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## Democratic Republic of the Congo

### Country Report

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## Democratic Republic of the Congo<sup>1</sup>

**Location:** Central Africa, bordering Angola, Burundi, Central African Republic, Republic of Congo, Rwanda, Sudan, Tanzania, Uganda, Zambia  
**Area:** 2,345,410 sq km  
**Capital:** Kinshasa  
**Independence:** June 30, 1960 from Belgium  
**Constitution:** October 1996; note: the DRC does not currently have a written constitution in force. The Laurent Kabila regime came to power in May 1997 and abolished the previous constitution and all institutions of the state except the judiciary. A constitutional decree declared the institutions of the country to be the president, the government and the courts and tribunals. All power was to be vested in the head of state, pending the adoption of a new constitution.  
**Population** (2001 est.): 53,624,718 (0-14 48.24%; 65+ 2.55%)  
**Suffrage:** 18 years old, universal and compulsory  
**Ethnicity:** Over 200 African ethnic groups of which the majority are Bantu; some important groups are: Banyarwanda, Babembe, Hema, Kongo, Lendu, Luba and Ngbandi  
**Languages:** French (official), Lingala (a lingua franca trade language), Kingwana (dialect of Kiswahili or Swahili), Kikongo, Tshiluba  
**Religions:** Roman Catholic 50%, Protestant 20%, Kimbanguist 10%, Muslim 10%, syncretic sects and traditional beliefs 10%

### Head of State

President Joseph KABILA (since 26 January 2001); note - the president succeeded his father Laurent Desire KABILA after his assassination on 16 January 2001; as president he is both chief of state and head of government  
 Head of government: Joseph KABILA (since 26 January 2001)

### Political system

The DRC is a republic with a president as the head of state. The president exercises legislative power by decree following consultation with the Cabinet. The president is the chief of the executive and of the armed forces and has the authority to issue currency. The president also has the power to appoint and dismiss members of the Government, ambassadors, provincial governors, senior army officers, senior civil servants and magistrates.<sup>2</sup>

### Inter-Congolese Dialogue

The inter-Congolese dialogue, held in Sun City, South Africa, ended inconclusively on 19 April, with an agreement among the Kinshasa government of President Joseph Kabila, the Ugandan-backed *Mouvement de liberation du Congo* MLC of Jean-Pierre Bemba, and the majority of delegates from unarmed political opposition groups and civil society. The agreement gained the approval of Angola, Uganda and Zimbabwe. The other main rebel group in DRC, RCD-Goma, rejected it outright, effectively isolating itself and its ally, Rwanda. Groups that are party to the agreement reached in Sun City have been meeting since May to draft a transitional constitution that will guide a new government led by designated Prime Minister Jean-Pierre Bemba.

<sup>1</sup> CIA World Factbook 2001; UK Home Office: Democratic Republic of Congo Assessment, April 2002, chapter IV: State Structures; IRIN: Lusaka peace summit postponed pending "consensus", 28 May 2002; United Nations Conference on Trade and Development: The Least Developed Countries Report 2002; UN Security Council: Letter dated 1 April 2002 from the Secretary-General addressed to the President of the Security Council, 5 April 2002; International Crisis Group: Temps Couvert Sur Sun City: La Refondation Necessaire du Processus de Paix Congolais;

<sup>2</sup> UK Home Office: Democratic Republic of Congo Assessment, April 2002, chapter IV: State Structures

RCD-Goma, UDPS and other groups that have rejected the agreement have formed a coalition known as the *Alliance pour la sauvegarde du dialogue inter-congolais* (ASD) led by Etienne Tshisekedi. Members of ASD are campaigning for a continuation of the inter-Congolese dialogue in the expectation that the Sun City partial agreement will be nullified and a new inclusive agreement will be negotiated and signed to form a government in which they too will have a key role. ASD have announced that their headquarters will be in Kisangani.

#### Transitional government

A draft agreement on power-sharing was signed on 23 November 2002 and, after another round of negotiations, may be finalized by mid-December 2002. UDPS leader Tshisekedi was reported to have submitted his candidature for the post of one of four Vice-Presidents.

#### **Political Parties**

With Decree 1 of 17 May 2001 Joseph Kabila lifted the de facto ban on political activity outside the CPP. Political parties still have to be registered with the Government to be officially recognised and conditions for registration can be onerous for some political groups. Some opposition parties have refused to register throughout 2001. While the number of arrests of members of opposition parties was reported to decrease in 2001, such arrests did occur rather frequently at the end of 2001 and continued to some extent in 2002.

#### List of selected political parties

- **AFDL** Alliance des forces démocratiques de libération; ruling party of President Kabila on coming to power; mainly Tutsi, comprising 4 political parties: PRP (Popular Revolution Party), founded by Kabila in 1967, PDA (Peoples Democratic Alliance) led by AFDL Secretary-General, General Bugera, RMLZ (Revolutionary Movement for the Liberalisation of Zaire) led by Masusu Nindaga, NCRD (National Council for resistance for Democracy) led by the late Andre Kisase Ngandu
- **CODEP** Collectif de l'opposition démocratique plurielle; pro-government, led by Raymond Tshibanda
- **CPP** - Comités de pouvoir populaire/Committees of Popular Power; introduced by Laurent-Désiré Kabila in 1999; supposed to be elected by local residents and exercise local government powers, but in practice they monitor the activities of the Congolese.
- **FONUS** Forces Novatrices pour l'union et la Solidarite  
Based in Kinshasa. Advocates political pluralism. President - Joseph Olenghankoy. Secretary General - John Kwet
- **MNC-Lumumba** Mouvement National du Congo-Lumumba  
Based in Kinshasa. Formed in 1994. Coalition of seven parties, including PALU. Led by Antoine Gizenga; supports the aims of the late Patrice Lumumba.
- **MPR** Mouvement Populaire de la Revolution Liberation du Congo/Popular Movement of the Revolution: Formed in 1966 by Mobutu. Sole legal political party until 1990. Advocates national unity and opposes tribalism. Leader - Catherine Nzugi Wa Mbombo
- **PDSC** Parti Democrate et Social Chretien/Democratic Social Christian Party  
Formed in 1990. President - Andre Bo-Boliko. Secretary General - Tuyaba Lewula
- **PALU** Parti Lumumbiste Unifie/ Unified Lumumbast Party  
Formed in 1964 by Antoine Gizenga (minister in Lumumba's government)
- **UFERI** Union des Federalistes et Republicains Independants/ Union of Federalists and Independent Republicans  
Based in Kinshasa. Formed in 1990. Seeks autonomy for the Shaba (Katanga) province. Dominant party in the USOR. Leader - Kouyoumba Muchuli Mulembe

- **UDPS** Union pour la Democratie at le Progres Social/ Union for Democracy and Social Progress  
Based in Kinshasa. Formed in 1982. Leader - Etienne Tshisekedi. Secretary General - Dr Adrien Phongo Kunda.
- **USOR** Union Sacree de L'Opposition Radicale  
Based in Kinshasa. Formed in 1991. Comprised of 130 movements and factions opposed to Mobutu in which the UDPS was the dominant party. A radical internal faction, known as the Union Sacree de l'Opposition Radicale et ses Aliés (USORAL) emerged in 1994. President - Frederic Kibassa Malaba

#### Police

- **PNC** Police National Congolaise/Congolese National Police
- **PIR** Police d'Intervention Rapide/Rapid Intervention Police
- **Service Spéciaux** Special Services
- **DSIR** Direction Spéciale des Investigations et Recherches
- **PM** Police Militaire/Military Police
- **PSR** Police Spéciale de Roulage

#### Security forces

- **CSE** Conseil de Sécurité de l'Etat/National Security Council
- **GSSP** Group Spéciale de Sécurité Présidentielle [also referred to as Groupe de sécurité présidentielle (GSP)]
- **ANR** Agence Nationale des Renseignements/National Intelligence Agency
- **DEMIAP** Détection Militaire des Activités Anti-Patrie/ Military Detection of Unpatriotic Activities
- **FAP** Forces d'Autodéfense Populaire/ People's Self Defense Forces
- **FAC** Forces Armées Congolaises/ Congolese Armed Forces of the DRC Government

#### Armed groups operating in the DR Congo

- **FAC** – Forces armées congolaises – government army
- **RCD-Goma** Goma-based Rassemblement congolais pour la démocratie; supported by Rwanda; current leader Adolphe Onosumba; formed in August 1998; split into two groups in 1999; another breakaway faction of RCD-Goma is led by **Patrick Masunzu** and active in Northern Katanga
- **RCD-Kisangani** Rassemblement congolais pour la démocratie, formerly based in Kisangani; a splinter group of RCD-Goma; current leader Wamba dia Wamba;
- **RCD-ML** Rassemblement congolais pour la démocratie-Mouvement de libération; current leader Mbusa Nyamwisi who effectively deposed Wamba dia Wamba in a creeping coup which started in late 2000.
- **RCD-NI** Rassemblement congolais pour la démocratie-national formed after the disintegration of RCD-Kisangani / ML; current leader Roger Lumbala
- **MLC** Mouvement pour la libération du Congo based in Gbadolité, former President Mobutu's adopted home town; led by Jean-Pierre Bemba
- **FRF** Forces républicaines fédéralistes - composed mainly of Banyamulenge dissidents of RCD-Goma; political leader Muller Ruhimbika and military leader Commander Patrick Masunzu

- **Mayi-Mayi (also: Mai Mai)** community-based fighters who come together to defend their local territory, including from foreign invaders and their allies; their military capacity and political orientation varies considerably, and can change rapidly. A high proportion of Mayi-Mayi militia are reported to be child soldiers.

Strength: 20,000-30,000 (in the Kivus)

Support: Some groups reportedly receive military and logistic support from the central government

Subgroups:

- **Group of Padiri**
- **Group of Dunia**
- **Mudundu 40/FRKI** Front de défense du Kivu - allied with RCD-Goma/RPA (June 02)
- **Col Ruaruba Zabuloni**
- **MLAZ/FURNAC** Mouvement de lutte contre l'agression au Zaïre/Forces unies de résistance nationale contre l'agression de la République démocratique du Congo

#### Foreign groups (as of June 2002; withdrawal between July and October 2002):

- **UNITA** - no recent reliable reports of UNITA activities in DR Congo; groups or individuals without coherent command, believed to be assimilated into other armed groups
- **ADF** Allied Democratic Forces/Front; Ugandan armed group; between 200 and 300 fighters, believed to be only lightly armed; Links with Lord's Resistance Army (LRA) and National Army for the Liberation of Uganda (NALU); location: West and north of Lake Edward, Butembo, Mount Varunga, Beni, Kanyabayonga, south of Semliki River, Ruwenzori Mountains, Buhira, Isale, area above Rugetzi
- **FDD** Forces pour la défense de la démocratie; Burundian armed group; two wings led by Pierre Nkurunziza and Jean-Bosco Ndayikengurukiye; between 3,000 and 4,000 fighters; jointed operations with Rwandan armed groups and Mayi-Mayi; believed to receive outside support from variety of sources including the Government of the DR Congo; location: Moliro, Mwenge, Moba, Fizi, along Lake Tanganika, Kampini, north of Pweto, Kinsense River, Kamamba, Kilewa, Kilinga
- **ALIR I** Armée pour la libération du Rwanda I; Rwandan armed group; between 4,000 and 6,000 troops; believed to be supported from the Government of the DR Congo, but this support may have stopped; location: Masisi, Walikale, Shabunda, Fizi, Kabambare
- **ALIR II** Armée pour la libération du Rwanda II; Rwandan armed group; estimates of the group's size vary between 4,000 and 6,000 and between 13,000 and 15,000; fighters recruited in Tanzani; better equipped than ALIR I; believed to be supported from the Government of the DR Congo; location: Lubumbashi, Nyunzu, Kabalo, along the southern end of Lake Tanganyika

#### Social and economic data

Infant mortality rate: 91 deaths/1,000 live births (1995-2000)

Average life expectancy at birth: total population: 51 years, female: 52 years, male: 49 years (1995-2000)<sup>3</sup>

Unemployment rate: NA

Population below poverty line: NA

Inflation rate (consumer prices): 540% (2000 est.)

GDP per capita: purchasing power parity: - 17.0% (1999 est.)

Imports: \$660 million (c.i.f., 2000 est.)

Exports: \$960 million (f.o.b., 2000 est.)

<sup>3</sup> United Nations Conference on Trade and Development: The Least Developed Countries Report 2002

Currency: Congolese franc (CDF)

## DR Congo

### Country Report

This report is based on the notes and transcripts of the presentations given by Godfrey Byaruhanga, Central Africa Researcher, Amnesty International London, and Ngonlardje Kabra Mbaidjol, Regional Representative, UNHCR RO Kinshasa, on 29 June 2002 as well as on amendments made in September and November 2002

#### Part 1: Background and human rights situation Godfrey Byaruhanga, Ngonlardje Kabra Mbaidjol

#### I. Introduction

The people of the Democratic Republic of Congo (DRC) have not had much luck in enjoying fundamental human rights. Their country's abundant natural resources, which are coveted by the economic, political and military elite in the DRC, the region and elsewhere in the world<sup>1</sup>, are the main source of its crises. Since the UNHCR COI Workshop in 1999 in Bratislava, the human rights and humanitarian situation has remained in a state of crisis. What has since then further complicated the situation is that, although there appear to be pockets of peace in the country, fighting still continues. The people in the DRC had hopes: It seemed for them that the war would last a few months more perhaps and that political solutions would be found. Yet, the situation has not improved for them and there does not seem to be an end in sight as yet, despite the mid-1999 Lusaka peace accords and agreements between the DRC Government and several of its local and foreign armed opponents during 2002.

In the course of a war that has ravaged the DRC since October 1996, hundreds of thousands of unarmed civilians have been unlawfully killed, as many as one million more displaced from their homes and cut off from humanitarian aid within the DRC. Hundreds of thousands others have fled the country. As many as 2.5 million people are estimated to have been killed or have died as a result of the war to overthrow the DRC Government which started in August 1998. Deliberate reprisals against the civilian population have been a common reaction by all sides to military setbacks and many unarmed civilians have been deliberately and arbitrarily killed in revenge attacks. Combatants committing such unlawful killings included Congolese armed political groups of various shades and factions. They include the Democratic Republic of Congo government troops, the Forces Armées Congolaises (FAC), as well as troops of other countries in the region. In the course of the conflict many people have "disappeared", having been taken away by combatants and never seen again. They are unaccounted for and are most likely dead.

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<sup>1</sup> For detailed background information, see the DRC Final Report of the 5<sup>th</sup> UNHCR Country of Origin Information Workshop held in Bratislava 13-14 December 1999  
<http://www.ecoi.net/pub/mv6/cois1999-cod.pdf>



Since the war resumed in August 1998, millions have faced starvation. Torture, including rape, has been widespread. Rape has become indeed prominent in the course of this war and appears to have become a weapon of war, which is not only used to hurt and sometimes even kill women, but certainly also as a psychological weapon against men, be they combatants or non-combatants. Many people have been arrested and subsequently detained unlawfully and tortured by government security forces as well as by armed political groups, but also by troops of foreign governments involved in the conflict.

All sides have used the war to justify the repression of political dissent and the imprisonment of opponents remains routine. The government of the Democratic Republic of Congo has carried out more than 200 judicial executions since it came to power in May 1997, with at least 35 of them being carried out in 2000. Indeed today there is a trial going on against some 135 people, who, if they are convicted, would be liable to the death penalty and potentially could be executed, although the current president Joseph Kabila has announced a moratorium against the death penalty. Executions have also been carried out by armed political groups.

Various forces, particularly those belonging to the governments of the DRC, Rwanda and Uganda, as well as Congolese and foreign armed political groups, have recruited child fighters in blatant violation of international and regional human rights instruments such as the African Charter on the Rights and Welfare of the Child.

## II. Current political situation

### **1. The war and the peace process**

On 2 August 1998, the Democratic Republic of Congo (DRC) woke up to the beginning of a war staged by rebels mainly backed by Rwanda and Uganda, two of its neighbours who took pretext in the presence of armed groups in DRC causing a threat to their nations' security to attack and occupy parts of the gigantic country. The punitive expedition, they argued, targeted the Rwandese Hutu militia called Interahamwe and the former Rwandese Armed Forces (ex-FAR) as well as rebel groups opposed to the Uganda Patriotic Defense Forces (UPDF). However, as revealed last year by the United Nations report on the illegal exploitation of natural resources of the DRC, its mineral wealth underlies their motives and has indeed become a dominant factor for the military presence of the foreign countries on Congolese territory.

Taken aback by this situation, the DRC government turned south to its Angolan, Namibian and Zimbabwean neighbours whose military intervention balanced and stabilized the frontline to some extent. On 10 July and 30 August 1999, a cease-fire agreement was signed in Lusaka by the DRC government, the Rwanda-backed rebel group Goma-based *Rassemblement Congolais pour la Democratie* (RCD-Goma), and by Uganda-backed RCD/Kisangani, as well as by the *Mouvement de Liberation du Congo* (MLC).

Since then, the Lusaka Peace Accord has been the framework recognized and supported by the international community as a means of achieving a peaceful solution to the Congolese crisis. Hence, the United Nations Security Council deployed a peacekeeping operation for the Congo (Mission de l'Organisation des nations unies au Congo, MONUC). Consistent with its mandate MONUC deployed observers on the frontline in phase one of its mission and in the second phase deployed troops in DRC. The UN Security Council, which has recently renewed MONUC's mandate for one more year, is currently debating the next phase that consists of demobilizing, repatriating, resettling and reintegrating armed groups. In his latest report on the mission the UN Secretary General who requested the extension of the mission, also recommended that the Council increase the number of MONUC troops in the eastern DRC cities of Kisangani and Kindu in order to enable them to assist civilians in need of protection.

The main protagonists have withdrawn their forces from frontline positions under the supervision of the UN ceasefire monitoring team. However, sporadic outbreaks of fighting between factions of armed political groups continue. Some forces have withdrawn 15 or 20 to 25 kilometres from the frontline positions, but where these forces have withdrawn others have taken their place. In the case of South-Kivu province, long-standing tensions between Congolese Tutsi known as Banyamulenge and the Rwandese Government and allied Congolese forces have degenerated into serious armed conflict in the hauts plateaux near Uvira. Sources in the region had been reporting a deployment of hundreds of Rwandese Patriotic Army (RPA) troops in Kivu and northern Katanga since late 2001, information that the Rwandese Government consistently denied. Dozens of unarmed civilians are reported to have been killed in the fighting and thousands either displaced internally or forced to flee to neighbouring Burundi.

Following the death of President Laurent Desire Kabila in January 2001, the Democratic Republic of Congo embarked on a peace process within the framework of the Lusaka Accords under the leadership of Joseph Kabila, son of the deceased, with a view to achieving internal consensus on peace in the DRC, shedding from foreign influences. Rounds of negotiations between warring parties who have de facto partitioned the country were launched in August 2001 in Botswana's capital City, Gaborone, forming the basis of the inter-Congolese Dialogue (ICD). The major achievement of the ICD has been the Sun City talks which started on 25 February 2002 in the South African holiday resort. This choice of place for negotiations was perceived by many people as a bad omen and indeed the Inter-Congolese Dialogue does not seem to have had a significant influence on the situation in the DRC. During the Dialogue, RCD-Goma and RPA forces briefly occupied the town of Pweto on the shores of Lake Moero in northern Katanga province. The DRC Government suspended its participation in the Dialogue. The forces moved out of Pweto under pressure from the UN Security Council, but it was reported to have been re-occupied by the Mayi-Mayi (DRC Government forces, according to RCD-Goma) on 20 June 2002. The deployment of several thousand ceasefire monitors of the MONUC may have largely prevented fighting between DRC Government forces and its armed opponents, but it has clearly failed to end the armed conflict or deter human rights abuses.

The Dialogue ended on 19 April 2002 after more than 45 days with partially successful conclusions as the government and the armed rebel Mouvement de Liberation du Congo (MLC) signed a power sharing agreement in a surprise move that maintains President

Joseph Kabila in his function and proposes the rebel leader of the MLC, Jean-Pierre Bemba, as Prime minister. This agreement reunifies 70% of the DRC territory. As the government claimed, there were some 70 signatories to the agreement. The last page was too short for all the signatures, so they signed everywhere, page after page. The agreement gained the approval of Angola, Uganda and Zimbabwe. While the move was hailed as a positive development in the way to peace, it has also received criticism for not including all the parties in conflict some of whom, in protest, coalesced to form the Alliance pour la sauvegarde du Dialogue inter-congolais (ASD), Alliance to Save the Inter-Congolese Dialogue. The alliance is made up of the Rwanda-backed Rally for a Democratic Congo (RCD)/Goma and the Union for Democracy and Social Progress (UDPS), led by former Prime Minister Ethienne Tshisekedi, along with four other opposition parties. Members of ASD are campaigning for a continuation of the Inter-Congolese Dialogue in the expectation that the Sun City partial agreement will be nullified and a new inclusive agreement will be negotiated and signed to form a government in which they too will have a key role. ASD have announced that their headquarters will be in the north-eastern town of Kisangani, amidst opposition and calls for demilitarization by civil society in the city.

Taking into account the necessity to include all parties to achieve peace, the parties to the Sun City partial agreement are currently continuing the dialogue in the south-western city of Matadi in Bas-Congo, in yet another attempt to attain peace through the adoption of a transitional constitution. It is hoped and expected that this process will lead to an elected government at the end of the transitional period. However, on the ground, political dialogue is far from materializing. Indeed, the security situation has been deteriorating alarmingly throughout the country, particularly in the eastern region under rebel control. There is fear that the failure to come up with a globally accepted peace deal would cause further hostilities, particularly now that the political landscape is divided into pro and anti Sun City agreement partisans. It is feared that as steps are taken to install a new coalition government in Kinshasa, RCD-Goma and Rwanda may launch a new offensive as a means to assert its claim that they cannot be ignored. Already since June 2002 there have been reports that their forces are moving northwards into areas supposed to be under the control of RCD-ML, which is party to the Sun City agreement.

The DRC is in a situation where separate administrations have been put in place by the government, the rebel movements and foreign armies. Both the DRC government and RCD-Goma have not much say in the operations of their allies. They are stronger than the various national forces, they have their own hierarchy and in some situations in fact foreign armies are fighting against each other in the DRC without the presence of any Congolese soldiers. The foreign forces find it easy to act with impunity within the DRC without being questioned by their Congolese allies. Indeed some of the armed political groups opposed to the Kinshasa government are a creation of foreign governments and of strong foreign armies. It is also clear that political groups with no armed factions have much less voice in the political solutions that are being sought at the moment.

