

OCTOBER 2005

DEMOCRATIC REPUBLIC OF THE CONGO

Home Office Science and Research Group

COUNTRY OF ORIGIN INFORMATION SERVICE

Country reports are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Contents

		Paragraphs
1.	SCOPE OF THE DOCUMENT	1.01
2.	GEOGRAPHY	2.01
3.	ECONOMY	3.01
4.	HISTORY	4.01
	History to 1997	4.01
	The Laurent Kabila regime 1997	4.02
	The Joseph Kabila regime 2001	4.03
	Events of 2004	4.05
	Events of 2005	4.09
5.	STATE STRUCTURES	5.01
	The constitution	**5.01**
	Citizenship and nationality	5.05
	Political system	**5.09**
	Government	5.13
	Elections	5.19
	Political parties	5.26
	Judiciary	**5.30**
	Legal rights/detention	5.39
	Legal rights	5.39
	Detention and arrest	5.41
	Death penalty	5.46
	Internal security	**5.48**
	Prisons and prison conditions	**5.58**
	Military service	**5.72**
	Treatment of deserters and conscientious objectors	5.77
	Medical services	**5.81**
	Kinshasa	5.89
	HIV/AIDS	5.95
	Mental health	5.101
	People with disabilities	5.109
	Educational system	**5.111**
6.	HUMAN RIGHTS	6.01
6A.	HUMAN RIGHTS ISSUES	6.01
	General	**6.01**
	Torture	6.08
	Freedom of speech and the media	**6.11**
	Journalists	6.15
	Newspapers	6.21
	Newspaper articles	6.24
	Radio, television and the internet	6.29
	Freedom of religion	**6.33**
	Legal framework	6.33
	Religious groups	6.35
	Religious freedom	6.36
	Freedom of association and assembly	**6.39**
	Political activists	6.45
	Employment rights	**6.48**
	Trade unions	6.48
	Collective bargaining	6.52
	Strikes	6.53
	Equal employment rights	6.55

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Child labour 6.57
People trafficking 6.60
Freedom of movement 6.64
6B. HUMAN RIGHTS - SPECIFIC GROUPS 6.71
Ethnic groups 6.71
Ethnic issues 6.75
Banyarwanda/Banyamulenge/Tutsis in eastern DRC 6.80
Tutsis in Kinshasa 6.89
Women 6.97
Children 6.116
Child soldiers 6.123
Childcare arrangements 6.131
Homosexuals 6.133
Persons associated with the Mobutu regime 6.138
Former soldiers of the Mobutu regime 6.145
6C. HUMAN RIGHTS - OTHER ISSUES 6.149
Security situation - eastern DRC 6.149
Armed groups 6.152
Disarmament of foreign armed groups 6.155
Ituri 6.159
North Kivu 6.175
South Kivu 6.180
Bukavu June 2004 ..... 6.185
Gatumba massacre August 2004 ..... 6.191
Katanga 6.196
Possible secession attempt April 2005 ..... 6.202
Kilwa October 2004 ..... 6.205
Internally displaced persons 6.210
Refugee movement with neighbouring countries 6.215
Humanitarian aid/international assistance 6.217
Treatment of non government organisations (NGOs) 6.220
Human rights activists 6.222
Official documents 6.227
Birth, marriage and death certificates 6.229
National identity cards 6.230
Driving licences 6.233
Passports 6.234
Arrest, search and bail warrants 6.236
Letters of support from opposition political parties 6.237
Bundu dia Kongo 6.238
Arrests of July 2002 and subsequent events 6.244
Armée de Victoire (Army of Victory church) 6.253
Events of June 2003 and subsequently 6.257
Assassination of President Laurent Kabila 6.260
Commission of inquiry 6.261
Detention of suspects 6.263
Trial of the accused 6.265
Post-trial situation 6.274
Coup attempts 2004 ..... 6.277
Attempted coup of 28 March 2004 ..... 6.278
Attempted coup of 11 June 2004 ..... 6.285
Treatment of failed asylum seekers returned to the DRC 6.294

Annexes

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Annex A – Chronology of events
Annex B – Political organisations
Annex C – Prominent people
Annex D – Armed forces in the DRC
Annex E – Glossary
Annex F – List of source material

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

1. Scope of Document

1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 31 August 2005.

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

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

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

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

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

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

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

1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.

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

Country of Origin Information Service
Home Office
Apollo House
36 Wellesley Road
Croydon
CR9 3RR

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

ADVISORY PANEL ON COUNTRY INFORMATION

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at *www.apci.org.uk*.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Advisory Panel on Country Information
PO Box 1539
Croydon
CR9 3WR
United Kingdom

Email: *apci@homeoffice.gsi.gov.uk*
Website: *www.apci.org.uk*

[Back to contents]

2. Geography

2.01 Europa World online stated that the Democratic Republic of the Congo (DRC) (formerly Zaire) lies in central Africa, bordered by the Republic of Congo to the north-west, the Central African Republic and Sudan to the north, by Uganda, Rwanda, Burundi and Tanzania to the east and Zambia and Angola to the south. There is a short coastline at the outlet of the River Congo. **[1a]** The capital is Kinshasa, and other major towns are Lubumbashi, Mbuji-Mayi, Kolwezi, Kisangani, Kananga, Likasi, Boma, Bukavu, Kikwit, Matadi and Mbandaka. **[1b]** The population was estimated at 52,771,000 at end-2003. **[1b]**

2.02 Europa World online also recorded that since 1997 the country is divided into 11 administrative provinces: Bandundu, Bas-Congo, Equateur, Kasaï Occidental, Kasaï Orientale, Katanga, Kivu-Maniema, Nord-Kivu, Province Orientale, Sud-Kivu and Kinshasa (city). **[1b]**

2.03 Europa World online also stated that French is the official language, and more than 400 Sudanese and Bantu dialects are spoken. **[1a]** The Country Profile of 9 May 2005 by the Foreign and Commonwealth Office added that in the DRC there are "over 200 African ethnic groups of which the majority are Bantu" and that the "Mongo, Luba, and Kongo (all Bantu), and the Mangbtu-Azande (Hamitic) make up about 45% of the population." **[22g]** The United States Department of State (USSD) Background Note on the DRC, published August 2005, stated that the DRC had an estimated population of around 58 million in 2004 with an estimated annual growth rate in 2004 of 2.99 per cent. **[3d] (People)**

2.04 USSD Background Note also stated the religions are "Roman Catholic 50%, Protestant 20%, other syncretic sects and traditional beliefs 10%, Kimbanguist 10%, Muslim 10%." **[3d] (People)**

See also Section 6B on Ethnic Groups; Section 6A on Freedom of Religion

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

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

[Back to contents]

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

3. Economy

3.01 The Economist Intelligence Unit (EIU) Country Profile of June 2005 noted that the economy is supported by the International Monetary Fund and the World Bank. **[30b] (p9)** The Country Profile of 9 May 2005 by the Foreign and Commonwealth Office (FCO) stated:

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

The FCO Profile also noted that in January 2005 the exchange rate was Franc Congolais 815 = £1. **[22g] (Economy)**

3.02 The United States Department of State (USSD) Background Note on the DRC of August 2005, also stated:

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

3.03 The USSD Background Note also reported that:

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

3.04 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) also noted that "Corruption remained endemic at all levels. Many civil servants, police, and soldiers have not been paid in years, received irregular salaries, or did not earn enough to support their families, all of which encouraged petty corruption." **[3f] (Section 3)**

[Back to contents]

4. History

HISTORY TO 1997

4.01 The Country Profile of 9 May 2005 by the Foreign and Commonwealth Office (FCO) recorded:

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

[Back to contents]

THE LAURENT KABILA REGIME 1997

4.02 The US State Department (USSD) Country Background Note of August 2005 recorded that:

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

4.03 The same source continued:

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

At this stage, the D.R.C. was divided de facto into three segments, and the parties controlling each segment had reached military deadlock. In July 1999, a cease-fire was proposed in Lusaka, Zambia, which all parties signed by the end

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

of August. The Lusaka Accord called for a cease-fire, the deployment of a UN peacekeeping operation, MONUC, the withdrawal of foreign troops, and the launching of an "Inter-Congolese Dialogue" to form a transitional government leading to elections. The parties to the Lusaka Accord failed to fully implement its provisions in 1999 and 2000." **[3d] (History)**

[Back to contents]

THE JOSEPH KABILA REGIME 2001

4.04 The Foreign and Commonwealth Office (FCO) Country profile of 9 May 2005 recorded that:

"In January 2001 President [Laurent] Kabila was assassinated by one of his bodyguards. His son, Joseph Kabila, took over as the new head of State on 26 January 2001 and proved more amenable to negotiations. Foreign forces gradually departed, and a protracted Inter-Congolese Dialogue led to an agreement between the belligerents and members of the political opposition on the formation of a transitional national government (TNG). This was formally agreed by the parties on 2 April 2003 in Sun City (South Africa). The TNG was promulgated on 30 June 2003, formally ending a war that had cost an estimated 3.3 million lives." **[22g] (History)**

See also Section 5 on Political system; Section 5 on Government; Section 5 on Political parties; Section 5 on Military service; Section 6C on Assassination of President Laurent Kabila; Section 6C on Disarmament of foreign armed groups

[Back to contents]

EVENTS OF 2004

4.05 Europa World online reported that coup attempts occurred in Kinshasa in March and June 2004. **[1c]**

See also Section 6C on Coup attempts 2004

4.06 Europa World online reported that there were reports of serious fighting and human rights abuses in the east of the country, notably in Bukavu in May and June 2004. **[1c]** Also, there were anti-MONUC demonstrations in Kinshasa and other cities on 2-3 June 2004 in connection with the fighting in Bukavu. **[1c]** In August 2004 some 160 Banyamulenge refugees who had fled from the Bukavu region were massacred at a refugee camp at Gatumba in Burundi. **[1c]**

4.07 Europa World online reported that in November 2004 Rwanda threatened to intervene in the DRC, but later withdrew the threat. Vice-President Ruberwa and the RCD suspended their participation in the government for several days following the Gatumba massacre in August 2004. **[1c]**

See also Section 5 on Government; Section 6C on Gatumba Massacre August 2004

4.08 Changes to the government were made during 2004 and 2005. These included the dismissal of the Foreign Minister, Antoine Ghonda Mangalibi, and his

replacement by Ramazani Baya, according to a news agency report of 22 July 2004. **[62a]**

See also separate headings for further information on 2004 History, including: Section 5 on Political system**;**
Section 5 on Government**;**
Section 5 on Military service**;**
Section 5 on Internal security**;**
Section 6A on Human rights Issues**;**
Section 6B on Human rights issues - specific groups**;**
Section 6C on Security situation - eastern DRC**;**
Section 6C on Ituri**;**
Section 6C on Bukavu

[Back to contents]

EVENTS OF 2005

4.09 The Integrated Regional Information Networks (IRIN) reported that a number of ministers and public officials were dismissed In November 2004 and January 2005 in connection with corruption allegations. **[18z]** As recorded in a report by the United Nations Secretary-General of 15 March 2005, the MLC element of the TNG threatened in January 2005 to withdraw its participation in protest at these dismissals. However, the report noted that the rift between Vice President Bemba, leader of the MLC, and President Kabila subsequently subsided. **[54e]**

See also Section 5 on Government

4.10 There were demonstrations in Kinshasa on Monday 10 January 2005, and a general strike on Friday 14 January, following reports that elections might be delayed to October 2005 instead of 30 June 2005. **[15g] [18aa] [65d]** BBC News Online reported on 10 January 2005 that police fired tear gas and bullets at the demonstrators, who numbered several thousands. **[15g]** A report from IRIN on 11 January 2005 stated that the demonstrators burned tyres in the streets during the violence, which lasted several hours. **[18aa]** IRIN also reported that the stone-throwing demonstrators blocked the city's main streets while police fired shots in the air to disperse the crowds. **[18aa]**

4.11 Agence France Presse also reported on 11 January 2005 a statement by the DRC Information Minister that at least four people had been killed and 60 others arrested on the previous day. **[65d]** The BBC report of 10 January 2005 stated that the Union pour la Democratie et le Progrès Social (Union for Democracy and Social Progress (UDPS) party denied suggestions by a government spokesman that they had organised the demonstrations. **[15g]**

4.12 On the following Friday, 14 January 2005, BBC News reported that a general strike took place in Kinshasa in response to Monday's violence. **[15h]** The same report stated that the UDPS again denied calling the strike. However, the report stated that those trying to enforce it called on people to vote for the UDPS leader, Etienne Tshisekedi. **[15h]**

4.13 A new constitution for the post transition state was adopted by the national assembly in May 2005, as reported by BBC News on 14 May 2005. **[15k]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

4.14 The UN Secretary-General reported on the situation of election preparations on 26 May 2005 and also noted that important elements of the legislative framework are in place, including the laws on nationality and voter registration, and the adoption of the post-transition Constitution. **[54f] (p2)** However amnesty, referendum and electoral laws were still to be adopted. **[54f] (p2)** On 15 June 2005, as reported by Xinhua on 17 June, the transitional parliament agreed the recommendation of the head of the electoral commission to extend the country's transitional period for at least six months, to allow more time for preparations for elections originally intended for 30 June 2005. **[62b]**

4.15 There were demonstrations and incidents in Kinshasa and other towns on and around 30 June 2005, after protest action on that day was called by the UDPS party against the decision to postpone the elections. Reports indicated that between 10 and 26 people were killed, scores wounded, and that hundreds were arrested. **[65i] [65j]** The security forces were accused by Human Rights Watch of responding to the demonstrations with unnecessary force. **[5p]**

4.16 Fighting continued in 2005 in the east of the country between various militias, notably in Ituri and the Kivus, with consequent human rights abuses and displacement of people in these areas, as described and analysed by many reports including Human Rights Watch (HRW), the International Crisis Group (ICG) and Amnesty International (AI) and by the United Nations Secretary-General. **[5m] [5o] [11g] [39d] [39e] [54e]** There was an alleged secession attempt in Katanga province in April/May 2005. **[18ar]**

See also separate headings for further information on 2005 History, including: Section 5 on The constitution**;**
Section 5 on Political system**;**
Section 5 on Government**;**
Section 5 on Military service**;**
Section 5 on Internal security**;**
Section 6A on Human rights issues**;**
Section 6B on Human rights issues - specific groups**;**
Section 6C on Security situation - eastern DRC**;**
Section 6C on Ituri**;**
Section 6C on Bukavu**;**
Section 6C on Katanga – Possible secession attempt

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

[Back to contents]

5. State structures

THE CONSTITUTION

5.01 The Country Background Note of August 2005 by the US State Department (USSD) stated "A new constitution was passed by the transitional parliament on May 2005. It will now be up for approval through a national referendum at the end of 2005. To be implemented by July 2006." **[3d] (Government)** The text of the proposed Constitution approved in May 2005, and the current transitional constitution of June 2003 were published by the Institute for Security Studies. **[27a] [27d]**

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

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

5.03 The Economist Intelligence Unit (EIU) Country Profile of June 2005 and BBC News Online on 14 May 2005 noted that the proposed Constitution also recognised as citizens all ethnic groups in the country at independence in 1960. **[15k] [30b] (p16)** The EIU also stated:

"The new constitution creates 26 provinces, and gives them greater autonomy than that enjoyed by the current 11. This is a major change for the DRC, which has traditionally been ruled in a highly centralised manner, a concession to the provinces and districts which have long complained about the over-centralised system in which Kinshasa is the main beneficiary of the country's resource wealth." **[30b] (p16)**

See also Section 6B on Ethnic groups

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

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

of the political transition process initiated in 2003 in the DCR (formerly Zaire) after five years of civil war." **[65h]**

[Back to contents]

CITIZENSHIP AND NATIONALITY

5.05 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "Since 12 November 2004, there is a new Law on Congolese nationality: the Law n. 04/024." **[60b]** A copy of the Nationality Law was available via the MONUC (UN Mission to the Congo) Documentation Library website from 17 November 2004. **[56c] (**Loi sur la nationalité)

5.06 UNHCR also amplified in subsequent information that:

"The law n. 81/012 of 29 June 1981, modified by Decree-Law n.197 of 29 January 1999, is no longer applicable in DRC, as it is superseded by the new Nationality Law: the Law n. 04/024 of 12 November 2004 on Congolese nationality. These are the main points of this new law:

1. There are two categories of nationality: recognized nationality (by origin, by birth or by presumption of law) and acquired nationality (by naturalization, by option or by adoption).
2. The time required for naturalization is 7 years residence in RDC [DRC].
3. The double nationality is prohibited without exception. Congolese nationality is exclusive.
4. The procedure for the obtention or renunciation of Congolese nationality is an administrative procedure, the courts do not intervene in this procedure.
5. The return to the country is not a pre-condition to acquire the Congolese nationality." **[60c]**

5.07 A report by the International Crisis Group of March 2005 stated that "A law effectively granting citizenship to the Kinyarwanda speaking communities in the east was passed in November 2004." The same report added a footnote that "The law grants citizenship upon individual application to those whose tribes were present in the Congo at independence in 1960." **[39d] (p15)**

5.08 The British Embassy in Kinshasa reported in June 2000 that, following the change in the name of the country from Zaire to Democratic Republic of Congo in May 1997 "[As a result,] all Zairean citizens, within the national territory or abroad, simultaneously and collectively became Congolese citizens…. A Zairean citizen who left Zaire at that time as a Zairean citizen also automatically became a Congolese citizen wherever he was." **[22a]**

See also Section 6B on Ethnic groups; Section 6C on Documentation

[Back to contents]

POLITICAL SYSTEM

5.09 The US State Department (USSD) Country Background Note of August 2005 stated that the country is currently a "highly centralized [republic] with executive power vested in the president." **[3d] (Government)**

See also Section 5 on The constitution

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

5.11 The USSD Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) added: "There are also five 'citizens' institutions' that began operating in 2003: An Observatory for Human Rights, a Truth and Reconciliation Commission, a High Authority for Media, an Ethics and Anti-Corruption Commission, and the Independent Electoral Commission." **[3f] (Section 3)**

5.12 Europa World online described the transitional bicameral national legislature set up in 2003 under the President as "The 500-member lower chamber, or National Assembly, comprised a total of 94 members of RCD – Goma [Rassemblement congolais pour la démocratie], the MLC [Mouvement pour la Liberation du Congo], the former Government, opposition political parties and civil society, while the RCD – ML [Rassemblement congolais pour la démocratie – Mouvement de Liberation] was allocated 15 deputies, Mai-Mai militia 10, and the RCD – N [Rassemblement congolais pour la démocratie – National] five. The 120-member upper chamber, or Senate, consisted of 22 representatives of the five main groups, four of the RCD – ML and Mai-Mai, and two of the RCD – N." **[1d]** A list of the Deputies and Senators of the transitional Assembly and Senate was published by *Le Potentiel* newspaper on 10 July 2003. **[70b]**

[Back to contents]

GOVERNMENT

5.13 Europa reported that the power sharing agreement of June 2003 allowed President Kabila to nominate a transitional government, in which ministries were divided between rebel groups, the incumbent administration, political opposition and civil society organisations. **[1c]** The vice-presidents were named as Jean-Pierre Bemba (Mouvement pour la Liberation du Congo (MLC) rebel group), Abdoulaye Yerodia Ndombasi (former government), Arthur Z'Ahidi Ngoma (political opposition) and Azarias Ruberwa (RCD-Goma rebel group). **[1c]**

5.14 Further changes to the government were made during 2004 and early 2005. including the dismissal of the Foreign Minister, Antoine Ghonda Mangalibi, on 22 July 2004 and his replacement by Ramazani Baya, according to a news agency report of 22 July 2004. **[62a]** Europa recorded that in August 2004, Vice-President Ruberwa and other representatives of the RCD-Goma former rebel group in the TNG suspended their participation in response to the massacre in Gatumba, although they resumed it shortly afterwards. **[1c]**

See also Section 4 on Events of 2004; Section 6C on Gatumba massacre August 2004

5.15 Six government ministers and ten public officials were suspended from office in November 2004, according to a report from the UN-sponsored Radio Okapi:

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

"President Joseph Kabila has suspended six ministers and 12 directors of state companies. The decree was announced early Thursday afternoon [25 November]. Following the decree, Minister of public works and infrastructure [Jose Bononge] Endundo (MLC [Mouvement pour la Liberation du Congo] [Congolese Liberation Movement]), Minister of University and Higher Education Pierre Mudumbi (RCD-Goma [Goma-based Congolese Rally for Democracy]), Minister of Telecommunications and Transport Joseph Olenghankoy (political opposition), Minister of External Trade Roger Lumbala (RCD-N) [Congolese Rally for Democracy-National], Minister of Mines Eugene Diomi Dongala (political opposition) and Minister of Energy Kalema Losono (PPRD [People's Party for Reconstruction and Development]) were suspended from their posts." **[64b]**

5.16 In January 2005 Agence France Presse (AFP) reported that the six ministers had been dismissed, along with a further three ministers, Defence Minister Jean-Pierre Ondekane and Economy Minister Emile Ngoy Kasongo of the RCD movement, and Public Health Minister Anastasie Moleko Moliwa. [65c] AFP reported the list of changes as follows:

"All the movements with members in the government have named replacements for the dismissed ministers apart from the Congo Liberation Movement (MLC) [Mouvement pour la Liberation du Congo] which took control of much of northern DRCongo during the war. It has yet to put up a candidate for the public works portfolio.

In a partial reshuffle, Kabila's new appointments include:

Minister of Defence:	Adolphe Onusumba Yemba
Minister of Energy:	Pierre Muzumba Mwana Ombe
Minister of Economy:	Floribert Bokanga
Minister of Health:	Emile Bongeli Yekolo
Minister of Social Affairs:	Laurent-Charles Otete Omanga
Minister of Transport and Communications:	Eva Makasa
Minister of External Trade:	Chantal Ngalula Mulumba
Minister of Labour and Social Welfare:	Balamage Nkolo" **[65c]**

5.17 A report from BBC News Online on 4 January 2005 stated "The new defence minister is a major figure within the former Rwanda-backed rebel group the Congolese Rally for Democracy (RCD) Adolphe Onusumba. The sacked ministers of defence and economy were RCD members who fell out with the party's leadership." **[15f]**

5.18 Although the MLC element of the government initially threatened to withdraw from the government in protest, four replacement ministers from the MLC grouping were appointed in February 2005, according to a report of 18 February 2005 by *Le Potential* newspaper. **[70a]**

[Back to contents]

ELECTIONS

5.19 The USSD Country Background Note of August 2005 stated that "This transitional government is slated to remain in place until local, legislative and presidential elections – the first since 1960 – are held in 2005 and 2006." **[3d] (History)** USSD 2004 added "The Transitional Constitution calls for elections

to be held by June 30, 2005. This period may be extended for two additional 6-month periods, with the approval of Parliament." **[3f] (Section 3)**

5.20 On 15 June 2005, as reported by Xinhua on 17 June 2005, the transitional parliament agreed the recommendation of the head of the independent electoral commission to extend the transitional period for six months, in view of the need for more time for preparations for the election, such as voter registration, infrastructure and training facilities. **[62b]**

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

5.22 The UNSG report of 26 May also noted that several hundred political parties had so far applied to register as participants in the electoral campaign, including the three major parties in the present transitional government, and the Union pour la Democratie at le Progrès Social (Union for Democracy and Social Progress (UDPS) party. **[54f] (p4)** Coordination of international technical and political support was being given by the UN force, MONUC. **[54f] (p6-13)**

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

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

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

See also Section 6A on Political activists**;** Section 6C on Katanga; Section 6C on Official documents

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

[Back to contents]

POLITICAL PARTIES

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

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

5.27 Freedom House Annual Report 2005 stated that "At least 400 political parties registered after their 1990 legalization, but they were later banned under Laurent Kabila. Following the passage, in April 2004, of new electoral laws, 34 of 239 existing political parties were dissolved for failing to register with the government before a six-month deadline. Most former rebel groups are now authorized to act as political parties." **[66] (Political Rights and Civil Liberties)**

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

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

> "[In addition,] the territorial problem [also] plays a vital role in the political arena. The PDSC distinguishes three categories of party on this basis:
>
> 1. National parties such as the UDPS, the MPR and the PDSC that are represented throughout the territory of the Congo;
> 2. Semi-national parties, active in Kinshasa and in one or two other provinces, eg. PALU, UNADEF (present in Kinshasa and in Katanga) FSD (active in Kinshasa and in Low Congo), MNC-L, FONUS;
> 3. Parties built round a personality such as the MSDD [Mouvement Social Democratie et Developpement] (Lutundula), the MDD [Mouvement pour la démocratie et le développement], the ANADER [Alliance Nationale des Démocrates pour la Reconstruction] (Lutete), the ROM and the ROC." **[24a] (p11)**

See also Section 6A on Freedom of association and assembly; Section 6C on Letters of support from opposition political parties; Annex B Political organisations

Return to Contents

JUDICIARY

5.30 The US State Department (USSD) Country Background Note of August 2005 stated that "The judiciary is nominally independent; the president has the power to dismiss and appoint judges." **[3d] (Government and Political Conditions)** In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR advised that "In DRC, there are 12 Courts of Appeal, 1 in each Province and 2 in Kinshasa." **[60b]** Europa World online added:

"The Minister of Justice is responsible for the organization and definition of competence of the judiciary; civil, penal and commercial law and civil and penal procedures; the status of persons and property; the system of obligations and questions pertaining to nationality; international private law; status of magistrates; organization of the legal profession, counsels for the defence, notaries and of judicial auxiliaries; supervision of cemeteries, non-profit-making organizations, cults and institutions working in the public interest; the operation of prisons; confiscated property…. The Head of State is empowered to appoint and dismiss magistrates." **[1e]**

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

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

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

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

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

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

5.35 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) also reported that:

"The law provides for an independent judiciary; however, in practice, the judiciary continued to be ineffective, subject to government influence, and corrupt. The civilian judicial system, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, continued to be largely dysfunctional, and the rule of law was not generally respected…. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently and there were credible reports that judges regularly prolonged trials unduly as a form of blackmail and a means of soliciting bribes." **[3f] (Section 1e)**

5.36 USSD 2004 also stated "In areas under marginal government control, corruption remained rampant, and judges and other public servants were paid poorly and intermittently; however, the justice system in these areas improved from previous years. In January, the Government sent magistrates and judges to Bunia, and courts began to operate there for the first time since 1998." **[3f] (Section 1e)**

5.37 USSD 2004 also stated "Military courts, headed by a military judge, tried military and civilian defendants. The military courts have no appeal process. The Government permitted, and in some cases provided, legal counsel; however, lawyers sometimes were not granted free access to defendants. In practice, military courts had broad discretion in terms of sentencing. In many cases, trials were open to the public at the discretion of the military judge. On April 20 [2004], 71 persons condemned by military courts were conditionally released from the CPRK [Centre pénitenciaire et de rééducation de Kinshasa (CPRK) prison in Kinshasa]." **[3f] (Section 1e)**

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

See also Section 6A on Human rights general issues; Section 6C on Assassination of President Laurent Kabila

Return to Contents

LEGAL RIGHTS/DETENTION

LEGAL RIGHTS

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

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

DETENTION AND ARREST

5.41 Several reports indicated that although the law provides for a speedy process, access to family and lawyers, and prohibits arbitrary arrest and detention, these provisions were not followed in practice. **[3f] (Sections 1d, 1e, 1f) [11f] (Torture and Illegal detention) [55b] [56a]** They included the US State Department Report on Human Rights Practices in 2004 published on 28 February 2004 (USSD 2004) **[3f]** which also stated:

"Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. When authorities did press charges, the claims were rarely filed in a timely manner and were often contrived or overly vague. Security forces regularly held alleged suspects for varying periods of time before acknowledging that they were in custody or allowing the detainees to have contact with family or legal counsel." **[3f] (Section 1d)**

and

"Throughout the country, there were credible reports that, when unable to locate a specific individual, authorities sometimes arrested or beat the closest family member." **[3f] (Section 1f)**

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

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

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

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

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

5.44 The Amnesty International (AI) Annual Report in 2005, reporting on events in 2004, stated that "Arbitrary arrest and illegal detention remained frequent across the DRC. Many people spent long periods in detention without charge or trial. A number were reportedly ill-treated or tortured. Human rights defenders and journalists engaged in legitimate investigation and criticism were also threatened and unlawfully detained." **[11f] (Torture and Illegal detention)**

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

See also Section 5 on Prisons and prison conditions; Section 5 on Military service; Section 6A on Torture

Return to Contents

DEATH PENALTY

5.46 The AI Annual Report in 2005, reporting on events in 2004, stated that the death penalty was retained and that "Around 200 people were reportedly held on death row. At least 27 people were sentenced to death. No executions were reported." **[11f] (Death Penalty)**

5.47 USSD 2004 also reported that in October 2004, the High Military Court convicted Colonel Charles Alamba, former prosecutor of the disbanded Military Order Court (COM), and several others, of murder, mutilation, and extortion and sentenced them to death. **[3f] (Section 1a)**

See also Section 6C on Assassination of President Laurent Kabila

Return to Contents

INTERNAL SECURITY

5.48 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) reported as follows:

"In areas under government control, security forces consisted of a national police force and an immigration service, both under the Ministry of Interior; the National Intelligence Agency (ANR) and the Special Group for Presidential Security (GSSP), both reporting directly to the President; and the Congolese Armed Forces (FARDC), which were integrated at the regional headquarters level by year's end. The military's intelligence service, which reports to the

President, continued to operate. The FARDC was responsible for external security, but also had domestic security responsibilities. Civilian authorities did not maintain effective control of the security forces, and there were frequent instances in which elements of the security forces acted independently of government authority. In addition, different individuals of the same security service effectively had different chains of command and often responded to orders from different individuals, including former commanders and political leaders whom they had followed before the Government was established." **[3f] (Overview)**

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

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

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

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

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

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

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

5.55 USSD 2004 also stated "By year's end, the national police force remained only partially integrated into the national command structure. National police handled basic criminal cases and traffic patrol. The Rapid Intervention Police was generally responsible for crowd control. Although the Government worked with MONUC and members of the international community to train police, police forces generally remained ineffective and corrupt." **[3f] (Section 1f)**

5.56 A situation report issued via the Institute for Security Studies in January 2005 titled 'Summary Overview of Security Sector Reform Processes in the DRC' detailed plans for the reform and restructuring of civilian and military security forces and stated that police reform was an integral part of SSR [Security Sector Reforms] efforts in the DRC. **[27f] (p11)**

5.57 A report of 2 August 2005 by the United Nations Secretary-General also described security sector reform activity and added that the national police would have primary responsibility for security during elections, supported by the FARDC [Congolese army]. **[54g] (p10)**

See also Section 5 on Legal rights/detention; Annex D Armed forces in the DRC

Return to Contents

PRISONS AND PRISON CONDITIONS

5.58 A report issued by the Refugee Documentation Centre, Ireland, in May 2002 on prisons in the DRC described the prison system in the DRC. [12] (p3)

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

> "Most prisons date from the colonial period and are in a very advanced state of decay. The State is unable to guarantee food for prisoners. Most of them are fed by their families or by humanitarian NGOs…. Given the state of the prisons, the standard minimum rules on the separation of male and female, minor and adult, and petty and serious offenders are not respected and, owing to the shortage of resources, detainees who are taken ill and need specialized care are not transferred to hospital in time. As a result, several detainees have died from a lack of proper medical care…. Special attention needs to be paid to the situation of women in prisons…. The perimeters surrounding most prisons are not sound enough to make them secure. Escapes are commonplace." **[55b] (p17)**

5.60 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) reported a number of serious concerns about prison conditions. It stated "Conditions in most large, central prisons were harsh and life threatening. The penal system continued to suffer from severe shortages of funds and trained personnel. Most prisons were in a poor state of repair, lacked sanitation facilities, or were not designed to detain persons. Makala [now known as Centre pénitenciaire et de rééducation de Kinshasa (CPRK)] remained overcrowded. Health care and medical attention remained inadequate, and infectious diseases, including tuberculosis, were a problem." **[3f] (Section 1c)** The same source stated that Government-provided food remained inadequate and malnutrition was widespread. **[3f] (Section 1c)** USSD 2004 also reported "Women and juveniles sometimes were detained separately

from men in larger prisons but were not separated in other detention facilities. There were numerous credible reports that male prisoners raped other prisoners, including men, women and children." **[3f] (Section 1c)**

5.61 USSD 2004 also stated that "The Government allowed the International Committee of the Red Cross (ICRC) and many NGOs access to all official detention facilities; however, the ICRC and other NGOs did not have access to illegal detention facilities maintained by security forces." **[3f] (Section1c)**

5.62 A report in April 2004 by the United Nations Mission for Congo (MONUC) on Detention in the Prisons and Detention cells of the DRC, based on a series of visits in 2002 and the first six months of 2003, stated that the conditions of detention in the prisons were unacceptable and there were serious deficiencies in food, hygiene and healthcare. The MONUC report made a series of recommendations. These included a prison monitoring body and measures to stamp out illegal detention, reduce the number of people held in preventive detention and limit its duration, improve the penal system and conditions of detention, give protection to women and minors in jail, and rehabilitate prisoners. **[56a] (p39-44)**

