrimination and violence in the workplace. **[100b] (p21)**

25.23 AI also issued reports on this subject in October and December 2004, and also, in July 2005, in the context of the grave human rights abuses arising from the effect on the civilian population of the illegal cross-border arms trade in the east of the country. **[11c] [11d] [11g]** The AI 2005 report on events in 2004 stated:

"In the course of the DRC conflict, tens of thousands of women and girls have been victims of systematic rape committed by combatant forces. Throughout

2004 women and girls continued to be attacked in their homes, in the fields or as they went about their daily activities. Many suffered gang rapes or were taken as sex slaves by combatants. Rape of men and boys was also reported. Rape was often preceded or followed by the deliberate wounding, torture or killing of the victim. Some rapes were committed publicly or in front of family members, including children. Some MONUC civilian, police and military personnel were responsible for rape and sexual exploitation of women and girls.

Rape survivors' rights were further violated in the aftermath of the rape, deepening their suffering. Women suffering injuries or illnesses caused by the rape – some of them life-threatening – were denied medical care. The DRC's health care system, completely broken down in many areas, was unable to offer even the most basic treatment. Because of prejudice, many women were abandoned by their husbands and excluded by their communities, condemning them and their children to extreme poverty. Because of an incapacitated judicial system, there was no justice or redress for the crimes they endured." **[11f] (Violence Against Women)**

25.24 USSD 2005 reported that "There were a number of active and effective women's groups throughout the country." **[3h] (Section 5)** HRW also reported in the World Report 2005 "Several women's groups are seeking ways to encourage the prosecution of sexual violence, committed so widely in the DRC." **[5s] (Making Justice Work)**

25.25 IRIN reported on 25 August 2005 about a report by Save the Children that "Some 12,500 girls currently belong to government and non-government forces in the Democratic Republic of Congo (DRC) and a programme to disarm, demobilise and reintegrate all militias into society is failing them." **[18bl]**

25.26 A report published jointly by the African Association for the Defence of Human Rights (ASADHO-RAF) and the World Organisation Against Torture (OMCT) in August 2006, entitled Violence Against Women in the DRC, states that the draft of a new law against sexual violence was passed on 22 June 2006 by Congolese members of parliament and is now awaiting presidential approval. The new law corrects the deficiency of the Congolese Penal Code in terms of:

- definition of rape;
- expansion of the definition of rape beyond sexual penetration only;
- extension of the crime of rape to male victims;
- acknowledgment of sexual slavery, sexual harassment, forced pregnancy, paedophilia, forced zoophilia, and other sexual crimes in the Penal Code;
- inclusion of unambiguous language;
- correlation of the penalty with the gravity of sexual violence crimes;
- prohibition of the compromise fine;
- swiftness in the investigation of the causes of sexual violence;
- judicial in camera hearing (huis clos) to protect victims' confidentiality;
- waiver of court costs for victims of sexual violence;
- psycho-medical assistance for victims;
- strengthening of the protection of children;
- legal assistance to victims during all phases of the procedure.

The report goes on to say "therefore, the proposed law takes into account the gravity of sexual violence. It recognises new sentences by reforming penalties and reinforcing victims' protection, including children." **[98]**

25.27 In a report in the Mail&Guardian of 14 November 2006 a spokeswoman for the women's rights group in Goma, Paif, is quoted as saying "There have already been ten prosecutions in Goma under the new law, some were soldiers and some civilians. Before it was the women who were regarded as the criminals and condemned. That's changing. Now at least there is recognition that rape is a crime". **[105c]**

25.28 The USSD 2007 report stated:

"Domestic violence against women occurred throughout the country; however, there were no statistics available regarding its extent. Although the law considers assault a crime, it does not specifically address spousal abuse, and police rarely intervened in domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

"The law criminalizes rape, but the government did not effectively enforce this law, and rape was common throughout the country and especially pervasive in areas of conflict in the east; however, there were no comprehensive statistics available regarding its prevalence. Legislation enacted in 2006 broadened the definition of rape to include male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law. It also increased penalties for sexual violence, prohibited compromise fines, allowed victims of sexual violence to waive appearance in court, and permitted closed hearings to protect confidentiality. The law neither mentions sexual violence in marriage nor prohibits spousal rape. The minimum penalty prescribed for rape was a prison sentence of five years." **[3k] (section 5)**

25.29 The OMCT report goes on to report that a concerted initiative on sexual violence brings together the United Nations, the Congolese Government and NGOs which help victims of sexual violence. This initiative is composed in part by legal and psycho-medical assistance, and in part by advocacy. The limited means, the limited restoration of the State's authority on the whole territory, the lack of independence and efficiency of the courts, the high number of cases of sexual violence in certain parts of the country where residual armed conflicts continue, make the impact of this initiative considerably relative.

This initiative is not limited to a proposition of law but also proposes health, legal, economic, psychosocial and security assistance to victims of sexual violence. Indeed, when victims register complaints, a mechanism of protection must be assured in order to encourage them to break the silence and to fight for their rights.

Awareness-raising actions have begun with the solidarity of women from eastern parts of the country and have focused on the fight against impunity. In spite of this, the number of victims continues to grow, and offenders need not worry even if they have been reported.
During March 2005, an awareness-raising campaign against impunity for rape was initiated by the Human Rights Ministry. According to Mrs.Madeleine Kalala, the Human Rights Minister; the campaign especially targets civil and military magistrates. This campaign continues. **[98]**

25.30 Dealing with violence against women in the armed conflict situation the OMCT report states: "The rape of women has been used as a war crime during the different armed conflicts of the DRC. Nowadays, in certain parts of the country, women and children continue to undergo rapes, which generally go unpunished due to the weakness of the legal system and the inefficiency of the justice system." **[98]**

25.31 "Despite the insufficiency of statistics on the subject, it is possible to affirm that most women who were raped during the war were often detained by their aggressors, who could regularly abuse them. Such cases were principally noted in the East of the country, in the provinces of North and South Kivu, of eastern Maniema and of Kalémie (Katanga)." **[98]**

25.32 "In the province of North Kivu, sexual violence has become the new weapon of war. Women remain the individuals most affected by this crime, and there are numerous consequences for women victims and the entire community." **[98]**

25.33 According to the NGO Global Rights 42,000 women were treated for serious sexual assaults in South Kivu in 2005. While in Goma the Doctors on Call Service (DOCS) hospital has seen close to 4,000 women for rape over the past four years. More than a third were under 18 years of age. The head of the women's rights group in Goma, Paif, said those women who made it to hospital were just a fraction of those attacked. "It's impossible to know how many women have been raped in the war but it is hundreds of thousands," she said. **[105c]**

25.34 Dealing with the question of sexual violence in the community the OMCT report says:

"According to recent information from the NGO LIZADEEL, numerous acts of sexual violence have taken place mainly in Kinshasa separate from the armed conflict. This phenomenon principally affects young girls and women, and the majority are under 18 years old; young boys and men are equally subjected to sexual abuse. The perpetrators of these acts are generally military personnel, police officers, prison guards, care staff, teachers, parents, pastors, neighbours and even young delinquents living on the streets. Very often the act is not even reported. When it is, the process usually concludes with an arrangement between the family of the victim (if a child, his/her interest is rarely taken into consideration) and the author of the act." **[98]**

25.35 The report continues: "Concerning women victims of rape, judges often tend to display a discriminatory attitude regarding their complaints. The question of evidence is aggravated by the fact that for cultural reasons, women abstain from complaining, or they submit a complaint some time after the facts, rendering it difficult for forensic doctors to collect evidence of the offence. The right of women to submit a complaint for acts of torture or ill-treatment or any other offence is subject to the authorisation of their husband (in cases involving married women). Indeed, article 448 of the Family Code expressly provides that "a woman must obtain the authorisation of her husband to effect all legal acts for which she must present herself in person". However, when the author of violence is her husband, the woman is not obliged to seek his permission in order to take action against her husband, in accordance with article 451 of the Family Code." **[98]**

25.36 An OCHA report, Humanitarian Crisis Watch: Democratic Republic of Congo states that 25,000 cases of rape were reported in eastern DRC during 2005, which is likely to be the tip of the iceberg, as many rapes go unreported. **[57f]**

25.37 Dealing with forced prostitution the report states:

"The prostitution phenomenon is principally caused by poverty. Brothels have appeared. Sometimes they are run by aged women who oblige young girls to follow men. These men pay the aged woman, the manager of the house. Most prostituted girls are children abandoned by their parents or children who have run away from their control. However, it is difficult to find statistics on this phenomenon. Few studies exist. The main reason for this lack of information is the silence kept by prostituted women and girls." **[98]**

25.38 "Article 174b is of the second book of the Penal Code forbids pimping. Concerning children, article 44.2 of the Constitution provides that the State must protect children against prostitution, pimping, homosexuality, incest, paedophilia, sexual harassment and all other forms of sexual perversion." **[98]**

25.39 The Convention on the elimination of All Forms of Discrimination against women (CEDAW) Committee, made known its concern about the extent of prostitution and especially the prostitution of girls. The Committee encouraged the government to adopt and to implement laws forbidding girls' prostitution. **[98]**

25.40 "The new law against sexual violence, in article 174.3.c, condemns forced prostitution. Article 174.5.e. also condemns sexual slavery." **[98]**

25.41 "In practice, there is no concrete measure of protection nor specific programme in this regard. In spite of the fact that the prostitution of children is often due to the poverty resulting from the economical and structural crises as well as the war." **[98]**

25.42 On 8 March 2007 Agence France Presse reported that to mark International Women's Day, thousands of women had rallied in Goma as a protest against unpunished sexual assaults in the city. Local merchants, government officials, and teachers took part in the protest and spoke out against widespread sexual violence. A spokeswoman from Dynamique, an association of women lawyers in Goma, estimated that there were around 10,000 rapes in 2005 in the province of North Kivu alone. She stated "What is terrible is the impunity: sometimes the rapists are arrested but often are released or given short sentences". She added that a new law on sexual violence was not being properly implemented. The head of Dynamique, Mireille Ntambuka, said the problem was that few women know about the new law, and those that did were afraid of being rejected or do not trust the country's justice system. **[65bo]**

25.43 On 30 July 2007 a report form allAfrica.com stated that the UN Special Rapporteur, Yakin Ertũrk, had said that violence against women in the DRC "seems to be perceived by large sections of society to be normal". She said in a statement "tragically, in a resource-rich country like DRC, poverty is all too striking and women disproportionately bear its hardships and burden". Ms. Ertũrk who visited the country from 16 to 27 July 2007, focused primarily on sexual violence which she said "is rampant and committed by non-state armed

groups, the Armed Forces of the DRC, the National Congolese Police and increasingly also by civilians". **[74ce]**

25.44 She said the situation in South Kivu province was the worst crises she had come across so far, and must be addressed immediately. The South Kivu Provincial Synergie on Sexual Violence, which brings together Government, UN and civil society representatives had recorded 4,500 sexual violence cases in the first half of 2007. "The real number of cases is certainly many times higher as most victims live in inaccessible areas, are afraid to report or did not survive the violence", the Rapporteur said. **[74ce]**

25.45 The atrocities – mostly committed by foreign non-state armed groups – are "of an unimaginable brutality that goes far beyond rape" and are "structured around rape and sexual slavery and aim at complete physical and psychological destruction of women with implications for the entire society". She noted. **[74ce]**

25.46 The Rapporteur also stated that FARDC, the PNC and other State security forces also committed acts of sexual violence outside the country's troubled east, and that particularly troubling was that major perpetrators of grave human rights violations were not excluded from being integrated into the regular armed forces, thus allowing a high number of such men to assume high ranks in the military. **[74ec]**

25.47 The Rapporteur voiced alarm that in Equateur Province, the PNC and FARDC had launched reprisal attacks targeting civilians, and involving "indiscriminate pillaging, torture and mass rape". In December 2006, 70 members of the PNC took revenge for the burning of a police station by torturing civilians and raping over three dozen women, as well as an 11-year-old girl, and yet no police officers had been charged or arrested, she said. **[74ec]**

25.48 On 13 September 2007 allAfrica.com reported that John Holmes, the UN Emergency Coordinator and Under-Secretary General for Humanitarian Affairs had returned from a trip to the eastern DRC and characterised sexual violence against women as "almost unimaginable". He termed it a "weapon of terror", adding that the intensity and frequency is worse than anywhere else in the world. The report went on to say that these words were "the latest instalment in an ongoing litany of horror". The previous month Eve Ensler author of "The Vagina Monologues" had held a press conference to seek support for the Panzi hospital in Bukavu, where women who had been subjected to sexual violence were treated. In a magazine piece she wrote "I have just returned from hell. I am trying for the life of me to figure out how to communicate what I have seen and heard in the Democratic Republic of the Congo…How do I convey these stories of atrocities…How do I tell you of girls as young as nine raped by gangs of soldiers, of women whose insides were blown apart by rifle blasts and whose bodies now leak uncontrollable streams of urine and faeces?" The allAfrica report goes on to detail violence against women in other reports. **[74cy]**

25.49 A report from The New York Times on 7 October 2007 stated that according to the UN 27,000 sexual assaults were reported in 2006 in South Kivu province alone, and the actual numbers could be much higher. **[134a]** While a report in allAfrica.com on 14 December 2007 stated that there were more than 2,700 cases of rape in North Kivu between January and October 2007. **[74db]**

25.50 allAfric.com reported on 16 October 2007 that the UN Population Fund (UNFPA) was conducting sensitisation training at Bulengo camp in North Kivu which was home to 13,000 IDPs. UNFPA estimated that half the women in the camp had faced sexual violence at some point in their lives, with the oldest rape victim was between 65 and 75 years old and the youngest was four. A spokesman for the UN Office for the Coordination of Human Affairs (OCHA) stated "There is no age differention in the rape, very young girls and even boys are raped". According to the UN Childrens Fund (UNICEF) 18,000 cases of rape were reported in 2006 in three Congolese provinces, including North Kivu. **[74dk]**

25.51 A report from News24 on 23 October 2007 stated that "Recent conflict in the eastern part of the Democratic Republic of Congo's North Kivu province has been accompanied by an upsurge in rape and often barbaric mutilations of women and girls, medical relief workers report". According to the report a spokeswoman for Doctors without Borders stated "for the whole of Nord-Kivu we normally treat 250 rape cases a month; but we saw a 100% increase in the first fortnight of September. About three-quarters of the rape victims say they were assaulted by armed men". **[48p]**

25.52 Xinhua reported on 24 October 2007 that the national assembly of the DRC has called on the government to establish a programme to assist victims of rape and other forms of sexual violence in the country. The report quoted the parliamentary speaker as saying "we would like to see the government doing more to assist these victims, particularly those in the troubled North and South- Kivu provinces in the east of the country, where conflict is still rife". According to the speaker who was addressing the opening session of the seventh International Conference of the Network of Women Parliamentarians in Central Africa (RFPAC) on "female political leadership and the role of women in the search for peace and reconciliation", DRC's justice system should "punish without remorse and in an exemplary manner" all the perpetrators of the unspeakable atrocities. "The national assembly reckons that we must move quickly to put an end to this form of violence, which has been with us since the times of war" he said. **[62al]**

25.53 On 20 November 2007 AFP reported that MONUC had launched an investigation into an allegation of violent sexual abuse by one of its soldiers in Ituri. The article also stated that between December 2004 and August 2006 there were some 140 cases of sexual abuse and prostitution implicating MONUC personnel reported. **[65eo]**

25.54 IRIN reported on 29 November 2007 that a campaign to combat gender violence was under way in South Kivu. A sensitization campaign had been running since the 23 November under the theme: "Stop the rape of our most precious resource: Power to women and girls in the DRC". The report went on to say that Panzi General Hospital in Bukavu admitted an average of 3,600 victims of sexual violence a year. An estimated 16,000 victims of rape, some suffering from obstetric fistula, had been treated at the hospital since 2000. **[18gf]**

25.55 MONUC reported in its monthly report for November 2007 that as part of activities to mark 16 days of Activism against sexual violence, local authorities across the country, including law enforcement personnel and provincial

deputies signed Acts of Engagement to demonstrate their commitment to the fight against the impunity of perpetrators of sexual violence. The President of the National Assembly expressed his support for this initiative and indicated that he would encourage members of the National Assembly to undertake a similar commitment. Convictions for rape were reported by the Bunia Military Tribunal, the Luebo High court, the Matadi Military Tribunal, and the Boma Miltary Tribunal. **[56cv]**

25.56 On 7 December 2007 allAfrica.com reported that human rights activists in the DRC had accused their government and that of Angola of turning a blind eye to reports of widespread rape and other abuses of DRC migrant workers in Angola. A spokesperson for Voice of the Voiceless a DRC NGO said "The situation seems to be getting worse but the Angolan and Congolese authorities we have repeatedly approached show no political will to end the situation". The president of the Human Rights Defence Association stated "Rape is used here in the Congo as in other countries as a psychological weapon to defeat the enemy and humiliate … Similarly, by these acts, Angola wants to reinforce the idea that Congolese people are and should remain inferior. The DRC government has an obligation to protect its citizens both on its own soil and abroad, but instead our leaders display weakness when it comes to talking other countries, especially Angola, where it plays the beggar" he also noted the abuses had been going on since 2004. The report went on to say that the rape of Congolese woman in Angola had also been denounced by Médecins Sans Frontières (MSF) in a statement released two days earlier. **[74dl]**

25.57 Reuters reported on 8 December 2007 that Angola's army had denied allegations that its soldiers had raped, beaten and tortured illegal Congolese migrants before deporting them. The assistant chief of staff of the Angolan armed forces stated "we are going to investigate, but I want to assure everyone that our soldiers are not engaging in this kind of activity". **[21cx]**

25.58 On 21 January 2008 UPI reported that the UN had said that rape continued to be a problem in Ituri. A report released last November had said that since 2003, between 30 and 500 persons reported sexual assaults each month. The head of the Office for Gender, Family and Children in Ituri said "the statistics do not give the real picture on the ground". The report went on to say that at least 30 boys, some as young g as 14, have been detained on rape charges at the central prison in Bunia. **[148a]**

25.59 The UN News Service reported on 25 January 2008 that the UN Special Rapporteur on violence against women, its causes and consequences, had described the gruesome atrocities she witnessed in the DRC in 2007, and called for international action to help women In the DRC who had been victimised by violence, including sexual abuse and rape, perpetrated by both militia and Government troops and fostered by a culture of impunity. She said that while eastern DRC in particular had received the greater attention because of the presence there of foreign groups which were the "main perpetrators of violence against women as well as the civilian population in general", the problems were not limited to eastern DRC and referred to Equateur Province where "the army and national police were among the main perpetrators"; She then referred to a mass rape by soldiers in April 2007, which led to seven soldiers being sentenced to life imprisonment before they later "escaped or walked out of the military prison". She went on to say the

focus on disarmament and reintegration of ex-combatants in the peace process "does not take into consideration the sufferings of women or the needs of women, those are the missing links in the peace process". **[93o]**

25.60 On 31 January 2008 Radio Okapi reported that Belgium had given the DRC 10 million euros to help fight against sexual violence. The money would support NGOs involved in the fight against sexual violence. The aid was announced at the end of a meeting of the joint pilot committee in the fight against sexual violence. The project will extend over four years 2008 -2011 and the money will be given to agencies in charge of the project such as UNICEF, the UNHCR, the UN Population Fund and local NGOs. **[64cc]**

WITCHCRAFT

25.61 The US State Department (USSD) 2007 Religious Freedom Report noted that:

"As in past reporting periods, there were reports of incidents in which individuals attacked, tortured, killed, or drove from their homes individuals suspected of witchcraft. There is a common belief in the region that some persons have the power to cast spells on others; accusations of witchcraft can cause widespread fear in a community. There continued to be reports that leaders of certain revival churches or small evangelical Protestant churches exploited fear of witchcraft by either encouraging families to drive accused witches from their homes or performing costly and painful exorcisms in which victims may be locked in boxes for long periods of time, starved for several days, or receive other harsh treatment." **[3j] (section 3)**

25.62 MONUC reported that on 27 October 2007 in South Kivu, fifty-seven civilians including 20 women, accused of practising witchcraft, were arbitrarily arrested in Luvungi 58km north of Uvira, illegally detained, subjected to ill-treatment and subsequently transferred to Lemera 80km north of Uvira, by elements of the FARDC 12th Integrated Brigade with the complicity of local traditional leaders. It was reported that the 57 were detained under very inhumane conditions at the residence of the traditional leader (Mwami) of the Bafulero tribe to await tests to determine if they were indeed involved in witchcraft. All were released after the intervention of UN Human Rights Officers, and most were transported back to Luvungi. As Congolese law does not recognise witchcraft as an offence, therefore the arrest of the 57 civilians was completely arbitrary; the Mwami's action was illegal and is punished under Article 57 of the Penal Code. **[56cu]**

See also; Section 8.15 on Security situation – Eastern DRC; Section 10 Armed Forces; Section 12 Violence by Non-Government Armed Forces; Section 15 Prison Conditions; Section 26.07 on Education of Children; Section 26.35 on Child soldiers; Section 26.37 Sexual exploitation of Children; Section 28 on Medical Issues; Section 35.12; on Equal Employment Rights

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CHILDREN

BASIC INFORMATION

26.01 A report by the United Nations (UN) Committee on the Rights of the Child in August 2000 stated that the age of 18 is the start of civil and political majority; the age of majority for penal purposes is set at 16; and the age of majority for purposes of marriage or sexual majority is 14 years of age. **[58] (p28)** In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "Criminal responsibility is established at 14 years old (Criminal code). Minimum age to marry is 15 years for the girls and at 18 years for the boys (Family Code)." **[60b]**

26.02 A report of March 2004 by the Immigration and Refugee Board (IRB) of Canada on the Situation of Children in the DRC quoted various sources that there is a widespread lack of respect for children's rights, and that the notion of child abuse does not exist in Congolese legislation. This however was rectified with the passing of Article 41 of the new Constitution **[43o] (Section 4)** **[56i]** The same report stated that children under the age of 18 make up approximately 55 per cent of the population; however, only about 50 per cent of children between the ages of six and 11 attend school. **[43o] (Section 2)**

26.03 In the African Charter on the Rights and Well-being of the Child, which the DRC has ratified, and in accordance with several other international standards on the rights of the child in force in the country together with the text of the new Constitution of the DRC, a 'child' is defined as a person under 18 years of age. **[56i]**

26.04 By virtue of the primacy of international over national standards which is accorded by the DRC constitution (article 215 of the new Constitution) and by virtue of the absence of any need for implementing legislation to give direct effect to international standards that do not require implementing measures or penalty provisions, the definition of 'child' given in the African Charter in paragraph 26.04 above, takes precedence over that given in national legislation, notably that given in the 1950 Statute on the age of majority in criminal matters, which regarded children between that ages of 16 and 18 as adults. However this statute fails to define a minimum age of criminal responsibility. **[56i]**

26.05 Moreover, it is now clearly established by the DRC Constitution (promulgated in February 2006) that "a child shall be any person, regardless of sex, who has not attained the age of 18 years". **[56i]**

26.06 The new DRC Constitution contains a provision stipulating that parents and the State are responsible for the protection of children against all forms of violence and expressly forbids child abandonment as well as accusations of witchcraft against children. **[56i]**

26.07 MONUC announced at a press conference on 19 November 2007 at the closure of the joint child protection sensitisation campaign with the Congolese National Police (PNC) that the benefit of direct training while participating in workshops organised in 24 townships in Kinshasa, had allowed 3,000 policemen to learn about the police's role towards minors. The campaign, initiated by MONUC's Child Protection Division, had as an objective to know and promote the PNC's role in child protection and to demonstrate that the Congolese child can also benefit from protective international standards. The DRC Minister for Women and the Family, who was present at the conference, announced that the government adopted code of protection for children was like a national law containing arrangements for the promotion and protection of children's rights in conformity with international norms, to replace the existing legislation. "With regard to the protection code, after its adoption by the government in the past week, it will soon go to parliament for adoption. This fundamental instrument which is going to contribute to improving juvenile justice in the DRC requires the implication of all for its application, in order to assure protection of the child in all circumstances", she said. **[56cq]**

EDUCATION

26.08 Europa World online (accessed 21 February 2008) recorded that:

"Primary education, beginning at six years of age and lasting for six years, is officially compulsory. Secondary education, which is not compulsory, begins at 12 years of age and lasts for up to six years, comprising a first cycle of two years and a second of four years. In 2002/03, according to UNESCO estimates, primary enrolment was equivalent to 62% of pupils in the relevant age-group (69% of boys; 54% of girls), while the comparable ratio for secondary enrolment was 22% (28% of boys; 16% of girls). The country has four universities, situated at Kinshasa, Kinshasa/Limete, Kisangani and Lubumbashi. In the budget for 1997 a total of 144,000m. new zaires (0.2% of total expenditure by the central Government) was allocated to education. In 2002 an emergency programme for education, with an estimated cost of US $101m., was introduced to restore access to basic education throughout the country." **[1g] (Education)**

26.09 However, the USSD 2007 noted a report published by the UN Children's Fund (UNICEF), that stated "… approximately 55 percent of boys and 49 percent of girls attended primary school. The rates for secondary school attendance were 18 percent for boys and 15 percent for girls. Rates for girls were lower because many parents preferred to send their sons to school, either for financial or cultural reasons. Fifty-four percent of children reached grade five." **[3k] (Section 5)**

26.10 "Girls are often denied access to education, as families privilege boys' attendance to school. This is evidenced by the 63.1 per cent literacy rate for young women (15-24 years), which is far lower than the literacy rate of 78 per

cent for men in the same age range. Interlocutors also pointed out that the sexual coercion of women and girls, committed by supervisors, professors and teachers, is a long-standing phenomenon that existed before the armed conflicts." (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p21)**

26.11 The Economist Intelligence Unit (EIU) 2007 Country Profile Report on the DRC commented:

"The formal education system is in a state of collapse and education continues with the help of private initiatives, including the direct payment of teachers by the communities they serve.… Although education was officially nationalised in 1972, the Catholic Church remains responsible for an estimated 80% of primary schools and 60% of secondary schools, largely because of the collapse of the state sector. Despite the uptake from the private sector, fewer children are attending school.… This trend compromises the future productivity of Congolese labour and threatens the country's long-term development prospects." **[30f] (p18)**

26.12 According to IRIN in a report dated 12 July 2006 more than 3.5 million children do not go to school in the DRC due to the collapse of the education system. According to the Poverty Reduction Strategy Paper produced by the Government and UN agencies in March 2006, the situation has deteriorated in recent years. In 1995, 25 per cent of all children did not attend classes; by 2001 that figure had risen to 30 per cent. **[18cm]**

26.13 According to the report the director of 63 primary schools in Kisangani stated that one-third of all children in the city – an estimated 80,000 in a population of 500,000 people – did not attend classes. He is quoted as saying "sixty-five per cent of all children that roam around during the day are girls". "Many of them prostitute themselves with the silent agreement of their parents in order to send their brothers to school" an Italian priest is quoted as saying. **[18cm]**

26.14 The new Constitution approved by Congolese voters in December 2005 guarantees free primary and secondary schooling for all children, but since teachers have not been paid, schools all over the country demand a 'prime' or 'premium', which varies from 15 cents to $1 in the interior, and between $10 and $30 in the capital Kinshasa. Teachers have called a strike over the non-payment of wages twice in the current school year but nothing has come of it**.** **[18cm]**

26.15 The IRIN report states that the situation in the universities, whilst not as bad as that in primary and secondary schools, is far from good. In Kisangani for instance the dean reported that they had lost dozens of professors during the battles that raged in the city; many fled to Kinshasa, and others left the country. Four have returned this year, but they now have only 65 professors to teach more than 5,000 students in eight faculties, where there is no internet connection, the electricity supply is random, and the libraries are badly equipped. **[18cm]**

26.16 Like all other professors and teachers in DRC, the dean cannot live off his salary alone. Being a qualified paediatrician he is able to make some money on the side – something other professors are unable to do. This opens the door to corruption. The dean is quoted as saying: "I don't know how many

professors are asking for bribes when students want to pass their tests," adding that "it's not the brightest who make it through school – it's often just the wealthiest". **[18cm]**

26.17 The United States State Department Report on Human Rights Practices 2007 published on 11 March 2008 (USSD 2007) reported:

"The government budgeted insufficient amounts for children's welfare and did not make it a priority. In practice primary school education was not compulsory, free, or universal, and very few functioning government-funded schools existed. Public and private schools expected – although did not require – parents to contribute to teachers' salaries. In practice parents funded 80 to 90 percent of school expenses. These expenses, plus the potential loss of income or labor while their children attended class, left many parents unable to enroll their children in school." **[3k] (Section 5)**

26.18 According to a report in allAfrica.com on 5 June 2006, the World Bank had approved an International Development association grant of US$150 million to finance an expansion of primary enrolment, the rehabilitation of the education infrastructure and the improvement of the quality of education in the DRC. "The objective of the project was to prevent further deterioration of the delivery of essential services for primary education and to prepare the ground for a sustainable development and financing of the education sector that would facilitate donor coordination and future transition to a sector-wide programme". **[74bk]**

CHILD CARE

26.19 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "According to the Family Code, the minor who has neither father nor mother is placed under the guard of a tutor. The family council ("Conseil de famille") is allowed to express its opinion, but it is not a guard." **[60b]** A report by the UN Committee on the Rights of the Child in August 2000 stated:

"A child who is a minor is placed under parental authority. In the absence of both parents it is placed under the guardianship of the family (family council); if it has no family, or the parents have been deprived of parental authority (art. 239), guardianship is assumed by the State.… Unfortunately, the economic crisis which the Congo is undergoing is not of a nature to encourage family solidarity for the genuine acceptance of responsibility for the care of orphan and abandoned children. The guardianship of the State is often purely theoretical." **[58] (p25)**

26.20 The charity SOS-Children's Villages reported that "At present there is one SOS Children's Village in the Democratic Republic of Congo, one SOS Youth Facility, one SOS Kindergarten, one SOS Hermann Gmeiner School, one SOS Medical Centre and one Emergency Relief Programme." **[67]**

26.21 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 stated that a Congolese lawyer, Palankov Lakwas, informed them that the third book in *Code de la famille* regulates conditions regarding child custody and awards.

"Palankoy Lakwas explained that the minors are under their parents' custody until they become of the age, i.e. when they are 18 years of age. It is the parents who have the sole custody and therefore the upbringing of their children. This also means the parents have responsibility of protecting their children, their security, health and moral upbringing". Birgette Nsensele wa Nsensele, *Présidente du Tribunal, Tribunal de Paix de Kinshasa/Gombe* added "that both parties in a marriage have custody over their common children".

"Jean-Pierre Ilaka Kampusu, lawyer, assistant professor, Faculté de Droit, University of Kinshasa, explained that conflict between common law and the *Code de la famille* also comes up when a legal clarification of the question of child custody there has to be made. As long as one person in the DRC wishes, for example a child to go to Europe because of the child's welfare, then that parent will not stall the transfer of child custody to the other parent or relative who will receive the child in Europe. Here there is an issue of a culture clash that shows it is the social realities rather than legislation that decides the case. It is thus normal that a child in reality can belong to a close family member such as a sister, an uncle or a cousin and not the biological parent. The next of kin henceforth is responsible for bringing up the child. In case of foreign authorities demanding documentation for child custody, neither the child's biological parents nor the next of kin have any scruples when documenting child custody by using bribery".

"Ilaka Kampusu underlined that a marriage entered under common law is a legal marriage. In a case where the couple have not married through l'Etat Civil, they are then seen as a married couple as long as they live together and have common children. However it is amongst the unmarried couples with children there is most fraud with child custody. When an unmarried couple with children have the need to document their children for child custody, or have custody over one child moving to a foreign country, the Tribunal de Paix will try to check information by calling upon witnesses and get them to show how long the parents have lived together. The foreign authorities should therefore always demand child custody documentation in the form of a Jugement, regardless of the fact that parents are married or not and regardless as to whether they live together or not. A Jugement is a legal decision and it is the best guarantee as to whether the information on child custody is correct. Llaka Kampusu added that a Jugement is a condition that all other relevant documents such as Acte de Naissance or Acte de Mariage were issued".

26.22 Ther report continued:

"Timothe Dikuiza Benze, Chargé d'Assistance Judiciare, Chargé du Programme d'Observation et Accueil des Personnes Expulses d'Europe et Amérique, La Voix des Sans-Voix Pour les Droits de l'Homme (VSV), explained that the Congolese Code de la famille regards the father as the head of the family. This means that it is the father normally who has the child custody over all children in marriage or outside marriage. As long as children are very young, which is as long as they are breast fed, they will remain with the mother. The father however is continually responsible for economic support. In the mean time it is practice that the Tribunal de Paix will give the father the custody, in this the best interests of the child are taken into account

when deciding. The main reason is that usually the fathers stand stronger economically then the mothers and this could be the deciding factor for the decision. Dikuiza Benze added that VSV has had no cases regarding women who have lost their child custody".

"In cases where the father wishes to live abroad with a child, Ilaka Kampusu explained that there is hardly any mother to be found in the DRC, married or not, who will not accept that the child leaves the country to live in a foreign land with the father. Theoretically it is possible that a mother can stop that her child leaving the country to live abroad with the father. However in reality she can only delay such an occurrence. The result would be found in the form of a *Jugement* regarding child custody and here the *Tribunal de Paix* will give the child's interest and economic conditions primary decision considerations. The father's economic capacity will have to be the main reason for the *Tribunal de Paix'* decision. Whilst the mother could get child custody, as long as the judge reasoned that the woman had brought up the child and looked after it well, in cases where men are involved the father will get the custody. This applies regardless as to whether the child was born outside the marriage or within a marriage. Llaka Kampusu added that the possibility of bribery in order to get child custody from the judge is present. There are judges who are distinguished, honest and law abiding at every *Tribunal de Paix* in the DRC, but the judges' salaries are very low there which presents a possibility for cases of bribery. A judge working for the *Tribunal de Paix* receives around 500 USD per month in salary and bonus payment". **[20]**

CHILD CUSTODY OUTSIDE MARRIAGE

26.23 "Nsensele wa Nsensele explained when a child is born outside a marriage the father has to accept fatherhood at a personal meeting with the *Tribunal de Paix.* If the unmarried parents live in the same area and father accepts fatherhood, both parents would get the child custody until the child becomes 18 years of age".

Nsensele wa Nsensele added that in a case where the unmarried people don't live together, but the father still accepts the fatherhood, he will then get the child custody from the *Tribunal de Paix.* However the father will have to pay compensation to the mother's family. Nsensele wa Nsensele explained that the *Tribunal de Paix* will always put child's interest first before making any decision. If there is a question of a child that is being breast fed, it will be the mother who will get the custody". **[20]**

CHILD CUSTODY DUE TO DIVORCE

26.24 "Palankoy Lakwas gave the information that in any divorce case processed by the *Tribunal de Paix,* the question of child custody will be decided by a *Tribunal de Paix Jugement.* The divorce certificate will show which of the parents was awarded the child custody. If any of the foreign countries' authorities demands, that a Congolese national in a foreign country should show documentation for divorce and child custody in connection with, for example family reunification, this documentation could always be requested from the *Tribunal de Paix* through family members or close friends in the DRC".

"Palankoy Lakwas explained that a Congolese national living abroad will always be able to document the child custody. If there is any doubt about the Congolese nationals' child custody the foreign authority should always demand that the person concerned provides proof of child custody by showing a decision from the *Tribunal de Paix* regarding the case".

"Palankoy Lakwas also stated that the person who wishes to document their child's custody should be present at the *Tribunal de Paix's* processing of the case".

"According to Ilaka Kampusu the *Tribunal de Paix* as a rule would give the mother of the child the custody for children aged less than two to three years. However it is very rare that the *Tribunal de Paix* gets involved itself in the question of child custody, when children are less than two to three years of age. As a principle this question will be first solved as children become older". **[20]**

DIVORCE PROCEDURE AND CHILD CUSTODY ACCORDING TO COMMON LAW

26.25 "Ilaka Kampusu explained that in connection with the petition for divorce, the *Tribunal de Paix* will first attempt periods of reconciliation between the parties for about six months. This period can be extended by another six months. A procedure like this is often not very practical. As a principle couples split from each other after disagreements without any further reconciliation. It is just as common that one or both the parties will have separated and have remarried before the divorce. It is often the father who takes control of the children in this way. This can take place even before there is an official divorce, and before a *Jugement* for child custody has been given by the *Tribunal de Paix.* As long the children are being breast fed and are of the age of two to three years, the father will often leave these kids with the mother. If they are older they would always accompany him. If the father takes the children with him, being outside the marriage, he would have to pay compensation to the mother in accordance with the common law". **[20]**

TRANSFER OF CHILD CUSTODY

26.26 "Palankoy Lakwas emphasized that a written declaration regarding the transfer of child custody this way, from one parent to another is not a valid method. Who has the custody? It is only the *Jugement* alone from the *Tribunal de Paix* that can document this and therefore it should always be demanded with the application for family reunification. Such documentation contains the required information. In connection with this, Palankoy Lakwas pointed out, that corruption is a serious problem in the Congolese legal system and he could not discount any false *Jugement* from courts that turn up".