The main political actors thus are the government, the rebel movements and foreign armies. Civil society and political parties cannot be put at the same level as these three main components of the war in the Congo. Demonstrations by government opponents are systematically and violently repressed by government forces. Only recently, when

Tshisekedi and his movement, the UDPS, started to march in Kinshasa, they were disbanded very quickly. After Sun City there were many attempts to mobilise the population in view of the fact that the peace process is stalling, but the government has always opposed such public demonstrations. By contrast, demonstrations for the government and for the Sun City framework agreement between the MLC of Jean-Pierre Bemba and the government are accepted and encouraged by the government. In the eastern part of the country, similar and often more violent repression is carried out by armed political groups and their foreign backers against their opponents.

## 2. A partitioned country at war

The Democratic Republic of Congo has a 2,345,000 square kilometre surface area divided into 11 provinces recognized by the central government, plus the northeastern province of Kibali-Ituri created by Ugandan occupying forces. Its size is four times that of France, four and half times Spain, nearly eight times that of Italy and twenty five times Portugal or 1.62 times the size of all four countries cited put together. The legendary Congo River born in the Katanga plateau runs east to west, bisecting the country along a 4,700 km course that feeds the Atlantic Ocean. Its basin is a 3,800,000 km<sup>2</sup> of navigable waterway, which connects various parts of the land that are otherwise inaccessible. Due to its strategic role, the River, like the rest of the land, is partitioned by the parties to the armed conflict making humanitarian assistance delivery one of the most daunting tasks in the country.

The DRC is surrounded by nine countries most of which have internal conflicts of their own. However, no country in the region is partitioned as the DRC. While the Western part is under government control, the East is governed by RCD-Goma, backed by Rwanda. The Congo Liberation Movement (MLC) has imposed itself in the North and the Northwest parts of the territory thanks to the military support of Uganda. As for the northeast, various rebel groups rule the area. It is the part of the country which is now drawing the main attention of the international community because of the appalling human rights and humanitarian situation both in terms of casualties of the war between the Hema and Lendu and in terms of access which both the RCD-ML and RCD-Goma are reluctant to grant. In the North- and South-Kivu, in Maniema and in the northeast provinces, diverse and often mutually hostile alliances make it rather difficult to reach a peace agreement. There are some forces of the Mayi-Mayi, who are loosely allied to the Kinshasa government, and the areas they occupy are sometimes seen as being under the control of the government. Yet, the Mayi-Mayi's allegiance cannot be counted on as from time to time the loyalty of disparate factions shifts between the government and its main opponents, particularly the RCD-Goma and RPA. On the shores of Lake Mweru, e.g., there is a small town called Pweto which has changed positions again: at one time it was in the hands of RCD-Goma and Rwanda, then it was taken over by the government, and then during the time of the Inter-Congolese Dialogue this place was again invaded by RCD-Goma and Rwandese troops which took it over. With a lot of coercion from the Security Council and the other governments RCD-Goma and the Rwandese forces agreed to leave the town under the control of the UN ceasefire monitors. However, in recent weeks, there have been reports that it has now been taken over by the Mayi-Mayi. RCD-Goma and Rwanda say that this town is now under the control of the Congolese government forces and as a result, RCD-Goma and Rwandese forces are

threatening to attack and retake Pweto. These shifting frontlines make it extremely difficult to define clear geographical borders between government controlled areas and those of the armed opposition.

In recent months Rwandese forces, which are supposed only to be about half way of North-Kivu, and RCD-Goma have been trying to capture more territory, towards Butembo and Beni in North-Kivu. The reason is that the forces of RCD-ML, which are in control of this area, are now in alliance with Kinshasa. Rwanda and RCD-Goma think it is in their interest to occupy these places before they can be taken over by the Kinshasa government. RCD-Goma is relying more on its military strength and that of the RPA than on political settlement. The MLC negotiated an alliance with one of the RCD-ML groups. RCD-Goma believes that this alliance may put in jeopardy the presence of the Rwandese forces, particularly in the gold rich area of Bunia, which serves as headquarters of the RCD-ML. There have been reports of Rwandese forces advancing towards Bunia in August, ostensibly to support a Hema-dominated faction of the RCD-ML. Since mid-2002, intensive fighting, in which hundreds of unarmed civilians are reported to have been killed, has occurred in and around Bunia between Hema, Lendu and other members of the RCD-ML. Hema have been supported by sections of the UPDF.

Kisangani has changed control on a number of occasions, probably the last time after the battle of Kisangani in June 2000 when the Rwandese and Ugandan forces fought over the town. Afterwards subsequent to a UN Security Council resolution it was supposed to be demilitarised and Ugandan forces started pulling out of at least the perimeter of the city of Kisangani. Since then it has been more or less under the control of RCD-Goma and Rwandese forces. The RCD-National, a breakaway faction of the RCD-ML which is allied to MLC, has been fighting RCD-ML forces in areas north and northeast of Kisangani. Fighting has intensified in the mineral rich and strategic areas of Isiro, Dungu and Watsa near the border with Sudan. In the middle there is RCD-Goma, which would like to maintain control of that city, first because of the mineral wealth, and then because, as the second largest city of the country, it is of course a key city. The experts were not aware of a battle of Kisangani in February 2002, only of the RCD-Goma mutiny on 14 May and subsequent summary executions by RCD-Goma and RPA troops between 14 and 17 May 2002.

Comment by Ngonlardje Mbaidjol: The recent Sun City agreement has put 70% of the territory under government control in theory as the MLC's chief prepares to take office as the country's Prime Minister. So if this is the case, the agreement may indeed provide a ground for a better co-operation between MLC and the government. The framework agreement may, if it is implemented, give the government the possibility to have control of the north-west, the north, and even a part of the north-east of the country. Some areas may change alliances and go for a power-sharing with the Rwandese army rather than with the MLC or the government. Yet, there are indications that these changes may be favoured by Rwanda as well.

In South Kivu province the areas of Fizi, Baraka and the shores of Lake Tanganyika are important zones of insecurity in the hands of the Burundi rebels of FDD. Due to this presence, the Burundian Tutsi-dominated army makes regular incursions in hot pursuit of the rebels.

The Sun-City agreement has caused more friction within the RCD-Goma. Hundreds of its troops are reported to have defected to the DRC Government. Mutineers calling themselves members of the RCD-Original staged a short-lived mutiny on 14 May 2002 and called for the expulsion of Rwandese forces (which they accused of sabotaging the Inter-Congolese Dialogue) from the DRC. A former spokesperson of the group, Kin Kiey Mulumba, has left the group, accused it of committing crimes against humanity in Kisangani in the aftermath of the May 2002 mutiny and formed a new group known as the RCD-Congo. Meanwhile, the implementation of the Sun City agreement has stalled and President Kabila has called for a new inclusive dialogue to accommodate members of the ASD.

### 3. Regional dimension of the DRC crisis

At least five foreign countries and a number of armed political groups continue to be directly involved in the war in the DRC, although fighting has significantly abated since early 2001 as part of the implementation of the Lusaka cease-fire agreement signed by the belligerents in mid-1999. DRC government troops are supported by Angolan and Zimbabwean forces. Namibia is believed to have withdrawn all its combat forces by the end of 2001. Previously also Chad and other countries were involved. There have also been some incursions by forces from the Sudan. The armed opposition - composed of the Goma-based faction of the Rassemblement congolais pour la démocratie (RCD-Goma), Congolese Rally for Democracy, the RCD-Mouvement de Libération (RCD-ML), RCD-Movement of Liberation, and the Mouvement pour la libération du Congo (MLC), Movement for the Liberation of Congo - have received support from Burundi, Rwanda and Uganda. The Congolese armed opposition groups have become more numerous over the last years since RCD-Goma has split into various factions which are hostile to each other, even in the cases where they may be supported by a single foreign country. Indeed, as discussed elsewhere in this paper, the splits have not stopped yet, some have taken place as recently as May, July and August 2002.

The regional dimension of the conflict has been in some cases explained as an effort by neighbouring Rwanda, which experienced a very horrendous genocide in April to June/July 1994, to follow up the perpetrators of that genocide, who were indeed based in the Democratic Republic of Congo. It has often been argued by the Rwandese Government that its withdrawal from the DRC is contingent on an end to the threat on its security by DRC-based Rwandese armed opponents, some of whom were involved in the 1994 genocide. This threat has been cynically used by the Rwandese Government and its supporters to justify or play down the horrendous abuses carried out by RPA and their Congolese allies in the DRC, as well as in Rwanda itself. Rwanda will continue to be threatened with destabilization and further human rights abuses if the internal repression, including intolerance of peaceful political dissent and denial of the right to freedom of expression and association by the Rwandese Government, does not end. During the past three years hundreds of Rwandese civilians and members of the security forces have fled Rwanda and some either unlawfully detained or even killed for their known or suspected opposition to the government. The arrest of former President Pasteur Bizimungu and former government minister Charles Ntakirutinka on 19 April 2002 (and the subsequent detention of at least 20 of their suspected supporters) is only

the most recent example of human rights violations that are likely to increase instability in Rwanda.

Burundi remains a significant player in the DRC crisis, in part because of the presence of its government and armed opposition troops on DRC territory, as well as the military and security cooperation between the Burundian, Rwandese and Goma-based Rassemblement congolais pour la démocratie (RCD-Goma) administrations. Clearly, a resolution of the DRC crisis is unsustainable without a resolution of the Burundian crisis. Burundi has denied involvement in the fighting in the DRC and is not party to the 1999 Lusaka Ceasefire Agreement. Certainly the armed opposition, the FDD, is still based in the DRC. It is hoped that if the on-going talks between the Burundi government and its armed opponents, including the FDD, result in an end to the Burundian armed conflict, Burundian forces will have no further interest in staying in the DRC.

Although Uganda claims to have withdrawn most of its forces from the DRC, it nevertheless maintains a direct or proxy presence there. Its forces are not only involved in economic activities that engender human rights violations, they are also directly involved in local intercommunal violence which has resulted in the unlawful killings of thousands of unarmed civilians. This has been the case particularly in the Kibali-Ituri province, which itself was created by Uganda inside the DRC, and where a serious conflict between the Hema and Lendu ethnic groups broke out in about June 1999 and has caused tens of thousands of victims killed. Further withdrawals in late August and the September 2002 Luanda agreement between Uganda and the DRC may bring closer a political settlement of the Hema/Lendu conflict.

Zimbabwean forces are known to be heavily involved in commercial activities, including mining and timber exploitation. Some have been involved in human rights violations, including in the capital Kinshasa, where they are imposing a harsh regime on Congolese political detainees. There were reports in August and late September 2002 that Zimbabwe was proceeding to withdraw several thousands of its troops from the DRC.

Foreign forces including those from Rwanda, Uganda and others have taken further interest in the conflict and have sought to remain in the Democratic Republic of Congo, in order to exploit the natural resources of the country, such as gold, diamonds, coltan, timber, etc.. As the United Nations have found out recently, the resources are attracting a lot of players, military, political and of course economic. They have entered the country and have taken advantage of the armed conflict, particularly of the chaos created in the eastern DRC, attempting to make a lot of money on the backs of the local population, which has continued to get poorer and poorer and indeed many have been starving to death.

Within the international community there is pressure from certain governments to not impose too harsh measures on these states. The United Nations Security Council as the institution that could possibly end this conflict is divided on what, and if any, action, should be taken. Some members of the Security Council, since the recent war up to now led by France, are in favour of imposing formal sanctions on the countries involved in the exploitation of the natural resources of the DRC, particularly Uganda and Rwanda. On the other hand there is a group led by the USA and the UK, which takes a more reluctant approach. In their view the Rwandese occupation of the Congo is related not to

exploitation of resources, but to security concerns because of the presence of the perpetrators of the genocide in 1994. They should not be forced to leave the DRC unless this security threat can be said to no longer exist. The UN Panel of Experts that has been set up recently has carried out investigations into the illegal exploitation of the natural resources of the DRC and has just produced its third report. It is clear who the perpetrators of this exploitation are. However, the first Panel which came out with a much stronger report, in the sense that it recommended sanctions on the perpetrator countries, was effectively disbanded. The new second Panel, publishing the third report, has been rather more careful not to make strong recommendations, because it knows the Security Council would not want any recommendation that might bring strong action against the perpetrators.

#### 4. Shifting alliances: The war behind the frontlines

While the territory is under separate administrations, there is dissension within the main rebel movements and among ally rebel groups in control. In the latest episode of shifting alliances, a mutiny of RCD-Goma fighters resulted in a massacre in Kisangani on 14 May 2002. The mutineers were demanding of Rwanda, the movement's godfather, to withdraw from DRC and displayed readiness to side with the government forces. Tensions have also been reported among RCD-Goma members in Uvira, Bukavu, Kalemie and Pweto, where some policemen and soldiers of the rebel movement's army have defected to join the FAC. In reaction, RCD-Goma has been disarming suspected soldiers to prevent defection. The MLC's secret deal with the Kinshasa government at Sun City, unifying de facto 70% of the territory under the national banner, still represents a fragile arrangement as the former enemies argue over power sharing issues while at the same time they have a common interest in convincing opponents to the Sun City agreement to adhere to it.

Before Sun City, the Uganda-backed MLC, which had remained very close to Uganda until after the battle of Kisangani in June 2000 and the withdrawal of the Ugandan forces, was an ally of RCD-Goma and Rwanda as a member of the armed opposition. The MLC and RCD-Goma attempted to forge a sort of national army, to be based in Kindu, the capital of Maniema. This town is not only the place where two allies by then, Jean-Pierre Bemba and Adolphe Onusumba decided to establish the headquarters of their joint army, but also the area which the UN mission in the Congo has selected as the base for its operations.

After Sun City, with Jean-Pierre Bemba signing the framework agreement with the government of President Kabila,<sup>2</sup> RCD-Goma found a new ally in the person of former Prime Minister designate Etienne Tshisekedi, leader of UDPS, who declared to be ready to take up arms if there is no inclusive peace deal. The two groups form the backbone of the anti Sun City partial agreement.

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<sup>2</sup> Comment by G.B.:

When I was in Zongo in MLC controlled north-western DRC in January 2002, I met the Secretary General of the MLC in Zongo. He talked about how much they wanted to co-operate with the RCD-Goma, including in judicial issues and the setting up of courts. Now after Sun City, which was barely a couple of months after our meeting, they broke away from RCD-Goma and Rwanda and reached a power-sharing agreement with the DRC Government. In September 2002, this loose alliance appears to be in jeopardy.



The UDPS has been seeking to ally itself to various political factions since 1996. In 1996 it announced its support for the then AFDL led by Kabila, not because they admired Kabila, but because the UDPS leaders thought that, if and when Kabila took power in Kinshasa, he would share power with them. Yet, when Kabila came to Kinshasa, clearly he did not intend to share power with the UDPS. So now, the UDPS appears to have some form of alliance with Rwanda. Many people in the DRC, however, do not appreciate this move, so the support for UDPS within the country is certainly ebbing away as the months and years go by.

Finally, the main rebel groups are also fragmented into several wings. RCD for example, has the Goma, the Kisangani and the National factions as well as RCD/ML. The rejection of the Sun City Agreement by RCD-Goma is causing further splits within its ranks. On 24 June 2002 its spokesman, Kin Kiey Mulumba (a former minister in the Mobutu government), was suspended by the acting President and Secretary General of the armed political group for making statements in which he appeared to support the agreement. Earlier in June the governor of South-Kivu, Norbert Basengezi Kitintima, was replaced - apparently on the orders of the Rwandese authorities - by Patient Mwendanga, whom the Rwandese government expects to be more loyal to its policies in the DRC.

The MLC also has its own subdivisions. In April 2001 the MLC and the RCD-ML formed a coalition known as the Front pour la libération du Congo (FLC), Front for the Liberation of Congo, under the aegis of the Ugandan Government. The coalition fell apart several months later and hostilities between them broke out around Beni and Butembo in North-Kivu. Recent fighting between FLC factions in north-eastern DRC reportedly resulted in killings of dozens of unarmed civilians. Rwandese, Burundian and Congolese armed political groups allied to the DRC Government and/or opposed to the Burundian and Rwandese governments, have also been involved in numerous unlawful killings and torture, including rape.

The Mayi-Mayi, a disparate entity at times fighting against the government and at others alongside RCD, embody the struggle of various small armed groups resisting domination by larger rebel movements. The Mayi-Mayi warriors can change position at any time. In early 2002 a new Mayi-Mayi group called Mudundu 40 either emerged or, if existent before, got to be known. The name 'Mudundu' supposedly refers to a kind of traditional medicine which cures 40 diseases and their movement is meant to cure the DRC of its 40 or more political and social diseases. They signed an alliance with RCD-Goma and the Rwandese Patriotic Army, so that the head of the Mudundu 40 is now the current governor of Bukavu, which is a very visible position. This means that RCD-Goma is now working towards getting a stronger alliance with the Mayi-Mayis at least in the Kivus. If the Sun City partial agreement leads to the government control of 70% of the territory, RCD-Goma and their allies would be in a minority situation. Hence the agreement with the so-called Mudundu 40 constitutes a big gain for RCD-Goma.

The role of the former Forces Armées Rwandaise (ex-FAR), Rwandese Armed Forces, who were defeated in 1994, and the so-called Interahamwe or Hutu militia men in the whole context of the war in Congo is a challenge for the Congolese. They have spread all over the region, particularly in the two Congos, but there may also be pockets of Hutu militia men in countries like Angola. The arrest in mid-August 2002 of former

Rwandese General Augustin Bizimungu in Angola is evidence of the participation of ex-FAR forces in the Angolan war. General Bizimungu and several hundred Rwandese had been fighting alongside UNITA forces against the Angolan government forces. They could at any time be involved into the crisis, depending on where they are and what kind of relations they have with the authorities. With the change of alliances, with the search for their own solution to the conflict, they are grouping to request positions, be it in Rwanda or even within the Congolese army in the Congo. So this is a group which is perpetuating insecurity.

The former Forces Armées Zairoise (ex-FAZ), another defeated armed force from the DRC, are also at the disposal of the warlords and may make the change at any time according to the kind of alliance they have in place.

Clearly, after Sun City there is no winner, but one certain loser and this is the people of the DRC. People are divided about whether this arrangement between the MLC, RCD-ML, RCD-National, the government and a number of other groups will work. Even if the power-sharing agreement was implemented, will that solve the problems of the DRC? It might help to some extent, e.g., if Kisangani was demilitarised, the people of Kisangani and others in the region could then at least have access to humanitarian aid. Yet, RCD-Goma keeps splitting up and splits are never useful in peace negotiations.

## 5. Pretoria and Luanda Peace Agreements (updated November 2002)

On 30 July 2002, the DRC government concluded an agreement on the withdrawal of Rwandan troops from the Democratic Republic of the Congo and the dismantling of the former Rwandan Armed Forces (ex-FAR) and Interahamwe forces in the Democratic Republic of the Congo. (Pretoria Agreement). This agreement was followed by an agreement with Uganda, signed on 6 September 2002, on the withdrawal of Ugandan troops from the Democratic Republic of the Congo and cooperation and normalization of relations between the two countries.<sup>3</sup>

Leaders in the Great Lakes region, and those of Rwanda in particular, have a poor record of adhering to and implementing peace agreements. In 1985 the Ugandan Okello regime signed a peace accord with then rebel leader Yoweri Museveni's National Resistance Movement / Army (NRM/A). The NRA pounced soon after and took power through a military victory. Leaders of the Rwandese Patriotic Front / Army (RPF/A) played a key role, if not in the negotiations, certainly in the fighting. In 1993 the RPF signed a peace accord with the Rwandese Government of Juvenal Habyarimana and less than a year later, against a background of mass slaughter, the RPF/A pounced and took power. The peace initiatives between the AFDL and the Mobutu kleptocracy ended with the fall of the government and Kabila's seizure of power. The April 1999 Sirte agreement between the DRC and Uganda and, of course, the Lusaka accord a few months later did not produce peace or stability. The 30 July 2002 Pretoria agreement between Rwanda and the DRC, and the 6 September 2002 agreement between the DRC and Uganda added to the heap of this debris of peace initiatives. While the people of the DRC and the international community have a right to hope that these agreements succeed this time, it is hard not to be sceptical.

According to IRIN:

"The peace agreement commits the DRC to locating and disarming Rwandese Interahamwe Hutu militias and ex-FAR - the forces responsible for the 1994 genocide in Rwanda who remain active in the DRC; collaborating with the UN Mission in the DRC (known by its French acronym, MONUC) to dismantle the Interahamwe and ex-FAR; and repatriating all Rwandese ex-combatants to Rwanda, including some 2,000 presently at a UN base in Kamina, Katanga Province, south-eastern DRC.

As for Rwanda, its government agreed to withdraw its troops from the DRC "as soon as effective measures have been taken to address security concerns in the DRC, in particular the dismantling of the Interahamwe and ex-FAR", an official statement from the Rwandese capital Kigali said.

A 90-day programme for the implementation of the agreement has been outlined and agreed upon by both countries." (IRIN 30 July 2002)

<sup>3</sup> Detailed information on the provisions of both agreements can be found in the Special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (UN Security Council, S/2002/1005) 10 September 2002  
<http://daccess-ods.un.org/TMP/1738961.html>

The parties involved (Rwanda, DRC Govt, SA Govt, UN) do not even agree on the number of Rwandese "negative forces". It has been suggested that MONUC thinks there are 100,000 of them. The DRC thinks they are a few thousand, while Rwanda's figures have ranged between 30,000 and infinity. So, at what point is the Rwandese Government going to be satisfied that "effective measures have been taken to address security concerns in the DRC, in particular the dismantling of the Interahamwe and ex-FAR"? Why should Rwanda expect the DRC Government to succeed where it has failed, especially in areas the RPA has actually or nominally controlled since 1996? In August and September 2002 there have been reports, supported by MONUC, that RPA and RCD-Goma are advancing northwards into areas vacated by the Uganda Peoples' Defence Forces (UPDF) and not previously controlled by the advancing forces. By mid-September (half-way the agreed implementation period) no part of the Pretoria agreement had been implemented.