5.63 A further MONUC report publicised by the Integrated Regional Information Networks (IRIN) on 17 December 2004 found that more than 50 inmates died in prisons in 2004 as a result of malnutrition. The report stated that 43 of these deaths were in Mbuji-Mayi prison, in the province of Eastern Kasaï, also that 40 other inmates of that prison were severely malnourished, and a further 76 were moderately malnourished. **[18y]**

5.64 A report by MONUC on 17 May 2005 provided updated information on the food shortage situation in prisons and remedial measures. It stated that the most alarming situation was in Goma where 40 out of 237 prisoners were starving, also that 12 prisoners starved to death in Mbuji Mayi in April 2005. In Kisangani, poor food was the cause of two prison breakouts in April 2005. MONUC and others responded with emergency food distribution to several prisons and longer term projects and funding for local food production. **[56d]**

5.65 A member of the British Embassy staff visited the CPRK prison, Kinshasa, in June 2005. The visit report noted that members of the presidential guard (GSSP) were guarding the entrance, although prisoners were responsible for internal security in the various 'pavilions', with a commandant and team of 'militaires' for each pavilion. The report noted that the prisoners operated a hierarchy based on length of service and influence, with benefits in standards of accommodation, and freedom of movement within the prison. It also described the prison layout, each pavilion having two floors with about six rooms off a corridor. **[22i]**

5.66 The same letter noted that official rations were about half a cup of boiled cornmeal with beans once a day and several prisoners were suffering from malnutrition. Thus, anyone without family or a support network had a hard time. The prisoners cleaned and cooked for themselves. There was a prisoner trading system in small items, including food, within the prison. Some prisoners were well dressed and had numerous possessions. Visitors were allowed to spend many hours in the prison three or four days a week. On other days they were permitted to drop off food and clothing without staying. **[22i]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Return to Contents

5.67 USSD 2004 also reported:

> "Conditions in smaller legal and illegal detention facilities were harsher than in larger prisons, and an unknown number of persons died. These facilities were overcrowded and generally intended for short-term pretrial detentions; however, in practice they were often used for lengthy detentions. Authorities often arbitrarily beat or tortured detainees. There usually were no toilets, mattresses, or medical care, and inmates often received insufficient amounts of light, air, and water. Such detention centers generally operated without a budget and with minimal regulation or oversight. Local prison authorities or influential individuals frequently barred visitors or severely mistreated particular detainees. Prison guards frequently required bribes from family members and NGOs to visit or provide detainees with food and other necessities." **[3f] (Section 1c)**

5.68 The same source also stated "The security services, particularly the ANR, military intelligence, and the GSSP, continued to operate numerous illegal detention facilities. Conditions in these facilities were extremely harsh and life threatening. Detainees were regularly abused, beaten, and tortured. Facilities lacked adequate food and water, toilets, mattresses, and medical care, and authorities routinely denied access to family members, friends, and lawyers." **[3f] (Section 1c)**

5.69 USSD 2004 stated that:

> "Prison conditions in areas under marginal government control were extremely harsh and life-threatening. Most detention facilities were not designed as jails. Detainees often were kept in overcrowded rooms with little or no light or ventilation and sometimes were detained in small pits dug by various armed groups. Detainees typically slept in small, overcrowded cells on cement or dirt floors without bedding and had no access to sanitation, potable water, toilets, or adequate medical care. Infectious diseases were widespread. Detainees were provided very little food, and guards demanded bribes to allow family members or friends to bring food to prisoners. Prisoners frequently were subjected to torture, beatings, and other abuse with no medical attention." **[3f] (Section 1c)**

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

5.71 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that it was generally possible to bribe one's way out of custody, including military custody. However, it would be more difficult to do so in the case of a high security category, especially in the case of the CPRK in Kinshasa. **[52] (p93)**

Return to Contents

MILITARY SERVICE

5.72 Europa World online recorded that "As part of the power-sharing agreement between the Government and former rebel factions, a new unified armed forces, which incorporated former rebel combatants and militia, was officially established in December 2003. Under a military co-operation agreement, signed in June 2004, South Africa was to assist in the integration and training of the new armed forces; the Belgian Government was also to support the programme." **[1f]** Europa also reported that, following agreement in August 2003 on power-sharing in the future integrated armed forces, the new Chiefs of Staff and senior officers were inaugurated. **[1c]**

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

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

5.75 The Economist Intelligence Unit (EIU) Country Profile of June 2005 also stated:

"The failure to proceed decisively with restructuring the Congolese armed forces has been one of the main obstacles in the transition process to date, and is a telling indicator of the various parties' unwillingness to give up their own military power in favour of creating a strong transitional government. As long as the former rebel forces remain unintegrated into an army loyal to the central government, the cycle of violence in the east will continue: there are likely to be further attacks into Rwanda and Burundi by Hutus based in the DRC, and dissident soldiers who claim to be acting to protect the Banyamulenge community will continue to wreak havoc." **[30b] (p7-8)**

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

See also Annex D Armed Forces in the DRC

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Return to Contents

TREATMENT OF DESERTERS AND CONSCIENTIOUS OBJECTORS

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

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

"Draft evasion and desertion

penalties

Desertion is punishable under chapter I, section III of the Code of Military Justice. Penalties given are described as penal servitude (*servitude pénale*), which may be imprisonment as well as forced labour in a camp.
Desertion in the country is punishable by 2 months to 10 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime, during a state of emergency, or during a police operation to maintain public order (art. 410).
If two desert together, this is considered desertion with conspiracy and may be punished by 2 to 20 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime (art. 411).
Desertion abroad is punishable by 6 months to 10 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime (arts. 416-418).
In aggravating circumstances, such as desertion during active service, desertion with the taking of arms or desertion with conspiracy, the punishment may be from 3 to 10 years' penal servitude (art. 417).
Desertion and running over to another armed group is punishable by 10 to 20 years' penal servitude in peacetime, and execution in wartime (art. 419).
Desertion in front of the enemy will be punished by execution. This also applies to civilians who form part of a military unit (arts. 420-422).

practice
No information available." **[9]**

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

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

See also Section 6A on Human rights general; Section 6B on Ethnic groups; Section 6B on Child soldiers; Section 6C on Security situation - eastern DRC; Annex D Armed forces in the DRC

Return to Contents

MEDICAL SERVICES

5.81 Data from the World Health Organisation (WHO) indicated that life expectancy averaged 43.5 years (2002 figures), including an expected 15 years loss of life due to ill health. Public expenditure on health was very low. **[16a] [16b]**

5.82 The Economist Intelligence Unit (EIU) 2005 Country Profile Report of June 2004 advised that medical services have been severely disrupted and degraded by the effects of years of war and economic collapse, and the opening up of some areas since the end of the civil war has revealed the extent of the disruption to social services. **[30a] (p19)** The report stated "Many areas have not had medical supplies for several years. Of the country's 306 health centres, less than 60% have vaccination facilities." **[30a] (p19)** The same source stated "Hospitals and other health infrastructure face serious staffing, supply and payment problems, and many have largely ceased functioning. Patients must often provide or purchase their own medical supplies. Private clinics operate in most of the larger towns. Christian missionaries play a prominent role and, in many areas, provide the only health services available." **[30a] (p19-20)**

5.83 The International Rescue Committee (IRC) reported the results of a nationwide health study in 2004, finding that deaths in the DRC were one third higher than the average rate for sub-Saharan Africa, and that most deaths were from easily preventable and treatable diseases. Fever/malaria, diarrhoea, respiratory infections, and malnutrition were the principal causes of death, together accounting for more than 50 per cent of deaths in both the East and the West. Children under five years of age were at particular risk from these diseases, with malnutrition as a primary or a contributing cause. Death rates were more than one third higher in the unstable eastern provinces. **[50] (piii)** The report pointed out that improving security and increasing access to simple, cost effective health interventions such as clean water, immunizations, and basic medical care would dramatically reduce preventable deaths. **[50] (piv)**

5.84 Reports by human rights and humanitarian organisations, including the IRC, Médecins sans frontières (MSF), Amnesty International and Human Rights Watch have also drawn attention to the use of violence, rape and sexual assault by combatant forces, leaving many men, women and children in need of medical treatment, and called for restoration of a sustainable health care system. **[5m] (p45-47) [11c] (Introduction) [29c] [50] (piv)** The MSF Annual Activity Report article on the DRC 'A never ending health crisis' of 6 December 2004 also detailed a number of places, including Baraka, Bunia, Kisangani and Kinshasa, where MSF is providing medical care and counselling. **[29c]**

5.85 A 2001 report by the Swiss Federal Office for Refugees added that "Without modern or sophisticated equipment, Congolese doctors often act purposefully

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

and effectively. Having a great deal of experience in dealing with the most widespread local diseases, they provide quality treatment, without much in the way of resources." **[10] (p8)**

5.86 Aid agencies have also provided assistance in dealing with other diseases and conditions, and preventive vaccination campaigns for children, including tuberculosis, pertussis, yellow fever, polio tetanus and measles. **[18d] [29a] [29c] [59c]**

5.87 The WHO Tuberculosis (TB) Control Country Profile Report 2004 noted that decentralised control and weak access to the under-developed primary health care system was a serious obstacle to improving TB control in the country. The report also stated:

"Case notifications are relatively high among young adults, a pattern that is characteristic of countries in which a high proportion of TB patients are infected with HIV (24% in DRC). Seventy per cent of the population had access, in principle to DOTS [Directly Observed Treatment Short Course] by the end of 2002…. These figures are surprisingly high, given that DR Congo has an underdeveloped primary health care system, and contact with the health services is often difficult, especially in the eastern provinces. Treatment success was 77% in the 2001 cohort, with a default rate over 10%." **[16c]**

5.88 The World Diabetes Foundation reported in 2003 that it was providing emergency insulin from 2003 to 2005 and was assisting with providing a sustainable solution. The same source stated that the Belgian Interuniversity Counsel – VLIR – was running several projects regarding training in diabetes through to 2009. **[28]** A 2003 medical article described diabetes as a real public health problem in the DRC. The article described the clinical and epidemiological situation in two medical centres in Kinshasa and stated "For the large majority of Congo population, education on diabetes is not available, and due to the failure of the national health system, access to treatment is impossible. Furthermore, because most diabetic people in Congo go untreated, the mortality rate for the disease is high. Congo would greatly benefit from a national diabetes program in order to give all diabetic patients in Congo access to good and consistent medical care." **[72]**

See also Section 6B on Women; Section 6B on Children; Section 6C on Security situation - eastern DRC; Section 6C on Internally displaced persons; Section 6C on Humanitarian aid/international assistance

Return to Contents

KINSHASA

5.89 The Foreign and Commonwealth Office (FCO) Travel Advice (last updated 9 August 2005) stated: "The Centre Prive d'Urgence (CPU) clinic in Kinshasa is able to cope with basic health problems and to stabilise a patient after most serious accidents.…Outside Kinshasa western standard medical facilities are practically non-existent." **[22h]** In a further letter of 19 August 2005 the FCO provided information about medical treatment in Kinshasa obtained by the British Embassy Kinshasa from a doctor practising at a clinic providing affordable healthcare. It stated that although doctors, clinics and medical centres exist in Kinshasa, access to them is limited by abject poverty, and only

30 per cent of Kinshasa's population can afford them. The average cost of a consultation started at $20, although the clinic, which was funded by the UK and NGOs, charged $2. **[22j]**

5.90 A country report by the Swiss Federal Office for Refugees dated September 2001 also stated that:

"There are various types of medical facilities in Kinshasa which are:

- the public hospitals, such as the Kinshasa General Hospital (HGK, formerly the Mama Yemo Hospital) or the Ngaliema Clinic
- the private hospitals and clinics
- the company hospitals and dispensaries
- the hospitals and dispensaries run by churches or the non-governmental organisations." **[10] (p8)**

5.91 The same report stated:

"The most disadvantaged Kinois [inhabitants of Kinshasa] cannot pay the sums necessary for treatment and are excluded from the public health system, which has resulted in the resurgence of diseases that had almost disappeared (especially malaria). These poorest patients can sometimes have the benefit of being taken care of at low cost, or even free of charge, by the health care facilities run by the religious communities (the Catholic Church and the Church of Christ in the Congo in particular) or by non-governmental organisations. The Salvation Army has, for example, a Health Department that administers several health establishments throughout the country, in particular in Bas-Congo (19 structures), in the Eastern Province, in Eastern Kasai and in Kinshasa." **[10] (p8)**

5.92 The Swiss report of 2001 stated "In the capital, the Salvation Army has nine medical establishments, among which there is a hospital and a surgery centre, an ophthalmic clinic and a maternity centre (the Bomoi Maternity Centre in Ndjili which deals with about 3,000 births a year). According to Dr Nku, Head of the Health Department, the aim of the Salvation Army – which employs 250 people in the health sector (including four full-time doctors, five part-time doctors, two dental surgeons and 155 nurses) – is to provide quality treatment at the lowest rates. Thus, according to their own estimates, the Salvation Army in Kinshasa takes care of more than 200,000 patients a year, 3,000 of which are suffering from tuberculosis and 1,500 from diabetes." **[10] (p8)**

5.93 Regarding the availability of drugs and treatment in Kinshasa for some specific conditions, the FCO letter of 19 August 2005 stated:

"5. Diabetes: treatment is readily available but too costly for the majority of the population. Poor diet is an aggravating complication.

6. Sickle cell anaemia: only one centre is operating at the moment in Kinshasa.

7. Cancer treatment: only one centre operating, with one or two doctors. Chemotherapy and radiotherapy is very expensive and inaccessible to the majority of people. Most middle class patients go to South Africa or Europe for treatment.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

8. Hypertension: treatment is available from most medical centres/hospitals or clinics in Kinshasa.

9. Tuberculosis: treatment is available .

10. Hepatitis (mainly Type C): treatment is very complicated and drugs not usually available. Most patients with the financial means go to South Africa or Europe for treatment." **[22j]**

5.94 The 2001 Swiss report also noted that "A wide range of medical treatment is available in Kinshasa. There are few diseases (even chronic ones) or operations that cannot be dealt with in the country as long as the patient has the financial means." **[10] (p9)**

Return to Contents

HIV/AIDS

5.95 The 2004 Epidemiological Fact Sheet by WHO and UNAIDS/UNICEF estimated a total of 1,100,000 adults and children with HIV/AIDS at end-2003. **[61a] (p2)** The UNAIDS Epidemic Update Report of December 2004 stated that HIV national adult prevalence had edged below five per cent, with parts of the south of the country remaining the worst affected. **[61b] (p30)** The UNAIDS Country Level Progress Report of September 2004 listed major external funding by international governments and organisations, and measures aimed at youth, the uniformed services, child soldiers, and community and church-based organisations. **[61c] (p112-113)**

5.96 Regarding the availability of drugs and treatment in Kinshasa for specific conditions, the FCO letter of 19 August 2005 added "Not everybody has access to anti-retroviral treatment because of its high cost ($200) but the 'Centre de Dépistage de Kabinda' has been providing anti-retrovirals free for the past six months. **[22j]** IRIN reported on 4 March 2005 that distribution of ARV drugs was being hampered by the fighting in the east of the country. **[18ag]**

5.97 The EIU 2004 Country Profile also stated that:

"Current public health strategies for combating the incidence of HIV/AIDS are based on the promotion of simple preventative methods including the use of condoms and public awareness. NGOs, both foreign and local, have been involved in public health programmes dealing with HIV/AIDS. The Ministry of Health has had an AIDS prevention programme in place since the mid-1980s, but it has been chronically underfunded. HIV and AIDS still remain taboo subjects and people infected are frequently ostracised." **[30a] (p20)**

5.98 The MSF Annual Activity Report 2004 stated "In October 2003, MSF started a treatment program using life-extending antiretroviral (ARV) medicines for severely ill AIDS patients in the eastern town of Bukavu, located in South Kivu province near the Rwandan border. MSF is the only organization providing such treatment in eastern DRC. Similar programs have been launched in Kinshasa and Lubumbashi." **[29c]**

5.99 MSF reported on 15 October 2004 that "In total there are now more than 456 people (127 in Bukavu and 329 in Kinshasa) under MSF-supported ARV

treatment in the DRC." **[29b]** The same MSF article and the UNAIDS epidemiological fact sheets on HIV/AIDS and sexually transmitted infections of 1 September 2004 stated that 160,000 adults needed ARV treatment in the DRC at June 2004, and that 2500 were receiving this treatment. **[29b] [61a] (p9)**

5.100 Amnesty International reported in October and December 2004 on the spread of HIV/AIDs among women on the east of the country as a result of sexual violence. **[11c] [11d]**

See also Section 6B on Women; Section 6C on Security situation - eastern DRC

Return to Contents

MENTAL HEALTH

5.101 The World Health Organisation (WHO) Mental Health Atlas 2005 stated that mental health policies, programme and legislation were present. Also, treatment was present in the primary health care system for severe mental disorders. The report also stated that there were no community care facilities in mental health, and that there was one care centre in the country, also regular training of primary care professionals in the field of mental health. The report added "Government also partially supports some charitable organizations like the Soins de Santé Mentale (SOSAME) that provide mental health services." The WHO survey referred to a 2001 report that mental disorders were common, especially in the urban population and during the active decades of life. **[16d]**

5.102 The WHO report added that no specific budget had been allocated for mental health and also stated "The cost of psychiatric treatment is considered to be high by the average earning capacity. The country does not have disability benefits for persons with mental disorders." The following therapeutic drugs were generally available at the primary health care level: Carbamazepine, Phenobarbital, Phenytoinsodium, Amitriptyline, Chlorpromazine, Diazepam, Haloperidol, Levodopa. **[16d]**

5.103 The FCO letter of 19 August 2005 regarding the availability of drugs and treatment in Kinshasa for specific conditions, stated "CNPP [Centre Neuro-Psycho-Pathologique] at the university of Kinshasa and centre TELEMA run by Catholic nuns are two well-known centres providing psychiatric care but they lack the specialists to treat schizophrenia and stress related depression." **[22j]**

5.104 A Swiss Federal Office for Refugees report dated September 2001 stated that:

"The most widespread mental illnesses in the Democratic Republic of Congo are states of agitation of infectious origin (especially the neuropsychiatric consequences of these diseases), schizophrenia and illnesses connected with drug addiction. Mental diseases can generally be taken care of in Kinshasa. This is particularly the case with depression, war traumas, post-traumatic stress syndrome (PTSD) and schizophrenia. Competent doctors practice on the spot and medicines are normally available. In the capital, there are about 22 psychiatrists. According to the Director of the CNPP, all the medicines figuring on the list of the World Health Organisation are available in Kinshasa except preparations with a heroine [sic] base." **[10] (p10)**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

5.105 The same Swiss report stated:

"For essentially cultural reasons, the Congolese do not as a rule consult specialists in the field of psychiatry. If a person shows mood or personality disorder problems, his relations will firstly believe that he is the victim of a spell and that someone is trying to harm the family. The first reaction is to practice sorcery or prayer to 'overcome the spell'. It is only as a last recourse that the Congolese will consult a psychiatrist." **[10] (p10)**

5.106 The same report continued:

"In this field, public facilities are rare and those that exist are dilapidated. This is especially the case with the principal psychiatric unit in Kinshasa, the Neuro-Psycho-Pathological Centre (CNPP) of Mount Amba.… At the present time, the hospital provides the initial consultation, diagnosis and therapy free of charge. The rest is chargeable to the patients and their families (specific treatments, medicines, food, bed linen, etc). Hospitalisation tax varies from 1,000 FC (US$3.50) to 6,000 FC (US$20), according to the patient's financial means. Besides the CNPP, Professor Kinsala directs his own private psychiatric clinic – the House of Rest and Post-Treatment in Lemba-Righini." **[10] (p10)**

5.107 The Swiss report also noted:

"In Kinshasa, there is also a small centre specialising in neuropsychiatry, the Kakuambi Centre. Some other hospitals, clinics and medical centres (such as the Dr. Lelo Medical Centre) offer, along with general medicine, some beds for psychiatric and psychological treatment. The CNPP in Kinkole (Bas-Congo), for its part, has been transformed into a general hospital." **[10] (p10)**

5.108 The Amnesty International report 'Mass rape: time for remedies' of October 2004 commented on the lack of treatment available for women who suffered from psychological trauma as a result of sexual violence by armed groups in the east, and stated "Therapeutic support and treatment is virtually non-existent in the DRC, exept for the informal counselling provided by local Congolese women's associations dealing with the rape crisis and a very small number of international NGO psychologists." **[11c] (p26)**

See also Section 6B on Women**;** Section 6C on Security situation - eastern DRC

PEOPLE WITH DISABILITIES

5.109 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) stated:

"Persons with disabilities were subjected to discrimination in employment, education, and the provision of other government services. Persons with disabilities were exempt from some civil laws, such as paying some taxes, or in some cases, paying customs duties. The law does not mandate accessibility to buildings or government services for persons with disabilities. There were some special private schools that used private funds and limited public support to provide education and vocational training to students who were blind or had physical disabilities." **[3f] (Section 5)**

5.110 Care for handicapped people was given in some cities, such as Kinshasa, Mbuji Mayi and Kisangani, by an international organisation, Handicap International. This included supporting a Centre for the Rehabilitation of Handicapped People (CRHP) in Kinshasa. **[32]**

Return to Contents

EDUCATIONAL SYSTEM

5.111 Europa World online recorded that:

> "Primary education, beginning at six years of age and lasting for six years, is officially compulsory. Secondary education, which is not compulsory, begins at 12 years of age and lasts for up to six years, comprising a first cycle of two years and a second of four years.… In 2002 an emergency programme for education, with an estimated cost of US $101m., was introduced to restore access to basic education throughout the country." **[1g]**

5.112 The United Nations Children's Fund (UNICEF) reported that the net ratio of primary school enrolment was 52 per cent for males and 47 per cent for females (1998-2002 data), and the secondary school enrolment rates were 24 per cent and 13 per cent respectively. **[59a]** The same source stated that the total adult literacy rate was 73 per cent for men and 50 per cent for women (2000 data). **[59a]**

5.113 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "In 2004, there were 3 public universities in Kinshasa, Lubumbashi and Kisangani and several private universities in the whole country." **[60b]**

5.114 The International Association of Universities database hosted by the United Nations Educational Scientific and Cultural Organisation (UNESCO) listed the following universities: Centre universitaire de Bukavu; Facultés catholiques de Kinshasa; Université catholique de Bukavu; Université catholique du Graben; Université de Kinshasa; Université de Kisangani; Université de Lubumbashi; Université de Mbujimayi; Université du Kasayi; Université Kongo; Université libre des Pays des Grands Lacs; Université protestante du Congo. **[73]**

5.115 The Economist Intelligence Unit (EIU) 2004 Country Profile Report on the DRC commented:

> "The formal education system is in a state of collapse and education continues with the help of private initiatives, including the direct payment of teachers by the communities they serve.… Although education was officially nationalised in 1972, the Catholic Church remains responsible for an estimated 80% of primary schools and 60% of secondary schools, largely because of the collapse of the state sector. Despite the uptake from the private sector, fewer children are attending school.… This trend compromises the future productivity of Congolese labour and threatens the country's long-term development prospects." **[30a] (p19)**

Return to Contents

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

6. Human Rights

6.A HUMAN RIGHTS ISSUES

GENERAL

6.01 A number of international organisations, including Human Rights Watch (HRW), Amnesty International (AI), Freedom House and the International Crisis Group (ICG) have issued reports in the past year drawing attention to continuing serious abuses of human rights in the DRC, and lack of government control, particularly in the east of the country. **[5l] (Overview) [5m] [5o] [11c] [11d] [11e] [11f] [11g] [39a] [39b] [39c] [39d] [39e] [66]**

6.02 The Amnesty International (AI) report of 2005 covering events in 2004 stated "The transitional power-sharing government made little progress in advancing laws and reforms essential to building security and respect for human rights. Government authority remained weak or non-existent in parts of eastern Democratic Republic of the Congo (DRC) which were under the de facto control of armed groups. Insecurity, ethnic tension and human rights abuses continued, including unlawful killings, widespread rape, torture and the recruitment and use of child soldiers." **[11f] (Overview)**

6.03 The HRW World Report 2005, also commenting on events in 2004, stated:

"Local and national officials continue to harass, arbitrarily arrest, or beat journalists, civil society activists, and ordinary citizens. Combatants of armed groups, including those officially integrated into the national army, continue to prey upon civilian populations, collecting illegal 'taxes' and extorting money through illegal detention or torture." and "The pervasive culture of impunity is one of the greatest obstacles to lasting peace as well as to ensuring civil and political rights in the DRC" **[5k] (Civil and Political Rights)**

6.04 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) reported that "In areas under central government control, the human rights record remained poor, and numerous serious abuses occurred." and that "The human rights record in areas under marginal government control remained extremely poor, and armed groups continued to commit numerous serious abuses, particularly in North and South Kivu, Maniema, northern Katanga and Ituri district in Orientale Province." **[3f] (Overview)**

6.05 The Country Profile of 9 May 2005 by the Foreign and Commonwealth Office also noted

"The conflict has led to abuses of human rights and humanitarian standards by all sides. Reports continue of massacres, killing of civilians, widespread rape and sexual violence, banditry and forced labour. Ethnic tensions are high in the east and north-east of the country, presenting real risks of ethnically targeted human rights abuses and killings. Ongoing violence has resulted in more than 3.5 million civilians being internally displaced and humanitarian needs are acute in many parts of the country. There have also been reports of intimidation and arbitrary arrest of human rights workers, journalists and political leaders." **[22g]**

6.06 AI, HRW, ICG and other observers also referred to the failure of the different factions of the previous conflict to put aside their competing interests in the interests of national unity, and to the lack of political will to make progress with setting up integrated state structures. **[5k] (Overview) [11f] (Overview) [30a] (p9) [39a] (Overview) [39c] (Overview) [39d] (p3)** The HRW World Report 2005 stated that the transitional government of the Democratic Republic of Congo (DRC) remained fragile, far from its goals of peace and effective administration of this huge central African nation. **[5k] (Overview)**

6.07 The United Nations (UN) Secretary-General commented in a report of 15 March 2005 to the UN Security Council that "There has been no significant improvement in the human rights situation in the Democratic Republic of the Congo." **[54e] (p11)**

For further information see relevant sections, including:
Section 4 on Events of 2004;
Section 4 on Events of 2005;
Section 5 on Political system;
Section 5 on Legal rights/detention;
Section 5 on Death penalty;
Section 5 on Internal security;
Section 5 on Military service;
Section 6A on Torture;
Section 6A on Freedom of association and assembly;
Section 6B on Women;
Section 6B on Children;
Section 6B on Ethnic groups;
Section 6C on Security situation - eastern DRC;
Section 6C on Internally displaced persons

Return to Contents

TORTURE

6.08 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) detailed a number of cases of torture and cruel treatment by members of the security forces and armed groups, and stated "The law prohibits torture; however, in areas under government control, security forces and prison officials often beat and tortured detainees and prisoners. There were also unconfirmed reports that members of the security services tortured or abused civilians to settle personal disputes for themselves or other government officials." **[3f] (Section 1c)**

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

6.10 Human rights reports also referred to the widespread atrocities committed in the east of the country in the context of the exploitation of gold and other natural resources, and arms smuggling. **[5o] [11g]** Such reports also referred to the use of sexual violence by members of armed groups in eastern DRC. **[5m]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

[11f] (Violence against Women) The AI 2005 report on events in 2004 added that men and boys were also raped. **[11f] (Violence against Women)**

See also Section 6B on Women**;** Section 6C on Security Situation – eastern DRC

Return to Contents

FREEDOM OF SPEECH AND THE MEDIA

6.11 Articles 27 and 28 of the draft transitional constitution of March 2003 (translated and published by the South African-based Institute for Security Studies) provided for freedom of expression and freedom of speech, and the right to information. The draft constitution also provided for a media authority. **[27a]** The Committee to Protect Journalists noted in its 2004 Report commenting on events in 2003 "The Democratic Republic of Congo's (DRC) transition constitution mandates the establishment of a High Authority on Media, a body meant to act both as a media watchdog and guarantor of press freedom." **[19a]**

6.12 The draft post-transition constitution of May 2005 also provided guarantees of the rights to freedom of speech, freedom of expression and the right to information. **[27d] (Articles 22, 23, 24)** The Freedom House annual report 2005, about events in 2004, stated that "[However,] the new constitution contains several articles intended to guarantee free expression, and the government has created a national law reform commission tasked with amending legislation that curtails the media." **[66] (Political Rights and Civil Liberties)**

6.13 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) reported "The law provides for freedom of speech and of the press; however, the Government sometimes restricted these rights in practice. During the year, there were approximately 30 reported instances where government agents arrested, detained, threatened, or abused members of the media. During the year journalists practiced self-censorship." The same source detailed a number of cases where comments by individuals and journalists had led to action against them by the authorities. These included the arrest and detention of Pastor Albert Lukusa, who was arrested and detained by the ANR in Lubumbashi after he gave a sermon criticising the government. **[3f] (Section 2a)**

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

"The DRC's journalists held a national congress in March [2004] to discuss this situation [threats against journalists] and the fact that the country has too many news media – 213 (officially-registered) privately-owned newspapers, 122 privately-owned radio stations, 12 public radio stations, 52 privately-owned TV stations, 10 public TV stations etc. Leading journalists from Kinshasa and all 11 provinces took part. At the end of a week of work, they agreed to set up two important new organizations. One was the Congo Media Watchdog (OMEC), whose responsibilities were to include a self-regulatory role and "conciliation" between news media and persons who believe they have been libelled. The other was the Congo Press Union (UNPC), with a unifying role." **[7c]**

See also Section 6A on Newspaper articles

Return to Contents

JOURNALISTS

6.15 A number of reports from human rights organisations, including Human Rights Watch (HRW), RSF, the Committee to Protect Journalists (CPJ), and the Congolese organisation, Journaliste en Danger (JED), have drawn attention to cases of harassment of newspaper and broadcasting journalists by the authorities. **[5l] (Civil and Political Rights) [7a] [7b] [7c] [19a] [19b] [19c] [19d] [63b]**

6.16 The HRW World Report 2005 commenting on events in 2004 stated "Local and national officials continue to harass, arbitrarily arrest, or beat journalists, civil society activists, and ordinary citizens." **[5l] (Civil and Political Rights)** RSF stated in its Annual Report 2005 commenting on events in 2004 that "The many news media were caught in a vice between the different factions, the many parties and the various influence networks jostling for power. The violence and climate of insecurity that has prevailed for many years in the provinces, especially in the north and east, makes it especially difficult for journalists to work there." **[7c]**

6.17 Freedom House also stated in the Freedom in the World report 2005 that "Despite some statutory protections, independent journalists are frequently threatened, arrested, or attacked by both rebel groups and government officials." **[66] (Political Rights and Civil Liberties)** CPJ stated in its report 'Attacks on the Press 2004' that "Congolese journalists say they continue to work under the constant threat of imprisonment. DRC laws, notably the 1996 Press Law and the Penal Code, contain a wide range of criminal "press offenses" that are frequently used to jail journalists, often without due process." **[19e]**

6.18 USSD 2004 also stated "During the year, government officials arrested, intimidated, harassed, and detained journalists, often without filing formal charges.", and that "Armed groups continued to harass, intimidate, beat, and arrest local journalists." **[3f] (Section 2a)** The same source stated "Unlike in the previous year [2003], there were no reports of perceived threat of government harassment or intimidation resulting in self-censorship or the modification of lectures by professors, and academic freedom improved. In areas under marginal government control, armed groups and local authorities continued to severely restrict freedom of speech and of the press." **[3f] (Section 2a)**

6.19 RSF also reported the comment of the Congolese NGO Journaliste en Danger (JED) that "the truth or falseness of a journalist's allegations has no bearing under Congolese law in defamation actions. The courts do not try to establish whether what the journalist said is correct or not, they simply decide whether it "damaged a person's honour or respect." This lends itself to all kinds of abuses." **[7c]** USSD 2004 also stated "During the year, JED continued to call for the decriminalization of certain press offenses included in the out-of-date Press Law." **[3f] (Section 2a)**

6.20 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 also stated "As far as attacks on press freedom are concerned, professional associations such as "Journaliste en Danger" [JED] specialising in the position of the press in the DRC, keep a record of almost all interrogations, arrests, incidents of censure, etc." **[24a] (p19)** JED is also a

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

member of the IFEX group, a Canadian-based organisation which is managed by Canadian Journalists for Free Expression and publishes reports from JED on its website. **[63b]**

Return to Contents

NEWSPAPERS

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

"No newspaper is the government's mouthpiece, although the papers can be divided into categories of pro-government and pro-opposition. Some papers enjoy government support. The press in the DRC enjoys, relatively speaking, a lot of freedom and is first and foremost an 'opinion press' and not an 'information press'. Some newspapers and journalists take this task particularly to heart and sometimes write very cutting articles about one person or another. This is why some observers say that the problem with the press lies partly in the attitude of the journalists themselves, given that they do not always correctly apply ethical and moral prescriptions. Generally, we can confirm that Joseph Kabila is proving to be less repressive towards journalists than was his late father." **[24a] (p18-19)**

6.22 Freedom House stated in the Freedom in the World report 2005 that "At least 30 independent newspapers are published regularly in Kinshasa but are not widely circulated beyond the city." **[66] (Political Rights and Civil Liberties)** The EIU 2004 Country Profile also stated:

"There are many newspapers in Kinshasa, but only a handful are regularly printed and read. The main opposition newspapers are *Le Potentiel*, *Le Phare*, *Tempête des Tropiques* and *La Référence Plus. Le Palmares* and *L'Avenir* are the two main pro-government newspapers. *Le Potentiel* has the largest circulation, at 4,000 copies a day. There are few newspapers in the rest of the country. However, since the resumption of national air traffic, the Kinshasa newspapers are getting to cities in the rest of the country, if only in small quantities." **[30a] (p22)**

6.23 USSD 2004 further reported:

"The Government required each newspaper to pay a $500 licensing fee and complete several administrative steps before it could publish legally. There was an active private press, and a large number of daily newspapers, mainly in urban areas, were licensed to publish.… However, many newspapers were highly critical of the Government. Although there was no official newspaper, the Government published the Daily Bulletin, which included decrees and official statements." **[3f] (Section 2a)**

Return to Contents

NEWSPAPER ARTICLES

6.24 The CPJ report for 2003 stated that "[However,] limited financial resources hamper news gathering. Because journalists in the DRC remain severely

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

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

6.26 The CPJ report on 2004 also stated:

"Many Congolese journalists recognize the need to improve professional standards and keep ethnic and political propaganda out of the media. Three new regulatory bodies have recently been launched to oversee the press, two of them created by journalists: the High Authority on Media (HAM), a public agency created under the peace accords; the Observatory of Congolese Media (OMEC); and the Press Card Commission of the Congolese National Press Union (UNPC). A national journalism congress in March 2004 created OMEC and UNPC." **[19e]**

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

"The relatively high price, that is 300FC (nearly US$1) [of a newspaper] is an obstacle for many Congolese. Consequently, no Kinshasa newspaper has a circulation of more than 2,500. The poor economic circumstances and the small circulation also prevent the papers from generating sufficient advertising revenue. This precarious financial situation affects firstly the quality of the writing. To minimise salary costs, the papers often employ students or trainees. Similarly, the papers cannot call on experts to write specialised articles. The journalists' low or non-existent pay often exposes them to a '*thank you for the arrangements*' situation. Politicians as well as other figures, therefore, can pay 'to alter the editorial lines'. A number of observers confirm quite frankly that some articles are bought. Dishonest people sometimes pay journalists to write an article. So, in this sort of article you may read that Mr X or Mrs Y has disappeared without a trace and that there are fears for his/her life. It is very difficult to discover these lies because when an attempt is made to check the facts, these articles prove to be 'authentic' and actually published. . . . People with sufficient experience in this area still manage to decode these articles. The message is often all too clear and the tone overly moving." **[24a] (p19)**

6.28 USSD 2004 also stated "In general, journalists were poorly paid, lacked professional training, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who paid or provided other

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

benefits to journalists to encourage them to write certain types of articles." **[3a] (Section 2a)**

Return to Contents

RADIO, TELEVISION AND THE INTERNET

6.29 USSD 2004 reported that:

"Due to limited literacy and the high costs of newspapers and television, radio remained the most important medium of public information. Numerous privately owned radio stations and privately-owned television stations operated, as well as two state-owned radio stations and a state-owned television station. Major political parties represented in the Government were generally able to gain access to state radio and television, which covered activities of ex-rebels and opposition figures participating in the Government. Foreign journalists were able to operate in the country. For example, Radio Okapi, an independent radio station closely affiliated with MONUC, continued to broadcast national and local news and provide information on MONUC's mandate, activities, and demobilization and disarmament programs." **[3f] (Section 2a)**

See also Section 6C on Armée de Victoire (Army of Victory church)

6.30 The Economist Intelligence Unit (EIU) 2004 Country Profile in June 2004 stated:

"Private radio and television stations thrive in Kinshasa; most are domestically owned and run. Raga-TV, Tele-Kin Malebo, Antenne-A and Tropicana-TV are the most widely watched broadcasters. There is a large number of religious radio and television stations. The state-run radio and television network, Radio et télévision nationale congolaise (RTNC), broadcasts locally, having ceased national coverage over a decade ago. In early 2002 MONUC [UN Mission to the Congo] launched Radio Okapi, a national radio network which broadcasts from Kinshasa. It has established local FM stations in Bukavu, Bunia, Goma, Kalemie, Kananga, Kindu, Kisangani and Mbandaka, and relays in Mbuji- Mayi, Butembo and Lubumbashi, gathering and broadcasting material from over 100 correspondents in these areas. The station provides the only truly national service and has won respect for competent and unbiased coverage." **[30a] (p22]**

6.31 Freedom House also stated in the Freedom in the World Report 2005 "The UN broadcaster, Radio Okapi, has expanded its coverage of the country to include several local languages. The Catholic Church operates the Elikya radio network throughout most of the country…. Although the government does not restrict access to the Internet, very few people can afford the connection costs or have computers and reliable electricity." **[66] (Political Rights and Civil Liberties)**

6.32 The EIU 2004 Country Profile also stated "There are several local Internet service providers." **[30a] (p22)** The same source noted, however, that "The state-owned fixed-line telephone operator, Office national des postes et télécommunications (OCPT), is close to collapse. As a result, the use of cellular services has surged since 1993, and subscriber numbers reached 560,000 in 2002. **[30a] (p22]** The CIA World Factbook 2005 reported with regard to the telephone system "*general assessment:* poor; *domestic:* barely adequate wire and microwave radio relay service in and between urban areas; domestic satellite system with 14 earth stations" **[13]**

Return to Contents

FREEDOM OF RELIGION

LEGAL FRAMEWORK

6.33 The US State Department (USSD) 2004 Religious Freedom Report on the DRC stated "The transitional constitution provides for freedom of religion, and the Government generally respects this right in practice." **[3c] (Introduction)** Freedom House stated in the Freedom in the World report for 2005 "The transitional constitution provides for freedom of religion, and this right is generally respected in practice, although religious groups must register with the government to be recognized." **[66] (Political Rights and Civil Liberties)**

6.34 The USSD Religious Freedom Report also stated:

"The establishment and operation of religious institutions is provided for and regulated through a statutory order on the Regulation of Non-profit Associations and Public Utility Institutions. Requirements for the establishment of a religious organization are simple and generally are not subject to abuse. Exemption from taxation is among the benefits granted to religious organizations. A law regulating religious organizations grants civil servants the power to recognize, suspend recognition of, or dissolve religious groups; however, this law was not invoked in the period covered in this report. Although the law restricts the process of recognition, officially recognized religions are free to establish places of worship and to train clergy.

A 2001 decree allows nonprofit organizations, including religious organizations, to operate without restriction provided they register with the government by submitting a copy of their bylaws and constitution. The government requires practicing religious groups to be registered; however, in practice unregistered religious groups operate unhindered." **[3c] (Section II)**

RELIGIOUS GROUPS

6.35 The USSD 2004 Religious Freedom Report on the DRC stated:

"The country has a total area of 905,000 square miles, and its population is approximately 58 million. Approximately 50 percent of the population is Roman Catholic, 20 percent is Protestant, 10 percent is Kimbanguist, and 10 percent is Muslim. The remainder largely practices traditional indigenous religions. There are no statistics available on the percentage of atheists. Minority religious groups include, among others, Jehovah's Witnesses and the Church of Jesus Christ of Latter-day Saints (Mormons).

There is no reliable data on active participation in religious services. Ethnic and political differences generally are not linked to religious differences.

Foreign missionaries operate freely within the country. Missionary groups include Roman Catholic, Lutheran, Baptist, Evangelical, Mormon, and Jehovah's Witness.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Most religious groups are scattered throughout the country and are widely represented in most cities and large towns. Muslims are mostly concentrated in the province of Maniema. Members of traditional Bunda dia Kongo reside predominately [sic] in Bas Congo." **[3c] (Section I)**

RELIGIOUS FREEDOM

6.36 The USSD Religious Freedom Report stated "The generally amicable relationship among religions in society contributed to religious freedom; however, there continued to be credible reports that a number of children and elderly persons were accused of witchcraft and abandoned by their families." **[3c] (Section III)** The same source noted "Government policy and practiced [sic] contributed to the generally free practice of religion." **[3c] (Section II)**

6.37 The same report stated "In areas not under central government control, respect for religious freedom improved. Unlike in the period covered by the previous report, there were no reported instances of individual attacks against priests, parishioners, churches, parish property, and schools. No individuals responsible for cases from previous reporting periods have been charged, tried, or convicted of wrongdoing. There were no reports of religious prisoners or detainees." **[3c] (Section II)**

6.38 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) reported that "In areas under marginal government control, respect for religious freedom generally improved." **[3f] (Section 2c)**

See also Section 6C on Bundu dia Kongo; Section 6C on Armée de Victoire (Army of Victory church)

Return to Contents

FREEDOM OF ASSOCIATION AND ASSEMBLY

6.39 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) detailed a number of occasions during 2004 on which freedom of association was restricted. It stated "The Transitional Constitution provides for freedom of association; however, in practice, the Government sometimes restricted this right. During the year, government authorities generally did not harass political parties, although there were some exceptions concerning the UDPS [Union pour la Democratie at le Progrès Social (Union for Democracy and Social Progress]." **[3f] (Section 2b)** The text of the proposed Constitution approved in May 2005 published by the Institute for Security Studies contains provision for the rights to set up trade unions and take part in their legal activities. **[27d]**

See also Section 6A on Employment rights

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

6.41 The Economist Intelligence Unit (EIU) Country Profile 2004 also stated:

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

See also Section 5 on Political parties

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

6.43 USSD 2004 also detailed a number of occasions during 2004 on which freedom of assembly was restricted and stated that:

"The Transitional Constitution provides for freedom of peaceful assembly; however, the Government restricted this right in practice. The Government considered the right to assemble to be subordinate to the maintenance of 'public order', and continued to require all organizers to inform the local city government before holding a public event. According to the law, organizers automatically have authorization to hold an event unless the city government denies authorization in writing within 5 days of receiving the original notification. Some NGOs reported that in practice, the city administration sometimes denied authorization for an event, mostly on the grounds of preserving public order, after the 5-day period by backdating the correspondence. Government security services often dispersed unregistered protests, marches and meetings." **[3f] (Section 2b)**

6.44 The same source reported "In areas under marginal government control, armed groups continued to restrict severely freedom of assembly and association, and security services used excessive force against protesters in Goma." **[3f] (Section 2b)**

Return to Contents

POLITICAL ACTIVISTS

6.45 The World Report 2005 by Human Rights Watch (HRW) commenting on events in 2004, stated "Local and national officials continue to harass, arbitrarily arrest, or beat journalists, civil society activists, and ordinary citizens" **[5l] (Civil and Political Rights)**

6.46 USSD 2004 stated that "During the year, the Government occasionally harassed opposition parties during private meetings. During the year, police occasionally arrested peaceful demonstrators" **[3f] (Section 2b)** The same source reported a number of occasions on which demonstrations and political meetings

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

had been restricted or repressed, but also stated "Unlike in the previous year, there were no confirmed reports that security forces forcibly dispersed political party press conferences or rallies. The Government required political parties to apply for permits to hold press conferences; According to local NGOs, such permits sometimes were denied." **[3f] (Section 2b)**

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

See also Section 5 on Elections; Section 5 on Political parties; Section 6C on Katanga; Annex B Political organisations

Return to Contents

EMPLOYMENT RIGHTS

TRADE UNIONS

6.48 The 2004 annual survey of violations of trade union rights by the International Confederation of Trade Unionists (ICFTU) issued 6 January 2004, stated:

"The legislation grants all categories of workers, with the exception of magistrates and military personnel, the right to organise. No prior authorisation is required to set up a trade union. The right to strike is recognised, although unions must have prior consent and adhere to lengthy mandatory arbitration and appeal procedures. The law prohibits employers from retaliating against strikers. The right to bargain collectively is also recognised. In the public sector, however, the government sets wages by decree and the unions can only act in an advisory capacity. During the year, the government held meetings with the unions to discuss revising the Labour Code to bring it into line with international norms." **[40]**

6.49 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) stated "The law permits all workers, except magistrates and military personnel, to form without prior authorization and to join trade unions; workers formed unions in practice. Since the vast majority of the country's economy was in the informal sector, only a small percentage of the country's workers were organized…. In areas under marginal government control, there were no reports of functioning labor unions." **[3f] (Section 6a)**

6.50 The ICFTU report also noted that "In practice, the civil war and the collapse of the formal economy mean that there is very little respect for trade union rights. Employers ignore labour regulations and the government does not have the resources to enforce them. Soaring inflation and the constant depreciation of

the Congolese Franc render any pay rises agreed through collective bargaining meaningless." **[40]**

6.51 Freedom House also stated in the Freedom in the World report for 2005:

"More than 100 new independent unions were registered after the end of one party rule in 1990, but they remained largely an urban phenomenon. Previously, all unions had to affiliate themselves with a confederation that was part of the ruling party. Some unions are affiliated with political parties, and labor leaders and activists have faced harassment. There is little union activity, owing to the breakdown of the country's formal (business) economy and its replacement by the black market." **[66] (Political Rights and Civil Liberties)**

See also Section 3 on Economy; Section 6A on Freedom of association and assembly

Return to Contents

COLLECTIVE BARGAINING

6.52 USSD 2004 reported that "The law provides for the right of unions to conduct activities without interference and the right to bargain collectively; however, in practice, the Government did not protect these rights, due in part to a lack of resources, and collective bargaining was not used in practice. In the public sector, the Government set wages by decree, and the unions could only act in an advisory capacity." **[3f] (Section 6a)**

STRIKES

6.53 USSD 2004 stated:

"The law provides for the right to strike, and workers exercised this right in practice…. During the year [2004], there was increased labor union activity, and public sector unions organized several legal strikes to call for increased wages and back pay. The law prohibits employers or the Government from retaliating against strikers, but this prohibition was not enforced…. By year's end, most civil servants' salaries were not current, and most arrears had not been addressed. Some arrears were paid to certain workers with particularly effective unions or critical jobs. For example, striking air traffic controllers received some back pay, but striking customs officials did not." **[3f] (Section 6b)**

6.54 The ICFTU report referred to several cases where individuals involved in work-related protests and strikes had been attacked and arrested by police and military authorities. **[40]** A one day general strike occurred in Kinshasa in January 2005. **[15h]**

See also Section 4 on Events of 2005

EQUAL EMPLOYMENT RIGHTS

6.55 Freedom House also stated in the Freedom in the World report for 2005 that "women enjoy fewer employment and educational opportunities than men and often do not receive equal pay for equal work." **[66] (Political Rights and Civil Liberties)** USSD 2004 noted that "women constituted the majority of primary

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

agricultural labourers and small-scale traders, and they almost exclusively were responsible for child rearing. In the formal sector, women commonly received less pay than men for comparable work." **[3f] (Section 5)**

6.56 USSD 2004 also stated "In areas under marginal government control, there were numerous reports that armed groups used forced labor." **[3f] (Section 6c)**

See also Section 6B on Women; Section 6C on Security situation - eastern DRC

CHILD LABOUR

6.57 A country report by the Canadian Immigration and Refugee Board of March 2004 on the situation of children noted that "Since 1999, the DRC has [also] been a signatory to the International Labour Organization (ILO) Convention No. 182, concerning the worst forms of child labour (ibid. para. 39; ILO 17 Oct. 2003; ibid. 21 June 2001; IBCR Mar. 2003, 3). This Convention prohibits, among other things, [translation] 'child trafficking and serfdom, forced child labour, and the forced recruitment of children for use in armed conflict' (CICR-Belgique 2001)" **[43o]**

6.58 A report in 2000 by the United Nations Committee on the Rights of the Child stated:

"Work performed by children is regulated by the Labour Code (Order No. 19/67 of 3 October 1967), which gives a child the capacity to enter into an employment contract (minimum age 14 years, maximum 18 years, according to the case); regulates conditions and hours of work and the nature of the work on which the child may be employed and stipulates the penalties applicable. Once again, and particularly in this area, practice falls far short of theory. Not only are the beneficiaries (parents and children) often unaware of their rights; in addition, current economic conditions make for violations in the sphere of child labour, which often takes place in the informal or unstructured sector or involves living by one's wits." **[58] (p27)**

6.59 USSD 2004 stated:

"There are laws to protect children from exploitation in the workplace; however, the Government did not effectively implement these laws during the year, and child labor was a problem throughout the country. The employment of children of all ages was common in the informal sector and in subsistence agriculture, which were the dominant portions of the economy. Such employment often was the only way a child or family could obtain money for food…. Neither the Ministry of Labor, which was responsible for enforcement, nor labor unions effectively enforced child labor laws." **[3f] (Section 6d)**

See also Section 6B on Children

Return to Contents

PEOPLE TRAFFICKING

6.60 The US State Department 2005 Trafficking in Persons Report released in June 2005 reported:

"Democratic Republic of the Congo is a source country for men, women and children internally trafficked for forced labor and sexual exploitation. The vast majority of the trafficking occurs in northeastern and eastern Congo, regions that are mostly outside effective transitional government control. Armed groups continued to abduct and forcibly recruit Congolese men, women, and children to serve as laborers, porters, domestics, combatants, and sex slaves. The government estimated that 30,000 children were associated with armed groups within the country. Civilians were forced to provide labor for armed groups and the Congolese military (FARDC)…. The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so." **[3e] (Country Narratives)**

6.61 The same USSD report stated "Although there is not a specific law prohibiting trafficking in persons, existing laws prohibit slavery, forced labor, rape, and prostitution of children under the age of 14. In 2004, the government investigated and/or prosecuted a number of traffickers for recruiting soldiers, operating forced labor camps, and committing rape." The same report also stated that: "Prevention efforts remained the weakest facet of the government's anti-trafficking efforts." **[3e] (Country Narratives)**

6.62 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) stated:

"The Government had few programs in place to prevent trafficking. The Ministry of Family Affairs and Labor implemented an action plan against sexual exploitation in conjunction with an international organization. In addition, the Government coordinated with other countries on trafficking issues and has attended some regional meetings on trafficking in persons; however, government efforts to combat trafficking were limited by a lack of resources and information, and because much of the country's trafficking problem occurred in areas under marginal government control. The Government had few resources for training; however, it permitted training of officials by foreign governments and NGOs. The Government had no funding available for protection services. Victims were not prosecuted." **[3f] (Section 5)**

6.63 The same source noted that "The Government repeatedly criticized the abduction of women and children by armed groups." **[3f] (Section 5)**

See also Section 6B on Women; Section 6B on Children

Return to Contents

FREEDOM OF MOVEMENT

6.64 The Foreign and Commonwealth Office Travel Advice for British Citizens (last updated 9 August 2005 stated "There is no reliable public transport system in the DRC." **[22h]**

6.65 The 2004 Country Profile by the Economic Intelligence Unit (EIU) stated that "The Congo River and its tributaries are open to navigation over long distances, although the stretch between Kinshasa and the Atlantic Ocean is blocked by a series of rapids. There are passenger and freight services between Kinshasa

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

and Kisangani." **[30a] (p21)** The same source added "The once extensive railway system has now been reduced to a rump service." **[30a] (p21)**

6.66 The FCO Travel Advice advised that there are internal domestic flights, including the resumption of flights to eastern cities which were formerly under rebel control. **[22h]** The EIU 2004 Country Profile also stated:

"Because of the poor state of ground transport, the long distances involved and the insecurity in much of the country, air transport is much used for both freight and passengers. It is also dangerous because of the collapse of government regulation. In May 2003 over 100 people died when the cargo door of a Russian-operated aeroplane opened in mid-flight. There are numerous private air transport companies, most with aircraft and air crews from the former Eastern bloc. There is a national airline, Hewa Bora, which was established through the merger of two other state companies and is now a joint venture with the privately owned Congo Air Lines (CAL). Hewa Bora operates domestic flights as well as flights to Johannesburg and Liège in Belgium. Air France resumed twice-weekly flights to Kinshasa from Paris in 2002, as did SN Air Brussels from Belgium. There are flights to a number of regional destinations throughout Africa, including Nairobi (Kenya Airways); Addis Ababa (Ethiopian Airways); Douala (Air Cameroon); and Luanda (Transportadora Aérea Angolana). Flights to Johannesburg, operated by South African Airways, are the most important of these regional links, and there is a growing volume of trade and air travel between the two countries.

Privately owned airlines that provide domestic and regional services include Katangair, WaltAir, Business Aviation, Wimbi Dira and Blue Air Lines. A number of air freight companies, including TMK and Simbaair, operate in the eastern part of the country. The UN peacekeeping operation, Mission de l´organisation des nations unies en République démocratique du Congo (MONUC), operates regular scheduled services to the major cities in the country." **[30a] (p21)**

6.67 Europa World online also listed a number of local airlines and reported that "International airports are located at Ndjili (for Kinshasa), Luano (for Lubumbashi), Bukavu, Goma and Kisangani. There are smaller airports and airstrips dispersed throughout the country." **[1i]**

6.68 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) stated:

"The law provides for freedom of movement; however, the Government at times restricted this right in areas under its control. Freedom of movement between areas under government control and areas under marginal government control improved during the year. Movement between these areas continued to be hazardous; however, since the establishment of the Government, cross-country commercial air traffic has continued to increase, as has road and rail rehabilitation funded by the international community." **[3f] (Section 2d)**

6. 69 USSD 2004 also reported that:

"In Kinshasa, police and soldiers erected roadblocks for security checks and to protect government installations. In general, military and regular police were more aggressive than during the previous year, and there were many more instances in which drivers were harassed, forced to pay bribes, and forced to

transport soldiers for free…. In addition, underpaid traffic police continued to routinely harass citizens and demand bribes in the course of pulling vehicles over for ostensible traffic violations. The Government closed certain national roads at night due to banditry. The significant risk of rape perpetrated by uniformed men restricted freedom of movement at night for women in many areas." **[3f] (Section 2d)**

6.70 As reported by USSD 2004, large numbers of people were displaced due to the violence and fighting, especially in the east of the country. **[3f] (Sections 1a, 1g, 2d)**

See also Section 6C on Official documents; Section 6C on Internally displaced persons

Return to Contents

6.B HUMAN RIGHTS - SPECIFIC GROUPS

ETHNIC GROUPS

6.71 The World Directory of Minorities, issued in 1997 by Minority Rights Group International, advised that there were over 200 ethnic groups in the DRC. **[8] (p523-526)**

6.72 Demographic information from Ethnologue indicated that over 200 languages are spoken by these ethnic groups. **[6a]** Ethnologue provides maps showing the main locations for Congolese ethnic groups and languages. **[6b]**

6.73 The US State Department Background Note of August 2005 affirmed that "Although 700 local languages and dialects are spoken, the linguistic variety is bridged by the use of French and the intermediary languages Kikongo, Tshiluba, Swahili and Lingala." **[3d] (People)**

6.74 Ethnologue provided the following information:

- Lingala is widely used in Bandundu, Equateur, and Orientale provinces, except the southeast of Orientale; and is also spoken in the Central African Republic and the Republic of Congo; Alternate name: Ngala.
- Tshiluba or Luba-Kasai is used throughout Kasaï Occidental and Kasaï Oriental provinces; Alternate names: Luba-Lulua, Western Luba, Luva.
- Kongo or Kikongo is used in the Bas-Congo Province and around Mbanza Manteke, Fioti north of Boma, and scattered communities along the Congo River from Brazzaville to its mouth, and is also spoken in Angola, and the Republic of Congo; Alternate names: Koongo, Congo, Kikoongo.
- Congo Swahili is used throughout the Katanga, Nord-Kivu, Sud-Kivu, and Maniema provinces and the southeastern part of the Orientale Province. There are other varieties of Swahili in East Africa. Alternate names: Zaïre Swahili. Dialects: Ituri Kingwana, Lualaba Kingwana, Katanga Swahili, Kivu Swahili. **[6a]**

See also Section 2 on Geography

Return to Contents

ETHNIC ISSUES

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

6.75 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) reported that "Societal discrimination on the basis of ethnicity was practiced widely by members of virtually all ethnic groups and was evident in private hiring patterns in some cities; however, intermarriage across major ethnic and regional divides was common in large cities." **[3f] (Section 5)** Freedom House also stated in the Freedom in the World report for 2005 "Ethnic societal discrimination is practiced widely among the country's 200 ethnic groups." **[66] (Political Rights and Civil Liberties)**

6.76 The UNHCR Global Appeal 2005 noted that "The DRC's internal and external problems are fuelled by power struggles revolving around ethnicity and the desire to control the immense untapped natural resources of the country." **[60a] (p84)** The 2004 Country Profile by the Economist Intelligence Unit stated "Ethnic conflict is apparent in several areas of the country: between the Hema and Lendu around Bunia in Orientale province, between Congolese Tutsis (Banyamulenge) and other groups in the Kivus, and between the baLuba of Kasaï and the Lunda of Katanga." **[30a] (19)**

6.77 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that, particularly in the east, members of mixed marriages between different ethnic groups such as the Hema, Lendu or Banyamulenge may be rejected by each of their communities, and that a family of mixed ethnicity should be identified as a group at risk. **[52] (p117)**

6.78 The United Nations (UN) Special Rapporteur also stated in March 2004:

"The Special Rapporteur notes that the Batwa pygmies are not represented in political life or civil society but are the targets of human rights violations. In Maniema, she was able to meet representatives of pygmies living in the Kabambare, Kailo, Kasongo and Kibombo areas and was told of the grave human rights violations committed against them. She also received reports from pygmies living in Kinshasa. Minority indigenous peoples continue to be subjected to large-scale acts of discrimination of all kinds by the population. They are among the first victims of massive human rights violations." **[55b] (p19)**

6.79 USSD 2004 reported that:

"President Kabila's cabinet and office staff were geographically and ethnically diverse. However, a significant amount of political influence remained in the hands of individuals from Katanga. Katangans in the FARDC were more likely both to be promoted and to be paid than persons from other regions. The leadership of former rebel groups also was geographically and ethnically diverse. However, a significant amount of influence in the MLC [Mouvement pour la Liberation du Congo] continued to be held by members from the Equateur province, and in the RCD/G [RCD-Goma] leadership, by Tutsis. A significant number of ethnic groups were represented in the Government." **[3f] (Section 5)**

See also Section 6C on Security situation - eastern DRC

Return to Contents

BANYARWANDA/BANYAMULENGE/TUTSIS IN EASTERN DRC

6.80 The history of the Banyarwanda ethnic group in eastern DRC was described by the World Directory of Minorities:

"When colonial boundaries were drawn in the late nineteenth century many Banyarwanda (Hutus, Tutsis and Twa, who all speak Kinyarwanda) found themselves on the Zaire side of the Rwandan border, in Kivu province. More Banyarwanda subsequently crossed from Rwanda to work on Belgian colonial farms. In the late 1950s (and subsequently) Tutsi refugees fleeing persecution in Rwanda also crossed to Zaire; Banyarwanda came to comprise around half the population of north Kivu, yet were widely viewed as 'foreigners' by other ethnic groups. The waves of immigration intensified competition over land."

The source added that the situation deteriorated into a virtual civil war in 1992-3. **[8] (p524)**

6.81 There is also an ethnic group known as the Banyamulenge, defined in 'The Historical Dictionary of the Democratic Republic of Congo' by F Scott Bobb as "A group of primarily ethnic Tutsis who before independence migrated from Burundi and Rwanda into the Mulenge Mountains of Sud-Kivu. Like the Banyarwanda living in Nord-Kivu, the Banyamulenge were drawn into the interethnic violence that spilled into Zaire from Rwanda and Burundi in the 1990s." **[68]** A report by the International Crisis Group of July 2004 also explained that "The Banyamulenge are the Congolese Tutsi community in South Kivu." **[39a] (p3)**

6.82 A report by the International Crisis Group (ICG) of March 2005 stated that in November 2004 "A law effectively granting citizenship to the Kinyarwanda speaking communities in the east was passed". The same report added a footnote that "The law grants citizenship upon individual application to those whose tribes were present in the Congo at independence in 1960." **[39d] (p15)**

6.83 The Economist Intelligence Unit Country Profile of June 2005 also stated that the draft post transition constitution "addresses the extremely touchy question of the Banyamulenge Tutsis long-settled in the region whose status as Congolese citizens has been heavily politicised and manipulated over the past 25 years." It stated that the draft constitution recognises "as Congolese citizens all those that were resident in the DRC at independence in 1960." **[30b] (p14)**

6.84 A report of 14 May 2005 from BBC News Online about the proposed post-transition Constitution approved by the National Assembly in May 2005 also stated "It also recognises as citizens all ethnic groups at independence in 1960. This article is a recognition of the citizenship of thousands of ethnic Tutsis, who were transplanted to the then Belgian-ruled Congo back in the 19th Century." **[15k]**

See also Section 5 on The constitution; Section 5 on Citizenship and nationality

6.85 USSD 2004 stated "Government forces and armed groups targeted civilians on the basis of ethnicity for extra-judicial killings, rape, looting, and arrest. For example, during the seizure of Bukavu by ex-RCD/G [Rassemblement

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

congolais pour la démocratie – Goma] combatants in late May and early June [2004], the ex-RCD/G forces targeted non-Tutsis for attack, and the FARDC in turn targeted Congolese Tutsis when it reoccupied the city in June (see Section 1g)." **[3f] (section 1a)**

6.86 Human Rights Watch (HRW) in the World Report 2005, commenting on events in 2004, also reported "The Bukavu revolt and the Gatumba massacre sharply increased fear and hatred between Tutsi and Banyamulenge peoples and other ethnic groups in eastern DRC. In some places animosity against Tutsi and Banyamulenge is generalized to all Rwandaphones, people linguistically or culturally linked to Rwanda." **[5l] (Increasing Ethnic Hostility)** HRW also reported in June 2004 that killings and other abuses of Banyamulenge people by pro-government forces were claimed as the reason why rebel forces took control of Bukavu in June 2004. **[5d] (Overview)**

6.87 A Reuters news report of 11 October 2004 also advised that there were violent protests in the eastern town of Uvira against returning ethnic Tutsi refugees (Banyamulenge). **[21a]** The World Refugee Survey 2005 by the US Committee for Refugees and Immigrants (USCRI) also stated "In October [2004], UNHCR and WFP aided 1,500 families who returned via the Uvira transit center. That same month, the Government deployed 5,000 troops to protect displaced Tutsis threatened by other ethnic groups." **[53]**

6.88 USCRI also reported that "In July [2004], the military and local authorities detained 283 Rwandan immigrants and Congolese of Rwandan ancestry in a military camp in Bunyakiri [South Kivu] for two weeks and, with UNHCR's assistance, deported them to Rwanda, which granted them asylum. UNHCR reported that those deported were not refugees but second-generation Congolese nationals of Rwandan origin." [53]

See also Section 6C on Security situation - eastern DRC; Section 6C on Bukavu June 2004; Section 6C on Gatumba massacre August 2004

Return to Contents

TUTSIS IN KINSHASA

6.89 A Fact-Finding Mission Report dated October 2002 by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) advised that in August and September 1998 an undetermined number of people who were Tutsis, or were perceived as being Tutsis, were subjected to indiscriminate human right abuses in Kinshasa, in reaction to the conflict between the DRC and Rwanda that occurred in August 1998. The report stated:

"It emerges from numerous conversations with the Kinois [Kinshasa citizens] that, in their eyes the Rwandans are the enemy, the occupier and the aggressor. Often the Kinois make no distinction between the Tutsis, the Hutus, the Rwandans and the others. During the August and September 1998 pogrom, an undetermined number of people were subjected to indiscriminate anger simply because of their appearance. The Tutsis are in fact recognised by their great height, their pointed noses and their oval faces." **[24a] (p21)**

6.90 The same report advised that during late 1998:

"People of Tutsi origin or who were presumed to be of Tutsi origin were arrested and a number of them were burnt alive or shot. In order to excuse themselves, the pogrom participants argued that the Congolese authorities played a significant role in stirring up anti-Tutsi hatred. During this period, a certain number of ministers in fact served as official spokesmen to designate the enemy by popular condemnation by labelling them as vermin which should be exterminated at any price." **[24a] (p21-22)**

6.91 The Belgian report of 2002 concluded that:

"In Kinshasa, Tutsis and individuals whose morphology resembles that of Tutsis, individuals who speak kinyarwanda and individuals from Kivu may be in danger because of the aforementioned characteristics. According to certain interlocutors, the husband or wife of a Tutsi may also experience some problems.… A Congolese citizen who accommodated a Rwandan in his own home always runs the risk of being harassed by the security services.… As is often the case in the Democratic Republic of Congo, the situation is in fact very volatile in relation to the Tutsis in Kinshasa." It also noted that since 1998, the Government had allowed international agencies to resettle thousands of Tutsis in other countries. **[24a] (p21-22)**

6.92 The US State Department (USSD) Human Rights Report for 2002 reported that:

"Since the start of the war in 1998, ethnic Tutsis have been subjected to serious abuses, both in the capital and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime; however, these abuses decreased significantly during the year. Human rights groups have complained that discrimination against persons perceived to be of Tutsi ethnicity and their supporters was a problem." **[3a] (p21)**

6.93 A country report dated January 2004 by the Ministry of Foreign Affairs of the Netherlands advised:

"The camp on the premises of the INSS (National Social Security Institute) in Kinshasa, which had housed several hundred Tutsis since 1998, was closed in the summer of 2003 by the Ministry of Human Rights because the local population had become more tolerant towards the Tutsi. The International Committee of the Red Cross helped find solutions for the ex-inhabitants of this camp. Approximately 100 persons have obtained a visa for Canada, and approximately 80 persons have travelled to the east of the Democratic Republic of Congo (this was coordinated by the Office of the United Nations High Commissioner for Human Rights). The remaining ex-inhabitants have remained in Kinshasa and joined society. The Red Cross helped them in this for six months." **[42] (p20)**

6.94 A report by the International Crisis Group (ICG) of March 2005 commented on the situation of Tutsis in Kinshasa as follows:

"Anti-Tutsi sentiment has been high in Kinshasa for years. After Laurent Kabila expelled members of the Rwandan army from the capital in July 1998, the head of his cabinet, Yerodia Ndombasi, called the Tutsi 'scum, vermin that must be methodically eradicated'. In the weeks that followed, hundreds of Tutsi civilians throughout the Congo were arbitrarily arrested, tortured and killed. In subsequent years, anti-Tutsi sentiment has formed a cornerstone of the PPRD

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

platform. According to a UN analyst, 'In the absence of a solid popular base and public services, anti-Tutsi propaganda is one of the only things that can rouse the rabble in Kinshasa'." **[39d] (p12)**

6.95 USSD 2004 stated:

"Anti-Tutsi sentiments – including appeals to force Tutsis into exile and practice discrimination toward Tutsis in regard to citizenship rights – were expressed in private and government-affiliated media. In addition to inflammatory articles and editorials in the major government-affiliated newspaper, L'Avenir, government-affiliated television talk shows featured guests with extreme, anti-Tutsi views. During the year, there were credible reports that certain members of the Government directly and indirectly encouraged hate speech that advocated forcing Tutsis into exile. For example, there were unconfirmed reports that some hard-line government officials provided funding for Pastor Theodore Ngoy to buy television airtime to incite hatred against Congolese Tutsis by claiming they were Rwandans who were in the country to infiltrate society. Such programs were aired periodically through the first half of the year." **[3f] (Section 5)**

6.96 The Congolese press freedom organisation, Journaliste en Danger, published via the International Freedom Exchange (IFEX), reported on 19 January 2005 that "On 13 January 2005, the Congolese media regulatory body (Haute Autorité des Médias, HAM) announced the one-month suspension of the controversial programme 'Forum des médias'. The weekly programme is produced and broadcast by the public broadcaster's (Radiotélévision nationale congolaise, RTNC) Channel Two station." JED reportedly stated that "Over the last few months, the programme – which is reportedly under the complete control of the Information Ministry – has become a breeding ground for fanaticisms of every kind. It convenes virtually the same group of individuals each week and has become a catalyst for the vilification of anyone not aligned with the official version of current events in the Democratic Republic of the Congo (DRC)." and "Congolese citizens of Rwandan origin, including Vice-Presidents Azarias Ruberwa and Jean Pierre Bemba [n.b. not of Rwandan origin], have been the principal targets of the programme." **[63c]**

Return to Contents

WOMEN

6.97 According to the Natlex index of the International Labour Organisation family law is governed by Law 87/010 of 1 August 1987. **[69]**

6.98 Amnesty International (AI) in a report of 26 October 2004 'Mass rape - Time for remedies' stated:

"The legal system discriminates against women on different levels. For example, under Article 448 of the Family Code (*Code de la famille*), while unmarried women over the age of 18 are treated as equal before the law, a married woman who wishes to take a case to court must first ask her husband's permission (10). [footnote: '10. Similarly, until October 2002, when the Labour Law (*Code du Travail*) was amended, women had to ask their husband's permission before applying for a job.']