"Nsensele wa Nsensele clarified that there would be a *Jugement* from the *Tribunal de Paix* which says that the mother had transferred child custody to the child's father".

"As already mentioned, the *Tribunal de Paix* is the one that decides the question of child custody. Palankoy Lakwas pointed out that a so called family council has no authority in, for example, deciding child custody, transferring

child custody to a parent or any third person. It is the *Tribunal de Paix* alone that understands the legal validity of transfer of child custody".

"Palankoy Lakwas said that as long as parents transfer the child custody of a minor to the other parent, it is then that parent that has the custody over the child".

"However, the parents can also completely or partly transfer their child's custody to one or a third person. This could for example be their next of kin". **[20]**

RECOGNITION OF FATHERHOOD

26.27 "Palankoy Lakwas stated that the legal need for recognition of fatherhood can entail a minor fine to the father. According to law every child has the right a father and a mother. As long as the parents are unmarried and fatherhood has not been recognised, or the father is unknown, a birth certificate will be issued after determination, where the father's name is evident".

"Palankoy Lakwas explained that there are two methods whereby fatherhood can be determined. The father can personally turn up at the *l'Etat Civil* and confirm fatherhood. If this does not happen the mother can refer to the *Tribunal de Paix* and request a determination of the fatherhood. In such a case the court requires a certificate from the mother in the form of testimony from family members, neighbours or other people".

"Palankoy Lakwas added that only the *Tribunal de Paix* can decide fatherhood if the father does not recognise it. In principle the fatherhood should be decided within 12 months after the child birth. If the *Tribunal de Paix* is able to identify the father he will be fined a small fine. In the processing of fatherhood cases the *Tribunal de Paix* calls in the witnesses". **[20]**

ADOPTION

26.28 "Palankoy Lakwas stated that it is the third book in *Code de la famille* that regulates conditions regarding adoption and explained that adoption cases alone can be processed by the *Tribunal de Paix.* To begin with the person who wishes to adopt should be married but the court however can give exemption. It is the child's interest that decides the adoption case".

"Palankoy Lakwas and Nsensele wa Nsensele both stressed that the foreign authorities should always demand that the applicant for family reunification provides adoption decisions in the form of a *Jugement* from the *Tribunal de Paix* in connection with their application for family reunification with the adopted child".

"Nsensele wa Nsensele explained that Congolese law does not allow married couples who all ready have four children to adopt anymore. However the four children rule does not apply if both the spouses have children from an earlier marriage. Nsensele wa Nsensele added that according to article 656 of the

Code de la famille a married couple cannot adopt more than three children. This decision can be ignored if exempted by the DRC's president."

"Ilaka Kampusu explained that the lawyer can represent an adopting person at the *Tribunal de Paix.* The adopter does not need to be present at the court in an adoption case and not even in a case where the adopted child is less than 15 years of age". **[20]**

ADOPTION OF A CHILD LESS THAN 15 YEARS OF AGE

26.29 "Nsensele wa Nsensele explained that a married couple that wants to adopt, have to personally appear at the *Tribunal de Paix* to give their personal consent. It is the *Tribunal de Paix* that can give *Jugement* for adoption. If the married couple live in the country they both have to give their consent in writing to the *Tribunal de Paix,* which will then process the case. The adopting couple can then let a lawyer represent them in the *Tribunal de Paix".* **[20]**

ADOPTION OF A CHILD MORE THAN 15 YEARS OF AGE

26.30 "Palankoy Lakwas explained that if there is a wish to adopt a particular child and the child is over 15 years old, then the child should give consent that it wants to be adopted. If the child does not wish to be adopted it will be respected by the *Tribunal de Paix* and adoption will not take place. If the child is fatherless *l'Etat Civil* will represent the child in the *Tribunal de Paix*".

"If the adopted child and the adoptee are both more than 15 years of age, they will have to give their consent to the *Tribunal de Paix* in person. The father and mother of the adopted child will naturally also have to give their consent when their child is being adopted".

"Nsensele wa Nsensele confirmed that both the adopting married couple will have to give their written consent that they wish to adopt a child over 15 years of age and the child should also give consent to the *Tribunal de Paix* for their adoption".

"It was added that if the adopting married couple lived outside the country they can still adopt. In this case their written consent would have to be legalised by the relevant foreign authorities and that consent should be sent to the *Tribunal de Paix* in the DRC. This means that the married couple don't have to be present but they can be represented in the *Tribunal de Paix* by a lawyer". **[20]**

STREET CHILDREN

26.31 The United Nations (UN) Secretary-General reported on 2 August 2005 to the UN Security Council on child protection measures:

"In order to protect children, particularly street children, from being used to foment public unrest and as potential targets of violence or repression, MONUC and child protection partners continue to sensitize local authorities in key cities. In Mbuji-Mayi, during unrest in May, most of the demonstrators were children and young people. As a result of sustained advocacy by MONUC and child protection partners, the draft Constitution includes several provisions on children, including defining the age of maturity as 18, and a

State obligation to protect children from abandonment and all forms of violence, and from being accused of witchcraft. MONUC also intervened in seven cases of individuals under sentence of death who are currently under 18 or were at the time their sentences were passed." **[54g] (p12)**

See also Section 8.117 on Katanga

26.32 The IRB report of March 2004 and the US State Department 2007 Human Rights Report (USSD 2007) published on 11 March 2008 noted that tens of thousands of children are reported to live on the streets of major cities. **[3k] (Section 5) [43o] (Section 2)** The IRB report stated that, under Congolese legislation, street children are considered delinquents, and are often arrested by the police. **[43o] (Section 4)** The IRB also stated that many street children are treated as 'child witches'. **[43o] (Section 2.2)**

26.33 In his report on child protection measures to the UN Security Council on 28 December 2005 the United Nations (UN) Secretary-General stated that the issue of street children continued to be a focus of activity. The report also said that "following persistant [sic] advocacy by child protection organisations, the Minister of Social Affairs held a meeting in November with relevant actors and other ministries to develop a national plan for street children." **(54h)**

26.34 In a report titled 'What Future? Street Children in the Democratic Republic of Congo', in April 2006, Human Rights Watch details the abuse suffered by street children, based on interviews with more than fifty street children. It states that whilst some police officers attempt to reintegrate children with their families and protect them from violence, many children are threatened, robbed, harassed and beaten by ordinary police, military police, and soldiers. It also reported that some members of the police and soldiers take advantage of the vulnerability of street girls and sexually abuse and rape them. The report went on to detail instances where street children had been rounded up by police in order to get free labour for jobs that they wanted doing, and to give details of child labour, and abuse by adults and older street children. **[5t]**

26.35 On 22 November 2006, MONUC inaugurated a food and market-gardening production project for street children, who are lodged in the Mikonga recuperation and educational centre in Kinshasa. The project was coordinated by a local church in the commune of N'Sele in Kinshasa. The project was co-financed by MONUC who contributed $14,828 for the purchase of materials. The church provided funds of $9,255 for the construction of the centre on the land that was bought by the World Bank, while the UN agency for food and agriculture (FAO) provided technical assistance. The cultivation of the land between June and October 2006 made it possible to pay for the food, schooling, healthcare and clothes of 50 street children. **[56an]**

26.36 On 26 November 2006 it was reported that human rights groups were protesting at what they claim is the eviction of street youths from the capital, Kinshasa. They are being sent to Katanga for national service by which they are given agricultural and disciplinary training on isolated farms. The senior coordinator for national service claims it has been a great success and says that 6,600 test cases received a comprehensive education. He said that those under 18 and those unwilling to go were always released. However, a child social worker said the government has the wrong approach. She claimed that many had been sent to Katanga without their consent, and that they are not

guaranteed decent living conditions there. She stated that she believed the street children were being removed because newly elected President Kabila believes his main rival Jean-Pierre Bember was buying their support and they were leading protests against him. The national service denies any connection. **[89b]**

26.37 On 14 June 2007 allAfrica.com reported that a joint MONUC – Congolese National police (PNC) campaign for child protection in the DRC, in partnership with UNICEF and the DRC Ministry of the Interior, had been launched, aimed at aiding the lives of more than 14,000 street children. The report stated that the campaign would last until 20 November 2007, when the campaign partners would meet to assess the achievements and progress made. A spokesman for the UN said that "the objective of the campaign is to underline the important role of child protection and to have well trained and informed police who will respect the rights of minors, and promote the message of child protection". The campaign also aims to instil a code of good practice within the PNC in relation to child protection as well as reinforcing their capacities and sensitising the public on the importance of child protection within society. **[74bm]**

See also Section 6.100 on Elections

SEXUAL EXPLOITATION

26.38 The US State Department Victims of Trafficking Report 2005 stated "There were confirmed reports of children in prostitution in brothels across the country. During the year, a number of personnel from the UN peacekeeping mission to the Congo (MONUC) were accused of sexually exploiting women and girls." **[3e] (Country Narratives)** USSD 2007 stated "Child prostitution occurred throughout the country; however, there were no statistics available regarding its prevalence. According to HRW, police in Kinshasa extorted sexual services from child prostitutes." **[3k] (Section 5)** Watch List on Children and Armed Conflict Report June 2003 also referred to the problem of child prostitution in the DRC. **[37a] (p20-21)**

26.39 Numerous human rights groups including Amnesty International (AI), in a report of October 2004 'Mass rape: Time for remedies', reported on the use of violence, including sexual violence, by armed forces on women and children in areas of conflict, as did Human Rights Watch World Report 2005, commenting on events in 2004, and the Global IDP report of July 2005. **[5s] (Continuing Violence against Civilians) [11c] (Introduction) [49a] (p6-7)** The Freedom House Report 2005 stated that "The Save the Children organization has ranked the DRC among the world's five worst conflict zones in which to be a woman or child." **[66] (Political Rights and Civil Liberties)** In a report dated April 2006 from Human Rights Watch, 'What Future? Street Children in the Democratic Republic of Congo', details are given of the sexual exploitation of street children, both male and female, some as young as eight years old. **[5t]**

26.40 In August 2006 it was reported that the UN was investigating a suspected child prostitution ring involving its peacekeepers and government soldiers in South Kivu. It was reported that pimps were using the presence of UN peacekeepers to lure vulnerable girls to go and work as prostitutes in areas where the UN troops are deployed. According to a MONUC spokesman: "Although the majority of their patrons are Congolese soldiers and civilians,

some of the girls involved mentioned that elements of MONUC contingents based in the region were also among their clients". **[15az, 21n]**

26.41 A report published by the aid agency World Vision on 27 February 2007, stated that half the children in refugee camps in the Great Lakes region had been the victims of some sort of sexual abuse. In one camp in eastern DRC 43% of girls were estimated to have been raped. The report said that the victims' fellow refugees were to blame, with people having power over children, such as school teachers or foster parents, committing the abuse.

The charity distributed 304 questionnaires to randomly selected children between 10 and 18 years old in camps in the region. It found evidence of rampant abuse against the 183 girls and 121 boys who answered the questions. "These included: improper sexual comments, asking or forcing a child to strip off his/her clothes…, touching breasts and sexual parts…forcing a child to engage in oral, vaginal or anal sex," the report said.

The conditions in the camps puts children in a particularly vulnerable position, the report went on to say. Many were forced to have sex with adults just to get food. "Poverty is an overriding causal factor of abuse" the report stated. **[105e]**

26.42 allAfric.com reported on 16 October 2007 that a spokesman for the UN Office for the Coordination of Human Affairs (OCHA) had stated "There is no age differention in the rape, very young girls and even boys are raped". **[74dk]** In addition, continuing belief that HIV and AIDS can be cured by having intercourse with a virgin has been used as an excuse by rapists to violate young girls. (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) **[100b] (p7)**

See also Section 25.01 on Women

HEALTH ISSUES

26.43 Information from the United Nations Children's Fund (UNICEF) and from the Global IDP report of July 2005 was that many children have been killed in fighting, but a far greater number – hundreds of thousands – have died due to malnutrition and other preventable diseases. **[49] (p7)** **[59a]** UNICEF also reported in 'The State of the World's Children 2005' report that the national under-five mortality rate was 205 per 1000 live births in 2003. **[59b]** UNAIDS reported in September 2004 that the number of children (age 0-15) living with HIV/AIDS was estimated between 42,000 and 280,000. **[61a] (p2)**

26.44 A report from UNICEF in July 2006 states that only a third of children are vaccinated against measles, and that the chronic lack of basic health care services heightens the risk of death from preventable causes. The report cites the case of malaria as being one of the biggest killers of children in DRC. Also only 17 per cent of children under five with diarrhoea receive oral rehydration and continued feeding, which is one of the lowest rates in the world. The report goes on to say that the DRC has among the worst child survival and nutrition rates in the world, with half a million children under five dying each year, "earning the DRC the grim distinction of being one of the top three deadliest places in the world in which to be born". An alarming 31 per cent of children under five are underweight. **[59d]**

26.45 On 14 March 2007 Allafrica.com reported that MONUC had announced the launch of the UNICEF 2007 world campaign against HIV/Aids, in the commune of N'sele in Kinshasa. The campaign aims at shedding light on the secret side of the HIV pandemic which also affects children. During the ceremony which was attended by over 7,000 children, Mrs. Kabila, wife of the president, announced the birth of a grand alliance to follow the development and protection of Congolese children. According to Jean Tobie Okala deputy spokesperson for MONUC "the grand alliance had the support of the international community, political leaders in the DRC, religious organisations, worldwide business, civil society and families". The report stated that the estimated average rate of HIV prevalence is 4.5 percent among children; 300,000 live with HIV; of which 40,000 have a need for appropriate treatment; less than 1,000 have access. Mr. Okala went on to say that among one million orphans in the DRC, there are 100,000 infected by HIV and that less than 2 percent of pregnant Congolese women have access to the Prevention of Transmission of HIV from Mother to Infant service. **[74ar]**

26.46 On 27 June 2007 it was reported by allAfrica.com that a synchronised cross-border vaccination campaign against polio was being run by DRC, Namibia, and Angola from 27 – 29 June 2007. During the first round children under five would receive polio vaccine drops and vitamin A supplements. The second round would be from 25 – 27 July 2007 when all children would receive a follow up dose of polio vaccine. **[74bq]**

CHILD LABOUR

26.47 A country report by the Canadian Immigration and Refugee Board of March 2004 on the situation of children noted that "Since 1999, the DRC has [also] been a signatory to the International Labour Organization (ILO) Convention No. 182, concerning the worst forms of child labour (ibid. para. 39; ILO 17 Oct. 2003; ibid. 21 June 2001; IBCR Mar. 2003, 3). This Convention prohibits, among other things, [translation] 'child trafficking and serfdom, forced child labour, and the forced recruitment of children for use in armed conflict' (CICR-Belgique 2001)." **[43o]**

26.48 A report in 2000 by the United Nations Committee on the Rights of the Child stated:

> "Work performed by children is regulated by the Labour Code (Order No. 19/67 of 3 October 1967), which gives a child the capacity to enter into an employment contract (minimum age 14 years, maximum 18 years, according to the case); regulates conditions and hours of work and the nature of the work on which the child may be employed and stipulates the penalties applicable. Once again, and particularly in this area, practice falls far short of theory. Not only are the beneficiaries (parents and children) often unaware of their rights; in addition, current economic conditions make for violations in the sphere of child labour, which often takes place in the informal or unstructured sector or involves living by one's wits." **[58] (p27)**

26.49 The USSD 2007 report stated:

"There were laws to protect children from exploitation in the workplace; however, government agencies did not effectively enforce child labor laws. Child labor remained a problem throughout the country, and there continued to be reports of forced child labor. Although there were no reports of large enterprises using child labor, it was common in the informal sector, particularly in mining and subsistence agriculture, and was often the only way for a child or family to earn money.

"Although the minimum age for full-time employment without parental consent is 18 years, employers may legally hire minors between the ages of 15 and 18 with the consent of a parent or guardian. Those under age 16 may work a maximum of four hours per day. All minors are restricted from transporting heavy items." **[3k] (Section 6d)**

The same report also noted that:

"Security forces and armed groups also used children, including child soldiers, for forced labor in mines. Children make up as much as 10 percent of the work force in the informal ('artisanal') mining sector. In mining regions of the provinces of Katanga, Kasai Occidental, Oriental, and North and South Kivu, children performed dangerous mine work, often underground. In many areas of the country, children aged five to 12 years broke rocks to make gravel for a small wage. …

"Prostitution, including forced child prostitution, was practiced throughout the country. … At mines near Tumpatu, Kasai Oriental Province, girls around the age of 12 worked as prostitutes.

"Children were also employed to dig graves in cemeteries and to perform often dangerous and difficult agricultural work. Children sent to relatives by parents who could not support them sometimes effectively became the property of those families, who subjected them to physical and sexual abuse and required them to perform household labor." **[3k] (Section 6d)**

26.50 Statistics published by UNICEF for children between 5 and 14 years between 1999 and 2004 show that an average of 28per cent were engaged in child labour. **[59a]**

26.51 In June 2006 the BBC reported on child miners at Ruashi mine in Katanga, where it reported that close to 800 children worked alongside men. The report stated that whilst it was all unofficial it was highly organised, and that many of the local middlemen preferred to use younger children because the older boys get paid more. As a result the children at the mine can be as young as five or six years old. **[15ax]**

26.52 On 22 October 2007 allAfrica.com reported that the United States was donating $5.5 million in grants to the DRC to eliminate the worst forms of child labour. The grant would focus on war-affected children in conflict zones, and would be used to provide children in need with access to quality basic education and vocational training opportunities, and to collect reliable data on child labour in the DRC. The grant would be administered by Save the Children, in association with the U.S.-based American Centre for International Labour Solidarity. **[74dg]**

CHILD SOLDIERS

26.53 Numerous agencies and human rights groups including UNICEF, AI, Human Rights Watch (HRW), Freedom House, Watchlist on Children and Armed Conflict, and the Global IDP Project have reported on and criticised the use of child soldiers by all sides in the conflicts in the east of the country. **[5b] [11f] (Child Soldiers) [37a, 37b] (p22) [49] (p6-7) [59b] (p44) [66] (Political Rights and Civil Liberties)**

26.54 The Global Report 2004 published in November 2004 by the Coalition to Stop the Use of Child Soldiers on the DRC stated that "The transitional constitution of April 2003 bans the recruitment into the armed forces of anyone under the age of 18, or their use in hostilities (Article 184).… The labour code prohibits the recruitment of minors, defining the use of child soldiers as one of the worst forms of child labour." **[44] (National Recruitment Legislation)** The same source stated that "All parties to the conflict recruited, abducted and used child soldiers, often on the front line." **[44] (Introduction)** A HRW report to the United Nations (UN) in January 2003 also referred to this issue, stating that the government recruited child soldiers and "All armed opposition groups continued to recruit and use children in violation of international obligations, leading some observers to describe fighting forces as 'armies of children'." **[5b]**

26.55 The Global IDP Project report of July 2005 stated:

> "Many displaced children have been forced into the ranks of the armed groups. Although the total number of children associated with the armed forces and groups is unknown, estimates vary from 20,000 to 40,000 (UNICEF, 7 May 2004).… As of mid-2005, according to UNICEF, at least 3,000 children were still in the hands of militias in Ituri and an even greater number remained in armed groups in the rest of the country (IRIN, 5 April 2005). Girls too are recruited, and often suffer both sexual abuse and forced labour (AI, 9 September 2003). Up to 12,500 girls were estimated to be in armed groups as of early 2005 (Save the Children Alliance, 25 April 2005)." **[49] (p6-7)**

26.56 The Freedom House Freedom in the World Annual Report 2005 covering events in 2004 also stated "Children continue to face forced conscription by all sides in the conflict, although the government appeared to be scaling back this practice." **[66] (Political Rights and Civil Liberties)** Watchlist on Children and Armed Conflict stated in its report of June 2003 that MONUC's Child Protection Section was the largest of any UN peacekeeping operation. **[37] (p8)**

26.57 The UNSG reported to the UN Security Council in March, August and December 2005 on some measures being taken to address disarmament of child soldiers. **[54e] (p12) [54g] (p12) [54h] (p11]** The UNSG report of 2 August 2005 stated "Under the disarmament and community reintegration programme, which ended on 25 June, 15,607 combatants of various militia groups, including 4,395 children (840 of whom were girls) were disarmed and some 6,200 weapons collected, of which, however, 70 per cent were unserviceable." **[54g] (p5)** The report of 28 December stated "As a result of efforts by MONUC and other child protection partners, at least 677 children under 18, mostly male, were separated from FARDC units and armed groups (mainly ex-Mayi-Mayi and Ituri militia elements) in Ituri, the Kivus, Kasai

Oriental and Katanga. Some 40 children had been integrated into FARDC brigades, highlighting the need for continued monitoring to ensure that no one under 18 is included in the brassage process. At the same time, children continued to be re-recruited into militia groups. MONUC has received allegations of 15 children having been re-recruited, mainly in the Kivus, mostly by ex-Mayi-Mayi and ex-ANC militias." **[54h] (p11)**

26.58 The UN Integrated Regional Information Networks (IRIN) reported on 23 February 2005 that the UNDP had stated that the majority of the 3,300 ex-combatants that had been disarmed in the Ituri region were children. The UNDP reportedly stated that the Congolese government's disarmament and community reinsertion plan in Ituri had so far admitted at least 1900 children. **[18ae]**

26.59 A paper by the Institute of Security Studies 'Is Ituri on the Road to Stability?' dated 11 May 2005 stated "To date a total of 3,468 CAAGs [Children associated with armed groups] have entered transit sites in Ituri. CAAGs who are accompanied by family members will be allowed to return home to their families. Those who are unaccompanied will be placed with host families for a transition period. A number of structures including MONUC, UNICEF and international NGOs will be responsible for the follow-up and support for the CAAGs." **[27g] (p10)** A report by the Integrated Regional Information Networks (IRIN) dated 12 April 2005 illustrated the work of UNICEF in reintegrating the children and the difficulties involved. **[18an]**

26.60 On 20 March 2006 it was reported that a Congolese military tribunal had sentenced the leader of a former armed group, called Mudundu 40, to five years imprisonment for crimes including the illegal detention of children. It was reported by Human Rights Watch that Mudundu 40 was composed of up to 40 per cent child soldiers. **[18ck]**

26.61 On the same day it was reported that a Congolese warlord, Thomas Lubanga Dyilo, had made his first appearance at the International Criminal Court (ICC) in The Hague on charges of conscripting children and using them to participate in hostilities during 2002 and 2003. **[18cl, 91]**

26.62 BBC News reported on 29 January 2007, that the ICC had ruled that there was enough evidence against Lubanga to launch the court's first trial. **[15cf]**

26.63 On 1 October 2007 AFP reported that judges at the ICC had announced that they hoped to hold the trial in mid-February 2008. **[65cx]**

26.64 By the end of March, Amnesty International was reporting that child soldiers were once again being recruited in North Kivu by Laurent Nkunda. They went on to say that many of the allegations of recruitment of children concerned the 83rd army brigade, elements of which had rallied to Nkunda. **[11j, 92]**

26.65 A further report from the BBC in July stated that a range of militia in the Masisi area of North Kivu continued to recruit child soldiers with impunity, despite the presence of UN troops in the area. **[15ay]**

26.66 A report by the UNSG in June 2006 stated:

"Concerning the disarmament, demobilization and reintegration of minors, during the first trimester of 2006, irregularities were registered during the withdrawal of children from armed groups and forces in several regions. In many cases, children tried to gain access to adult programmes or attempted to re-enter the children's process to benefit from the facilities. MONUC noted an increase of reports of re-recruitment and abuses against children formerly associated with armed groups in areas where militias remain active. Another issue that urgently needs to be addressed is the numerous reports of FARDC soldiers abusing minors and perpetrating acts of sexual violence against the population." **[54i]**

26.67 A further report in July 2006 stated that Ugandan dissidents were regrouping in Ituri province and had started recruiting Congolese children. **[74h]**

26.68 A report in July 2006 by UNICEF Democratic Republic of Congo – Child Alert stated "At the height of the war, estimates suggested that as many as 30,000 children were fighting or living with armed forces or militia groups."…"it is estimated that 30 to 40 per cent of children associated with armed forces and groups are girls." **[59d]**

26.69 The report continued to say that since demobilisation started in 2003, so far 18,000 children had been demobilised, but that due to the problems associated with demobilisation and poverty, many re-enlist. **[59d]**

26.70 Through its national demobilisation commission, CONADER, the Ministry of Defence worked closely during the year with NGOs and international organisations to demobilise and reintegrate into society children associated with armed groups. When such groups disarm and are integrated into FARDC, CONADER identifies and separates out children and transports them to camps for temporary housing and vocational training. In 2005, 14,315 children were removed from armed groups. Of the 16,809 children demobilised since 2004, 8,663 were reunified with their families, 7,044 returned to academic schooling, and 4,609 received vocational training. As the Government lacked funding to fully respond to the large numbers of demobilised children, NGOs provided legal, medical, and psychological services. **[3e]**

26.71 A report from Amnesty International titled, 'DRC: Children at war, creating hope for the future', published on 11 October 2006, stated that thousands of children abducted by rebels had not been resettled, despite a three-year internationally financed effort to bring them home. The report claimed that 11,000 of the 30,000 children who were kidnapped and used as child soldiers or sex slaves were either unaccounted for or still with the armed groups that abducted them. Many of these are girls, who are either abandoned or misidentified as 'dependants' of adult fighters. In some areas less than two per cent of children released are girls. The report further claims that despite government reports that over 19,000 children have been disbanded since the Disarmament, Demobilisation and Reintegration (DDR) programme was launched in 2004, they have not been properly reintegrated. "The majority of children released and reunited with their communities are so far unsupported or poorly supported in their return to civilian life, and are not being provided with adequate educational or vocational opportunities," the report said. **[11q]**

26.72 A report by Agence France Presse dated 5 February 2007, stated that aid agencies believed that 11,000 child soldiers continued to form part of the

armed groups in the country. The report said that Save the Children had said that the number of child combatants being rehabilitated had stalled dramatically because of lack of political will. They claimed that 30,000 child warriors were forcibly enrolled in various militias and even the regular army during the five year war which ended in 2003, but only 19,000 had returned or joined resettlement programmes. **[65be]** However, a report on 6 February 2007 on Radio Okapi, stated that UNICEF had hailed the noticeable improvement in the situation of child soldiers in South-Kivu, at the same time deploring the inaccessibility of some areas of the province where children were still being used by the various warlords. The administrator in charge of child protection at the Bukavu branch of UNICEF noted the drastic reduction in the number of children enrolled for the first or second time in the armed groups. He also lamented the envisaged withdrawal of the provisional assistance given to child soldiers, and their eventual social reintegration. **[64v]**

26.73 On 14 February 2007 the BBC reported that some 60 NGO's operating in South-Kivu have expressed concern over the continued recruitment of children into armed groups. Meanwhile, a number of children forcibly enrolled into armed groups in Ituri were being demobilised, although the civil society in the province is not satisfied with the programme of rehabilitation of the children. **[95bf]**

26.74 In Bukavu, the Coalition against the Utilization of Child soldiers in DR Congo, has expressed concern with the continued recruitment of children in various parts of Province Orientale and the Kivus. The coalition called on the government to carry on with the programme of disarmament, demobilisation, and rehabilitation of the children, and called upon parliament to adopt a bill on child protection. **[95bf]**

26.75 According to MONUC's Child Protection division, at a press conference on 14 February 2007, the recruitment of child soldiers by armed groups was continuing, especially in the east of the country, despite the law forbidding it in the DRC constitution, and the decree of 12 November 2004, relating to the general organisation of the defence forces. A MONUC spokesperson stated: "The Armed Forces of the DRC (FARDC) have to ensure that a serious screening of troops that are currently undergoing the mixing processes in North Kivu, so as to stamp out the presence of children associated with armed groups". **[56av]**

26.76 On 21 February 2007 Agence France Presse reported that according to the UN, between 150 and 230 children had been deployed by the DRC's armed forces in North Kivu. Meanwhile a Congolese army officer serving in North Kivu estimated that there were "more than 250 child soldiers" in the new brigades. "The majority come from the ranks of the Nkunda insurgents who have been heavily recruiting from schools in the region in recent months" he added. **[65bm]**

26.77 On 2 March 2007 allAfrica.com reported that on the 27 February 170 of Peter Karim's troops had surrendered at Dera, 60km from Kwandroma. Of the 170 FNI militia members, 42 were identified as children by UNICEF and MONUC Bunia's Child Protection division at the disarmament point. These children will be cared for in a special camp in Kwandroma, after identification, attempts will be made to reunite them with their families. **[74aj]**

26.78 On 28 February 2007 Radio Okapi announced that a total of 260 Mai Mai fighters from the Baleine Brigade had surrendered to FARDC soldiers based in Kamandi, at Lake Edward, in Lubero territory. Among them, 25 children were indentified, including eight girls aged around 15 years. The children are to be placed under the MONUC's Child Protection Section. **[64b]**

26.79 On 5 March 2007, allAfrica.com reported that the United Nations envoy on children and armed conflict was on a six-day mission to ensure greater protection for children in the immediate post-conflict phase and peace consolidation process. According to the report the special representative would be paying particular attention to the issues of children associated with armed groups, sexual violence and impunity. She held meetings with the government and with relevant non state parties, civil society, NGOs and children affected by the conflict. During her visit she visited Ituri, and North and South Kivu. **[74am]**

26.80 A report issued by Human Rights Watch on 19 April 2007 called on the Congolese government to immediately stop former rebel warlords now commissioned as national army officers from recruiting and using child soldiers in army brigades deployed in North Kivu. The report also called on the Rwandan government to prevent the continued recruitment of children in Rwanda to serve in the Congolese army's North Kivu brigades. Despite the order from the chief of staff of the armed forces to stop recruiting and using child soldiers, 300 to 500 children, some as young as 13, were currently serving in newly formed army brigades, according to international and local child protection workers. At a news conference on 11 April MONUC said that only 37 of 267 children whom they had identified in the North Kivu brigades had been demobilised. **[5ac]**

26.81 A report from allAfrica.com on 15 May 2007 stated that 1,571 child soldiers had been disarmed and demobilised in the ranks of the FNI since July 2006. Similarly 482 children had been disarmed and demobilised in the ranks of the FRPI, and 154 in the ranks of the MRC since January 2007. In total, more than 10,000 child soldiers had been demobilised in Ituri since September 2004. **[74bb]**

26.82 On 1 August 2007 NewScientistTech reported that Ajedi-ka a DRC NGO distributes mobile phones to local teachers, elders, and business leaders so that they can report incidents of children being drafted as soldiers. **[129]**

26.83 A report from UNICEF on 18 September 2007 stated that in North Kivu during the previous few weeks several hundred children had been recruited as child soldiers by various factions, bringing the total of children recruited to well over a thousand, according to UNICEF's Chief of Field Operations for DR Congo. He went on to say that upwards of 8,000 children had been separated from militias. In most cases these former child soldiers had returned to their communities of origin, but many fall prey to re-recruitment or banditry. He also said that 5,500 children in the area had previously been in armed groups, all of whom were at risk of re-recruitment. **[59e]**

26.84 On 5 October 2007 AFP reported that according to the UNHCR rebel groups were taking advantage of a lull in violence to build up their forces – and were reportedly recruiting child soldiers. In a statement UNHCR warned: "Despite the current relative calm, we are increasingly concerned over the build-up of

forces and military supplies in Nord-Kivu, and the reported recruitment of child soldiers by armed groups across Nord-Kivu is a major protection problem". **[65dc]**

26.85 AFP reported on 16 October 2007 that at least 150 children, some as young as eight, had escaped being forced into Nkunda's militia in Jomba in North Kivu. According to a tribal chief, the children – mostly ethnic Hutus – fled the clutches of Nkund'a National Congress for Defence of the People (CNDP) after fighting Tutsi children trying to force them into the rebel forces. According to the chief they walked all the way to the stadium in Rushuru some 10 miles away. **[65ei]**

26.86 On 31 October 2007 at its weekly press conference MONUC declared that around 200 children are enrolled in FARDC, particularly in the brigades deployed in North Kivu. It said that it looked forward to action in North Kivu similar to that taken by the 10th military region in Bakavu, where FARDC forces have been instructed that under article 114 of the military jurisdiction code persons arrested under the age of eighteen years must be transferred to a civil court. **[56cp]**

26.87 allAfrica.com reported on 16 November 2007 that according to the UN 232 children, who had been recently recruited, had been freed from Mai Mai forces with the help of UNICEF and Save the Children. They were freed from Mai Mai forces in North and South Kivu over the previous few days with the support of MONUC and following "an intensive media and outreach campaign on the non-recruitment and non-use of children by armed groups", UNICEF was quoted as saying. **[74dh]**

26.88 A report from allAfrica.com on 3 December 2007 stated that UNICEF had estimated the number of young people who remained involved in fighting in the DRC at 1,000. **[74di]**

26.89 A report from IRIN on 19 December 2007 stated that insurgents loyal to Laurent Nkunda in North Kivu were still recruiting children into their ranks. According to MONUC forced recruitment of children took place outside schools, especially in the village of Burungu, causing many to flee into the bush, while in other cases demobilised, underage former fighters were being re-recruited, according to a spokesman, who cited the case of 20 children who had rejoined Nkunda's ranks in the North Kivu village of Kirambu. **[18gd]** Another report from AFP on 26 December 2007 stated that according to Save the Children around 800 children had been recruited in the past year, and that current levels were estimated at 1,800 following the reported recruitment of 200 pupils in Tongo in the Rutshuru territory on 17 December, with school materials and ID cards being burnt. **[65ei]** In a further report from the Rwanda News Agency on 28 December 2007, Nkunda dismissed the MONUC allegations that he had been forcefully recruiting children into his forces. "We are scandalised by the denigrations and other untrue charges against the CNDP, (Nkunda's party), on behalf of the MONUC which argued the recruitment of 200 students from the secondary school of Tongo", the general said in a statement to the press agency. He also refuted the recruitment of 20 children from Kirambu. **[138b]**

26.90 The USSD 2007 report stated that:

"Security forces and armed groups continued to recruit and maintain child soldiers in their ranks. According to a UN independent expert's report in August, there was continued recruitment and use of children in security forces and by armed groups during the first six months of the year. Perpetrators included government security forces, FARDC forces allied with renegade General Nkunda and not under central command authority, Mai Mai militia, and the Democratic Forces for the Liberation of Rwanda (FDLR), composed primarily of Hutus from neighboring Rwanda, including many who perpetrated the 1994 Rwandan genocide. …

"During the year MONUC estimated that FARDC forces in the east continued to use approximately 200 children as soldiers and porters. …

"Some mixed brigade commanders recruited or tolerated the use of children as soldiers during the year. More than 200 children remained in five mixed FARDC brigades at the time of the brigades' disintegration in August, and their circumstances following August were unknown. Children who were part of the FARDC mixed brigades were deployed with their units, some of which were subsequently involved in active combat against the FDLR in North Kivu Province.