Rwanda did commence withdrawal of its troops on 17 September. The withdrawal was verified by MONUC whose deputy commander declared the withdrawal to be completed on 5 October 2002.<sup>4</sup> According to the October 2002 report by the UN Secretary-General MONUC noted some discrepancy in the numbers verified (around 20,000) and the numbers of troops that the Rwandese government declared withdrawn (around 23,000). There were also (at the time unconfirmed) reports that some RPA forces had entered the DRC near Bukavu before the withdrawal began, and may have joined RCD-Goma forces or left weaponry with them.<sup>5</sup>

Fighting has since continued in the north-east and the south-east of the country, and Rwanda was reported to have sent new soldiers to back RCD in their fight against the Mayi-Mayi in eastern Congo.

In his 18 October 2002 report to the Security Council, the UN Secretary-General noted ongoing security concerns due to communal conflict and shifting alliances. In some regions, the withdrawal of foreign forces has led to an upsurge in factional fighting or fighting between armed groups representing different Congolese interests. The Secretary-General specifically mentioned the conflict between Hema and Lendu in the Ituri region, fighting in Hauts-Plateaux of Northern Katanga between RCD-Goma and the Banyamulenge breakaway faction of RCD-Goma led by Patrick Masunzu as well as clashes between RCD-Goma and Mayi-Mayi in Kindu, Maniema province.<sup>6</sup>

## 6. Draft framework for a transitional government

Against this background of ongoing fighting, a draft framework of an all-inclusive power-sharing arrangement for a transitional government was agreed upon in Pretoria on 23 November 2002 after a week-long negotiation. Three committees – military and security, political, and technical – shall prepare annexes to the agreement as well as

<sup>4</sup> BBC: Rwanda completes DR Congo pull-out, 5 October 2002

<http://www.news.bbc.co.uk/1/hi/world/africa/2302125.stm>

<sup>5</sup> UN Security Council: Twelfth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2002/1188), 18 October 2002, para 10-12

<http://daccess-ods.un.org/doc/UNDOC/GEN/N02/638/35/IMG/N0263835.pdf?OpenElement>

<sup>6</sup> UN Security Council: Twelfth report of the Secretary-General (S/2002/1188), 18 October 2002, para 10-12

<http://daccess-ods.un.org/doc/UNDOC/GEN/N02/638/35/IMG/N0263835.pdf?OpenElement>

draft a transitional constitution. The documents are expected to be negotiated in another mediation round in Pretoria in mid-December 2002.<sup>7</sup> While the actors involved in the mediation have welcomed the agreement, the actual success of these mediation efforts is not yet certain. For the moment, the RCD-ML has suspended its withdrawal from the negotiations on 25 November 2002.<sup>8</sup> On the other hand, the leader of the UDPS, Tshisekedi, was reported to have declared his candidacy for one of the four Vice-President posts proposed as part of the power sharing deal.

### III. Humanitarian situation (Ngonlardje Mbaidjol)

The afore-mentioned alliances and counter-alliances fostered by foreign powers create shifting pockets of insecurity within different regions of the country, impeding humanitarian access to victims of war. The overall humanitarian situation in the DRC continues to be of concern due to human rights violations, restrictions on humanitarian access, epidemic outbreaks, and major nutritional and health problems, within a context of violence. As conflict groups struggle to gain power in a new political landscape, the Congolese people, already trodden by the weight of crippling poverty, are further enduring the hardships of war and its dire consequences on stability and development.

A recent report by the International Rescue Committee indicates that tens of thousands of people are out of the reach of aid agencies and individuals are dying of severe malnutrition. Living conditions in the overcrowded city of Kinshasa (whose population is estimated to have reached six million) are increasingly dire and desperate, to the point that even the traditional networks of solidarity and support provided by the extended family appear to be eroded by this situation. The most destitute of the Congolese have no access to health services, education or potable water. Life expectancy in the democratic Republic of Congo is on the decline as outbreaks of curable epidemics and HIV/AIDS infections, the prevalence of which is believed to be above the African average in most urban areas, spread unattended due to lack of access to aid.

To make matters worse, the Nyiragongo volcano erupted in Goma in January 2002, causing the destruction of the town and leaving nearly 100,000 persons homeless and destitute. The malnutrition rate in the country is among the highest in the world with up to one fifth of the population in government controlled zones affected, while in highly insecure areas malnutrition hit nearly a quarter of the population. This grim picture is aggravated by unemployment due to lack of investment caused by a depressing political and economic climate. Combatants and civil servants are not paid in rebel-held areas while their counterparts in government controlled territory only irregularly receive their salaries.

<sup>7</sup> Government of the Republic of South Africa: Communiqué on the Democratic Republic of Congo - Establishment of a transitional government and committees, 23 November 2002 (Source: Reliefweb)  
<http://www.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/3b9c355204a4ebcd49256c7d000a0657?OpenDocument>

<sup>8</sup> AFP: Rebel group withdraws from DR Congo peace talks, 25 November 2002 (Source: Reliefweb)  
<http://www.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/c67d2f120e371c9e49256c7d000f34a4?OpenDocument>

## 1. Internal displacement

Since August 1998 three and a half million Congolese have died<sup>9</sup> while more than two million have been displaced to other parts of the country as a result of the war. The number of people internally displaced within the DRC is estimated to have risen from 2,041,000 to 2,275,000 people. Almost 90% of these people are in North and South Kivu, Orientale, Maniema and Katanga provinces in eastern DRC. 80% of rural families in North and South Kivu are reported to have been displaced at least once in the past five years. Less than 40% of IDPs are able to benefit from assistance. As a result of the violence DRC Congolese nationals continue to seek asylum in neighbouring countries. Yet, in relative terms, there are very few refugees from the DRC. The Congolese mostly relocate within their country. Due to the vastness of the country the borders are not near enough and displacement within the country is the only solution. In order to leave the country one would have to cross a number of frontlines and insecure zones before reaching the border. The problem is that one village may be controlled by RCD-Goma, the next village by the Mayi-Mayi, the still next one by the FDD from Burundi. One would come from hostile territory to friendly territory, but to get to the next border, one may have to go again into hostile territory. So people just keep circulating, running around in the forests.

The ones who managed to leave the DRC are in Tanzania, where UNHCR has registered 200,000 refugees from mainly the shores of the lake of Tanganyika, the area of North- and South-Kivu and north-eastern Katanga. Most of them are in refugee camps near the city of Kigoma, which is not far away from the lake area. Other neighbouring countries which are also receiving Congolese refugees include Zambia, having announced between 60,000 and 100,000 Congolese refugees, and the Republic of Congo with 100,000 refugees, fleeing the prisons of the MLC troops in the province of Equateur and staying mainly in the north of the Republic, as well as over 2000 individual cases, who have launched request for asylum in the city of Congo-Brazzaville. Other recent DRC refugees have fled to Burundi and Uganda.

## 2. Refugees in the DRC

The UN regularly updates maps showing the spill-in of refugees from neighbouring countries. All these neighbouring countries except Zambia and Tanzania produce refugees seeking asylum in the DRC.

There are some 70,000 Sudanese refugees in eastern DRC, based mainly in the Province Orientale.

There are still some Ugandan refugees in the Province Orientale and in North Kivu.

There are still a number of Rwandese refugees, even after the repatriation has officially been completed. They are in the rainforest and prevented from getting out by either the ex- Forces Armées Rwandaises or by the militiamen, or simply because it is insecure to go to the city. They are extremely hard to reach. UNHCR has opened 10 assembly points

<sup>9</sup> Government figures in its suit filed against Rwanda before the International Court of Justice

near Goma, and 6 in Bukavu. On market days people with water and food are posted at these assembly points. This has allowed UNHCR to get access to those who would like to be repatriated to Rwanda. They are brought to Goma or to Bukavu for a medical check-up, and after 7-10 days they are transferred to Rwanda, their country of origin. Although the operation is a voluntary repatriation, in some cases it resembles an evacuation, as many of them might be captured or detained by rebel movements once they leave the forest. Around 80% of those repatriated are women and children. It is believed that they are brought to UNHCR by the heads of their families either in preparation for a return to normal life or because they want to take up arms. UNHCR estimates this group to amount to around 60,000 people.

In the areas of Baraka and Fizi in the south there are Burundian refugees. Those are very insecure areas and UNHCR does not have access. Burundians are also in the South-Kivu, where the FDD, the Burundian opposition movement, is operating from. The Burundian government claims they are supported by the Kinshasa government and have links either to government held parts of the country or to the FDD political wing supporting the movement from outside of Burundi.

A residual caseload of about 2,000 refugees, namely Rwandese and Burundian Hutus, is to be found in the province of Kasai Orientale (probably due to the closeness of Mbuyi-Mayi). UNHCR assists them in getting settled; while the integration of Hutus is very problematic in the east of the country, it is possible in this part of Kasai Oriental, but the refugees have to be very much tolerated by the local population.

In the south-west, near the border to Angola, as well as south-west of Kinshasa there are Angolan refugees assisted by UNHCR. Angolans are the biggest refugee group in the DRC; the total is around 127,000 refugees.

The majority of Congolese of Congo-Brazzaville (in 1998, 50,000 of them crossed the border to Kinshasa) have returned in spontaneous return movements. There remains a residual group of around 2,000 people.

After the mutiny in Bangui, the capital of the Central African Republic, around 30,000 people crossed the border to Zongo in 2001. They have returned quietly. Out of these 30,000 we have only 5,000 are left in Zongo.

### 3. DR-Congolese refugees in neighbouring countries

Around 100,000 DR-Congolese refugees are in Congo-Brazzaville, in the areas of Lokouela, Impfondo and Betou, having fled areas under control of the MLC. The Zambian government reports 60,000 – 100,000 people having crossed the border into Zambia. The largest group of around 200,000 refugees is to be found in Tanzania. A few Congolese refugees, less than 1,000, are in Burundi. In Uganda there are some 10,000 Congolese as well. The caseload in Rwanda – between 24,000 and 30,000 – is mainly made up of Banyamulenge, Congolese of Tutsi origin.

Updates of the maps shown by Mr Mbaidjol can be found in the Map section of Reliefweb at <http://www.reliefweb.int/w/map.nsf/Home%3fOpenForm>.

#### 4. Critical food situation

Although the country is agriculturally rich, one-third of the population (17 million people) is considered to have critical food needs. A recent nutritional survey in the Shabunda area in eastern DRC revealed that the global malnutrition rate among children under five is 20.4%.

#### 5. Public health

The public health situation is extremely poor. Some 69% of the population continue to lack access to basic health facilities. Infant and maternal mortality rates are among the highest in the world. One consequence of the collapse of the health system and the generally fragile state of the people are the continued outbreaks of infectious diseases across the country. While a meningitis outbreak in Gemena (Equateur) is becoming of great concern, humanitarian partners continue to combat a major cholera epidemic in Katanga, with cases reported from Kalemie to Lubumbashi.

The problem is that, if one becomes ill from e.g. Malaria, one cannot just go to a public hospital because such state hospitals do not exist. Even in those places which are supposedly government hospitals people have got to pay cash for medical services. This not only applies to the government controlled areas, but to the whole DRC. There have been cases of patients treated and detained in hospitals because they have failed to pay. One may therefore not get into hospital until one has the money to pay the doctors. The money paid will not go to the government, but into the pockets of the doctor or the nurse, given that the salaries are not being paid in the public service.

Even if people have the money, it still does not mean that the treatment is available. Talking about hospitals in the DRC, even in Kinshasa one cannot think of a number of e.g. 100 beds, but only of 2 to 3 beds in one hospital. Another problem is of course the availability of drugs and medicines. People will be treated with what the doctors have in store. It may not actually be the drugs they really need, but they would have to pay for them anyway. Whether they are cured or not is not the issue. As regards the actual costs, they would range from 1,200 to 3,000 Congolese Francs, i.e. 5 to 10 USD, which is not easy for average people to come up with. To give a comparison, the salary level for the police is 2,700 local Francs, which is less than 10 USD. For all officials, the salary lies between the amounts of 2,700 and 10,000 Congolese Francs, i.e. 5 - 30 USD maximum.

#### 6. Access to clean drinking water

Looking at the public health situation, the question of access to drinking water arises. There is clean water in Goma, Bukavu, Kisangani, Kinshasa and Lubumbashi, but in the rest of the country the infrastructure has not been maintained for years, and access to clean water is a very big problem. Even in Kinshasa, however, some areas have no clean water due to lacking maintenance. The solution for most of the international staff is to remain in the very limited area of Gombe rather than going outside, because one may not have drinking water and electricity, let alone security.



The situation in the east is certainly even a lot direr, particularly outside of the centre of the small towns. Not so long ago even Kisangani, which was supposed to have a water treatment plant, was lacking chemicals for the water and the ICRC had to intervene to bring in some of these chemicals for the water treatment. Similar and other problems occur elsewhere: sometimes there is no power to pump the water and that, too, can cause serious shortages; when hostilities break out equipment is damaged and then it takes a very long time to be repaired. Diseases that had been previously eradicated, such as the plague, reoccur in such situations. The Plague, in particular in the eastern DRC, has been killing hundreds or thousands of people. This disease that was supposed to be nearly extinct has come back because of the rapid deterioration of the hygienic situation in most of those areas. In some situations people have no clothing and are therefore exposed to the elements. Particularly in the areas around the Virunga Mountains, which are very cold terrain, people have no protection and are prone to all sorts of illnesses.

## 7. Children

The situation of children is also of great concern. More than 70,000 unaccompanied children are either living on the streets or serving as child soldiers. Only two out of ten children complete primary school. The education system has been deteriorating over the years, even before the start of the armed conflict. When at school, one has got to pay for everything. The standards of teaching have gone down badly; teachers are not paid in most cases, and they have no materials to teach with, so one wonders: Do people understand what education is? They learned that going to school is a way of security, a future for the child, but in practice, what does it actually mean? Even in the east, some schools still exist. Even universities are supposedly still running, even in Bukavu, in Butembo, and in Kisangani. Yet, there was an disagreement for several years, from 1998 until late 1999, as to where the examinations should be set. In the end they found a solution, so that UNICEF and others involved would get the examinations sent to the east, people in the east would be examined, the papers would then be returned to Kinshasa, and eventually the results would go back to the east. It is not sure if this system works, as the education system certainly has suffered just like every other way of life in the country.

In Kinshasa there are also a number of private schools. In some refugee areas UNHCR is investing some amounts in education, i.e. coming up for the payment of some teachers. It is only a pocket money, but they can survive on it. UNHCR is also using some refugees to teach children in refugee affected areas.

### G.B.:

Another aspect of education, whether of poor or good quality, is that education, particularly in the east, can become a form of resistance to the occupation. Much of the pressure can come from teachers in schools. Some of the demonstrations in places such as Bukavu are organised through local colleges etc., so that people promote these institutions as a form of resistance against the occupation, be it by the armed political groups, by the Congolese or foreign forces. This resistance is at the heart of repeated closures of schools and repression of demonstrations or student strikes by the RCD-

Goma. Many teachers have been detained on suspicion of anti-RCD-Goma/RPA activities. In the latest incident, a Bukavu university teacher, Alphonse Byamungu Nakahazi, was shot dead on 20 July 2002 by men in uniform, thought by some in the town to be members of RCD-Goma/RPA.

## 8. Lack of access to vulnerable populations

Lack of access to vulnerable populations in many parts of the country, due to insecurity or lack of infrastructure, remains the paramount concern of the humanitarian community. Roads and airways are very often inexistent. Where there are roads, humanitarian actors really have to fight against the nature to reach refugee camps or areas of displacement. Even when granted, access is often limited and not permanent. For example, there are times when Bukavu and Goma were off-limits zones because rebels denied access to the air strips of the two towns.

Difficulties resulting from access problems are further complicated by the country's huge size and the sudden numerous evacuations of humanitarian actors. Seven evacuations of international humanitarian teams were organized within a month between mid-March and mid-April 2002 in South Kivu (Mwenga, Shabunda) and Katanga (Pweto, Kikondja).

## 9. Security

The provinces of Bandundu, Kinshasa and Bas-Congo are by far the most secure ones in terms of operations and presence of UN staff. Kinshasa province is the only one declared Phase I under UN security regulations. Most agencies are located in Kinshasa, and apart from UNICEF, WFP and UNHCR, there are no UN agencies outside the capital. The ongoing campaign for immunisation is an ad hoc activity, manned by local staff in both the rebels and the government held territories. The international staff is confined in Kinshasa, in Goma and in Bukavu.

### G.B.:

As regards the question whether there is an airport in Matadi used for humanitarian relief transportations by the International Red Cross, there is certainly a small airport in Matadi. (N.M.: The name of the airport in Matadi is Tshinpi airport. Being only an airstrip, it is only used for flights inside the country.) To virtually every small town the only access is by air. Even travelling from Kinshasa to Matadi would be extremely difficult because of the state of the road, so that it is easier, even cheaper in some cases, and certainly saves a lot of time to get access to these places by air. Thanks to humanitarian organisations, even in other smaller places there are small airstrips for one or two cargo planes. Needing access to these areas, UNHCR, OCHA, UNDP and others continue to maintain these airstrips where at least some small planes can land.

As for other communications, there are basically three major train connections: Kinshasa – Lubumbashi, Kinshasa – Matadi, Lubumbashi – Kindu – Ubundu, along the shores of the River Congo. These long train connections are in a very poor state, but still exist. However, the Lubumbashi – Kindu – Ubundu connection is now obstructed because of

sections being under the control of hostile forces, so it is no longer possible to travel by train along the whole section.

N.M.:

Another problem regarding access is that one needs travel authorisation everywhere in the DRC, even for going e.g. from Kinshasa to Kimpese which is only 20 minutes away. We planned ahead to get authorisation before and there is a private airport in Lukala that we are using. What is also a usual method to prevent us from having access is that authorities put wheels on the field to prevent planes from landing without authorisation. In Kimvula, where we had opened a refugee camp just 8 months ago, there is an airstrip, but it is so close to the border that they align wheels and drums to impede access. We are negotiating, though, for voluntary repatriation of Angolan refugees if it takes place.

## 10. Travel restrictions and freedom of movement (G.B.)

There are serious restrictions imposed by the government and armed political groups on travel between the eastern parts of DR Congo and the government controlled areas. Many organisations working in both east and west have chosen that their staff have two passports, one for travelling in the west and one for travelling in the east, because one does not dare to appear with a stamp from Kinshasa in the east, just as one should not appear with a stamp from the east in the west. If one comes to Goma with a stamp from Kinshasa immigration, then one could be accused of spying for the Kinshasa government and vice versa. This also applies to local people. Amnesty International knows of many people who have fled from persecution by the RCD, Rwandese or other forces in the east and have thought that it would be safer for them to go to Kinshasa, and have been subsequently arrested and detained in Kinshasa on suspicion of being in alliance with the armed opposition in the east. So many people dare not to go to the other side.

In order to leave Kinshasa or any other big city, it is necessary to obtain authorisation. Some people would go to the security services, others to the immigration office and obtain the permission at a low level. Yet, for travelling to certain areas the authorisation must come from higher up, e.g. from the Minister of the Interior. The issuing of such an authorisation can take a long time, even for international staff and with connections to high-ranking government officials.

Despite authorization by the DRC government authorities, AI delegates e.g. faced threats from Zimbabwean soldiers when they visited the MIBA diamond mining concession in Mbuji-Mayi.

There are identity checks not only at border checkpoints, but also within the territories, even in Kinshasa. If travelling from Kinshasa to the nearest city Kimpese, which is 20 minutes away by plane, upon arrival one should show one's ID card/passport as if crossing a border.

Normally, the authorisation is given by the DGM, the immigration office, which is rather badly equipped. Not only is one supposed to bring a piece of paper for them to handwrite or type the authorisation on, but also one usually has to pay the staff. This

means of course that there is no special form for issuing the authorisation. It is just a piece of paper like the one given to Angolan refugees, reading 'Authorisation de depart definitive', i.e. 'Authorisation for final departure'. It only bears this phrase, the stamp and the signature. For that one pays up to 1,200 Congolese Franc. Given the fact that the civil servants are not paid, bribery in this part of the world is almost an institution.

When departing from somewhere in Equateur or elsewhere in the rebel held areas it is equally necessary to have a written authorisation by the rebels controlling the area. Furthermore, one would also need a kind of entry visa to land at Kinshasa airport.

Equateur province is turned towards Uganda and the South African Republic. The only air connection between Equateur and Kinshasa is the one departing from Mbandaka, the main city of the area. Yet, if one has to travel to Gbadolite, the city of Jean-Pierre Bemba's movement, or to Gemena, which is his home town in the west, one needs authorisation directly from him. So far only humanitarian organisations and the mission of the UN have obtained such authorisations. There are no commercial flights between Kinshasa and Equatorial. However, since the Sun City agreement MLC representatives are often seen in Kinshasa. It is the case for e.g. of its Secretary General, Mr. Kamituta, who deals with government officials during negotiations.

The rebel authorities are not issuing passports, but there is an immigration office in the east. When coming from any part of the country to Goma, one should go through the immigration office as if crossing an international border. There were instances of UN staff being harassed by the local immigration officers either in Goma or in Bukavu. The government has called a conference to announce publicly that UN staff would be free to move within the country, but this has not yet been actually translated into concrete action. They are still requested to present a formal authorisation to travel to some areas, and particularly in the mining areas of Mbuji-Mayi a special authorisation is required, which is even more difficult to obtain. So indeed travelling in the country is very difficult. There were reports of people who went for business in 1998/97, they got stranded either in Kisangani or Bunia and were forgotten there. They cannot reach their families and there are a number of separated families in east and west.

#### IV. Human rights situation

##### **1. Human rights violations by the DRC Government**

A law passed in January 1999<sup>10</sup>, which effectively amounted to a ban on opposition parties, resulted in the imprisonment of prisoners of conscience and the repression of political activity. Successive presidential amnesties during 2000 and in early 2001 for political prisoners led to the release of hundreds of detainees. However, these amnesties and an announcement in May 2001 by President Joseph Kabila to liberalise political activity, as well as the inconclusive inter-Congolese dialogue, have not prevented further repression against peaceful government opponents. Even after President Joseph Kabila came to power on 26 January 2001, there have been numerous cases of unlawful detention, arbitrary arrest, torture and killings ordered by the military court (Cour d'ordre militaire – COM). The UN Special Rapporteur for the DRC noted in her September 2002 report that the Cour d'ordre militaire continued to try civilians despite its purely military jurisdiction.<sup>11</sup>

##### 1.1 Detention and unfair trials of alleged coup plotters

The people in areas controlled by the government have experienced a lot of arbitrary arrests and unlawful detentions, on the basis mainly of opposing the government or on suspicion of plotting to overthrow the government.