The law criminalizing consensual sex out-side marriage, termed as adultery, is also applied differently to husband and wife. Article 467 sub-section 4 of the Family Code lays down a term of imprisonment of six months to a year and a fine for a married women [sic] committing adultery. A husband, however, will only face the same punishment if behaviour covered by this law is found to be of an 'offensive character' (*caractère injurieux*) (Article 467, paragraph 2).

Article 352 of the same Code provides for different ages of marriage for men and women: women/girls need only be aged 15 or over, men have to be aged 18 or above. Given the very high number of forced marriages, human rights organizations are campaigning for the law to be changed in favour of an equal age of marriage for both sexes.

According to article 490 paragraph 2 of the Family Code, whatever the marriage settlement, the management of the wealth is entrusted to the husband.

These are among examples of a number of discriminatory provisions in Congolese legislation." **[11c] (p10)**

6.99 Freedom House also stated in the Freedom in the World report for 2005 "Despite constitutional guarantees women face de facto discrimination, especially in rural areas, where there is in any case little government presence. They also enjoy fewer employment and educational opportunities than men and do not receive equal pay for equal work. Violence against women, including rape and forced sexual slavery, has soared since the onset of armed conflict in 1996." **[66] (Political Rights and Civil Liberties)**

6.100 The US State Department 2004 Human Rights Report (USSD 2004) published on 28 February 2005 stated that:

"Married women were required by law to obtain their husband's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a woman to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce; however, in practice, women often were denied these rights, which in some cases was consistent with traditional law. Widows commonly were stripped of all possessions – as well as their dependent children – by the deceased husband's family. Human rights groups and church organizations worked to combat this custom, but there was little government intervention or legal recourse available. In addition, women often did not realize that they could improve their legal inheritance claims by obtaining official documents that proved their marital status. Women also were denied custody of their children in divorce cases, but they retained the right to visit them. Polygyny was practiced, although it was illegal. Father-child relationships resulting from polygynous unions were recognized legally, but only the first wife was recognized legally as a spouse." **[3f] (Section 5)**

6.101 An information response by the Canadian Immigration and Refugee Board (IRB) of 17 July 2003 about forced marriages in the DRC, particularly among the Yansi tribe, reported a comment by the president of the Réseau Programme d'appui aux actions féminines [Network Support Programme for feminine actions] referred to the "negative customs and traditions that drive [women] to commit suicide or leave the country." The same source also referred to an

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

initiative by President Kabila to increase the birth registration rate which is currently at 34 per cent, and said that this could assist the problem of girls being forced to marry before they are of legal age in the absence of proof of their date of birth. **[43e]**

6.102 A further IRB information response dated 14 April 2004 about forced marriages, particularly among the Bambala ethnic group, also reported that "a researcher and legal advisor at Éveil de la femme, a women's rights organization based in Kinshasa, said that forced marriages are common throughout the RDC, and particularly in Bandundu and Kasai. Women are often forced to marry the uncle, brother or cousin of a dead husband, or even their own cousin, nephew, or uncle, though the latter is less common." The response also reported that the president of the Programs for the Call to Women's Action (Programme d'appui aux actions féminines, PAAF), who is also a lecturer at the University of Kinshasa, stated that "customary marriages, like civil marriages, are recognized by Congolese law. Consequently, the Democratic Republic of Congo (RDC) does not interfere with the customs of the various ethnic groups, unless there is a complaint." **[43m]**

6.103 The same response of 14 April 2004 also reported "Though it does not refer specifically to the Bambala, a paper titled Congo, l'itinéraire noir indicated that, among some ethnic groups in RDC, [translation] marriage is the society's fundamental institution. Preferential marriages and lineage exogamy between clans are practised, and the notion of incest is a social concept, not a genetic one. Rules are very precise because marriage is an exchange of women between groups, an alliance, a means of social cohesion, and often a political tool. Being single is inconceivable." **[43m]**

6.104 Another IRB information response dated 8 April 2004 about marriage in the absence of one of the spouses, reported information from a researcher and legal advisor at a Congolese women's rights organization in Kinshasa called Éveil de la femme that "the absence of one of the spouses does not prevent the celebration of a customary or civil marriage. Religious marriages, however, always require the physical presence of both spouses. In the case of a customary or civil wedding, a family member, such as a brother, uncle or male cousin for the groom, or a sister, aunt or female cousin for the bride, may stand in for the missing spouse. The representative of Éveil de la femme said that some men have married by proxy while they were abroad." The same response also reported that "the permanent secretary of the National Committee for Women in Development (Comité national Femme et Développement, CONAFED), a Congolese women's organization, stated that customary or civil marriages by proxy are common in the RDC. She explained that a friend or family member can stand in for one of the spouses." **[43l]**

6.105 The United Nations (UN) Special Rapporteur stated in a March 2004 report that "several women's associations in Lubumbashi and elsewhere had told her about the difficulties they face when they try to take part in political life through a political party, and have expressed the desire to become involved in political life through community organisations." **[55b] (p18-19)**

6.106 A report by the Integrated Regional Information Networks (IRIN) on 10 March 2005 reported comments by women's representatives on International Women's Day that "Women are still under represented at decision-making levels in the Democratic Republic of Congo's (DRC's) institutions, reduced to

the role of house help and have even become victims of repeated sexual violence". The report also stated:

"The UN Development Fund for Women (UNIFEM) gender adviser, Miranda Kabefor, told IRIN that women were far from attaining 30 percent representation in decision-making bodies of the government – the Senate, the National Assembly, and heads of public firms. She said more concrete action was needed…. There were, she said, just nine women among the 61 ministers and vice ministers in the transitional government, and only 60 women sit in the two chambers of the 620-member parliament. The same situation prevails in state-owned firms.

One reason for the low representation of women in state bodies could be a reflection of their low enrolment in school. UN Children's Fund (UNICEF) statistics illustrate this." **[18ah]**

6.107 USSD 2004 stated "Domestic violence against women, including rape, was common throughout the country; however, there were no known statistics on the extent of this violence. Assault and rape are crimes, but police rarely intervened in domestic disputes and rapists were very rarely prosecuted. There were no laws prohibiting spousal abuse or assault. It was commonplace for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim and her family. The press rarely reported incidents of violence against women or children; press reports of rape generally appeared only if it occurred in conjunction with another crime, or if NGOs reported on the subject." **[3f] (section 5)**

6.108 USSD 2004 also stated "The law does not prohibit prostitution except in cases involving children under the age of 14; prostitution, including child prostitution, was a problem mainly due to poor economic conditions. There continued to be reports of women and girls pressured or forced to engage in prostitution by their families out of economic necessity. There was no information available on the extent of prostitution in the country. Security forces encouraged prostitution and were customers. There were unconfirmed reports that security forces harassed and raped prostitutes." **[3f] (Section 5)**

6.109 The same source also stated "There were no laws preventing sexual harassment; the extent of the problem was unknown. On October 25 [2004], security forces in Kinshasa attacked women for wearing tight pants. Ten soldiers and two policemen were arrested for beating and tearing clothes off women in Kinshasa. At year's end, it was unknown if any action had been taken against them." **[3f] (Section 5)**

Return to Contents

6.110 Regarding Female Genital Mutilation (FGM), USSD 2004 stated "The law did not prohibit the practice of FGM, and although FGM was not widespread, it was practiced on young girls among isolated groups in the north. The National Committee to Fight Harmful Traditional Practices/Female Genital Mutilation developed a network of community leaders, women representatives, and health professionals dedicated to the prevention and treatment of FGM; however, the Committee lacked adequate resources for prevention and treatment." **[3f] (Section 5)**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

6.111 Many human rights reports referred to the widespread use of systematic sexual violence against women in the eastern areas of conflict, and arising from illegal arms and mineral trading, including reports from Human Rights Watch (HRW), Freedom House Freedom in the World report for 2005, Médecins sans Frontières Annual Activity report 2004, and the Global IDP Report of July 2005. The reports called for measures to improve health care and to bring the perpetrators to justice, and highlighted the need to improve security and medical care in the east of the country. **[3f] (Section 5) [5l] (Continuing Violence Against Civilians) [5m] [5o] [29c] [49] (p6) [66] (Political Rights and Civil Liberties)** The Freedom House Report 2005 stated that "The Save the Children organization has ranked the DRC among the world's five worst conflict zones in which to be a woman or child." **[66] (Political Rights and Civil Liberties)**

6.112 The UN Special Rapporteur reported in March 2004 that she had met many female victims of sexual violence and referred to the medical consequences, including HIV/AIDs, the social discrimination and stigmatisation of the victims, and the impunity of the attackers. **[55b] (p19, 20)**

6.113 AI also issued reports on this subject in October and December 2004, and also, in July 2005, in the context of the grave human rights abuses arising from the effect on the civilian population of the illegal cross-border arms trade in the east of the country. **[11c] [11d] [11g]** The AI 2005 report on events in 2004 stated:

> "In the course of the DRC conflict, tens of thousands of women and girls have been victims of systematic rape committed by combatant forces. Throughout 2004 women and girls continued to be attacked in their homes, in the fields or as they went about their daily activities. Many suffered gang rapes or were taken as sex slaves by combatants. Rape of men and boys was also reported. Rape was often preceded or followed by the deliberate wounding, torture or killing of the victim. Some rapes were committed publicly or in front of family members, including children. Some MONUC civilian, police and military personnel were responsible for rape and sexual exploitation of women and girls.
>
> Rape survivors' rights were further violated in the aftermath of the rape, deepening their suffering. Women suffering injuries or illnesses caused by the rape – some of them life-threatening – were denied medical care. The DRC's health care system, completely broken down in many areas, was unable to offer even the most basic treatment. Because of prejudice, many women were abandoned by their husbands and excluded by their communities, condemning them and their children to extreme poverty. Because of an incapacitated judicial system, there was no justice or redress for the crimes they endured."
> **[11f] (Violence against women)**

6.114 USSD 2004 reported that "There were a number of active and effective women's groups throughout the country." **[3f] (Section 5)** HRW also reported in the World Report 2005 "Several women's groups are seeking ways to encourage the prosecution of sexual violence, committed so widely in the DRC." **[5l] (Making Justice Work)**

6.115 IRIN reported on 25 August 2005 about a report by Save the Children that "Some 12,500 girls currently belong to government and non-government forces in the Democratic Republic of Congo (DRC) and a programme to disarm, demobilise and reintegrate all militias into society is failing them". **[18bl]**

See also Section 6B on Child soldiers; Section 6C on Security situation - eastern DRC

Return to Contents

CHILDREN

6.116 A report by the United Nations (UN) Committee on the Rights of the Child in August 2000 stated that the age of 18 is the start of civil and political majority; the age of majority for penal purposes is set at 16; and the age of majority for purposes of marriage or sexual majority is 14 years of age. **[58] (p28)** The CIA World Factbook advised that the legal age for voting is 18 years. **[13]** In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "Criminal responsibility is established at 14 years old (Criminal code). Minimum age to marry is 15 years for the girls and at 18 years for the boys (Family Code)." **[60b]**

6.117 A report of March 2004 by the Immigration and Refugee Board (IRB) of Canada on the Situation of Children in the DRC quoted various sources that there is a widespread lack of respect for children's rights, and that the notion of child abuse does not exist in Congolese legislation. **[43o] (Section 4)** The same report stated that children under the age of 18 make up approximately 55 per cent of the population; however, only about 50 per cent of children between the ages of six and 11 attend school. **[43o] (Section 2)**

See also Section 5 on Educational System

6.118 The United Nations (UN) Secretary-General reported on 15 March 2005 to the UN Security Council on child protection measures:

"In order to protect children, particularly street children, from being used to foment public unrest and as potential targets of violence or repression, MONUC and child protection partners continue to sensitize local authorities in key cities. In Mbuji-Mayi, during unrest in May, most of the demonstrators were children and young people. As a result of sustained advocacy by MONUC and child protection partners, the draft Constitution includes several provisions on children, including defining the age of maturity as 18, and a State obligation to protect children from abandonment and all forms of violence, and from being accused of witchcraft. MONUC also intervened in seven cases of individuals under sentence of death who are currently under 18 or were at the time their sentences were passed." **[54e] (p12)**

See also Section 6C on Katanga

6.119 The IRB report of March 2004 and the US State Department 2004 Human Rights Report (USSD 2004) published on 28 February 2005 noted that tens of thousands of children are reported to live on the streets of major cities. **[3f] (Section 5) [43o] (Section 2)** The IRB report stated that, under Congolese legislation, street children are considered delinquents, and are often arrested by the police. **[43o] (Section 4)** The IRB and USSD 2004 also stated that many street children are treated as 'child witches'. **[3f] (Section 5) [43o] (Section 2.2)**

6.120 The US State Department Victims of Trafficking Report 2005 stated "There were confirmed reports of children in prostitution in brothels across the country.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

During the year, a number of personnel from the UN peacekeeping mission to the Congo (MONUC), were accused of sexually exploiting women and girls." **[3e] (Country Narratives)** USSD 2004 stated "Child prostitution was a serious problem." **[3f] (Section 5)** Watch List on Children and Armed Conflict Report June 2003 also referred to the problem of child prostitution in the DRC. **[37] (p22-23)**

6.121 Numerous human rights groups including Amnesty International (AI), in a report of October 2004 'Mass rape: Time for remedies', reported on the use of violence, including sexual violence, by armed forces on women and children in areas of conflict, as did Human Rights Watch World Report 2005, commenting on events in 2004, and the Global IDP report of July 2005. **[5l] (Continuing Violence against Civilians) [11c] (Introduction) [49] (p6-7)** The Freedom House Report 2005 stated that "The Save the Children organization has ranked the DRC among the world's five worst conflict zones in which to be a woman or child." **[66] (Political Rights and Civil Liberties)**

See also Section 6B on Women

6.122 Information from the United Nations Children's Fund (UNICEF) and from the Global IDP report of July 2005 was that many children have been killed in fighting, but a far greater number – hundreds of thousands – have died due to malnutrition and other preventable diseases. **[49] (p7) [59a]** UNICEF also reported in 'The State of the World's Children 2005' report that the national under-five mortality rate was 205 per 1000 live births in 2003. **[59b]** UNAIDS reported in September 2004 that the number of children (age 0-15) living with HIV/AIDs was estimated between 42,000 and 280,000. **[61a] (p2)**

See also Section 5 on Medical services; Section 6A on Human rights issues; Section 6A on Child labour; Section 6A on People trafficking; Section 6C on Security situation - eastern DRC

Return to Contents

CHILD SOLDIERS

6.123 Numerous agencies and human rights groups including UNICEF, AI, Human Rights Watch (HRW), Freedom House, Watchlist on Children and Armed Conflict, and the Global IDP Project have reported on and criticised the use of child soldiers by all sides in the conflicts in the east of the country. **[5b] [11f] (Child Soldiers) [37] (p22) [49] (p6-7) [59b] (p44) [66] (Political Rights and Civil Liberties)**

6.124 The Global Report 2004 published in November 2004 by the Coalition to Stop the Use of Child Soldiers on the DRC stated that "The transitional constitution of April 2003 bans the recruitment into the armed forces of anyone under the age of 18, or their use in hostilities (Article 184)…. The labour code prohibits the recruitment of minors, defining the use of child soldiers as one of the worst forms of child labour." **[44] (National Recruitment Legislation)** The same source stated that "All parties to the conflict recruited, abducted and used child soldiers, often on the front line." **[44] (Introduction)** A HRW report to the United Nations (UN) in January 2003 also referred to this issue, stating that the government recruited child soldiers and "All armed opposition groups continued to recruit and use children in violation of international obligations, leading some observers to describe fighting forces as 'armies of children'." **[5b]**

6.125 The Global IDP Project report of July 2005 stated:

> "Many displaced children have been forced into the ranks of the armed groups. Although the total number of children associated with the armed forces and groups is unknown, estimates vary from 20,000 to 40,000 (UNICEF, 7 May 2004)…. As of mid-2005, according to UNICEF, at least 3,000 children were still in the hands of militias in Ituri and an even greater number remained in armed groups in the rest of the country (IRIN, 5 April 2005). Girls too are recruited, and often suffer both sexual abuse and forced labour (AI, 9 September 2003). Up to 12,500 girls were estimated to be in armed groups as of early 2005 (Save the Children Alliance, 25 April 2005)." **[49] (p6-7)**

6.126 USSD 2004 stated that:

> "The FARDC and other armed groups continued to have child soldiers in their ranks. During the year, the Government demobilized an estimated 3,080 children, and there were no reports that the Government actively recruited children; however, there were numerous reports that it provided support to Mai Mai groups, which continued to recruit and use child soldiers. The Government continued to collaborate with UNICEF and other partners to demobilize child soldiers, participated in an international program to demobilize child soldiers, and finalized the national demobilization and disarmament committee's plan for children associated with armed groups." **[3f] (Section 5)**

6.127 The Freedom House Freedom in the World Annual Report 2005 covering events in 2004 also stated "Children continue to face forced conscription by all sides in the conflict, although the government appeared to be scaling back this practice." **[66] (Political rights and Civil Liberties)** Watchlist on Children and Armed Conflict stated in its report of June 2003 that MONUC's Child Protection Section was the largest of any UN peacekeeping operation. **[37] (p8)** USSD 2004 also stated "There were several active and effective local and international NGO groups working with MONUC and UNICEF to promote children's rights throughout the country, and with the Government's national committee on disarmament, demobilization, and reintegration." **[3f] (Section 5)**

6.128 The UNSG reported to the UN Security Council in March and August 2005 on some measures being taken to address disarmament of child soldiers. **[54e] (p12)** **[54g] (p12)** The UNSG report of 2 August 2005 stated "Under the disarmament and community reintegration programme, which ended on 25 June, 15,607 combatants of various militia groups, including 4,395 children (840 of whom were girls) were disarmed and some 6,200 weapons collected, of which, however, 70 per cent were unserviceable." **[54g] (p5)**

6.129 The UN Integrated Regional Information Networks (IRIN) reported on 23 February 2005 that the UNDP had stated that the majority of the 3,300 ex-combatants that had been disarmed in the Ituri region were children. The UNDP reportedly stated that the Congolese government's disarmament and community reinsertion plan in Ituri had so far admitted at least 1900 children. **[18ae]**

6.130 A paper by the Institute of Security Studies 'Is Ituri on the Road to Stability?' dated 11 May 2005 stated "To date a total of 3,468 CAAGs [Children associated with armed groups] have entered transit sites in Ituri. CAAGs who

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

are accompanied by family members will be allowed to return home to their families. Those who are unaccompanied will be placed with host families for a transition period. A number of structures including MONUC, UNICEF and international NGOs will be responsible for the follow-up and support for the CAAGs." **[27g] (p10)** A report by the Integrated Regional Information Networks (IRIN) dated 12 April 2005 illustrated the work of UNICEF in reintegrating the children and the difficulties involved. **[18an]**

See also Section 5 on Military service; Section 6C on Security situation - eastern DRC; Section 6C on Disarmament of foreign armed groups; Section 6C on Ituri; Section 6C on Assassination of President Laurent Kabila

Return to Contents

CHILDCARE ARRANGEMENTS

6.131 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "According to the Family Code, the minor who has neither father nor mother is placed under the guard of a tutor. The family council (*"Conseil de famille")* is allowed to express its opinion, but it is not a guard." **[60b]** A report by the UN Committee on the Rights of the Child in August 2000 stated:

"A child who is a minor is placed under parental authority. In the absence of both parents it is placed under the guardianship of the family (family council); if it has no family, or the parents have been deprived of parental authority (art. 239), guardianship is assumed by the State…. Unfortunately, the economic crisis which the Congo is undergoing is not of a nature to encourage family solidarity for the genuine acceptance of responsibility for the care of orphan and abandoned children. The guardianship of the State is often purely theoretical." **[58] (p25)**

6.132 The charity SOS-Children's Villages reported that "At present there is one SOS Children's Village in the Democratic Republic of Congo, one SOS Youth Facility, one SOS Kindergarten, one SOS Hermann Gmeiner School, one SOS Medical Centre and one Emergency Relief Programme." **[67]**

Return to Contents

HOMOSEXUALS

6.133 The 1998 survey by the International Gay and Lesbian Association reported that the Pink Book had stated that parts of the Penal Code concerning 'crimes against family life' could be used to punish homosexual acts. This included laws governing assaults against a person, with a penalty of six months to five years imprisonment; rape, with a penalty of five to 40 years imprisonment; and assaults on minors, as a 'break [sic] of public morals' with a penalty of a fine and five months to five years imprisonment. **[45]** However, in comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "In Congolese Criminal Law, higher punishments are 20 years imprisonment or life imprisonment. There is no 40 years imprisonment." **[60b]**

6.134 The British Embassy in Kinshasa advised in August 2001 that homosexual activity was not illegal and police arrests were usually made when the person concerned had acted without due regard to propriety or against public morals. However, everyone, regardless of his or her sexual persuasion, was bound by the Penal Code. There was no discrimination between male or female homosexuals. **[22b]**

6.135 The same source stated that, traditionally, homosexuality was regarded as a crime against nature and homosexuals could be punished in accordance with local tradition. This might have included being ostracised or segregated. Latterly, however, covert or open homosexuality did not generally result in public condemnation or police harassment. **[22b]**

6.136 A country fact finding report of 2002 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) also noted that:

"The Congolese Criminal Code does not contain any article dealing with homosexuality or makes it a criminal offence. Some international organisations for the defence of homosexuals state that articles 167,168,170 and 172 of the Zaire Criminal Code, "Section II: Indecent Assault, Rape" and "Section III: Offences Against Common Decency" *could* be used by the authorities to punish homosexuality. However, information obtained from organisations in defence of human rights in Kinshasa includes no indication of these suppositions. It is, however, an established fact that homosexuality is taboo in DRC. Merely raising the subject makes some interviewees feel embarrassed." **[24a] (p27)**

6.137 The same report stated that the observers questioned on the subject did not know of any cases of Congolese being persecuted by the authorities because of their sexual orientation. They did not know of the existence of an organisation for the defence of homosexual rights. The report referred to comments from two local human rights groups, CODHO (Committee of Human Rights Observers), and VSV (La Voix des Sans-Voix) that homosexuals are rejected by society and homosexuality cannot be displayed in public; however, homosexuals could manage to live as they wish in Kinshasa if they remained discreet. The report also stated that there were a number of clubs in Kinshasa where homosexuals meet. **[24a] (p27)**

Return to Contents

PERSONS ASSOCIATED WITH THE MOBUTU REGIME

6.138 An information response by the Canadian Immigration and Refugee Board (IRB) dated 3 April 2003 about the treatment of former diplomats and other individuals perceived as sympathisers with the former President Mobutu stated that:

"According to *Le Potentiel*, many exiled high officials have returned to the country (1 Nov. 2002). The same Congolese newspaper added that 'Mobutists' are now present everywhere, including in government positions (*Le Potentiel* 28 Mar. 2003).

Referring to 'people who were linked to former President Mobutu and the MPR [Mouvement Populaire de la Revolution – Mobutist political party],' a November 2002 report stated that 'persecution may result from either having held a very

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

senior visible position in the party, the government or the security forces, or from overt opposition to the current government.' (ACCORD/UNHCR 28 Nov. 2002)." **[43a]**

6.139 Another IRB response dated 10 April 2003 reported that the Congolese human rights group Journaliste en Danger was not aware of any ordinary Congolese citizen who had been prevented by the Congolese authorities from renewing a passport issued during the Mobutu regime. On the contrary the authorities had encouraged people to replace their old Zairean passports for the new Congolese ones. **[43b]**

See also Section 6C on Documentation - Passports

6.140 Two further IRB reports dated 2 March 2004 and 26 March 2004 indicated that there was no particular adverse treatment of members of the Ngbandi tribe, or the Mbunza ethnic group, or persons from the Equateur province [associated with the former President Mobutu], based on interviews with the president of the Congolese human rights group ASADHO, and a journalist specialising in the Great Lakes region. The sources explained that the transition institutions (government, parliament, senate, army and others) comprise individuals from various ethnic groups including the Ngbandi and Mbunza, like those of other tribes in Equateur. **[43i] [43j]**

6.141 However, a report of 13 April 2004 by the Integrated Regional Information Networks (IRIN) reported, in connection with the attempted coup of March 2004, that "A local human rights organisation, Voice of The Voiceless [Voix des Sans-Voix], has claimed that at least 200 people of the Ngbandi ethnic group in the Democratic Republic of Congo have been arrested in connection with a recent attack by ex-soldiers of the nation's former army on several military and civilian installations." The same IRIN report stated "The Mbiya Cultural Association, in which the Ngbandi are represented, has also accused the government of 'stoking ethnic hatred' and 'exposing an entire people to public vindictiveness'." According to the IRIN report the Human Rights minister denied that there had been any attempt to target the Ngbandi people. **[18g]**

See also Section 6C on Attempted Coup of 28 March 2004

6.142 A country fact finding report of 2002 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) reported that after Laurent Kabila ousted Mobutu in May 1997 many high-ranking officials of the former Mobutu regime were arrested and imprisoned in the CPRK [Centre pénitenciaire et de rééducation de Kinshasa] Prison in Kinshasa. Others managed to avoid being arrested by leaving the country. The report stated that the security situation improved for persons closely associated with the Mobutu regime when Joseph Kabila came to power in January 2001, and even more so after the Sun City Peace Accord was signed in April 2002. A large number of persons closely associated with the Mobutu regime had now returned to the DRC. **[24a] (p23)**

6.143 The CEDOCA Report also stated that distant relatives of Mobutu living in Kinshasa had not encountered any problems through being associated with Mobutu, and also that negotiations took place in 2002 between Kinshasa and Rabat to repatriate the remains of Mobutu. The report stated that persons who were closely associated with the MPR during the Mobutu regime were not at risk of persecution by the security forces and could therefore return to the

country if they were abroad. The report concluded that "If Mobutu's followers are not suspected of collaboration with the rebels, they are no longer persecuted. Affiliation to Mobutu's former MPR [political party] does not involve the risk of political persecution." **[24a] (p23)**

6.144 A CNN Online news report dated 23 November 2003 recorded that close relatives of Mobutu returned to the DRC from exile in 2003. **[23]** The report stated that Manda Mobutu, the son of the former president, returned to the DRC in November 2003 from exile in France, with his sister, Yanga, to prepare his political party for the elections due to take place in 2005, and Manda's half-brother, Nzanga Mobutu, returned to the DRC from exile in August 2003. **[23]** A news report by *The Independent* (UK newspaper) dated 28 November 2003 stated that the Mobutu sons returned to the DRC with President Joseph Kabila's blessing, and Leon Kengo wa Dondo, a former prime minister under the Mobutu regime and other persons associated with the Mobutu regime had also returned to the DRC. **[20]**

Return to Contents

FORMER SOLDIERS OF THE MOBUTU REGIME

6.145 An information response dated 26 March 2004 by the IRB about the treatment of a person whose family members had served in the army under former President Mobutu stated that:

"The President of the African Association for the Defence of Human Rights (Association africaine de défense des droits de l'homme, ASADHO) said during a 25 March 2004 telephone interview that his organization is not aware of any particular treatment that would be imposed on a person merely because members of his or her family had served in the former army, under the Mobutu regime. He added that most members of the Zairean Armed Forces (Forces armées zaïroises, formerly FAZ) are currently serving in the Congolese Armed Forces (Forces armées congolaises, FAC) [known as FARDC from 2003] (ASADHO 25 Mar. 2004)." **[43k]**

6.146 A country fact finding report of 2002 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) advised that the security situation in the DRC for former soldiers of the FAZ has improved since Joseph Kabila became president in January 2001. The CEDOCA report stated that many former FAZ soldiers were serving in the current Congolese army. In 2002, all the key positions in the Forces Armées Congolaises (FAC) [renamed FARDC in 2004] high command were occupied by former FAZ soldiers and an estimated 20,000 to 25,000 former FAZ soldiers were living in Kinshasa. The same report concluded "When ex-FAZ members are not suspected of collaboration with the rebels, they are no longer persecuted." **[24a] (p23-24**)

6.147 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that the rank of a soldier might not always mean what it did in better established armies. It was stated that a low-ranking soldier may politically have more power than a top general, by virtue of his ethnic group and connections to influential persons. **[52] (p100)**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

6.148 A report dated 4 May 2004 from the United Nations (UN) Integrated Regional Information Networks (IRIN) advised that an agreement had just been reached between the DRC and the neighbouring Republic of Congo to repatriate former combatants in both countries. IRIN stated that:

> "Similarly, the RoC [Republic of Congo] has, since 1997, been home to some 4,000 soldiers of the defunct Special Presidential Division of the late DRC president, Mobutu Sese Seko, and of his Zairean Armed Forces, or FAZ. The presence of these former soldiers has caused both Congos to trade mutual accusations of supporting coup makers, despite the existence of a non-aggression pact. In March, authorities in Kinshasa accused Brazzaville, and the ex-FAZ, of taking part in the 28 March [2004] attack on military targets in the DRC capital, Kinshasa.… In 2002, both Congos signed an agreement with the International Organisation for Migration for the repatriation of the ex-FAZ and former soldiers seeking refuge in RoC but nothing concrete has been achieved." **[18h]**

See also Section 5 on Military service

Return to Contents

6.C HUMAN RIGHTS - OTHER ISSUES

SECURITY SITUATION - EASTERN DRC

6.149 The DRC has been involved in a major civil war in recent years. There has been fighting in the eastern area of the country involving the forces of rebel groups and those of other African countries, including Rwanda and Uganda. The provinces of North and South Kivu, Maniema, Equateur and the Ituri district of Orientale have been badly affected, and violence has also occurred in Katanga and North and South Kasai. **[1c] [3d] (History) [22g] (History, Politics) [27e] (Security Information)** The concern of the international community has been expressed in peacekeeping efforts by the United Nations (UN) through the UN Mission to the Congo (MONUC) and the efforts of governments and international organisations. **[16a] [17a] [17b] [29c] [38] [53] [54g] (p6) [57b] [59a]**