"Mixed brigade commanders Colonel Faustin of Delta Brigade and deputy commander Colonel Baudouin of Charlie Brigade, as well as former Ituri District militia leader Bosco Ntaganda, were uncooperative in releasing children under their command in North Kivu Province. Bravo commander Colonel Sultani Makenga and Lieutenant Colonel Mulomba forcibly recruited child soldiers. According to HRW, on March 22 Makenga attempted to prevent child protection workers from removing eight children from a military camp in Kitchanga, North Kivu Province. He allegedly dragged six children from the protection workers' vehicle and beat the other two. Three of the six later escaped to UN peacekeepers. The status of the other three children remained unknown at the end of the year." **[3k] (Section 1g)**

See also Section 8.15 on Security situation – Eastern DRC; Section 8.18 on Ituri; Section 11.01 on Military service; Section 12.10 on Disarmament of foreign armed groups; Section 27.01 on Trafficking; Section 37.01 on Assassination of President Laurent Kabila

IMPRISONMENT OF CHILDREN

26.91 A report produced in March 2006 by MONUC Human Rights Department Child Protection Unit states that "there is still no co-ordinated system, either at provincial or at national level for collecting, analysing, and bringing together data on children who have been arrested or detained. The position regarding the collection of data in the interior of the country is particularly poor." MONUC itself recorded the arrest of an average of forty children per month which varied according to location. Due to the fact that in most detention centres the system for recording detainees is by no means rigorous and sometimes does not exist at all, it is not possible to assemble statistics of child arrests. **[56i]**

26.92 The report continues that many children who are found in illegal detention are set free straight away owing to greater awareness and intervention by child protection officers. It gives several examples of how the numbers of children in

various detention centres has decreased, and states that "thanks to sustained campaigns and training initiatives by MONUC, hardly any children are now detained in police cells". **[56i]**

26.93 In the east of the country in 2005, an increasing number of children with links to armed forces and groups were arrested for military offences. There was also an increase in the number of rapes committed by children on other children. Children imprisoned for this type of offence hardly ever receive any kind of rehabilitative psychosocial support. Since September 2004 there has also been an increase in the number of cases of child imprisonment for vagrancy and begging, often ordered by the political authorities. **[56i]**

26.94 As a result of article 41 (1) of the new Constitution provisions on the protection of children in trouble with the law as set out in international and national standards on justice for minors apply to all children under the age of eighteen. This protection includes the provision that children should not be subject to the death penalty, that any detention of children should be a measure of last resort, and last for as short a period as possible, the aim being rehabilitation rather than punishment. In this respect the MONUC report commends the good practices of the courts of Kissangani, Mbuji Mayi and Bunia for treating children between 16 and 18 as minors. **[56i]**

26.95 The 1950 Statute on Juvenile Crime provides that all cases involving children should be heard immediately by the appropriate judge. According to the Criminal Law System this falls to magistrates. In a number of places such as Kananga, Goma, and Bunia, magistrates are informed rapidly of such cases, but in other places children often remain in police cells, military establishments, in the prosecutor's office, and sometimes in illegal detention centres, sometimes spending days or weeks in cells. **[56i]**

26.96 When detained in police cells, subject to some exceptions, children are held in the same unventilated cells as adults. There is no access to sanitary arrangements, food or water unless the families become involved. They are also subject at times to ill-treatment. **[56i]**

26.97 Children are often arrested within police stations because their parents take them to the police for disciplinary reasons. MONUC recorded several cases at Mbuji Mayi, Bunia, and Lumumbashi where this had happened. **[56i]**

26.98 Some children have been held in illegal detention centres, including in underground dungeons. The report gives examples of a 16-year-old being held in an underground cell at the S11 camp at Mahagi for alleged desertion, and two minors held in an underground cell for the month of August 2004 in Goma. It also reported that the majority of young illegal miners arrested for trespassing on State mining concessions were held inside the compound of the Société Miniére de Bakwanga, (MIBA) in cells similar to cages for several days for non-payment of fines, but that after appeals by child protection agencies those not immediately released were to be transferred to the detention centre at the Public Prosecutors Office which had been fitted out for the purpose. **[56i]**

26.99 Children with links to armed forces and groups have frequently been arrested by the FARDAC or by members of other armed groups and later been kept in cells in army camps, frequently charged with desertion, and although the

number is diminishing there are still cases of children being taken before military courts and sentenced, even though they have no jurisdiction over under-18s. **[56i]**

26.100 As far as street children are concerned, in some towns the Government has, as a stopgap measure, resorted to round-up operations against street children. Among the reasons given are rounding up children in order to clean up the town, solving the problem of juvenile crime, and to protect street children from reprisals by people exasperated by the acts of violence committed by or attributed to street children and young people. **[56i]**

26.101 By contrast, in Kisangani in September 2005 the mayor brought together street children and gave them light paid work for the good of the community, whilst in Goma, the mayor worked with child protection agencies to find realistic ways of preventing juvenile crime and to take into care some of the street children. **[56i]**

26.102 On 31 October 2007 at its weekly press conference MONUC welcomed the efforts of the 10th military region in Bukavu, to put an end to the military jurisdictions arrest of minors. The regions military commander referred to article 114 of the military jurisdiction code and stated that it does not apply to persons under eighteen years old, and that in cases where minors were arrested, they must be transferred before a civil and non military court. **[56cp]**

CHILDREN AND WITCHCRAFT

26.103 The report published by Human Rights Watch, What Future? Street Children in the Democratic Republic of Congo in April 2006 states that "accusations of witchcraft and the belief in the ability to cause harm to others have existed in the DRC since before colonial rule." The report goes on to say that in the past it was usually widows or single women who were accused of sorcery, but in the past fifteen years children living in urban areas have become the primary target of witchcraft allegations. It states: "Each week in the DRC, hundreds of children are accused of sorcery and endure abuse at the hands of their accusers – normally extended family members but, increasingly, self-proclaimed prophets or pastors as well." This growth has occurred in tandem with the creation of churches that specialise in the exorcism of evil spirits from the "possessed". There are approximately 2,000 churches in Mbuji-Mayi, and an even greater number in Kinshasa, that perform services which combine prayers, fasting and abuse in "deliverance" ceremonies to rid children of "possession". These ceremonies range from simple prayers and singing to sequestering the children for several days at the churches, denying them food and water, and whipping or beating confessions out of them. In addition the most abusive pastors also burn them or pour salt water in their anuses or down their throats to purge the "evil" from their bodies. It is additionally reported that sometimes children are tied up during their confinement at the churches and that in a few cases boys and girls have been sexually assaulted by members of the churches whilst in confinement. **[5t]**

26.104 Some children who undergo these ceremonies are reunified with their families who believe the spirits have been exorcised. Others may accept the child initially to see if the perceived evil reoccurs, and if so, throw the child out. In other cases they are made to leave the home immediately they return from the

church, whether or not the ceremony was deemed successful by the pastors. **[5t]**

26.105 The HRW report states that children can be accused of sorcery for any number of reasons. "The loss of a job, an illness or death in the family, or marital difficulties can lead parents or guardians to look to their children as the cause." The report continues to say that perceived "unusual" behaviour can trigger sorcery accusations, and those children who suffer from illnesses such as epilepsy, chronic illness, or mental illness can also be accused, and that once a child has been identified as a witch he or she will be treated differently by other members of the family by having to do such things as eating alone, sleeping separately, or be forced to do disproportionate amounts of domestic work, or work on the streets to earn his/her keep. At the same time these will be whipped, beaten, or slapped to rid them of the "possession", or coerce them to confess to being a sorcerer. They are also insulted, and called derogatory names. **[5t]**

26.106 It is claimed that up to 70 per cent of street children appear to be outcasts from their families having been accused of sorcery. Orphans or children with step-parents seem to be especially vulnerable to accusations – made by surviving relative's – that they are responsible for the family's misfortunes. Children who are HIV positive are also susceptible, with some people believing that they can infect relatives with AIDS by using magic spells. **[5t, 15aw]**

26.107 Despite the prevalence and seriousness of abuses stemming from accusations of sorcery in homes and churches, and despite the new Constitutions prohibition of accusations of child sorcery, the state has failed to stop the violence, and has failed even to investigate the most serious cases of abuse or prosecute those responsible. **[5t, 92b]**

26.108 The US State Department (USSD) 2007 Religious Freedom Report noted that during the year there continued to be credible reports that families abandoned or abused children accused of witchcraft. The report also noted that:

"There were reports of adults killing children accused of sorcery. For example, a father in the Equateur Province town of Zongo threw his 5-month-old baby into a river in September 2006 for alleged sorcery, resulting in the baby's death. Days earlier adults in the provincial capital of Mbandaka threw a 15-year-old boy in the river for sorcery, resulting in the boy's death. Police made arrests in both cases. Officials did not charge, prosecute, or punish anyone for similar crimes reported in previous reporting periods." **[3j] (section 3)**

CHILDREN AND THE 2006 ELECTION CAMPAIGN

26.109 A report published by Human Rights Watch, 'What Future? Street Children in the Democratic Republic of Congo' in April 2006 stated that "as the presidential elections approach Congo's tens of thousands of street children risk political manipulation and physical harm." The report went on to state "that in recent years leaders of political parties have enlisted street children to create public disorder in mass demonstrations," which in may cases led to the security forces responding with excessive use of force, "leading to the death or injury of dozens of children." **[5t]**

26.110 At the end of July IRIN reported that during the election campaign, children had been in the front line of political rallies in Kinshasa and other cities in DRC that had frequently turned violent. On the first official day of the campaign, 30 June 2006, two children were killed whilst participating in a political protest in Matadi, in Bass Congo Province. Whilst on 25 July 2006 two more were injured in Kinshasa while putting up political posters in the street. On 27 July 2006 an unknown number of children were injured when security forces opened fire on supporters of Jean Pierre Bemba, who were attacking supporters of President Joseph Kabila. They had burned down the compound of Bemba's bodyguards, killing two babies. **[18cn]**

26.111 None of the children had any political affiliation. One child, who took part in a demonstration in Kinshasa in support of 19 presidential candidates protesting against the elections, was quoted in the report as saying: "I come because they paid me 500 francs [US $1.10] to take part". He went on to say that he always took part in demonstrations for whichever party paid him. "Yesterday we were at the rally for president Kabila, but we left because this time they didn't give us anything. Before that I was supporting [presidential candidate Oscar] Kashala." **[18cn]**

26.112 A Roman Catholic priest who works for the Kinshasa-based NGO Ouevre de reclassement et de protection des enfant de la rue tried to warn candidates against using children when the campaign began in June. He is reported as saying: "Put yourself in the place of the children: there is a demonstration in the street and the organisers offer money. What else can the children do but follow?" The problem is not just limited to street children. A UNICEF protection officer is quoted as saying "With so much poverty children with families also take part in the hope of getting a free T-shirt or a baseball cap or a little bit of money. For them it's a big deal." **[18cn]**

26.113 A report from Radio Okapi on 19 July stated that one person was killed and six others wounded when a lorry, carrying over 200 youths with an average age of 16, missed a turn on its way to Kananga airport to receive a parliamentary candidate of Kasai Occidental Province. **[64f]**

See also Section 8.15 on Security situation – Eastern DRC; Section 8.18 on Ituri; Section 11.01 on Military service; Section 12.10 on Disarmament of foreign armed groups; Section 37.01 on Assassination of President Laurent Kabila

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TRAFFICKING

27.01 The US State Department 2007 Trafficking in Persons Report released in June 2007 reported:

"The Democratic Republic of the Congo is a source country for men, women, and children trafficked for the purposes of forced labour and sexual exploitation. The majority of known trafficking occurs within the country's unstable eastern provinces, by armed groups outside government control. Indigenous and foreign armed groups, notably the FDLR (Rwandan Hutus), continue to abduct and forcibly recruit Congolese men, women, and children to serve as labourers (including in mines), porters, domestics, combatants, and sex slaves, although at a much reduced rate from previous years. In 2006 and early 2007, troops loyal to a renegade Congolese general reportedly recruited an unknown number of Congolese children for soldiering from refugee camps in Rwanda. There were reports of Congolese children prostituted in brothels or by loosely organized networks, some of whom were exploited by Congolese national army (FARDC) forces. An unknown number of unlicensed miners remain in debt bondage to dealers for tools, food, and supplies. Congolese women and children are reportedly trafficked to South Africa for sexual exploitation. **[3e] (Country Narratives)**

27.02 The report continued to say:

"The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Replacing a transitional government that had been in place since June 2003, an elected government took office following 2006-07 presidential, parliamentary, and provincial elections. To further actions against trafficking, the government should continue efforts to demobilize all remaining child soldiers; enact anti-trafficking laws; and arrest and prosecute traffickers, particularly those who use child soldiers or utilize forced labour. Kanyanga Biyoyo, a rebel commander convicted of unlawfully recruiting child soldiers, escaped from jail shortly after his early 2006 conviction; he should also be rearrested and incarcerated for his full prison sentence". **[3e] (Country Narratives)**

27.03 The same USSD report stated: "The country's criminal and military justice systems – including the police, courts, and prisons – remain decimated from years of war and there are few functioning courts or secure prisons in the country. Existing laws do not prohibit all forms of labour trafficking. In July 2006, the transitional government enacted a sexual violence statute (Law

6/018) that specifically prohibits and provides penalties of 10 to 20 years' imprisonment for child and forced prostitution, pimping, and trafficking for sexual exploitation; most judicial and law enforcement authorities have yet to receive copies of this statute. In addition, the new constitution, promulgated in February 2006, forbids involuntary servitude and child soldiering. Despite these advances, there were no reported investigations or prosecutions of traffickers during the year. After an NGO investigation revealed brothels in South Kivu, the government subsequently ordered them closed. During the reporting period, the transitional government, in coordination with the UN Mission to the Congo (MONUC), reached integration agreements with Ituri District militias, renegade General Laurent Nkunda in North Kivu, and local defence groups in North Kivu, South Kivu, and Katanga that included provisions for the demobilization of child soldiers; some of these groups failed to fulfil their signed commitments and continued recruiting children, but FARDC lacks the capacity to forcibly demobilize or repatriate them. The government and MONUC provided numerous training sessions during the year to police and military personnel on sexual violence and child soldiering prohibitions.". **[3e] (Country Narratives)**

27.04 The national demobilization agency, CONADER, and the Ministry of Defense worked closely during the year with NGOs to demobilize and reintegrate children associated with armed groups. When such groups disarm and are integrated into the FARDC, CONADER identifies and separates out children and transports them to NGO-run centres for temporary housing and vocational training. Over 13,000 child soldiers were demobilized in 2006; fewer than 4,000 remain with armed groups out of an estimated total of 33,000 in 2004. As the 2006 budget included no appropriation for social services of any kind in the country, NGOs provided legal, medical, and psychological services to trafficking victims, including child soldiers and children in prostitution. The government does not generally penalize victims of trafficking for unlawful acts committed as part of their being trafficked, but does not encourage victims of trafficking to assist in the investigation and prosecution of their exploiters. **[3e] (Country Narratives)**

27.05 The majority of the government prevention efforts during the reporting period focused on disseminating messages against child soldiering. Using radio and television messages, posters, flyers, and t-shirts, in 2006, CONADER conducted extensive public education campaigns that informed the military that child soldiering is illegal, and attempted to dissuade children from joining armed groups and convince families and communities to reintegrate demobilized children. Working with NGO partners, the Ministry of Justice began designing a campaign to educate the public about the new law against sexual violence. In June, the transitional government created the National Committee to Combat the Worst Forms of Child Labour; though the committee held several meetings, it did not begin to fulfil its mandate. **[3e] (Country Narratives)**

27.06 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2007 (USSD 2007) stated: "The Ministry of Justice was responsible for combating trafficking. Law enforcement authorities were rarely able to enforce existing laws due to lack of personnel, training, and funding, and the inaccessibility of eastern areas of the country." **[3k] (Section 5)**

See also Section 25.01 on Women; Section 26.01 on Children; Section 26.35 Child soldiers

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.01 Data from the World Health Organisation (WHO) indicated a life expectancy at birth of 42 years for men and 47 years for women (2003 figures), with a healthy life expectancy at birth of 35 years for men and 39.1 years for women. Public expenditure on health was four per cent of GDP (2002). **[16a] [16b]**

28.02 The Lancet reported in an article on 6 January 2006 on the results of a nationwide health study in 2004. They found that deaths in the DRC were 40 per cent higher than the average rate for sub-Saharan Africa, and that most deaths were from easily preventable and treatable diseases. Fever, malaria, diarrhoea, respiratory infections, and malnutrition were the principal causes of death, together accounting for more than 50 per cent of deaths in both the east and the west. Children under five years of age were at particular risk from these diseases, with malnutrition as a primary or contributing cause. Death rates were more than one-third higher in the unstable eastern provinces. **[75]** The report pointed out that improving security and increasing access to essential health services, such as clean water, immunisations, and basic medical care, would dramatically reduce preventable deaths. **[75]**

28.03 Reports by human rights and humanitarian organisations, including the IRC, Médecins sans Frontières (MSF), Amnesty International and Human Rights Watch have also drawn attention to the use of violence, rape and sexual assault by combatant forces, leaving many men, women and children in need of medical treatment, and called for restoration of a sustainable health care system. **[5m] (p45-47) [11c] (Introduction) [29c] [50]** The MSF Annual Activity Report article on the DRC 'A never ending health crisis' of 6 December 2004 also detailed a number of places, including Baraka, Bunia, Kisangani and Kinshasa, where MSF is providing medical care and counselling. **[29c]** An email from MSF on 22 August 2007 stated that MSF no longer worked in Baraka. **[29h]**

28.04 A 2001 report by the Swiss Federal Office for Refugees added that "Without modern or sophisticated equipment, Congolese doctors often act purposefully and effectively. Having a great deal of experience in dealing with the most widespread local diseases, they provide quality treatment, without much in the way of resources." **[10] (p8)**

28.05 Aid agencies have also provided assistance in dealing with other diseases and conditions, and preventive vaccination campaigns for children, including tuberculosis, pertussis, yellow fever, polio tetanus and measles. **[18d] [29a] [29c] [59c]**

28.06 The WHO Tuberculosis (TB) Control Country Profile Report 2004 noted that decentralised control and weak access to the under-developed primary health care system was a serious obstacle to improving TB control in the country. The report also stated:

"Case notifications are relatively high among young adults, a pattern that is characteristic of countries in which a high proportion of TB patients are infected with HIV (24% in DRC). Seventy per cent of the population had access, in principle to DOTS [Directly Observed Treatment Short Course] by the end of 2002…. These figures are surprisingly high, given that DR Congo has an underdeveloped primary health care system, and contact with the health services is often difficult, especially in the eastern provinces. Treatment success was 77% in the 2001 cohort, with a default rate over 10%." **[16c]**

28.07 The World Diabetes Foundation reported in 2003 that it was providing emergency insulin from 2003 to 2005 and was assisting with providing a sustainable solution. The same source stated that the Belgian Interuniversity Counsel – VLIR – was running several projects regarding training in diabetes through to 2009. [28] A 2003 medical article described diabetes as a real public health problem in the DRC. The article described the clinical and epidemiological situation in two medical centres in Kinshasa and stated "For the large majority of Congo population, education on diabetes is not available, and due to the failure of the national health system, access to treatment is impossible. Furthermore, because most diabetic people in Congo go untreated, the mortality rate for the disease is high. Congo would greatly benefit from a national diabetes program in order to give all diabetic patients in Congo access to good and consistent medical care." **[72]**

28.08 A report produced by a team of doctors led by Professor O L Ahuka of the University of Kisangani in May 2006 stated that more babies were being born with deformities due to the health effects of the ongoing conflict. According to the report the incidence of congenital malformations had been rising steadily in eastern Congo since the outbreak of hostilities. The most frequently observed birth defects are clubbed foot, spina bifida and cleft palates. **[74v]**

28.09 During 2006 there have been outbreaks of various diseases in the DRC including polio, cholera, ebola, trypanosomiasis or sleeping sickness, measles, Hepititis E and alendar plague. **[16e] [18du] [18vl] [18dw] [18eq] [18er] [21u] [21aa] [57f] [62i] [92f] [92g] [96y] [105a]**

28.10 On the credit side conditions in the main hospital in Lubumbashi are improving since Professor Stanis Wembonyama became director, and the NBA basketball player Dikembe Mutombo has financed a hospital in Kinshasa, the Biamba Marie Mutombo Hospital and Research Centre is named after his mother. According to a newsletter the hospital will offer "specialized care to the capital city's poorest residents." The newsletter claims that "a special focus will be placed on maternal and child health." The hospital was due to open on 2 September 2006, but due to the security situation in Kinshasa after the post election events Mutombo has delayed the opening, and a new date

has not yet been set. He stated that the hospital would begin accepting patients at the end of September as planned. **[15bl] [106a] [106b] [107]**

28.11 On 4 December 2007 the Houston Business Journal reported that Mutombo had officially opened his hospital, which had been in operation since July 2007, in conjunction with World AIDS day. **[145a]**

28.12 The Economist Intelligence Unit (EIU) December 2007 Country Profile Report advised That a lack of recent statistical data makes an assessment of the state of public health in the DRC difficult. However, anecdotal evidence and partial data from humanitarian organisations suggest that, owing to the war and economic collapse, the country is now experiencing a public health disaster. The opening up of some areas since the end of the civil war has revealed the extent of the disruption to social services: Many areas have not had medical supplies of several years. Of the country's 306 health centres, less than 60% have vaccination facilities. **[30f] (p19)** The same source stated "Hospitals and other health infrastructure face serious staffing, supply and payment problems, and many have largely ceased functioning. Patients must often provide or purchase their own medical supplies. Private clinics operate in most of the larger towns. Christian missionaries play a prominent role and, in many areas, provide the only health services available." **[30f] (p19)**

28.13 Reports in the Houston Chronicle on the 24 January 2007 stated that the hospital was due to open in the summer of 2007. However, a further report on 25 January claimed that the hospital was due to start treating patients in April 2007. **[111a] [111b]**

28.14 my FOX Houston reported that Dikembe Mutombo had attended the opening of the Biamba Marie Mutombo Hospital and Research Centre in Kinshasa. The hospital, which was opened by President Joseph Kabila on 17 July 2007, was a $US29 million project, of which Mutombo had contributed $US15 million of his own money, however, he has cautioned that it will take even more donated funds from other sources to keep the project online. **[126a]**

28.15 On 4 December 2006 it was reported that the governor of South Kivu announced that the town of Bukavu had been subject to an outbreak of cholera for several months, and that over 1,000 cases had been reported in Kadutu Commune (of Bukavu) alone. On 9 December Radio Okapi announced that five people had died in a week from the disease and that 150 people were in hospital. The Information Bulletin from the Red Cross dated 4 January 2007, reported that the number of cases in Bukavu as 246 with 10 deaths. **[92n] [95ak] [95al]**

28.16 On 23 December 2006 Congolese radio from Bukavu reported that health officials in the Lower-Uele District in Orientale Province had expressed concern after 16 people died of meningitis in the district, while some 58 people had been found with symptoms of the disease. **[95am]**

28.17 On 2 February 2007, the World Health Organisation (WHO) reported that 53 suspected cases of Meningococcal disease, including 6 deaths, had been reported by the Ministry of Health in Adi health zone in Province Orientale. A vaccination campaign targeting 99,400 people was being prepared and would be synchronised with Uganda, which was currently experiencing an outbreak of the disease in neighbouring areas. **[16f]**

28.18 On 5 February 2007, Relief Web reported that Medical Emergency Relief International (Merlin) had announced that it was part of a consortium that has embarked on a £20.3 million programme to rebuild and strengthen health services in the DRC. The three year project funded by the US Agency for International Development (USAID), aims to increase access to vital services such as mother and baby health care, treatment for malaria, tuberculosis, and common childhood illnesses. Other activities to be implemented include training health workers and supplying medical equipment and supplies to health centres in targeted areas of Maniema and South Kivu Province. **[92o]**

28.19 On 5 March 2007 allAfrica.com reported that the official statistics from the WHO show that around 100 people die every day in the DRC indirectly from the effects of war. According to statistics supplied by the WHO regional office, during 2006 Ituri was hit by 21 cholera epidemics in the territories of Djugu and Aru. These epidemics claimed 117 lives. In the same districts an epidemic of bubonic plague claimed the lives of 28 people. There was also a respiratory epidemic, which was propagated by the plague which spread to a large area including important centres such as Kwandroma where 29 people died. 168 people died in a whooping cough epidemic in Djuge district. On top of this annual total a meningitis epidemic affected 470 people in Aru district, and has caused the deaths of 55 people. **[74an]**

28.20 On 27 June 2007 it was reported by allAfrica.com that a synchronised cross-border vaccination campaign against polio was being run by DRC, Namibia, and Angola from 27 – 29 June 2007. During the first round children under five would receive polio vaccine drops and vitamin A supplements. The second round would be from 25 – 27 July 2007 when all children would receive a follow up dose of polio vaccine. **[74bq]**

28.21 IRIN reported on 30 August 2007 that an epidemic, suspected to be Haemorrhagic fever had broken out in the Mweka area, about 100km north-west of Kananga, the administrative centre of Kasai Occidental province. A provincial doctor said that 217 people had contracted the disease, of who 103 had died, three of them children, since 8 June 2007. **[18fr]**

28.22 On 10 September the South African Press Association reported that two laboratories, one in the US and another in Gabon, had confirmed the haemorrhagic fever as Ebola. **[83x]** On 11 September 2007 Reuters reported that the DRC authorities had placed two towns in quarantine in order to contain the outbreak. **[21ci]** A further report from IRIN on 20 September 2007 stated that five cases of typhoid fever had been confirmed in Kampungu one of the towns affected by Ebola. **[18fv]** While a report from BBC News on 22 September stated that 174 people had so far died in the current Ebola outbreak. **[15dk]**

28.23 AFP reported on 27 October 2007 that according to Medecins Sans Frontiers (MSF) the Ebola outbreak appeared to be ending. The MSF statement said that for "more than 21 days", the usual incubation period for Ebola, no new cases of the disease had been spotted; but both MSF and the WHO stressed that the official end to the Ebola outbreak could not be declared until a second period of 21 days, passed without any new cases. **[65er]** On 19 November 2007 Reuters reported that health officials from the DRC and the WHO said

that a 42-day period following the death of the last Ebola victim had ended on 13 November, and had declared an end to the Ebola outbreak. **[21cy]**

28.24 On 12 September 2007 allAfrica reported that a vaccination campaign targeting thousands of displaced children and pregnant women was to commence the following week in a North Kivu refugee camp. In seven days at least 22,000 children between six months and 15 years were to be vaccinated against measles and at least 6,400 children between one and five were also to be given de-worming medicine. In addition 2,000 pregnant women were to be vaccinated against maternal and neo-natal tetanus. **[74cx]**

28.25 On 30 October 2007 BBC Monitoring reported that at least 80 children had died of measles in the past two months in Mweso and Birambizo health centres in Masisi territory in North Kivu. The report said that the cause of the escalation of the epidemic was the inability of humanitarian organisations to reach the people affected by the disease due to the security situation in the province. **[95du]**

28.26 On 12 November 2007 Reuters reported that UNHCR together with its partners had stepped up their joint efforts to curb the spread of cholera in camps hosting some 45,000 IDPs in North Kivu. The disease broke out in early October in five camps for IDPs located in the Mugungas area of North Kivu, but according to the UNHCR latest reports showed that the cholera situation appeared to be stabilizing, with the number of new cases falling steadily. Health workers said that at the end of October there were 439 suspected cases of the disease, 189 of which were reported between 24-28 October. In the last four days of October about 25 cases a day were reported, while in the first eight days of November an average of 16 cases a day were reported. **[21cz]** Another outbreak was reported on 13 November 2007 by allAfrica.com on the disputed island of Rukwanzi in Lake Albert, where health workers were unable to provide treatment due to the security situation. Since October police on the island had reported 57 cases of cholera and three fatalities, but in the previous two days six cases had been registered according to a police commander. The acting district commissioner in Ituri said "we have ordered the section head and police on the ground to evacuate children and the elderly". A spokesman for the WHO stated "they don't have access to (clean) water or healthcare where they are. Those who develop diarrhoea are told to take a boat to Tchomia, a lakeside town, where there is an isolation hospital". **[74dm]** According to AFP there had been 272 cases including eight deaths in the Tchomia health zone which includes Rukwanzi. **[65es]**

28.27 On 25 December 2007 BBC Monitoring reported that in Rutshuru there had been 1,300 cases of cholera and five deaths. According to MSF (Doctors without Borders) which runs a health facility in Rutshuru the epidemic was spreading among IDPs displaced by the recent fighting. **[95ea]**

28.28 On 25 January 2008 MSF reported that it had a team of 15 currently working to fight a cholera epidemic that had been raging since the start of the year in Lubumbashi in Katanga. The report said that up to that date 767 cholera patients had been treated, with the number of new patients rising slightly, with an average of 30 to 40 new patients every day. **[29i]**

28.29 AFP reported on 30 January 2008 that more than 2,000 cholera cases, including 59 deaths, had been recorded in Katanga that month. Three different sites in the province had registered 2,083 cases according to MSF. A week earlier MSF had reported 1,463 cases and 30 deaths, mostly in Lubumbashi, Likasi, and the rural area of Bukama. The report went on to say that the outbreak in Bukama appeared to have been brought under control, and the MSF teams had been sent to Likasi, where more than 60 new patients were arriving each day for a centre with a capacity for 35 people. MSF had recorded 30 deaths and 687 cases in Likasi over the course of a month. **[65fc]**

See also Section 8.15 on Security situation – Eastern DRC; Section 25.01 on Women; Section 26.01 on Children; Section 29.01 on Humanitarian aid/international assistance; Section 31.01 on Internally displaced persons;

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KINSHASA

28.30 The Foreign and Commonwealth Office (FCO) Travel Advice (last updated 11 January 2006) stated: "The Centre Prive d'Urgence (CPU) clinic in Kinshasa is able to cope with basic health problems and to stabilise a patient after most serious accidents….Outside Kinshasa western standard medical facilities are practically non-existent." **[22h]** In a letter of 19 August 2005 the FCO provided information about medical treatment in Kinshasa obtained by the British Embassy Kinshasa from a doctor practising at a clinic providing affordable healthcare. It stated that although doctors, clinics and medical centres exist in Kinshasa, access to them is limited by abject poverty, and only 30 per cent of Kinshasa's population can afford them. The average cost of a consultation started at $20, although the clinic, which was funded by the UK and NGOs, charged $2. **[22j]**

A country report by the Swiss Federal Office for Refugees dated September 2001 also stated that:

"There are various types of medical facilities in Kinshasa which are:

- the public hospitals, such as the Kinshasa General Hospital (HGK, formerly the Mama Yemo Hospital) or the Ngaliema Clinic
- the private hospitals and clinics
- the company hospitals and dispensaries
- the hospitals and dispensaries run by churches or the non-governmental organisations." **[10] (p8)**

28.31 The same report stated:

"The most disadvantaged Kinois [inhabitants of Kinshasa] cannot pay the sums necessary for treatment and are excluded from the public health system, which has resulted in the resurgence of diseases that had almost disappeared (especially malaria). These poorest patients can sometimes have the benefit of being taken care of at low cost, or even free of charge, by the health care facilities run by the religious communities (the Catholic Church and the Church of Christ in the Congo in particular) or by non-governmental organisations. The Salvation Army has, for example, a Health Department that administers several health establishments throughout the country, in particular in Bas-

Congo (19 structures), in the Eastern Province, in Eastern Kasai and in Kinshasa." **[10] (p8)**

28.32 The Swiss report of 2001 stated "In the capital, the Salvation Army has nine medical establishments, among which there is a hospital and a surgery centre, an ophthalmic clinic and a maternity centre (the Bomoi Maternity Centre in Ndjili which deals with about 3,000 births a year). According to Dr Nku, Head of the Health Department, the aim of the Salvation Army – which employs 250 people in the health sector (including four full-time doctors, five part-time doctors, two dental surgeons and 155 nurses) – is to provide quality treatment at the lowest rates. Thus, according to their own estimates, the Salvation Army in Kinshasa takes care of more than 200,000 patients a year, 3,000 of which are suffering from tuberculosis and 1,500 from diabetes." **[10] (p8)**

28.33 Regarding the availability of drugs and treatment in Kinshasa for some specific conditions, the FCO letter of 19 August 2005 stated:

"5. Diabetes: treatment is readily available but too costly for the majority of the population. Poor diet is an aggravating complication.

6. Sickle cell anaemia: only one centre is operating at the moment in Kinshasa.

8. Hypertension: treatment is available from most medical centres/hospitals or clinics in Kinshasa.

9. Tuberculosis: treatment is available.

10. Hepatitis (mainly Type C): treatment is very complicated and drugs not usually available. Most patients with the financial means go to South Africa or Europe for treatment." **[22j]**

28.34 A further letter from the FCO dated 29 August 2006, states that following consultations with local doctor's treatment for hepatitis C is not available in the DRC. **[22q]**

28.35 An e-mail dated 26 April 2007 in relation to Hepatitis B states that both doctors consulted have said that Hepatitis B's origin is viral so nobody can cure it. What they are doing is to provide palliative care to their patients in the DRC, but most of them are dying. **[22v]**

28.36 The 2001 Swiss report also noted that "A wide range of medical treatment is available in Kinshasa. There are few diseases (even chronic ones) or operations that cannot be dealt with in the country as long as the patient has the financial means." **[10] (p9)**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

28.37 The 2004 Epidemiological Fact Sheet by WHO and UNAIDS/UNICEF estimated a total of 1,100,000 adults and children with HIV/AIDS at end-2003. **[61a] (p2)** The UNAIDS Epidemic Update Report of December 2004 stated that

HIV national adult prevalence had edged below five per cent, with parts of the south of the country remaining the worst affected. **[61b] (p30)** The UNAIDS Country Level Progress Report of September 2004 listed major external funding by international governments and organisations, and measures aimed at youth, the uniformed services, child soldiers, and community and church-based organisations. **[61c]**

28.38 Regarding the availability of drugs and treatment in Kinshasa for specific conditions, the FCO letter of 19 August 2005 added "Not everybody has access to anti-retroviral treatment because of its high cost ($200) but the 'Centre de Dépistage de Kabinda' has been providing anti-retrovirals free for the past six months. **[22j]** IRIN reported on 4 March 2005 that distribution of ARV drugs was being hampered by the fighting in the east of the country. **[18ag]**

28.39 The EIU 2005 Country Profile also stated that:

"Current public health strategies for combating the incidence of HIV/AIDS are based on the promotion of simple preventative methods including the use of condoms and public awareness. NGOs, both foreign and local, have been involved in public health programmes dealing with HIV/AIDS. The Ministry of Health has had an AIDS prevention programme in place since the mid-1980s, but it has been chronically under funded. HIV and AIDS still remain taboo subjects and people infected are frequently ostracised." **[30b] (p20)**

28.40 IRIN reported that the money has been used to fund condom distribution programmes, provide free anti-retrovirals (ARVs) in several parts of the country, and tackle inadequate capacity in the healthcare sector. Although 13,000 people were on ARVs in March 2006, it was estimated that 200,000 were still in need of medication. **[18dx]**

28.41 NGOs have complained that the AIDS plan drawn up in 1999 to cover the following nine years has become obsolete. A new monitoring body has been set up to co-ordinate HIV/AIDS efforts, with a '2006 roadmap' to update the strategic plan. **[18dx]**

28.42 A report by Médecins sans Frontièrs (MSF), entitled 'Democratic Republic of Congo: Another Year of Misery', in December 2005 stated: "MSF teams have continued to increase access to comprehensive care for those living with HIV/AIDS in the DRC. In the town of Bukavu, South Kivu, MSF was providing 331 patients with antiretroviral (ARV) medicines by April 2005. The team hopes to have 900 patients enrolled in the treatment program by the end of 2005. In a second HIV/AIDS project, in Kinshasa, 870 patients had received ARVs from MSF by the end of April 2005, and the team aims to increase that number to 1,700 by the end of 2005. MSF had also monitored nearly 3,000 patients in less advanced stages of the disease in Kinshasa by spring 2005." **[29f]**

28.43 In early 2005, MSF started a new project aimed at treating commercial sex workers who have HIV/AIDS with ARVs. The treatment of sexually transmitted infections is also a priority for MSF teams and is integrated into basic health care projects across the country and in a targeted centre in Kisangani, a city in the Orientale province of the DRC that bore the brunt of fighting during the civil war and retains a large military presence. [**29f]**

28.44 MSF also runs a specialised clinic to treat people with sexually transmitted infections in Kitchanga in North Kivu, and operates three such clinics in Bukavu, South Kivu. **[29f]**

28.45 Action Plan 2006 published by the United Nations Office for the Coordination of Humanitarian Affairs lists the main achievements of the 2005 Country Action Plan so far as:

"Within the national multi-sector programme against HIV/AIDS, UNICEF helped detail a national strategy to prevent mother-to-child transmission, currently operational in 123 health structures.

Some 430,000 young people have been informed about HIV/AIDS by 100 young peer educators trained to educate youth and adolescents about the HIV/AIDS epidemic.

UNAIDS developed a map of partners involved in the DRC. Results of this study show 57 programmes out of which 21 have a national scope and 36 have a regional focus. These programmes target refugees (13), IDPs (19), vulnerable populations (40), persons living with HIV/AIDS (5) and orphans (7)". **[57e]**

28.46 The UNAIDS report, Progress on Global Access to HIV Antiretroviral Therapy An update on "3 by 5", dated June 2005 shows that between 5,000 – 6,000 people have been treated being 2 – 3 per cent coverage with an unmet need of 203,000. **[77]**

28.47 A report from MSF entitled 'Humanitarian Needs Remain as DRC Election Approaches', dated 28 July 2006, stated:

"It is estimated that 1.2 million people are living with HIV/AIDS in the Democratic Republic of Congo (DRC). In the capital, Kinshasa, 3.8% of the population is affected

At a walk-in treatment centre in Kabinda, Kinshasa, MSF provides care to over 6,900 patients living with HIV, including 1,500 people under antiretroviral treatment. MSF also provides diagnosis and treatment for opportunistic infections; specific treatment for children; counselling and voluntary testing; nutritional support and psychosocial care for patients.

Each month, MSF carries out an average of 3,000 consultations. Since August 2005, MSF has also initiated decentralisation of the follow-up of patients under treatment to three outlying structures.