Since late October 2000, the government has arrested soldiers and civilians from the eastern provinces of North-Kivu, South-Kivu and Maniema, after uncovering an alleged coup plot to overthrow the government of President Laurent-Désiré Kabila. The significance of North-Kivu, South-Kivu and Maniema, which used to constitute one region known as Kivu, is that they are closest to the Rwandese border and linked to a former rebel commander who subsequently joined the government, Anselme Masasu Nindaga. He was a commander in the forces that brought President Kabila to power in May 1997. As the plot's alleged leader Masasu was among the first to be arrested. Masasu, together with at least seven other people, was taken to Katanga in the south-east where, as the Congolese authorities claim, he was sentenced to death by the Cour d'ordre militaire (COM), Military Order Court, before he and at least eight co-accused were executed in November 2000. The COM does not meet international fair trial standards and there is no appeal against the decisions of the Court. The human rights group ASADHO, one branch of which is based in Katanga, denounced the executions. The government denied that such executions had occurred. It was not until February 2001 that the then Minister for Human Rights admitted that the government had indeed executed Masasu. There were also unconfirmed reports that many more arrested in connection with the alleged coup plot were extrajudicially executed.

<sup>10</sup> Décret-loi no. 194 relatif aux partis et regroupements politiques

<sup>11</sup> UN General Assembly: Interim report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, prepared by the Special Rapporteur of the Commission on Human Rights, Professor Iulia Motoc, A/57/437, 26 September 2002, para 39  
<http://www.reliefweb.int/library/documents/2002/unga-drc-26sep.pdf>

In mid-May 2002 some 22 of the prisoners from Kivu held at Buluo prison in Katanga province reportedly started a hunger strike to protest against what they consider to be unlawful detention since late 2000. They include at least seven who had been acquitted by the COM in November 2000. One of the detainees, Aimée Ntabarusha, who is reported to have been sentenced to two years' imprisonment, is being held with a child who was three months old at the time of her trial.

After President Laurent-Désiré Kabila was assassinated on 16 January 2001 and replaced by his son Joseph Kabila 10 days later, many other soldiers and civilians, most of them from the provinces of Equateur and Orientale, accused of involvement in the assassination or in a plot to overthrow the new president, were also arrested and detained. Many of the detainees are former members the Forces armées zairoises (FAZ) suspected of allegiance to former President Mobutu's generals, who are opposed to the DRC Government. They were arrested around April 2001 and charged with plotting to overthrow the government of President Joseph Kabila. Thirteen of these defendants were sentenced to death, five of them in absentia, on 13 September 2001 after a patently unfair trial. They were convicted by the COM in Likasi, Katanga province. Almost all were reportedly tortured to force them to implicate themselves or their co-defendants. They were denied access to lawyers before their trial. Eighteen others were sentenced to between five and twenty years' imprisonment.

Some of the defendants are effectively in custody in place of their relatives accused of criminal offences. They include Anne-Marie Masumbuko Mwali and Kamwanya Beya, who after being arrested three times in March 2001 and interrogated about the alleged role of her husband, former army major Janvier Bora Kamwanya, in the murder of President Kabila, was reportedly beaten with belts and a piece of wood at the Groupe litho moboti (GLM) detention centre.

Women in custody because of the activities of their husbands or in their place include Fono Onokoko, wife of Rachidi Munzele (she gave birth in custody), and Atondjo, wife of Lieutenant Fraterne Tchibunga.

Arrest of family members because of their relative's alleged link to the assassination has also occurred in the case of Eddie Kapend's family. The role of Eddie Kapend is still unclear, it is very difficult to understand exactly what happened and who was involved. On the afternoon the 16 January 2001, after Kabila was shot, in fact Eddie Kapend seemed to be in charge and was calming down the nation. Then the assassin, Rachidi Munzele, was reportedly killed on the spot by another soldier in the same room where Kabila was shot. Whether he died there or not will be long to be investigated. Subsequently, however, suspicions were raised that maybe Eddie Kapend was involved in the coup: maybe he was informed, maybe he planned it. It has also been suggested that Eddie Kapend shot dead Laurent-Désiré Kabila's assassin in order to kill a potential witness: maybe he had ordered this man to shoot Kabila and then killed the assassin. He was arrested subsequently by the Joseph Kabila government and accused of involvement in the assassination of Laurent-Désiré Kabila. He has already appeared in court and is on trial as key suspect for the assassination of Kabila at the moment. The link between Eddie Kapend and many other people who were not associated with the government and in some cases were even linked to Masasu, remains unclear. The man who shot Kabila supposedly had been closer to Masasu than to Eddie Kapend. Kapend himself was

known as a close confidant and aide-de-camp of Laurent-Désiré Kabila. The true story remains very unclear and probably one will never know the full truth. The trial of Eddy Kapend and his co-accused was continuing in early September 2002.

## 1.2 The death penalty

In the DRC, there is a quite real probability for capital punishment to be applied. The death penalty has been frequently used by the government as a weapon against threats to its hold on power. Since May 1997, as many as 200 people have been executed after being sentenced to death by the military court, including not only soldiers, but also civilians. At least 35 people were executed in 2000. More than 70 people are on death row. Government assurances in recent years that a moratorium was in force have been followed.

On 15 March 2002 a trial by the COM of some 135 people accused of involvement in the January 2001 assassination of former President Laurent-Désiré Kabila started in Kinshasa. The defendants include a group of 19 former members of the DRC government security forces from Kivu region linked to Masasu Nindaga who had fled to the neighbouring Republic of Congo-Brazzaville in late 2000 and early 2001. After they were registered with the UNHCR as asylum-seekers and supposedly protected they were arrested by the authorities in Brazzaville and unlawfully handed over to the DRC Government in April 2001. There are reports that they may have been exchanged for Congo-Brazzaville dissidents. Some of these men left behind their wives and in some cases children in Congo-Brazzaville, who are currently under the protection of UNHCR in Congo-Brazzaville. One of the defendants, Antoine Ngalamulume, had already been sentenced to 20 years' imprisonment in November 2000 and was in custody at the time of President Kabila's death. Defendants and their legal counsel had not been given an opportunity to prepare their defence. Those convicted would be at risk of being sentenced to death and possibly executed.

FIDH reported that on 23 September 2002 the government of the DRC has informed the UN High Commissioner for Human Rights that the moratorium on the death penalty had been lifted.<sup>12</sup>

## 1.3 Torture and harsh prison conditions

Torture and ill-treatment continue to be widespread in unofficial detention centres run by the security services: the Agence Nationale des Renseignements (ANR) the military security service DEMIAP, the Garde Spéciale de Sécurité Présidentielle (GSSP), which is also supposed to be the personal bodyguard corps of the president. Despite an announcement by President Joseph Kabila in March 2001 to close all unofficial detention centres used by the security services and not supervised by the judiciary, the security services continue to arrest and detain people in their unofficial detention centres without any control by the judiciary.

<sup>12</sup> FIDH: Retour d'une mission d'enquête internationale de la FIDH, Conclusions préliminaires , 18 October 2002  
<http://www.fidh.org/communiq/2002/rdc1810f.htm>

Detainees were almost invariably held incommunicado. Detainees are routinely refused medical care. Beatings, including whippings administered with cordelettes (military belts), are particularly common. Psychological torture is also frequent, with many detainees being threatened with death and some subjected to mock executions. There have also been numerous reports of women in custody who were raped by members of the security services.

Some detainees have died as a result of torture. Pierre Ngbutene died on the night of 13/14 April 2001 in military security service custody of the Détection militaire des activités anti-patrie (DEMIAP), Military Detection of Unpatriotic Activities, in Kinshasa, reportedly as a result of torture. On 9 September 2001 Koyese Swako, who was being held in connection with the assassination of former President Laurent-Désiré Kabila, died of septicaemia, apparently caused by a lung infection contracted through repeated blows to the chest during torture while in custody of the DEMIAP. The two men had been implicated in an attempt to overthrow President Joseph Kabila.

Conditions in many detention centres are appalling and constitute cruel, inhuman and degrading treatment. In mid-June 2002 the La Voix des sans voix (VSV) human rights group reported that at least 46 prisoners died between March and June 2002 at Kinshasa's main prison, the Centre pénitentiaire et de rééducation de Kinshasa (CPRK), Kinshasa Penitentiary and Reeducation Centre, previously known as Makala Prison<sup>13</sup>. Conditions there have progressively deteriorated over the last two to three years, a sign of the bad economic situation or of simple neglect by the government. According to VSV, the detainees died as a result of ill-treatment, lack of medical care and the effects of starvation or malnutrition. In general, relatives must in many cases continue to feed the detainees, pay for their medical care and get medication for them. Otherwise they face a serious risk of dying from malnutrition or from treatable diseases.

#### Possibility to bribe prison guards

Given that virtually everything is on sale in the DRC and that also people can be bought and sold off just like a commodity, one can of course bribe one's way out of detention centres and prisons. The possibility to bribe oneself out of there in many cases depends on the question of security risks. For a high category prisoner it may be a lot more difficult to buy his way out of prison, especially in the case of CPRK in Kinshasa. There one is likely to be guarded by Zimbabwean soldiers, and it may be a lot more difficult to bribe both the Congolese and the Zimbabwean soldiers, not least because the Zimbabwean soldiers are better paid. Therefore they may have less interest in accepting a bribe or even may be a lot more difficult to approach in the first place as they speak English, not French or Lingala. Generally speaking, however, it is possible to bribe one's way out of custody, including in some cases military custody.

It is also possible to escape from a military detention centre like the GLM in Kinshasa e.g. after a riot or a fight with the guards. Another way of coming free would be by having

<sup>13</sup> Comment by Bettina Scholdan:

A report commissioned by the Refugee Documentation Centre and published in June 2002 is available on [ecoi.net](http://ecoi.net). Refugee Documentation Centre/Congolese-Irish Partnership: "Prison Conditions in the Democratic Republic of Congo. Part I. Voix des sans Voix. Part II CPDH (Centre pour la promotion des droits de l'homme)" <http://www.ecoi.net/pub/sb47/rdc-cod-prison0502.pdf>



friends who are highly placed within the ministry and who might help a prisoner to escape. There was the case of Jean-Pierre Bora Kamwanya, an army major who was arrested by the Kabila regime and then able to escape. He might have been helped to leave the country for Nigeria. In Nigeria he decided that he was going to try and cross over to Nairobi. What he either did not know or ignored was that the flight he was taking was going to make a stop in Kinshasa. So when he arrived at Kinshasa airport the security services inspecting the plane were rather surprised that Bora Kamwanya had brought himself back. He was arrested at the airport on this Nigerian Airlines flight and re-detained. Somehow he managed to re-escape and flee the country. The government and the security services were not too amused that he had escaped twice, so they decided to go for his wives. They are in custody today, and at least one of them is on trial in the place of her husband. Especially in the cases of detainees who according to the government constitute a high category security risk escaping or bribing their way out may well mean bringing their relatives into the prison. Their wives, fathers or mothers may be arrested and detained in their place. Proxy detention is not at all a new phenomenon. It has been a practice in the country for many years including during the regime of Mobutu. Already in the early 1980s, it was very common for soldiers searching for someone to arrest e.g. his father or uncle as a means of putting pressure on the suspect to hand himself over to the authorities. Otherwise, they would not release the innocent person.

#### Ekafela prison

The Ekafela prison in Equateur used to be a military prison where opponents of former President Mobutu used to be detained for quite a number of years, especially during the 1970s and 80s. At the moment no political prisoners seem to be held there. Many of the political prisoners tend to be detained either in Kasapa prison in Lubumbashi or Buluo or Likasi prisons. These high category prisoners are less likely to be transferred, but of course if people are locally arrested then they are likely to be detained locally, too. Yet, especially those arrested in the Katanga province tend to be first detained in Lubumbashi and then transferred to Kinshasa. Still, it does not mean that there are no political prisoners in the Ekafela prison.

Information is lacking because the province of Equateur is controlled by three different groups. The MLC holds the major part of it, but there is also the government which controls the capital city of the province, Mbandaka, and the surrounding areas. Then the eastern part is rather in-between, because it can easily be reached from the Orientale province which is not necessarily loyal to Jean-Pierre Bemba of the MLC. Parts of it are controlled by RCD-Goma. Therefore obtaining correct information from these areas is rather difficult and the so-called Ekafela prison is one instance where there is not enough information to state what is really going on there.

#### 1.4 Abuse of power by the presidential family

Individuals related to President Joseph Kabila are reportedly using their family connections to order members of the security forces to commit human rights violations, particularly in Lubumbashi, the capital of his home province, Katanga. For example, on the night of 8 to 9 June 2002 a woman called Pétronie Kabila reportedly ordered her

bodyguards from the Garde spéciale de sécurité présidentielle (GSSP) and the government militia known as the Forces d'autodéfense populaires (FAP) to torture Kabeya Kitenge Shaba, who died as a result on 10 June. The victim had been accused of stealing maize from Pétronie Kabila's farm.

On 15 June 2002, Jules-Dassin Ngandu Mwana Muyombi, an official of the Lubumbashi Court of Appeal, was arrested and tortured by soldiers on the orders of President Kabila's cousin known as Dieudonné, alias Dydo, son of former President Laurent-Désiré Kabila's younger sister. The victim was tortured after the soldiers failed to find his son, Alain Ngandu, who was accused of involvement in the theft of money belonging to Kabila's sister known as Jeanne. Alain Ngandu's fiancée known as Sylvie and at least one other relative were also arrested, tortured and detained at Jeanne's residence.

In February 2001 Rachel Chakupewa and her niece, Marie Muzingwa, were reportedly beaten by members of the security forces at the Hotel Okapi in Kinshasa, where the funeral ceremony of a relative of President Kabila was taking place. They were accused of attempting to poison relatives of President Kabila. They were detained for several days by the Garde spéciale de sécurité présidentielle (GSSP), Special Presidential Guard, at the presidential residence and subsequently at the GLM detention centre. During the night of 6/7 February, Rachel Chakupewa was reportedly whipped for several hours by five soldiers and beaten with a metal tube until she was bleeding and unconscious.

These incidents highlight a very worrying trend of members of the Kabila family using their position to torture and in some cases even kill their personal enemies or personal rivals, people who have not committed any serious offence or, if they have, certainly not a political offence. Enjoying impunity, they do not expect that they can be brought to justice by any form of authority. Amnesty International is not aware that the President himself has taken any action against such human rights abuses that members of the family have committed or ordered to be committed.

### 1.5 Targeting human rights defenders and journalists

Human rights defenders are harassed, threatened or detained for investigating human rights violations by DRC government security forces, in an attempt to intimidate them and prevent them from carrying out their work. For example, Golden Misabiko Baholelwa, president of the Lubumbashi branch of the Association africaine de défense des droits de l'homme (ASADHO), African Association for the Defence of Human Rights, was tortured while detained without charge from February to September 2001, first in Lubumbashi and subsequently in Kinshasa. He was questioned in particular about an ASADHO communiqué which denounced the executions of Anselme Masasu Nindaga and seven other alleged coup conspirators in November 2000. In March 2002 he was forced to flee the country after he learned that he was being sought by the security forces.

N'sii Luanda Shandwe, president of the Comité des observateurs des droits de l'homme (CODHO), Committee of Human Rights Observers, was detained from early June to September 2001 when he was released without charge. He was accused of involvement in the plot to overthrow President Joseph Kabila apparently because he campaigned for the rights of detainees held in connection with the alleged plot by carrying out

investigations into these arrests. He was rearrested on 19 April 2002 and is currently being held in the CPRK (Makala penitentiary) without charge, possibly again in connection with his human rights activities and criticism of the government.

Press freedom remains under threat. More than 30 journalists have been arrested since President Joseph Kabila came to power in January 2001, many of them simply because they have written or published articles that appeared to be critical of the government or its policies. Although indeed journalists have attempted in numerous cases to ride against the tide and publish articles and newspapers, nevertheless the government has sustained pressure on journalists to stop criticising it or its policies. In September 2000 freedom of expression was further curtailed when the government announced that it was bringing some of the main privately owned television and radio stations under state control. The stations were returned to their private owners in October 2001.

A number of journalists, including Freddy Loseke, have been detained as prisoners of conscience. Freddy Loseke, director of *La Libre Afrique* newspaper, was arrested on 30 May 2001 after his newspaper published an article which claimed that the chaplain of FAP, Sony Kafuta, had failed to pay his debts. He was also charged with libel against Vincent Jullet, a Belgian businessman. On 17 September 2001 a Tribunal de paix in Kinshasa sentenced him to five and 12 months' imprisonment. He was released in November 2001.

Guy Kasongo Kilembwe and Vicky Bolingola of *Pot-Pourri* newspaper were arrested by members of the Police nationale congolaise (PNC) on 31 December 2001 when the newspaper published articles accusing President Joseph Kabila of incompetence. They were taken before the Cour de sûreté de l'Etat (State Security Court) and charged with "atteinte à la sûreté de l'Etat" (endangering the security of the state) and "offense à la personne du Chef de l'Etat" (insulting the head of state). They were released without trial on 3 January 2002. Guy Kasongo Kilembwe had previously been arrested by the Agence nationale de renseignements (ANR) security service on 28 February 2001 for criticizing the then Minister of the Interior, Gaetan Kakudji. While in custody at the former Regina Hotel, an unofficial detention centre, he was severely tortured, including by being subjected to 50 lashes with metallic bars, and threatened with death. On 21 March he was transferred to the ANR detention centre in Kinshasa-Gombe. Before his release on 22 March, he was forced to sign a declaration that he would not write any more articles hostile to the government and was also ordered to write an apology to the government.

On 3 April 2002 José Feruzi Samwegele of the government radio and television company was detained by the DEMIAP on suspicion of complicity to broadcast a statement issued by the UDPS during the Inter-Congolese Dialogue. He is reportedly still being held.

Some journalists are targeted because their reporting is perceived as sympathetic to government opponents. One such journalist is Dieudonné Karl Nawezi, a sports reporter of the government-owned Radio-télévision nationale congolaise (RTNC). He has been held by the ANR in Lubumbashi since 7 May 2002 because television footage showed Congolese football fans in South Africa wearing T-shirts with a photograph of

government opponent Katebe Katoto. During the Inter-Congolese Dialogue, Katebe Katoto was campaigning to replace President Kabila and has since joined the ASD.

### 1.6 Repression against government opponents

Government security agents continue to arrest, beat and detain dozens of opposition supporters seeking to hold public meetings in support of the opposition or talks to end the on-going armed conflict.

#### *UDPS*

Members of the Union pour la démocratie et le progrès social (UDPS), Union for Democracy and Social Progress, one of the DRC's main political parties, remain among the most seriously targeted political opposition activists. On or around 5 December 2001, five UDPS members were arrested after a meeting which was reportedly held to plan a demonstration through the streets of the capital Kinshasa. The demonstration, which was apparently due to take place on 14 December, never took place. The five - Modeste Sadiki, Jean-Baptiste Bomanza, Roger Kankonge, Kadima Kadima and Jean-Baptiste Mwampata - were held at the CPRK. Although they were questioned about the planned march and other UDPS activities, they were not formally charged.

Repression against members of the UDPS seems to be on the increase since the party took the side of RCD-Goma and Rwanda during the Inter-Congolese Dialogue. On 9, 11 and 12 April 2002 members of the security forces used violence to prevent demonstrations by UDPS members in Kinshasa. The demonstrators were in each case detained and released after several hours.

On 18 April 2002 Désiré Mzinga Birhanze, UDPS national secretary, was arrested by the police in Kinshasa who interrogated him about the party's armed wing. He was released without charge on the night of 20 April.

On 12 May 2002 Etienne Tshisekedi's economic adviser, Jean-Baptiste Mulumba, was arrested by the ANR in Lubumbashi. He was apparently accused of organizing the UDPS's armed wing and colluding with RCD-Goma and Rwanda. On 16 May he was transferred to the ANR detention centre in Kinshasa. Members of the security services harassed members of his family and seized their property, including his wife's car and several thousand US dollars, during several days after his arrest.

On 25 May 2002 UDPS members meeting at the home of Joseph Tshibwabwa at Kingasani, Kimbanseke commune, in Kinshasa, were violently dispersed by the police. Six of them were held for several hours. Police reportedly stole personal property of the militants.

The UN Special Rapporteur reports the following additional incidents involving members of the UDPS: On 4 June 2002, a peaceful march organized by the UDPS was broken up by the national police and several participants were arrested and reportedly ill-treated in cachots in Kinshasa. Six other UDPS members were detained on 28 June 2002 and reportedly ill-treated.<sup>14</sup>

<sup>14</sup> UN General Assembly: Interim Report by the UNHCHR Special Rapporteur, A/57/437, 26 September 2002, para 32 <http://www.reliefweb.int/library/documents/2002/unga-drc-26sep.pdf>

On 27 September 2002 OMCT reported the arrest and alleged ill-treatment of a number of UDPS activists who participated in a march organized together with Parlement-Débout to celebrate the 9<sup>th</sup> anniversary of UDPS and support the candidature of Etienne Tshisekedi as Supreme Public Prosecutor. One member of Parlement-Débout was believed to have died of the injuries inflicted by the security forces.<sup>15</sup>

Harassment of UDPS members also seems to be on the increase in President Kabila's home province of Katanga, particularly in the capital Lubumbashi where they are being targeted for organising meetings in support for Tshisekedi. Many of them, including Jean-Félix Tabu Kalala Mwin Dilemb, leader of UDPS in Katanga, and his deputy, Léon-Gilbert Masoswa Kyungu, have gone into hiding since April 2002. They are accused of holding such illegal meetings. Arrests of members of the UDPS have also been reported in Mbuji-Mayi.

The UDPS's apparent alliance with RCD-Goma and Rwanda is expected to heighten tensions between the DRC Government and the political party and to lead to many more arrests and ill-treatment. The situation has been exacerbated by reports at the time of the Inter-Congolese Dialogue in March to April 2002 that the UDPS threatened to establish an armed wing to fight the government and supported the granting of Congolese citizenship to all Banyarwanda who want it. These alleged positions have further reduced sympathy for the UDPS in the DRC. Now the government feels that it has even more reason to persecute members of the UDPS, even when there may not be evidence that members of the UDPS are indeed planning to set up an armed wing.