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

6.151 The fighting has had a devastating effect on the population in the east, where the infrastructure of transport, commerce, medical and social support was already extremely poor. **[3f] (Overview) [11f] (Overview) [29c] [53] [54g] (p1, 3-5) [60a] (p83-87) [66] (Overview)** The International Rescue Committee (IRC) stated in December 2004 that nearly 4 million people had died as a result of the war. [50] (piii) Grave human rights abuses have been carried out in the conflict, and the fighting has continued between armed groups and government forces in

parts of eastern and north eastern DRC. **[3f] (Overview) [5l] [11f] (Overview) [55b] (p8-10)**

See also Section 3 on Economy;
Section 4 on History;
Section 5 on Legal rights/detention;
Section 5 on Prisons and prison conditions;
Section 5 on Military service;
Section 5 on Medical services;
Section 5 on Educational system;
Section 6A on Human rights issues - general;
Section 6B on Ethnic groups -Banyarwanda/Banyamulenge/Tutsis in eastern DRC;
Section 6B on Women;
Section 6B on Child soldiers;
Section 6C on Internally displaced people;
Section 6C on Humanitarian aid/international assistance

Return to Contents

ARMED GROUPS

6.152 Many humanitarian and human rights organisations reported on human rights abuses and atrocities committed by armed groups operating in the east of the country. **[5] [11] [39] [49] [50] [51] [54]** The US State Department 2004 Human Rights Report (USSD 2004) published on 28 February 2005 stated "The human rights record in areas under marginal government control remained extremely poor, and armed groups continued to commit numerous, serious abuses, particularly in North and South Kivu, Maniema, northern Katanga, and Ituri District in Orientale Province." **[3f] (Overview)** The same report stated also that "In areas under marginal government control, numerous armed groups, including some reportedly supported by the governments of Rwanda and Uganda, continued to function." **[3f] (Overview)**

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

See also Section 5 on Military Service; Section 6C on Ituri

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

See also Annex D Armed forces in the DRC

Return to Contents

DISARMAMENT OF FOREIGN ARMED GROUPS

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

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

6.156 The United Nations Secretary-General (UNSG) reported on 15 March 2005 that "The total number of foreign combatants and their dependants repatriated to Uganda, Rwanda and Burundi now stands at 11,410. Progress in repatriation remains slow, because of the continued resistance by the hard-line leadership of the armed groups and the persistent military tension and instability in the Kivus, which have significantly eroded the climate of confidence and security necessary to progress with voluntary disarmament, demobilization, repatriation, resettlement and reintegration." and "The presence and activities of the ex-Forces armées rwandaises (FAR)/Interahamwe on Congolese territory continues to be a destabilizing factor in bilateral relations between the Democratic Republic of the Congo and the Government of Rwanda." **[54e] (p9)**

6.157 In a further report on 2 August 2005 the UNSG stated that the head of the FDLR announced on 31 March 2005 that the group "had decided to renounce violence and denounce the Rwandan genocide and was prepared to join the disarmament, demobilization, repatriation, reintegration and rehabilitation process." **[54g] (p8)** However, an ICG report of 12 May 2005 commented on this commitment that "There are serious reasons to doubt matters will go so smoothly.", citing the absence of Rwanda from the agreement. **[39e] (p1)** A report by IRIN of 25 August 2005 noted that at a recent meeting of ministers of regional cooperation from DRC, Rwanda and Uganda "The ministers at the Kigali meeting criticised the rebels, known as the Forces démocratiques de libération du Rwanda (FDLR), for failing to keep a promise they made in March to end attacks against their homeland."; and gave Rwandan Hutu rebels in the DRC "until 30 September to disarm or else face "severe" consequences". **[18bn]**

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

See also Section 6B on Child soldiers; Section 6C on Ituri

Return to Contents

ITURI

6.159 Reports by the Integrated Regional Information Networks (IRIN) dated 18 December 2002 and by Human Rights Watch (HRW) in July 2003 described and analysed the conflict that arose in the Ituri area of Orientale province, near the border with Uganda, from ethnic and land ownership tensions between the Hema and Lendu communities and between local militias. It also involved the RCD-ML (Rassemblement congolais pour la démocratie – Mouvement de Liberation) and RCD-Goma (Rassemblement congolais pour la démocratie – Goma) armed groups, and, at different stages, the Rwandan and Ugandan Governments. **[5a] [18b]** A report by the UN Mission to the Congo (MONUC) released on 16 July 2004 also described in detail the events in Ituri between January 2002 and December 2003. **[54a]**

6.160 HRW also reported that the attacks in the Ituri region included war crimes, crimes against humanity and other violations of international humanitarian and human rights law on a massive scale. **[5a] (p8, 39-46)** A report by the International Crisis Group (ICG) in August 2004 updated the situation and reported that the Hema-Lendu conflict was largely over and the violence was mainly within groups and alliances. **[39b] (p8)** The ICG, and a report by IRIN dated 17 May 2004, noted that the Transitional National Government had reached an agreement with the chiefs of the seven armed groups in May 2004. **[18j] [39b] (p10-11)** In further reports of 16 July 2004 and 17 August 2004 IRIN reported that MONUC had trained 350 police officers for Ituri, and that despite the bouts of inter-militia fighting in July 2004, there were signs that the situation was improving. **[18q] [18s]**

6.161 A report from IRIN dated 24 June 2004 stated that the chief prosecutor of the International Criminal Court would open an investigation into alleged war crimes committed in the DRC since 1 July 2002, and that the initial focus of the enquiry would be in Ituri. **[18o]** HRW reported in September 2004 on the strengths and weaknesses of the restored legal system in Ituri, and called for more effort to prosecute serious war crimes. **[5e]**

6.162 However, the United Nations Secretary-General (UNSG) reported to the UN Security Council on 31 December 2004 that the Ituri situation had deteriorated sharply, and that the disarmament programme had been hindered both by local militia leaders, and by the government's failure to integrate some of them into the national army. **[54d] (p3)** In a report of October 2004 HRW referred to executions and torture carried out by FAPC (Forces Armées du Peuple Congolais/People's Armed Forces of Congo) followers of General Jérôme Kakwavu). **[5g]**

6.163 HRW also protested in January 2005 at the appointment to the FARDC (Congolese army) of General Kakwavu and others, stating "five former warlords from the Ituri district in northeastern Congo [have been appointed] to serve as generals in the country's army. Four of the five new generals – Jérôme Kakwavu, Floribert Kisembo, Bosco Taganda and Germain Katanga – are alleged to have committed serious human rights abuses including war crimes and crimes against humanity." **[5k]** HRW also noted in an article of 11 March 2005 that two of the generals had just been placed under house arrest in connection with the killings of UN soldiers, and BBC News reported on 1 March 2005 that "Armed policemen have been stationed outside the luxury Kinshasa hotel rooms [in Kinshasa] of Generals Goda Sukpa and Germain Katanga, both from Mr Ndjabu's [militia leader] [FNI] group." **[5n] [15q]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

See also Section 5 on Military service

6.164 The Global IDP project on 29 July 2005, also reported that there was an escalation in fighting in the first half of 2005 between the FNI (Front pour les nationalistes et integrationistes, ethnic Lendu rebel group) and UPC-L (Union des patriotes congolais, Hema rebel group). **[49] (p3)**

6.165 IRIN reported on 1 and 8 February 2005 on the burning of the village of She, allegedly by Lendu militia, and the looting and burning of many villages, killing of civilians and abduction of women and girls by the UPC and FNI armed factions, particularly in the area of Djugu, north of Bunia, where fighting was taking place between the UPC and the FNI. **[18ab] [18ac]** The UN Office for Coordination of Humanitarian Affairs (OCHA) also reported on 8 February 2005 that in the Djugu territory over 25,000 people had been displaced towards the towns of Kasenyi and Tchomia on Lake Albert, following hostilities in the Nyamamba area that began at the end of December [2004], and that 40,000 people had fled from the Tché district of Ituri since the beginning of the year. **[57d]** On 15 February 2005 BBC News Online reported that 70 small villages had been stormed in the Che mountains, near the Ugandan border. **[15i]**

6.166 IRIN also reported on 22 February 2005 that the government was to deploy a police brigade to Ituri to help protect civilians, and on 28 February 2005 that MONUC had reinforced its troops after the killing of nine MONUC soldiers in February 2005, and that the first brigade of 3000 Belgian-trained FARDC soldiers had begun operations in Ituri. **[18ad] [18af]** A report by the UNSG on 15 March 2005 detailed security incidents, especially in the Tchomia and Kasenyi area, in the previous three months and noted that some prominent faction leaders had been arrested by the government. **[54e] (p5)** Further details of the arrests and latest situation in Ituri were given in an article by HRW dated 11 March 2005. **[5n]** IRIN reported on 22 March and 12 April 2005 on the arrests of further Ituri leaders. **[18aj] [18am]**

6.167 IRIN also published on 20 April 2005 a report 'Who Who's Who in Ituri' giving background on the main parties to the conflict. **[18bm]**

Return to Contents

6.168 A report by the ICG of 30 March 2005 stated:

> "In response to widespread criticism within the UN and from member states, MONUC has recently promised to act more robustly against armed groups that threaten the civilian population, especially in Ituri. On 1 March 2005, in response to an attack there by the Nationalist and Integrationist Forces (*Forces nationalistes et integrationistes,* FNI) that killed nine Bangladeshi peacekeepers, it carried out a series of aggressive cordon and search operations. These operations, led by Major General Patrick Cammaert, the new Eastern Divisional Commander, were seen to represent a reinterpretation of MONUC's mandate to include use of preventive force. In other words, the very presence of the militia in Ituri would be considered a threat to the civilian population sufficient to justify MONUC's forceful intervention." **[39d] (p25)**

6.169 A paper dated 12 May 2005 published by the Institute for Security Studies (ISS) 'Is Ituri on the Road to Stability?' gave updated information and background on the Ituri situation. **[27g]** It portrayed the ethnic hatred and division within the

main parties to the conflict, as well as noting that "Civil authorities in the province also indicate that they do not believe that the ethnic dimension of the conflict continues to be a major factor." **[27g] (p3)** The paper also stated that "Since it took office in June 2003, the transition government has made few attempts to extend its authority beyond Kinshasa, and most of the country remains effectively ungoverned. However the situation in the Ituri district is particularly acute because the conflict here has not yet really come to an end as it has in most other parts of the country." **[27g] (p4)**

6.170 A report by HRW on 2 June 2005 'The Curse of Gold' also described abuses in Ituri and other parts of north-east DRC in the context of illicit gold mining and smuggling. **[5o]** BBC News, reporting on 28 June 2005 about a battle between MONUC forces and Ituri militia stated "More than 16,000 troops are deployed in DR Congo, predominantly in the east, as part of the UN's largest peacekeeping mission. Since last September, they have disarmed about 15,000 militia fighters. **[15l]**

6.171 The UNSG reported on 2 August 2005 that "The security situation in Ituri remains volatile, despite robust measures taken by FARDC with MONUC support to disarm combatants. Moreover, the Transitional Government has yet to take the necessary measures to extend its authority, particularly security and administrative services, throughout the district." **[54g] (p5)**

6.172 Efforts by MONUC to implement the disarmament plan for the region were recorded in a paper of 6 January 2005 published by the ISS, which listed the estimated numbers of soldiers targeted by the process in Ituri, as amounting to over 45,000 combatants from seven different factions. **[27f] (p8)** The UNSG reported on 15 March 2005 that "The 11 December decrees incorporating a number of Ituri militia commanders into FARDC, including six who were given the rank of Brigadier General, were expected to help accelerate disarmament. Yet the disarmament and community reinsertion programme, under which 3,856 combatants (including 2,210 children associated with armed groups) have been disarmed and 1,197 weapons recovered since mid-December 2004 remains stalled and continues to be boycotted by UPC/L and FAPC." **[54e] (p4)** The UNSG reported again on 2 August 2005 that at the end of the programme on 25 June, 15,607 combatants of various militia groups were disarmed in Ituri. **[54g] (p5)**

See also Section 6B on Child soldiers

6.173 IRIN reported on 10 March 2005 that following the killing of UN troops in February 2004 humanitarian aid to at least 180,000 displaced people, which was suspended the previous month due to the security situation, had been resumed. **[18ai]** IRIN also reported on 23 March and 4 April 2005 about the critical humanitarian situation as the population suffered continued to suffer food shortages and disease, in addition to human rights violations. **[18ak] [18al]**

6.174 In July 2005 the humanitarian organisation Médicins sans Frontieres (MSF) closed its activities in Ituri after two of its workers were kidnapped the previous month. They were released after ten days. A MSF report of August 2005 'Nothing New in Ituri' also described the violence and displacement inflicted on the population, and the failure of successive efforts to improve the situation. **[29d]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Return to Contents

NORTH KIVU

6.175 The United Nation Secretary-General (UNSG) on 31 December 2004, and Human Rights Watch (HRW) on 4 and 21 December 2004, reported about a rise in insecurity and humanitarian problems in late 2004 arising from combat between rival units of the Congolese army, and with other armed groups in North Kivu, noting that 180,000 civilians had been forcibly displaced. **[5h] [5i] [54d] (p4)** Europa World online also reported that in late 2004 "Heavy fighting continued in Nord-Kivu province between government forces and dissident army units reportedly supported by Rwanda, and later in December MONUC announced that its troops were to establish a temporary `buffer zone' between the factions engaged in conflict." **[1c]**

6.176 The UNSG reported to the UN Security Council on 15 March 2005:

> "20. The situation in North and South Kivu remains very tense. In response to threats by Rwanda in December 2004 to enter the Democratic Republic of the Congo to forcibly disarm FDLR [Democratic Forces for the Liberation of Rwanda], additional FARDC [Congolese army] troops were sent to the area. As a result, there has been an increase in the number of inter-FARDC clashes. Reports have also been received of collaboration between FDLR and the Mayi-Mayi and between FDLR and elements of FARDC. As in Ituri, the repercussions of these tensions had their greatest impact on the civilian population.
>
> 21. In North Kivu, although the ceasefire between opposing FARDC units around Kanyabayonga has held, tensions remained high. In addition to reports of troop movements, relations between ethnic communities have become increasingly polarized, with a series of alleged human rights violations involving ethnic targeting and local Rwandaphones' unease over the integration of the province's military forces. In this connection, MONUC has received reports of arms distributed to civilians in some areas, which have further fuelled fears of wider intercommunal violence." **[54e] (p5-6)**

6.177 Reports from IRIN dated 7 June and 14 June 2005 indicated that insecurity continued in North Kivu in subsequent months. **[18ba] [18bc]** Incidents included the killing of a MONUC soldier in June 2005. **[18bc]**

6.178 In separate reports of July 2005 HRW and Amnesty International (AI) also deplored the arming of civilians in North Kivu and gave further background to the conflict. **[5q] [11g]** These reports and an IRIN article of 14 April 2005 referred to the impact of events in the Kivus on prospects for the post-transition administration. **[18ao]**

6.179 The UNSG reported on 2 August 2005 that "The MONUC North Kivu brigade has carried out operations in close coordination with FARDC against armed elements in the province to facilitate free and safe access for civilians, particularly on the Walikale-Goma and Goma-Beni routes, and to enhance security in the major population centres." **[54g] (p6)**

See also Section 6C on Armed groups; Section 6C on Disarmament of foreign armed groups

Return to Contents

SOUTH KIVU

6.180 The International Crisis group (ICG) in a report of 30 March 2005 pointed to the continuing security crisis in the east of the country including the complex ethnic situation, including the tensions between the Congolese Hutu and Tutsi and other communities, and the the political stalemate arising from the fighting in the east. **[39d] (Executive Summary and Recommendations)**

6.181 The Integrated Regional Information Networks (IRIN) reported on 5 May 2004 that "close to 25,000 people" had been displaced in South Kivu "since fighting began in April [2004] between the army and Rwandan Interahamwe militia". **[18i]** Human Rights Watch reported on 29 December 2004 on the 'Human Rights Abuses of Civilians by Armed Groups' in Walungu, South Kivu, claiming that FARDC [Congolese army] and former Mai Mai groups had carried out the abuses during 2004. **[5j]**

6.182 IRIN also reported on 26 May 2005 on a group "known as the Rastas, [which] has been committing numerous human-rights abuses in the region". IRIN reported that the Rastas and the FDLR "consist primarily of Rwandan Hutus who fled their country following the 1994 genocide, and some are accused of having participated in the [Rwanda 1994] genocide." IRIN also stated that "MONUC reported on 18 May 2005 that it had documented 1,724 cases of summary execution, rape, beating and hostage taking in Walungu between June 2004 and April 2005." **[18av]** IRIN also reported on 6 June 2005 that humanitarian aid was urgently needed for civilians fleeing attacks by militias. **[18ay]**

6.183 BBC News reported on 12 July 2005 about the massacre of some 50 people, most of them women and children, who were reported to have been burned alive by Hutu militias in South Kivu. **[15m]** IRIN reported on 30 May, and 20 and 25 July, and 6 June 2005 about separate incidents where thousands of people had fled their homes for fear of attacks. **[18aw] [18be] [18bf]**

6.184 The United Nations Secretary-General (UNSG) reported on 2 August 2005 about a number of security incidents in South Kivu in previous months and on increased military activity by the UN Mission to the Congo (MONUC) and the Congolese army against militia of the Democratic Liberation Forces of Rwanda (FDLR). **[54g] (p7)** On 15 March 2005 the UNSG also referred to concerns about military recruitment of Banyamulenge by Colonel Jules Mutebutsi in Burundi. The same report noted that there had been anti-Banyamulenge sentiment in January 2004 surrounding the return of refugees from Burundi. **[54e] (p6)**

See also Section 6B on Ethnic groups; Section 6C on Bukavu June 2004; Section 6C on Gatumba massacre August 2004

Return to Contents

BUKAVU JUNE 2004

6.185 Europa World online reported:

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

"At the end of May 2004 some 2,000 dissident troops, led by former RCD—Goma Rassemblement congolais pour la démocratie – Goma] commanders who had been integrated into the national army, Brig.-Gen. Laurent Nkunda and Col Jules Mutebutsi, attacked forces loyal to the Government deployed in Bukavu [South Kivu], and by 2 June had seized control of the town. Both Banyamulenge officers claimed to have initiated military action in order to prevent further human rights' abuses being perpetrated by government forces in the region against their ethnic group. The failure of MONUC troops to prevent the capture of Bukavu caused protest riots in Kinshasa and several other towns, in which some 12 civilians were killed. The Rwandan Government denied accusations by Kabila that Rwandan troops had been redeployed on DRC territory. Rebel forces began to withdraw from Bukavu about two days later, and troops loyal to Kabila succeeded in regaining control of the town by 9 June. Nkunda, together with some 300 supporters, fled to Rwanda, and were subsequently disarmed." **[1c]**

6.186 The United Nations Secretary-General (UNSG) also reported on 16 August 2004:

"As Nkunda's troops advanced towards Bukavu on 1 June, FARDC elements abandoned the buffer zone and, on 2 June, the forces belonging to Nkunda and Mutebutsi took over Bukavu. Widespread abuse and looting followed. By that time, most FARDC troops had fled the city or sought refuge in the MONUC compound. . . . What appeared initially as an act of insubordination and mutiny by two renegade officers quickly escalated into a fierce military confrontation, with a perceived ethnic overtone, alleged foreign interference and potentially heavy political consequences." **[54b] (p8)**

6.187 The Integrated Regional Information Networks (IRIN) reported on 14 June 2004 that aid agencies had withdrawn from the area from late May 2004 as a result of the fighting. **[18l]** However IRIN reported on 25 June 2004 that humanitarian agencies were returning "following the withdrawal on 8 June of dissident soldiers led by Gen Laurent Nkunda and Col Jules Mutebutsi". **[18p]** IRIN also reported on 22 June 2004 that 20,000 troops were deployed in the east of the country to deal with the dissident activity around the Bukavu occupation. **[18m]** A further IRIN report of 14 September 2004 stated that General Mabe, the regional FARDC commander stated that his FARDC troops had captured the stronghold of dissident soldiers at the town of Minova, north of Bukavu, ousting renegade troops, and that the entire region was under their control. **[18t]**

6.188 Further details of the fighting and abuses during the period were reported by Human Rights Watch (HRW) on 23 August 2004, Amnesty International on 3 June 2004, and a local NGO, Heritiers de Justice, in a report of July 2004 and a press release of 3 August 2004. **[5d] [11b] [51a] [51b]** IRIN also issued a special report on 6 August 2004 on war and peace in the Kivus and referred to violent rapes and abuses by soldiers during the fighting around Bukavu. **[18r]**

6.189 In two reports of 3 June 2004 BBC News reported on the riots and demonstrations in Kinshasa and other towns after the fall of Bukavu. **[15c] [15d]** The UN Secretary-General's report of 16 August 2004 also stated that "Violent demonstrations were staged against MONUC [United Nations Mission for the Congo] and United Nations agencies in Kinshasa, Lubumbashi, Kalemie, Mbandaka, Kisangani, Beni and Kindu, resulting in the destruction of over $1 million worth of equipment and property." **[54b] (p9)**

6.190 The Committee to Protect Journalists also reported in September 2004 on the situation of media workers in the Bukavu area during the fighting. **[19c]** The report stated:

"In a two-month period surrounding the unrest, the government issued at least three directives restricting coverage, authorities imprisoned at least four journalists, and attackers allegedly led by an army officer severely beat another journalist, an investigation by the Committee to Protect Journalists has found. During that same time, CPJ found, rebels forced Bukavu's three main community radio stations to close and threatened at least four journalists, forcing them to flee. Rebels were also blamed for killing the brother of radio station director Joseph Nkinzo, whom they mistakenly believed was the journalist." **[19c] (Introduction)**

The same report noted that unsubstantiated anti-UN and anti-Rwandan articles had been published. **[19c] (Low standards and pay)**

See also Section 5 on Ethnic groups; Section 6B on Freedom of speech and the media; Section 6C on Newspaper articles; Section 6C on North Kivu; Section 6C on Attempted coup of 11 June 2004

Return to Contents

GATUMBA MASSACRE AUGUST 2004

6.191 Europa World online reported that "In August 2004 some 160 Banyamulenge refugees who had fled from the Bukavu region to take refuge in Burundi were massacred at a refugee camp near the border between the two countries. A Burundian Hutu rebel faction, Forces nationales de libération, admitted responsibility for the atrocity, however, the Governments of Rwanda and Burundi believed that the Interahamwe militia operating within the DRC were also implicated and threatened to resume military engagement in the country." Vice-President Ruberwa suspended RCD-Goma's [Rassemblement congolais pour la démocratie – Goma] participation in the peace process. However, at the beginning of September he announced that RCD-Goma had rejoined the government. **[1c]**

6.192 Reports by Human Rights Watch (HRW) of 7 September 2004, and by the UN Special Representative in Burundi forwarded by the UN Secretary-General on 18 October 2004, gave background and details of the events surrounding the massacre. **[5f] [54c]**

6.193 HRW and the UN Special Representative reported there was more than one version of the events and allegations about responsibility for the killings. **[5f] (p25) [54c] (p11, 14, 17-20)** HRW reported that UN and HRW investigators found difficulties interviewing a range of witnesses to the attack. **[5f] (p25)** A paper for the Institute for Security Studies in October 2004 'Continuing Instability in the Kivus' commented that this suggested that some of the leaders of the Banyamulenge had a vested interest in perpetuating a version of events which implicated Congolese forces in the massacre. The paper further commented that a version of events which asserted that the refugees were killed by members of the Burundian rebel group Forces National de Libération (FNL) strongly resembled the FNL's official explanation. **[27c] (p14)**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

6.194 The Freedom House annual report on events in 2004 stated that "In 2004, the RCD briefly suspended its participation in the government following the massacre of 160 ethnic Tutsis at a refugee camp in Burundi, in which Rwandan and Congolese rebel groups were accused of collaborating, a claim that was later discredited by Human Rights Watch." **[66] (Overview)** The International Crisis Group also stated in a report of 30 March 2005 that "subsequent UN and Human Rights Watch investigations found no evidence for either Congolese or FDLR involvement." **[39d] (p7)**

6.195 A report by the Canadian Immigration and Refugee Board of 1 October 2004 referred to the Bembe (aka Babembe or Wabembe) of South Kivu. **[43r]** A Belgian journalist reported that some of the Babembe who took refuge over the border in Burundi from the fighting that broke out in May 2004 were among those Congolese who were killed in the Gatumba attack. **[43r]**

See also Section 6C on Bukavu June 2004

Return to Contents

KATANGA

6.196 A paper published by the Institute for Security Studies from the *African Security Review* in 2005 noted that the provinces of Katanga, along with Kasaï "were recognised by MONUC as potential conflict areas." The source stated that:

"Katanga and Kasai have underlying historical, political, social and economic dynamics that are not only dangerous in their own areas but are also tied closely to the national political and security structures. In Katanga, rivalry between northerners and southerners creates a dynamic that is exacerbated by competition for economic and political power in Katanga itself and revolves around the presidency of Joseph Kabila, who is from Katanga. In addition, many people of Kasaian origin in Katanga have become the objects of vilification, particularly from prominent Katangan personalities." **[33] (p55-56)**

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

6.198 The Integrated Regional Information networks (IRIN) reported on 3 August 2005 that more than 15,000 people had been displaced in the province in the previous 3 months as their villages had been attacked, and there was fighting between the Congolese army and local militias. [18bi] An earlier IRIN article of 8 June 2005 reported that the attacks had been occurring since late May in the territory of Kalemie, north Katanga. **[18bb]**

6.199 The United Nations Secretary-General (UNSG) also reported on 2 August 2005:

"Tensions increased in Mbuji-Mayi [capital of Katanga] in May after the UDPS [Union pour la Democratie et le Progrès Social (Union for Democracy and

Social progress)] called for a *ville morte* to protest the extension of the transition beyond 30 June. The situation deteriorated on 17 and 18 May as first the headquarters of UDPS, then those of PPRD, MLC [Mouvement pour la Liberation du Congo] and RCD-Kisangani/Mouvement de liberation [Rassemblement congolais pour la démocratie], were set on fire, resulting in two fatalities. Rumours regarding the perpetrators of the arson attacks further increased tensions…. The threat to the electoral process posed by particularly high political tensions and uncontrolled armed groups in the Kasais and Katanga remains an issue of serious concern." **[54g] (p7-8)**

6.200 The UNSG also stated "Instances of the possible use of excessive force, including the shooting of unarmed civilians, by the security forces policing demonstrations are under investigation following the May and June demonstrations in Mbuji-Mayi, Kinshasa and Tshikapa." **[54g] (p11)**

6.201 Further details of these events were reported by IRIN on 18 and 24 May 2005 and Sapa/Agence France Presse on 19 May 2005, including the arrest of a number of UDPS officials and the closure of a local radio station. **[18an] [18at] [65f]**

See also Section 5 on Elections; Section 6A on Political activists

Return to Contents

POSSIBLE SECESSION ATTEMPT APRIL 2005

6.202 The Country Report of June 2005 by the Economist Intelligence Unit stated:

"In late April dozens of military and security personnel as well as civilian political leaders were arrested in the southern city of Lubumbashi, the capital of the mineral-rich Katanga province. Although the government refused to make a public statement on the circumstances of their arrest, it soon emerged that they were arrested on suspicion of planning to declare Katanga's independence. The minister of defence, Adolphe Onusumba, stated that the secessionist movement had been planned by a group calling itself Mouvement pour l'indépendance du Katanga, which is allegedly composed of regular Katangan troops and members of the presidential guard, Groupe spéciale de sécurité présidentielle. André Tshombe, the son of Moïse Tshombe, the leader of the Katangese secession in 1960-63, and himself the leader of the political grouping Confédération nationale du Congo was among those arrested. Human rights groups have criticised the mass arrests and have demanded that the charges against those arrested be made public. According to one human rights group, Centre de droits de l'homme et du droit humanitaire (CDH), an investigation into the matter is being led by General John Numbi, the commander of the Congolese air force. Mr Kabila travelled to Lubumbashi in mid-May." **[30b]**

6.203 Further information on these events was reported by IRIN on 9 May 2005, which stated "At least 30 civilians and military personnel suspected of plotting the secession of Katanga Province from the Democratic Republic of Congo have been arrested. The vast majority of those arrested were members of ethnic groups from southern Katanga, which is the DRC province with the greatest mineral wealth." **[18aq]** A report from Sapa/Agence France Presse of 11 May 2005 stated:

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

"Apart from the theory of a new attempt at secession – even though Kabila's family is of Katangan origin – other sources point to more local disputes.

Some speak of an attempt to put pressure on Kabila to release Eddy Kapend, a former close aide of the president's father Laurent Kabila who was sentenced to death for murder in January 2003.

Others have pointed the finger at a leading Lubumbashi lawyer, Jean-Claude Myambo, and businessman Katebe Kototo, alleging attempts to stir up trouble between northern and southern Katanga, which both have strongly denied.