The most common disease that people with HIV/Aids are prone to is tuberculosis (TB). MSF is working in partnership with the Tuberculosis Testing and Treatment Centre to ensure that HIV positive patients with TB are treated. A campaign to prevent the transmission of sexually transmitted infections (STIs), including HIV, was launched in 1994, targeting sex workers. A specialised unit offers treatment for STIs and HIV/Aids. MSF also focuses on education in order to encourage behavioural changes." **[29g]**

28.48 A press report in October 2006 stated that of the DRC's 60 million people, about 2.6 million are infected with HIV/Aids or roughly 4.3 per cent of the population, but of these only 5,000 people have access to antiretroviral drugs. The report went on to say that in the eastern city of Goma only 300 of the 1,600 people with HIV/Aids had access to the drugs. The report continues, "The antiretrovirals are expensive and international aid has failed to finance enough supplies for the country's Aids population. The joint United Nations Programme on HIV/Aids was supposed to furnish antiretroviral drugs to the DRC in July last year. But it took until March for the drugs to arrive, and shipments remain sporadic". **[105b]**

28.49 On 11 December 2006 IRIN reported that although thousands of people living with AIDS were going without treatment, a production line at a modern antiretroviral (ARV) factory in Bakavu was lying largely idle. The company producing the drugs, Pharmakina, has produced generic ARVs since April 2005, but was being forced to await approval from the World Health Organisation (WHO). The Congolese authorities gave the medicine the go-ahead in June 2005, allowing Pharmakina to supply the local market, but with a price tag of US$22 per month, the majority of HIV-positive people in South Kivu cannot afford Pharmakina's ARVs. **[18ev]**

28.50 On 14 March 2007 Allafrica.com reported that MONUC had announced the launch of the UNICEF 2007 world campaign against HIV/Aids, in the commune of N'sele in Kinshasa. The campaign aims at shedding light on the secret side of the HIV pandemic which also affects children. During the ceremony which was attended by over 7,000 children, Mrs. Kabila, wife of the president, announced the birth of a grand alliance to follow the development and protection of Congolese children. According to Jean Tobie Okala deputy spokesperson for MONUC "the grand alliance had the support of the international community, political leaders in the DRC, religious organisations, worldwide business, civil society and families". The report stated that the estimated average rate of HIV prevalence is 4.5 percent among children; 300,000 live with HIV; of which 40,000 have a need for appropriate treatment; less than 1,000 have access. Mr. Okala went on to say that among one million orphans in the DRC, there are 100,000 infected by HIV and that less than 2 percent of pregnant Congolese women have access to the Prevention of Transmission of HIV from Mother to Infant service. **[74ar]**

28.51 On 26 April 2007 IRIN reported that the majority of HIV-positive people living in Ituri were not taking up the offer of free life-prolonging antiretroviral (ARV) drugs. Since the government had began providing drugs in November 2006 as part of its National Multi-Sector Programme to Fight HIV/AIDS, the number of people taking advantage of the free medication had risen from10 to just 38. A spokesman for a NGO said that stigma was a major factor preventing people from seeking treatment early, with many HIV-positive people still being ostracised by their families and neighbours. With the aim of encouraging more people to be tested and treated for HIV/AIDS the government and NGOs have joined together to form the Multi-sector Committee for the Fight against HIV/AIDS (CMLS). UNAIDS estimates that HIV prevalence in the DRC at about 3.2 per cent, but says that it may be as high as 20 per cent among women who have suffered sexual violence in areas of conflict. Although surveillance remained poor, the National Multi-sector Programme to Fight HIV/AIDS reported that the HIV prevalence in voluntary testing centres in Bunia, Ituri's main town, was 21 per cent. **[18fe]**

28.52 MONUC reported on 3 December 2007 that following the example of other DRC provinces Maniema had celebrated World Aids Day on 1 December. In Kindu, the day was organised by MONUC and international and national organisations working in the fight against HIV/Aids. A march was held to remind local authorities of their promise of helping the People Living with Aids (PLA) to find them Anti Retroviral drugs (ARVs). The provincial governor announced that the province would distribute ARVs and promised material assistance to the PLA. **[56cw]**

See also; Section 8.15 on Security situation – Eastern DRC; Section 25.01 on Women

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CANCER TREATMENT

28.53 According to an e-mail dated 7 August 2006 from the British Embassy in Kinshasa cancer treatment is not widely available in the DRC. Embassy staff state that according to their latest research "chemotherapy and other related treatments are available (at a cost to the patient and not all of the time) in 5 medical centres, all of which are in Kinshasa. These are: the University Clinics (Cliniques Universitaires), Centre Hospitalier Monkole, Clinique Nganda, Clinic Ngaliema and at the referral hospital, Hôpital Général." **[22p]**

KIDNEY DIALYSIS

28.54 According to the e-mail dated 7 August 2006 from the British Embassy in Kinshasa: "kidney dialysis is not available in the DRC. Most patients who need this treatment (if they can afford it) go to South Africa." **[22p]**

MENTAL HEALTH

28.55 The World Health Organisation (WHO) Mental Health Atlas 2005 stated that mental health policies, programme and legislation were present. Also, treatment was present in the primary health care system for severe mental disorders. The report also stated that there were no community care facilities in mental health, and that there was one care centre in the country, also regular training of primary care professionals in the field of mental health. The report added "Government also partially supports some charitable organizations like the Soins de Santé Mentale (SOSAME) that provide mental health services." The WHO survey referred to a 2001 report that mental disorders were common, especially in the urban population and during the active decades of life. **[16d]**

28.56 The WHO report added that no specific budget had been allocated for mental health and also stated "The cost of psychiatric treatment is considered to be high by the average earning capacity. The country does not have disability benefits for persons with mental disorders." The following therapeutic drugs were generally available at the primary health care level: Carbamazepine, Phenobarbital, Phenytoinsodium, Amitriptyline, Chlorpromazine, Diazepam, Haloperidol, Levodopa. **[16d]**

28.57 The FCO letter of 3 April 2006 confirmed that treatment was available for manic-depressive psychosis and bipolar affective disorder in Kinshasa for those who have the funds to pay for it. It also said the drugs Risperdal, Clopixol and Tegrettol were available. **[22s]**

28.58 The FCO letter of 19 August 2005 regarding the availability of drugs and treatment in Kinshasa for specific conditions stated "CNPP [Centre Neuro-Psycho-Pathologique] at the university of Kinshasa and centre TELEMA run by Catholic nuns are two well-known centres providing psychiatric care but they lack the specialists to treat schizophrenia and stress related depression." **[22j]**

28.59 A Swiss Federal Office for Refugees report dated September 2001 stated that:

"The most widespread mental illnesses in the Democratic Republic of Congo are states of agitation of infectious origin (especially the neuropsychiatric consequences of these diseases), schizophrenia and illnesses connected with drug addiction. Mental diseases can generally be taken care of in Kinshasa. This is particularly the case with depression, war traumas, post-traumatic stress syndrome (PTSD) and schizophrenia. Competent doctors practice on the spot and medicines are normally available. In the capital, there are about 22 psychiatrists. According to the Director of the CNPP, all the medicines figuring on the list of the World Health Organisation are available in Kinshasa except preparations with a heroine [sic] base." **[10] (p10)**

28.60 The same Swiss report stated:

"For essentially cultural reasons, the Congolese do not as a rule consult specialists in the field of psychiatry. If a person shows mood or personality disorder problems, his relations will firstly believe that he is the victim of a spell and that someone is trying to harm the family. The first reaction is to practice sorcery or prayer to 'overcome the spell'. It is only as a last recourse that the Congolese will consult a psychiatrist." **[10] (p10)**

28.61 The same report continued:

"In this field, public facilities are rare and those that exist are dilapidated. This is especially the case with the principal psychiatric unit in Kinshasa, the Neuro-Psycho-Pathological Centre (CNPP) of Mount Amba.… At the present time, the hospital provides the initial consultation, diagnosis and therapy free of charge. The rest is chargeable to the patients and their families (specific treatments, medicines, food, bed linen, etc). Hospitalisation tax varies from 1,000 FC (US$3.50) to 6,000 FC (US$20), according to the patient's financial means. Besides the CNPP, Professor Kinsala directs his own private psychiatric clinic – the House of Rest and Post-Treatment in Lemba-Righini." **[10] (p10)**

28.62 The Swiss report also noted:

"In Kinshasa, there is also a small centre specialising in neuropsychiatry, the Kakuambi Centre. Some other hospitals, clinics and medical centres (such as the Dr. Lelo Medical Centre) offer, along with general medicine, some beds for psychiatric and psychological treatment. The CNPP in Kinkole (Bas-Congo), for its part, has been transformed into a general hospital." **[10] (p10)**

28.63 The Amnesty International report 'Mass rape: time for remedies' of October 2004 commented on the lack of treatment available for women who suffered from psychological trauma as a result of sexual violence by armed groups in the east, and stated "Therapeutic support and treatment is virtually non-existent in the DRC, exept [sic] for the informal counselling provided by local Congolese women's associations dealing with the rape crisis and a very small number of international NGO psychologists." **[11c] (p26)**

TUBERCULOSIS

28.64 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 stated that "Dr. Eric Verschuren, Conseiller Technique Principal Programme Santè, Cooperation Technique Allemande (GTZ) had stated that tuberculosis treatment in the DRC is free for patients, but explained treatment options can vary depending on where one lives in the country. Dr. Verschuren further pointed out that it is not impossible that health work at the local hospital and health centre requires payment from patients for treatment, even though this treatment should be free. This is due to the difficult economic situation and low salaries and monthly wages for the health workers employed; according to Dr. Verschuren they get approximately 80 USD". **[20]**

28.65 "Dr. Verschuren said that there are still many who contract tuberculosis, due to the AIDS epidemic and these illnesses infect everybody else, but organising of the treatment processes including advice for these two treatment sectors are not co-ordinated. Patients who have HIV/AIDS and have tuberculosis have to go through many treatments and different treatment places because ARV-treatment is only available at the hospital and tuberculosis treatment is given at a health centre. The challenge for the Congolese health ministry is organising tuberculosis and HIV treatment to be given under one roof so the patients can avoid both extra economic and physical pressures". **[20]**

DIABETES

28.66 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 stated "Dr. Mpoy Muteba, Medecin Chef de Staff, of CMK, Centre Medical de Kinshasa, explained that both general treatments and special health programs for diabetes in the DRC have to be seen in the light of country's difficult economic situation, size of the country, main communications problems, and lack of the required infrastructure; along with the demographics as to how different groups of people live together".

28.67 "Dr. Muteba explained that diabetes in the DRC is largely a city phenomenon and that it is a lifestyle illness. Whereby diabetes had affected 7% of the population in Kinshasa, but affected only 2% of the population in provincial areas. Dr. Muteba explained the background of diabetes and how it was spread throughout the country with a total of approx. 300,000 diabetics with around 70,000 in Kinshasa".

"Dr. Muteba pointed out of all people diagnosed; one in every two people were unaware that they were ill with diabetes".

28.68 "Dr. Muteba further explained that the primary health offer which is open to diabetes patients in Kinshasa is organised through a network of 50 health centres. These are run by many different voluntary organisations and individuals. There are two other medical centres that can give specialised care to diabetes patients who have damaged eyes and a centre which has competence for treating internal complications of this illness. However the special healthcare is limited and Dr Muteba stated that even though the primary treatment offer exists in Kinshasa people do not have the resources to take advantage of these services. Dr. Muteba also knows that diagnosis of diabetes in pregnant women is difficult and it could have consequences for the child". **[20]**

TYPE 1 DIABETES

28.69 "Dr. Muteba stated that a third of all diabetes patients in the DRC get insulin treatment. Half of these patients are insulin dependant for their survival but the rest have a need for it in order to avoid complications of the illness. It is however a big problem for the diabetic patients to get their daily insulin doses at the local health centre and at these centres around 6,000 patients receive regular treatment".

28.70 "Diabetes patients treated in one fifth of the health centres in Kinshasa are divided into three categories according to payment abilities. The poor adults, orphaned children, seniors (people over 60 years of age) and the young get free insulin. Those who have the ability to pay something towards the cost of insulin pay a reduced price, and those who have average earnings pay normal prices. The price for 10ml of insulin which is 400 units costs 5 USD. Dr. Muteba added that the average earnings for a civil servant are $40 US per month. The daily insulin dose is decided by the patient's blood sugar level and 10ml/400 units can be enough for about three weeks use".

28.71 "Dr, Muteba went on to say that a similar treatment facility exists in Bas-Congo-province and that this facility is supported in the same way as that in Kinshasa, by World Diabetes Association. The National Health program for diabetes, Programme Nationale de Lutte contre le Diabete (PNLD) is planning a similar setup in Katanga and Bandunda, but this is all depends on economic help from foreign players". **[20]**

TYPE 2 DIABETES

28.72 "Type 2 diabetes can be treated with pills. This means that compared to insulin this medicine can be kept without cooling".

28.73 "Dr. Muteba informed that medicine for diabetes 2 is available in the whole country and 30 tablets, which is a months supply costs around $40 US available from the health centre in Kinshasa. Sales prices from pharmacies can be higher and they can vary from pharmacy to pharmacy". **[20]**

LEPROSY

28.74 On 16 July 2007 Afriquenligne reported that 400 new leprosy cases had been recorded in Moba, northern Katanga, during a screening campaign begun in May 2007. According to health district supervisors, and other community-based agents, leprosy had been spreading in the area located near Lake Tanganyika, south of Kalemie. **[127b]**

See also; Section 8.15 on Security situation – Eastern DRC Section 25.01 on Women

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HUMANITARIAN AID/INTERNATIONAL ASSISTANCE

29.01 Many international aid organisations and Christian missionary groups operate in the country to provide medical and other relief services. **[57b] [57c]** These include United Nations (UN) and other international agencies, including the International Committee of the Red Cross (ICRC), World Health Organisation and Médecins sans Frontières (MSF). **[16a] [29c] [57a] [57b] [57c]** Also, international donors, including the World Bank, the International Monetary Fund, the European Union and the UN Development Fund have provided funds for improvements to the economy and social and health services. **[1j] [3g] (Economy) [60a] (p87)**

29.02 According to the Global IDMC report of March 2006 "UN agencies, national and international NGOs and the ICRC are providing emergency assistance to IDPs as well as transport assistance and return packages to returning IDPs. However, according to the Internal Displacement Division [of the UN Office for the Coordination of Humanitarian Affairs-(OCHA), while a number of agencies are involved in activities related to return and reintegration, there is as yet no overall strategic framework. As a result, in most cases humanitarian and development actors operate in separate worlds (OCHA, 8 June 2005)." **[49b] (p7)**

29.03 The Global IDP report of 29 July 2005 stated "Funding has also been inadequate. In order to address this question, DRC has been chosen as a pilot country for the Good Humanitarian Donorship initiative. Under this initiative, 18 donors have pledged to improve the flexibility of their financing, provide funds based on need, reinforce local capacities to prevent crises, respond rapidly and support the transition from emergency to development through appropriate funding (OCHA, 31 July 2004). Still, the level of funds committed to respond to the humanitarian needs of IDPs has remained disappointing." **[49a] (p8)**

29.04 The IDMC report states: "In order to further strengthen the response to the crises in the DRC, the humanitarian community is requesting some $680 million to finance projects by UN agencies, as well as by national and international NGOs in 2006. This is more than three times what the UN Consolidated Appeal had called for in 2005, which received only a meagre response." **[49b] (p8)**

29.05 In August 2006 IRIN reported that financial resources to fight HIV/AIDS were slowly trickling into the country. In 2004, the DRC had received US$113 million from the Global Fund to fight AIDS, tuberculosis and malaria, spread over five years. It will also benefit from US$102 million in World Bank financing between 2005 and 2009. **[18dx]**

29.06 In October 2006 the United Nations World Food Programme in conjunction with the Congolese National Railways company, and assisted by the creation of 'logistics clusters' grouping several UN agencies and NGOs, launched a humanitarian aid train carrying 587 metric tons of food from Lubumbashi Katanga to the river port of Bukama, for onward distribution to isolated parts of Katanga province to feed those displaced persons and returnees. The same train repeated the journey several times, and brought another 1,663 tons of food (one month of rations for the people of central Katanga province). Other aid trains used the same route in November and will also do the same in December. The agency aims to feed more than 875,000 people in DRC each month with 7,800 tons of food, but to date only 500,000 people are currently provided with rations – and these are less than full rations. **[74z]**

29.07 On November 7 UNHCR announced that it had launched a widespread clothing distribution operation to help over 50,000 camp dwellers in Ituri. The distribution, aided by NGOs began in Gety camp home to 46,000 IDPs, and then moved on to Kagaba camp which houses almost 13,000 people. The majority of the IDPs arrived in both camps between June and July 2006, fleeing from violent clashes between the army and rebel forces. **[93e]**

29.08 On 5 December 2006 the United Nations announced that the DRC will need 686.5 million dollars in international aid in 2007 to fund a humanitarian action plan. Almost 70 per cent of the required funding will be for emergency projects in the east of the country. **[95ai]**

29.09 On 13 February 2007 Reuters reported that UNHCR had announced that it was seeking a total of $62 million for programmes aimed at helping hundreds of thousands of people displaced within the DRC as well as Congolese in neighbouring countries. It was seeking $47 million to support the return and reintegration in 2007 of some 98,500 Congolese refugees. It was also asking for another $15 million to provide protection and assistance during the same period for an estimated 1.1 million internally displaced people. **[21an]**

29.10 IRIN reported on 28 June 2007 that violence in eastern DRC had forced NGOs to limit operations in some areas in North and South Kivu. On 25 June, armed men wearing military uniforms attacked two vehicles belonging to Solidarité Internationale in North Kivu. A vehicle was looted. The incident followed a similar one several days earlier in the same area, and the plundering of an NGO storehouse in South Kivu. A spokesman for Solidarité said that they had suspended operations in Rutshuru territory after the attack. **[18fl]**

29.11 In the same report IRIN stated that MONUC was concerned about the political manoeuvres of Laurent Nkunda's Congrès National pour la Défense du Peuple (CNDP) because it was pushing civilian authorities to close IDP camps in Kichanga, Mweso in Masisi territory and Nyanzale, Rutshuru territory. The CNDP was also imposing taxes on the populations and putting in place its own administration. As a result about 5,000 families displaced from Kisharu,

representing an estimated 25,000 people, remained without assistance because of the high risk to aid workers of attacks by armed groups in the area. **[18fl**

29.12 On 17 September 2007 the International Committee of the Red Cross reported that the resumption of fighting in North Kivu between Nkunda and FARDC had led to mass displacements, and the fighting was making it difficult for aid workers to move a round the province, restricting their ability to carry out assessments and take action. **[136a]**

29.13 On 22 September 2007 Voice of America reported that access to IDPs had improved and that UNHCR was taking advantage of a lull in the fighting to distribute aid in North Kivu. **[89f]** A similar report from the World Food Programme on 28 September said that they had that day started distribution to nearly 65,000 IDPs in Masisi, Kalehe, and Rutshuru: and that after being inaccessible for two weeks food deliveries had reached Nyamilima. They had also started delivery centres treating malnourished children in Mugunga, Buhimba and Bujovu camps as well as Virunga hospital in Goma. **[137a]**

See also Section 2 on Economy

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FREEDOM OF MOVEMENT

30.01 The Foreign and Commonwealth Office Travel Advice for British Citizens (last updated 6 October 2006) stated "There is no reliable public transport system in the DRC." **[22h]**

30.02 The same source advised that there is a lack of air transport to the east, and that "following a number of crashes involving Congolese-registered aircraft in 2005 prospective travellers should be aware of doubts about the airworthiness of some Congolese and other regionally registered aircraft. British government employees have been advised that there are safety concerns about all DRC domestic airlines and that Hewa Bora may carry fewer risks than other local DRC airlines. But this airline – like all Congolese airlines – does not fully meet ICAO and other international safety standards." **[22h]**

30.03 The 2007 Country Profile by the Economic Intelligence Unit (EIU) stated that "The Congo River and its tributaries are open to navigation over long distances, although the stretch between Kinshasa and the Atlantic Ocean is blocked by a series of rapids. There are passenger and freight services between Kinshasa and Kisangani." **[30f] (p20)** The FCO advised in its Travel Advice that: "You should be aware that the boats and ferries, which serve the rivers and lakes, are poorly maintained. Strong currents, shifting sandbanks and poor maintenance contribute to low safety standards." The EIU added "The once extensive railway system has now been reduced to a rump service." **[30b] (p20)**

30.04 The EIU 2007 Country Profile also stated:

"Because of the poor state of ground transport, the long distances involved and the insecurity in much of the country, air transport is much used for both freight and passengers. It is also dangerous because of the collapse of government regulation. In May 2003 over 100 people died when the cargo door of a Russian-operated aeroplane opened in mid-flight, and in August 2007, 13 people died when an aircraft operated by the Great Lakes Business Company crashed in Katanga. There are around 50 private air transport companies, most with aircraft and air crews from the former Eastern bloc. There is a national airline, Hewa Bora, which was established through the merger of two other state companies and is now a joint venture with the

privately owned Congo Air Lines (CAL). Hewa Bora operates domestic flights as well as flights to Johannesburg, South Africa and Brussels, Belgium and is the only company that is not banned from EU airspace. Air France resumed twice-weekly flights to Kinshasa from Paris in 2002, as did SN Air Brussels from Belgium. There are flights to a number of regional destinations throughout Africa, including Nairobi (Kenya Airways); Addis Ababa (Ethiopian Airways); Douala (Air Cameroon); and Luanda (Transportadora Aérea Angolana). Flights to Johannesburg, operated by South African Airways, are the most important of these regional links, and there is a growing volume of trade and air travel between the two countries."

"Privately owned airlines that provide domestic and regional services include Katangair, WaltAir, Business Aviation, Wimbi Dira and Blue Air Lines. A number of air freight companies, including TMK and Simbaair, operate in the eastern part of the country. The UN peacekeeping operation, Mission de l´organisation des nations unies en République démocratique du Congo (MONUC), operates regular scheduled services to the major cities in the country." **[30f] (p21)**

30.05 Europa World online (accessed 21 February 2008) also listed a number of local airlines and reported that "International airports are located at Ndjili (for Kinshasa), Luano (for Lubumbashi), Bukavu, Goma and Kisangani. There are smaller airports and airstrips dispersed throughout the country." **[1i] (Civil Aviation)**

30.06 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2008 (USSD 2007) stated: "The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes restricted these rights." **[3k] (Section 2d)**

30.07 An Amnesty International report from 2003 'Our brothers who help kill us" gives details of the different ways in which foreign armed forces and armed political groups collected substantial sums in customs duties and other taxes to sustain their rule, which seriously hampered freedom of movement. **[11l]**

30.08 The USSD 2006 report also reported that:

"Security forces established barriers and checkpoints on roads, at ports, airports, and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until a relative paid. The transitional government forced travellers to pass through immigration procedures during domestic travel at airports, lake ports, and when entering and leaving towns. Local authorities in North and South Kivu Provinces routinely required travellers to present official travel orders from an employer or transitional government official." **[36] (Section 2d)**

30.09 As reported by USSD 2007, large numbers of people were displaced due to the violence and fighting, especially in the east of the country. **[3k] (Sections 1a, 1g, 2d)**

30.10 On the credit side a newly paved road was being constructed between Goma and Kisangani provided by the German Agro Aid group; as at May 2006 only

30 miles remained to be built. This means that the east of the country will be linked to the capital via the road and the river Congo for the first time since Congo's 1998-2002 war. **[83c]**

30.11 Tanzania, Burundi, and the DRC have signed an agreement on jointly improving the transportation infrastructure surrounding Lake Tanganyika. Joint efforts will focus on improving the ports on the lake, the roads surrounding it, and the airports near the lake. **[62j]**

30.12 On 6 February 2007, radio Bukavu announced that Bravo Air Congo had launched its inaugural flight from Kinshasa to Bukavu. Bravo Air Congo will fly between the two cities twice a week, on Tuesday and Thursday, and will be carrying some 100 people. **[95bb]**

30.13 On 25 February 2007 The New Vision reported that the Construction of a road to connect Uganda to Rwanda and the DRC will begin in April 2007. The 98.7km road will run from Kabale in Uganda to Cyanika in Rwanda and to Bunagana in DRC. The two lane asphalt concrete road will be six metres wide with a 1.5m shoulder, and will take about three years to build. Finance is being provided b y the African Development Bank. **[114a]**

30.14 SomaliNet News reported on 25 February 2007 that Belgium had agreed to contribute to the construction of a railway line in Tanzania, Burundi, Rwanda, and the DRC. According to reports, the Tanzanian President stated that the African Development Bank had agreed to do a feasibility study on the project. **[115]**

30.15 On 1 May 2007 BBC Monitoring reported that China is committed to building a highway linking the centre of Kinshasa and Ndjili Airport. This was part of a cooperation agreement signed on 30 April between the Ministry of Public Works and the Chinese national company of civil engineering (CNCTPC). According to the terms of the contract, Chinese experts will also lead technical studies for the rehabilitation of roads in Bukavu and the Kasongo-Kindu road. The director-general of CNCTPC said that Chinese experts would arrive in the DRC in about 45 days to begin the works. **[95bu]**

30.16 allAfrica.com reported on 15 May 2007 that Angola and the DRC would soon be connected when repair works were completed on 66 kilometres of the Cabassango/Zenze do Lucala road in Cabinda Province in Angola. **[74ba]**

30.17 allAfrica.com reported on 6 July 2007 that a bridge was being constructed on the Pedicle road from Chembe in Zambia across the Luapula River to the DRC which the Pedicle road passes through. The report went on to say that the route was an important link between Luapula province in Zambia and the copper belt, and that the construction of the bridge would provide the shortest route from the copper belt to Luapula province, through to DRC and vice versa. The traffic flow between the two countries had continued to increase because of increased economic activities between the two countries. The construction of the bridge is expected to ease congestion as drivers will no longer need to use the pontoon which is restricted to carrying a specific tonnage. **[74bt]**

30.18 A report from Reuters on 7 August 2007 stated that the Transport Minister in the new government, Mr. Remy Henri Kuseyo, stated that there were plans to

privatise several of the country's poorly managed and cumbersome state enterprises, and that he expected bidding to open soon for a public-private partnership that would take over the running of the national rail company SNCC. "The rail lines will remain the property of the state, but there will be a sort of co-management with private investors", he told Reuters. A study carried out by the Transport Ministry earlier this year put the cost of bringing the DRC's railways up to a normal functioning level at over $600 million. **[21ca]**

30.19 A report from Xinhua on 3 October 2007 stated that a vast network of additional railway lines within East Africa and others linking the region to neighbouring Ethiopia, southern Sudan and the DRC were in the offing. The additional railway sections had been approved by a recent East African Community Council of Ministers meeting for consideration by consultants. Under the plans one of the lines would run from Kisangani to Kasese in Uganda. **[62ae]**

30.20 On 17 September 2007 AFP reported that China had signed a deal to loan the DRC five billion dollars (3.6 billion euros) to build up infrastructure and to develop its mining industry. The report went on to say that three billion dollars would be spent to build 2,000 miles of railway between Sakania in the south and Matadi in the west, as well as 2,000 miles of road linking Kisangani in the northeast and Kasumbalesa in the south. A motorway will also be built between Lubumbahsi, capital of southern Katanga province, and Kasumbalesa a major customs point on the border with Zambia, within 36 months, the Congolese Infrastructure Minister said. **[65ct]**

See also Section 33.06 on Official documents; Section 31.01 on Internally displaced persons

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INTERNALLY DISPLACED PERSONS (IDPS)

31.01 The Global IDMC report of 1 March 2006 reported that in the DRC "Displacement peaked in 2003, with an estimated 3.4 million people forced from their homes, most of them in eastern DRC. The UN estimated that over 1.6 million people remained displaced as of October 2005. Since then, however, every month an estimated 40,000 people have fled their homes in the DRC." **[49b] (p1]** The report cited several areas in the east of the country where fighting and consequent displacement had taken place in 2005 and 2006, and stated: "The main areas were Ituri, North Kivu, South Kivu, and Katanga." **[49b] (p4)** The report also stated that between October 2004 and October 2005 1.6 million people had returned to their homes. **[49b] (p4)**

31.02 The Global IDMC report detailed the major incidents that led to displacement after October 2005. These included attacks by militias and operations by the Congolese army in Ituri; attacks by Mai Mai militias and operations by Congolese troops in Katanga; attacks by the FDLR and fighting between the FDLR and the national army and actions such as looting by Congolese troops and dissident troops in North and South Kivu. **[49b] (p4)** Although IDP camps had been set up "Most IDPs live with host communities or hide in forests." **[49b] (p4)**

31.03 An IDMC update reported that the level of IDPs as of August 2006 was 1.48 million as against the 1.6 million in April 2006, mainly due to the reduction in military activity against armed groups in the east during August. Returnees to Katanga and in the territory of Djugu, in Ituri, made up the bulk of this decrease. The update also stated that the main IDP caseload remains concentrated in Ituri and the Kivus, with 35 per cent of the total IDPs located in the territories of Lubero and Beni in central and northern North Kivu. **[49c]**

31.04 The US Committee for Refugees and Immigrants (USCRI) World Refugee Survey 2005, commenting on events in 2004, noted that "The Government allowed assistance but continued insecurity hindered relief agencies." **[53]**

31.05 The Global IDMC report of March 2006 and USCRI also referred to reports setting out abuses against the displaced and other civilians, especially women and children. Global IDP stated "The protection of the displaced and other

civilians remains a serious concern in eastern DRC". In June 2005, the UN Inter-Agency Internal Displacement Division reported continuing widespread human rights violations by armed groups, including killings, rape, sexual exploitation, abductions, forcible conscription of children, looting, plundering of crops, illegal taxation and general harassment of civilians." **[49 b] (p5) [53]**

31.06 The Global IDMC report of March 2006 also stated "Civilians continue to live in crisis conditions in many parts of the DRC. Millions lack access to basic infrastructure (health centres, schools and roads), potable water, food, seeds, tools, clothes and straw to build houses.… With DRC's collapsed healthcare structures, displaced people are particularly vulnerable to infectious diseases." **[49b] (p6)**

31.07 The twenty-second report of the UNSG in September 2006 stated that the number of newly displaced persons increased dramatically in the first eight months of 2006. The majority of 45,000 IDPs at the Geti camp in Ituri have refused to return home because of insecurity, although the demobilisation of 500 Mayi-Mayi and the deployment of the FARDC 63rd brigade in Mitwaba, had allowed 160,000 IDPs to return. **[54j]**

31.08 In August it was reported that some 2,200 families had returned to the Sampwe area, and that others were returning in other areas of Katanga. **[60k]**

31.09 During October and November 2006, UNHCR News reported that UNHCR handed out aid packages to more than 6,300 people who had returned to their homes in Katanga province, and distributed clothes to some 50,000 displaced people and returnees in the Ituri region. **[60l] [60m]**

31.10 According to a map published by the Internal Displacement Monitoring Centre on Reliefweb on 31 October 2006 the numbers of IDPs were given as:

Equateur Province – 100,000 IDPs
Orientale Province – 85,330 IDPs
Ituri District – 185,500 IDPs
North Kivu Province – 686,097 IDPs
South Kivu Province – 197,135 IDPs
Maniema Province – 5,650 IDPs
Kasai Oriental and Occidental Provinces – 40,000 IDPs
Kinshasa – 1,800 IDPs
Katanga – 175,815 IDPs **[92m]**

31.11 On 4 January 2007 allAfrica.com reported that fighting between Congolese rebels and government forces had displaced nearly 4,000 people in Fataki village in Rusizi District. **[74ac]**

31.12 On 11 January 2007 Agence France Presse reported that the UNHCR had announced that almost one and a half million people remained displaced in the DRC. A million people were internally displaced, while 410,000 were refugees in other countries, of these there are 130,000 in Tanzania, 73,000 in Uganda and 59,700 in Zambia. **[65w]**

31.13 On 20 April 2007 Relief Web reported that following the disbanding of the last active militia in northern Ituri IDPs were beginning to return home. A MONUC spokesman said that "the commission of population movements for Ituri has recorded 113,654 'returnees' in this area in March, compared to 52,470 in

January". However, MONUC warned that 12,000 displaced people in Djugu, north of Bunia, "are outside the reach of help because of security reasons". **[92t]**

31.14 On 24 April 2007 allAfrica.com announced that the UN World Food Programme (WFP) and the UN High Commissioner for refugees (UNHCR) were rushing aid to mitigate the suffering of the tens of thousands of people forced to flee their homes after the outbreak of fighting in the north-east of the DRC. The report went on to say that close to 65,000 people had been displaced in recent weeks in North Kivu. **[74aw]**

31.15 On 3 May 2007 BBC Monitoring reported that the District authorities in Ituri had decided to expel some 200 families from a camp for IDPs, seven kilometres west of Bunia. The Ituri District Administrator, Mrs. Petronille Vaweka, accused the IDPs of harbouring thieves. She claimed that robbers were guilty of many cases of robbery in various residential areas of Bunia as well as the premises of MONUC. Speaking at the ceremonies marking Labour Day she said, "I wish to point out that the recent robbery cases were perpetrated by robbers from the former camp for war-displaced people between MONUC barracks and MSF (Medicins Sans Frontieres) near the airport. They have been stealing fuel from MONUC helicopters. We will not accept that thieves have a camp amongst us. That is why we have decided to destroy the camp, because it creates a lot of difficulties, instead of peace for us". Some of the families claimed that they were in the camp following a disorderly occupation of their houses by other unidentified peoples, while others claimed that they were fleeing insecurity still prevailing in their home villages. All of them dismissed the allegations levelled against them by the district leader, and vowed to resist the decision to throw them out of the camp. MONUC have acknowledged that there have been repeated cases of robbery in their premises but did not indicate where the thieves had come from. **[95bt]**

31.16 On 22 May 2007, IRIN reported that the administrator of Dungu territory in north-eastern DRC had called for the resettlement of thousands of civilians who were forced to flee their homes several years ago after incursions into the DRC by armed groups from southern Sudan. "These people have not been able to return to their villages since 1999" he said. "The worst is that a whole ethnic group among the Baka, whose villages were located in the region, are disappearing since the whole population has been roaming for years". According to Leandres Bwlulu the administrator, about 5,800 families were displaced by the incursions, initially by the Sudan People's Liberation Army, and later by the Ugandan Lord's Resistance Army (LRA). The Baka ethnic community he added, constituted 11 per cent of the 252,000 people who live in the territory. Humanitarian workers in Orientale province said the displaced people suffer because of insecurity in the area. "These displaced people have been forced to roam for years. The DRC armed forces, the United Nations Mission in DRC (MONUC) and even the guards of the park (Garamba), are not in the area. It is now under the control of many groups such as the LRA and the Mbororo (an armed nomadic group) who poach in this area" said the head of the UN Office for the Coordination of Humanitarian Affairs in Kisangani, the administrative centre of Orientale province. **[18fi]**

31.17 On 28 June 2007 IRIN reported that MONUC was concerned about the political manoeuvres of Laurent Nkunda's Congrès National pour la Défense du Peuple (CNDP) because it was pushing civilian authorities to close IDP

camps in Kichanga, Mweso in Masisi territory and Nyanzale, Rutshuru territory. The CNDP was also imposing taxes on the populations and putting in place its own administration. As a result about 5,000 families displaced from Kisharu, representing an estimated 25,000 people, remained without assistance because of the high risk to aid workers of attacks by armed groups in the area. **[18fl**

31.18 IRIN reported on 17 July 2007 that insecurity in North Kivu province had led to the displacement of an estimated 650,000 civilians, the largest number of people to have fled their homes because of the conflict in the past three years, with 163,000 more IDPs having been displaced since January 2007. **[18fn]**

31.19 On 31 July 2007 allAfrica.com reported that the DRC's Humanitarian Affairs Minister had said that there were 75,000 homeless people in the two biggest cities in the DRC, adding to a growing number of internally displaced people country wide. His ministry had released a documentary film showing that armed conflicts, natural catastrophes and the destruction by government officials of informal settlements had displaced 10,000 families (50,000 people) in Kinshasa and another 5,000 families (25,000 people) in Lubumbashi. The film showed that most of these urban IDPs lived outside, or in small slum dwellings made of cardboard, just 2m by 2m in size. They often had no toilets of any kind or hygiene facilities, and most were unemployed. The minister acknowledged the efforts of humanitarian agencies but said more needed to be done. His office had launched a project to help the homeless in the two cities, however, at the same time the government had been destroying informal settlements built on 'inappropriate' sites, creating thousands of new homeless people. **[74cf]**

31.20 It was reported by allAfrica.com on the 15 August 2007 that according to the UNHCR there were a total of 1.2 million displaced people in the DRC. The same report also said that the Minister for humanitarian associations had mentioned a figure of 10 million Congolese who may be displaced. In June and July 2007 alone, 640,000 people were displaced as a result of conflict in the Kivu provinces. **[74cl]**

31.21 On 24 August 2007 the UN warned that increasing violence in North Kivu could lead to a huge increase in IDPs. They said that 160,000 people had already been displaced this year in North Kivu, and that aid agencies believe a further 280,000 people may flee in the following six months. **[15df]**

31.22 On 4 September 2007 the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that more than one million people were displaced in the DRC. The majority of the displaced were in the provinces of North Kivu (640,000), South Kivu (266,000) and the district of Ituri (152,000) in Orientale Province. The report went on to say that since the beginning of the year as many as 224,000 people had been displaced in North Kivu alone. **[57g]**

31.23 BBC Monitoring reported on 9 November 2007 that according to the UN the threat of violence from rebel remnants in Ituri was preventing thousands of IDPs from returning home, while harassment from regular troops was adding to their woes. "With dissident groups hiding in the forest, displaced people dare not return to their villages. At the same time they are being mistreated by the army in the very areas where they are seeking refuge", a UN spokesman

said. He was referring to 2.890 displaced households; some 14,450 people from Lalo, Dhera, Doi and Du villages in the Djugu district. UN investigators found that the army was forcing civilians to work as porters over long distances, and was exacting "taxes" at roadblocks on market day. **[95dr]**

31.24 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported on 15 January 2008 that more than half a million people had been displaced in the previous twelve months in the DRC, in what was the largest wave of displacement in the country since the end of the civil war in 2003. During 2007 1.5 million displaced people had been successfully assisted to return to their areas of origin, but in some areas such as North and South Kivu new displacements were greater than returns. **[57h]**

North Kivu

The worst affected area was North Kivu; where since August 2007 232,000 people had been forced to flee their homes, bringing the cumulative total of IDPs in the province to over 800,000. Meanwhile, unconfirmed reports suggest that there may be an additional 150,000 displaced in the province. In some areas the IDPs constitute 30 per cent of the population. Whilst assistance was provided to 97,000 persons to return home in 2007, another 435,000 became displaced in the province during the same period. **[57h]**

South Kivu

In South Kivu over 100,000 people were displaced during 2007, while at the same time the province became a "safe haven" for some 60,000 people fleeing North Kivu. Even though the UNHCR assisted some 230,000 people to return to their homes throughout 2007, South Kivu continued to host over 357,000 IDPs. **[57h]**

Katanga and Orientale Province

The displaced population have been more fortunate during 2007 with the return process being finalised in all districts bar Ituri. While the total number of IDPs in Ituri decreased in 2007 to 140,000; even here up to 30,000 of these IDPs fled their homes in 2007. **[57h]**

31.25 The UN News Service announced on 23 November 2007 that the UNHCR had opened a new field office to help IDPs in North Kivu. The report said that the office would help the estimated 45,000 IDPs in the Rutshuru area. **[93l]**

31.26 On 31 January Radio Okapi reported that according to some sources around 2,000 families had been displaced by clashes between FDLR factions, in Kiseguro and Katwiguru in North Kivu **[64cb]**

IDENTITY PAPERS FOR INTERNALLY DISPLACED PERSONS IN THE DRC

31.27 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 reported that "Ralf H.W. Gruenert, Représentant Adjoint (Protection), United Nations High Commissioner for Refugees (UNHCR), Kinshasa, informed them regarding Internally Displaced People, that in Kinshasa these people are staying at localities within Kinshasa:

Sicotra (in Masina) and in Nganda Masolo (in commune de Nsele). The internally displaced receive assistance respectively from Diocese de Mbandaka and Hotel de Ville, which according to UNHCR have informed them that they can issue ID-cards".