As has been the case since 1996, the agreement between Rwanda and the DRC Government makes the UDPS once more irrelevant to the resolution of the armed conflict in the DRC. The belligerents have not found it useful or necessary to seek the support or inclusion of the unarmed political opposition. In the case of the UDPS, this becomes more acute because it has sought to ride on the back of powerful armed stake holders, such as Rwanda and RPA and even the MLC. This is why, in the first place, some UDPS leaders used the threat of violence as a bargaining chip at the Sun City Inter-Congolese Dialogue. Few believe that the UDPS has the organizational ability or even the callousness required to take up arms as a political party.

Update provided by N.M.: On 28 November 2002, Mr. Tshisekedi was reported to have declared his candidacy for one of the four Vice-President posts proposed as part of the all inclusive Inter-Congolese Dialogue power sharing deal.

#### *Mobutu and MPR affiliates*

With regard to people linked to former President Mobutu and the MPR (nowadays called *Fait-Privé* in order to distinguish it from the state party), persecution may result from either having held a very senior visible position in the party, the government or the security forces, or from overt opposition to the current government. Yet, it has to be underlined that before April 1990 by law everyone in Zaire was a member of the MPR. The question is whether people still remained members of the MPR or sympathetic to it

<sup>15</sup> OMCT Appeals Case COD 270902: Democratic Republic of Congo: demonstrators attacked and arrested, resulting in one death and several injured persons, 27 September 2002  
<http://www.omct.org/displaydocument.asp?DocType=Appeal&Language=EN&Index=2452>

and have been overtly opposed to the new government after April 1990, or whether they decided to leave the MPR.

The risk of persecution is very difficult to assess, but most likely it will depend on their position in the former government. When former Prime Minister Likulia Bolongo, a former general, returned apparently with the agreement of the government, he was nevertheless arrested not so long afterwards by the security forces, but then subsequently released. He does not seem to have any problem with the government at the moment, but it is uncertain what might happen in the future.

One also has to consider that members of the security forces act without necessarily being ordered by the government, the President or the ministers. They just act on their own intelligence or their own decisions.

The current leader of the MPR Madame Nzuzi Wa Mbombo was herself detained for some weeks when in 1999/2000 the MPR refused to sign up to a law that would have required them to register formally as a political party under a number of conditions. Not only MPR Fait-Privé, but also a number of other political parties refused to register under these conditions which foresaw that a certain sum of money had to be paid to be registered, that a party would have to have representatives from virtually all the provinces of the country or - one of the most absurd conditions - that one must not be disabled. However, since then there have not been many reports of people being arrested, probably mainly because people have put their heads down and have tried not to confront the government. Indeed in some cases members of the MPR have joined the government. In many cases former members of the MPR joined the armed opposition, such as the MLC. For example, Alexis Tambwe who was previously a leading member of RCD-Goma subsequently joined the MLC. Before 1997 he was a key official of the Mobutu government. If such a person returned to Kinshasa without a clear arrangement between the government, the MLC and himself, there is a real possibility that he could be arrested and detained.

#### *Former members of the Forces armées zairoises (FAZ)*

Not all, but many of the former Mobutu soldiers have been persecuted since President Kabila came to power in May 1997. Some were taken to Kitona military base, ostensibly for ideological and military training. Many of them were caught up in that base at the time of the resumption of the war in August 1998. Many are feared to have lost their lives there or have been accused of being in alliance with Rwanda or with the armed opposition, and indeed many of them have been targeted. There are some who have joined the new army, so it cannot be said that all of them are targeted by the government, but indeed some have been.

Another element that creates a potential problem for members of MPR and former Mobutu soldiers is the aforementioned perception that some former members of the Mobutu government are plotting to launch an attack on Kinshasa from Brazzaville. Some of the FAZ soldiers, particularly the members of the Division spéciale présidentielle (DSP), which was the bodyguard corps of President Mobutu, also fought in the wars in Brazzaville and joined the Congo-Brazzaville army. Many of them still remain there. Since about 1999 there have been reports and fears on the part of the DRC government that some of these people are organising and regrouping with an intention of returning

by force to Kinshasa and recapturing state power. So these people will still remain at risk, whether or not they may be directly or not at all involved in plots against the DRC government. Indeed some of them are currently in custody. There have been attempts by the two governments to create an understanding by actual agreements not to attack each other, but there still seems to remain a kind of mistrust between them. As a result, at least the Kinshasa regime fears that there could be an attack from Brazzaville. Another significant factor is that many of these ex-FAZ joined the MLC armed political group and as a result were also evidently fighting against the Kinshasa government. Now that some form of power-sharing agreement has been signed, if it is implemented, one would assume that these former soldiers will end up in the national army. This may happen, but again this agreement has yet to be actually implemented. By and large the risk of persecution will depend on the specific circumstances of the particular individual.

As regards the question of how important the military rank of a former Mobutu soldier is in this context, it has to be borne in mind that in some of these armies a rank may not always mean what it does in better established armies. Particularly in the DRC, a low-ranking soldier may politically have more power than a top general. There have been cases where a sergeant would beat up a major. Yet, the major, coming from an ethnic group that is not closely allied to the president, would not hit back or get the sergeant, corporal or even private who attacked him punished. He would not dare to touch him, although he is e.g. only a private, because he comes from Katanga. Without connections to influential persons at the top, being a general does not really mean much under such circumstances. In the case e.g. of Rwanda a Tutsi private may be able to challenge the power of a Hutu senior officer, not because he has been ordered to do so by the president or by someone else, but because he feels that he can do anything with impunity, that nobody will touch him because he happens to come from the ethnic group that is supposedly or really in power.

#### *Family members of Mobutu officials*

It would be possible that the children of such a soldier, be it a high-ranking officer or a private, would be targeted by the new authorities due to the fact that their father held the respective position during the Mobutu regime. Sometimes people are abused without any justification at all. On the other hand, even a civilian, linked to someone who was in a powerful position, may have been responsible for abuses for which he may be held liable or be subjected to reprisals. To cite an example, when a general's or minister's son drives an expensive foreign car or a military Land Cruiser, misuses power - or others only think he misuses power - or makes a lot of money, people would assume that he would not have that power and/or money if he was not related to the minister. Hence, when that minister leaves power, that individual, too, could be at risk. While this does not happen on a regular basis, it is however a real possibility.

#### *MPR members in exile*

In the case of a person linked to the former regime, having been living abroad and having done propaganda for the MPR there, if there is sufficient evidence for the government that this person has been carrying out political activities against the current government, has shown some form of sympathy for the armed opposition or given

support for the enemy, Rwanda or Uganda, then there is good reason to believe that this person could be at risk upon return.

*Family members of MPR officials*

As for family members of such an individual, in most cases it depends on whether they themselves have a close association with this person and with the person's activities. There are some family members who have remained behind and have not necessarily been targeted. Yet, if the person is a prominent opponent of the government, there is a possibility that the family members could be at risk, too. In the case of Major Jean-Pierre Kamwanya, having escaped from custody twice, the authorities who could not get their hands on him, decided to arrest his wife and girlfriends. These women are currently in custody and on trial, effectively in his place. So being associated or close to someone who is being sought by the government can create trouble, sometimes amounting even to persecution.

N.M: The government seems to have no interest in non-organised return of former leaders of MPR or ex-FAZ to the DRC. Even for individual refugees who wish to return voluntarily, UNHCR needs to get government clearance from a number of offices, including the DEMIAP and the ANR, the national intelligence service, before getting them through immigration (DGM). Thus, the return of individuals linked to the former regime is always based on previous organization with the relevant authorities; this would be even more delicate with regard to prominent officials of the former regime.

*MLC*

The MLC was founded in late 1998 when a prominent businessman, Jean-Pierre Bemba, visited President Museveni in Kampala, either offering his help or asking for help to overthrow the Kabila government. The Ugandan government decided it was going to support a new rebel group, largely because Uganda and Rwanda had failed to agree on their support for RCD-Goma. After undergoing training in Uganda, Jean-Pierre Bemba entered the DRC with an army that initially consisted almost entirely of Ugandan troops. In due course he recruited more and more people. After Jean-Pierre Bemba formed this group, Laurent-Désiré Kabila decided that he, too, had a card to play, so he appointed Saolona Bemba, the father of Jean-Pierre Bemba, Minister for Economy in Kinshasa. Kabila thus had the son running a rebel group and the father in the government in Kinshasa for quite a while. The importance of Saolona Bemba lies in the fact that he was and probably still is one of the richest men in former Zaire and the current DRC. He made virtually all his money during Mobutu's regime, not least because the Bembas come from the same region as Mobutu. Given his wealth, it was perhaps not surprising that Kabila appointed him Minister for the Economy, maybe also hoping for access to Bemba's bank account. An equally important part is that after Jean-Pierre Bemba formed the MLC lots of former politicians and former generals of the Mobutu regime knew they now had someone inside the DRC who was close to Mobutu. A number of generals, such as Baramoto, offered their services and joined the MLC. However, this arrangement did not seem to work very well. Yet, many people see the MLC still as an extension of the Mobutu regime, trying to get a foothold in Kinshasa - hence the current nervousness of the DRC government as to whether they want to enter a partnership with a group so close to the former Mobutu regime. Some people think Bemba is just playing for time



and once he has got a foothold in Kinshasa might well use it to overthrow Kabila. A recent article suggested that arms intended for Kinshasa had been intercepted in Matadi, some link them to Bemba preparing a coup. This view may or may not bear any truth, but it surely illustrates the nervousness on the part of the DRC government with regard to this transition arrangement as well as a prevalent opinion that the MLC has a stronger alliance to the Mobutu regime than to the current DRC government.

Arrests of members of MLC and of ex-soldiers of the FAZ were reported to have taken place in Kinshasa in August 2002, according to La Voix des sans Voix.<sup>16</sup>

G.B.:

With regard to people associated with the former President Kasavubu, it has to be noted that President Kabila is trying to rebuild the image of former presidents, including Kasavubu. According to Amnesty International's information, they are even paving the path to his grave. As mentioned above, President Kasavubu's daughter Justine is in Kinshasa and it appears she is currently not at risk.

### 1.7 Arrests and ill-treatment of students

Students demonstrating against the government or its policies have been subject to arrest and ill-treatment. The victims include many students of the University of Kinshasa (UNIKIN) who were arrested by the police on 14 December 2001 following a student demonstration. More than 400 students were reportedly detained at the police headquarters, known as the Inspection de police de Kinshasa (IPK). Many were subjected to beatings and whippings with military belts (cordelettes) and forced to use earth and sand as toothpaste until their gums bled. They were also made to walk around the paved courtyard of the IPK on their knees. Almost all the students were released the following day. Eight students who were accused of being ringleaders of the demonstration remained in custody. It is unclear if and when they were released. Tensions had first mounted at UNIKIN on 12 December 2001 when police clashed with students demonstrating to demand a lowering of tuition fees.

In a separate demonstration by students at the University of Lubumbashi (UNILU), the police injured as many as seven students, at least one of whom was shot. The students were protesting against newly introduced or increased accommodation and tuition fees.

Frank Buruani Kitenge, a student at UNILU originating from Kivu, was arrested on 16 April 2002 by the police in Lubumbashi. He was subsequently handed over to the ANR on 12 May and transferred to Kinshasa, where he is still held by the security service. He is reportedly accused of being a spy for RCD-Goma and Rwanda because of his Kivu origins.

### 1.8 Human rights violations linked to economic activities

During a visit to Mbuji-Mayi in Kasai province in October 2001 Amnesty International delegates learned from credible local sources that throughout 2001 dozens of civilians

<sup>16</sup> IRIN: Rights group deplores arrests of Mobutu allies, MLC members, 27 August 2002  
[http://www.irinnews.org/report.asp?ReportID=29526&SelectRegion=Great\\_Lakes&SelectCountry=DRC](http://www.irinnews.org/report.asp?ReportID=29526&SelectRegion=Great_Lakes&SelectCountry=DRC)

suspected of illegal mining of diamonds in and around a mining area belonging to the state-owned Société minière de Bakwanga (MIBA), Bakwanga Mining Company, the mining company in the town, were shot dead and scores wounded by soldiers and police guarding the mines. One of the surviving victims, 18-year-old Mukeba Muchuba, was reportedly shot in the head by a MIBA guard on 16 September; his speech was severely impaired as a result of his injury. The mine is also guarded by Zimbabwean forces, several of whom threatened to shoot Amnesty International delegates who were visiting the MIBA mining headquarters. Zimbabwean government forces are also reported to have extrajudicially executed suspected illegal diamond miners. Amnesty International expressed concern also on the fact that there does not appear to have been any investigation to establish the responsibility for the shootings and bring the perpetrators to justice.

At the time of the assassination of President Laurent-Désiré Kabila 11 Lebanese nationals were extrajudicially executed by members of the security forces. Initial reports suggested that the victims had been targeted because they were suspected of involvement in the assassination. However, it later transpired that members of the security forces had taken advantage of the chaos surrounding the assassination to rob and kill the victims.

#### 1.9 The situation in Kinshasa

Human rights violations are also taking place in and around Kinshasa, mainly targeting opponents of the government, whether perceived or real opponents. As highlighted above, the main groups are former soldiers or members of security forces who have been accused of plotting to overthrow the government or of involvement in the assassination of President Kabila in January 2001. People who are reported to have been recruited by commander Masasu from 1996 onwards could be certainly targeted and are at risk. Some people are from time to time accused of being “in intelligence” with Rwanda, RCD-Goma or other armed political groups. Human rights activists are targeted because of trying to investigate and expose human rights violations by the government; journalists and members of some political parties who are openly opposed to either the government or its policies are also facing risks. The security situation in Kinshasa has seemingly improved for other people who are not targeted, as they can move more freely and do not have to fear being shot at as much as they did in the past; still a number of groups certainly remain at risk of persecution by the government and its forces.

#### 1.10 Abuses by foreign troops

Furthermore, there are foreign troops staying in Kinshasa. The Zimbabwean Defence Forces are present in a lot of areas. Some of them are guarding prisoners at Makala, the CPRK prison in Kinshasa. The tasks of the Angolan forces are less clear than it was at the time when there was active combat in the past. They will certainly remain in the country and have, e.g., been involved in the investigations into the assassination of President Kabila. They formed part of the inquiry commission, which resulted in serious human rights violations including arbitrary arrests, unlawful detentions, torture, etc.

When it comes to the question of the authorities' capability of protecting civilians against violence exercised by foreign troops, looking only at those two examples, the DRC government does not have any control. It would be highly unlikely that it would initiate an arrest of a foreign government soldier who was involved in a political criminal act. If they did anything at all, they would have to go through the high command of these foreign forces to decide whether they would accept this soldier to get arrested. To illustrate, Amnesty International sent a delegation to investigate the situation in Mbuji-Mayi. The team first of all informed the government in Kinshasa where they were going, what they were going to do in Mbuji-Mayi and had already negotiated with the local government. When they arrived in Mbuji-Mayi, they went to see the owners or the managers of the mining concession, with the local authorities approving this visit and meeting. As the AI team was leaving the offices of the diamond concession, they were intercepted by Zimbabwean soldiers, who are involved in the guarding of the mining area. The soldiers ended up holding the AI staff at gunpoint and threatened to shoot them. They were in the company of Congolese authorities and did all that with impunity. Fortunately, the team managed to negotiate their way out. After some time a Zimbabwean general arrived and said there was a misunderstanding. Still, this incident certainly highlighted the latitude Zimbabwean forces enjoy in the DRC without fearing that they are threatened by law, or that their authority is surpassed by the Congolese law or by the Congolese authorities.

## **2. Human rights situation in areas controlled by armed opposition**

In areas of eastern DRC controlled by armed political groups and foreign government forces, particularly from Burundi, Rwanda and Uganda, human rights abuses, particularly unlawful killing of unarmed civilians, arbitrary arrest, unlawful detention and torture, including rape, have been widespread, as stated in a number of reports on the DRC that Amnesty International has published since 1998. From 10 February to 26 April 2002, 521 assassinations, 118 rape cases, several cases of abductions, destruction of villages by fire and looting were reported in the eastern region of Congo under RCD-Goma occupation, according to the Réseau d'Organisation des Droits Humains et d'Éducation Civique d'Inspiration Chrétienne en RDC (RODHECIC), a Christian human rights network organization in the DRC.

Such abuses have often been committed in response to attacks by armed groups opposed to RCD-Goma, which include Burundian and Rwandese Hutu-dominated armed political groups, such as the ALIR, and Congolese armed political groups known as the Mayi-Mayi. All of these groups have been responsible for grave human rights abuses. According to media reports human rights activists are deported to Rwanda if not summarily executed by the RCD-Goma.

Many unlawful killings and other abuses have been committed by forces of foreign governments and armed political groups seeking to control and exploit areas rich in natural resources such as gold, diamonds and coltan (colombium-tantalite). Abuses have also been committed by Interahamwe and ex-FAR who were involved in the genocide in Rwanda.

## 2.1 Massacres of unarmed civilians

While the Inter-Congolese Dialogue was going on in Sun City, South Africa, fighting escalated in parts of eastern and north-eastern DRC, resulting in hundreds of deaths of unarmed civilians. Some of the fighting over control of territory in Orientale province has taken place between on one side combatants of the MLC and the Rassemblement congolais pour la démocratie - National (RCD-National), Congolese Rally for Democracy - National, and those of the RCD-ML on the other. These three rival armed groups are supported by Uganda.

Deliberate and arbitrary killings of unarmed civilians in the armed conflict between Hema and Lendu ethnic groups, also involving the Uganda Peoples Defence Forces (UPDF), continue in the Ugandan-created Kibali-Ituri province, which previously was part of Orientale province. As many as 50,000 people, most of them unarmed civilians, are reported to have been killed, some of them reportedly buried alive, in the violence which started in June 1999. Tens of thousands of Lendu have fled from their homes to surrounding forests, where many have died from starvation, disease and exposure.

UPDF are alleged to have killed more than 70 unarmed civilians at Kogoro, Gety and Chakurundu in Irumu territory in February 2002. Since the beginning of 2002 there have been reports that tensions are rising between Hema and Nande members of the RCD-ML in Bunia, leading to the killing of more than a dozen non-Hema combatants by Hema supported by UPDF soldiers on 18 and 19 April 2002. The fighting is reported to have been sparked off by the replacement of the Hema Roman Catholic bishop by a Nande. It is feared that civilians will be targeted or caught in the cross-fire. Dozens and possibly hundreds of civilians, many of them women and children, are reported to have been killed in Bunia in August 2002. Several dozen bodies are reported to have been found in a mass grave near the governor's residence.

The issue of tribal hatred in the east is being exacerbated by the elite, using the conflict for their own political and economic gain. Groups like Hema and Lendu, Nilotic and Bantu in these areas have always had a good relationship. Nowadays, fighting occurs almost on a daily basis.

## 2.2 Kisangani massacres

In June 2000 some 1,200 people were killed in the city of Kisangani, north-eastern DRC, when Ugandan and Rwandese forces and their Congolese allies confronted each other in the town, with the fighting lasting six days. Originally, Rwanda and Uganda are supposed to have invaded the DRC in their own common interests. What has since transpired, however, is that the common interests have become disparate, and as a result their troops have fought each other inside the DRC on several occasions.

Approximately 23 months after the killing in June 2000, in mid-May 2002 between 160 and 180 persons were killed in Kisangani. The May 2002 abuses, which include summary executions of civilians and combatants, rape and pillaging, are reported to have been carried out by members of the RPA and combatants loyal to the RCD-Goma. The deliberate and arbitrary killings occurred for hours and days after a group of mutinous RCD-Goma combatants occupied the armed political group's Kisangani radio station on

14 May and called on the population to use all means to end the occupation of eastern DRC by Rwanda. Hundreds of civilians reportedly came out on the streets in response to the call and killed several RPA soldiers and civilians suspected of being Rwandese. The mutiny was carried out by soldiers opposed to RCD-Goma's refusal to become party to the Sun City agreement between the DRC Government and the MLC.

RCD-Goma has claimed that only 41 people died in the aftermath of the mutiny. According to RCD-Goma, those killed included four Rwandese who were lynched and four policemen or soldiers who sympathised with the rebels. Seventeen civilians were killed by stray bullets and 11 mutineers drowned while trying to flee by canoe. Sources in Kisangani claim that most of the more than 200 victims were summarily executed by RPA and RCD-Goma. The sources have reported that a few days after the mutiny several dozen bodies, many of them in bags, were seen floating in nearby Tshopo river. Some of the bodies, with arms tied behind the back, were reported to have been decapitated. It is unclear whether the heads were severed before or after the victims, many of them thought to be RCD-Goma policemen and soldiers, had been killed. Sources in Kisangani have also reported that many of the mutilated bodies recovered from the river had been disembowelled and their stomachs filled with stones in an apparent effort by their killers to prevent them from floating.

Following the Kisangani massacre, RCD-Goma declared the head of the UN Observation Mission persona non grata on territory under its control, as the office of the UN Special Representative reported. Three other high-ranking MONUC human rights officers were expelled from Kisangani and Goma. It was said that MONUC observers had witnessed several atrocities during and after the massacre.

The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Ms. Asma Jahangir, visited the DRC to gather information on extrajudicial killings alleged to have occurred in the massacre on 14 May 2002 and immediately thereafter. From the capital, Kinshasa, where she met government officials and UN representatives, Ms. Jahangir traveled to the eastern city of Goma to meet representatives of the Rwandese-backed Rassemblement Congolais pour la Democratie (RCD-Goma), the de facto authority in Kisangani. Her mission ended on 22 June with a visit to Kisangani where she met local authorities, international agencies, witnesses and victims of alleged human rights violations. According to a report presented by the UN High Commissioner for Human Rights to the UN Security Council, the Special Rapporteur concluded that "...103 civilians and 60 police and military persons have been identified as reportedly summarily executed in connection with the events of 14 May. In addition 20 corpses were spotted floating in the Tshopo river. It was pointed out that a number of bodies thrown into the river may never have surfaced or been discovered. These figures are only indicative of the potential scale of summary executions".<sup>17</sup> The UN called on the RCD-Goma to ensure that the perpetrators were brought to justice. RCD-Goma denied that its supporters had carried out any unlawful killings.