Rivalries dating from the secession movement pit the Balubakat people dominating the north of Katanga against the Lunda and Tshokwe in the south, where copper has been mined for centuries." **[65e]**

6.204 An IRIN article of 13 May 2005 reported "the first official government statement following a wave of arrests of politicians and military officers suspected of being behind the conspiracy" which said that a secession attempt had failed, and "military officers in the province were implicated, and that several members of the presidential guard based in the city were behind the plot." [18ar]

See also Section 6C on Assassination of President Laurent Kabila

Return to Contents

KILWA OCTOBER 2004

6.205 The report by the United Nations Secretary-General to the UN Security Council dated 31 December 2004 stated "On 13 and 14 October [2004] a group of six armed men belonging to the so-called Revolutionary Movement for the Liberation of Katanga briefly captured the town of Kilwa, 50 kms from the Zambia border, with the stated intention of seeking the 'independence of Katanga'. The occupation of Kilwa resulted in the displacement of its population, which reportedly fled in fear of reprisals by FARDC. On 15 October, FARDC re-established control over the town. A MONUC investigation suggested that during the attack and its immediate aftermath, FARDC elements were responsible for the indiscriminate killing of over 70 persons. The Transitional Government has yet to respond to the MONUC request to open an independent and transparent investigation into these killings." **[54d] (p4)**

6.206 A report by IRIN dated 15 October 2004 also described the fighting. **[18v]** On 16 October 2004 Agence France Presse referred to a local radio report that the insurgents were former paramilitary police from Katanga who had recently been expelled from mining areas in Angola and had joined a Mayi Mayi [Mai Mai] militia led by a warlord known as Gédeon for an assault on Kilwa. **[65b]**

6.207 According to a report of 16 October 2004 from Misna News Agency a presidential adviser stated that groups of Mayi Mayi [Mai Mai] (Congolese partisans) and unidentified elements – maybe former soldiers of Katanga called "Tigers" – were involved in a still very confused situation believed linked to the exploitation of mineral resources of the region. **[14]** However, on 19 October 2004 the UN-sponsored Radio Okapi reported a denial of involvement by the Front de Liberation Nationale du Congo (FLNC) [National Liberation Front],

political wing of the troops known as "Tigers", or ex-Katanga gendarmes. The denial was issued by Nickel Rumbu, the party's chairman, who said that his party was supporting the elections in the DRC, according to the report. **[64a]**

6.208 Further IRIN reports of 18 and 20 October 2004 notified that the town had been retaken and the leader and about 30 insurgents had been captured. **[18w] [18x]**

6.209 A press release by Global Witness dated 20 October 2004 expressed concern over the attack on Kilwa and stated that the attack was led by a group known as the Liberation Movement for Katanga (MLK). **[36]** According to an article from Angola Press dated 20 October 2004 "Security sources in Lusaka explained to PANA that Kilwa was briefly taken over last week by insurgents of the little known Movement for the Liberation of Katanga and irregular fighters from the among the Mai Mai combatants." **[34]** The South Africa-based Institute for Security Studies referred to a different group with a similar name – the two wings of which are the FNLK (sic) [Front de Libération Nationale du Katanga] or Katanga Tigers, and the Front de Libération Nationale du Congo (FLNC) [Congolese National Liberration Front]. **[27e] (Security Information)**

See also Annex D Armed forces in the DRC

Return to Contents

INTERNALLY DISPLACED PERSONS

6.210 The Global IDP Project country profile of July 2005 reported that in the DRC "Displacement peaked in 2003, with an estimated 3.4 million people forced from their homes, most of them in eastern DRC. The UN estimated that over 2.3 million people remained displaced as of mid-2005." **[49] (p1)** The report cited several areas in the east of the country where fighting and consequent displacement had taken place in 2004 and 2005, and stated "About 95 per cent of IDPs are in six provinces: Orientale, North Kivu, South Kivu, Maniema, Equateur and Katanga." **[49] (p5)** The report also stated that about 900,000 people had returned to their homes between mid-2003 and mid-2005." **[49] (p5)**

6.211 The Global IDP report detailed the major incidents that led to displacement in 2005. These included Ituri end-December 2004 to March 2005; Katanga May 2005; and the Bukavu area, South Kivu June 2005. **[49] (p5)** Although IDP camps had been set up "Most IDPs live with host communities or hide in forests." **[49] (p5)**

6.212 The US Committee for Refugees and Immigrants (USCRI) World Refugee Survey 2005, commenting on events in 2004, noted that "The Government allowed assistance but continued insecurity hindered relief agencies." **[53]**

6.213 The Global IDP report of July 2005 and USCRI also referred to reports setting out abuses against the displaced and other civilians, especially women and children. Global IDP stated "The protection of the displaced and other civilians remains a serious concern throughout DRC, particularly in the Kivus, Maniema and Ituri. In June 2005, the UN Inter-Agency Internal Displacement Division reported continuing widespread human rights violations by armed groups, including killings, rape, sexual exploitation, abductions, forcible conscription of children, looting, plundering of crops, illegal taxation and general harassment of civilians." **[49] (p6) [53]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

6.214 The Global IDP report of July 2005 also stated "Despite the establishment of the Transition Government, civilians continue to live in crisis conditions in many parts of the DRC. Millions lack access to basic infrastructure (health centres, schools and roads), potable water, food, seeds, tools, clothes and straw to build houses…. With DRC's collapsed healthcare structures, displaced people are particularly vulnerable to infectious diseases." **[49] (p7)**

Return to Contents

REFUGEE MOVEMENT WITH NEIGHBOURING COUNTRIES

6.215 The US State Department 2004 Human Rights Report (USSD 2004) stated that "According to the U.N. High Commission for Refugees (UNHCR), at year's end [2004], approximately 370,000 Congolese refugees lived in several neighboring countries, including Tanzania (149,000), the Republic of the Congo (56,000), Zambia (54,000), Burundi (35,000), and Rwanda (33,000)." **[3f] (section 1d)** The same source stated "During the year, the Government accepted refugees from Burundi and Rwanda. According to the UNHCR, by November the country was hosting an estimated 196,000 refugees, including refugees from Angola, Sudan, and Burundi." **[3f] (section 1d)**

6.216 The UNHCR Global Appeal 2005 reported that "The main countries of asylum for DRC refugees are the United Republic of Tanzania, the Republic of the Congo (RoC), Zambia, Burundi, Rwanda, the Central African Republic (CAR) and Uganda. Other DRC refugees have found asylum in South Africa, Mozambique and Malawi, or even further afield in Europe and the United States." **[60a] (p84)**

See also Section 5 on Medical services;
Section 5 on Educational system;
Section 6B on Ethnic groups;
Section 6B on Women;
Section 6B on Children;
Section 6C on Security situation - eastern DRC;
Section 6C on Ituri;
Section 6C on North Kivu;
Section 6C on South Kivu;
Section 6C on Katanga;
Section 6C on Humanitarian aid/international assistance

Return to Contents

HUMANITARIAN AID/INTERNATIONAL ASSISTANCE

6.217 Many international aid organisations and Christian missionary groups operate in the country to provide medical and other relief services. **[57b] [57c]** These include United Nations (UN) and other international agencies, including the International Committee of the Red Cross (ICRC), World Health Organisation and Médecins sans Frontières (MSF). **[16a] [29c] [57a] [57b] [57c]** Also, international donors, including the World Bank, the International Monetary Fund, the European Union and the UN Development Fund have provided funds for improvements to the economy and social and health services. **[1j] [3d] (Economy) [17a] [17b] [60a] (p87)**

6.218 According to the Global IDP report of July 2005 "UN agencies, national and international NGOs and the ICRC are providing IDPs with food and non-food items, seeds and tools, health care, and emergency education. However, according to the Internal Displacement Division [of the UN Office for the Coordination of Humanitarian Affairs-OCHA], while a number of agencies are involved in activities related to return and reintegration, there is as yet no overall strategic framework. As a result, in most cases humanitarian and development actors operate in separate worlds (OCHA, 8 June 2005)." **[49] (p8)**

6.219 The same report stated "Funding has also been inadequate. In order to address this question, DRC has been chosen as a pilot country for the Good Humanitarian Donorship initiative. Under this initiative, 18 donors have pledged to improve the flexibility of their financing, provide funds based on need, reinforce local capacities to prevent crises, respond rapidly and support the transition from emergency to development through appropriate funding (OCHA, 31 July 2004). Still, the level of funds committed to respond to the humanitarian needs of IDPs has remained disappointing." **[49] (p8)**

See also Section 3 on Economy

Return to Contents

TREATMENT OF NON GOVERNMENT ORGANISATIONS (NGOS)

6.220 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) stated:

> "The Government cooperated with international governmental organizations and NGOs and permitted international humanitarian and human rights NGOs access to conflict areas. A number of U.N. representatives and international NGOs visited the country during the year [2004]. During the year, international NGOs, including AI and HRW, and international organizations such as the U.N. published several reports on the human rights and humanitarian situation." **[3f] (Section 4)**

6.221 USSD 2004 also stated: "The main domestic human rights organizations operating in the country included VSV [La Voix des Sans-Voix]; Groupe Jeremie; the Committee of Human Rights Observers (CODHO); The Christian Network of Human Rights and Civic Education Organizations (RODHECIC); and the African Association for the Defense of Human Rights (ASADHO)." **[3f] (Section 4)** The same source stated "Domestic human rights organizations operating in areas under marginal government control included Heirs of Justice, and Solidarity Exchange for Integral Development (SEDI) in South Kivu; Lotus Group, Friends of Nelson Mandela, and Justice and Liberation in Kisangani; and Justice Plus, in Bunia." **[3f] (Section 4)**

Return to Contents

HUMAN RIGHTS ACTIVISTS

6.222 USSD 2004 reported that:

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

"In areas under government control, a wide variety of domestic and international human rights NGOs continued to investigate and publish their findings on human rights cases. The Human Rights Ministry and the Observatory for Human Rights worked with NGOs during the year [2004] and were responsive to their requests and recommendations. However, during the year, many prison officials regularly obstructed NGO access to detainees, and security service personnel harassed and arrested domestic human rights workers.… During the year, domestic human rights activists self-censored reports about corruption and human rights abuses committed by certain government officials because they feared arrest." **[3f] (Section 4)**

6.223 The same source stated "In areas under marginal government control, domestic human rights NGOs and civil society members were subjected to frequent harassment and abuse, particularly in Ituri." **[3f] (Section 4)** USSD 2004 also stated, regarding areas under marginal government control:

"Armed groups frequently committed abuses, including killings and rapes, against humanitarian workers or peacekeepers (see Section 1g). In addition, in Ituri, according to the MONUC Ituri Report, there were 'several cases of harassment of humanitarian workers and church members, with the aim of halting the delivery of humanitarian assistance to members of 'rival' ethnic groups.' Ituri armed groups also 'executed, abducted, arrested, or forced to flee persons they thought to be political opponents, as well as judges, intellectuals of enemy ethnic groups, journalists, and members of NGOs.'" **[3f] (Section 4)**

6.224 Human Rights Watch (HRW) World Report 2005 commenting on events in 2004 stated "Local and national officials continue to harass, arbitrarily arrest, or beat journalists, civil society activists, and ordinary citizens." **[5l]**

6.225 Amnesty International (AI) also reported on 19 January 2005 that human rights workers in North Kivu had received death threats, following what appeared to be a concerted campaign against them by local renegade RCD-Goma [Rassemblement congolais pour la démocratie – Goma] forces, and similar threats in other provinces, including Katanga. The AI report referred to threats against several leading activists in Goma. **[11e]**

6.226 In August 2005 human rights organisations, including HRW, AI and the UN Mission in the Congo called for an investigation into the murder of Pascal Kabangulu, a leading human rights activist. **[5r] [11h] [18bh]** AI stated "Since late last year, a growing number of human rights activists across eastern Congo have received death threats after denouncing serious human rights abuses by provincial authorities. Some activists have had to flee the country fearing for their lives. Several members of Mr. Kabungulu's organization, *Héritiers de la Justice*, based in more rural areas, have been assassinated in the past." **[11h]**

See also Section 6C on Ituri; Section 6C on North Kivu

Return to Contents

OFFICIAL DOCUMENTS

6.227 The British Embassy in Kinshasa in February 2003 advised that due to the prevalence of corruption and poor administrative records considerable caution should be exercised before accepting the validity of birth/marriage/death

certificates and identity cards. These documents can be easily obtained by bribing the relevant officials, or by forgery. **[22f]**

6.228 A country fact finding report of 2002 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) also stated that genuine official documents can easily be obtained by bribery, and so even if a document has been proven to be genuine, the information contained in it may be false. The documents most frequently falsified are travel documents, generally used to travel to Europe and sold by the producers of these forged documents for a large sum of money. **[24a] (p48)**

BIRTH, MARRIAGE AND DEATH CERTIFICATES

6.229 The British Embassy in Kinshasa in March 2002 advised that it is very difficult to ascertain whether birth, marriage and death certificates are genuine, as there is no national registry office where copies of birth, marriage, and death certificates are kept. Local authorities issue these documents but do not keep copies for their records. **[22d]** The same source advised in February 2003, it is a legal requirement to register births, marriages and deaths. **[22f]** An information response by the Canadian Immigration and Refugee Board (IRB) of 17 July 2003 referred to an initiative by President Kabila to increase the birth registration rate, which was currently at 34 per cent. **[43e]**

See also Section 5 on Citizenship and nationality

Return to Contents

NATIONAL IDENTITY CARDS

6.230 On 22 August 2005 BBC News reported that voting cards in the election registration process would be valid as identification documents. **[15o]**

See also Section 5 on Elections

6.231 The British Embassy in Kinshasa advised in February 2003 that there was an array of different ID cards. Since the end of the Mobutu regime in 1997 there has been no new law or regulation specifying the official format for identity cards. The information from the British Embassy advised that in practice, old Zairean identity cards tend to be confiscated by the authorities when produced but no replacements are offered. There is no central issuing authority for identity cards. Each Commune or local authority is responsible for producing and issuing identity cards to its residents. These identity cards are produced in different formats as there is no government regulation about the format for these cards. **[22f]**

6.232 An information response by the Canadian Immigration and Refugee Board (IRB) dated 2 September 2003 advised about the meaning of the notations 'Avis favorable A.N.R.' ('Approved A.N.R.') and 'Avis favorable D.G.M.' ('Approved D.G.M.') stamped on the back of cards serving as proof of loss of identity papers, issued by the authorities of the city of Kinshasa. According to information from the editor-in-chief of *Le Phare*, a Congolese newspaper "Since the fall of Mobutu in 1997, there have been no national identity cards in the RDC, so commune authorities (mayors) issue proofs of loss of identity papers. The security services [including the ANR and DGM] have contacts in all

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

commune offices, whose job is to ensure that the people requesting these identity documents are indeed Congolese and not foreign intruders. This is the meaning that should be given to "Avis favorable" ("Approved")." **[43f]**

Return to Contents

DRIVING LICENCES

6.233 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that:

"The current Congolese driving license is very sophisticated in comparison to other African countries, where normally it is simply a piece of paper. It is a plastic card, a little larger than a credit card. It has a light purple color and bears the holder's photo. Since one does not find such a card in other African countries it can be recognized as the Congolese driving license straight away. While this type of license is rather new, the driving license office already existed under Mobutu. The company which produces the driving licence [sic] cards is also working with the UN Mission in the Congo, producing their badges. The new driving license, introduced after the fall of Mobutu, features a bar code and a lion." **[52] (p127-128]**

PASSPORTS

6.234 An IRB information response dated 10 April 2003 advised that the DRC government had issued a new style of passport from 31 May 2000 and that previous versions of both DRC and Zaire/DRC passports were no longer valid from that date. **[43b]**

6.235 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) stated "Married women were required by law to have their husband's permission prior to traveling outside the country. Passport issuance was highly irregular and required the payment of significant bribes (up to $500); however, there were no reports that certain groups were prevented from acquiring them." **[3f] (Section 5)**

See also Section 5 on Citizenship and nationality; Section 6A on Freedom of movement

ARREST, SEARCH AND BAIL WARRANTS

6.236 The British Embassy in Kinshasa advised in February 2003 that arrest and search warrants are issued by prosecuting magistrates. Bail warrants are issued by court judges to whom the request for bail was submitted. In each case, the subject of the warrant is shown, but not given, the warrant. In the case of search warrants, the subject of the search has to sign the form. **[22f]**

Return to Contents

LETTERS OF SUPPORT FROM OPPOSITION POLITICAL PARTIES

6.237 The British Embassy in Kinshasa advised in February 2003 that there is no standard practice or format regarding letters of support produced by opposition political parties. The vast majority of political parties have a small membership and are no more than a loose collection of like-minded persons, with no formal organisational structure. In these circumstances, it is easy for members of these political parties to obtain letters of support signed by anyone generally recognised as an official of the party. **[22f]**

See also Section 5 on Political parties

Return to Contents

BUNDU DIA KONGO

6.238 A report by the United Nations (UN) Integrated Regional Information Networks (IRIN) dated 26 July 2002 stated that the Bundu dia Kongo (BDK) (Kingdom of Kongo) was a nationalist politico-religious group centred in the Bas-Congo province (west of Kinshasa) which has campaigned for the independence of the Bas-Congo region from the rest of the DRC. The report stated "Bundu dia Kongo adherents have protested in the past against the late DRC leader, Mobutu Sese Seko, and his successor, Laurent-Desire Kabila. The protests have occasionally ended in the deaths of the group's adherents, who have themselves sometimes been armed." **[18a]**

6.239 The same IRIN report stated:

"Bundu dia Kongo demands that its adherents renounce western and eastern religions, and has sometimes pushed them into committing acts of violence. It seeks the restoration of the ancient Kongo kingdom within its pre-colonial boundaries, which encompassed parts of today's Angola, the Republic of Congo and Gabon. The centre of the kingdom was located in Bas-Congo Province and in neighbouring Bandundu Province of modern-day DRC." **[18a]**

6.240 An information response by the Canadian Immigration and Refugee Board (IRB) dated 15 October 2003 also stated:

"According to Yabili [Web site], [translation] The Bundu dia Kongo (Bdk) doctrine, which is compiled in the 'Kongo Dieto,' [described by source **[24b] (p15)** as an information sheet printed in Kinshasa, whose frequency varies as required] is a hodge-podge of ideas. It covers religion, philosophy, pure science, history, geography and politics. It is tailored to the Bakongo, the chosen people of the worldwide Black race. They are convinced that the RDC is composed not of a single people, but of a heterogeneous group of diverse and sometimes contrasting cultures. This is why they demand an ethnic-based federalism, which has nothing to do with separatism (6 Apr. 2003)." **[43h]**

6.241 A report of December 2003 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) described the sect in detail, including its creation, philosophy, structure, leadership, the conditions and training for new members, its emblem, membership cards and statutes, as well as the events of July 2002 and subsequently. **[24b]**

6.242 The CEDOCA report stated that the basic philosophy of the organisation was to promote the positive aspects of the Kongo ancestral traditions. **[24b] (p7)** The

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

management committee, as of 2003, was a chief executive, Ne Muanda Nsemi, an administrative director, Malozi ma Mpanza, a secretary (name not known) and a treasurer, Nzaki Bazola. Its office headquarters in 2003 was in Kinshasa. **[24b] (p8)**

6.243 With regard to membership cards the CEDOCA report stated:

"The membership card is yellow with BDK and the party emblem on it, then it says KALATI KIA KESA which actually means membership card in Kikongo. The card is written in Kikongo (there are none in French). The card includes a photo of the member. NB: no cards have been issued since the events of July 2002. In fact during the events of July 2002, the majority of the schools and zikua were looted by soldiers. As a result, membership cards were found lying about and were then used by certain people who sold them to false members. This is why BDK decided to develop a new design (but it has not yet been issued). Under the circumstances, Ne Muanda Nsemi has written to various asylum authorities to warn them that false members of BDK might produce genuine membership cards. In parallel to this membership card there is a subscription card which is blue. This card is like the first one, but includes the words KIMBANGI KIA KESA = proof of payment." **[24b] (p18-19)**

Return to Contents

ARRESTS OF JULY 2002 AND SUBSEQUENT EVENTS

6.244 The US State Department International Religious Freedom Report 2004 stated "Bundu Dia Kongo, an ethnically based spiritual and political movement that called for the overthrow of the Government and the establishment of an 'ethnically pure' kingdom from the Bakongo tribe remained outlawed. Unlike in the period covered by the previous report, there were no reports that members of Bundu Dia Kongo were arrested.… There were no reports of religious prisoners or detainees." **[3c] (Section II)**

6.245 The US State Department Report on Human Rights Practices in 2003 published on 25 February 2004 (USSD 2003) stated:

"On April 24 [2003], following protests by national and international organizations, President Kabila closed the COM [Military Order Court] by presidential decree. In addition, the President granted amnesty for political crimes, crimes of opinion, and for members of political-religious movements, including UDPS [Union pour la Democratie et le Progrès Social (Union for Democracy and Social Progress)] members and Bundu dia Kongo followers, and 70 prisoners were released. Many persons had their sentences commuted." **[3b] (p7)**

6.246 An IRB response dated 15 October 2003 stated "Three other sources stated that four to ten people were allegedly killed and several others wounded in July 2000 [sic] confrontations between the security forces of the Democratic Republic of Congo (RDC) and Bundu dia Kongo members in the province of Bas-Congo (West), in Lozi (350 km from Kinshasa) and Moanda (Agence France-Presse 22 July 2002; Country Reports 2002 31 Mar. 2003; IRIN 26 July 2002)." [43h]

6.247 The CEDOCA report of December 2003 described the events of July 2002 and subsequent imprisonment in detail. **[24b]**

6.248 The CEDOCA report stated that on 22 July 2002, in Kinzao-Mvute, about a hundred BDK members, wishing to commemorate the 40th anniversary of the creation of Bas-Congo Province, started to walk from their old temple to a new one, which was about 1 km away. On the way, they were stopped by the security forces and prevented from continuing their journey. Some of the members were arrested and badly beaten by the security forces. Also, on 22 July 2002, a meeting held in a temple in Tshela by BDK members was disrupted by units of the Congolese armed forces. Soldiers surrounded the temple and asked the 55 men, women and children in the temple to go outside and climb into military vehicles located outside the temple. As soon as all the BDK members had left the temple, it was burnt down. **[24b] (p38-39)**

6.249 The CEDOCA report continued that members were taken to the premises of the Bas-Fleuve district Commissioner. Once the leaders of the group were identified – Ne Mbambi Mbumba and Ne Nandi Kandi – soldiers searched their homes to ascertain whether these individuals had arms caches. None was found. After their homes were searched, both of these men were subsequently threatened and attacked by the soldiers. All 55 members of the group were interrogated by the security forces, but by 26 July 2002 all had been released from the Tshela central prison, apart from Ne Mbambi Mbumba and Ne Nandi Kandi. **[24b] (p38-39)**

6.250 The CEDOCA report also stated that many other BDK members were arrested during the events of July 2002 in the Bas-Congo Province. Of these, only 40 people were transferred to the CPRK [Centre pénitenciaire et de rééducation de Kinshasa] prison in Kinshasa to await being put on trial. All the others arrested, which included all the women, were released from detention within two weeks, by paying for their release or by bribing a police officer or by escaping. The trial of BDK members began on 12 December 2002 at the Court of State Security but was postponed. The Court of State Security had not convicted or acquitted any of the BDK members who were in the CPRK by the time President Kabila granted an amnesty to them in April 2003. **[24b] (p42, 45)**

6.251 The CEDOCA report clarified that the leader of the BDK was Ne Muanda Nsemi and that he was not among those arrested in July 2002, and that his only arrest was in February 2000 when he was released after 3 weeks under a presidential amnesty. The report stated that:

> "There is some confusion between Ne Muanda Nsemi and Bernard Mizele Nsemi partly because they come from the same area and also because their names are similar in part. They are in fact two different people belonging to 2 different organisations. There are no links between their respective organisations. The movement led by Bernard Mizele Nsemi, the so-called Roi Kongo (King of the Kongo) that is "Royaume Kongo" ("Kongo Kingdom") was dissolved by Decree of the Court for Military Order in 1998." **[24b] (p11-12)**

6.252 However, an information response by the IRB dated 9 June 2003 referred to Bernard Mizele Nsemi as the leader of the Bundu dia Kongo, based on a report in *Le Phare* newspaper. **[43c]**

Return to Contents

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

ARMÉE DE VICTOIRE (ARMY OF VICTORY CHURCH)

6.253 A report of December 2003 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) advised that this Church is the main branch of the World Mission for Message of Life (Mission Mondiale Message de Vie) (MMMV) organisation, which was founded by Archbishop Fernando Kutino in 1984. The MMMV has five main areas of activities involving:

- The Army of Victory (Armée de Victoire) Church
- Kutino Ministries – evangelisation work both in the DRC and abroad
- The Victory School (école de la victoire) (religious training)
- Compassion – community work such as schools, old people's and retirement homes)
- Radio-Télé Message de Vie [message of life] (RTMV) – MMMV's radio and television stations. **[24c] (p6, 9, 20)**

6.254 The CEDOCA report stated that the Church was founded in 1989 and had its headquarters in Kinshasa. It had between 10,000 and 15,000 supporters in 2003. Membership cards were issued to the Church's members. The Church had seven parishes and 26 'prayer units'. The leader of the Church was Archbishop Fernando Kutino, who was assisted by 14 bishops. There were 12 church elders who had a spiritual function, deacons, who dealt with the practical management needs of the Church, and church shepherds who were responsible for the prayer units. **[24c] (p7, 10-13)**

6.255 The CEDOCA report also stated that the Church's emblem was a circle with a sword and a cross forming the 'A' for 'Army' and the 'V' for 'Victory' and a flame in the middle. The swords symbolised the word of God fighting against the forces of evil. The flame represented the fire that is the holy spirit. RTMV was located at the same place as the headquarters of MMMV and its function was to educate and instruct people about the MMMV and its message. **[24c] (p13)**

6.556 The CEDOCA report also stated that, on 30 May 2003, Archbishop Kutino launched a political/religious movement called Sauvons Congo (Save the Congo). It was created as a means to express people's frustrations over the failure of politicians to establish a democratic system of government and improve conditions for the Congolese people. Leaders of the movement denounced the problems that affect Congolese society such as corruption and human rights abuses. Government officials viewed the movement with suspicion and some criticised it severely. **[24c] (p18-19, 21)**

Return to Contents

EVENTS OF JUNE 2003 AND SUBSEQUENTLY

6.257 The CEDOCA report stated that on 10 June 2003 police officers in plain clothes raided the Church's premises where the radio station was based. The police officers assaulted Archbishop Kutino, who was having a meeting with members of the Sauvons Congo movement and took away some of the people who had been at the meeting, including Kutino. **[24c] (p20-25)** The CEDOCA report reported differing sources about whether anyone was arrested, stating that *Le Phare* and other newspapers reported that arrests had taken place, however

interviewees, including church members, and local human rights groups ASADHO and VSV, did not mention any arrests. **[24c] (p21, 26)**

6.258 The 2004 Annual Report by Reporters Without Borders, commenting on events in 2003, mentioned that broadcasting resumed in December 2003. The report stated:

"Radio-Télévision Message de Vie (RTMV), a Kinshasa-based radio station run by the Victory Army Church of protestant pastor Fernando Kutino, stopped broadcasting on 10 June after being ransacked by unidentified assailants. Acting on the pretext of restoring order, the police occupied the station's transmitter, located 10 km from the studios. Police were also permanently posted outside the studios and the church, while Rev. Kutino went into hiding. The church was finally able to resume broadcasting on 14 December." **[7b]**

6.259 A report from International Freedom of Exchange (IFEX) mentioned that RTMV resumed broadcasting on 14 December 2003. The report stated that it had been prohibited from operating by the governor of Kinshasa on the grounds that it did not have the legal status necessary to do so. The document confirming that status was delivered to the church on 5 December [2003] by the justice minister. **[63a]** Further information from CEDOCA in February 2004 confirmed that the RTMV had obtained the legal status required for its operations on 5 December 2003. The report stated "This had the consequence of not only the Church's activities being taken up again but also those of the RTMV, the radio-television network which was also closed on 10th June 2003.… On 14th December 2003 reopening took place in the presence of [Vice-President] Jean-Pierre Bemba." **[24d]**

Return to Contents

ASSASSINATION OF PRESIDENT LAURENT KABILA

6.260 A report by Amnesty International (AI) in December 2002 'From assassination to state murder?' advised that arrests began immediately after the assassination occurred on 16 January 2001, and mainly took place between January and March 2001. They included presidential bodyguards, members of the armed forces, members of the security services and at least 45 civilians. **[11a] (p1-2)** The report stated that Colonel Eddy Kapend Irung, a presidential aide, was arrested in March 2001. **[11a] (p2)**

COMMISSION OF INQUIRY

6.261 AI noted "The Commission of Inquiry, consisting of members of the Congolese security services as well as Angolan, Namibian and Zimbabwean army officers, was set up on 7 February 2001. It made public its findings on 23 May." **[11a] (p2)**

6.262 AI also reported that the Commission of Inquiry apparently enjoyed unlimited powers to detain suspects without charge or trial. It alleged that one of the president's own bodyguards, Lieutenant Rachidi Muzele, fired the shots which killed him. Muzele had also died from gunshot wounds immediately after the assassination. AI noted that the Commission's assertion that the RCD-Goma [Rassemblement congolais pour la démocratie – Goma] rebel group was responsible for planning the assassination with the support of the Rwandan and Ugandan governments was vigorously denied by all three parties. **[11a] (p2)**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

According to a BBC News Online report dated 1 March 2001, "However, the BBC correspondent in Kinshasa said the inquiry gave no details and is little more than a whitewash. About 100 people were arrested following Mr Kabila's assassination and the report does not make any mention of these people." **[15a]**

DETENTION OF SUSPECTS

6.263 AI reported that the assassination suspects were kept in Wing 1 of the CPRK prison in Kinshasa. Initially, the defendants were held incommunicado and in poor conditions. They were kept under constant armed guard by a contingent of soldiers of the Zimbabwe Defence Forces which was permanently stationed in the CPRK. **[11a] (p3)**

6.264 A report on prisons in the DRC published by the Irish Refugee Documentation Centre in May 2002, advised that Wing 1 of the CPRK was completely isolated from the other wings and prisoners were kept under secure restrictions, with security precautions over visitors and gifts. **[12] (p4-5)**

TRIAL OF THE ACCUSED

6.265 The AI report also advised that the trial of a large number of people accused in connection with the assassination began on 15 March 2002, before the Military Order Court in a room at the CPRK. **[11a] (p3)** The chief public prosecutor at the trial (Colonel Charles Alamba Mongako) called for the death penalty for more than 100 of the accused and sentences ranging from two to 15 years imprisonment for the rest, for charges of capital crimes, treason, and plotting against the state. **[11a] (p1, 3, 6)**

6.266 AI stated that when the trial began, there was a total of some 119 defendants but this number subsequently grew to 135 as further suspects were arrested or added to the charge sheet in the course of the trial. **[11a] (p4)** A list of 135 persons charged during the trial was published in a report of October 2002 by the Belgian immigration authorities, CEDOCA. **[24a]** AI reported that some defendants were tried in their absence, including Major Janvier Bora Kamwanya Uzima, who escaped from the GLM detention centre in February 2001. Laurent Kabila's alleged assassin, the late Lieutenant Muzele, was also listed as one of the accused. **[11a] (p4)**

6.267 AI also reported that a number of female defendants were tried solely because they were related to some of the suspects. These women included Anne-Marie Masumbuko Mwali and Rosette Kamwanya Beya, who were arrested in March 2001 and who were both married to a former member of the Congolese armed forces, Major Janvier Bora Kamwanya Uzima. Major Bora had himself been arrested on 20 January 2001 and detained at an unofficial detention centre known as the GLM but managed to escape from the GLM and fled the country in February 2001. Anne-Marie Masumbuko Mwali was reportedly detained in an unofficial detention centre before her transfer to the CPRK Prison in Kinshasa. Honorine Fonokoko, the wife of Laurent Kabila's alleged assassin, Lieutenant Muzele, was also put on trial. **[11a] (p2-3)**

Return to Contents

6.268 The Government announced in September 2002 that the moratorium on the death penalty, which had nominally been in place for three years, had been

lifted. This would allow the Military Order Court to sentence any of the 135 accused to the death penalty if it wished to do so. In October 2002, the prosecution wound up its case by requesting the death penalty against 115 of the 135 accused. **[11a] (p4)**

6.269 AI commented that in spite of a four-month investigation carried out in early 2001 by a specially established Commission of Inquiry and a lengthy trial, the exact circumstances of former President Kabila's assassination remained contentious. **[11a] (p1)** AI also expressed concern at the conduct of the trial and noted that "The public prosecutor has called for the death penalty for 115 of the 135 accused, just days after the government announced an end to a moratorium on executions which had nominally been in place for 3 years. If found guilty, the defendants will have no right of appeal against their sentences, even if they are sentenced to death." **[11a] (p1)** On 18 August 2003 IRIN reported criticisms of the trial by a Congolese human rights organisation, Groupe Jeremie and stated "The COM [Court of Military Order] was widely criticised by national and international human rights organisations, with Amnesty International having reported that the court failed to meet international fair trial standards or allow appeals to a higher or independent jurisdiction." **[18e]**

See also Section 5 on Judiciary; Section 5 on Death penalty

6.270 The Africa Research Bulletin (ARB) for January 2003 and a report by the United Nations Integrated Regional Information Networks (IRIN) report dated 28 January 2003, recorded that on 7 January 2003 the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila. **[2a] [18c]** The reports stated that between 26 and 30 people were sentenced to death, and between 41 and 45 were acquitted. **[2a] [18c]** IRIN stated that 27 others were sentenced to life in prison, and the remainder received sentences ranging from two to twenty years of imprisonment. **[18c]**

6.271 The ARB report for January 2003 stated that "Those condemned included Colonel Eddy Kapend, Kabila's former aide-de-camp. Kapend was identified as the ringleader of the killers. However, the court acquitted Fono Onokoko, the wife of Rashidi Mizele, Kabila's bodyguard, who, prosecutors said, shot Kabila dead on January 16th [2001]." **[2a]**

6.272 The names of those convicted at the trial were published by the Congolese human rights group ASADHO in March 2003. **[46a] (p13)** An information response by the Canadian Immigration and Refugee Board (IRB) of 4 September 2003 also provided a source for the list of names of those tried and their sentences and stated that "Thirty of the 135 people accused were sentenced to death and 27 to imprisonment for life, while terms of imprisonment ranging from 2 to 20 years were given to nearly 20 of the accused, and 50 or so others were acquitted (ibid.; ASADHO Mar. 2003; Le Phare 18 Jan. 2003)." **[43g]**

6.273 The ARB report for January 2003 also stated that "Most of the condemned were members of the military. Amnesty International and other human rights groups expressed concern for their fate after the military prosecutor, in his closing submission, demanded the death penalty for 115 of the detainees. The rights bodies also expressed concern at the detention of people arrested because of their relationship with the accused." **[2a]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Return to Contents

POST-TRIAL SITUATION

6.274 The IRIN report of 28 January 2003 stated that after the sentences were passed, security was tightened at the CPRK Prison, where those of the accused who had been sentenced to imprisonment or death were kept. The wives of the men who were sentenced to death were not allowed to visit their husbands and were prevented from bringing them food and medicines. The Director of the CPRK, Dido Kitungwa reportedly stated that the security measures were taken to prevent those of the accused sentenced to death from escaping but he also stated that family members would be allowed to visit them at some point in the future. **[18c]**

6.275 Another IRIN report dated 18 August 2003 advised that 95 of the persons convicted for the assassination of Laurent Kabila, who were in prison, began a hunger strike in August 2003 to demand that a general amnesty be extended to them and to protest about prison conditions. The Government stated that the amnesty declared by President Joseph Kabila on 15 March 2003 was only intended to allow members of the rebel forces to take part in the Transitional National Government institutions and did not apply to anyone alleged to have been associated with the Laurent Kabila assassination. **[18e]**

6.276 A report by IRIN dated 7 October 2004 stated that the former prosecutor of the Military Court, Colonel Charles Alamba, was among 11 people condemned to death after being found guilty of murder, mutilation and extortion. **[18u]** This concerned a separate incident, and unrelated trial. The report stated "Various human rights groups, including Amnesty International, have singled out Alamba for his abuses during his tenure as prosecutor. As military prosecutor at the time of the assassination of former President Laurent Kabila, Alamba led the trial in which 30 people accused of the crime were condemned to death, the same sentence now imposed on him." **[18u]**

See also Section 5 on Judiciary

Return to Contents

COUP ATTEMPTS 2004

6.277 The US State Department Report on Human Rights Practices in 2004 published on 28 February 2005 (USSD 2004) stated that the whereabouts of an unknown number of civilians and soldiers who were detained early in the year in connection with alleged coup plots remained unknown. **[3f] (Section 1b)** The Amnesty International (AI) Annual Report 2005 commenting on events in 2004 stated "There were reports of coup attempts in Kinshasa in March and June, although doubts remained about their authenticity. The first attempt was attributed to Mobutist officers of the former Zairian Armed Forces (Forces armées zaïroises, FAZ), who had fled to Congo-Brazzaville in 1997. The second attempt was reportedly the work of a Special Presidential Security Guard (GSSP) officer." **[11f] (Background)**

See also Section 6B on Persons associated with the Mobutu regime

ATTEMPTED COUP OF 28 MARCH 2004

6.278 The Africa Research Bulletin (ARB) for March 2004, reporting several news sources, stated that "Kinshasa awoke to gunfire on March 28th when forces thought to be loyal to Mobutu Sese Seko, the former dictator, launched a coup attempt against the government of President Joseph Kabila. Press and Information Minister Vital Kamerhe said that insurgents had attacked four military camps in Kinshasa early in the morning." **[2b]** The ARB also reported that "The alleged coup plotters simultaneously attacked Colonel Tshatshi military barracks located within the Unité Africaine district, home to the presidential offices, the Kokolo camp logistic base in a residential area, the Gombe naval base and the Ndolo air base." **[2b]** The ARB for March 2004 also reported that the attempted coup was dubbed Operation Pentecost by the perpetrators. **[2b]** The ARB for June 2004 also stated that the group was called the Army of Heaven. **[2c]**

6.279 A report by the United Nations Integrated Regional Information Networks (IRIN) on 29 March 2004 advised that the Interior Minister stated that the government remained united and in complete control. The report stated "He was speaking in Kinshasa as loyal army officers paraded 17 captured attackers before reporters. Diplomats in Kinshasa said the attackers were most likely remnants of the defunct Zairean Armed Forces, once loyal to the late President Mobutu Sese Seko." **[18f]**

6.280 On 24 June 2004 a further report from IRIN stated that "A government commission, formed to investigate the failed coup, said ex-military officers from the army of the late president, Mobutu Sese Seko, funded the operation." The report stated that the commission had identified 13 ringleaders behind the coup attempt, many of whom were military and ex-presidential guards. **[18n]** The IRIN report also stated that "A spokesman for the commission said 72 people were in Kinshasa's central prison awaiting trial on charges related to the failed March coup." **[18n]**

6.281 In a further news report from *l'Avenir* newspaper distributed on 24 June 2004 the names of the main participants cited by the commission were identified. **[35]** The same source identified a former member of the DSP (Special Presidential Division) under Mobutu as the financial power behind the putsch. **[35]** The names of the individuals involved with the coup were also reported on 8 September 2004 by the Canadian Immigration and Refugee Board. **[43q]**

6.282 The Country Report by the Economist Intelligence Unit of June 2004 stated:

> "A number of official and unofficial theories have circulated about the origins of the attackers. Vital Kamerhe, the minister of information, stated early on that the attackers were believed to be former members of Division spéciale présidentielle (DSP), the presidential guard of the deposed president, Mobutu Sese Seko, the majority of whom fled the country in 1997. Many have been living in Brazzaville, and rumours that they plan to attack Kinshasa have been circulating for years. Former members of the DSP have denied any involvement in the attacks and the Congo (Brazzaville) government has denied giving support to the DSP. It does seem unlikely that the DSP would attempt to overthrow the government by attacking four military bases with only 40 soldiers. Many observers believe that the attack may have been orchestrated by the government to demonstrate its ability to handle military threats." **[30a] (p12)**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Return to Contents

6.283 According to a report from *Le Phare* newspaper the Congolese human rights group, La Voix des Sans-Voix (VSV) issued a communiqué in February 2005 about the government's behaviour towards the persons arrested. **[31b]** VSV referred to the events of March 2004 and alleged that that there were ten military protagonists in detention and eight "on the run". It also named a total of 62 people said to have been arrested, including the ten soldiers, civilians, their friends, acquaintances and/or family members who had allegedly been subject to brutality, involving the Presidential Guard [GSSP] and the DEMIAP security agency, and initially detained in secret cells before being transferred to the Centre pénitenciaire et de rééducation de Kinshasa (CPRK) prison, Kinshasa. The communiqué called for a just, fair and public trial for those arrested in connection with Operation Pentecost, stating that a first hearing was held before magistrates from the Military Supreme Court on 19 January 2005. The communiqué also called for an improvement in their conditions of detention, including authorisation of visits and access to suitable medical care. **[41]**

6.284 However, information about those arrested notified by the Congolese human rights group ASADHO in December 2004 via the Canadian Immigration and Refugee Board was that:

"Approximately 72 persons were arrested and are now detained in harsh conditions in the Centre pénitenciaire et de rééducation de Kinshasa (CPRK), formerly known as Makala prison;

It is difficult to obtain their names because of their detention conditions: they are guarded by military personnel and are not allowed any visitors. They are held under 'regime cellulaire';

Almost all of those who were arrested are former members of the Forces armées zaïroises (ex-Faz) and many of them are from the province of the Equateur;

All detainees are still waiting for their eventual trial before the military court; The Congolese authorities claimed that the 'assailants' came from Brazzaville (Capital of the Republic of Congo) and that the MLC (Mouvement pour la libération du Congo) was behind the coup by financing the group.