"Gruenert emphasized that UNCHR has not itself issued ID-cards for IDPs in the DRC". **[20]**

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REFUGEE MOVEMENT WITH NEIGHBOURING COUNTRIES

32.01 The US State Department 2006 Human Rights Report (USSD 2007) stated that:

"The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government had established a rudimentary system for providing protection to refugees. In practice it granted refugee and asylum status to individuals as necessary and provided protection against 'refoulement', the return to a country where there is reason to believe individuals feared persecution.

"The government provided temporary protection to an undetermined number of individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

"The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs." **[3k] (Section 2d)**

32.02 By the end of June 2006, UNHCR reported that the reintegration of refugees around Dongo in Equateur province was surpassing all expectation, although the launch of organised returns only started in November 2005. The report went on to say that to date 7,000 have returned to Dongo. **[60j]**

32.03 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR gave the following figures for returns to the DRC through voluntary repatriation operations by UNHCR during 2005:

Number of Returnees for 2005:

To Fizi and Uvira and South Kivu: 21,000
To Equateur: 6,659
To North and South Kivus: 95
Other urban cases (Kinshasa and elsewhere): 140

32.04 In a report from IRIN on 30 August 2006 it was stated that, as at that date, 21,787 refugees had returned to the DRC in 2006, of whom 7,312 had returned to Equateur province. **[18ea]**

32.05 As part of its comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR gave the following figures for the location of the refugee population in the DRC:

Number of refugees hosted in DRC:

Angolans : 90,000
Rwandans : 50,000
Burundians : 19,000
Ugandans : 19,000
Sudanese : 13,000
Others: 20,000 **[60d]**

32.06 On 14 September 2006, IRIN reported that the United Nations had repatriated 400 Sudanese from the Aba area of Orientale province. Of the 5,000 Sudanese in Aba, 3,200 have registered with the UNHCR for voluntary repatriation. Earlier in the year the UNHCR organised the repatriation of at least 1,600 Sudanese from the Aru area in north-eastern DRC. The same report stated that a UNHCR spokesman said that "the DRC still hosts 13,000 Sudanese refugees." **[18eb]**

32.07 During May and June 2006 a total of 648 long time refugees, mainly elderly, were repatriated by the UN refugee agency from Sudan despite the fact that UNHCR did not consider the conditions in the specific areas of return to be favourable. **[60i] [86h]**

32.08 On 2 May 2007 BBC Monitoring reported that a third convoy of 160 Sudanese refugees had left Ruhuma, Haut Uwele in Orientale Province for Ezo, in South Sudan, near the border with the DRC. According to the head of the UNHCR delegation in Aru, the refugees joined 340 other refugees who left the DRC in April. The UNHCR has repatriated about 4,000 South Sudanese refugees since February 2006. **[95bv]**

32.09 On 6 June 2007 the UNHCR reported that it had closed its programme for the organised repatriation of Sudanese refugees from the DRC on 2 June 2007, after the return of more than 8,000 Sudanese refugees from a string of refugee camps in the north-west of the DRC. **[60n]**

32.10 The UNHCR Global Appeal 2005 reported that "The main countries of asylum for DRC refugees are the United Republic of Tanzania, the Republic of the Congo (RoC), Zambia, Burundi, Rwanda, the Central African Republic (CAR) and Uganda. Other DRC refugees have found asylum in South Africa, Mozambique and Malawi, or even further afield in Europe and the United States." **[60a] (p84)**

32.11 Rwanda is used as a rear base by some political movements and refugees there are apparently subject to forcible recruitment, which appears to be not only tolerated, but actively supported by Rwanda. **[54m]**

32.12 On 11 October 2006 the UNHCR opened its fifth 'return corridor' to the DRC from Burundi. A group of 282 refugees who had been living in the Gasorwe refugee camp in northern Burundi were taken to the border town of Uvira in DRC before being returned to the surrounding communities the following day with basic assistance packages. Since July 2006 more than 1,000 Congolese refugees in Burundi have registered for voluntary repatriation. There are an estimated 24,500 Congolese refugees in Burundi, and more than 420,000 Congolese refugees in various countries of asylum. **[93c]**

32.13 On 16 October 2006 the UNHCR repatriated 66 Rwandan refugees fro the DRC back to Rwanda. The refugees consisted of 41 children, 23 women, and two men who had been living in different parts of the DRC. **[74aa]**

32.14 On 7 November 2006 it was announced that extremely heavy rains and massive landslides in South Kivu had halted plans to restart repatriation of Congolese refugees from Tanzania. **[21ab]** Repatriation was resumed on 24 November via a new landing stage at Baraka in DRC. The report from the UNHCR stated that "with the latest ferry crossing, more than 21,000 Congolese refugees have returned to South Kivu from Tanzania since the start of the repatriation programme in October 2005. In total 75,000 Congolese refugees have returned to the DRC from neighbouring countries". The report goes on to say "more than 420,000 Congolese refugees still live in surrounding countries including 130,000 in Tanzania". **[93d]**

32.15 On 28 November 2006 The governments of DRC and Zambia signed a tripartite agreement with UNHCR paving the way for the voluntary return home of 60,000 Congolese refugees. Surveys show that 35,000 of the refugees wish to return home as soon as possible. UNHCR has set a target of 20,000 assisted returns for 2007. **[21ac]**

32.16 On 26 January 2007 Xinhua News Agency reported that the Zambian government would start repatriating more than 60,000 refugees from the DRC to their home country after the rainy season expected to end by April. **[62k]**

32.17 On 16 March 2007 the International organisation for Migration announced that an appeal for US35.3 million had been launched to help about 20,000 refugees to return to the DRC from Zambia. Depending on funding 20,000 refugees from Maheba, Kala and Mwange camps in western and northern Zambia would be taken to reception centres in Katanga between mid April and December 2007. **[119]**

32.18 On 26 April 2007 allAfrica.com reported that the UNHCR was planning the first Congolese refugee return operation from Zambia to Katanga province, starting in May 2007. According to a UNHCR spokesman this would mark the start of a process in which up to 20,000 refugees could be repatriated to Katanga by the end of 2007. The report stated that there were 61,000 Congolese refugees in Zambia. **[74ay]**

32.19 Radio Okapi reported on 21 June 2007 that to mark World Refugee Day on 20 June, the UNHCR repatriated 400 DRC refugees to Moba from Zambia. They were received by the minister of rural development accompanied by the vice-governor or Katanga province and other officials. **[64an]**

32.20 On 4 May 2007 UN News Service reported that the UNHCR had started the three year programme of repatriation of refugees from Zambia. The first group of 414 left for the reception centre in the DRC. **[93g]**

32.21 On 23 June 2007 MONUC reported that about 2,000 refugees had returned to the DRC from Zambia since the first group of 414 had returned home during May 2007. The report went on to say that the voluntary repatriation project would be carried out over three years in a phased manner. **[56ca]**

32.22 On 29 June 2007 allAfrica.com reported that the International Organisation for Migration's (IOM) efforts to repatriate DRC refugees from Zambia had been stepped up, with the opening of a new land route. It reported that a first IOM convoy of 345 refugees had left Kala refugee camp to travel to an IOM reception centre in the border town of Pweto, where they were provided with food rations and onward transportation to their destination. The report went on to say that the repatriation which had started on 3 May, had so far been limited to three convoys per month pending road repairs which will open up new land routes. **[74bp]**

32.23 A report from Refugees International on 18 December 2006 stated that the reintegration of Congolese refugees in South Kivu province would not work unless greater investments in basic services, like education, health care and food security, were made soon. It went on to say that with increasing returns likely there was serious risk that the capacity to support returning refugees will be overwhelmed and that tensions would rise sharply. **[92i]**

32.24 On 19 December 2006, the UNHCR announced that thousands of refugees in the DRC would be airlifted to their homes in Angola. An airlift had been launched for some 12,700 Angolans in Bas-Congo, which, when completed later in the month, will mark the end of the agency's four year repatriation programme. Since June 2003 some 180,000 Angolans have been repatriated from the DRC. **[74ae]**

32.25 However a report from Xinhua on 15 May 2007 stated that according to Enrique Valles, an official of the UNHCR, 128,000 Angolans were living in the DRC. **[62s]**

32.26 On 10 January 2007 the UNHCR reported that although the long-standing refugee crises in the Great Lakes region continued to ease last year, problems still remain. The DRC remains the UNHCR's biggest Great Lakes operation. The refugee agency helped more than 26,000 of last year's almost 37,000 Congolese returnees go home. Slightly more than 47,200 people were repatriated to DRC in 2005, including some 14,000 assisted by UNHCR. DRC also hosts some 220,000 refugees from neighbouring countries; some 30,000 of them went back last year, 13,200 helped by UNHCR. **[21ah]**

32.27 On 17 January 2007, Radio Okapi announced that the UNHCR had repatriated 1,200 DRC refugees from Burundi, most of who came from the Ruzizi plains, Uvira town and Minembwe. Most of the refugees had fled in 1998 and others in 2004 at the height of the eastern DRC wars. **[64r]**

32.28 On 31 January 2007, the People's Daily reported that since 2005, 22,500 refugees had returned to the DRC from Tanzania, and that some 48,000 refugees are expected to return this year. **[62l]**

32.29 On 24 September 2007 the UNHCR announced that serious food shortages and lack of school places in South Kivu were threatening the voluntary return of Congolese refugees from camps in western Tanzania. The World Food Programme (WFP) had announced that it did not have sufficient food stocks to meet the needs of some 16,000 refugees expected to return to South Kivu in the last four months of the year. The UN food agency warned that the UNHCR's repatriation programmes in Katanga and Equateur would also be disrupted unless new food stocks were received. Meanwhile education officials in South Kivu's Fizi district were struggling to cope with the deluge of pupils who enrolled in local schools at the beginning of the academic year. Some 16,000 refugees were expected to return to the Fizi and Uvira districts in the last four months of 2007, with about 6,400 of them children of school age. The report went on to say that the Kigoma-Baraka operation had aided the return of more than 54,000 to South Kivu since October 2005. More than 80 per cent of the 114,000 Congolese refugees still in camps in Tanzania are expected to return to Fizi and Uvira. **[60o]**

32.30 On 17 February 2007 Radio Okapi reported that over 3.400 DRC nationals who had been expelled from Angola had been registered at Luiza south-western DRC by the charity Caritas-Development. The charity said that it was overwhelmed by the numbers, and was concerned by the state of health of most of those expelled. Their forced return to DRC did not put an end to their suffering at an end because there are no structures in place to deal with their return. Among those expelled, over 100 children under the age of five had been identified. They are suffering from malnutrition and other diseases. The charity had made an appeal to well-wishers to offer assistance to the territory in Kasai Occidental Province. Meanwhile a MONUC investigation mission had been despatched to the area. **[64x]**

32.31 On 28 February 2007 the BBC reported that political and administrative officials at Kamako had been introducing measures to stop Congolese nationals from clandestinely returning to Angola from where they had been expelled. The measures included increased security at the border by the army, the police, migration officers and officials from the national investigations service, together with an increase in night surveillance. **[95bm]**

32.32 On 6 March 2007, IRIN reported that about 43,000 Congolese, expelled from diamond mines in northern Angola since 2006, were living in precarious conditions near the Congolese border with no support forthcoming. According to MONUC 70 per cent of those expelled were men and the remainder women and children. A spokesman for the catholic charity Caritas claimed that some of the women and children had been the victims of gang-rape by soldiers of the Angolan army. According to MONUC an estimated 37,600 people returned to the DRC through the province of Bandundu, whilst another 5,800 returned through other Congolese provinces. [**18fa]**

32.33 allAfrica.com reported on 25 June 2007 that 1,654 citizens of the DRC had been repatriated from Angola between January and May 2007. An Angolan official said that the majority had been engaged in illegal diamond mining, and that they had been expelled through Luheto border crossing. **[74bo]**

32.34 On 25 February 2007 Radio Okapi reported that a convoy of 485 Congolese refugees repatriated from Tanzania had arrived in Baraka. This put the

number of Congolese refugees repatriated from Tanzania at over 25,000 since the start of the exercise facilitated by the UNHCR. Day some of the refugees were transported to their home areas on the border with North Katanga. This was the 59th repatriation convoy facilitated by the UNHCR. Most returnees said that they were motivated to come home by the change in the country's political situation and the security situation in their home areas. **[64a]**

32.35 On 7 April 2007 MONUC reported that the UN refugee agency would start the following week to repatriate refugees who had been living in Mozambique. According to the UN High Commissioner for Refugees some 3,500 DRC nationals were living in Martane, the last remaining refugee camp in Mozambique. Of these an initial group of 200 would be flown back to the DRC the UN refugee agency's representative in Mozambique said. **[56bn]**

32.36 On 1 May 2007 Xinhua reported that some 300 refugees, mostly Congolese, would be repatriated from Mozambique by the end of May 2007, according to UNHCR. According to the Mozambican government's Refugee Support Institute (INAR) there are 4,563 refugees from the DRC. A representative of the UNHCR said that repatriation is voluntary, but some of the refugees have expressed no interest in going back to the DRC because they have found jobs, or are involved in business in Mozambique. The group of refugees that should leave by the end of May all requested repatriation, and registration of refugees who want to go home is continuing, the representative said. **[62r]**

32.37 On 13 June 2007 allAfrica.com reported that the UNHCR had announced the start of its airlift of DRC refugees from Mozambique. Over 100 people had been airlifted to Tanzania to cross Lake Tanganyika to the DRC. A spokesman for the UNHCR said that talks were underway to facilitate direct flights to the DRC for 170 additional refugees to return. **[74bl]**

32.38 On 12 April 2007 News24 reported that the United Nations refugee agency had repatriated 494 refugees representing 133 families from Tanzania to south-eastern Katanga province. **[48n]**

32.39 On 7 May 2007 allAfrica.com reported the Republic of Congo and the DRC had signed an agreement whereby civilians who fled the clashes in Kinshasa in March, would be repatriated voluntarily. About 203 people crossed into the Republic of Congo when the fighting broke out, 121 of these were fighters loyal to Jean Pierre Bember. The repatriation agreement would only cover unarmed civilians. Soon after the signing of the agreement 40 civilians crossed the Congo river to return to Kinshasa. **[74az]**

32.40 A report from allAfrica.com on 3 July 2007 stated that according to the Directorate of Refugee Services in Tanzania there were 122,470 DRC refugees in three camps in Tanzania as of May 2007, with others in another three refugee settlements in Ulyankulu, Mishamo, and Kutamba. **[74bs]**

32.41 On 11 July 2007 a similar report from allAfrica.com reported that tens of thousands of Congolese expelled from Angola since the beginning of July had lost all their goods and have not received any help, according to NGOs. According to the administrator in Tshikapa more than 13,000 Congolese expelled from Angola have entered the country through three different villages in the area. According to the UNHCR a mission was being prepared to bring medical help and goods. The Angolan ambassador said that those expelled

had been mining illegally in Angola. Radio Okapi reported that more than 25,000 people had been expelled. **[74bw]**

32.42 On 25 July 2007 allAfrica.com reported that according to MONUC's Civil Affairs Division the number of Congolese expelled from Angola had exceeded 26,500. The report stated that those expelled returned under very difficult conditions, with cases of rape, torture and racketeering by Congolese and Angolan border security forces reported by returnees. MONUC had facilitated a meeting in Kananga on 24 July on the humanitarian consequences of the crises with the local authorities, UN agencies and humanitarian actors. The report went on to say that security forces in particular were recommended to respect and apply the principles of human rights, and to facilitate the access of foodstuffs into the zone. Distribution of drugs and non food items was underway and an evaluation mission by the International Organisation for Migration (OIM) would take place soon. **[74cc]**

32.43 On 21 November 2007 AFP reported that according to the UN Angola had repatriated 30,000 DRC citizens living illegally in Angola during 2007, with 510 being expelled since the beginning of November. The report went on to say that since 2004, more than 400,000 illegal immigrants, almost all from the DRC, had been expelled from the mining provinces of Angola in an attempt to battle ilegal trafficking of Angolan diamonds. **[65eg]**

32.44 Xinhua reported on 22 July 2007 that a total of 2,146 refugees living in the DRC had returned to Angola during the first half of the year. A spokesman for the Angolan Ministry of Assistance and Social Welfare (MINARS) said that the refugees belonged to 587 families. The report went on to say that since 2003 a total of 20,262 Angolan citizens from 5,726 families had returned to Angola. The spokesman added that there are about 5,000 Angolan refugees still living in the DRC. **[62w]**

32.45 A report by allAfrica.com on 15 August 2007 stated that according to the UNHCR there were 321,195 DRC refugees in the nine countries sharing a common border with the DRC, and 182,232 refugees in the DRC from neighbouring countries. The report went on to say that the UNHCR were insisting on the return of many of them particularly from the Republic of Congo, Tanzania and Zambia, although the returns from Zambia had been suspended temporarily because of the Moba incident on 1 August 2007. As far as the return of refugees within the DRC was concerned, the UNHCR hoped to restart operations in the near future. **[74cl]**

See also: Section 301 and 302 Katanga

32.46 Xinhua reported on 11 September 2007 that the number of refugees from the DRC to be repatriated from Zambia had been reduced to 12,000 for 2007 from the initial 20,000 due to the constraints encountered according to the third tripartite commission meeting on repatriation of refugees from the DRC living in Zambia. The communiqué issued at the end of the two-day meeting did not go into details of the constraints, but a Zambian minister said "it has become increasingly apparent that we may not be able to meet our ambitious target due to some setbacks that we have encountered in the process of implementation, including delayed funding in the initial phases of the implementation and the most recent incident of rioting that took place in Moba

that necessitated the suspension of continued return movements to that area". **[62z]**

32.47 Xinhua reported on 26 October 2007 that about 500 Congolese refugees living in Zambia had been repatriated to the town of Kalemie by ship. **[62aj]**

32.48 IRIN reported on 22 November 2007 that the return of refugees from Zambia had resumed that day. They reported that more than 400 Congolese refugees had left for Mpulungu Harbour in Zambia, from where they would cross by ship to Moba in Katanga. According to a UNHCR spokesman "The political and security situation in Moba has improved now and the situation is calm". The report went on to say that the UNHCR and its partners intended to move three convoys, each with about 4,000 refugees, to Moba during the course of November. The spokesman went on to say that a further three convoys were planned for December 2007 which would mark the conclusion of the repatriation season for the year. **[18gc]**

32.49 The BBC reported on 23 August 2007 that 10,000 Congolese had fled to Uganda in the previous couple of days according to the UNHCR. They had fled from the Rutshuru area of North Kivu. They said that they were fleeing from insecurity caused by the militia of General Laurent Nkunda, but security sources in Kisoro reported that the exodus started after MONUC troops fired gunshots in the air when a protest, organised by Nkunda, turned violent. According to military sources "the demonstrators threw stones, injuring eight MONUC soldiers. The MONUC soldiers were forced to fire in the air, which scared the civilians who feared fresh fighting between MONUC soldiers and Nkunda's forces". **[95ct]** According to the South African Press Association on the same day, the Ugandan military said that it was stepping up security after the unrest in the DRC had forced the civilians to cross the border. The same source said that according to the UNHCR some 8,500 of the refugees had returned to the DRC on the 22 and 23 August, leaving 1,500 mainly women and children in Uganda. **[83v]** UNHCR said that there was an unconfirmed report that there were 5,000 more refugees further south. **[21ce]**

32.50 A further report from AFP on 29 October 2007 stated that fighting in North Kivu had caused another 13,000 refugees to flee into Uganda over the previous 10 days, making a total of 31,000 refugees from the DRC in Uganda. **[65ec]**

32.51 A report from BBC Monitoring on 26 October 2007 reported that 970 Congolese women were being repatriated from Uganda. They were women who had accompanied Ugandan soldiers back from the battlefields in Ituri in 2001. The report said that the IOM had so far repatriated close to 200 women. According to a spokesman for IOM, "some of these women were brought as a result of human trafficking. Others came to follow their UPDF husbands and some came to follow their friends". According to the women the UPDF soldiers who had brought them, had in turn decided to abandon them. They said that they had been abandoned without food, accommodation and financial assistance. **[95dm]**

32.52 On 23 August 2007 the BBC reported that several hundred people from the DRC had arrived in Bujumbura the capital of Burundi seeking refugee status. The Congolese were from various ethnic groups including the Banyamulenge, Balilo, Bashi, and Babembe, and had been camping on a playing field since

the end of July. One of the refugees said that the conflict involved the Interahamwe, local Mai Mai militiamen, Banyamulenge and government troops, fighting in the areas Mlenge, Minembwe, Ruberizi and Rubarika in Uvira zone, South Kivu. **[95cu]**

32.53 On 4 October 2007 IRIN reported that at least 43,000 refugees had returned to the DRC between January and October 2007, with another 310,000 still in neighbouring countries, according to UNHCR; who stated that most of the refugees went to South Kivu, Equateur, and Katanga. The UNHCR also stated that in addition to those who had returned, it hoped to facilitate the return of at least 23,000 more, to bring the expected figure of returnees in 2007 to 66,000. According to the UNHCR report the figures for refugees in neighbouring countries were:

Tanzania	104,048
Zambia	56,337
Rwanda	45,780
Republic of Congo	32,558
Burundi	26,135
Uganda	27,797

The Uganda figure does not include the latest influx after fighting in August September in eastern DRC.

32.54 The figures given for those returned from the DRC were:

Angola	5,316
Rwanda	3,764
Sudan	3,764
Burundi	11 **[18fx]**

32.55 Voice of America reported on 9 October 2007 that UNHCR said that it had wrapped up its repatriation operation of Congolese refugees from the Central African Republic (CAR) with the return of 131 refugees the previous weekend. The UNHCR said that the voluntary programme had assisted nearly 5,000 refugees to return to the homes they fled years ago. Most of the refugees in CAR originated from Equateur province, and that is where they were returned. **[89d]**

32.56 On 24 October 2007 the UNHCR reported that so far that year more than 16,000 refugees had returned to their homes in Equateur province, almost as many as in the three previous years combined. The return of the refugees most of whom had returned from the Republic of Congo came as the UNHCR was preparing to phase out assisted voluntary repatriation to this area in mid-2008. In 2007 the total return figures were expected to reach around 18,000 compared to 1,964 in 2004, 7,286 in 2005, and 10,655 in 2006. **[60p]**

32.57 In a report dated 7 December 2007 by allAfrica.com it stated that figures complied by the UN showed that 44,000 Congolese had been expelled from diamond mining areas of Angola since January 2007, and that an estimated 400,000 DRC citizens still lived in those Angolan areas. **[74dl]**

32.58 A report from AFP on 14 January 2008 stated that more than 10,000 people had fled the DRC to Burundi in 2007, bringing to more than 35,000 the number

of Congolese refugees in the country. According to the UNHCR Burundi hosted 22,000 refugees in October 2006. **[65ed]**

32.59 On 18 January 2008 BBC Monitoring reported that refugee delegates to the peace conference in Goma said that most of the refugees, many who fled either 10 years or five years ago, were ready to return home, but their greatest concern was favourable conditions on their arrival and other conditions such as food for their children. The report claimed that there were 31,000 refugees in Uganda, 47,000 in Rwanda, and 28,945 in Burundi. According to the report the Congolese refugees in Rwanda would like the FAR (former Armed Forces of Rwanda), the Interahamwe (Rwandan Hutu militiamen blamed for the 1994 genocide), and FDLR (Democratic Forces for the Liberation of Rwanda), to leave the DRC so that their return can take place in total security. The delegates of the Congolese refugees in Burundi said that the refugees deplored the presence of the FNL (National Liberation Front) a Burundian armed group, in the neighbourhood of their camps. According to their representative at the conference the refugees wish to be repatriated, but were still uncertain about their reintegration and identity. **[95dn]**

32.60 Radio Okapi reported on 24 January 2008 that 250 refugees had been repatriated from Tanzania bringing the number of people repatriated from Tanzania since October 2005 to about 49,000. The 250 refugees were received in Baraka in South Kivu province by the UNHCR. **[64by]**

32.61 On 30 January 2008 the UNHCR announced that the number of refugees repatriated from Tanzania had passed the 50,000 mark, with the return home of 184 refugees on 29 January. The report went on to say that there were almost 100,000 registered Congolese refugees in Lugufu and Nyarugusu camps in north-west Tanzania, with others living outside the camps, and that in all, there were still more than 400,000 Congolese refugees in various countries of asylum. **[93p]**

32.62 On 25 January 2008 Reuters reported that the UNHCR had resumed the repatriation of refugees from the Republic of Congo, after suspending operations due to low water levels. A group of 254 people were ferried across the Oubagui River, which forms the border, to Equateur Province. According to a UNHCR spokesman, some 20,000 refugees had been repatriated from the Republic of Congo and the Central African Republic to Equateur Province in 2007, more than double the numbers compared to the previous year. The report went on to say that almost 150,000 Congolese refugees had returned to the DRC since 2004, most with UNHCR assistance; and that the agency was planning to facilitate the return of about 80,000 refugees in 2008, mainly to South Kivu, Katanga and Equateur provinces. **[21dg]**

See also: North Kivu and South Kivu

IDENTITY PAPERS FOR REFUGEES IN THE DRC

32.63 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 reported that "Ralf H.W. Gruenert, Représentant Adjoint (Protection), United Nations High Commissioner for Refugees (UNHCR), Kinshasa, informed them that it is UNHCR which has issued so called attestation letters to refugees in the DRC. An attestation letter

from UNHCR actually confirms a person's refugee status in the country. It contains information about the person who has an asylum application under process with UNHCR in the DRC".

"Gruenert however stated that when the incoming government has settled down in the DRC, then the new government would have the responsibility for issuing ID-cards to refugees in the country. Gruenert pointed out that ID-cards will be first issued in the cities and later in the countryside".

"Gruenert advised foreign authorities that attestation letters have been misplaced, and those received from refugees in the DRC; should be verified by the UNHCR-office in the DRC as it is they who issued them. This should be done to ensure that the people concerned are also registered with UNHCR in the DRC".

"Children born in the DRC from foreign refugees – and refugee marriages entered into in the DRC should be registered at the local / *'Etat Civil* in the DRC".

"Gruenert added that if a foreign authority receives an application for asylum from a person who produces documentation giving refugee status in the DRC, then these documents should then be verified by UNHCR in Kinshasa as it is responsible for identification of the people concerned". **[20]**

See also Section 8.15 on Security situation – Eastern DRC;
Section 8.18 on Ituri;
Section 8.62 on North Kivu;
Section 8.87 on South Kivu;
Section 8.117 on Katanga;
Section 22.01 on Ethnic groups;
Section 25.01 on Women;
Section 26.01 on Children;
Section 26.07 on Education
Section 28.01 on Medical services;
Section 29.01 on Humanitarian aid and assistance

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CITIZENSHIP AND NATIONALITY

33.01 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "Since 12 November 2004, there is a new Law on Congolese nationality: the Law n. 04/024." **[60b]** A copy of the Nationality Law was available via the MONUC (UN Mission to the Congo) Documentation Library website from 17 November 2004. **[56c] (Loi sur la nationalité)**

33.02 UNHCR also amplified in subsequent information that :

"The law n. 81/012 of 29 June 1981, modified by Decree-Law n.197 of 29 January 1999, is no longer applicable in DRC, as it is superseded by the new Nationality Law: the Law n. 04/024 of 12 November 2004 on Congolese nationality. These are the main points of this new law:

1. There are two categories of nationality: recognized nationality (by origin, by birth or by presumption of law) and acquired nationality (by naturalization, by option or by adoption).
2. The time required for naturalization is 7 years residence in RDC [DRC].
3. The double nationality is prohibited without exception. Congolese nationality is exclusive.
4. The procedure for the obtention or renunciation of Congolese nationality is an administrative procedure; the courts do not intervene in this procedure.
5. The return to the country is not a pre-condition to acquire the Congolese nationality." **[60c]**

33.03 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated that "in addition 7 years of marriage can also lead to acquiring the nationality through the nationality of the spouse (being a man or a woman)." **[60f]**

33.04 A report by the International Crisis Group of March 2005 stated that "A law effectively granting citizenship to the Kinyarwanda speaking communities in

the east was passed in November 2004." The same report added a footnote that "The law grants citizenship upon individual application to those whose tribes were present in the Congo at independence in 1960." **[39d] (p15)**

33.05 The British Embassy in Kinshasa reported in June 2000 that, following the change in the name of the country from Zaire to Democratic Republic of Congo in May 1997 "[As a result,] all Zairean citizens, within the national territory or abroad, simultaneously and collectively became Congolese citizens.… A Zairean citizen who left Zaire at that time as a Zairean citizen also automatically became a Congolese citizen wherever he was." **[22a]**

OFFICIAL DOCUMENTS

33.06 The British Embassy in Kinshasa in February 2003 advised that due to the prevalence of corruption and poor administrative records considerable caution should be exercised before accepting the validity of birth/marriage/death certificates and identity cards. These documents can be easily obtained by bribing the relevant officials, or by forgery. **[22f]**

33.07 A country fact finding report of 2002 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) also stated that genuine official documents can easily be obtained by bribery, and so even if a document has been proven to be genuine, the information contained in it may be false. The documents most frequently falsified are travel documents, generally used to travel to Europe and sold by the producers of these forged documents for a large sum of money. **[24a] (p48)**

BIRTH, MARRIAGE AND DEATH CERTIFICATES

33.08 The British Embassy in Kinshasa in March 2002 advised that it is very difficult to ascertain whether birth, marriage and death certificates are genuine, as there is no national registry office where copies of birth, marriage, and death certificates are kept. Local authorities issue these documents but do not keep copies for their records. **[22d]** The same source advised in February 2003, it is a legal requirement to register births, marriages and deaths. **[22f]** An information response by the Canadian Immigration and Refugee Board (IRB) of 17 July 2003 referred to an initiative by President Kabila to increase the birth registration rate, which was currently at 34 per cent. **[43e]**

REGISTRATION OF BIRTH

33.09 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 stated that "the registration has to take place within 30 days of the events happening. The registration takes place at *l'Etat Civil*. It is by registration at *l'Etat Civil* that legal validity is achieved. After 30 days there is no legal validity and it is just considered a piece of information. However a legal validity can be achieved after 30 days at *l'Etat Civic* as long as *Tribunal de Grande Instance* issues a *Jugement Déclaratif* or *Jugement Suppletif.* Birgette Nsensele wa Nsensele, *Présidente du Tribunal*, *Tribunal de Paix de Kinshasa*/Gombe added that parents themselves have to refer to *Tribunal de Grande Instance* to get a *Jugement* issued". **[20]**

33.10 The same source states that "lawyer Médard Palankoy Lakwas explained that according to *Code de la famille* article 116 every birth in the DRC has to be registered at *l'Etat Civil* in the area the child's father or mother live. The child has to be registered within 30 days after birth by a registrar at *l'Etat Civil*".

"Palankoy Lakwas stated that if the child has no parent then the child's next of kin or a family member such as uncle, aunt or cousins can carry out the birth registration. In cases where no one from near family is alive, a witness of the child's birth can carry out the registration".

"Birth registration is attested by the issuing of a birth certificate called *Acte de Naissance,* which is prepared by a registrar at *l'Etat Civil*, who also records the name in the birth register".

"Palankoy Lakwas stressed that the *Certificat de Naissance* is not an official document for birth. Alone the certificate of birth *Acte de Naisance* is the legal document and it can only be issued after the birth has been registered with *l'Etat Civil*".

"Palankoy Lakwas explained that the date of birth will appear on *Acte de Naissance* just like the place of birth, child's sex and name will also appear on the certificate. Apart from this, the parent's name, age, profession and residence will also be evident from *Acte de Naissance*".

"Regarding the scope of birth registration Palankoy Lakwas explained that it is quite difficult to explain how much of the country's population registers births. Palankoy Lakwas explained that the DRC is a very big country with a widely dispersed population, but he speculated that at least a third of the country's childbirths were registered in the DRC. Jean-Pierre Ilaka Kampusu, lawyer, assistant professor, Faculté de Droit, University of Kinshasa, confirmed that about a third of all births are registered in the DRC".

"Palankoy Lakwas added, that the number of registrations is on the rise as many parents realise the advantages of it for the child in later life. Apart from this reason, it is now an obligation to register the child's birth before it can be admitted to school. The price of registering a child is 2000 Congolese francs; this is slightly less than 5 USD. This fee is probably high at the moment which keeps many parents from carrying out a birth registration".

"Nsensele wa Nsensele verified Palankoy Lakwas's information regarding birth registration". **[20]**

REGISTRATION OF LATE BIRTH

33.11 The report continued to say that "Palankoy Lakwas explained, as long as the registration first takes place at *l'Etat Civil* after 30 days as the law prescribes, this is considered a late registration. In reality there is no time limitation for when the child's birth can be registered. What this means is that birth registration can take place at any point of time in a person's life. If the person is under age, then the birth has to be registered. It is the parents who have to take the initiative to carry out registration. If someone has come of age or is over 18 years then they can carry out registration themselves. Palankoy

Lakwas drew attention to the fact that it is not punishable to ignore registration within the prescribed 30 days".

"In the event that parents have not registered child birth within the prescribed 30 days, the court *Tribunal de Grande Instance* can give permission to the parents so that they can still get their child registered at *l'Etat Civil. Tribunal de Grande Instance* will make a decision called *Jugement Déclaratif or Jugement Suppletif,* which is based upon witness statement or possibly by a *Certificat de Naissance,* which is an attestation from the hospital where the birth took place".

"Nsensele wa Nsensele verified Palankoy Lakwas's information regarding late registration of birth". **[20]**

MARRIAGE AND DIVORCE

33.12 "Palankoy Lakwas informed the Fact Finding Mission that the third book in *Code de la famille* regulates conditions regarding marriage and divorce".