<sup>17</sup> UN Security Council: High Commissioner for Human Rights, Report on the 14-15 May Events in Kisangani-Democratic Republic of the Congo (S/2002/764), 16 July 2002  
<http://www.reliefweb.int/w/rwb.nsf/vID/C7E77BB921B2D120C1256C0E002FCCD7?OpenDocument>

N.M.:

At the moment, access to Kisangani is almost impossible. Theoretically, UNHCR can reach it either by air or by the river Congo, but in practice reaching the town via the river is not possible due to security risks.

### 2.3 Targeting human rights defenders, journalists and critics

Human rights activists are routinely threatened by RCD-Goma, in part for investigating and continuing to express concern about the human rights violations and destruction of property during and after the 1999, 2000 and 2002 battles in Kisangani. RCD-Goma blamed protests against the May 2002 killings and other abuses on human rights defenders in Kisangani. Xavier Zabalo, a Roman Catholic missionary priest, was briefly detained and interrogated about his links to a local human rights group. His colleague, Guy Verhaegen, required medical treatment after he was assaulted with a rifle butt. Fearing for their safety, human rights defenders in Kisangani went into hiding for about two weeks.

People, including human rights defenders, investigating human rights abuses by armed opposition groups and their foreign backers are targeted. For example, Jules Nteba Mbakumba, of the Elimu Association, fled from Uvira, South-Kivu, controlled by RCD-Goma and its Rwandese and Burundian allies, to neighbouring Burundi in August 2001 after colleagues were detained by RCD-Goma and accused of distributing leaflets for the *mayi-mayi*. In October he was arrested by the Burundian authorities, returned to RCD-Goma in DRC and detained at a Rwandese military camp at Kavimvira near Uvira, where he was reportedly bound and severely beaten. He was subsequently transferred to a detention centre in Goma, where he is still held. Juma Pili Rumanya, a member of *Héritiers de la Justice*, was shot dead on 29 November 2001 by men in military uniform in Uvira, South-Kivu. It is suspected that he was targeted because of a call by his group for the release of Jules Nteba.

On 3 September 2002 Honoré Musoko, a lawyer and a leading member of the Justice Plus human rights organization, was arrested in the town of Aru, some 260 kilometres north of Bunia, by soldiers of the *Rassemblement congolais pour la démocratie - Mouvement de libération* (RCD-ML), Congolese Rally for Democracy - Liberation Movement, a Ugandan-directed armed political group. He had been returning from a trip to Uganda, and had been about to board a connecting flight from Aru to Bunia at the time of his arrest. He was subsequently transferred to the RCD-ML "Mont Hawa" military camp in Aru territory.

Honoré Musoko was reportedly arrested on the orders of the Aru RCD-ML military commander and the RCD-ML Administrator of Aru territory. He was accused of making hostile statements about the RCD-ML and of collaborating with opponents of the RCD-ML. The true motive for his arrest, however, appears to be related to a interview he gave on "Voice of America" radio regarding the dire human rights and political situation in the Ituri region. Following appeals by Amnesty International and other human rights organizations to RCD-ML and Ugandan authorities Honoré Musoko was released on 7 September.

At the end of 2001 Amnesty International sent a team to the eastern DRC to investigate the human rights situation there. They planned to visit Bunia, the capital of Kibali-Ituri, but were advised by all international and national NGOs in the region not to go there. The reason was that when the local groups learned that Amnesty International was at least about to visit the area a plot was being hatched to attack the Amnesty International staff. So they abruptly had to cancel that trip. Indeed many local people have lost their lives and as for international staff, one may remember the case of the ICRC staff murdered near Bunia in April 2001.

Journalists, too, have been targeted. For example, Norbert Kisanga, a journalist, was beaten during six days of detention in October 2001 by the DSR. His newspaper, *Les Coulisses*, had reported that RCD-Goma officials were involved in importing counterfeit textiles.

Like in government-held areas, critics of RCD-Goma and foreign troops in eastern DRC are detained, tortured and raped. On 9 August 2001 Pastor Claude Olenga Sumaili, of the Roman Catholic Church's Justice and Peace Commission in Kisangani, was stripped and beaten for several hours by members of the DSR. He had reportedly voiced support in a radio broadcast for the demilitarization of Kisangani, which RCD-Goma has refused to effect in defiance of UN Security Council Resolution 1304.

Many detainees accused of supporting the DRC Government or its allies have also been arrested, detained and even tortured, particularly in Kisangani, Goma and Bukavu, and have only been released after payment. In September 2001 two sons of businessman Bakana Meso, aged about 17 and 30, were accused of links with the DRC Government and detained overnight in Bukavu by the Département de sécurité et de renseignements (DSR), Department of Security and Intelligence, until their father paid USD 500.

Recently members of the Banyamulenge Tutsi group have been detained in Uvira, Kivu, and accused of assisting an armed group which supports Commander Patrick Masunzu, who has defected from RCD-Goma.

In August 2002 eight refugees, six of them Banyamulenge, from the DRC were arrested in Burundi and forcibly returned to eastern DRC. The Banyamulenge are Boniface Rukumbuzi, Jean-Paul Rubyagiza, Felix Shikiro, John Ruganza, Venant Bagabo and Nyabohuka. On arrival in the DRC the men were detained by RCD-Goma. A number of them were reportedly ill-treated in detention by RCD-Goma officials. Amnesty International believes that all the men were genuine refugees who were at risk of human rights abuses in DRC and who were therefore entitled to international protection in Burundi.

While in Burundi, the Banyamulenge were reportedly perceived by the Burundian authorities as leading spokespersons of the Banyamulenge refugee community in Burundi. They were reportedly accused by RCD-Goma of supporting or sympathizing with Patrick Masunzu's armed group. In mid-September they were being held at the Direction Provinciale de Migration (DGM), Provincial Directorate for Migration, in Goma, North-Kivu province, and all were reported to have been beaten in RCD-Goma custody.

Mateso Senenda and Kilongo Fariala are not members of the Banyamulenge ethnic group, but were also forcibly returned to eastern DRC on 1 August. It is believed their forcible return may be related to a strongly-worded letter Mateso Senenda wrote complaining about the arrest of Congolese refugees, the corruption within the Burundian government, and the Burundian presence in eastern DRC. Mateso Senenda has reportedly been badly beaten on the head, and as a result has lost hearing in his left ear and is suffering from intense headache. Kilongo Fariala is also suffering from stomach ache. Both men are currently held at the DGM in Goma.

#### 2.4 Detentions and ill-treatment by the Rwandese security forces

Many of the arrests and detentions in eastern DRC are carried out by or on the orders of the RPA. For example, in the early hours of 27 May 2002, three men, Zélote Farini Luendo Shandwe, his cousin Kikandu Shandwe and Bernard Bafulwa Baranga were arrested by RPA soldiers at a house they shared in Goma. The men were tied up and blindfolded by the soldiers before being driven off in a red 4x4 vehicle. Zélote Farini Luendo Shandwe is a member of a local children's organization, Centre de réhabilitation et d'encadrement des enfants orphelins (CERAO), Centre for the Rehabilitation and Training of Orphan Children. He also worked as a driver for the Groupe d'études et d'actions pour un développement bien défini (GEAD), Study and Action Group for a Well-Defined Development.

The three men were held in a private house in Goma occupied by RPA officers. They were kept blindfolded and their arms tightly bound behind their backs throughout their detention, causing them excruciating pain. They were also made to sleep in the open, outside the house at night. On 31 May the detainees were presented at a "press conference" organized by RCD-Goma. At the conference Zélote Farini made statements incriminating himself in a March 2002 grenade attack in Goma. Local sources believe he may have made these statements under duress. Kikandi Shandwe and Bernard Bafulwa were released after the press conference.

On 28 May another GEAD worker, Delphine Itongwa, was detained for several hours before being released. Her house, and the offices of GEAD and an associated NGO, Bureau d'études pour le développement (BED), Development Study Bureau, were searched by RPA soldiers, and documents and computer equipment were seized. On the same day a prominent human rights lawyer in Goma, Maître Joseph Dunia Ruyenzi, was detained after he made inquiries to Rwandese military authorities about Zélote Farini Luendo Shandwe and his co-detainees. He was released unharmed after several hours.

Djento Mahungu, a chargé de relations publiques (spokesperson) for Goma civil society, was arrested on 30 May 2002. His arrest is believed to have been prompted by an interview he gave to international radio networks on the tense situation and a series of arrests in Goma. Amnesty International believes he is a prisoner of conscience. He is detained at the G2, a division of the RCD-Goma military headquarters. Local human rights activists have been refused permission to see him.

Simon Salumu, a trader from Sake, near Goma, was arrested on 29 May 2002 by RPA soldiers. He is accused of being involved with the mayi-mayi. Witnesses report that he



was badly beaten at the time of his arrest, including by being thrashed with cordelettes (military belts). A relative who was able to see him in detention at the Direction générale de sécurité (DGS), General Directorate for Security, in Goma reported that he was in a poor state of health.

## 2.5 Torture and inhumane detention conditions

RCD-Goma, RPA and other forces in eastern DRC routinely use pits, freight containers and private houses as detention centres. For example, detainees are held in appalling conditions at Ndoshu, near Goma, where a freight container is used as a detention centre by RCD-Goma. On 17 April 2002 Weteshe Mahindule, a 60-year-old detainee held there, died from the effects of very harsh conditions in the detention centre and severe beatings. Other detainees, including 15-year-old Muhombo Mirimo, continue to be held there. They were arrested on 24 February 2002 after they were accused of collaborating with Mayi-Mayi in the Masisi territory of North Kivu province. Characteristics of container detention places include insufficient air, food and drink, unhygienic conditions with no toilet facilities, no access to medical care, and extreme cold or heat depending on outside temperatures.

Pits in the ground are also used as detention centres. When it rains they fill with water and people have got to stay in that water without being released. Some managed to get out after having been able to pay a lot of money. Yet, of course due to the prevailing poverty many people simply cannot get released because they do not have the money to bribe the people responsible for their detention.

In South-Kivu's capital, Bukavu, RCD-Goma and RPA used violence in April 2002 to break up demonstrations in support of the Inter-Congolese Dialogue and an end to the occupation of eastern DRC by Rwanda. In the wake of the apparently failed Inter-Congolese Dialogue Amnesty International fears that many more people may be arrested, detained, tortured and even unlawfully killed for exercising their right to freedom of expression and association.

## 2.6 Abuses linked to economic activities

In eastern DRC, hundreds of civilians have been forced by combatants of armed political groups and their foreign backers to work in mines, including in the Masisi territory, North-Kivu. Miners and mineral dealers have been frequently subjected to detentions, beatings and other forms of ill-treatment, sometimes in order to force them to work harder or to extort money, diamonds, gold and coltan. In some areas, members of the armed opposition have used violence, including torture and other forms of ill-treatment, to force civilians out of their homes or their land which was then seized for mining activities. This displacement results in lack of shelter and lack of access to medical care and humanitarian aid.

Many people have also been arrested and tortured because they refused to sell their gold, diamonds etc that they had either bought or mined to members of RCD-Goma or to Rwandese forces. This situation still prevails as has been concluded by the UN Panel of

Experts. Mashini Lofoto, Albert Lukumbura and Sherif Mbayi were detained in August 2001 by members of RCD-Goma, reportedly in an attempt to force them to sell diamonds to RCD-Goma officials at a low price. They were released in November 2001 after intervention by visiting Amnesty International delegates.

## V. Groups at risk (N. Mbaidjol, comments by G. Byaruhanga)

Against this background of violence, human rights abuses, poverty and insecurity, several populations are at risk. The following are some of the most exposed. However, the existence of categories of persons who are particularly at risk does not imply that individuals falling outside these categories would be automatically safe if returned to the DRC against their will, and attention should be paid to the circumstances of each case before proceeding with a deportation.

### 1. Civilians

The Special Rapporteur of the UN Commission on Human Rights in the DRC has in his reports been underlining the deterioration of the human rights situation both in territories under government and rebel control. However, humanitarian organizations claim that the situation is most serious in the Eastern part of the country held by RCD-Goma and the Rwandese Patriotic Army (APR), the MLC and RCD/ML. Human rights defense groups frequently denounce rapes, tortures, abductions and assassinations in the North, in South-Kivu and in Ituri. Soldiers are accused of irrupting in houses in pretended searches of Interahamwe Hutu militiamen, using the occasion to loot and mistreat populations. As an example of atrocities, in March 2002 the African Association for the Defense of Human Rights reported the presence of five mass graves where the bodies of civilians were deposited in Ubundu territory (125 km from Kisangani) following fighting between RCD-Goma and the Mayi-Mayi. Linked to the fact that access is difficult, information on what is going on is scarce, but there are reports from churches that massive human rights violations can occur. UNHCR believes that civilians as a whole are at risk and that any civilian is in the position to claim asylum and obtain it.

Insecurity is rampant in Kinshasa where armed robberies perpetrated by army and policemen often end in blood baths. Most of the time the perpetrators of crimes go about unpunished, testifying to the failure of the government in ensuring law and order.

### 2. Women

In the East women pay the heaviest price for the invasion of foreign armies on Congolese soil. Sexually mutilated, frequently raped and even buried alive these women bear the brunt of an ugly war. In a recent press release, Human Rights Watch documented brutal acts of violence against women and girls "engaged in the usual activities necessary to the livelihoods of their families: cultivating their fields, collecting firewood, or going to market".<sup>18</sup> The report cites soldiers of the Rwandese army and its

<sup>18</sup> Human Rights Watch: The War within the War: Sexual Violence Against Women and Girls in Eastern Congo, 20 June 2002

Congolese ally RCD-Goma as well as its foes, rebel Mayi-Mayi and armed Burundian and Rwandese groups, among the major perpetrators. These groups often abduct women and girls that they use as sex slaves and domestic labour. The bondage period could last as long as one year, according to the report. Socially, the rape victims are ostracized in their communities and the stigma of AIDS attached to rape subjects them to isolation from family and friends. Another harsh consequence of war for the women is the lack of access to food delivered by humanitarian agencies. UNHCR received reports that women cannot get out to look for food, even if distributed in areas of displacement, because they have practically no clothes to wear and are too embarrassed to appear in public. Having no access to them, UNHCR cannot give them clothes. Even if they themselves could afford clothes, they cannot buy them, simply because in some areas there is nobody to trade with.

### 3. Children

Despite efforts by the international community to protect children from exploitation, many of them are unfortunately recruited for fighting both by the government and the rebellion. Recently, the United Nations Children Fund carried out a demobilization campaign for child soldiers. Through this campaign 207 child soldiers in the Congolese Armed Forces were effectively demobilized, out of the 1,200 that the government has set out to demobilize. Another 165 DRC soldier and militia children who had been deported to Uganda were demobilized and repatriated. In the East, 104 children were also demobilized in the Mushaki military training camp run by RCD-Goma, which has demobilized 2,650 children since last year. However, there are indications that RCD-Goma continues to recruit more children. In Bunia, Ituri province, RCD/K-ML re-recruited 41 child soldiers previously demobilized. Despite their demobilization, the majority of child soldiers remain in military camps pending their reunification with their families, which may also expose them to new recruitment.

The UN Secretary-General reported an increase in recruitment of child soldiers since June 2002 both in Mayi-Mayi training camps run by the RPA and such run by forces in the north-east due to fighting between UPC and RCD-K/ML.<sup>19</sup>

Some child soldiers are as young as 10 years, barely heavier than the Kalashnikovs that they carry. Some may have been coerced into joining these forces, but many others indeed have joined these forces simply because they have nowhere else to go and they have no other means of survival. They see taking up arms as one way they can survive because with the use of the gun they may be able to rob or to steal from a neighbour or from other civilians.

A different form of exploitation is child labour. While it is difficult to establish exact numbers, these children are visible in the streets as beggars, in the households as domestics and in the market place where they are forced to sell for the benefit of their masters instead of going to school or play like normal children.

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<http://www.hrw.org/reports/2002/drc/Congo0602.pdf>

<sup>19</sup> UN Security Council: Twelfth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, S/2002/1188, 18 October 2002, para 51, 53

<http://daccess-ods.un.org/doc/UNDOC/GEN/N02/638/35/IMG/N0263835.pdf?OpenElement>

The child labourers and child soldiers are in the hands of the warlords, working for them day and night. Sometimes children work 12 hours for not more than 30 cents per day, which is roughly 10 dollars a month. The profit made out of child labour is huge, and they work in many areas of mineral resources exploitation.

In the eastern region of the country, both female and male children have been arrested and imprisoned by the RCD-Goma forces on grounds of collaborating with the Kinshasa government. The UN High Commission for Human Rights has documented and intervened on behalf of these children and obtained their release in some areas. On the social front, more and more children from poor families in urban areas are living in the streets on their own. The extent of poverty is such that some destitute families are known to accuse their children of witchcraft, subsequently chasing them from home and to the streets. Unable to cope with the cost of caring for the children, adults in these families resort to such a shameful practice. The number of street children in Kinshasa, Lubumbashi, Goma, Bukavu, and even in Kisangani, is growing.

There are cases of children who are being tortured and even killed because they have been accused of witchcraft. This has happened in Kinshasa and in many other places. People are apparently trying to blame their suffering and misery on supernatural forces, and in some cases have accused children of being possessed by spirits, putting the responsibility for their situation on the weakest persons.

#### **4. Human rights activists**

Advocates of human rights are a target group for both the government and the rebels. There was the case of Golden Misabiko, prominent member of the Katanga branch of the African Human Rights Association (ASADHO), who was arrested in December 2000 and transferred to Kinshasa for having been the first person to publicly reveal the assassination of a former military advisor of deceased President Kabila, Mr. Anselme Masasu, near Pweto in the Katanga Province. Other examples of intimidation of human rights activists and their organizations abound in the media and in UN reports. One of the provincial sections of ASADHO was the object of threats by the National Intelligence Agency, which suspects its leaders in Katanga to be involved in fomenting a new rebellion against the Kinshasa government, the office of the UN High Commission on Human Rights noted in its March 2002 report.

While showing unbelievable courage, it is possible that, if these persons have the possibility to leave, they may do so and seek asylum, particularly when finding themselves in areas like Bukavu in South-Kivu and Kisangani.

#### **5. Congolese soldiers and police**

Soldiers and policemen may be in a very awkward situation, as both sides, the government and the opposition, are very suspicious of their behaviour. Either they are seen by the government as working for the opposition, or within the so-called occupied territories they may be perceived as reporting to or fighting for the government. As

much as civilians, the soldiers and policemen who no longer support the cause of the rebellion suffer human rights abuses at the hands of RCD-Goma in the territories that it controls. 60 of the 163 victims of the summary executions carried out in Kisangani in May 2002 were reported by the UN Human Rights Commissioner to have been policemen and soldiers. UN observers witnessed some 20 bodies floating in the river, allegedly dumped from the Tshopo Bridge. MONUC personnel also witnessed RCD-Goma soldiers concealing with sand the traces of blood on the bridge.

## 6. Embassy employees

The fact that due to financial difficulties the diplomats and the staff in the embassies abroad are not being paid is not a new phenomenon. This problem started already under Mobutu. In some cases the government does not even have the means to repatriate its own diplomats. Under Mobutu there were cases of people being called back to their headquarters in Kinshasa, but not receiving air tickets to fly back. They were just abandoned until the day when it would be possible to repatriate them and their families, but they never asked for asylum. So far UNHCR has not seen many requests for asylum from these staff members, but, following the general UNHCR approach, each case should be considered according to its own merit. What can generally be said is that, taking the alliances described above into account, a diplomat may indeed ask for asylum just because he does not feel safe to return to the DRC. Given that they belong to a specific group or family, they may be abandoned if the alliance shifts and then have to find their way out.

One should be aware of the fact that many governments employ diplomats who are actually security agents abroad. They send them abroad as members of security services to spy either on the governments of the countries where they are posted or on the opponents of their own regime. So if the government at home is overthrown, chances are that they may well be known to the new government as representatives of the outgoing or ousted regime. Therefore they could be at risk. Yet, there have also been cases where some diplomats have shifted alliances while still on post. A case in point is Justine Kasavubu. She was a member of the UDPS, later appointed by Kabila senior as ambassador to Brussels. Then she left the embassy in Brussels and became a member of the opposition. Now she is back in Kinshasa. Between 1997 and 2002, she has shifted alliances at least four times, but today she is back, maybe looking for a position in the government. At the moment she is apparently not at risk, but this could change tomorrow, next week, next month – all the more when she does not get the post she might be looking for, possibly leading her to denounce the government as a 'government of thieves, killers and corrupt people'. Leaving the country might then be a wise decision for her. In September 2002, Christian Kambinga, who was DRC's Permanent Representative to the UN in Geneva from 1999 to 2001, was reported to have defected to RCD-Goma.

## 7. Managers of public enterprises (under Mobutu)

UNHCR does not have much information on this group, only that those who were detained have been freed. Certainly, money plays a part in the shifting of alliances as

well, particularly in the mining areas. Those people belonging to e.g. the mine rich area of Bunia should probably easily be able to bargain their positions, but again, since access is very difficult, it is not easy to ascertain what is going on in these places.

## 8. Civil society leaders

Civil society leaders play an important role in terms of mobilising people against either the government or the rebel movements. Particularly after the Sun City agreement a number of demonstrations have been taking place in Kinshasa, Goma and also Bukavu. Campaigning against the war puts these people at risk. Following the Kisangani massacre in May, MONUC expressed concern about the security of civil society leaders in its June 2002 report to the UN Secretary General, citing "accusations" by RCD-Goma against them. Considered by RCD-Goma's leadership as spies for Kinshasa, civil society leaders are frequently harassed by the security forces of the rebel movement and soldiers of the Rwandese army. Reportedly, civil society leaders could be hunted down, deported to Rwanda or their movements could be restricted. They are also jailed in the RCD-Goma prisons without trial, according to numerous media and local reports.

## 9. Clergy members

Clergy members, said to be present everywhere in the DRC, are seen as having established a kind of network to report on the situation in the country to the international community. One major element is the MISNA news agency based in Rome, thus rather close to the Vatican. They report about the abuses by RCD-Goma and Rwanda. Especially Catholic clergy are therefore very much targeted. They are also accused of protecting those who are believed to be opposing the government or the rebel movements' activities. MONUC obtained the release of two priests detained by RCD-Goma soldiers in Kisangani. An elderly European priest detained on grounds that he had supported the mutineers on 14 May also spent several days in one of the RCD-Goma prisons before international pressure brought about his release. The priest, Father Verhaegen was reportedly mistreated during his detention, and another priest, a local cleric from Goma, was assassinated in March. Certainly, eastern Congo is one of the places where clergymen are living under threat of persecution for their views or as witnesses of massive human rights violations.

## 10. Victims of ethnic intolerance

Properly speaking, there is no ethnic conflict in the Democratic Republic of the Congo although ethnic groups do oppose each other at times. Yet, in a country with over 200 ethnic groups the politicians are using this diversity of the population for their own benefit. The main ethnic confrontation currently in the DRC is staged in the Ituri region in the northeast of the country. There, the mainly pastoralist Hema and the mainly peasant Lendu are engaged in hostilities believed to be exacerbated by Ugandan military and political officials in a divide-and-conquer strategy on a territory that they have sought to control by supporting the Hema. The two tribes are pushed by political leaders to fight and to hate each other. As a result of this turf war, the Bunia region in Ituri is closed to

all road traffic, further impeding delivery of humanitarian assistance, that can consequently only be transported by air.

It is well known that members of the "Banyamulenge" ethnic group (Tutsi ethnic origin), or those of Kinyarwanda expression (both Tutsi and Hutu ethnic origin) may face individual persecution in the DRC. This problem became particularly acute in the wake of the 1998 intervention of the national armies of Uganda, Rwanda and Burundi in the DRC to overthrow the regime of the late President Kabila. Accordingly, the individuals concerned were collectively described as a group at risk. Members of these groups were subject to arbitrary detention and ill-treatment, and in certain instances tracked down and killed in Kinshasa by angry mobs. UNHCR, ICRC and the international community, principally the United States and Belgium, were requested to arrange for the relocation of members of the group to third countries since the authorities in Kinshasa could not guarantee their security or protection. Some Tutsi asylum seekers from the DRC who have not yet found protection in another country may face persecution if forcibly returned to government controlled parts of the DRC.

Until fairly recently the Banyamulenge were thought to be safe in the East because they were seen as allies of RCD-Goma and of Rwanda, not least since Rwanda and Uganda claimed that they had got involved in the conflict in order to protect the Banyamulenge from persecution by the Kinshasa government. However, after the shifting of alliances the Banyamulenge are now also persecuted by Rwandese troops because of their perceived or real opposition to the Rwandese occupation of the eastern DRC. Those suspected of being allied to a group that is opposed to the Rwandese government, the FRF, will be at risk of persecution by RCD-Goma, too. One of the local commanders, the Banyamulenge Patrick Masunzu, has also shifted his allegiance and is now fighting against the Rwandan troops in the east near the city of Baraka in South-Kivu.

These ethnic problems, i.e. intolerance and inter-communal violence, are a creation or an exacerbation by the elite, be it in the DRC, be it in Rwanda. Even in the case of Rwanda, clearly the elites were behind the genocide of 1994, otherwise the Tutsi and the Hutu in Rwanda normally lived together without any conflicts. It is the elite on both sides that heightens the tension and exploits the ethnic differences, and as a result, causes a lot of mayhem and suffering for the people of the DRC, but also elsewhere in the region.

The term Banyarwanda is the collective name for the Hutu and Tutsi in the region. The first major conflict involving the Banyarwanda in the DRC occurred in North-Kivu in June 1993. In this conflict the Banyarwanda, i.e. the Tutsi and Hutu on one side together, fought against other ethnic groups like the Nyanga. What made this situation more complex was the war inside Rwanda, during which some Tutsi-Banyarwanda in the DRC were recruited by the RPF in Rwanda to fight against the Rwandese government, which was dominated by the Hutu. This caused the split between the Hutu and the Tutsi inside the DRC, and by extension hostilities broke out. All that translated also into the problems that occurred after the Rwandese Hutu fled into the DRC in 1994: the expulsion of the Banyamulenge-Tutsi from South-Kivu back into Rwanda, the outbreak of the war in 1996, and now the apparent split of Banyamulenge-Tutsi from Rwanda. So these alliances are not stable, they shift according to circumstances, the political climate and the change in military and economic ambitions.

Returning a Tutsi to the Congo requires caution. Though the authorities may try to protect him, there is no guarantee whether the population will accept him or whether the government is able to offer efficient protection against popular hatred.

#### Mixed marriages

Members of these very specific groups of Hemas, Lendus and Banyamulenges, may hence become victims of ethnic intolerance either because of their activities or because they belong to the group of mixed-marriage people who may be rejected by their neighbours and be forced to seek asylum in a neighbouring country. People belonging to a family of mixed ethnicity should be identified as a group at risk. Particularly in the east, those who are approaching UNHCR in search of help want to leave because none of the two communities really trusts them.

In general, the offspring belong to the ethnic group of their fathers. So if the mother is e.g. Hutu, Baluba or Kongo and the father is Tutsi, the child will be described as a Tutsi. Yet, the case is not always that straight forward. Some people have been even killed because of their appearance, because they looked like a Tutsi, while in fact they were not. One group that is often persecuted, but unfortunately often forgotten are the Hutu who themselves are not safe inside the DRC. They are persecuted on both sides of the frontlines.

#### Ethnic minorities in the Forces armées congolaises (FAC)

As regards the issue of representation in the Congolese army, there are numerous ethnic groups, but for someone associated with Rwanda it would be almost impossible to serve in the DRC army since the end of 1998. Particularly Tutsi are seen as allies of Rwanda, and being identified as a Tutsi would create extreme difficulties. As for Hutu Rwandese, there are some who have been allied to the DRC government because they were fighting alongside Congolese troops against RCD-Goma, Rwanda and Uganda. Last year a group of nearly 3,000 - others say 6,000 - former Rwandese combatants were demobilised at Kamina, a military base in the south. This group were effectively people who have been fighting alongside government forces. In other cases, as mentioned above, they face persecution by allies of the Congolese government.

#### Evacuation of vulnerable groups

With regard to evacuation of vulnerable groups to other countries, there have been some successes, but also many failures. Relative successes include the case of the Tutsi in the DRC after August 1998. Many of them found themselves in prisons in Katanga, Kinshasa and other places. As there was so much hostility both in the government and within the civilian population against the Tutsi in areas controlled by the government, it was decided that it was safer to transfer these Tutsi to other countries. The DRC government was arguing that it was not persecuting these Tutsi, but it found it difficult to release them, because they could be killed by the civilian population for which then the government would be blamed. Claiming that prison was the only place where these people could be kept safely, the government detained them there for quite some time. Human rights and humanitarian organisations argued that detention was no solution when the government failed to protect them, yet the government had a point, awkward



as it may have been. After all, there were cases of Tutsi being burnt alive in Kinshasa. What followed was an arrangement, involving the UNHCR, to move these Tutsi. They were taken to Rwanda, where some of them still are, to Cameroon, Benin and the USA. The question is: how do you assist people to leave their country when that country has got an international responsibility to protect its population? Nevertheless, in this case it was the better solution in the face of a very complicated and bad situation. Naturally, moving people to another African country or some other place is never the best solution because in the best of situations they should stay in their own country. Yet, when they cannot, then one may move them to other countries.

#### **11. Journalists, students and political party members**

Students and members of the political parties affiliated with the Alliance for the Safeguard of the Inter-Congolese dialogue are subject to persecution, arbitrary detentions and torture. The DRC also has a record of intimidation of the media including through arbitrary arrests of journalists and mistreatment in the hands of the police. Kinshasa does not tolerate criticism of its actions. Likewise, RCD-Goma oftentimes imprisons journalists that they consider biased against their cause. One of the incidents involved students who demonstrated against RCD-Goma's stance on the Sun City agreement. The rebel movement repressed the demonstration in which 6 students lost their lives, while several others were jailed for their presumed role in organizing the demonstration and then released. There, too, their release was negotiated by the UN through its office for Human Rights.

With regard to the media, there were some positive decisions like the authorisation for private TVs to operate again. Furthermore, some newspapers which had been banned were allowed to resume their activities. Moreover, a conference on human rights has been held, which was a quite big manifestation. Yet again, in terms of implementing the number of recommendations that were adopted, there is still a long way to go. Clearly, the government lacks the means of implementing such recommendations. Public pledges remain of a very limited scope and all government actions should be placed in the context of the new relations that the government is trying to strengthen with the MLC.

The repression of political parties continues. After his accession to power in January 2001 Joseph Kabila ordered mass arrests of his supposed opponents. The largest number of people was arrested in March/April 2001 because they were suspected of organising to overthrow him. Subsequently, another group of people were arrested a month later in connection with the assassination of his father, including Eddy Kapend and General Naweji. Some of these are currently in prison and on trial. All in all, there have been more than a hundred arrests in connection with Kabila's assassination.

As regards the current situation of the UDPS, party members are not able to organise their meetings because of a clear split between the UDPS and the government, as the UDPS has chosen to ally itself with RCD-Goma. While their movements in terms of gathering and marching are strictly controlled by the government, the degree of persecution of UDPS leaders in Kinshasa is not more severe than in previous years. Its leader Tshisekedi is apparently safe, and generally speaking the UDPS is very present, even in Kinshasa. Given the general insecurity in the country, militants may be at risk

sometimes. One must also bear in mind that only those cases where people have been taken to jail and which have been reported to the UN are known to the human rights organisations. On 28 November 2002, Mr. Tshisekedi was reported to have declared his candidacy for one of the four Vice-President posts proposed as part of the all inclusive Inter-Congolese Dialogue power sharing deal.

The MPR, like the UDPS, faces some restrictions. They are campaigning for their position in the country in case of a democratic change, but cannot demonstrate in the streets in Kinshasa. However, they are not considered to be illegal. They are one of those parties which have applied for recognition under the new decree on political parties of May 2001. There is now an internal wing of MPR called MPR fait privée, privatised MPR, as opposed to MPR Parti-Etat, the State Party. Still, if one is a member of an oppositional party, even if it has been recognised, and one displays a kind of aggressive activism, this may cause trouble. The risk of being harassed or not depends on one's behaviour.

It has to be remembered that before Mobutu liberalised the political situation in April 1990, the MPR was a state party and by law every Zairian was a member of the MPR. Anybody who wanted to have safe passage, wherever he went in the country, had to have a membership card. It could actually constitute an identity card, giving testimony that the bearer is a supporter of Mobutu, not an opponent. Today, however, having or not having an MPR card would not have much significance in terms of safety.

It is very difficult to have an exhaustive list of political parties in the DRC. A few years ago there were supposedly more than 400 political parties in the country. Now there are probably a lot fewer, some prominent ones, but many others that are not well-known. Some of them will consist of no more than a few people, a family or even only an individual, still claiming to be political parties.

However, a party with two members in the country and the very militants outside the country, promoting any kind of action from outside, would not be recognised under the decree of last year. According to this new decree the condition of presence in the country, i.e. of at least some members, has to be fulfilled. Now it has even been proposed that a party should have founding members in different provinces and ethnic groups before it could be recognised.

Comment by Mr Byaruhanga:

According to universal human rights standards, the fact that a group is not recognized by the government does not discredit that group as long as its members are peacefully exercising their right to freedom of expression and association and respecting the right of others to do likewise. They still have their right of freedom of association and expression, and if rejected by the government, they would still have the right to call themselves a party, even if not formally recognized. This also applies to parties in exile.

Finally, there also exists risk of persecution with respect to persons originating from rebel controlled territory, in particular those from North and South Kivu, Maniema, Orientale Province and Equateur, although it needs to be assessed on an individual basis. During the individual assessment, factors such as status (military/civilian), profession and political affiliation must be considered.

There are a number of people who are returning from either the Equateur province, Gbadolite being the base of the MLC movement, or from the neighbouring Congo-Brazzaville or even from areas far away, like those who have taken refuge or who have been in exile in Europe, in France and Belgium mainly. Such recent returnees include Lunda Bululu, a former Prime Minister, who is one of the negotiators involved in the Matadi power-sharing talks between the government and the MLC.

Opposition in exile

For people who have been active in political parties like the UDPS, PALU or other well-known organisations whilst in European exile, the risk they face upon return would depend very much on their personal background. If someone was writing against the government or was known publicly to carry out activities against the government, he/she would definitely be questioned for a while upon return. In this situation the risk would depend on who is questioning him/her. Be it in the government-held or the rebel-held areas, the authorities may abuse their power at any time and a returnee's safety will depend on his or her family's ability to protect him/her through ties they have established with the authorities.

**12. Internally displaced persons and DRC Congolese refugees**

The staggering number of internally displaced persons in the DRC (2.2 million individuals) also constitutes a breeding ground for potential asylum seekers, particularly those living in border areas with other countries. IDPs are extremely vulnerable to health problems as they lack access to health care, live in substandard housing conditions and survive on very little food. About 74% of IDPs are women and children, according to government statistics. People are moving from one place to another to reach food or to have better protection - better protection just in terms of having their families united in a place where they could be tolerated and accepted by their neighbours. Out of a certain generosity due to family ties or ethnic relations people would invite others from dangerous areas into more secure places and, of course, those who are very close to the border may cross it and seek asylum abroad. This happened with regard to the Republic of Congo, when whole villages of Congolese from Equateur province moved there to reunify with their relatives in the Republic of Congo. UNHCR and other NGOs provided assistance to these groups.

Similarly, most of the refugees in Zambia belong to the IDPs who were settled in the southern part of the country, in Pweto and on the shores of Lake Mweru. These people have moved to the refugee camp in Zambia when RCD and the government forces clashed in Pweto. It has to be noted that Pweto, like Mweru, is changing hands almost daily.

Refugees in neighbouring countries

Congolese refugees living in neighbouring countries are also potential asylum seekers in a second or a third nation due to the existence of conflicts in the country of asylum. Especially with regard to Congo-Brazzaville, there arises the question of the security of asylum. Kinshasa and Brazzaville are the closest capitals in the world and anything going on in Kinshasa is followed very closely by the authorities in Brazzaville and vice versa. Neither UNHCR nor any other human rights or humanitarian organisation is really aware of what is going on between the two capitals. Recently UNHCR had to relocate some 60 refugees and asylum seekers from Brazzaville to Pointe-Noire, another city further south, for security reasons. Based on the events of April 2001 and having received information that the government of Brazzaville probably tends to send a few refugees back again this year, they took the decision to displace these people to the

south in order to make it more complicated logistically for the authorities to expel these people from Congo-Brazzaville to Kinshasa. Otherwise they would have just had to take them across the Congo River and hand them over to the Kinshasa authorities. This group of about 60 people were basically members of the so-called Masasu group, going back to executed Commander Masasu. Yet, some Congolese of Tutsi or Banyamulenge origin were also still in Brazzaville. A durable solution to their problems would be resettlement to a third country.

Brazzaville itself has got its own opposition rebel movements. During an attack in Brazzaville on 9 May arms were apparently distributed to the Hutus present in the city, Congolese of Tutsi origin were feared to be in danger, so UNHCR had to relocate all these people as well. The currently 60 people in Pointe-Noire are waiting for a solution either through resettlement or perhaps relocation in a third country of asylum, be it through a normal process of resettlement or through other negotiations to bring them to a safe area.

While being able to cross the border to Congo-Brazzaville, Congolese refugees with either political or family ties with the opposition or the ethnic groups in the Congo may hence still be at high risk in the opinion of UNHCR. Their situation remains a matter of concern.

Which measures does UNHCR take in neighbouring countries where asylum-seekers from the DRC may be at risk of being returned to the DRC? UNHCR is very prominent in the refugee status determination procedures in these countries. If a country denies asylum and UNHCR is convinced that the case is valid, it will find another country of asylum within the region. UNHCR often resorts to relocation within the same country when a certain group of people is believed to be in danger. This makes it much more difficult for the government to deport or expel a person. In cases where asylum is indeed denied UNHCR finds a way to resettle people in a kind of informal procedure within the region, profiting from the advantage of covering the whole region.

## **VI. Security threats for deported asylum seekers**

In view of the above and describing the very serious situation in the DRC, caution should be exercised in the involuntary return of unsuccessful asylum applicants from the DRC, and a case-by-case approach is necessary in dealing with these individuals. Asylum seekers who have been unsuccessful after going through fair eligibility procedures and application of correct eligibility criteria may still face problems upon return to their country of origin. Issues such as the individual's place of origin, last place of habitual residence, family relations, ethnic group and profession are to be considered before the person is deported. An individual approach based on the circumstances of each case and a careful consideration of the changing political and security context in the DRC is therefore required. In any case, deportation to the DRC should be avoided.

### **Reception at Kinshasa airport**

The findings of the working group on returnees created in the United Nations Human Rights Office in Kinshasa show that a great majority of deportees are escorted by the

police of the deporting country. According to the authorities, when the deportee returns with a travel document "tenant lieu de passeport", he/she is referred and accompanied to the immigration office in the center of the capital to complete immigration formalities. The authorities reiterate that the deportee, while he or she is completing immigration formalities, is not a detainee and that as soon as Congolese nationality is confirmed the person is allowed to leave immigration premises.

A problem arises when the deportee is in fact a non-Congolese national. DRC immigration authorities have indeed reported to UNHCR and the local office of the UN High Commissioner for Human Rights (UNHCHR) in Kinshasa that in several instances deportees holding identity/travel documents issued by the DRC diplomatic missions turn out to be Angolans after a thorough interview. As an example, the DRC immigration authorities were "hosting" in their premises for over a year an Angolan national who was deported as Congolese by the Swiss authorities, but who had departed to Switzerland from Angola and not from the DRC. It is therefore recommended that states very carefully ascertain the nationality of unsuccessful asylum applicants before they are processed for return to the DRC.

While the DRC authorities maintain their position as to the procedure in place to receive deportees, the UNHCHR has received reports on deportees transferred to the DRC intelligence services such as ANR (Agence Nationale des Renseignements), DEMIAP (Detection Militaire des Activités Anti Patrie) or GSSP (Garde Spéciale de Sécurité Présidentielle) for interrogation. The DRC authorities deny such procedures.

Against this background, it can no longer be said that only those deportees who are discovered by the authorities to have sought asylum abroad undergo interrogation sessions upon arrival at Kinshasa airport. In fact, reports from local human rights NGOs, victims and eye witnesses show that certain groups of individuals who are deported (having or not having sought asylum), or repatriate voluntarily, may face serious problems following possible interrogation conducted by security services upon arrival to Kinshasa. Should the authorities in Kinshasa discover that a deportee has a political or military profile, or has sought asylum abroad owing to a political or military background, such person may be at risk of arbitrary detention and ill-treatment. People who are returned without any assurances that the government does not hold any grudge against them could be in serious trouble and get detained as prisoners of conscience or could even be at risk of the death penalty, always depending on their activities.

#### Obtaining information before return

Another important issue is where in the DRC he or she should be returned. If they are from the east, there is no way they can be returned there straight away. Since this part of the country of the DRC is virtually closed in, it would be necessary to cross over countries like Uganda, Rwanda, Kenya or Burundi. Lubumbashi is receiving international flights from South Africa from time to time, yet although it is an international airport, it is very difficult to return a person to Lubumbashi and get information on what would happen to him/her after the return. In Kinshasa, by contrast, it is possible to obtain information from diplomatic missions, NGOs or UNHCR.

It is a common practice of UNHCR to share information on the country of origin. The only advice UNHCR normally gives to those asking for country of origin information from the capital is that such an enquiry should not put in jeopardy the security of the family members. Once the authorities learn that somebody is asking for information or a background check on such and such an individual, it may be dangerous for family members. Yet, UNHCR does share general country information, and sometimes is in the position to answer very specific questions on an individual case, particularly if that individual case is well known and can easily be traced. It, however, is possible also to provide information about the area of origin, e.g. on Kisangani there is a lot of information from the mission of the UN, NGOs or the clergy, and UNHCR tries to use this as a source of information without jeopardizing the situation of the family members.

#### Follow-up monitoring

Particularly in cases where it is simply impossible to establish all the required information about a specific individual, Amnesty International has adopted the following policy: if a government decides to deport an individual, it then assumes the responsibility to guarantee the protection of that individual when returned to Kinshasa or somewhere else in the country. First, the officials would have to seek assurances for the safety of the person in question. Then, the respective embassy in Kinshasa would follow that case and see whether that person enters safely and lives in safety inside the country. This means that when the person arrives at N'djili airport, there hopefully is a representative of the mission in Kinshasa, just to watch and see what happens. It has to be made sure that the person is only asked for the immigration papers, registration etc, but is not arrested by DEMIAP, GSSP or ANR. Finally, this monitoring involves informing his/her family about the possibility to contact the embassy if anything happens. The aim is not to become bodyguards - the embassy staff may not be visiting the family every day or every week - but just to know whether the person is at risk, has been arrested or detained. Then they can intervene and in many cases it does help. If the person is arrested and the ambassador of a European country addresses Kabila on the issue, inquiring what is going on despite prior assurances, the person may be out of jail very quickly - as opposed to a situation where the foreign embassies do not want to have anything to do with the case. Unfortunately, it has happened in some cases that embassies, not wanting to jeopardise their relations with the DRC government, did not issue a visa. Amnesty International does not consider this attitude of non-interference to avoid diplomatic conflicts appropriate for the potential host government.

Unfortunately UNHCR does not have enough means to follow up on whoever has been deported to the DRC, so that perhaps the missions may have a stronger hand in reminding the authorities of their responsibilities when having given assurances for the person's safety. Yet, this whole machinery that should be put in place is so difficult to be implemented in a country like the DRC, where alliances are shifting all the time. Therefore returning an asylum seeker should be a very rare or well-considered decision.

#### Persecution on grounds of having sought asylum abroad

Responding to a question from the audience whether seeking asylum itself could lead to persecution and hence be a sufficient ground for granting refugee status, Mr Byaruhanga stated that he was not aware that people had been detained solely for

seeking asylum. Usually they are accused of some offence, like alliance with the enemy, as e.g. in the case of people from Kivu, having fled to Nairobi and subsequently to Europe and then being deported to Kinshasa. Upon arrival, they may be accused of being sympathisers or supporters of the armed opposition. So there is more likely to be an extra charge that may be the main reason for a person to be held, instead of only the fact that they sought asylum. Yet, if that is the case, i.e. if the returnee is alleged or known to be a supporter of the opposition, arrest, and possibly torture and persecution, are likely.