"Ilaka Kampusu explained that only the registrar, who is the one with the most education, who can read and write, can register the marriage. Most couples in the DRC never register their marriages". **[20]**

MARRIAGE CONTRACT

33.13 The report states that "Palankoy Lakwas explained that a marriage contract can take place, as long as none of the parties are bound by another existing and registered marriage. Every marriage contract has to be registered by a registrar at *l'Etat Civil* for legal validity. The registrar then issues a marriage certificate called *Acte de Mariage*. Registration has to take place in an area where one of the marriage parties is resident. However it is possible to carry out registration in another area. This can only happen as long as the *Tribunal de Paix* gives permission to do so".

"Palankoy Lakwas explained that a marriage has to be registered within 30 days after entering a marriage. The registration itself takes place when both the parties meet up at *l'Etat Civil* and get their partners registered. The *l'Etat Civil* then issues a *Acte de Mariage* right away".

The report also states that "at the registration of the marriage the registrar at *l'Etat Civil* enters the marriage into *l'Etat Civil* marriage register. *Acte de Mariage* contains information of parties' names, their professions, birth dates, birth places along with residence of both parties' parents, names of witnesses and both parties earlier civil status. Apart from this, there is information on bride price and other information regarding the marriage contract".

"Palankoy Lakwas and Ilaka Kampusu explained that there are two kinds of general forms of marriage contracts, traditional and civil marriages. Palankoy Lakwas added that there are different forms of religious marriages that take place in the DRC. However the marriage is only legally valid when it is registered by a registrar at *l'Etat Civil*".

"Nsensele wa Nsensele confirmed that the above mentioned types of marriages do exist and explained that entering into traditional marriage the groom has to pay a bride price to bride's family. Nsensele wa Nsensele underlined that the marriage is only legalised when it is registered at l'Etat *Civil* regardless of which type of marriage ceremony is being held".

"Palankoy Lakwas explained that the minimum age for marriage in the DRC is 18 years for men and 15 years for women. It is a requirement for valid marriage that both parties give consent to marriage. A legislative proposal has been made to bring the age for women up to 18 years but it is yet to be agreed".

"Ilaka Kampusu confirmed that the legal age is 18 years in the DRC. According to law the sexual age of consent is 14 years and there exists a case of sexual abuse when a man has sex with a girl under the age of 14. In the DRC countryside the reality is different; in reality the sexual age of consent is lower than 14, furthermore many girls are married off when they are only 12 or 13 years old. Llaka Kampusu confirmed that the legislative proposal has been made to increase the minimum age of women so they can marry between the ages of 15 to 18. However, a law has not yet been passed and Ilaka Kampusu could not confirm whether the law will finally be passed or not".

"Ilaka Kampusu explained further that according to this law it is possible for a boy from as young as 16 years of age to marry. This can be done if he has made a girl pregnant and even if the girl is 12 or 13 years of age. Such a marriage can be registered at *l'Etat Civil.*" **[20]**

MARRIAGE BY PROXY

33.14 "Palankoy Lakwas explained that marriage in certain cases can take place by proxy. For example a marriage can take place by proxy with a substitute as long as one of the parties is in a foreign country as a refugee and therefore cannot travel into the DRC."

"Palankoy Lakwas stressed that a marriage contract by proxy can only be registered with *l'Etat Civil* as long as there is a *Jugement* from the *Tribunal de Paix.* The marriage becomes legally valid only when it has been registered with *l'Etat Civil.* The substitute for the missing spouse and the spouse living in the DRC has to be present at the registration at *l'Etat Civil* and the substitute must sign *Acte de Mariage* on behalf of the missing spouse."

"Nsensele wa Nsensele explained that marriage by proxy is legal according to *Code de la famille's* article 351, part 2. However there should be a substantial reason to do so. For example, the reason for the spouse's absence could be due to their work; sickness; or if the person is being held in a foreign country under refugee status. These could be legal reasons for entering a marriage in this manner. By this method of marriage it is important that there exists a *Jugement* in advance given by the *Tribunal de Paix* for a marriage to take place. It will always be evident from a marriage certificate *Acte de Mariage,* and from the certificate from the *Tribunal de Paix* where a *Jugement* was given regarding the marriage, who was the substitute present instead of the absentee."

"Ilaka Kampusu confirmed that a Congolese refugee in a foreign country can enter into a marriage by proxy in the DRC. This is made possible by the law and this happens in reality too. A refugee is a political state and a marriage is a civil affair and they have nothing to do with political conditions. This is never evident from the *Tribunal de Paix's Jugement,* that a marriage by proxy involved a person who is a refugee in another country. The *Tribunal de Paix* will confirm that the spouse is in a foreign country due to their profession." **[20]**

MARRIAGE TO A FOREIGNER AND RESIDENCE STATUS IN THE DRC

33.15 "Ilaka Kampusu reported that any foreigner has the right to get residence in the DRC on the basis of marriage with a Congolese national, regardless of the fact that the foreigner is a man or a woman".

"If this marriage has taken place in a foreign country, it has then to be legalised in the DRC. This kind of legalisation is called *exequateur* which is a process that is used for legalisation of foreign documents in the DRC. All relevant documentation issued in a foreign country regarding the marriage has to be legalised in the DRC. All these documents have to be presented to the foreign ministry which in case of marriages will refer to the *Tribunal de Paix.* Llaka Kampusu pointed out that foreign marriages should be legalised in the country of marriage first before presenting it to the Congolese foreign ministry." **[20]**

DIVORCE

33.16 "Palankoy Lakwas explained that divorces in the DRC are carried out through court procedure. It is the court the *Tribunal de Paix* that decides the result of a divorce. A divorce can take place by petition from any one of the parties in marriage. There is a possibility of divorce when there are serious conflicts in a marriage and nothing can be done to save it"

"A unilaterally agreed separation of the parties for three months can also be seen as a reason for discontinuation of marriage. A divorce is a decision that can only be taken by the parties married.

"The party that wishes to divorce has to be present with a written request to the president of the *Tribunal de Paix,* in that particular area where the other party has their residence.

"Every divorce procedure is started with a reconciliation attempt or dealing in a manner which would bring the parties back together again. When it's found out that reunion is not possible a date is then set for processing the divorce by the *Tribunal de Paix.*

"Divorce is valid from the date when the *Tribunal de Paix* decides that there are no more appeals possible regarding sharing of the married parties' material belongings. A divorce dissolves the marriage and sets the parties free of their obligations to each other under the marriage contract. From here on the parties are free to enter any new marriage contracts if they wish to do so.

"Palankoy Lakwas explained that only in certain cases the *Tribunal de Paix* grants exemption to both parties in meeting up in the court. This can only happen when there is a reasonable basis for it. For example if one of the

parties is handicapped, sick or is restricted for some reason, this reason will then be evident in the *Tribunal de Paix'* decision. " **[20]**

REGISTRATION OF DEATH

33.17 The report went on to cover the registration of death and reported that "Palankoy Lakwas informed that every death in the DRC has to be registered at *l'Etat Civil*, in the respective area it takes place in. *L'Etat Civil* will then issue a death certificate called *Acte de Décès.* The actual time of death would be evident from *Acte de Décès.* Furthermore the name of the deceased, residence and profession, location, cause of death will be evident from the certificate. The name of the parents and their residence will also be evident from the certificate. *Acte de Décès* will have the names of the witnesses and it will be signed by *l'Etat Civil's* registrar. Ilaka Kampusu explained that the registration of death alone happens if it is in the interest of those left behind and by their wishes. It could for example be that there is a possibility of deceased's workplace can pay a pension to those left behind, or to the spouse or if there is a question of inheritance. Correct time limit for registration is 30 days, but late registration is possible with *Jugement Suppletif or Jugement Déclaratif* from the court." **[20]**

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VERIFICATION OF DOCUMENTS

33.18 "Palankoy Lakwas explained that documentation for birth, death, marriage and divorce and child custody can always be doubted in the DRC. Every Congolese national that lives in a foreign country can also acquire this documentation, regarding family members in the DRC they can have these delivered. The documentation for birth, death and marriage is available from *l'Etat Civil* in applicant's home area. Documentation for divorce, child custody and adoption is only available through the *Tribunal de Paix* court."

33.19 "Ilaka Kampusu informed that documentation for child custody is easy to obtain in the DRC, and a judge's salary is as low as 200-300 USD, using bribery can ensure the required documentation. There are many in the DRC who would like to send their children to Europe for education and those who do not have economic means for bribery to obtain required documents for child custody, will use all possible means to do so."

33.20 "Ilaka Kampusu did not deny that there is corruption amongst the judges at the *Tribunal de Paix* or *Tribunal de Grande Instance.* Even though there is a possibility of bribing the judge to get false *Jugement,* there is a huge majority of them who issue true *Jugements.* It is not possible to add any new false information to the existing register, as this register is already shows what is registered and that cannot be changed. However there is a certain possibility to make a false registry to the register. It is possible, if a secretary at the court leaves a registration number open, this gives room for entering one or more *Jugements* in an existing register. These new *Jugements* are naturally false, but this is almost impossible to prove, even though one carries out verification of a given *Jugement.* These kind of forgeries happen and Ilaka Kampusu points out that 70% of all *Jugements* in the register are true. On the basis of this background Ilaka Kampusu's evaluation is that even though foreign

authorities may require documentation for a divorce, child custody or other documentation, there is no guarantee that such documentation is true." **[20]**

NATIONAL IDENTITY CARDS

33.21 On 22 August 2005 BBC News reported that voting cards in the election registration process would be valid as identification documents. **[15o]**

See also Section 6.14 on Elections

33.22 The British Embassy in Kinshasa advised in February 2003 that there was an array of different ID cards. Since the end of the Mobutu regime in 1997 there has been no new law or regulation specifying the official format for identity cards. The information from the British Embassy advised that in practice, old Zairean identity cards tend to be confiscated by the authorities when produced but no replacements are offered. There is no central issuing authority for identity cards. Each Commune or local authority is responsible for producing and issuing identity cards to its residents. These identity cards are produced in different formats as there is no government regulation about the format for these cards. **[22f]**

33.23 An information response by the Canadian Immigration and Refugee Board (IRB) dated 2 September 2003 advised about the meaning of the notations 'Avis _alendar_e A.N.R.' ('Approved A.N.R.') and 'Avis _alendar_e D.G.M.' ('Approved D.G.M.') stamped on the back of cards serving as proof of loss of identity papers, issued by the authorities of the city of Kinshasa. According to information from the editor-in-chief of Le Phare, a Congolese newspaper "Since the fall of Mobutu in 1997, there have been no national identity cards in the RDC, so commune authorities (mayors) issue proofs of loss of identity papers. The security services [including the ANR and DGM] have contacts in all commune offices, whose job is to ensure that the people requesting these identity documents are indeed Congolese and not foreign intruders. This is the meaning that should be given to 'Avis _alendar_e' ('Approved')." **[43f]**

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DRIVING LICENCES

33.24 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that:

"The current Congolese driving license is very sophisticated in comparison to other African countries, where normally it is simply a piece of paper. It is a plastic card, a little larger than a credit card. It has a light purple color and bears the holder's photo. Since one does not find such a card in other African countries it can be recognized as the Congolese driving license straight away. While this type of license is rather new, the driving license office already existed under Mobutu. The company which produces the driving licence [sic] cards is also working with the UN Mission in the Congo, producing their badges. The new driving license, introduced after the fall of Mobutu, features a bar code and a lion." **[52] (p127-128]**

PASSPORTS

33.25 A report from the Danish Immigration Service in 1999 gives the following information:

"According to the *Direction Générale de Migration* (DGM), applicants have to appear in person to complete a passport application form (Annex 4), and also produce the following:
- 3 passport photographs
- certificate of nationality (issued by the Ministry of Justice)
- photocopy of identity card
- declaration by employer/educational institution
- spouse's permission to obtain a passport (only for female applicants)
- father's permission and confirmation of school attendance (only for applicants under the age of 18)
- the applicant must also be fingerprinted.

A Western diplomat reported that an extract from the police record and a birth certificate also had to be produced to obtain a passport.

Other documentary requirements can be seen from the passport application form which, inter alia, states that the applicant must produce an extract from the police record.

The application, with all the documents mentioned above, is submitted to the DGM, which registers both the application form and the accompanying documents. Then the whole file is sent on to a 'control/verification' office in the Ministry of Internal Affairs. The application with accompanying documents is then returned to the DGM, which enters all the documents in the case on computer, whereupon the file is again returned to the control/verification office in the Ministry of Internal Affairs. If there are no circumstances preventing the issue of a passport to the applicant, the Ministry of Internal Affairs will then issue the passport.

The source pointed out that passports were formerly issued by the Ministry of Foreign Affairs, but that under the new regime the task had been transferred to the Ministry of Internal Affairs. He also mentioned that diplomatic passports, and passports for employees of, for example, the Ministry of Internal Affairs, were still issued by the Ministry of Foreign Affairs.

Asked whether a reason for wanting to travel abroad had to be stated in order to obtain a passport, and whether it was in that case necessary to show a ticket, the source replied that this was not required. A reason only has to be given if the applicant requests rapid handling of the passport application.

In response to a question from the delegation, the source replied that the following applicants would not be able to obtain a passport:
- those refused on political grounds;
- those with a court case pending against them, for example drug dealers;
- those whose Congolese citizenship has been impossible to confirm.

The DGM states that in normal circumstances, a passport application takes about one week to process. The cost of a passport is 236 Congolese francs. Nowadays, within the DRC, passports can only be issued in Kinshasa. The authorities are working on the issue of passports in other towns.

Passports can also be issued by DRC Embassies abroad.

The DGM explained that the new DRC passports, which are blue, were introduced in December 1998. Zairean passports are no longer valid, and will be replaced by DRC passports.

The old Zairean passports are gradually being recalled, and the holders receive a receipt. The individual then has to produce the required documents, which effectively means reapply, to obtain a DRC passport. The DGM explained that a fresh application was required because, under the former regime, passport issue had been very unregulated. In those days it was possible to obtain a passport by bribery, or to buy a passport." **[104]**

33.26 In his Evaluation of the April 2006 Home Office Report, Mr Albert Kraler states that personal information obtained from two independent Congolese sources shows that if a Congolese passport is obtained abroad it costs US$ 250. **[102]**

33.27 An IRB information response dated 10 April 2003 advised that the DRC government had issued a new style of passport from 31 May 2000 and that previous versions of both DRC and Zaire/DRC passports were no longer valid from that date. **[43b]**

33.28 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2008 (USSD 2007) stated: "Passport issuance was irregular and often required payment of significant bribes. The law requires a married woman to have her husband's permission in order to travel outside the country. There were no reports that the government prevented particular groups from acquiring passports." **[3k] (Section 5)**

See also Section 33.01 on Citizenship and Nationality; Section 30.01 on Freedom of Movement

ARREST, SEARCH AND BAIL WARRANTS

33.29 The British Embassy in Kinshasa advised in February 2003 that arrest and search warrants are issued by prosecuting magistrates. Bail warrants are issued by court judges to whom the request for bail was submitted. In each case, the subject of the warrant is shown, but not given, the warrant. In the case of search warrants, the subject of the search has to sign the form. **[22f]**

See also Section 22.01 on Ethnic groups

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EXIT – ENTRY PROCEDURES

See Section 33.13 Official documents: Section 36 Treatment of failed asylum seekers

EMPLOYMENT RIGHTS

TRADE UNIONS

35.01 The 2004 annual survey of violations of trade union rights by the International Confederation of Trade Unionists (ICFTU) issued 6 January 2004, stated:

"The legislation grants all categories of workers, with the exception of magistrates and military personnel, the right to organise. No prior authorisation is required to set up a trade union. The right to strike is recognised, although unions must have prior consent and adhere to lengthy mandatory arbitration and appeal procedures. The law prohibits employers from retaliating against strikers. The right to bargain collectively is also recognised. In the public sector, however, the government sets wages by decree and the unions can only act in an advisory capacity. During the year, the government held meetings with the unions to discuss revising the Labour Code to bring it into line with international norms." **[40]**

35.02 The ICFTU report also noted that "In practice, the civil war and the collapse of the formal economy mean that there is very little respect for trade union rights. Employers ignore labour regulations and the government does not have the resources to enforce them. Soaring inflation and the constant depreciation of the Congolese Franc render any pay rises agreed through collective bargaining meaningless." **[40]**

35.03 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2008 (USSD 2007) stated:

"The constitution provides all workers – except government officials and members of the security forces – the right to form and join trade unions without prior authorization or excessive requirements. Workers formed unions in practice; however, the Ministry of Labor, which was responsible for ensuring the right of association, conducted no inspections and exercised no oversight during the year. Of an estimated 24 million adults of working age, 128,000 employees in the private sector (0.5 percent) belonged to unions, according to

the American Center for International Labor Solidarity (Solidarity Center). No information was available regarding the number of union members in the public sector. The informal sector, including subsistence agriculture, constituted at least 90 percent of the economy." **[3k] (Section 6a)**

35.04 Freedom House stated in the Freedom in the World report for 2005:

"More than 100 new independent unions were registered after the end of one party rule in 1990, but they remained largely an urban phenomenon. Previously, all unions had to affiliate themselves with a confederation that was part of the ruling party. Some unions are affiliated with political parties, and labour leaders and activists have faced harassment. There is little union activity, owing to the breakdown of the country's formal (business) economy and its replacement by the black market." **[66] (Political Rights and Civil Liberties)**

35.05 Uni Global Union reported on 17 December 2007 that as part of Uni-Africa's project to help unions in the DRC to revive, they had met with three broadcasting unions in Kinshasa. The largest broadcasting and press union the SNPP had recently had its representative for Kinshasa arrested for a week after he sought to get management in public broadcasting to pay pensions to over 200 long-time employees. UNI-MEI and UNI representatives raised this issue and others with the deputy minister of labour. **[147a]**

See also Section 2 on Economy; Section 17.09 on Freedom of association and assembly

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COLLECTIVE BARGAINING

35.06 The USSD 2007 report stated that: "The law provides for the right of unions to conduct activities without interference and to bargain collectively. However, in practice the government did not always protect these rights." **[3k] (Section 6a)**

STRIKES

35.07 The USSD 2007 report stated:

"The constitution provides for the right to strike, and workers sometimes exercised it. In small and medium-sized businesses, workers could not exercise this right effectively in practice. With an enormous unemployed labor pool, companies and shops could immediately replace any workers attempting to unionize, collectively bargain, or strike, and according to the Solidarity Center, companies and shops did so during the year. The law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures before striking. The law prohibits employers and the government from retaliating against strikers; however, the government did not enforce this law in practice, but unlike in previous years did not jail any striking public sector employees." **[3k] (Section 6b)**

35.08 The ICFTU report referred to several cases where individuals involved in work-related protests and strikes had been attacked and arrested by police

and military authorities. **[40]** A one-day general strike occurred in Kinshasa in January 2005. **[15h]**

35.09 Education International reported that a general assembly held by an EI affiliate, and the Teachers' Union of the Democratic Republic of Congo (SY.E.Co) had asked all public education teachers to strike from 30 January 2006. A previous strike held in September and part of October 2005 was suspended in mid-October following the Government's commitment to find a solution to the teachers' wage situation and its promise to teachers and associate teachers to the drafting of the education budget. **[76]**

35.10 On 3 September, IOL reported that the two main teachers unions in DRC had called for strike action from 4 September 2006 in order to press for more pay. On 17 September BBC monitoring announced that the strike had been called off. The teachers said that they would wait for the new parliament to be put in place. **[64g] [86g]**

35.11 On 10 May 2007 the BBC reported that the chairman of Bakwanga Mining Company, a diamond mining company in Kasai Oriental province, had been dismissed together with all the members of the management committee following a 16-day strike by workers over salary arrears. The union authorities also accused the management of being responsible for the failure of the company to provide security to the miners. **[95bw]**

35.12 On 6 June 2007 BBC Monitoring reported that the Labour Minister Marie-Ange Lukiana Mufwankolo had convinced the RAGA radio and television company manager to pay journalists' salaries and to suspend his decision to dismiss eight RAGA union activists. Following the discussions the minister held with the union activists, they decided to stop their strike and resume work. **[95ca]**

35.13 Mining Weekly reported that a strike by customs officers in the DRC over pay had blocked exports of copper and cobalt from Katanga. **[118c]**

35.14 According to BBC Monitoring on 16 July 2007, the strike by customs officers was beginning to bite across the country. The strike had extended to almost all the country's border posts. In Sud-Kivu lorries loaded with goods have been blocked at the border, and businessmen have warned of a scarcity of goods in the very near future. According to a spokesman of the Federation of Congolese Entrepreneurs (FEC) the customs officers should sympathise with businessmen who's lorries were blocked at the border, and allow the goods across the border and seal them in depots belonging to the businessmen until the end of the strike. **[95ce]**

35.15 On 23 August 2007 Reuters reported that thousands of local MONUC employees had stopped work to protest at pay and working conditions. Some 500 protestors gathered outside the Kinshasa headquarters of MONUC, which employs some 7,000 local workers, many of them without contracts. Union officials said that the stoppage would continue until their demands were met regarding wages, grading and some other benefits. MONUC senior officials met for talks with the union delegation and a MONUC statement expressed optimism the talks would lead to the successful resolution of the strike. **[21cf]**

35.16 IOL reported on 27 August 2007 that local workers had began to return to the UN offices in Kinshasa after the four day strike that cut power supplies and

radio broadcasts. A UN spokesman said "a large part of the national personnel, local contract employees as well as daily hire workers, have come back to work. The situation is in the process of returning to normal in Kinshasa and in other parts of the country, MONUC functions normally". MONUC labour representative Guershom Nondo called local employees back to work on 27 August via Radio Okapi, saying that negotiations could not be conducted "in the street". **[86aa]**

35.17 On 29 August 2007 allAfrica reported that according to MONUC, as of 28 August all national staff who had participated in the work stoppage had fully resumed their work, and that discussions between the mission leadership and representatives of national staff were now being conducted. **[74cr]**

35.18 On 5 September 2007 the South African Broadcasting Company reported that teachers across the DRC had gone on strike over salaries. Teachers unions accused the government of reneging on a July agreement to increase salaries. They were demanding a minimum of $70 a month for qualified teachers, across the country, and an increase of up to $600 a month for the best qualified. The government said that it could only afford $70 a month for teachers in Kinshasa and $40 dollars for the rest of the country. The unions vowed to intensify the strike action. A union representative said "If government can afford to pay members of parliament up to $4500, this shows that it is possible for them to pay us what we are demanding". **[87d]**

35.19 Radio Okapi reported on 9 October 2007 that an extraordinary general assembly of the Trade Union of Congolese Teachers (Syeco) and the National Trade Union of Catholic School Teachers (Synecat) had decided to suspend their nationwide strike on 8 October. The two trade unions reiterated their refusal to be remunerated by parents. According to the unions the government had accepted their demands, notably by standardising the basic salaries for all teachers in DRC. The change will mean increases for teachers and all civil servants. **[64ay]**

35.20 Radio Okapi reported on 6 October that the Congolese National Magistrates' trade union, (Synamag), had said that Congolese magistrates had gone on strike to protest against "inhuman and humiliating treatment inflicted on three of their colleagues in Kisangani, on the orders of the commander of the 9th Military Region. There had been no hearings or trials for two days. According to the Synamag deputy vice-chairman the strike was an expression of their determination to bring the commander to book "for inflicting on the magistrates blows and serious injuries, for torture and assassination attempt" [sic] **[64ax]**

35.21 On 4 December 2007 BBC Monitoring reported that lawyers in Bukavu had taken to the streets to vent their anger against the debasing and inhuman treatment meted out to them by magistrates, the judicial police, the police and the army in South Kivu. They held a peaceful march on 3 December to denounce the beatings and injuries inflicted on lawyer Serge Miseka by the private secretary of the South Kivu police commander on 30 November 2007. According to the lawyers spokesman the police lieutenant severely beat the lawyer which resulted in him being admitted to hospital. He also said that the lawyers' strike would not end until the policeman had been arrested, and that the lawyers would not attend to any judicial case as long as their strike was in force. **[95dm]**

35.22 On 6 November 2007 AFP reported that public service employees in Kinshasa and provinces of the DRC had began a week long strike to press the government to implement the Mbudi accord. The accord was made in 2004 when the government agreed to introduce a pay scale ranging from a monthly 208 dollars for a bailiff to 2,080 dollars for a top government official, but the authorities did not come up with the cash. In further negotiations in 2006 the government promised to implement a revised scale ranging from 70 to 700 dollars. The head of the union said that this had been applied at the lower end to the extent that bailiffs in the capital received their 70 dollars, while those in the provinces received 62, but there had been no progressive wage rises for other g]categories of civil servant. He warned that if the government failed to respond in a week the work stoppage would go on. The unions also want people in the provinces to be paid the same as those in Kinshasa. **[65ef]**

35.23 AFP reported on 16 January 2008 that doctors at public hospitals in Kinshasa who had gone on strike on 14 January returned to work on 16 January after the government promised to improve their salaries. A union official said that the government agreed to immediately release 500 million Congolese francs (about one million American dollars) to cover danger pay that doctors had been seeking for years. It also pledged to find two billion francs so that doctors' salaries could be increased in the coming months. Doctors had been demanding what they call a "decent salary" of 320,000 francs – currently a well-paid physician gets about half that, or the equivalent of 340 dollars – as well as danger pay and outstanding unpaid income. The same report said that outside the capital doctors were reported to be on strike in Lubumbashi, in Katanga, and in Kindu the capital of Maniema province. In both places, according to Radio Okapi, they are providing minimum services. **[65ee]**

See also Section 3.04 on Events of 2005

EQUAL EMPLOYMENT RIGHTS

35.24 Freedom House stated in the Freedom in the World report for 2005 that "women enjoy fewer employment and educational opportunities than men and often do not receive equal pay for equal work." **[66] (Political Rights and Civil Liberties)** USSD 2007 noted that: "Women experienced economic discrimination. The law forbids a woman from working at night or accepting employment without her husband's consent. According to the International Labor Organization, women often received less pay in the private sector than men doing the same job and rarely occupied positions of authority or high responsibility." **[3k] (Section 5)**

35.25 The USSD 2007 report also stated: "The constitution prohibits forced or compulsory labor, including by children; however, although no statistics were available, both were practiced throughout the country." **[3k] (Section 6c)**

35.26 A new constitution was adopted in February 2006 which contained explicit provisions for emphasising the State's responsibility to ensure equality between men and women, even in the transitional period. According to Vasika Pola Ngandu, the Secretary-General of the DRC Ministry on the Status of Women and the Family, the country's legislation gives men and women the same advantages and social benefits. The Career Statute relates to the public sector and the Labour Statute regulates the informal sector. She said that all

jobs are open to both men and women. She continued to say that the Labour Code has eliminated the requirement for women to get their husband's authority to work, and provided equal pay for equal work. The only problem was the failure to recognise maternity. For instance, female civil servants are not allowed to take their annual leave when they have already taken maternity leave in the same year. **[100]**

35.27 Addressing a meeting of the United Nations Women's Anti-Discrimination Committee on 8 August 2006 she told the committee that although two decades of conflict had not created a favourable environment for jobs, the Government was committed to ensuring employment opportunities for men, women, and youths. Measures taken towards that end included awareness-raising campaigns and microfinance arrangements. She also said that outreach campaigns were also being implemented to counter discriminatory customs and to build the capacities of women. An example given was that of increased outreach through the recruitment of women journalists, which had accelerated progress. She also said that progress had been made in areas such as ensuring that maternal leave was no longer a valid reason for firing a woman from her job. **[100]**

See also Section 25.01 on Women; Section 8.15 on Security situation – Eastern DRC; Section 26.30 on Child labour

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TREATMENT OF FAILED ASYLUM SEEKERS RETURNED TO THE DRC

36.01 In comments to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated a BBC report published on 1 December 2005 completely contradicted the COI report of October 2005, and operational guidance. **[15y] [60f]**

36.02 The USSD Country Report on Human Rights – 2005 published on 8 March 2006 gave an account of the BBC programme but concluded: "During the year there were no other reports that corroborated the accounts contained in the BBC article." **[3h] (Section 2d)**

36.03 The view of the Foreign and Commonwealth Office (FCO) was given in two letters dated 6 February 2006 from the British Ambassador to the DRC. The first letter confirmed the letter of 9 December 2004 which stated that the FCO had no evidence that DRC nationals face persecution from DRC authorities on being returned to Kinshasa after a failed claim for political asylum in a third country. It stated: "Our sources in researching the treatment of failed asylum seekers include local non governmental organisations, press and lawyers, Ministers from all parties forming the transitional government and colleagues in other Embassies based in Kinshasa." The same letter noted that "other EU governments continue to make regular supervised returns of failed asylum seekers to Kinshasa, for which DRC Immigration requires a suitable identification document. Flights carrying returnees from Schengen countries are met by a French Airport Liaison Officer who ensures that, on arrival, the returnee holds a satisfactory document before passing them on to be landed by DRC Immigration officials." It also stated: "All passengers arriving at N'djili airport are liable to be questioned by DRC immigration officials. We have no evidence that returned failed asylum seekers are specifically targeted for adverse treatment." The letter continued: "It is possible that some returnees may face criminal prosecution upon their return to the DRC if it were established on their return that they had departed the DRC with invalid travel documents or were already the subject of an arrest warrant or criminal investigation." **[22l]**

36.04 The second letter from the embassy states that the Ambassador had met with the Vice-Minister for the Interior in late December 2005 to discuss the return of failed asylum seekers from the UK to the DRC. During the discussions the Ambassador relayed concern over reports that failed asylum seekers, on return to the DRC, had been investigated or persecuted by the DRC authorities and enquired what the DRC Government's official position was. According to the letter the Vice Minister "said categorically that there was no official policy to target failed asylum seekers upon their return to the DRC. He could not guarantee that individual failed asylum seekers had not been harassed by individual members of immigration or security services. But they had definitely not been ordered to do so by the Interior Ministry." **[22m]**

36.05 In response to an information request on the subject of the treatment of rejected asylum seekers in the DRC the UNHCR stated on 19 April 2006, that after the press coverage following the BBC programme their officials in Kinshasa had contacted various organisations and institutions in an attempt to gather more information. This included organisations such as the Congolese Immigration Authorities (DGM), the National Committee for Refugees (CNR), IOM, MONUC, and national human rights NGOS. In addition, it sent staff to the airport on days of arrival of flights from Europe. The following were its findings:

1. According to the DGM and CNR, the usual procedure for any person returning through Kinshasa airport in case they do not hold proper documentation, including current DRC passports, and/or when they have been absent for a long time, is to be interrogated by immigration officials at the airport. In the best case scenario, they are freed within one to three hours. In the worst case, they are sent to a detention facility in the centre of town, and released after further verification.

2. The Congolese human rights NGO 'Voix des Sans Voix' informed the office that rejected asylum-seekers are received upon arrival at the airport by agents of DGM, who question them about why they left and applied for asylum. The NGO have an office at the airport and are closely monitoring the situation. They mentioned that there were many failed asylum seekers who are sent back by western European countries, but they are not aware of any of these persons detained and/or tortured upon return. They reported that some of the failed asylum seekers had to pay some money to the police (5 to 10 US$).

3. IOM Kinshasa advised the office that they have no information of returnees who were mistreated and/or tortured upon return.

4. According to MONUC's human rights section, which is also monitoring the prisons in the DRC, they did not receive concrete indications that individual failed asylum-seekers were arrested upon their return.

5. According to ASADOH (Association Africaine de Defense des Droits de l'Homme), no cases of detention, abuse or torture of failed asylum-seekers were known to their office.

6. As reported above, UNHCR staff were at times present at the airport, but they have not witnessed arrests made at the airport. However, it has to be

kept in mind that arrivals at the airport are difficult to monitor, and UNHCR does not have a regular presence at the airport. The UNHCR Kinshasa office has only details on the forced return of three persons, of whom two were from African countries and one from Sweden. The latter person was, upon arrival, interrogated for some three hours and then released without further problems.

7. In general, the situation in the prisons and detention centres in DRC are extremely dire, and detainees have to rely on relatives to bring them food.

8. With the limited information available to UNHCR, it does not have evidence that there is systematic abuse, including detention and mistreatment, of failed asylum seekers returned to the DRC through Kinshasa airport. It wishes to highlight, however, that it advises against the forced return to Kinshasa of persons of Banyamulenge ethnic origin. **[60h]**

36.06 An EU Report on Illegal Migration published in June 2006 dealing with the subject of returned asylum seekers states that the majority of failed asylum seekers (particularly in the UK) do not take up the offer of voluntary repatriation. Member states therefore mostly rely on forcible repatriation.

36.07 The report goes on to state that no EU member state has run charter flights of failed asylum seekers to the DRC since 2003. The DRC authorities have resisted attempts by member states to restart them. However, many member states have signed or are hoping to sign agreements to allow charter flights and guarantee a minimum level of service from Congolese embassies and immigration directorate. Some who have signed agreements have not been satisfied with their results.

36.08 The report continues to say that there is no reliable evidence of failed asylum seekers being specifically targeted for harassment by the security services. Although some returnees have been harassed, this is seen as part of a trend of opportunistic crime against random civilians by unpaid or underpaid officials. Harassment is experienced by the majority of travellers, both Congolese or foreign. **[22n]**

36.09 The Belgian and Dutch governments stated that, like the FCO, they have not seen any evidence to indicate that returned failed asylum seekers are persecuted. A letter from the Belgian Embassy in London of July 2003 stated that the Belgian Government enforced the return of failed Congolese asylum seekers to the DRC. Both the Belgian Embassy in Kinshasa and the Belgian Immigration Department monitored the treatment of returned failed asylum seekers to the DRC from Belgium and had not seen any evidence to indicate that returned failed asylum seekers were at risk of persecution. **[25]**

36.10 A letter from the Dutch Embassy in London of July 2003 stated that the Dutch Government also enforced the return of failed Congolese asylum seekers to the DRC, and that the Dutch Embassy in Kinshasa had not seen any evidence to indicate that returned failed asylum seekers were at risk of persecution. The Dutch Government did not monitor the treatment of returned failed asylum seekers to the DRC. **[26]** Further information about the return of failed asylum seekers from The Netherlands was reported by a BBC News report of 24 June 2005 which stated that, following a media programme report, “The

Netherlands [had] suspended the return of failed asylum-seekers to the Democratic Republic of Congo following reports of documents being leaked. Congolese officials are reported to have obtained confidential documents on several deportees and then abused them.… She said an independent inquiry would investigate how Dutch files may have ended up with Congolese immigration.… On a number of occasions in the past she has reassured parliament that failed asylum-seekers' files were kept secret. Dutch media reports that human rights organisations had also warned that deportees faced the serious risk of imprisonment, extortion and assault if unmasked as asylum-seekers." **[15r]**

36.11 A report from Justitie Netherlands reported on 9 December 2005 that "The Dutch Government has concluded that the Havermans Committee report indicates that no information on the content of asylum files was provided to the Congolese authorities. The report also shows that the current affairs programme Netwerk did not find any such information in the Democratic Republic of Congo". …"The findings of the report prove that the relevant executive bodies did not supply any detailed data from the asylum files to the country of origin, something that Immigration Minister Rita Verdonk repeatedly told the Lower House of Parliament in its debate of 23 February 2005." **[78]**

36.12 Further information about the attitude of European countries on this subject was set out in a country report of January 2004 by the Netherlands Ministry of Foreign Affairs as follows:

"4.3 Policy of other countries

United Kingdom
"All applications for asylum from Congolese are dealt with on an individual basis. Asylum is generally granted to Tutsis, but not to persons of mixed origin. In principle, failed Congolese asylum seekers are returned to the DRC.

Belgium
"Most applications for asylum from Congolese are dealt with in the usual way. There is a freeze on taking decisions on applications by persons giving their place of origin as Ituri. In principle, failed Congolese asylum seekers are returned to the DRC.

Germany
"Applications for asylum from Congolese nationals are assessed individually. Congolese asylum seekers who have exhausted all legal remedies are returned to Kinshasa.

Denmark
"All applications for asylum from Congolese are assessed individually. Congolese asylum seekers who have exhausted all legal remedies are de facto deported.