Difficulties have occurred when countries of asylum have deported someone and handed over all the information about this asylum seeker to the home government. Informing them that the applicant has e.g. claimed that he was imprisoned and beaten could cause serious problems for the individual. There was the case of a Rwandese who was in the final stages of being granted refugee status in a European country and approached the host country's authorities to be issued proper travel documents. The authorities decided to contact the Rwandese embassy, inquiring about this person, and received the reply that he was involved in the genocide. This approach is something that must in all cases be avoided. Reporting to the authorities of the country of origin about the asylum claim obviously could create serious trouble for a person who may not have problems otherwise.

UNHCR as an institution can refer to the very specific Executive Committee's conclusions on the situation of manifestly unfounded asylum seekers. For that very category of people who in the view of UNHCR are not refugees, there are dispositions as to return into their country of origin. Yet, when it comes to asylum cases where UNHCR believes the applicants come from a very specific country at war or from a situation like the one described here, the conclusion is that the asylum seeker should be given the opportunity not to return to his country of origin where his life would be in danger. The issue of returning someone to another country which is not their own country of origin applies to these manifestly unfounded asylum seekers whose safety when returned home seems doubtful to UNHCR. In some cases the individual is given the choice to identify an area of return rather than his country of origin. He may choose a place where he has ties. The kind of information he may give is then used to make a decision. UNHCR has of course shared information with the countries of first asylum to make the return not dangerous for the concerned asylum seeker. Finding out about the person's safety involves of course the same difficulties as regarding his/her country of origin, but UNHCR is trying to find a kind of guarantee that the person's life will not be in danger.

Even if the asylum case was unsuccessful or manifestly unfounded, in a situation like in the DRC, one should have a glance at the country of origin, not merely on the individual.

#### Return to situation of internal displacement

To focus on more specific cases, there are 45 refugees in Betou in northern Congo-Brazzaville who have applied for voluntary repatriation. These are roughly nine families who would like to go back to the DRC, yet not to Equateur province, but rather to Kinshasa. UNHCR is trying to get the approbation from the government for them to be repatriated voluntarily to Kinshasa, but the government is still reluctant to give a positive feedback. We are still waiting for them to carry out the voluntary repatriation.



For someone from Equateur, it has to be kept in mind that Equateur is in the hands of the MLC. Hopefully, the ongoing talks on the framework agreement, if implemented, will allow people to move freely in this part of the country, but it has to be remembered that people from Equateur coming to Kinshasa may be seen as a threat to the government. The framework agreement would in fact enable returns and give the government the possibility to control the movement of refugees, asylum seekers and IDPs back to their areas of origin. However in the present context, a person from Equateur should not be sent to Kinshasa without a background check.

Another aspect which should be taken into consideration is the humanitarian situation for internally displaced persons. If someone from Equateur is returning to or deported to Kinshasa, it is difficult to facilitate travel from Kinshasa to Equateur. There is no direct easy access to Equateur, they may have to be flown there. Even if they were safe in Kinshasa, they could easily get stranded in the city for months, even years, not being able to join their family. Then people are captivated in a situation where they cannot find a job, accommodation, etc. and may not be able to survive by themselves. Moreover, these individuals may also be confronted with illness, and then the issue of lack of access to medical care arises again.

Even people with money find themselves in a difficult situation. First, there is a high likelihood that it would be taken from them on their arrival by the security forces. Second, even if they manage to keep their money, they need security clearance to leave Kinshasa to go to other areas, if they are accessible in the first place. So they may also get stranded in Kinshasa, trying to obtain authorisation to travel from Kinshasa to an area which may even be controlled by the government as well.

#### Itineraries to Europe

So who are the people making their way to Europe? There are mainly two categories. First, there are students studying outside the Congo, e.g. in Senegal. After graduating they understandably choose not to go back to Kinshasa, but, if possible, elsewhere. Then, there are those who are assisted by other people, the church, some army officers, policemen, civil servants, human rights activists. This way they manage to get out of the DRC. Most of them would just cross the border to Brazzaville and then take a train to Matadi or right into Pointe-Noire and then from there they can find their way. These are the main groups of people who may approach the immigration authorities in Europe, but the vast majority of the Congolese remain within the country.

To add another example, some people leave areas around Bukavu and Goma, going to Burundi, where they spend a few weeks or even months. Then they find a way to cross over to Tanzania, afterwards they go south through Zambia, then further south through Malawi, then cross over to Mozambique and eventually over to South Africa. On their way they find some work sustaining them and gather just enough to get a ticket and the right passport to get through immigration, obtaining some form of collusion from the security forces in that country to let them through and so on. Sometimes there is a group of 10 or 20 persons who would collect money together, help one to go, and then when he gets accepted, he will work and then again send money to help others. It is an over-assumption that all of them are necessarily illegal or not genuine asylum seekers. Many of these African countries have no social security system, so if one cannot have a

job one cannot survive. So these people have a frequent interest to seek a place where they can have a better life, even as genuine asylum seekers or genuine refugees. It would be folly for them to want to live in the countries where they are, like war-torn Burundi. Whatever their means of survival, they never know whether they will be able to stay there for years, months or weeks because the situation of risk and danger could catch up with them. Presently, this is the case for the Banyamulenge in Burundi, who are in serious difficulties, wondering where to go. Burundi wants them to go back to the DRC, but they know that in the north they are likely to be attacked. They are in a very difficult situation.

## **VII. Sources of information**

UNHCR has invested a lot in communication: It has two light aircrafts in the country, which can be used for those who are interested in the refugee situation of IDPs to accompany UNHCR staff to missions in the field. Provided authorisation, this way it is possible to witness the situation in the East, in Goma and Bukavu. Patience and planning ahead is required, but once there, it is possible for representatives of a donor country or a country interested in the refugee situation to follow the normal UNHCR work programme. Obtaining information is also possible through NGOs and agencies that are in the country, primarily by visiting their websites. WFP may provide information on the food situation, UNICEF on children and education.

Another recommendable website belongs to Heritiers de la Justice from Bukavu.<sup>20</sup> Moreover, it is advisable to try to identify international NGOs, even if they do not have a representation in every European country, like MSF. There is at any rate MSF France and MSF Netherlands which do collect very exact information, e.g. about the treatment of children, of women, etc. Oxfam is another organisation that can directly be contacted for information. A lot of information can be found on Reliefweb.

Getting in contact with people in Kisangani is a lot easier today than it was ten years ago thanks to satellite phone. Of course it is still not easy and very expensive, but one can talk to human rights organisations based in Kisangani. Using mobile phone networks is not always secure. In some areas such as Kinshasa and Lubumbashi one can access some human rights organisations by e-mail. E-mail of course can also be insecure, but hopefully the authorities in power do not have the equipment, the time and the knowledge to intercept all the messages. What makes e-mail correspondence also slow is that sometimes people have access to e-mail only through internet cafés, so that in some cases one may receive a response only after a few days or even weeks. All in all, communication with people in Goma, in Bukavu, and sometimes also in Uvira is possible, difficult as it may be.

## **VIII. Documents**

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

<sup>20</sup> <http://www.heritiers.org>

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 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.

## IX. Conclusion

The economic and social fabric of the DRC has all but disintegrated as a result of decades of neglect, oppression and conflict. In the current chaotic situation, affecting the very survival of large segments of the population, humanitarian considerations should be given the broadest possible interpretation whenever return is envisaged. UNHCR has cautioned, therefore, against any forcible returns to areas outside Kinshasa, notably in view of the lack of socio-economic support necessary for sustainable re-integration in the countryside. Persons originating from Kinshasa, and who are not in need of international protection, may be returned there, provided that family links and economic support in the capital are ascertained.

The political and social situation in the DRC remains critical despite some progress in the ongoing peace process. The country remains divided between partisans of the Sun City accord, who consider themselves patriots, and its opponents, who united in the Alliance to Save the Inter-Congolese Dialogue. Agreement between the two sides is crucial if lasting peace is to be achieved. Fortunately, none of the belligerents is ready to accept the partition of the DRC. However, power sharing is not easily accepted and all means are used to conquer the central authority in order to get control over the wealth of the country. The international community may wish to do more than observing the Lusaka peace process to protect the civilian victims of the DRC conflict.

As long as the conflict continues, chances are that many human rights abuses will continue. Amnesty International believes that concerted pressure by key governments and intergovernmental organizations on those leading the conflict is needed, including by making it clear that the perpetrators of war crimes and violations of international humanitarian law will not be granted or secure for themselves impunity. For this to happen, the international community must speak with one voice. Unfortunately, this has not yet happened. There does not yet seem to be any serious concerted effort to make sure that the conflict ends and ensure, above all, that the perpetrators, whether they are Congolese nationals or foreigners, will be brought to justice. For as long as these crises persist, the DRC will continue to be a large exporter of citizens fleeing from persecution and misery resulting from political and economic mismanagement, exacerbated by the pillaging of the country's resources by local and foreign elites, which in many cases have no interest to end the conflict.

## Bibliography – DR Congo

Selected publications  
(Period: January – November 2002)

## Amnesty International

<<http://www.amnesty.org>>

- Amnesty International: Annual Report 2002 (Covering events from January – December 2001), 28 May 2002
- Amnesty International/Special Reports:
  - Making a killing: The diamond trade in government-controlled DRC, 22 October 2002
  - Democratic Republic of Congo: Kisangani killings - victims need justice now, 12 June 2002
  - Democratic Republic of Congo: Alarming increase in arbitrary arrests and detentions, 8 January 2002
- Amnesty International/Urgent Actions:
  - UA 301/02: 2 journalists held without charge in the military detention centre in the town of Uvira, South Kivu province allegedly for their legitimate professional activities, 3 October 2002
  - UA 280/02: 8 refugees from the DRC arrested in Burundi and forcibly returned to eastern DRC/ they are reportedly at serious risk of torture or ill treatment, 10 September 2002
  - UA 277/02: Lawyer and a leading member of the Justice Plus human rights organization in Bunia is reportedly being held incommunicado, and believed to be at acute risk of torture or ill-treatment, "disappearance" or killing, 5 September 2002
  - UA 159/02: 2 people held in incommunicado detention in a metal freight container at Ndosho, near the city of Goma/ container, which is being used as a detention centre by the Rwandese Patriotic Army and Congolese Rally for Democracy, 20 August 2002
  - UA 217/02: At least 16 men (several are leaders of the minority Congolese Tutsi ethnic population, known as Banyamulenge) arrested by agents of the Rassemblement congolais pour la démocratie - Goma (RCD-Goma) and reportedly held in incommunicado detention, 17 July 2002
  - UA 159/02: 3 men "disappeared" after being detained by soldiers of the Rwandese Patriotic Army (RPA)/ the reason of their detention is not known, although may relate to suspicions that they were in contact with a Congolese armed political group, the mayi mayi, 30 May 2002
  - UA 122/02: 4 men, members of the same family from the Masisi region arrested having been accused of collaborating with a Congolese armed political group, the mayi-mayi/ they are being held in incommunicado detention in a metal freight container at Ndosho, 23 April 2002
  - UA 120/02: Human rights defender arrested by two officials from a military tribunal/ he is being held without charge in the Congolese capital Kinshasa, 22 April 2002
  - UA 83/02: Up to 135 people, accused of involvement in the assassination of former DRC president will be tried by a military tribunal which does not meet

basic international standards for fairness/ many of the detainees were reportedly tortured in detention, 18 March 2002

- UA 083/2002: Drohende Todesstrafe für 135 Personen, die angeblich am Mord an Laurent-Désiré Kabila beteiligt waren; unfaire Gerichtsverfahren beim Cour d'ordre militaire (COM), 18 March 2002
- UA 063/2002: Menschenrechtsaktivist und ASADHO-Vorsitzender Golden Misabiko in Lubumbashi von Verhaftung bedroht, 27 February 2002
- UA 63/02: Human rights defender, detained for 7 months last year, currently received a summons to report to a military tribunal/ if the authorities discover his whereabouts, he is likely to be detained as a prisoner of conscience, 27 February 2002

#### Canadian Immigration and Refugee Board

<<http://www.irb.gc.ca>>

- Responses to individual information requests (REFINFO):
  - RDC39475.F (19 September 2002): les services de sécurité de l'Alliance des forces démocratiques pour la libération du Congo/Zaïre (AFDL), y compris la Branche de sécurité et de protection civile (1997-septembre 2002)
  - RDC39912.E (4 September 2002): A telecommunications company called Starcel; whether this company faced problems or threats from government authorities because of allegations that telephone communication problems since the death of former president Laurent-Désiré Kabila were intentional and aimed at blocking communications outside the country (2001-2002)
  - RDC39769.F (12 August 2002): le parti socialiste africain ainsi que le traitement de ses membres par le gouvernement actuel
  - RDC39660.F (9 August 2002): différence entre le Parti socialiste (PS) et le parti socialiste zaïrois (PSZ); le cas échéant, la date de leur fondation, le nom de leurs dirigeants, le nombre de leurs membres, leur structure organisationnelle et leurs activités (1990-août 2002)
  - RDC39663.F (31 July 2002): organisation appelée « Éveil de la femme » qui aurait été fondée en 1993 (août 2002)
  - RDC39097.F (10 July 2002): situation actuelle des membres de l'ethnie tutsie dans les zones occupées et plus particulièrement à Bukavu
  - RDC38995.F (26 June 2002): recrutements forcés; le cas échéant, les lieux et les régions où se font de tels recrutements, l'âge des personnes recrutées, les endroits de formation ainsi que les conséquences pour une personne qui décide de quitter l'armée (1999-juin 2002)
  - RDC39120.F (27 May 2002): possibilité pour un réfugié congolais (du Congo-Brazzaville) de vivre et de travailler en RDC; traitement réservé par le gouvernement de la RDC à ces réfugiés
  - RDC38958.F (26 April 2002): manifestation qui se serait déroulée le 14 août 2001 à Kinshasa et au cours de laquelle un commandant de la police aurait été tué
  - RDC38916.F (18 April 2002): arrestation et traitement des personnes originaires du Kivu à la suite de l'assassinat de Laurent-Désiré Kabila en janvier 2001
  - RDC38781.E (10 April 2002): Whether since the death of President Laurent-Désiré Kabila in January 2001, people of Rwanda origin and those whose parents are of different national origins (mixed marriage of Congolese and Rwandan) are at risk in the hands of both the general population and the military; the existence

- of any areas where Congolese of Rwandan origin are the majority (January 2001-April 2002)
- RDC38764.E (9 April 2002): Reports of the treatment of Union for Democracy and Social Progress (UDPS) members of supporters and reports of people who have been detained for transporting UDPS material (2001)
  - RDC38815.F (9 April 2002): date et circonstances du décès de Konga et de Kongolo, tous deux fils de Mobutu; date à laquelle Kongolo avait quitté le pays
  - RDC38723.F (2 April 2002): Direction générale de migration (DGM), y compris le nom de son directeur général, la date de sa formation, sa réorganisation éventuelle au cours des dernières années; copies du décret no 23/2001 du 10 avril 2001 portant nomination du directeur général de la DGM et de la décision no 0080/DG/LMN/01/2001 portant réduction de l'effectif du personnel ainsi que la liste des agents qui ont été retenus; information indiquant si la DGM a été impliquée dans des violations des droits de la personne
  - RDC38748.F (25 March 2002): Agence nationale de renseignements, y compris la date de sa fondation, le mode de recrutement de ses enquêteurs, sa structure et son organigramme; information indiquant s'il y a eu au sein de l'agence, des changements depuis la chute de Mobutu (17 mai 1997); détails sur les violations des droits de la personne commises par ladite agence
  - RDC38686.E (6 March 2002): The crest or the emblem of the city of Kinshasa, in particular on documents emanating from the commune of Limete; the name of the bourgmestre of the latter commune (1999-March 2002)
  - RDC38687.E (6 March 2002): Whether a medical clinic called "Polyclinique Bandal" exists; if so, its address, its activities and the names of doctors on staff (March 2002)
  - RDC38392.E (1 February 2002): Information on the nationalist party called Bundu Dia Kongo (BDK), also known as Alliance of Ethnic Kongo, including its leadership, its aims, activities and treatment of its members and associated persons by government authorities (1999-2001)

**Coalition to Stop the Use of Child Soldiers** <<http://www.child-soldiers.org>>

- Child Soldiers 1379 Report (2002), 7 November 2002
- Child Soldiers Global Report 2001: DR Congo, May 2001

**Committee to Protect Journalists** <<http://www.cpj.org>>

- Africa 2001 - Congo (DR), 26 March 2002

**Council of the European Union** <<http://register.consilium.eu.int/>>

- Note from the General Secretariat to CIREA- Subject: Danish fact-finding mission to Kinshasa (Democratic Republic of the Congo), 24 January 2002

**Danish Immigration Service** <<http://www.udlst.dk>>

- Report on roving attaché mission to Kinshasa, Democratic Republic of Congo (19 - 22 August 2001), 5 November 2002

**Human Rights Watch**<<http://www.hrw.org>>

- World report 2002, 16 January 2002
- Human Rights Watch/Country Reports/Press releases:
  - Chaos in Eastern Congo: U.N. Action Needed Now, 31 October 2002
  - D.R. Congo: Kabila Should Prove Commitment to Human Rights, 12 September 2002
  - Democratic Republic of Congo: War Crimes in Kisangani: The Response of Rwandan-backed Rebels to the May 2002 Mutiny, August 2002
  - The war within the war: Sexual Violence Against Women and Girls in Eastern Congo, June 2002
  - Congo: Kisangani Residents Again Under Fire, 24 May 2002
  - D.R. Congo: Activist Beaten "To a Pulp", 20 March 2002
  - DR Congo: Scores Killed in New Ethnic Fighting, 13 February 2002

**International Crisis Group**<<http://www.crisisweb.org>>

- Storm Clouds Over Sun City: The Urgent Need To Recast The Congolese Peace Process, 14 May 2002
- The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff?, 16 November 2001

**Norwegian Refugee Council**<<http://www.db.idpproject.org>>

- Profile of internal displacement: Democratic Republic of the Congo, 8 August 2002

**Médicins sans frontières**

- "The war was following me. Ten years of conflict, violence and chaos in the eastern DRC, 15 November 2002

**Office for the Coordination of Humanitarian Affairs (OCHA)**<<http://www.reliefweb.int>>

- Humanitarian Briefing Pack: Democratic Republic of the Congo (DRC), May 2002

**OMCT - World Organisation Against Torture**<<http://www.omct.org>>

- Democratic Republic of Congo: Demonstrators attacked and arrested, resulting in one death and several injured persons, 27 September 2002
- Tanzania: Congolese refugee Mr. Waanga Baba Ngile has been arrested and tortured by the Tanzanian police, 28 June 2002
- RDC: 22 detained prisoners launched a hunger strike in protest of their illegal detention, 7 June 2002
- Democratic Republic of Congo: Arbitrary arrest of Mr. Kitenge Baruani Franck, 31 May 2002
- Democratic Republic of Congo: Messrs. Zelokata Baratomo, Koma Zongo Yvon and José Venze arrested and detained incommunicado, 14 January 2002

**Refugee Documentation Centre/Congolese-Irish Partnership**

- Prison Conditions in the Democratic Republic of Congo. Part I. Voix des sans Voix. Part II CPDH (Centre pour la promotion des droits de l'homme), 10 June 2002, available on ecoi.net

**Reporters Sans Frontières/Reporters Without Borders** <<http://www.rsf.org>>

- DR Congo - Annual report 2002, 3 May 2002

**Schweizerische Flüchtlingshilfe/Swiss Refugee Council** <<http://www.sfh-osar.ch>>

- Demokratische Republik Kongo: Situation der Frauen im regierungskontrollierten Gebiet, 29 October 2002

**UK Home Office** <<http://www.ind.homeoffice.gov.uk>>

- Country Information & Policy Unit: Country Assessment – DR Congo, October 2002
- Country Information & Policy Unit: Country Assessment – DR Congo, April 2002
- Operational guidance note - Democratic republic of Congo, December 2001

**UN Commission on Human Rights** <<http://www.unhchr.ch>>

- Report of the High Commissioner for Human Rights on the 14-15 May Events in Kisangani-Democratic Republic of the Congo (S/2002/764), 16 July 2002
- Question of the violation of human rights and fundamental freedoms in any part of the world (E/CN.4/2001/40), 1 February 2001

**UN Commission on Human Rights, Special Rapporteur** <<http://www.unhchr.ch>>

- Interim report of the Special Rapporteur: Situation of human rights in the Democratic Republic of the Congo, (A/57/437), 26 September 2002
- Report of the UN Special Rapporteur: Situation of human rights in the Democratic Republic (A/56/327), 31 August 2001

**UNHCR** <<http://www.unhcr.ch>>

- Mid-Year Progress Report 2002, September 2002
- Global report 2001: Great Lakes, July 2002

**UN Secretary-General** <<http://www.un.org>>

- Twelfth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2002/1188), 18 October 2002
- Special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (Rf. S/2002/1005), 10 September 2002
- Eleventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2002/621), 5 June 2002



- Letter dated 1 April 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/341), 5 April 2002
- Tenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2002/169), 15 February 2002

**US Committee for Refugees (USCR)**

[<http://www.refugees.org>](http://www.refugees.org)

- World Refugee Survey 2002: Country Report: DR Congo, June 2002

**US Department of State**

[<http://www.state.gov>](http://www.state.gov)

- International Religious Freedom Report 2002, 7 October 2002
- Country Reports on Human Rights Practices 2001 – Democratic Republic of Congo, 4 March 2002

**Writenet**

[<http://www.unhcr.ch>](http://www.unhcr.ch)

- Charles Djungu-Simba K.: Democratic Republic of Congo: The war from the perspective of the Congolese people, 1 April 2002

**Further human rights information/latest news on the DRC can be found on:**

**FIDH - International Federation for Human Rights**

[<http://www.fidh.org>](http://www.fidh.org)

**Voix des sans Voix (not regularly updated)**

[<http://www.congonline.com/vsv>](http://www.congonline.com/vsv)

**Héritiers de la justice**

[<http://www.heritiers.org>](http://www.heritiers.org)

**IRIN**

[<http://www.irinnews.org>](http://www.irinnews.org)

**ReliefWeb**

[<http://www.reliefweb.int>](http://www.reliefweb.int)