Switzerland
"Asylum is granted to Tutsis in some cases. Tutsis and persons who were in close contact with the Mobutu government are not deported. Congolese asylum seekers who have exhausted all legal remedies are deported to Kinshasa." **[42] (p22)**

36.13 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, the subject of the involuntary return of unsuccessful asylum seekers was discussed at length. It was stated that caution should be exercised and a case-by-case approach was necessary in dealing with these individuals. **[52] (p122-127)**

36.14 In a report by the Danish Immigration Service in 1999 a spokesman for the NGO, TOGES NOIRES, Association Internationale des Avocats et Magistrats Défenseurs des Droits de l'Homme, Kinshasa, (BLACK TOGAS, International Association of Lawyers and Magistrates Committed to Defending Human Rights, Kinshasa) offered the cooperation of his organisation in helping refused asylum seekers who were to be repatriated to return home safely without difficulty **[104]**

36.15 On 26 February 2007 the UK sent a charter flight to the DRC with 40 failed asylum seekers (FAS) on board. The plane arrived in Kinshasa at 0600 hrs local time. All 40 FAS had been certified as Congolese by the DRC Embassy in London prior to departure. Despite this two of the FAS were declared non-Congolese by the Congolese migration authorities (DGM) following interviews, in which they said they were respectively Mozambican and Senegalese. After about half an hour of processing, the remaining 38 of the FAS were allowed to leave, where the majority were met by family and/or friends. Two of the FAS even reached the embassy to enquire about appeals and visas later that morning. The Embassy who observed the process stated that there were no obvious abuses of human rights. **[22w]**

36.16 An e-mail from the British Embassy in Kinshasa via the FCO dated 11 October 2007 stated that at a meeting with a Policy Officer of the Asylum and Migration Affairs Division of the Netherlands MFA, the officer told them that he had spent a week talking to NGOs, international organisations and Embassies, he said that MONUC, UNHCR, IOM and all the NGOs he spoke to said that, while there were obviously serious human rights issues in DRC, returned failed asylum seekers were not targeted, nor were they singled out as a particular group by the authorities. All of his interlocutors had said that the stories of abuse that they had heard had all come from Europe, and that their investigations had shown the allegations to be either false, or doubtful due to lack of evidence. He also said that he had heard about an upsurge in cases of organised illegal migration, with potential migrants paying around $7,000 to be given false papers, placed on an aeroplane etc. **[22y]**

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Annex A: Chronology of major events

1960 The country gained independence from Belgium on 30 June 1960 as the Republic of the Congo. Later that year, Colonel Mobutu, as Army Chief of Staff, suspended political institutions and assumed control of the country.

1964 The country was renamed the Democratic Republic of the Congo.

1965 Mobutu again intervened following the political deadlock which ensued from elections. He assumed full executive powers and declared himself the President of the 'Second Republic'. The legislature was suspended and a five-year ban on party politics was imposed. During this period, power was progressively concentrated in the office of the President. By 1970, no senior politicians remained as potential rivals to Mobutu.

1970 Presidential and legislative elections were held. Mobutu, as sole candidate, was elected President, and members of a national legislative council were elected from a list of candidates presented by Mobutu's political party, the Mouvement Populaire de la Revolution (MPR). The government, legislature and judiciary became institutions of the MPR and all citizens automatically became party members. In 1971, the country was renamed the Republic of Zaire as part of a campaign for African authenticity.

1977 An invasion of Shaba [Katanga] province by former Katangese rebels from Angola was repulsed with assistance from France and Morocco (the First Shaba War).

Mobutu created the post of first state commissioner (equivalent to prime minister) and announced a legislative election for 1980. He was then re-elected unopposed for a further term of office.

1984 Mobutu was again re-elected without opposition and continued with political and financial policies to reinforce his personal position.

1990 Mobutu announced various political changes, including the inauguration of the Third Republic, and a Transitional Government although he retained his hold on power. Legislation permitting the operation of political parties and free trade unions was enacted, and a special commission to draft a new constitution by April 1991 was announced.

1991 The announcement of a timetable for the restoration of multi-party politics led to the proliferation of political parties.

1996 **In August**, Mobutu left the country for cancer treatment in Switzerland. The hiatus created by his absence and ill-health proved to be a decisive factor in bringing his rule to an end. What appeared at first to be a regional movement to protect Tutsis soon gathered momentum and emerged as a national rebellion aimed at overthrowing the Mobutu regime. The rebels were joined by dissidents of diverse ethnic origin to form the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL), led by Laurent-Desire Kabila. Despite attempts by the government to control the situation, the rebel forces continued to make progress in taking over a large area of the east, including the towns of Goma and Bukavu, by the end of the year.

1997 **On 16 May** President Mobutu left Kinshasa with his entourage as AFDL forces approached Kinshasa.

On 17 May, AFDL troops entered Kinshasa and Kabila declared himself President of the renamed Democratic Republic of the Congo. Kabila also issued a constitutional decree to remain in force until the adoption of a new constitution which allowed him legislative and executive power and control over the armed forces and treasury. A government was formed which, while dominated by AFDL members, also included Union pour la Democratie at le Progrès Social (Union for Democracy and Social Progress (UDPS) and other party members. In August, a military court was established by decree.

1998 **In April**, the government banned the country's main human rights group AZADHO and took action against other groups.
In August, reports were received of an organised rebellion from the east of the country which was aimed at toppling the regime. The rebels, calling themselves the Rassemblement Congolais pour la Democratie (RCD), were assisted by Rwanda and Uganda who were angered by Kabila's failure to contain attacks on their territory by insurgents based in eastern DRC. The rebels captured a number of eastern towns and made a flight to the west to take other assets. They reached the outskirts of Kinshasa by late August but then received a number of military setbacks from government forces who were by then being aided by Zimbabwe, Angola and Namibia, and subsequently by Chad.

The rebels continued to make progress in the east and captured more than one-third of the country by the end of the year.

In October, another rebel group, the Movement for the Liberation of Congo (Mouvement pour la Liberation du Congo) (MLC) joined the fighting in northern DRC.

Later in the year and in early 1999, reports of mass movements of refugees displaced by the war and of atrocities committed by both sides were issued.

Kinshasa remained generally calm, although suffering the economic effects of the war. Diplomatic efforts to end the fighting were inconclusive.

1999 **In January**, government decrees lifted the ban on public political activity and announced arrangements for registering new political parties. These were widely criticised for being too restrictive.

A peace accord was signed in Lusaka by the governments of the DRC and other countries involved on 10 July and shortly afterwards by the MLC rebel group and the RCD factions.

Despite the ceasefire agreement, violations of the ceasefire by both the government forces and the rebel groups were reported.

At the end of November the UN Security Council established a force in the country – UN Mission to the Congo (MONUC)

2000 **In January**, MONUC was increased in size by adding some 5000 troops to support the work of 500 ceasefire monitors.
Violations of the ceasefire agreement by both the Government forces and the rebel groups continued to be reported. A new ceasefire agreement in April failed to bring lasting peace.

In early May there was serious fighting between Ugandan and Rwandan forces in Kisangani, and, later in the year, between government and RCD-Goma forces, around the town of Pepa.

2001 **On 16 January**, President Laurent Kabila was assassinated in Kinshasa. His son – Joseph Kabila – was sworn in as the new President of the DRC.

In May, a law was passed allowing registered political parties to engage in political activity legally subject to certain conditions.

In November a UN report accused Rwanda and Uganda of illegal exploitation of the DRC's mineral resources, a charge which both countries rejected.

In December, violent clashes took place between university students and the police in Lubumbashi and Kinshasa.

2002 **17 January**, on the DRC's joint border with Rwanda and Uganda, the Nyirangongo volcano erupted causing severe destruction in Goma and the surrounding area.

In February, the Inter-Congolese Dialogue resumed in Sun City in South Africa, which led to a peace deal in April between the Government and most of the rebel forces, although RCD-Goma and several long-established parties, including the UDPS, did not sign up to the agreement.

On 15 March, the trial of the 135 persons suspected of involvement in the assassination of Laurent Kabila began.

On 30 July, an agreement on disarmament of Hutu rebels and withdrawal of Rwandan forces from DRC was signed in South Africa by President Kabila

and Rwandan President Kagame. The Hutu rebels did not recognise the agreement as they claimed they were not consulted.

In September 2002, the Government announced that the moratorium on the death penalty, which had nominally been in place for three years, had been lifted.

2003 **On 7 January**, the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila.

In April the Cour d'Ordre Militaire (COM, Military Order Courts) which were widely used to abjudicate civilians were abolished.

On 2 April, delegates from all parties to the conflict in the DRC signed a power-sharing peace deal in Sun City, South Africa. The DRC Government, rebel movements, opposition political parties and representatives of civil society agreed to set up a Transitional National Government to oversee democratic elections due to take place in 2005.

On 30 June the new Transitional National Government was set up and comprised the President, four vice-presidents, 36 ministers and 25 deputy ministers from the previous administration, the Mai-Mai militia, the rebel forces, the unarmed political opposition and civil society. Joseph Kabila remained the President of the DRC while the Transitional National Government was in operation.

On 22 August a transitional National Assembly and Senate of the Transitional National Government was opened in Kinshasa by President Joseph Kabila, with members drawn from the various parties to the national power-sharing accord.

In August an agreement was reached on establishing a unified armed forces command.

2004 **On 28 March**, an attempted coup was reported to have taken place in Kinshasa, allegedly by former soldiers of Mobutu's army.

In May the President appointed governors and their deputies to the eleven provinces to form part of the Transitional national Government.

In May and June fighting broke out in the Bukavu area.

On 28 June another attempted coup in Kinshasa was reported which was also quelled within a short time.

In June the chief prosecutor of the International Criminal Court announced an ICC investigation into alleged war crimes committed in the DRC since 1 July 2002, with the initial focus of the enquiry in Ituri. **[18o]**

In August some 160 Banyamulenge refugees who had fled from the fighting in Bukavu were massacred at a refugee camp at Gatumba, Burundi. Vice-President Ruberwa suspended RCD-Goma's participation in the transitional government in view of the collapse of the peace process for about a week at the end of August.

2005 **Demonstrations** and a general strike occurred in Kinshasa in the week of 10 January 2005 following reports that the elections programmed for June 2005 might be delayed to later in the year. **[15i] [15j]**

In mid-January ministers and state officials were dismissed for corruption. **[18z]**

In May a new draft post-transition constitution was approved by the national assembly. **[15k]**

In May the transitional parliament agreed that elections should be postponed for six months from the scheduled date of 30 June. **[62b]**

In June the National Electoral Commission launches its registration of 3.5 million voters in Kinshasa, marking the start of a nationwide registration campaign. **(18by)**

Demonstrations took place in several parts of the country around 30 June in protest at the postponement. **[65j]**

In September the Government issued an ultimatum for all foreign armed groups to leave the DRC by 30 September, or face the consequences. **[18z]**

In September MONUC's mandate is extended for one year. **[18z]**

In October following the expiry of the September deadline for all foreign armed groups to leave the DRC MODUC and Congolese troops begin joint operations in eastern Congo against local and foreign rebel groups. **[18z]**

In November some 1,000 people who had fled their homes to live in Kinshasa for six to nine years return to Equateur and Orientale Provinces. **[18bo]**
Restrictions on press freedom had increased during the year and in November resulted in the death of Franck 'Ngyke' Kangundu, who headed the political section of La Reference Plus.

In December the referendum on a new constitution is passed by a large majority. **[18bq]**
Fighting continued in the Eastern parts of the country throughout the year mainly in the Kivus, Ituri, and Katanga.

Source: **[1c]** unless otherwise stated

2006 **In January** The DRC government presented a report in Geneva on its compliance with the international convention on torture.

In February the ballot for the new constitution was approved by the Supreme Court and promulgated by the president. A new flag was adopted. As a result adoption of the new constitution the State Security Court was abolished. President Kabila was adopted as the candidate for the PRDP for the presidential election. The Independent Electoral Commission (CEI) announced that 300 parties had registered for the elections.

In March the electoral law was promulgated. Warlord Thomas Lujbanga became the first war crimes suspect to face possible charges at the International Criminal Court in The Hague. A demonstration on 10 March by UDPS, protesting their election demands had not been met was broken up by armed riot police. A further demonstration took place on 22 March. The leader of the armed group Mudundu 40 was sentenced to five years for crimes including the illegal detention of children.

In April for the first time in the country's history seven soldiers were convicted of crimes against humanity. The CEI announced the election date as being 30 July 2006, and approved the electoral list for the presidential and legislative elections. The Cour d'Orde Militaire (Military Order Courts) were abolished. Olivier Kamitatu, the President of the National Assembly, resigned.

In May the leader of a Mai Mai group, Gedeon, surrendered along with several commanders and 750 followers. A further 200 Mai Mai surrendered at Lubumbashi. Pastor Kuthino, who had recently returned to the country, was arrested. Politically human rights violations increased with mass arrests in Kinshasa and freedom of expression was under threat in several provinces.

In June there were a rash of abuses of freedom of expression and assembly, and several cases of journalists being harassed, attacked or detained. NGO activists critical of the government were intimidated, and there were PPRD-led government efforts to prevent opposition groups from gathering or demonstrating. MONUC reported the usual abuses carried out by FARDC and other members of the security forces. The trail of Pastor Kuthino was concluded, with all defendants found guilty and sentenced.

In July Respect for civil and political rights drastically decreased as the 30 July elections approached. UDPS and RCD members were targeted for human rights violations because of their political affiliations. PNC, backed by GR officers, used excessive force to repress political demonstrations; opposition members continued to be targeted; there were cases of human rights violations by FARDC. The killing of an independent journalist sparked a "journee sans medias" in Kinshasa, with many newspapers, radio stations and TV channels ceasing activity for 24 hours. Members of political parties not receiving local backing from officials also faced unnecessary difficulty in organising meetings or other campaigning. The elections took place on 30 July 2006.

In August the main event was the publication of the election results and the aftermath. In Kinshasa three days of fighting followed the announcement of the presidential elections' provisional results, which led to 23 people being killed and 43 others injured. The presidential election did not give any candidate the necessary majority and a run-off election between Joseph Kabila and Jean-Pierre Bember was scheduled to take place. In Ituri a military tribunal sentenced a Union des Patriotes Congolais (UPC) militia leader to terms ranging from 10 to 20 years for war crimes. A Mobile Military Court sentenced 11 soldiers found guilty of murder, rape, extortion, armed robbery, and other crimes. Freedom of expression was compromised by the arbitrary closure of several pro Bemba media channels without orders from HAM, by pro Kabila forces.

In September more than 800 street dwellers were arrested by the PNC in Kinshasa. There were also reports of demonstrations in Kinshasa and

elsewhere, notably Kananga, being dispersed with unnecessary force. Freedom of speech was better respected than in August, however many journalists still reported being threatened by political and military groups from both sides.

In October Five detainees were killed and many others wounded during a mutiny in Kinshasa main prison. Administrative authorities continued to interfere in the administration of justice. FARDC officers and three representatives of a foreign private mining company were sent for trial in connection with the Kilwa massacre of October 2004. The second round of the presidential election took place.

In November the official results of the presidential election was announced giving victory to Joseph Kabila. Three mass graves were identified in Bavi, Ituri District. More than 600 street dwellers were arrested in Kinshasa, and 29 others in Kisangani. Politically motivated arbitrary arrests were registered throughout the DRC. A leading human rights lawyer Marie-Thérèse Nlandu Mpolo-Nene, who had been a candidate in the presidential election, was arrested on 21 November by agents of the Special Services police, together with six associates.

In December Six more officers were arrested in connection with the Bavi massacre and the Kilwa massacre trial began in Lubumbashi. FARDC soldiers, ANC agents and PNC agents continued to commit human rights violations, including killing and rape throughout the year particularly in eastern DRC.

2007 **Janauary** Fighting continued in Ituri against the forces of Peter Karim, and in North Kivu against the forces of Laurent Nkunda. The elections for senator took place which gave a majority to parties supporting Joseph Kabila. Jean Pierre Bember gained a seat in Kinshasa. The gubernatorial elections also took place, again giving a majority to Kabila allies. In the middle of January Laurent Nkunda agreed to his troops joining the integration process. 1,000 Mai Mai joined the integration process in South Kivu.

February Rioting broke out in three towns in Bas Congo Province with 134 people killed including security forces. The rioters were protesting against the result of the gubernatorial elections.

March On 22 March fighting broke out in Kinshasa between forces loyal to Jean Pierre Bember and FARDC troops, after Bemba refused to disband his guards. This led to two days of fighting in which EU diplomats estimate that 600 died. Bember sought refuge in the South African compound and later left for Portugal. At least 15 people were arbitrarily executed by the recently mixed FARDC Bravo Brigade in Buramba village of North Kivu on 9-10 March. Numerous reports of arbitrary executions of civilians by the FARDC were received in most provinces. PNC agents were implicated in several cases of arbitrary arrest and illegal detention.

April The Congolese army launched an offensive against the Rwandan Hutu rebels in the east of DRC. The opposition boycotted parliament on the grounds of lack of safety and harassment, but later returned after being promised talks with President Kabila.

May The UN High Commissioner for Human rights paid a six day working visit to the DRC; FDLR/RASTA rebels killed 17 villagers in Sud Kivu Province; five civilians were arbitrarily executed by the second battalion of Bravo brigade in Rudhe-Katwiguru, North Kivu; FARDC and PNC elements were implicated in several violations of the right to life, physical integrity, particularly rape, as well as to the right to liberty and security of person.

July The result of the Bavi appeal case was delivered which confirmed the life sentence given to a FARDC captain in the first trial and another captain was sentenced to 10 years imprisonment for murder as a war crime. The remaining seven defendants received 15-year sentences for murder. Former Mai Mai leader Kyungu Mutanga alias Gédéon was committed to stand trial for insurrection and war crimes. FARDC soldiers were responsible for numerous cases of arbitrary executions and other human rights violations.

August Jean Pierre Bemba missed the deadline for his return to the DRC. A spokesman said that he would return in September. It was reported that 3,500 militia had disarmed during the first two weeks of August. Rioting took place in Moba, in Katanga Province, when it was rumoured that Banyamulenge refugees were to be returned to the town. The DRC government sought help for 75,000 homeless, 50,000 in Kinshasa and 25,000 in Lubumbashi. More than 100 prisoners escaped form the central prison in Uvira. They claimed that they were starving; the prison governor said that he could not afford to feed them.

September United Nations Human Rights Officers identified three mass graves in the former HQ of the 2nd Battalion of mixed Bravo Brigade (pro-Nkunda) in North Kivu.

October Germain Katanga, leader of the Force de Résistance Patriotique en Ituri (FRPI) militia was transferred to the International Criminal Court (ICC) for trial.

November On the night of 9-10 November 2007, six civilians were killed, including a 9-month-old baby, in the locality of Lushebere, North Kivu, allegedly by CNDP elements (pro Nkunda). In Ituri 38 inmates escaped from the Mahagi Prison during the month November 2007.

December On 14 December 2007 diplomats form Uganda and the DRC had met to discuss border tensions on Lake Albert. On 17 December the DRC government announced that they would hold a peace conference in North Kivu by the end of the month.

2008 **10 January:** Peace process - After the first plenary session on 9 January, a decision is reached to extend the peace conference in Goma until 17 January. The conference had originally been scheduled to finish on 14 January.

11 January: Alan Doss, the new head of the UN mission in the DRC, MONUC, arrives in Kinshasa. Previous to this appointment, Doss of the UK was special representative of the UN Secretary General in the DRC.

14 - 16 January: The political wing of dissident group under General Laurent Nkunda, the National Congress for the Defence of the People (CNDP), addresses the conference According to Congolese newspaper L'Avenir, the

CNDP calls for the repatriation of the Democratic Forces for the Liberation of Rwanda (FDLR), the Hutu rebel group blamed by Nkunda for attacks on the ethnic Tutsi population in the Kivus. The CNDP also reportedly calls for the return of opposition leader Jean-Pierre Bemba, currently in exile in Portugal.

Nkunda's National Congress for the Defence of the Congolese People demands talks with the government, the repatriation of Rwandan Hutu rebels active in the country, the return of refugees and exiles and the release of political prisoners.

The Mayi Mayi militia also addressed the conference, calling for peace and the return of the FDLR to Rwanda.

18 January: The United Nations Office for the Coordination of Humanitarian Affairs states that more than a half a million people are displaced in the past 12 months in the Democratic Republic of the Congo (DRC), mainly due to fighting between Government and rebel groups in the country's volatile northeast.

19 January: Delegates at the UN-backed peace conference discuss the possibility of amnesty for certain belligerents, including dissident General Laurent Nkunda. The various non-state armed groups involved in conflict in the Kivus, including Mayi Mayi militia and the forces of dissident general Laurent Nkunda, are later reported to have signed a ceasefire in order to facilitate the Goma peace conference.

The UN mission in the DRC, MONUC, dispatches a patrol to investigate claims by local authorities that 40 people have been killed since Friday 18 January in attacks by dissident forces of General Laurent Nkunda near Nyamitaba and Kalonge, more than 60 km northwest of Goma, where a peace conference is currently underway. However, the dissident forces deny the allegation, claiming attacks were instigated by local Mayi Mayi militia.

23 January: The Goma peace conference sees the signing of a peace deal intended to bring conflict in the east of the DRC to an end. Following more than two weeks of negotiation, rebels and militia fighters agree an "act of engagement" for an immediate cease-fire with government troops and the phased withdrawal of all non-state forces in the eastern region. In return they will receive amnesty and political and legal guarantees for the respective armed groups. The National Congress for the Defence of the People (CNDP) of dissident General Laurent Nkunda was first to sign the agreement, followed by delegates of the remaining groups, including the Mayi Mayi tribal militias.

29 January: The UN announces the establishment of eight new bases in eastern DRC to monitor the ceasefire. The mobile bases will involve up to 30 UN troops each and will also provide protection to civilians in Nord Kivu. This adds to 13 other bases already operational in the area. The move follows outbreaks of fighting between dissidents and Mayi Mayi militias which threatens to derail the recent peace settlement reached in Goma.

4 February: Signatories to the Goma agreement on cessation of hostilities in Sud Kivu commence a two-day follow-up meeting in Bukavu, Sud Kivu, to discuss arrangements for activities to be carried out within the framework of the settlement.

11 February: Mathieu Ngudjolo, former leader of the Nationalist and Integrationist Front (FNI) in Ituri region, northeastern DRC, appears before the International Criminal Court (ICC) in the Hague, Netherlands, on charges of war crimes and crimes against humanity. The former militia leader is accused of ordering the extermination of 200 residents of Bogoro village in 2003.

12 February: The UN Mission in the DRC, MONUC, confirms that it has registered 17 clashes between dissident forces of General Laurent Nkunda and the Mayi Mayi militia since the signing of a cease-fire agreement between the two on 23 January. MONUC reports that most confrontations followed looting or attempts to steal cattle and did not involve government forces.

22 February: General Nkunda announces that he is suspending his participation in planned follow-up meetings of the cease-fire in protest over UN reports which implicate his dissident forces in massacres of Hutu civilians in January 2008.

4 March: The party of dissident General Laurent Nkunda, the National Congress for the Defence of the People (CNDP), announces it will rejoin the ceasefire commission. The group had suspended its involvement on 22 February in protest at a UN report which implicated the group in the massacre of Hutu civilians in January. The decision follows talks between the CNDP and special envoys from the USA and European Union in which guarantees that an independent inquiry into the massacres would be carried out in the "near future".

4 March: Governor of the Bas Congo region in southwest Democratic Republic of Congo (DRC), Simon Mbatshi Batshia, confirms that 22 people have been killed in violent clashes between members of a political-religious group and security forces. The Bundu Dia Kongo (BDK), created in the 1950s but reduced in significance following the country's independence, contests the authority of central government in the province for which it seeks autonomy and independence. Previous clashes last year in Bas Congo resulted in 134 confirmed fatalities. Police in the region have recently increased their presence and tensions with the BDK have grown.

10 March: Two are confirmed dead and five more injured following a police raid on the headquarters of the separatist ethnic-based Bundu dia Kongo (BDK) movement. Security forces attacked in large numbers in the capital of the western Bas-Congo province, Matadi. The UN mission in the DRC, MONUC, began deploying peacekeepers earlier this week in Bas-Congo following an escalation of violence between security forces and the separatist militia. Some estimates claim the actual death toll of recent fighting runs into the hundreds rather than 24 fatalities so far confirmed.

19 March: Following the passing of the deadline for the sensitisation phase of the Nairobi Accord on 15 March, the DRC army deploy troops to the Kivus to force the Democratic Force for Liberation of Rwanda (FDLR) rebel group to disarm and return to Rwanda. Under previous agreements reached at tripartite meetings, the armed forces of Rwanda and the DRC are now expected to take measures to force the FDLR to demobilise.

28 March: In an attempt to tackle increasing insecurity and crime in the town of Goma, capital of Nord Kivu, up to 100 individuals, including soldiers and demobilised combatants, are arrested on suspicion of involvement in banditry. A search operation of an army barracks in the Kotido area of Goma leads to the seizure of 101 firearms and 800 rounds of ammunitions.

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Annex B: Political organisations

Alliance des forces democratiques pour la libération du Congo-Zaire (AFDL)
The AFDL was the ruling political party of former president Laurent Kabila on coming to power. Arguably the most powerful group in the alliance were mainly Tutsis. At its founding it comprised four political groups, all from eastern DRC: the Revolutionary Party of the People (founded by Kabila), Democratic Alliance of the People, the Revolutionary Movement for the Liberation of Congo-Zaire and the National Resistance Council. As the rebellion unfolded they were joined by many other groups one of which was a lumumbiste group the Conseil Nationale de Resistance led by Kisae Ngunda (killed 1997). In April 1999, Laurent Kabila dissolved the AFDL in favour of village committees to devolve power to the people. **[1c] [30a] (p6, 12) [4a] (p135) [102]**

Forces Novatrices pour l'Union et la Solidarité (Forces of New Ideas for Union and Solidarity) (FONUS) **[1c]**
Leader Joseph Olenghankoy was minister of transport in the transitional national government set up in 2003, until he was dismissed in January 2005. **[4a] (p137) [65c]**

See also Section 6.05 on Government; Annex C Prominent people

Forces pour le Salut du Congo (Force for the Salvation of Congo) (FSC)
Formed in June 2000 by former supporters of former President Mobutu. Leader Jerome Tshishimbi. **[1h]**

Mai Mai (also Mayi Mayi)
Internet : - http://www.congo-mai-mai.net/

The Mai-Mai militias fighting in Congo first emerged in the context of the current crises in the contexts of violent conflicts in Masisi 1993-1996, as an expression of local resentment and opposition to the presence of Rwandan forces and their proxy, the RCD [Rassemblement congolais pour la démocratie], in eastern DRC. Although originating from specific groups, they were never a cohesive political or military grouping. They emerged in Northern Katanga and elsewhere. **[101]**

It is important to note in this regard is that several observers feel that the Mai-Mai in other regions than the Kivu are creations of Kinshasa politicians. **[101]**

The Mai-Mai are rural militias which were originally set up by the Hunde tribe. They originated in the 1960s as part of a nationalist and Marxist guerrilla group under the leadership of Patrice Lumumba. As a group they generally oppose foreigners of any ethnicity, but in particular the Banyamulenge and Congolese Tutsi. This is largely the result of disputes over land and pressure on local resources.

The Mai-Mai are divided into many armed groups and do not have a unified leadership structure. Their origins as self-defence militias have also been largely abandoned and, although they are fierce about their cause, they have become as predatory of the local populations as have the myriad other armed groups roaming the eastern DRC, and many group leaders have started behaving more like warlords

The ever-changing alliances and groupings within this group of rebel forces makes it difficult to give clear estimates of numbers of fighters. It is estimated that after a significant number surrendered during 2006 the Mai-Mai number between 2,400 and 3,000.

The Mai-Mai fought alongside government forces throughout the war and also have close links to the Interahamwe. Mai-Mai representatives participated in the inter-Congolese dialogue and are signatories to the agreement. They had two ministers and two vice-ministers in the transition government and were represented in the national assembly and the senate.

Mai-Mai commanders have also been incorporated into the new structure of the armed forces and several – such as General Padiri Kalendu, the commander of the fifth military zone of Orientale province – hold senior posts. Like the troops of the various rebel groups, Mai-Mai forces have been incorporated into the new Congolese army.

The Mai-Mai operate in the North and South Kivu Provinces, and also in Katanga and north in Orientale Province. Equipment varies from spears to rifles and rocket-propelled grenade launchers. **[30a] (p14)**

See also Annex D Armed forces in the DRC

Mouvement pour la libération du Congo (Congo Liberation Movement) (MLC)
Internet : - http ://www.mlc-congo.net/

Former Ugandan-supported rebel movement. **[1c]**

The MLC emerged in Equateur province and included about 5,000 ex-FAZ/DSP, Congolese soldiers from the Republic of the Congo and new recruits from the north-west of the DRC. Estimated strength was between 6,500 and 9,000 soldiers, although it claimed an army of 25,000 men.

The MLC was supported militarily and politically by Uganda, and had alliances with all of the main rebel movements at various times during the conflict. At the time of the signing of the global peace agreement, the MLC was co-operating with the Rassemblement Congolais pour la Democratie-Nationa, led by Roger Lumbala. Officially Uganda admitted that it provided artillery, medical and communication support to the MLC.

The MLC's headquarters were in Gbadolite and it controlled most of Equateur province as well as the north-western parts of Orientale province.

The MLC has funded most of its operations by the proceeds from four to five small diamond and gold mines under its control. Revenues were also raised from taxes levied on tea, coffee, and timber.

The MLC was legalised by the decree of September 2003 authorising all parties to function legally. **[3b] (Section 2b)**

The MLC, headed by Mr Bemba, has its headquarters in Mr Mobutu's former Presidential "village" of Gbadolite in Equateur province. The group was for a long time openly backed by Uganda. The MLC is more cohesive than the other former rebel groups! Mr Bemba dominates the movement, which is a vehicle for his own ambitions. Mr Bemba has been one of four vice-presidents in the transitional government, and in the presidential election of July 2006 headed the poll in five of the country's central and western provinces.The party came second in the general election , yet won only 64 seats in the National Assembly **[30f]** The MLC has close links to the Ugandan government which controlled much of northern and central DRC. Many of the MLC's senior members hail from the civilian and military structures of ousted dictator Mobutu Sese Seko. **[27b] (History and Politics)**

According to a report of 22 April 2004 by the Canadian Immigration and Refugee Board, the party has no links with the Congolese NGO, Ligue des électeurs (League of Electors). **[43p]**

MLC members were given high-profile cabinet posts (Foreign Affairs and Planning) and 116 seats in the transitional legislature. **[4a] (p136)**

The MLC has seven ministerial posts and two vice-ministerial posts. In the national assembly and the senate has representation equal to that of the RCD and the presidential party.

The MLC's former Secretary-General was Olivier Kamitatu; he was the president of the national assembly but resigned in April 2006. The former Chief of Staff of the MLC's army is Colonel Amuli.

The Economist Intelligence Unit (EIU) Country Profile of June 2005 noted that pre-election competition for power between the PPRD party and Mr Bemba's MLC is one of the main causes of the deterioration in public expenditure management; a substantial improvement is likely only when they have reached a defined and accepted balance of power after the elections. **[30b] (p24)**

See also Section 6.15 Elections; Annex C Prominent people; Annex D Armed forces in the DRC

Mouvement Populaire de la Révolution (Popular Movement for the Revolution) (MPR)
Formed in 1966 by former President Mobutu; sole legal political party until November 1990; leader: Catherine Nzuzi wa Mbombo Tshianga **[1h] [4a] (p137)**

An information response by the Canadian Immigration and Refugee Board (IRB) of 10 June 2003 about the existence of the MPR rénové/Salongo stated:

"Nonetheless, one source indicated that there are three factions of the Popular Movement of the Revolution (MPR): the MPR-Fait Privé, headed by Catherine Nzuzi wa Mbombo; the MPR/Vunduawe, under the leadership of Félix Vunduawe; and the MPR/Mananga, led by Mananga Dintoka Mpholo (CIA World Factbook 2002 19 Mar. 2003). Two other published sources, however, noted the existence of only two factions of the MPR, that is, Catherine Nzuzi wa Mbombo's MPR-Fait Privé and another simply called the MPR, headed by Félix Vunduawe (Le Phare et Le Communicateur 9 Sept. 2002; Le Palmarès 15 Apr. 2003)." **[43d]**

Catherine Nzuzi wa Mbombo was named as the Minister of Solidarity and Humanitarian Affairs in the Transitional National Government appointed in June 2003. **[56c] (Institutions de la Transition en RDC) [4] (p137)**

See also Annex C Prominent people

National Congress for the Defence of the People (CNDP)
Political arm of ex-General Laurent Nkunda, formed b y him in 2007 in east of the DRC. Attended peace conference in Goma in January 2008 on Nkunda's behalf.
Parti démocrate et social chrétien (Democratic and Social Christian Party) (PDSC)
32a ave Tombalbaye, Kinshasa-Gombe. Centrist. Founded in 1990; Pro-centrist. President André Bo-Boliko; Secretary-General Tuyaba Lewula. **[1h]** Affiliate of the Christian Democrat International. **[4b] (p135) [22g] (major political parties)**

Parti lumumbiste unifié (Unified Lumumbist Party) (PALU)
Leader Antoine Gizenga **[13] (Political parties and leaders) [22g] (Major Political Parties)** According to a report of 30 March 2005 by the Canadian Immigration and Research Board, PALU did not agree with the appointment process of members of the political opposition to the transitional government in 2003 so is not represented in the transitional government. The same source stated that PALU and others formed a political grouping to insist on elections by 30 June 2005, and that a number of PALU and UDPS members were arrested when they tried to submit a memorandum to the office of the United Nations Mission to the Democratic Republic of Congo (MONUC) in May 2004. **[43t]** After the results of the presidential and parliamentary elections were announced Gizenga announced on 21 September 2006 that PALU would support the PPRD in parliament and President Kabila in the presidential election run-off. **[92g]**

Parti du Peuple pour la Reconstruction et la démocratie (People's Party for Reconstruction and Democracy) (PPRD) http://www.pprd.com
Formed March 2002 by President Joseph Kabila. **[1h]**

The Economist Intelligence Unit (EIU) Country Profile of June 2004 stated "Parti du _alend pour la reconstruction et la démocratie (PPRD), created in March 2002, represents the supporters of Mr Kabila and of his late father, Laurent Kabila." **[30a] (p4)**

The EIU Country Profile of June 2005 noted that pre-election competition for power between the PPRD party and Mr Bemba's MLC was one of the main causes of the deterioration in public expenditure management, and a substantial improvement is likely only when they have reached a defined and accepted balance of power after the elections. **[30b] (p24)**

In the parliamentary elections held on 30 July 2006 the PPRD became the largest party but without a majority. However it formed a coalition with other parties, notably PALU

and UDEMO (the party of Nzangsa Mobutu), in the Alliance of Presidential Majority (AMP). **[18db]**

Rassemblement congolais pour la démocratie – Goma (Congolese Rally for Democracy (RCD-Goma/RCD-G)
Internet: http://www.rcd-congo.info/

Founded in 1998; a rebel movement until the December 2002 peace agreement; main faction initially led by Émile Ilunga; supported by Rwanda. Secretary.-General. Francis Bedy Makhubu Mabele. **[1h]** A close political ally of the Rwandan government and the bulk of its leaders hail from the Banyamulenge community. **[27b] (History and Politics)**
The Rwandan-backed RCD was the main rebel movement opposing the DRC government of Laurent Kabila. It controlled the eastern third of the country throughout the war, and in its guise as a political party is deeply unpopular in part because its leaders are Banyamulenge/Congolese Tutsis who are seen as allies of Rwanda. After forming as a rebel organisation in August 1998, the RCD has fractured repeatedly. It split in May 1999, when one of its leaders, Ernest Wamba dia Wamba- supported by Uganda- was ousted, and set up a new rebel group, RCD-Mouvement de _alendar_e (RCD-ML). Mr Wamba was later replaced by Mbusa Nyamwisi, and until the formation of the transitional government the RCD-ML controlled the northern half of North Kivu province.
In 2000 a group, led by Roger Lumbala, split away from the RCD-ML, calling itself RCD-National (RCD-N). Both the RCD-ML and the RCD-N have had representatives in the government and other transitional institutions, though fewer than the main RCD, whose leader, Azarias Ruberwa, has been one of the four vice-presidents. The elections of 2006 have potentially reduced the RCD and its offshoots to very minor players in national politics. **[30d] (p13)**

See also Annex D Armed forces in the DRC

Rassemblement congolais pour la démocratie – Mouvement de Libération (Congolese Rally for Democracy – Liberation Movement) (RCD-ML) also known as RCD-Kisangani (RCD-K/ML) [22g] (Major Political Parties)
Broke away from main RCD in 1999; supported initially by Uganda but went over to government side in 2000 prompting clashes with the Ugandan backed MLC; **[1h] [4a] (p136)**

The RCD-K/ML controlled an area known as the Grand Nord which stretches from Kanyabayonga to Beni. The RCD-K/ML is led by Mbusa Nyamwisi, who is now also the Minister of Regional Cooperation in the transitional government. The party has 19 seats in the transitional bicameral legislature. **[4a] (p136) [27b] (History and Politics)**

See also Annex C Prominent people

Rassemblement congolais pour la démocratie – National (Congolese Rally for Democracy – National) (RCD-N)
Ugandan-backed faction which broke away from RCD-ML in October 2000, based in Isiro, Orientale Province. Leader Roger Lumbala was appointed Minister of External Trade in the transitional government formed in July 2003. It has 19 seats in bicameral legislature. **[1h]**

Union pour la Democratie et le Progrès Social (Union for Democracy and Social Progress) (UDPS)

The address for the general office is given as 546 Avenue Zinnia, Commune de Limete, Kinshasa, Congo-Kinshasa. The address given for the Secretary-General is 54 Avenue Zinnia, Kinshasa-Limété, Congo-Kinshasa. http://www.udps.net/

Formed in 1982. Leader: Etienne Tshisekedi Wa Mulumba; Secretary-General: Rémy Massamba Ma Kiessa. **[1h]**

See also Annex C Prominent people

The UDPS was formed in the early 1980s as an opposition party within the former Zaire to counter the arbitrary rule of the Mobutu regime. **[1c]** The UDPS has been banned on a number of occasions, and was finally legalised in 1991. **[4a] (p136)**

Europa World online reported that the UDPS denounced the Inter-Congolese Dialogue in 2002 and formed a political alliance with the RCD-Goma to oppose it. **[1c]** however, this alliance was short lived, breaking up once the RCD-Goma decided to support the Inter-Congolese dialogue. **[101]** Europa World stated that they also refused to take part in the Transitional National Government formed in June 2003. **[1c]** According to information from the Institute for Security Studies, Mr Tshisekedi has declined to participate in the transitional government but intends to run in the presidential elections. **[27b] (History and Politics)** A report of 5 August 2004 by the Canadian Immigration and Refugee Board (IRB) referred to a statement by the UDPS president that although the UDPS is not part of the transitional government, the organisation is fully participating in the transition process. **[43n]**

UFERI Union of Federalist and Independent Republicans **[22g] (Government)** Two factions; UFERI (Lokambo Omokoko); UFERI/OR (Adolphe Kishwe Maya). Founded 1990 to seek autonomy for Shaba/Katanga province. Expelled from Sacred Union after leader accepted Mobutu's nomination for Prime Minister in 1991. **[13] (Political parties and leaders) [22g] (Major Political Parties) [4a] (p 136)**

Reference **[4a]** also lists a further 19 minor parties.

See also Section 6.01 on Political system; Section 17.01 on Political affiliation; Section 17.08 Letters of Support from Opposition Political Parties Section; 17.09 on Freedom of Association and Assembly; Annex F List of Websites

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Annex C: Prominent people: past and present

Jean-Pierre Bemba
Leader of the Movement for the Liberation of Congo (Mouvement pour la Liberation du Congo) (MLC). Son of business magnate Bemba Saolona. In June 2003, Bemba became one of the Vice-Presidents in the Transitional National Government. **[1c]** Information from the Country Fact File of the Institute for Security Studies stated that Mr Bemba is a businessman from Equateur province and the son of one of the richest men in the DRC. **[27e] (Security Information)**

During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that Bemba had links to persons from the former Mobutu regime. **[52] (p101)**

The 2007 Country Profile by the Economist Intelligence Unit (EIU) also stated:

"A wealthy Belgian-educated businessman from Equateur province, whose father was close to former presidents, Joseph Mobutu and Laurent Kabila, Mr Bemba, who is 44, heads the Mouvement de _alendar_e du Congo (MLC), which began as one of the two main rebel movements during the civil war. A vice-president in the transitional government, he is regarded as a volatile and unpredictable figure. His ownership of a number of radio and television stations helped him and his party to come second in the presidential and legislative elections in 2006. Though elected a senator for Kinshasa, he refused to disband his militia, fearing for his own safety. Following its defeat in fierce fighting by government forces in March 2007, he sought refuge in Portugal and will not return to the country without firm guarantees of his safety". **[30f] (p15)**

According to allAfrica.com he is a son-in-law of the late Mobuto. Candidate for MLC in 2006 presidential elections. **[74]**

He came second in the Presidential Elections on 30 July 2006, and lost the run-off election on 30 October 2006 against President Kabila. **[15as] [65p]**

In March 2007 after he refused to disarm his bodyguard of troops fighting took place between them and soldiers of FARDC in Kinshasa. He sought sanctuary in the South African compound, until he was given permission to leave for Portugal for medical treatment. He has said he will return at the end of July 2007. **[15ca] [15cl] [15cj] [15cu] [18fc] [21at] [21bm] [65ce] [83i]**

See also Annex B Political Organisations;

Antoine Gizenga
Leader of Union des Lumumbistes unifié (PALU), based in the provinces of Kinshasa, Bandundu and Bas-Congo. He served as deputy prime minister and prime minister in the 1960's, and came third in the Presidential Election. **[18dj]** Appointed Prime Minister by President Kabila in January 2007. **[2d]**

Emile Ilunga
Leader of RCD-Goma rebel faction until November 2000, when he was deposed. **[1c]** A long-time political activist from Katanga. Also associated with the 'Katanga Tigers'. **[27e] (Security Information)**

See also Annex D Armed Forces in the DRC

Joseph Kabila
Son of former DRC president Laurent Kabila and current President of the DRC. He was appointed as the President of the DRC in January 2001 after the assassination of his father. In June 2003, he became the head of the new Transitional National Government. **[1c]** The EIU 2007 Country Profile of September 2007stated:

"The 36-year-old president was educated in Uganda, and later lived and worked in Tanzania. His outlook is more _alendar_e East African than francophone and he speaks English and Swahili better than French. Commander of the land forces under his father, he had little political experience before being catapulted into power by historical accident". **[30f] (p15)**

Joseph Kabila stood as a nominal independent candidate backed by the PPRD in the Presidential Elections, and came first with approximately 44.81% of the vote. He won the run-off election on 30 October 2006 against Jean-Pierre Bemba. **[15as] [65p]**

Laurent Desire Kabila
Former president of the DRC. He became the leader of AFDL forces which toppled the Mobutu regime in May 1997. He declared himself the President of the DRC in May 1997 and remained the president until his assassination in January 2001. **[1c]**

Colonel Eddy Kapend
Former head of the former president's special presidential staff and aide-de-camp to the late Laurent Kabila. He was arrested as a key suspect by the security forces after former president Laurent Kabila was assassinated in January 2001. Kapend was formally charged in March 2002 with conspiracy and the murder of the late Laurent Kabila. In January 2003, Kapend was sentenced to death by the Military Order Court. **[2a] [11a] (p2)**

See also Section 37.01 on Assassination of President Laurent Kabila

Olivier Kamitatu
Former president of the Transitional National Assembly, Mr Kamitatu was Mr Bemba's right-hand man in the MLC and its chief strategist. He is widely considered to be a responsible interlocutor and has close links with the international community. Before becoming involved with the MLC, he headed a political research institute in Kinshasa which continues to function. **[30a] (p15).** In December 2005 he was sacked by the MLC as the party's number two, accused of establishing relations with rival parties, and resigned his post on 3 April 2006. **[56v] [18dj]** Some 319 parliamentary candidates are aligned with Kamitatu under the Alliance pour le renouveau du Congo, which is allied to another former rebel faction , the Rassemblement congolais pour la democratie-Mouvement de liberation-Kisangani (RCD-ML), whose leader Mbusa Nyamwisi, also ran for president. **[18dj]** Since the election he has become the spokesman for the Alliance pour la majorité présidentielle (AMP) which supports President Kabila. **[18db]** He was appointed Planning Minister in the government in 2007. **[2d]**

Fernando Kutino
Archbishop Fernando Kutino founded the World Mission for Message of Life (MMMV), a religious organisation, and is also the leader of the Army of Church Victory, which is the main branch of the MMMV, and the Sauvons Congo (Save the Congo) movement. After the 10 June 2003 raid of the Army of Church Victory by the police, Kutino fled the

country and applied for asylum in France. **[24c]** He returned to DRC in April 2006 and was arrested three weeks later, tried, and sentenced to 20 years imprisonment. **[65ai]**

See also Section 21.22 on Armée de Victoire (Army of Victory Church) Section 18.01 Freedom of Speech and Media

Patrice Lumumba
First Prime Minister after independence was granted in 1960. He was murdered in February 1961. **[1c]** The current Lumumbiste party is PALU. **[13] (Political parties and leaders) [22g] (Major Political Parties)** There is a second minor lumumbiste party Le Mouvement Lumumbiste Progressiste (MLP) led by Franck Diongo **[101]**

See also Annex B Political Organisations

Appollinaire Mulohongo Malumalu
The chairman of the Independent Electoral Commission, Malumalu, is a Roman Catholic priest from North Kivu. He has been head of the commission since its inception in 2003 at the end of the inter-Congolese dialogue, which resulted in the formation of the transitional government. Members of civil society refer to him as a dynamic person of integrity. **[18dj]**

Catherine Nzuzi wa Mbombo
Leader of one faction of the MPR political party and appointed as Minister of Solidarity and Humanitarian Affairs in June 2003 in the Transitional National Government. **[56c] (Institutions de la Transition en RDC)**

See also Annex B Political organisations

Joseph-Desire Mobutu (Mobutu Sese Seko Kuku Ngbendu Wa Za Banga after 1971)
Took control of the country in 1965, changed the name of the country from the Congo to Zaire, and remained President of Zaire until 1997. When the AFDL forces of Laurent Kabila were about to take control of Kinshasa Mobutu and his family left for Morocco where he died in September 1997. **[1c]**

See also Section 3.01 on History

François Joseph Nzanga Ngbangawe Mobutu
Aged 36, he is the son of Mobutu Sese Seko. He contested the presidency on a Union democrates des Mobutistes (Udemo) party ticket and came fourth. He is married to vice-president Jean Pierre Bemba's sister. **[18dj]** He was appointed as a Minister of State for agriculture in 2007. **[2d]**

Colonel Jules Mutebutsi
Commander in RCD-Goma who was suspended from the integrated national army in 2004. Joined Laurent Nkunda to take control of Bukavu in 2004, where his troops committed war crimes. He afterwards fled to Rwanda where he was granted asylum in August 2006. DRC government have issued an international arrest warrant for him. **[15bi]**

Abdoulaye Yerodia Ndombasi
Appointed one of the vice-presidents of the new Transitional National Government in June 2003. **[1c] [56c] (Institutions de la Transition en RDC)**

Arthur Z'Ahidi Ngoma
Appointed one of the vice-presidents of the new Transitional National Government in June 2003. Represents the political opposition. **[1c] [56c] (Institutions de la Transition en RDC)**

General Laurent Nkunda
Born in North Kivu and studied psychology at university. Fought with the Rwandan Patriotic Front. Joined the RCD-Goma rebel forces in 1998, and became the commander of the seventh brigade of the RCD-Goma forces. In May 2002 was among RCD-Goma officers responsible for brutal repression of attempted mutiny at Kisangani. Despite the supposed end to the war and the establishment of the provisional government in 2003, dissident soldiers loyal to RCD-Goma clashed with other Congolese forces in South Kivu in May 2004. Nkunda, and troops loyal to him took control of Bukavu on 2 June, claiming his action was to stop the genocide of Congolese Tutsis. During the fighting his troops carried out war crimes. In August 2005 he declared the transitional government corrupt, and in September 2005 a large number of Rwandaphone soldiers belonging to the former RCD-Goma deserted the national army and joined him in North Kivu. There have been a number of demands for his arrest for war crimes, and the government of DRC has issued an international arrest warrant for him. **[5w] [15bh]** His troops were re-integrated in the FARDC after a peace deal in January 2007. **[15ce]** He later renaged on the reintegration and took his troops and became part of a three way clash between his forces, the FDLR, and the FARDC. He agreed to attend the peace conference in Goma in January 2008. **[15eb] [21cs]**

Joseph Olenghankoy
Leader of the FONUS party and former Minister for Transport in the transitional government until he was dismissed in January 2005. **[65g]**

See also Section 6.05 on Government; Annex B Political Organisations

Pierre Pay-Pay wa Syakassighe
Former Governor of the Central Bank of the DRC who also served as Minister of Economics and Finance under the late President Mobuto Sese Seko. Hails from North Kivu province in eastern DRC. Candidate for FCD in 2006 presidential elections. **[74]**

Azarias Ruberwa
Appointed as one of the vice-presidents of the new Transitional National Government in June 2003. **[1c] [56c] (Institutions de la Transition en RDC)** Current leader of the RCD-Goma former rebel group**. [1c]** The EIU 2006 Country Profile stated:

"A Congolese Tutsi, Mr Ruberwa is a lawyer who has been the leader of the Rassemblement congolais pour la démocratie (RCD), one of the two main rebel movements during the civil war, since late 2000. In the transitional government he is vice-president in charge of the commission on politics and security. Mutinous troops loyal to the RCD are a continuing security problem in the east of the country, and it remains to be seen whether the post-transition government will turn to Mr. Ruberwa to help defuse the situation". **[30d] (p15)**

Candidate for RCD in 2006 presidential elections. **[74]**

See also Annex B Political Organisations; Annex D Armed Forces in the DRC

William Lacey Swing

He is the special representative of the United Nations Secretary-General in the DRC and head of the UN Mission in the country, known as MONUC. A career diplomat, he heads the International Committee for the Support of the Transition, known as CIAT, which was created at the end of the Inter-Congolese dialogue in 2003. He has been a major figure in facilitating efforts to restore peace and democracy in the country. **[18dj]**

Etienne Wa Mulumba Tshisekedi
UDPS founder member and current leader. **[1h]** Mr Tshisekedi has been prominent in DRC politics since the 1980s. **[1c]** A BBC News Online report dated 29 September 2003 recorded that Tshisekedi returned to the DRC in September 2003 after two years of self-imposed exile in South Africa. Tens of thousands of his supporters greeted him when he arrived at Kinshasa Airport. He stated that he intended to start work to prepare for the presidential and parliamentary elections, due to take place in 2005, but he and the UDPS did not have any interest in the transitional administration. **[15b]** The EIU 2006 Country Profile stated:

"The 70-year-old leader of Union pour la démocratie et le _alendar social (UDPS) is a long-standing opposition figure – an opponent of Mr Mobutu and both of the Kabilas and still a formidable figure with a power base in his native Kasai Occidental, Mr Tshisekedi led the UDPS into boycotting not only the transitional government, because of dissatisfaction with the procedure for appointing the political opposition's representatives, but also the elections that will bring it to an end. Although Mr Tshisekedi's stubbornness and downright political miscalculations have excluded his party from the political process, he still commands its respect and could lead a popular movement of urban protest and labour unrest". **[30d] (p15)**

According to allAfrica.com, on 2 January 2006 he announced his intention of standing in the 2006 presidential elections as a candidate for the RDSP [sic] after more than two years of boycotting the peace process. **[74]**

See also Annex B Political Organisations

Ernest Wamba Dia Wamba
Chairman of the RCD from the start of the rebellion in August 1998. He was later ousted by the Goma-based faction of the RCD led by Emile Ilunga and became the head of RCD-ML. **[1c]** He became a member of the transitional Senate in 2003. **[70b]**

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Annex D: Armed forces in the DRC

Except where indicated, the following information is taken from the South African Institute for Security Studies Country Fact File – Security Information 12 January 2005 – source **[27e]**

See also information about armed groups in Section 10.01 on Security Situation – Eastern DRC and subsequent sections; also information on former rebel groups that now form part of the transitional political administration in Annex B Political organisations

CONGOLESE ARMED FORCES (FARDC)

The President, Major General Joseph Kabila is the Commander-in-Chief of the Armed Forces
Minister of defence: Adolphe Onusumba Yemba (RCD-G)
FARDC chief of staff: Major General Sungilanga Kisempia (PPRD)
FARDC land forces chief of staff: General Sylvain Buki (RCD-G)
FARDC navy chief of staff: General Major Amuli Bahigwa (MLC)
FARDC air force chief of staff: Brigadier General Bitanihirwa Kamara (MLC)
1st Military Region/Bandundu: Brigadier General Moustapha Mukiza (MLC)
2nd Military Region/Bas-Congo
3rd Military Region/Equateur: Brigadier-General Mulubi Bin Muhemedi (PPRD)
4th Military Region/Kasai-Occidental: Brigadier-General Sindani Kasereka (RCD-K/ML)
5th Military Region/Kasai Oriental: General Rwabisira Obeid (RCD)
6th Military Region/Katanga: Brigadier-General Nzambe Alengbia (MLC)
7th Military Region/Maniema: Brigadier-General Widi Mbulu Divioka (RCD-N)
8th Military Region/North Kivu: General Gabriel Amisi (RCD)
9th Military Region/Province Orientale: Major-General Bulenda Padiri (Mayi-Mayi)
10th Military Region/South Kivu: Major Mbuja Mabe (PPRD)
12th Brigade Region/ North Kivu: Col Janvier Mayanga

The Congolese Armed Forces, which was renamed the Forces Armées de la Republique Democratique du Congo (FARDC), consists of an army, air force and navy. The army is relatively poorly trained (even by local standards) and has infantry, some armour, air defence and artillery units. The infantry seem to be a conglomerate of ex-FAZ (old Zairean Armed Forces) and recruits collected by the ADFL during the 1997 conflict.

There are army bases at N'djili, Kitona, Kotakoli and in Lubumbashi. Air force bases are at N'djili and Kamina. Naval bases are at Matadi, Kinshasa and Banana.

National Police, including PIR (Police d'Intervention Rapide)

The Commander is General Celestin Kifwa, a former general in the Angolan army.

The Bandundu area has been a major source for recruitment for PIR, thus a strong Lunda influence.

PIR is largely credited for the return of safety on the streets of Kinshasa.

FIC (Force d'Intervention de la Capitale)
The Commander Brigadier-General Jean Yav Nawesh, a former general in the Angolan army, was the commander, but has been arrested. Commandant Jean-Claude Kifwa (Tango-Tango) is the second-in-command.

It is the military intervention force for Kinshasa. It was created in 1999 out of the Presidential Guard (GSSP) and troops of the Kinshasa-based 7th army brigade. It is mostly composed of Balubakat.

It is ready to crush attempts at insurrection as illustrated in the curbing of the camp Tchatchi mutiny in September 2000.

OTHER ARMED GROUPS

Mai Mai (also Mayi Mayi)

Now a political party and represented in the provisional government See Annex B

Interahamwe
Interahamwe and ex-FAR (Forces Armées Rwandais) from AliR / Armée du Libération du Rwanda.

Rwandan commanders estimate that three Interahamwe battalions of 2,500–3,000 men each operate between the areas of Masisi, Walikale and Rutshuru. The Rwandans believe that the Interahamwe in the Kivus number 15,000. Interahamwe are mainly extremist Hutu militia. AliR's strength is estimated at between 30,000 to 40,000 and consists of Interahamwe, ex-FAR and new recruits.

The Interahamwe structure consists of 1 Division operating in North Kivu and 2 Division operating in South Kivu. There are three brigades operating in North Kivu, namely Limpopo in Lukweti-Mutongo, Niamey in Rutshuru and Lilongwe in Katoye. They operate on the frontline in the DRC and in Eastern DRC.

Larger formations possess limited numbers of heavier weapons, including 60mm mortars, 12.7mm anti-aircraft guns, rocket-propelled grenade launchers and five crew-manned machine guns. Their communications include hand-held Motorolas, VHF radios and satellite phones. They lack vehicles and regular supplies.

Former forces Armées Rwandaises (Ex-FAR)
Interahamwe and ex-FAR from AliR / Armée du Libération du Rwanda.

The ex-FAR was the Rwandan army, which was composed mainly of Hutu soldiers and was a major player in the 1994 genocide. At the time of their defeat by RPF forces in mid-1994, their numbers were estimated at some 20,000. The new FDLR's strength is estimated at between 30,000 and 40,000 and consists of Interahamwe, ex-FAR and new recruits.

According to military sources, Service d'Action et de Renseignement Militaires (SARM) provided training and weapons to the ex-FAR. After Kabila switched alliances, he actively recruited, trained and armed the ex-FAR and deployed them against the RCD and MLC rebel alliance.

The force operational headquarters for the Kivus is thought to be close to Shabunda. From bases in Masisi they launch cross-border attacks into Rwanda. They operate on the frontline in the DRC and in Eastern DRC.

FDLR
"Rwandan Hutus who fled their country following the 1994 genocide, and some are accused of having participated in the [Rwanda 1994] genocide." **[18av]**

"The presence and activities of the ex-Forces armées rwandaises (FAR)/Interahamwe [elements of the Forces Démocratiques de Libération du Rwanda (FDLR)] on Congolese territory continues to be a destabilizing factor in bilateral relations between the Democratic Republic of the Congo and the Government of Rwanda." **[54e] (p9)**

Ngilima
The Ngilima is a grouping of warriors from different ethnic groups in the Kivu provinces, concentrated in the Rutshuru area, who see themselves as defending the population against foreigners. They opposed Mobutu and later also the ex-FAR and Interahamwe who had been settled in the UNHCR camps. Many of their recruits were Nande and the language spoken among them tends to be Kinande. Their number is estimated at between 1000 and 1400 fighters.

They were particularly active in the Virunga National Park. They survive by poaching in the Park. At the beginning of 1996, they came in contact with one of the AFDL leaders – Kisase Ngandu – at a time when he wanted to establish bases in the DRC. Kisase's Nande support base connected easily with the Ngilima and they received military training and large amounts of weapons from Kisase in return for their support.

Prior to the overthrow of Mobutu the Ngilima were trained by mercenaries from Kisangani, with Lumumbist connections.

They are usually subsumed under the Mayi-Mayi phenomenon. **[102]**

Zairean Hutu (MAGRIVI or Militia)
Another group of Hutu is the Zairean Hutu who, having joined forces with the Rwandan Hutu, are often included under the general 'Hutu' label. However, care should be taken to distinguish between these two groups as they have different political objectives which temporarily coincided. The Zairean Hutus have been in Zaire for generations and consider themselves to be Zairean. Local authorities estimated the Hutu population at some 400,000—500,000 in North Kivu.

MAGRIVI, which was founded in 1989 by Sekimonyo wa Magango, the former Minister for Higher Education and Scientific Research, allegedly supported Rwandan President Habyarimana's regime and the Interahamwe financially. Following the exodus of the Rwandan Hutus to eastern Zaire, Magrivi consolidated itself into a military group, the Hutu Militia (sometimes the Hutu Combatants), who worked in close collaboration with the ex-FAR and Interahamwe militia, whose apparent objective was the establishment of a racially pure 'Hutu-land'.

FNLK [sic] (Front de Libération Nationale du Katanga) or Katanga Tigers and the FLNC (Front de Libération Nationale du Congo)
Since 1998, the Tiger's military leadership has been divided into two political wings, each claiming to represent the movement. One wing is led from Angola by Henri Mukatshung Mwambu (Secretary-General of the FLNC) who returned to Kinshasa after Kabila's victory, joining the main faction of Tigers. The movement's second in

command is General "Mufu" Vindicien Kiyana. Dr Emile Ilunga leads the other wing and is a former representative in Brussels of the PRP (Patri de la Revolution Populaire) founded by Kabila in 1968. The nominal head of the Tigers, is General Jean Delphin Muland (or Mulanda)

This anti-Mobutu movement had its origins in the exodus of Katanga Gendarmes from the Congo to Angola, following the defeat of the attempt by the Katanga Provincial government to secede in 1960-62. Initially composed of gendarmes from Katanga they aimed to achieve independence or greater autonomy for the province of Katanga/Shaba and control over the lucrative mining potential of the region. Pogroms against Kasai immigrants led to further resentment against the Gendarmes, and after their defeat in the 1960-62 war, they formed a mercenary group led by Nathanael Mbumba and operating mainly out of Angola. They consisted of groups of about 5,000, of which about 1,800 were fighting men.

The Katanga Gendarmes were used and supported by virtually every Angolan political entity. They received equipment and were maintained by the Angolan Government in return for their services in the war against UNITA. By the 1990's they have adopted the MPLA's leftist ideology and seemed to have placed the secession of Katanga on the back burner. During Laurent Kabila's military campaign they joined the AFDL and were instrumental in the defeat of Mobutu in Kinshasa.

See also Section 8.139 on Kilwa

RCD-Goma (Rassemblement Congolais pour la Democratie/Congolese Movement for Democracy).

Now a political party and represented in the transitional government. See Annex B

RCD/ML-Kisangani (Rassemblement Congolais pour la Democratie – Mouvement de Libération/Congolese Rally for Democracy – Liberation Movement)

Now a political party and represented in the transitional government. See Annex B

See also Annex C Prominent People

MLC (Mouvement de Liberation Congolais/Movement for the Liberation of the Congo)

Now a political party and represented in the transitional government. See Annex B

Ex-Mobutu Generals and Ex-FAZ/DSP Troops
The most prominent Commanders are Generals Kpama, Philemon Baramoto Kata, Nzimbi Ngabale, Kongo wa Bassa, Monga Aundu Eluki and Mavhe.

Former soldiers of Mobutu's Division Speciale Presidentielle (DSP) formed the Union des Nationalistes Republicains pour la Liberation (UNAREL). UNAREL now seems to be defunct.

After the fall of Mobutu and the capture of Kinshasa, Mobutu's richest generals fled to Europe, South Africa and Canada, and the less well off to the Central African Republic, Congo/Brazzaville and Northern DRC.

Some of the generals attempted to organise continuing resistance from abroad. They have been in contact with various rebel groupings in the DRC, and are known to have had discussions with the Mayi-Mayi, Interahamwe, ex-FAR, UNITA and the two FLEC movements [Angolan groups].

It is not clear exactly how much support they still have left on the ground.

See also Section 39.01 on Persons Associated with the Mobutu Regime

Congolese Revolutionary Movement (MRC)
A BBC news report of 20 July 2005 stated "The United Nations mission in the Democratic Republic of Congo says it is concerned by the creation of a new rebel group in neighbouring Uganda." The report stated that the group described itself as "fighting for the rights of the people in DR Congo's eastern Ituri and North Kivu regions" and "made up of elements of various groups operating in the east." **[15n]** A further BBC news report of 24 August 2005 stated that six members of the group who remained in Uganda would be expelled from there. Innocent Kaina, reported to be one of the founder members of the movement, and known as India Queen was captured in May 2006. **[15p] [18dg]**

Rastas
The Integrated Regional Information Networks (IRIN) reported on 26 May 2005 on a group "known as the Rastas, [which] has been committing numerous human-rights abuses in the region" IRIN reported that the Rastas and the FDLR "consist primarily of Rwandan Hutus who fled their country following the 1994 genocide, and some are accused of having participated in the [Rwanda 1994] genocide." IRIN also stated that "MONUC reported on 18 May that it had documented 1,724 cases of summary execution, rape, beating and hostage taking in Walungu [South Kivu] between June 2004 and April 2005." **[18av]**

Forces Arméés du Peuple Congolais/People's Armed Forces of Congo (FAPC)
Rebel group based in the Ituri region of the DRC and has been active in that region's conflict. The FAPC was formed in March 2003 by Jérôme Kakwavu, a former member of the Union of Congolese Patriots (UPC). Headquartered in the towns of Aru and Ariwara, the group had approximately 4,000 fighters in early 2005. Disarmament of the FAPC began on 6 March 2005 with the aim of integrating its members into the national army. There were protests when Kakwavu was appointed to FARDC. **[5g] [99]**

Front pour les nationalistes et intégrationistes (FNI)
Ethnic Lendu rebel group led by Floribet Ndjabu Ngabu. Military leader was Etienne Lona who was arrested in Kinshasa in March 2005. Ubemu Uzele the second in command arrested in May 2006. Became part of the MRC. **[18bm] [18ct] [18dg]**

Union des _alendar congolais (UPC-L)
A largely ethnic Hema organisation formed by Thomas Lubanga after he split from RCD-ML. Began operating in 2000. Formed an alliance with RCD-Goma in 2003. Lubanga was arrested in March 2005 and is to stand trial at the Internationl Criminal Court in the Hague on war crimes. **[18bm]**

Le Parti pour l'unité et la sauvegarde de l'intégrité du Congo – Party for Unity and Safeguarding of the Integrity of Congo: (PUSIC)
Mandro Panga Kahwa, the former military chief of UPC, formed this Hema party in February 2003 after a dispute over leadership and military support with the UPC leader, Thomas Lubanga, he was charged in August 2006 with creating the movement.

PUSIC's leader was Floribert Kisembo. On 20 December 2004, PUSIC announced that Kisembo had been dismissed as its chairman in favour of Deo Pimbo, who had been the secretary-general. However, a week later, PUSIC militiamen stated categorically that they still considered Kisembo as their commander. **[18bm]**

Forces de resistance patriotiques en Ituri – Patriotic Resistance Front in Ituri (FRPI)
Led by Dr Adirodo, it is a political party of the Ngiti, one of 18 distinct ethnic groups in Ituri. The party was established in November 2002 and is allied to the Front des nationalistes et integrationnistes (FNI) – Nationalist Integrationist Front – led by Floribert Ndjabu Ngabu. The alliance is aimed at bringing Ngiti militias and traditional leaders together to face the UPC. It supported Uganda's move to drive the UPC from Bunia in March 2003. Military leader is Cobra Matata. **[18bm] [54j]**

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Annex E: Further education establishments in DRC

Centre universitaire de Bukavu
Collèges universitaires de Kinshasa
Ecole d'Informatique, d'Electronique et d'Expertise comptable
Ecole nationale supérieure de Finance et Administration bancaire
Ecole polytechnique supérieure de Boma
Ecole technique d'Etudes supérieures
Faculté de Théologie protestante de Lubumbashi
Facultés catholiques de Kinshasa
Institut de Comptabilité intégrée
Institut de Gestion coopérative et syndicale
Institut de Théologie et de Pastorale de Mayidi
Institut des hautes Etudes commerciales
Institut du Bâtiment et des Travaux publics
Institut facultaire de Gestion
Institut facultaire des Sciences agronomiques de Yangambi
Institut facultaire des Sciences de l'Information et de la Communication
Institut interuniversitaire de Kinshasa
Institut National des Arts
Institut supérieur d'Etudes sociales de Lubumbashi
Institut supérieur d'Informatique, Programmation et Analyse
Institut supérieur de Commerce de Kinshasa
Institut supérieur de Développement rural de Tshibashi
Institut supérieur de Formation des Agents de Développement
Institut supérieur de Statistique de Kinshasa
Institut supérieur de Théologie et de Philosophie – Saint-Augustin
Institut supérieur des Sciences commerciales et financières
Institut supérieur des Sciences du Travail
Institut supérieur des Statistiques de Lubumbashi
Institut supérieur des Techniques appliquées
Institut supérieur des Techniques médicales
Institut supérieur pédagogique de Bukavu
Institut supérieur pédagogique de Kananga
Institut supérieur pédagogique de la Gombe
Institut supérieur pédagogique de Lubumbashi
Institut supérieur pédagogique de Mbanza-Ngungu
Institut supérieur pédagogique de Mbuji-Mayi
Institut supérieur pédagogique de Muhangi à Lubero
Institut supérieur pédagogique technique de Kinshasa
Institut supérieur technique d'Etudes économiques et coopératives de Kinshasa
Institut supérieur technique et commercial
Institut supérieur théologique des Assemblées de Dieu au Congo
Institut universitaire catholique
Institut universitaire des Sciences économiques, Philosophie et Lettres
Institut universitaire du Congo
Université Acquatoria
Université adventiste de Lukanga Wallace
Université Cardinal Malula
Université catholique de Bukavu
Université catholique Don Peti Peti
Université catholique du Graben
Université centrale de Kinshasa

Université chrétienne de Kinshasa
Université de Kinshasa
Université de Kinshasa Binza
Université de Kisangani
Université de l'Ouest. Congo, Campus de Kananga
Université de la Mongala
Université de Lubumbashi
Université de Luélé
Université de Mbuji-Mayi
Université Divina Gloria
Université du CEPROMAD
Université du Kasayi
Université franco-américaine de Kinshasa
Université francophone internationale/Campus de Kananga
Université Gelesi de l'Ubangi
Université internationale du Congo
Université Kongo
Université libre de Kinshasa
Université libre de Luozi
Université libre des Pays des Grands Lacs
Université libre du Lac Mukamba
Université méthodiste au Katanga
Université Patrice Emery Lumumba de Wembo-Nyama
Université pédagogique nationale
Université presbytérienne Sheppard et Lapsley du Congo
Université Président Joseph Kasa-Vubu
Université protestante de Kimpese
Université protestante du Congo
Université Simon Kimbangu
Université technologique Bel Campus
Université William Booth **[73]**

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Annex F: List of websites

MONUC – http://www.monuc.org/Home.aspx?lang=en

Site of the United Nations Mission in the DRC. In French and English. French site has more information. Facts and figures, UN press conferences, the mandate, background, relevant UN documents, maps. Sponsors Radio Okapi.

RADIO OKAPI – http://www.radiookapi.net

Radio station sponsored by MONUC and Foundation Hirondelle. Broadcasts news in French, Kiswahili, Lingala, Kikongo, Tshiluba. Website based in Lausanne, Switzerland.

CARTER CENTRE – http://www.cartercenter.org

Institution set up by ex President Jimmy Carter; has a keyword search facility to retrieve references to Democratic Republic of Congo/Zaire

CENTRE FOR POLICY STUDIES – http://www.cps.org.za

"An independent policy research institute" based in Johannesburg. Has online executive summaries of recent CPS research reports, and the complete texts of their most recent policy briefs.

COMMISSION ÉLECTORALE INDÉPENDANTE, CEI – http ://www.cei-rdc.cd/

In French. The Commission in charge of running the elections. Directory of political parties, many full text documents – election laws, candidates guides, the constitution (in five languages), code of conduct. Has registration statistics by province and names of all candidates and their parties.

CONGO ONLINE – http://www.congoonline.com/

In French. Has addresses of ministries, business directory, travel information, biographies of all Congo's heads of state, a list of past government leaders, population figures from the UDPS party, the national anthem, national flags (past and present) and so on.

CONGOPOLIS – http://www.congopolis.com

In French and English. News from UN's IRIN, Agence France Presse, AP, Xinhua, DRC newspapers, and so on. Provides webspace for DRC NGOs.

DIGITALCONGO.NET – http://www.digitalcongo.net

In French and English (computer translation). Rich source of information on current politics, economy, sports, music, and culture. Articles from Congolese newspapers. Also hotel, restaurant, hospital listings. Based in Kinshasa.

For web sites of political parties see under Annex B Political Parties.
For a comprehensive list of DRC websites see http://library.stanford.edu/africa/zaire.html

Annex G: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSG	United Nations Secretary General
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

For other abbreviations see Annex B Political Organisations and Annex D Armed Forces in the DRC

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Annex H: DRC Government as at 26 November 2007

President (Head of State): Maj-Gen Joseph Kabila
Prime Minister: Antoine Gizenga

Ministers of State
Agriculture and Rural Developement Minister – Francois Nzanga Ngbangawe Mobutu
Interior Minister – Numbi Denis Kalume
Office of the President – Nkulu Mitumba Kilombo

Ministers
Budget – Adolphe Muzito
Civil Service – Simon Ikenge Lisambola
Communication and Media – Emile Bongeli Yeikelo ya Ato
Culture and Arts – Esdras Kambale Bahekwa
Energy – Salomon Banamuhere Baliene
Environment, Nature Conservation and Tourism – Jose Endundu Bononge
Econmy and Trade – Andre-Phillipe Futa
Finance – Athanase Matenda Kyelu
Foreign Minister – Antipas Nyamwisi Mbusa
Gender, Family and Children – Philomene Omatuku Atshkawo Akatshi
Justice and Human Rights – Mutombo bakafua Senda
Higher Education and Scientific Research – Leonard Masuga Rugamika
Hydrocarbons – Lambert Mende Omalanga
Industry and Small Enterprises – Simon Mboso Kiamputu
Infrastrucure, Public Works and Reconstruction – Pierre Lumbi Okongo
Labour and Social Security – Marie-Ange Lukiana Mufwankol
Lands – Edouard Kabukapua Bitangila
Mines – Martin Kabwelulu Labilo
National Defence and War Veterans – Chikez Diemu
Planning – Olivier Kamitau Etsu
Posts and Telecommunications – Louise Munga Mesozi
Primary, Secondary, and Professional Education – Maker Mwangu Famba
Public Health – Victor Makwenge Kaput
Social affairs, Humanitarian Actions and National Solidarity – Jean-Claude Muyambo Kyassa
State Assets – Janine Mabunda Lioko
Town Planning and Housing – Sylvain Ngabu Chumbu
Transport – Charles Mwando Simba
Youth and Culture – Willy Bakonga Wilima
Minister in the Office of the Prime Minister – Godefroid Mpwene Ngantien Mayobo
Minister in charge of Relations with the Parliament – Adolphe Lumanu Buana Nsefu

Deputy Ministers
Deputy Minister of the Interior – Joseph Dovel Mpango
Deputy Minister of Foreign Affairs – Ignace Gatamavita
Deputy Minister of Congolese living in the Diaspora – Colette Tshomba Ntundu
Deputy Minister of National Defence and War Veterans – Luc wa Mukulutake
Deputy Minister for Human Rights – Claude Bazibume Nyamugabo
Deputy Minister of Finance – Cesar Lubamba Ngimbi
Deputy Minister of Budget – Celestine Mbuyu Kabangu
Deputy Minister of Public Works – Gervais Ntirumenyerwa Kimonyo
Deputy Minister of Mines – Victor Kasongo Shomari

Deputy Minister of Rural Development – Xavier Bonane Yangazi
Deputy Minister of Scientific Research – Zachee Rugabisha Nsengiyumva
Deputy Minister of Professional Education – Arthur Sedea Ngamo Zabusu **[95dw]**

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