In both cases (March and June 2004), ASADHO is not aware of any case where any relative or any family member of the detainees was targeted for arrest or mistreatment by Congolese authorities." **[46b]**

See also Section 6B on Persons associated with the Mobutu regime

Return to Contents

ATTEMPTED COUP OF 11 JUNE 2004

6.285 The Africa Research Bulletin (ARB) for June 2004, quoting several news sources, stated that on 11 June 2004 Kinshasa was again struck by artillery and gunfire shortly after midnight in another coup attempt. The same ARB source reported that the coup bid was quickly put down. **[2c]** A report from the United

Nations Integrated Regional Information Networks (IRIN) on 11 June 2004 stated that Kinshasa was calm. **[18k]**

6.286 The ARB for June 2004 also stated "The coup leader, Major Eric Lenge, the commander of a battalion of the Special Group of the Presidential Security Group (GSSP), announced in a radio broadcast that his forces had 'neutralised' the transitional government…. Electric power was cut off by the dissidents, but a few hours later they retreated into a military camp and then disappeared." **[2c]**

6.287 A report from Agence France Presse (AFP) news agency on 15 June 2004 referred to a statement by the authorities that eight more suspects had been arrested, bringing the total to 20. The date of the arrests was not given. The report said "According to the statement, the would-be putschists fled to Bas-Congo province, southwest of the capital, after their coup bid failed." **[65a]** On 17 June 2004 *Le Phare* newspaper reported that six suspected members of the coup had been arrested on 14 June near Kimpangu village, after heavy fighting. The same source reported that on 16 June three rebels were on the Cecomaf road, and that fewer than ten of the rebel group remained at large. **[31a]**

6.288 ARB for June 2004 also stated "According to local sources, part of the motivation of the coup perpetrators, as during the March mutiny, was the government's failure to pay salary arrears to the troops. But diplomatic sources said there was a political agenda behind the coup and they accuse Katangese hardliners of having masterminded it." **[2c]** A report of 13 June 2004 from BBC News Online commented that "Congo's opposition has said the coup was fabricated by President Kabila." and "Our correspondent says that Maj Lenge is believed to be close to Mr Kabila and to some hardliners who have no seats in the current government of unity. Analysts in Kinshasa say that the 'coup attempt' could have been engineered by the hardliners, to change the balance of powers within the Congolese government." **[15e]**

6.289 The Country Report by the Economist Intelligence Unit of June 2004 stated:

"A number of incidents in the past quarter have emphasised the fragility of the political transition in the Democratic Republic of Congo (DRC). The latest incident was an apparent coup attempt in the capital, Kinshasa, during the night of June 10th-11th, after the national radio and television station was taken over by mutinous troops, reportedly numbering only around 20 and led by a major in the presidential guard, Eric Lenge. Major Lenge broadcast a statement announcing the suspension of the transitional government and claiming the support of the senior army command for his action. . . . [However,] opposition parties and sections of the press have claimed that the coup was fabricated by Mr Kabila with the intention of delaying the presidential and legislative elections scheduled for 2005 and increasing his powers." **[30a] (p12)**

6.290 On 21 June 2004 a South Africa news agency reported that the DRC Information Minister had announced that the army chief of staff, had been dismissed. The report stated "Information Minister Vital Kamerhe gave no specific reason for the firing of Admiral Liwanga Mata [Matae], beyond saying that it was in line with the government's probe into the attempt." and "Lenge, in his communique on state radio during the attempt, had mentioned Mata [Matae] by rank, but not by name, saying the army chief of staff had been aware of his plans." **[48]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

6.291 A radio report from Radio Candip, Bunia, on 21 June 2004 also reported:

"As you heard at the beginning of this radio bulletin, a shake up has taken place in the presidential guard and the DRC [Democratic Republic of Congo] national army. The head of state has dismissed officers of his inner circle, including Mr Kifua Adamasi [phonetic], who is accused of playing a major role in the 11 June putsch to topple President Joseph Kabila staged by Maj. Eric Lenge. The head of state also made some changes in the army. Adm Liwanga Mata-Nyamunyobo, chief of staff of the FARDC, has been replaced by Gen. Kispea [Kisempia] Tunji Langi [phonetic]." **[47]**

Return to Contents

6.292 A letter from the Foreign and Commonwealth Office dated 31 August 2005 also provided information on the following individuals who were removed from their posts or may have been involved in events surrounding the alleged coup attempt:

"Jean-Claude Kifwa (also known as Tango-Tango), son of General Celestin Kifwa. On 19 June 2004 he was suspended from his position as Brigadier-General and commander of the GSSP (Presidential Guard).

Mwenzie Kongolo, a Mulubakat (North Katangan) and cousin of the late President Laurent Kabila. Formerly Minister of Justice under Laurent Kabila, he was appointed by Joseph Kabila in April 2001 as Minister of National Security and Public Order. He was suspended in November 2002 after he was named in a UN illegal economic exploitation report, and his ministry was subsequently abolished. Kongolo had close links with Zimbabwe and he remains a well-known and powerful figure in Katangan politics.

General Liwanga, from Equateur province, dismissed as Chief of Defence Staff in June 2004 and replaced by Major-General Kisempia. He appeared to lose the confidence of Joseph Kabila following the 11 June 2004 coup attempt by Major Lenge.

General Damas Kabulo, appointed Chef de la Maison Militaire (Kabila's security advisers) in February 2002, also formerly head of Demiap's (Military Intelligence) external wing, and Navy Chief of Staff. He is a Mulubakat relative of the late President Kabila. As Chief of the Maison Militaire he was a key military adviser to President Joseph Kabila. Kabulo is reported to be close to General Liwanga, and was viewed as one of the richest men in the Congolese military. He was publicly dismissed by Joseph Kabila from his position as head of the Maison Militaire in June 2004." **[22k]**

6.293 Information about those arrested was notified by the Congolese human rights group ASADHO in December 2004 via the Canadian Immigration and Refugee Board as follows:

"Approximately 58 persons were arrested and are also detained in harsh conditions in the Centre pénitenciaire et de rééducation de Kinshasa (CPRK) under a 'regime cellulaire';

Those who were arrested and detained comprised mostly of military personnel and civilians. They are from different regions of the country, including Katanga province;

All detainees are still awaiting their trial. It is difficult to say whether or not all of them will be tried before the military courts or whether only the military forces will be;

In both cases (March and June 2004), ASADHO is not aware of any case where any relative or any family member of the detainees was targeted for arrest or mistreatment by Congolese authorities." **[46b]**

See also Section 6B on Persons associated with the Mobutu regime; Section 6C on Bukavu June 2004

Return to Contents

TREATMENT OF FAILED ASYLUM SEEKERS RETURNED TO THE DRC

6.294 The view of the Foreign and Commonwealth Office (FCO) was updated in a letter of 9 December 2004 from the British ambassador to the DRC. This stated that they had no evidence that DRC nationals face persecution from DRC authorities on being returned to Kinshasa after a failed claim for political asylum in European countries. It stated "Our sources on these matters include local lawyers and human rights activists, Ministers from across the parties comprising the Transitional National Government, local press and colleagues from other Embassies in Kinshasa." The same letter noted that the Belgian and French governments regularly make supervised returns of failed asylum seekers to Kinshasa. It also stated "All passengers arriving at Kinshasa are liable to be questioned by DRC immigration officials. We have no evidence that returned failed asylum seekers are singled out for adverse treatment." **[22e]**

6.295 The Belgian and Dutch governments stated that, like the FCO, they have not seen any evidence to indicate that returned failed asylum seekers are persecuted. A letter from the Belgian Embassy in London of July 2003 stated that the Belgian Government enforced the return of failed Congolese asylum seekers to the DRC. Both the Belgian Embassy in Kinshasa and the Belgian Immigration Department monitored the treatment of returned failed asylum seekers to the DRC from Belgium and had not seen any evidence to indicate that returned failed asylum seekers were at risk of persecution. **[25]**

6.296 A letter from the Dutch Embassy in London of July 2003 stated that the Dutch Government also enforced the return of failed Congolese asylum seekers to the DRC, and that the Dutch Embassy in Kinshasa had not seen any evidence to indicate that returned failed asylum seekers were at risk of persecution. The Dutch Government did not monitor the treatment of returned failed asylum seekers to the DRC. **[26]** Further information about the return of failed asylum seekers from The Netherlands was reported by a BBC News report of 24 June 2005 which stated that, following a media programme report, "The Netherlands [had] suspended the return of failed asylum-seekers to the Democratic Republic of Congo following reports of documents being leaked. Congolese officials are reported to have obtained confidential documents on several deportees and then abused them.… She said an independent inquiry would investigate how Dutch files may have ended up with Congolese immigration.… On a number of

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

occasions in the past she has reassured parliament that failed asylum-seekers' files were kept secret. Dutch media reports that human rights organisations had also warned that deportees faced the serious risk of imprisonment, extortion and assault if unmasked as asylum-seekers." **[15r]**

6.297 Further information about the attitude of European countries on this subject was set out in a country report of January 2004 by the Netherlands Ministry of Foreign Affairs as follows:

"4.3 Policy of other countries

United Kingdom
All applications for asylum from Congolese are dealt with on an individual basis. Asylum is generally granted to Tutsis, but not to persons of mixed origin. In principle, failed Congolese asylum seekers are returned to the DRC.

Belgium
Most applications for asylum from Congolese are dealt with in the usual way. There is a freeze on taking decisions on applications by persons giving their place of origin as Ituri. In principle, failed Congolese asylum seekers are returned to the DRC.

Germany
Applications for asylum from Congolese nationals are assessed individually. Congolese asylum seekers who have exhausted all legal remedies are returned to Kinshasa.

Denmark
All applications for asylum from Congolese are assessed individually. Congolese asylum seekers who have exhausted all legal remedies are de facto deported.

Switzerland
Asylum is granted to Tutsis in some cases. Tutsis and persons who were in close contact with the Mobutu government are not deported. Congolese asylum seekers who have exhausted all legal remedies are deported to Kinshasa."
[42] (p22)

6.298 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, the subject of the involuntary return of unsuccessful asylum seekers was discussed at length. It was stated that caution should be exercised and a case-by-case approach was necessary in dealing with these individuals. **[52] (p122-127)**

Return to Contents

Annex A: Chronology of Events

1960 The country gained independence from Belgium on 30 June 1960 as the Republic of the Congo. Later that year, Colonel Mobutu, as Army Chief of Staff, suspended political institutions and assumed control of the country.

1964 The country was renamed the Democratic Republic of the Congo.

1965 Mobutu again intervened following the political deadlock which ensued from elections. He assumed full executive powers and declared himself the President of the 'Second Republic'. The legislature was suspended and a five-year ban on party politics was imposed. During this period, power was progressively concentrated in the office of the President. By 1970, no senior politicians remained as potential rivals to Mobutu.

1970 Presidential and legislative elections were held. Mobutu, as sole candidate, was elected President, and members of a national legislative council were elected from a list of candidates presented by Mobutu's political party, the Mouvement Populaire de la Revolution (MPR). The government, legislature and judiciary became institutions of the MPR and all citizens automatically became party members. In 1971, the country was renamed the Republic of Zaire as part of a campaign for African authenticity.

1977 An invasion of Shaba [Katanga] province by former Katangese rebels from Angola was repulsed with assistance from France and Morocco (the First Shaba War).
Mobutu created the post of first state commissioner (equivalent to prime minister) and announced a legislative election for 1980. He was then re-elected unopposed for a further term of office.

1984 Mobutu was again re-elected without opposition and continued with political and financial policies to reinforce his personal position.

1990 Mobutu announced various political changes, including the inauguration of the Third Republic, and a Transitional Government although he retained his hold on power. Legislation permitting the operation of political parties and free trade unions was enacted, and a special commission to draft a new constitution by April 1991 was announced.

1991 The announcement of a timetable for the restoration of multi-party politics led to the proliferation of political parties.

1996 In August, Mobutu left the country for cancer treatment in Switzerland. The hiatus created by his absence and ill-health proved to be a decisive factor in bringing his rule to an end. What appeared at first to be a regional movement to protect Tutsis soon gathered momentum and emerged as a national rebellion aiming to overthrow the Mobutu regime. The rebels were joined by dissidents of diverse ethnic origin to form the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL), led by Laurent-Desire Kabila. Despite attempts by the government to control the situation, the rebel forces continued to make progress in taking over a large area of the east, including the towns of Goma and Bukavu, by the end of the year.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

1997 On 16 May President Mobutu left Kinshasa with his entourage as AFDL forces approached Kinshasa. On 17 May, AFDL troops entered Kinshasa and Kabila declared himself President of the renamed Democratic Republic of the Congo. Kabila also issued a constitutional decree to remain in force until the adoption of a new constitution which allowed him legislative and executive power and control over the armed forces and treasury. A government was formed which, while dominated by AFDL members, also included Union pour la Democratie at le Progrès Social (Union for Democracy and Social Progress (UDPS) and other party members. In August, a military court was established by decree.

Return to Contents

1998 In April, the government banned the country's main human rights group AZADHO and took action against other groups.
In August, reports were received of an organised rebellion from the east of the country which was aiming to topple the regime. The rebels, calling themselves the Rassemblement Congolais pour la Democratie (RCD), were assisted by Rwanda and Uganda who were angered by Kabila's failure to contain attacks on their territory by insurgents based in eastern DRC. The rebels captured a number of eastern towns and made a flight to the west to take other assets. They reached the outskirts of Kinshasa by late August but then received a number of military setbacks from government forces who were by then being aided by Zimbabwe, Angola and Namibia, and subsequently by Chad.
The rebels continued to make progress in the east and captured more than one-third of the country by the end of the year.
In October, another rebel group, the Movement for the Liberation of Congo (Mouvement pour la Liberation du Congo) (MLC) joined the fighting in northern DRC.
Later in the year and in early 1999, reports of mass movements of refugees displaced by the war and of atrocities committed by both sides were issued. Kinshasa remained generally calm, although suffering the economic effects of the war. Diplomatic efforts to end the fighting were inconclusive.

1999 In January, government decrees lifted the ban on public political activity and announced arrangements for registering new political parties. These were widely criticised for being too restrictive.
A peace accord was signed in Lusaka by the governments of the DRC and other countries involved on 10 July and shortly afterwards by the MLC rebel group and the RCD factions.
Despite the ceasefire agreement, violations of the ceasefire by both the government forces and the rebel groups were reported.
At the end of November the UN Security Council established a force in the country – UN Mission to the Congo (MONUC)

2000 In January, MONUC was increased in size by adding some 5000 troops to support the work of 500 ceasefire monitors.
Violations of the ceasefire agreement by both the Government forces and the rebel groups continued to be reported. A new ceasefire agreement in April failed to bring lasting peace.
In early May there was serious fighting between Ugandan and Rwandan forces in Kisangani, and, later in the year, between government and RCD-Goma forces, around the town of Pepa.

2001 On 16 January, President Laurent Kabila was assassinated in Kinshasa. His son – Joseph Kabila – was sworn in as the new President of the DRC.
In May, a law was passed allowing registered political parties to engage in political activity legally subject to certain conditions.
In November a UN report accused Rwanda and Uganda of illegal exploitation of the DRC's mineral resources, a charge which both countries rejected.
In December, violent clashes took place between university students and the police in Lubumbashi and Kinshasa.

2002 On 17 January, on the DRC's joint border with Rwanda and Uganda, the Nyirangongo volcano erupted causing severe destruction in Goma and the surrounding area.
In February, the Inter-Congolese Dialogue resumed in Sun City in South Africa, which led to a peace deal in April between the Government and most of the rebel forces, although RCD-Goma and several long-established parties, including the UDPS, did not sign up to the agreement.
On 15 March, the trial of the 135 persons suspected of involvement in the assassination of Laurent Kabila began.
On 30 July, an agreement on disarmament of Hutu rebels and withdrawal of Rwandan forces from DRC was signed in South Africa by President Kabila and Rwandan President Kagame. The Hutu rebels did not recognise the agreement as they claimed they were not consulted.
In September 2002, the Government announced that the moratorium on the death penalty, which had nominally been in place for three years, had been lifted.

Return to Contents

2003 On 7 January, the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila.
In April the Military Court was abolished.
On 2 April, delegates from all parties to the conflict in the DRC signed a power-sharing peace deal in Sun City, South Africa. The DRC Government, rebel movements, opposition political parties and representatives of civil society agreed to set up a Transitional National Government to oversee democratic elections due to take place in 2005.
On 30 June the new Transitional National Government was set up and comprised the President, four vice-presidents, 36 ministers and 25 deputy ministers from the previous administration, the Mai-Mai militia, the rebel forces, the unarmed political opposition and civil society. Joseph Kabila remained the President of the DRC while the Transitional National Government was in operation.
On 22 August a transitional National Assembly and Senate of the Transitional National Government was opened in Kinshasa by President Joseph Kabila, with members drawn from the various parties to the national power-sharing accord.
In August an agreement was reached on establishing a unified armed forces command.

2004 On 28 March 2004, an attempted coup was reported to have taken place in Kinshasa, allegedly by former soldiers of Mobutu's army.
In May the President appointed governors and their deputies to the eleven provinces to form part of the Transitional national Government.
In May and June fighting broke out in the Bukavu area.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

On 28 June another attempted coup in Kinshasa was reported which was also quelled within a short time.
In June the chief prosecutor of the International Criminal Court announced an ICC investigation into alleged war crimes committed in the DRC since 1 July 2002, with the initial focus of the enquiry in Ituri. **[18o]**
In August some 160 Banyamulenge refugees who had fled from the fighting in Bukavu were massacred at a refugee camp at Gatumba, Burundi.
Vice-President Ruberwa suspended RCD-Goma's participation in the transitional government in view of the collapse of the peace process for about a week at the end of August.

2005 Demonstrations and a general strike occurred in Kinshasa in the week of 10 January 2005 following reports that the elections programmed for June 2005 might be delayed to later in the year. **[15i] [15j]**
In mid-January ministers and state officials were dismissed for corruption. **[18z]**
In May a new draft post-transition was approved by the national assembly. **[15k]**
In May the transitional parliament agreed that elections should be postponed for six months from the scheduled date of 30 June. **[62b]**
Demonstrations took place in several parts of the country around 30 June in protest at the postponement. **[65j]**

Source: [1c] unless otherwise stated

Return to Contents

Annex B: Political Organisations

Alliance des forces democratiques pour la libération du Congo-Zaire (AFDL)
The AFDL was the ruling political party of former president Laurent Kabila on coming to power. Its membership was mainly made up of Tutsis. It comprised four political groups, all from eastern DRC: the Popular Revolution Party (founded by Kabila), the People's Democratic Alliance, the Revolutionary Movement for the Liberalisation of Zaire and the National Council for Resistance for Democracy. In April 1999, Laurent Kabila dissolved the AFDL in favour of village committees to devolve power to the people. **[1c] [30a] (p6,12)**

Forces Novatrices pour l'Union et la Solidarité (Forces for Union and Solidarity) (FONUS) **[1c]**
Leader Joseph Olenghankoy was minister of transport in the transitional national government set up in 2003, until he was dismissed in January 2005. **[65c]**

See also Section 5 on Government**;** Annex C Prominent people

Forces pour le Salut du Congo (Force for the Salvation of Congo) (FSC)
Formed in June 2000 by former supporters of former President Mobutu. Leader Jerome Tshisimbi. **[1h]**

Mai Mai (also Mayi Mayi)
The Mai-Mai militias fighting in Congo first emerged in the early 1990s as an expression of local resentment and opposition to the presence of Rwandan forces and their proxy, the RCD [Rassemblement congolais pour la démocratie], in eastern DRC. The Mai-Mai are divided into many armed groups and do not have a unified leadership structure, and many groups have started behaving more like warlords. The Mai-Mai fought alongside government forces throughout the war and also have close links to the Interahamwe. As signatories to the Pretoria peace accord, they are represented in the government and other transitional institutions, and their troops have been incorporated into the government armed forces. **[30a] (p15)**

See also Annex D Armed forces in the DRC

Mouvement pour la libération du Congo (Congo Liberation Movement) (MLC)
Former Ugandan-supported rebel movement; Leader Jean-Pierre Bemba, now Vice-President in the Transitional National Government. **[1c]**

The MLC was legalised by the decree of September 2003 authorising all parties to function legally. **[3b] (Section 2b)**

The MLC has its headquarters in Mr Mobutu's former presidential 'village' of Gbadolite in Equateur province. **[30a]** Led by millionaire businessman, Vice-President Jean-Pierre Bemba, the MLC has close links to the Ugandan government which controlled much of northern and central DRC. Many of the MLC's senior members hail from the civilian and military structures of ousted dictator Mobutu Sese Seko. **[27b] (History and Politics)**

According to a report of 22 April 2004 by the Canadian Immigration and Refugee Board, the party has no links with the Congolese NGO, Ligue des électeurs (League of Electors). **[43p]**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

The Economist Intelligence Unit (EIU) Country Profile of June 2005 noted that pre-election competition for power between the PPRD party and Mr Bemba's MLC is one of the main causes of the deterioration in public expenditure management; a substantial improvement is likely only when they have reached a defined and accepted balance of power after the elections. **[30b] (p24)**

See also Annex C Prominent people**;** Annex D Armed forces in the DRC

Mouvement Populaire de la Révolution (Popular Revolutionary Movement) (MPR)
Formed in 1966 by former President Mobutu; sole legal political party until November 1990; Sec Gen - Kithima Bin Ramazani. Leader (vacant) **[1h] [4] (p114)**
An information response by the Canadian Immigration and Refugee Board (IRB) of 10 June 2003 about the existence of the MPR rénové/Salongo stated:

"Nonetheless, one source indicated that there are three factions of the Popular Movement of the Revolution (MPR): the MPR-Fait Privé, headed by Catherine Nzuzi wa Mbombo; the MPR/Vunduawe, under the leadership of Félix Vunduawe; and the MPR/Mananga, led by Mananga Dintoka Mpholo (CIA World Factbook 2002 19 Mar. 2003). Two other published sources, however, noted the existence of only two factions of the MPR, that is, Catherine Nzuzi wa Mbombo's MPR-Fait Privé and another simply called the MPR, headed by Félix Vunduawe (Le Phare et Le Communicateur 9 Sept. 2002; Le Palmarès 15 Apr. 2003)." **[43d]**

Catherine Nzuzi wa Mbombo was named as the Minister of Solidarity and Humanitarian Affairs in the Transitional National Government appointed in June 2003. **[56c] (Institutions de la Transition en RDC)**

See also Annex C Prominent people

Parti démocrate et social chrétien (Democratic and Christian Socialist Party) (PDSC)
32a ave Tombalbaye, Kinshasa-Gombe. Centrist. Founded in 1990; Pro-centrist. President André Bo-Boliko; Secretary-General Tuyaba Lewula. **[1h]** Affiliate of the Christian Democrat International. **[4] (p114) [22g] (Major Political Parties)**

Parti lumumbiste unifié (Unified Lumumbist Party) (PALU)
Leader Antoine Gizenga **[13] (Political parties and leaders) [22g] (Major Political Parties)**
According to a report of 30 March 2005 by the Canadian Immigration and Research Board, PALU did not agree with the appointment process of members of the political opposition to the transitional government in 2003 so is not represented in the transition government. The same source stated that PALU and others formed a political grouping to insist on elections by 30 June 2005, and that a number of PALU and UDPS members were arrested when they tried to submit a memorandum to the office of the United Nations Mission to the Democratic Republic of Congo (MONUC) in May 2004. **[43t]**

Return to Contents

Parti du Peuple pour la Reconstruction et la démocratie (People's Party for Reconstruction and Democracy) (PPRD) http://www.pprd.com
Formed March 2002 by President Joseph Kabila. **[1h]**

The Economist Intelligence Unit (EIU) Country Profile of June 2004 stated "Parti du peuple pour la reconstruction et la démocratie (PPRD), created in March 2002, represents the supporters of Mr Kabila and of his late father, Laurent Kabila." **[30a] (p4)**

The EIU Country Profile of June 2005 noted that pre-election competition for power between the PPRD party and Mr Bemba's MLC was one of the main causes of the deterioration in public expenditure management, and a substantial improvement is likely only when they have reached a defined and accepted balance of power after the elections. **[30b] (p24)**

Rassemblement congolais pour la démocratie - Goma (Congolese Rally for Democracy (RCD-Goma/RCD-G)
Email: congorcd@congorcd.org **Internet:** www.congorcd.org

Founded 1998; rebel movement until Dec. 2002 peace agreement; incl. in Govt July 2003; main faction initially led by Émile Ilunga; supported by Rwanda. Leader Azarias Ruberwa. Sec.-Gen. Francis Bedy Makhubu Mabele. **[1h]**

A close political ally of the Rwandan government and the bulk of its leaders hail from the Banyamulenge community. **[27b] (History and Politics)**

Since taking up arms in August 1998 the RCD has fractured repeatedly. Both the RCD-ML and the RCD-N have representatives in the Transitional National Government, though fewer than the main RCD, now named RCD-Goma after its stronghold in North Kivu. **[30a] (p13)**

See also Annex D Armed forces in the DRC

Rassemblement congolais pour la démocratie - Mouvement de Libération (Congolese Rally for Democracy - Liberation Movement) (RCD-ML) also known as RCD-Kisangani (RCD-K/ML) [22g] (Major Political Parties)
Broke away from main RCD in 1999; supported by Uganda; President: Mbusa Nyamwisi. **[1h]**

A political ally of the Ugandan government, the RCD-K/ML controlled an area known as the Grand Nord which stretches from Kanyabayonga to Beni. The RCD-K/ML is led by Mbusa Nyamwisi, who is now also the minister of external commerce in the transition government. **[27b] (History and Politics)**

Rassemblement congolais pour la démocratie - National (Congolese Rally for Democracy - National) (RCD-N)
Broke away from RCD-ML in October 2000. Leader Roger Lumbala. **[1h]**

Union pour la Democratie et le Progrès Social (Union for Democracy and Social Progress) (UDPS)
Twelfth Street, Limete Zone, also given as 546 Avenue Zinnia, Commune de Limeté, Kinshasa). Kinshasa http://www.udps.org/UDPS.html and http://www.udps.net/socialdemocrats.php

Formed in 1982. Leader: Etienne Tshisekedi Wa Mulumba; Secretary General: Rémy Massamba. **[1h]**

See also Annex C Prominent people

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

The UDPS was formed in the early 1980s as an opposition party within the former Zaire to counter the arbitrary rule of the Mobutu regime. **[1c]** The UDPS has been banned on a number of occasions. **[4] (p114-115)**

Europa World online reported that the UDPS denounced the Inter-Congolese Dialogue in 2002 and formed a political alliance with the RCD-Goma to oppose it. **[1c]** The same source stated that they also refused to take part in the Transitional National Government formed in June 2003. **[1c]** According to information from the Institute for Security Studies, Mr Tshisekedi has declined to participate in the transition government but intends to run in the presidential elections. **[27b] (History and Politics)** A report of 5 August 2004 by the Canadian Immigration and Refugee Board (IRB) referred to a statement by the UDPS president that although the UDPS is not part of the transitional government, the organisation is fully participating in the transition process. **[43n]**

UFERI Union of Federalist and Independent Republicans [22g] (Government) Two factions; UFERI (Lokambo Omokoko); UFERI/OR (Adolphe Kishwe Maya) **[13] (Political parties and leaders) [22g] (Major Political Parties)**

See also Section 5 on Political system**;** Section 5 on Political parties**;** Section 6A on Freedom of association and assembly **;** Section 6C letters of support from opposition political parties

Return to Contents

Annex C: Prominent People

Jean-Pierre Bemba
Leader of the Movement for the Liberation of Congo (Mouvement pour la Liberation du Congo) (MLC). Son of business magnate Bemba Saolona. In June 2003, Bemba became one of the Vice-Presidents in the Transitional National Government. **[1c]** Information from the Country Fact File of the Institute for Security Studies stated that Mr Bemba is a businessman from Equateur province and the son of one of the richest men in the DRC. **[27e] (Security Information)**

During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that Bemba had links to persons from the former Mobutu regime. **[52] (p101)**

The 2004 Country Profile by the Economist Intelligence Unit (EIU) also stated:

"A wealthy Belgian-educated businessman from Equateur province, whose father was close to former presidents, Joseph Mobutu and Laurent Kabila, he heads the Mouvement pour la libération du Congo (MLC), one of the two main rebel movements. He has ambitions of playing a role in politics at the national level and this favours his co-operation, at least in the medium term, with the transitional government, in which he is one of the four vice-presidents. He is regarded as a volatile and unpredictable figure." **[30a] (p15)**

See also Annex B Political organisations**;** Annex D Armed forces in the DRC

Emile Ilunga
Leader of RCD-Goma rebel faction until November 2000, when he was deposed. **[1c]** A long-time political activist from Katanga. Also associated with the 'Katanga Tigers'. **[27e] (Security Information)**

See also Annex D Armed forces in the DRC

Joseph Kabila
Son of former DRC president Laurent Kabila and current President of the DRC. He was appointed as the President of the DRC in January 2001 after the assassination of his father. In June 2003, he became the head of the new Transitional National Government. **[1c]** The EIU 2004 Country Profile of June 2004 stated:

"The 33-year-old president was educated in Uganda, and later lived and worked in Tanzania. His outlook is more anglophone East African than francophone and he speaks English and Swahili better than French. His origins are disputed: some claim that his mother is a Rwandan Tutsi, although the government denies this. Commander of the land forces under his father, he had little political experience before being catapulted into power by historical accident. He lacks a solid powerbase and is dominated by his father's old cronies. His popularity has declined drastically over the past year." **[30a] (p14-15)**

Laurent Desire Kabila

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Former president of the DRC. He became the leader of AFDL forces which toppled the Mobutu regime in May 1997. He declared himself the President of the DRC in May 1997 and remained the president until his assassination in January 2001. **[1c]**

Colonel Eddy Kapend
Former head of the former president's special presidential staff and aide-de-camp to the late Laurent Kabila. He was arrested as a key suspect by the security forces after former president Laurent Kabila was assassinated in January 2001. Kapend was formally charged in March 2002 with conspiracy and the murder of the late Laurent Kabila. In January 2003, Kapend was sentenced to death by the Military Order Court. **[2a] [11a] (p2)**

See also Section 6C on Assassination of President Laurent Kabila

Olivier Kamitatu
The EIU 2004 Country Profile stated:

"Now president of the National Assembly, Mr Kamitatu was Mr Bemba's right-hand man in the MLC and its chief strategist. He is widely considered to be a responsible interlocutor and has close links with the international community. Before becoming involved with the MLC, he headed a political research institute in Kinshasa which continues to function." **[30a] (p15)**

According to a report of 22 April 2004 by the Canadian Immigration and Refugee Board, Olivier Kamitatu, the Secretary General of the MLC, was made president of the Transitional National Assembly. **[43p]**

Bizimi Karaha
Former Minister of Foreign affairs until August 1998, when he defected to the rebel forces then attacking the country. **[1c]**

Return to Contents

Fernando Kutino
Archbishop Fernando Kutino founded the World Mission for Message of Life (MMMV), a religious organization, and is also the leader of the Army of Church Victory, which is the main branch of the MMMV, and the Sauvons Congo (Save the Congo) movement. After the 10 June 2003 raid of the Army of Church Victory by the police, Kutino fled the country and applied for asylum in France. **[24c]**

See also Section 6C on Armée de Victoire (Army of Victory church)

Patrice Lumumba
First Prime Minister after independence was granted in 1960. He was murdered in February 1961. **[1c]** The current Lumumbiste party is PALU. **[13] (Political parties and leaders) [22g] (Major Political Parties)**

See also Annex B Political organisations

Catherine Nzuzi wa Mbombo
Leader of one faction of the MPR political party and appointed as Minister of Solidarity and Humanitarian Affairs in June 2003 in the Transitional National Government. **[56c] (Institutions de la Transition en RDC)**

See also Annex B Political organisations

Joseph-Desire Mobutu (Mobutu Sese Seko Kuku Ngbendu Wa Za Banga after 1971)
Took control of the country in 1965, changed the name of the country from the Congo to Zaire, and remained President of Zaire until 1997. When the AFDL forces of Laurent Kabila were about to take control of Kinshasa Mobutu and his family left for Morocco where he died in September 1997. **[1c]**

See also Section 4 on History

Abdoulaye Yerodia Ndombasi
Appointed one of the vice-presidents of the new Transitional National Government in June 2003. **[1c] [56c] (Institutions de la Transition en RDC)**

Arthur Z'Ahidi Ngoma
Appointed one of the vice-presidents of the new Transitional National Government in June 2003. Represents the political opposition. **[1c] [56c] (Institutions de la Transition en RDC)**

Joseph Olenghankoy
Leader of the FONUS party and former Minister for Transport in the transitional government until he was dismissed in January 2005. **[65g]**

See also Section 5 on Government**;** Annex B Political organisations

Azarias Ruberwa
Appointed as one of the vice-presidents of the new Transitional National Government in June 2003. **[1c] [56c] (Institutions de la Transition en RDC)** Current leader of the RCD-Goma former rebel group. **[1c]** The EIU 2004 Country Profile stated:

"A Congolese Tutsi, Mr Ruberwa is a lawyer who has been the real leader of the Rassemblement congolais pour la démocratie (RCD) since late 2000. In the transitional government he is vice-president in charge of the commission on politics and security. He is considered to be in a difficult position, caught between Rwanda and the hardliners in his own movement on the one hand and his responsibilities as vice-president on the other." **[30a] (p15)**

See also Annex B Political organisations**;** Annex D Armed forces in the DRC

Etienne Wa Mulumba Tshisekedi
UDPS founder member and current leader. **[1h]** Mr Tshisekedi has been prominent in DRC politics since the 1980s. **[1c]** A BBC News Online report dated 29 September 2003 recorded that Tshisekedi returned to the DRC in September 2003 after two years of self-imposed exile in South Africa. Tens of thousands of his supporters greeted him when he arrived at Kinshasa Airport. He stated that he intended to start work to prepare for the presidential and parliamentary elections, due to take place in 2005, but he and the UDPS did not have any interest in the transitional administration. **[15b]** The EIU 2004 Country Profile stated:

"The 68-year-old leader of Union pour la démocratie et le progrès social (UDPS) is a long-standing opposition figure – an opponent of Mr Mobutu and both of the Kabilas and still a formidable figure with a power base in his native Kasai Occidental, Mr Tshisekedi and the UDPS boycotted the transitional government, dissatisfied with the

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

procedure for appointing the political opposition's representatives. Although Mr Tshisekedi rarely makes public appearances and has made some political miscalculations over the past few years, he is nonetheless a contender for the presidency, as he is still widely respected." **[30a] (p15)**

See also Annex B Political organisations

Ernest Wamba Dia Wamba
Chairman of the RCD from the start of the rebellion in August 1998. He was later ousted by the Goma-based faction of the RCD led by Emile Ilunga and became the head of RCD-ML. **[1c]** He became a member of the transitional Senate in 2003. **[70b]**

Return to Contents

Annex D: Armed Forces in the DRC

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

See also information about armed groups in Section 6C on Security Situation – Eastern DRC **and subsequent sections; also information on former rebel groups that now form part of the transitional political administration in** Annex B Political organisations

CONGOLESE ARMED FORCES (FARDC)

The President, Major General Joseph Kabila is the Commander-in-Chief of the Armed Forces
Minister of defence: Adolphe Onusumba Yemba (RCD-G)
FARDC chief of staff: Major General Sungilanga Kisempia (PPRD)
FARDC land forces chief of staff: General Sylvain Buki (RCD-G)
FARDC navy chief of staff: General Major Amuli Bahigwa (MLC)
FARDC air force chief of staff: Brigadier General Bitanihirwa Kamara (MLC)
1st Military Region/Bandundu: Brigadier General Moustapha Mukiza (MLC)
2nd Military Region/Bas-Congo
3rd Military Region/Equateur: Brigadier-General Mulubi Bin Muhemedi (PPRD)
4th Military Region/Kasai-Occidental: Brigadier-General Sindani Kasereka (RCD-K/ML)
5th Military Region/Kasai Oriental: General Rwabisira Obeid (RCD)
6th Military Region/Katanga: Brigadier-General Nzambe Alengbia (MLC)
7th Military Region/Maniema: Brigadier-General Widi Mbulu Divioka (RCD-N)
8th Military Region/North Kivu: General Gabriel Amisi (RCD)
9th Military Region/Province Orientale: Major-General Bulenda Padiri (Mayi-Mayi)
10th Military Region/South Kivu: Major Mbuja Mabe (PPRD)

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

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

National Police, including PIR (Police d'Intervention Rapide)
The Commander is General Celestin Kifwa, a former general in the Angolan army.

The Bandundu area has been a major source for recruitment for PIR, thus a strong Lunda influence.

PIR is largely credited for the return of safety on the streets of Kinshasa.

FIC (Force d'Intervention de la Capitale)
The Commander Brigadier-General Jean Yav Nawesh, a former general in the Angolan army, was the commander, but has been arrested. Commandant Jean-Claude Kifwa (Tango-Tango) is the second-in-command.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

It is the military intervention force for Kinshasa. It was created in 1999 out of the Presidential Guard (GSSP) and troops of the Kinshasa-based 7th army brigade. It is mostly composed of Balubakat.

It is ready to crush attempts at insurrection as illustrated in the curbing of the camp Tchatchi mutiny in September 2000.

Return to Contents

OTHER ARMED GROUPS

Mayi-Mayi [Mai Mai] Warriors

The ever-changing alliances and groupings within this group of rebel forces makes it difficult to give clear estimates of numbers of fighters. It is estimated that the Mayi-Mayi number between 3,500 – 4,000.

The Mayi-Mayi are rural militias which were originally set up by the Hunde tribe. They originated in the 1960s as part of a nationalist and Marxist guerrilla group under the leadership of Patrice Lumumba. As a group they generally oppose foreigners of any ethnicity, but in particular the Banyamulenge and Congolese Tutsi. This is largely the result of disputes over land and pressure on local resources.

Although they are referred to as a coherent group, the Mayi-Mayi are in fact made up of many small clans led by individual leaders and are no longer a cohesive group. Their origins as self-defence militias have also been largely abandoned and, although they are fierce about their cause, they have become as predatory of the local populations as have the myriad other armed groups roaming the eastern DRC.

Mayi-Mayi representatives participated in the inter-Congolese dialogue and are signatories to the agreement. They have two ministers and two vice-ministers in the transition government and are represented in the national assembly and the senate.

Mayi-Mayi commanders have also been incorporated into the new structure of the armed forces and several – such as General Padiri Kalendu, the commander of the fifth military zone of Orientale province – hold senior posts. Like the troops of the various rebel groups, Mayi-Mayi forces have been incorporated into the new Congolese army.

The Mayi-Mayi operate in the North and South Kivu Provinces, but also north in Orientale Province. Equipment varies from spears to rifles and rocket-propelled grenade launchers.

Return to Contents

Interahamwe

Interahamwe and ex-FAR (Forces Armées Rwandais) form ALiR / Armée du Libération du Rwanda.

Rwandan commanders estimate that three Interahamwe battalions of 2,500 – 3,000 men each operate between the areas of Masisi, Walikale and Rutshuru. The Rwandans believe that the Interahamwe in the Kivus number 15,000. Interahamwe are mainly extremist Hutu militia. ALiR's strength is estimated at between 30,000 to 40,000 and consist of Interahamwe, ex-FAR and new recruits.

The Interahamwe structure consists of 1 Division operating in North Kivu and 2 Division operating South Kivu. There are three brigades operating in North Kivu, namely Limpopo in Lukweti-Mutongo, Niamey in Rutshuru and Lilongwe in Katoye. They operate on the frontline in the DRC and in Eastern DRC.

Larger formations possess limited numbers of heavier weapons, including 60mm mortars, 12.7mm anti-aircraft guns, rocket-propelled grenade launchers and five crew-manned machine guns. Their communications include hand-held Motorolas, VHF radios and satellite phones. They lack vehicles and regular supplies.

Former Forces Armées Rwandaises (Ex-FAR)
Interahamwe and ex-FAR form ALiR / Armée du Libération du Rwanda.

The ex-FAR was the Rwandan army, which was composed mainly of Hutu soldiers and was a major player in the 1994 genocide. At the time of their defeat by RPF forces in mid-1994, their numbers were estimated at some 20,000. The new FDLR's strength is estimated at between 30,000 and 40,000 and consist of Interahamwe, ex-FAR and new recruits.

According to military sources, Service d'Action et de Renseignement Militaires (SARM) provided training and weapons to the ex-FAR. After Kabila switched alliances, he actively recruited, trained and armed the ex-FAR and deployed them against the RCD and MLC rebel alliance.

The force operational headquarters for the Kivus is thought to be close to Shabunda. From bases in Masisi they launch cross-border attacks into Rwanda. They operate on the frontline in the DRC and in Eastern DRC.

FDLR
"Rwandan Hutus who fled their country following the 1994 genocide, and some are accused of having participated in the [Rwanda 1994] genocide." **[18av]**

"The presence and activities of the ex-Forces armées rwandaises (FAR)/Interahamwe [elements of the Forces Démocratiques de Libération du Rwanda (FDLR)] on Congolese territory continues to be a destabilizing factor in bilateral relations between the Democratic Republic of the Congo and the Government of Rwanda." **[54e] (p9)**

Ngilima
The Ngilima is a grouping of warriors from different ethnic groups in the Kivu provinces, concentrated in the Rutshuru area, who see themselves as defending the population against foreigners. They opposed Mobutu and later also the ex-FAR and Interahamwe who had been settled in the UNHCR camps. Many of their recruits were Nande and the language spoken among them tends to be Kinande. Their number is estimated at between 1000 and 1400 fighters.

They were particularly active in the Virunga National Park. They survive by poaching in the Park. At the beginning of 1996, they came in contact with one of the AFDL leaders – Kisase

Ngandu - at a time when he wanted to establish bases in the DRC. Kisase's Nande support base connected easily with the Ngilima and they received military training and large amounts of weapons from Kisase in return for their support.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Prior to the overthrow of Mobutu the Ngilima were trained by mercenaries from Kisangani, with Lumumbist connections.

Zairean Hutu (MAGRIVI or Militia)
Another group of Hutu is the Zairean Hutu who, having joined forces with the Rwandan Hutu, are often included under the general 'Hutu' label. However, care should be taken to distinguish between these two groups as they have different political objectives which temporarily coincided. The Zairean Hutus have been in Zaire for generations and consider themselves to be Zairean. Local authorities estimated the Hutu population at some 400 000-500 000 in North Kivu.

MAGRIVI, which was founded in 1989 by Sekimonyo wa Magango, the former Minister for Higher Education and Scientific Research, allegedly supported Rwandan President Habyarimana's regime and the Interahamwe financially. Following the exodus of the Rwandan Hutus to eastern Zaire, MAGRIVI consolidated itself into a military group, the Hutu Militia (sometimes the Hutu Combatants), who worked in close collaboration with the ex-FAR and Interahamwe militia, whose apparent objective was the establishment of a racially pure "Hutu-land".

Return to Contents

FNLK (sic) (Front de Libération Nationale du Katanga*)* or Katanga Tigers and the FLNC (Front de Libération Nationale du Congo)
Since 1998, the Tiger's military leadership is divided into two political wings, each claiming to represent the movement. One wing is led from Angola by Henri Mukatshung Mwambu (Secretary-General of the FLNC) who returned to Kinshasa after Kabila's victory, joining the main faction of Tigers. The movement's second in command is General "Mufu" Vindicien Kiyana. Dr Emile Ilunga leads the other wing and is a former representative in Brussels of the PRP (Patri de la Revolution Populaire) founded by Kabila in 1968. The nominal head of the Tigers, is General Jean Delphin Muland (or Mulanda)

This anti-Mobutu movement had its origins in the exodus of Katanga Gendarmes from the Congo to Angola, following the defeat of the attempt by the Katanga Provincial government to secede in 1960-62. Initially composed of gendarmes from Katanga they aimed to achieve independence or greater autonomy for the province of Katanga/Shaba and control over the lucrative mining potential of the region. Pogroms against Kasai immigrants led to further resentment against the Gendarmes, and after their defeat in the 1960-62 war, they formed a mercenary group led by Nathanael Mbumba and operating mainly out of Angola. They consisted of groups of about 5,000, of which about 1,800 were fighting men.

The Katanga Gendarmes were used and supported by virtually every Angolan political entity. They received equipment and were maintained by the Angolan Government in return for their services in the war against UNITA. By the 1990's they have adopted the MPLA's leftist ideology and seemed to have placed the secession of Katanga on the back burner. During Laurent Kabila's military campaign they joined the AFDL and were instrumental in the defeat of Mobutu in Kinshasa.

See also Section 6C on Kilwa

RCD-Goma (Rassemblement Congolais pour la Democratie/Congolese Movement for Democracy*).*
They are estimated at around 16,000 people.

The political leader of the RCD-G is Azarias Ruberwa who replaced Adolphe Onusumba. Yemba Ruberwa is now one of four vice-presidents in the transition government. As such, he is also in charge of the political and security commission.

Important military leaders include Jean-Pierre Ondekane, a Mongo from Equateur province. A former officer in the Zairean Armed Forces and of the Congolese Armed Forces, Ondekane was the commanding officer of the 10th Brigade, which was the first unit to mutiny at the start of the 1998 war. Ondekane was the minister of defence in the transition government, while Onusumba is one of two vice-presidents of the national assembly.

The RCD has a total of seven ministerial posts and two vice-ministerial posts as well as representation in the national assembly and the senate equal to that of the presidential party and the MLC.

Officers of Banyamulenge and Congolese origin in Laurent Kabila's FAC [Forces Armées Congolais – renamed FARDC in 2003] founded the RCD. The RCD consisted of an estimated 17,000 to 20,000 armed men made up mainly of FAC units which were stationed in the Eastern DRC. It enlarged its armed forces as the rebellion progressed by recruiting captured or threatened FAC soldiers, sometimes whole units at once, as well as new draftees.

The RCD received military support from Rwanda.

See also Annex B Political organisations

Return to Contents

RCD/ML-Kisangani (Rassemblement Congolais pour la Democratie - Mouvement de Libération/Congolese Rally for Democracy – Liberation Movement)

Commanders

The first political leader and Minister/Commissioner of Defence was Prof Ernest Wamba dia Wamba. His deputies, Prime Minister Mbusa Nyamwisi and Deputy Prime Minister John Tibasima, challenged Prof Wamba and Nyamwisi took over as the leader of the movement in 2000. The RCD/ML-Kisangani was closely allied to the MLC for some time; however it eventually fell out with this group, moving closer to the Kabila government.

The RCD-ML started with a recruitment drive in North Kivu, Ituri and Tsopo in July 2000.

After Kisangani, the RCD-K/ML's headquarters were in Bunia. It later moved its headquarters to Beni.

Uganda supported the RCD-ML and its military wing.

See also Annex B Political organisations; Annex C Prominent people

MLC (Mouvement de Liberation Congolais/Movement for the Liberation of the Congo)

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

The leader of the MLC is Jean Pierre Bemba. Bemba is a businessman from Equateur province and the son of one of the richest men in the DRC. Bemba is now one of four vice-presidents in the transition government.

The MLC's Secretary General is Olivier Kamitatu, who is now the president of the national assembly. The former Chief of Staff of the MLC's army is Colonel Amuli. The MLC has seven ministerial posts and two vice-ministerial posts. In the national assembly and the senate it has representation equal to that of the RCD and the presidential party.

The MLC emerged in Equateur province and included about 5,000 ex-FAZ/DSP, Congolese soldiers from the Republic of the Congo and new recruits form the northwest of the DRC. Estimated strength was between 6,500 and 9,000 soldiers, although it claims an army of 25,000 men.

The MLC was supported militarily and politically by Uganda, and had alliances with all of the main rebel movements at some point or another during the conflict. At the time of the signing of the global peace agreement, the MLC was cooperating with the Rassemblement Congolais pour la Democratie-Nationa, led by Roger Lumbala.

The MLC's headquarters were in Gbadolite and it controlled most of Equateur province as well as the north-western parts of Orientale province.

The MLC is funding most of its operations by the proceeds from 4-5 small diamond and gold mines under their control. Revenues are also raised from taxes levied on tea, coffee, and timber. Officially Uganda admits that it provides artillery, medical and communication support to the MLC. Bemba is perceived as having ties with Mobutist intelligence circles and is thought to employ the Union des Republicains Nationalistes pour la Libération, composed of former members of Mobutu's Special Presidential Division.

See also Annex B Political organisations

Ex-Mobutu Generals and Ex-FAZ/DSP Troops

The most prominent Commanders are Generals Kpama, Philemon Baramoto Kata, Nzimbi Ngabale, Kongo wa Bassa, Monga Aundu Eluki and Mavhe.

Former soldiers of Mobutu's Division Speciale Presidentielle (DSP) formed the Union des Nationalistes Republicains pour la Liberation (UNAREL). UNAREL now seems to be defunct.

After the fall of Mobutu and the capture of Kinshasa, Mobutu's richest generals fled to Europe, South Africa and Canada, and the less well off to the Central African Republic, Congo/Brazzaville and Northern DRC.

Some of the generals attempted to organise continuing resistance from abroad. They have been in contact with various rebel groupings in the DRC, and are known to have had discussions with the Mayi-Mayi, Interahamwe, ex-FAR, UNITA and the two FLEC movements [Angolan groups].

It is not clear exactly how much support they still have left on the ground.

See also Section 6B on Persons associated with the Mobutu regime

Congolese Revolutionary Movement (MRC)

A BBC news report of 20 July 2005 stated "The United Nations mission in the Democratic Republic of Congo says it is concerned by the creation of a new rebel group in neighbouring Uganda." The report stated that the group described itself as "fighting for the rights of the people in DR Congo's eastern Ituri and North Kivu regions" and "made up of elements of various groups operating in the east." **[15n]** A further BBC news report of 24 August 2005 stated that six members of the group who remained in Uganda would be expelled from there. **[15p]**

Rastas

The Integrated Regional Information Networks (IRIN) reported on 26 May 2005 on a group "known as the Rastas, [which] has been committing numerous human-rights abuses in the region" IRIN reported that the Rastas and the FDLR "consist primarily of Rwandan Hutus who fled their country following the 1994 genocide, and some are accused of having participated in the [Rwanda 1994] genocide." IRIN also stated that "MONUC reported on 18 May that it had documented 1,724 cases of summary execution, rape, beating and hostage taking in Walungu [South Kivu] between June 2004 and April 2005." **[18av]**

Return to Contents

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Annex E: Glossary

ANR
National Intelligence Agency (Agence Nationale de Renseignements). One of the Government's security forces. The ANR shares responsibility for internal and external security with the CNS, including border security matters.

ASADHO
Formerly AZADHO. Association Africaine de Defence des Droits de l'Homme or African Association for Defence of Human Rights. One of the DRC's main human rights organisations. http://www.asadhonet.net/

Banyamulenge (Congolese Tutsis)
Congolese Tutsis of Rwandan origin.

See also Section 5B on Ethnic Groups

Banyarwanda
Collective name for Congolese people of Rwandan origin, either Hutu, Tutsi or Twa. Those in DRC living mainly in North Kivu but without equal nationality and land ownership rights, a situation which led to violent ethnic conflicts, especially after the influx of Rwandese Hutu refugees in 1994, when thousands were massacred.

See also Section 5B on Ethnic Groups

CODHO
Comité des Observateurs des Droits de l'Homme or Committee of Human Rights Observers. One of the DRC's main human rights organisations.

DEMIAP
Military Detection of Anti-Patriotic Activities (Detection Militaire des Activités Anti-Patrie). One of the Government's security forces.

DGM
Director General of Migration (Direction Generale de Migration). Government security force with immigration control responsibilities.

DSP
Special Presidential Division. One of the security forces of the former Mobutu regime.

FAC
Forces Armées Congolaises (Congolese armed forces) Renamed FARDC in 2003 after integration of all ex-belligerent groups under the power-sharing agreement between the Government and former rebel factions)

FAPC
People's Armed Forces of Congo (Forces Armées du Peuple Congolais). Armed militia group, active in the Ituri area. Mixed ethnicity. **[5o] (p10, 12)**

FAR
Forces Armées Rwandaises

FARDC

Forces Armée de la République Démocratique du Congo. Name of the Congolese national armed forces from 2003.

See also Section 5 Military Service**;** Annex D Armed forces in the DRC

FAZ
Forces Armées Zairoises (Zaire armed forces of the former Mobutu regime).

FDLR
Democratic Liberation Forces of Rwanda (Forces Democratiques de Libération du Rwanda).

FIPI
Front de l'Integration pour la Pacification de l'Ituri (Front for Integration and Peace in Ituri) Lendu militia group. **[5o]**

See also Section 6C on Ituri

FNI
Front Nationalistes et Integrationistes. Lendu rebel group in Ituri. Leader Floribert Ndjabu Ngabu. **[5o]**

See also Section 6C on Ituri

Return to Contents

GSSP or **GSP**
Special Group for Presidential Security (Garde Speciale Présidentielle). One of the security forces of the present regime. Responsible for presidential security.

Interahamwe
Rwandan Hutu militia groups who lived in refugee camps in Kivu. Responsible for most of the massacres which took place in Rwanda during the 1994 genocide and involved in the ethnic clashes in Kivu. Controlled many of the refugee camps in the Kivus. Dispersed with the camps but many groups are still in eastern DRC. They have been allied with government forces and have also operated independently.

See also Annex D Armed forces in the DRC

Kadogos
Swahili word for "little ones". This term is used by Congolese people to describe child soldiers in the army.

La Voix des Sans-Voix
Voice of the Voiceless, one of the DRC's main human rights organisations. http://www.vsv-rdc.org/

Mai-Mai or Mayi Mayi
Militia based in North Kivu, drawing support from local tribes and opposed to Rwandan occupation. They are allied with government forces but operate independently.

See also Annex D Armed forces in the DRC

MONUC

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

United Nations Mission for Congo, set up in August 1999.

PIR
Rapid Intervention Forces (Police d'Intervention Rapide).

See also Section 5 on Internal security**;** Annex D Armed forces in the DRC

RDF
Rwandan army - Rwandan Defence Force, formerly the RPA (Rwandan Patriotic Army).

RPF or **FPR**
Rwandan Patriotic Front (Front Patriotique Rwandais). Tutsi-dominated movement which forced out the Hutu regime in Rwanda following the 1994 genocide.

SARM
Service for Action and Military Information (Service d'Action et de Renseignements Militaires). SARM was the military security agency of the former Mobutu regime.

SNIP
Service for National Intelligence and Protection (Service National d'Intelligence et de Protection). SNIP was the civilian security agency of the former Mobutu regime.

UPC
Union des Patriotes Congolais (Congolese Patriots Union). Rebel group of Hema ethnic group. In conflict with Lendu in north-east. **[5o]**

See also Section 6C on Ituri

UPDF
Uganda Peoples Defence Forces. Ugandan army.

Return to Contents

Annex F: List of Source Material

[1] Europa World online

a Location, Climate, Language, Religion, Flag, Capital (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 13 July 2005** from http://www.europaworld.com/entry/cd.is.2

b Area and Population (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 13 July 2005** from http://www.europaworld.com/entry/cd.ss.2

c Recent History (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 19 July 2005** from http://www.europaworld.com/entry/cd.is.4

d Legislature (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 21 July 2005** from http://www.europaworld.com/entry/cd.dir.76

e Judicial System (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 26 July 2005** from http://www.europaworld.com/entry/cd.dir.144

f Defence (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 25 July 2005** from http://www.europaworld.com/entry/cd.is.55

g Education (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 29 July 2005** from http://www.europaworld.com/entry/cd.is.69

h Political Organizations (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 05 August 2005** from http://www.europaworld.com/entry/cd.dir.78

i Civil Aviation (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 23 August 2005** from http://www.europaworld.com/entry/cd.dir.371

j Economic Affairs (The Democratic Republic of the Congo). London, Routledge. Home Office. **Retrieved 21 September 2005** from http://www.europaworld.com/entry/cd.is.57

[2] Africa Research Bulletin

a January 2003

b March 2004

c June 2004

[3] US Department of State http://www.state.gov/g/drl/rls/

a Report on Human Rights Practices Report for 2002 dated 31 March 2003 http://www.state.gov/g/drl/rls/hrrpt/2002/18177.htm **(Date accessed 24 August 2005)**

b Report on Human Rights Practices - DRC - Report for 2003 dated 25 February 2004 http://www.state.gov/g/drl/rls/hrrpt/2003/27721.htm **(Date accessed 22 July 2005)**

c International Religious Freedom Report 15 September 2004 http://www.state.gov/g/drl/rls/irf/2004/35348.htm **(Date accessed 16 September 2004)**

d Background Note: DRC August 2005 http://www.state.gov/r/pa/ei/bgn/2823.htm **(Date accessed 5 September 2005)**

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

e Trafficking in Persons Report June 2005 http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm **(Date accessed 23 August 2005)**
f Report on Human Rights Practices - DRC - Report for 2004 dated 28 February 2005 http://www.state.gov/g/drl/rls/hrrpt/2004/41597.htm **(Date accessed 1 March 2005)**

[4] Political Parties of the World 5th Edition 2002, John Harper Publishing

[5] Human Rights Watch
a Democratic Republic of Congo - Ituri: Covered in Blood - Ethnically Targeted Violence in North Eastern DR Congo July 2003 www.hrw.org/reports/2003/ituri0703/ **(Date accessed 11 September 2004)**
b Child Soldier Use 2003 A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict January 2003 http://hrw.org/reports/2004/childsoldiers0104/6.htm **(Date accessed 20 September 2005)**
c Confronting Impunity January 2004 http://hrw.org/english/docs/2004/02/02/congo7230.htm **(Date accessed 25 August 2005)**
d War Crimes in Bukavu Briefing Paper 12 June 2004 http://hrw.org/english/docs/2004/06/11/congo8803.htm **(Date accessed 23 August 2004)**
e Making Justice Work: Restoration of the Legal System in Ituri, DRC 2 September 2004 http://hrw.org/backgrounder/africa/drc0904/index.htm **(Date accessed 20 September 2005)** and http://hrw.org/english/docs/2004/09/02/congo9291.htm **(Date accessed 20 September 2005)**
f The Gatumba Massacre 7 September 2004 http://hrw.org/backgrounder/africa/burundi/2004/0904/ **(Date accessed 15 March 2005)**
g Executions, Torture by Armed Groups in Ituri 22 October 2004 http://www.hrw.org/english/docs/2004/10/22/congo9555.htm **(Date accessed 10 March 2005)**
h DRC/Rwanda Conflict 4 December 2004 http://hrw.org/english/docs/2004/12/04/congo9767.htm **(Date accessed 12 March 2005)**
i Fleeing Civilians Face Grave Risks 21 December 2004 http://hrw.org/english/docs/2004/12/21/congo9919.htm **(Date accessed 12 March 2005)**
j Civilians at Risk during Disarmament Operations 29 December 2004 http://hrw.org/backgrounder/africa/drc1204/index.htm **(Date accessed 12 March 2005)**
k Army Should Not Appoint War Criminals 14 January 2005 http://www.hrw.org/english/docs/2005/01/14/congo10014.htm **(Date accessed 6 September 2005)**
l World Report 2005 http://hrw.org/english/docs/2005/01/13/congo9855.htm **(Date accessed 11 August 2005)**
m Seeking Justice: The Prosecution of Sexual Violence in the Congo War March 2005 http://hrw.org/reports/2005/drc0305/drc0305text.pdf via http://hrw.org/reports/2005/drc0305/ **(Date accessed 28 July 2005)**
n Arrest All Ituri Warlords 11 March 2005 http://hrw.org/english/docs/2005/03/11/congo10311.htm **(Date accessed 3 September 2005)**

o The Curse of Gold 2 June 2005
http://hrw.org/reports/2005/drc0505/drc0505text.pdf
Date accessed 11 August 2005
p Civilians Killed as Army Factions Clash 1 July 2005
http://hrw.org/english/docs/2005/07/01/congo11265.htm
(Date accessed 4 July 2005)
q Civilians Attacked in North Kivu 13 July 2005
http://hrw.org/reports/2005/drc0705/drc0705.pdf via
http://hrw.org/reports/2005/drc0705/
(Date accessed 13 September 2005)
r Prominent Human Rights Defender Assassinated 1 August 2005
http://hrw.org/english/docs/2005/08/01/congo11549.htm
(Date accessed 13 September 2005)

Return to Contents

[6] Ethnologue: Languages of the World
a Languages of the Democratic Republic of Congo
http://www.ethnologue.com/show_country.asp?name=CD
(Date accessed 23 August 2005)
b Language maps of the Democratic Republic of Congo – North East; North West; South East; South West
http://www.ethnologue.com/show_map.asp?name=CD
(Date accessed 23 August 2005)

[7] Reporters sans Frontières (Reporters Without Borders)
a 2003 Annual Report www.rsf.org/print.php3?id_article=6412
(Date accessed 24 September 2005)
b 2004 Annual Report
http://www.rsf.org/article.php3?id_article=10145&Valider=OK
(Date accessed 24 September 2005)
c Annual Report 2005
http://www.rsf.org/article.php3?id_article=13570&Valider=OK
(Date accessed 11 August 2005)

[8] World Directory of Minorities, published by Minority Rights Group International 1997

[9] War Resisters' International
Refusing to Bear Arms: a world survey of conscription and conscientious objection to military service 1998 http://wri-irg.org/co/rtba/congodr.htm
(Date accessed 27 July 2005)

[10] Swiss Federal Office for Refugees - Report September 2001

Return to Contents

[11] Amnesty International www.amnesty.org
a From Assassination to State Murder? 12 December 2002
http://web.amnesty.org/library/Index/ENGAFR620232002?open&of=ENG-COD
(Date accessed 17 March 2005)
b Combatants in Bukavu must stop attacks on civilians AFR 62/013/2004 3 June 2004
http://web.amnesty.org/library/Index/ENGAFR620132004?open&of=ENG-

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

COD
(Date accessed 20 September 2005)

c Mass Rape - Time for Remedies 26 October 2004
http://web.amnesty.org/library/Index/ENGAFR620182004?open&of=ENG-COD
Date accessed 20 September 2005)

d HIV- the longest lasting scar 1 December 2004
http://web.amnesty.org/library/Index/ENGAFR620262004?open&of=ENG-COD
(Date accessed 20 September 2005)

e Human rights workers receive death threats 19 January 2005
http://web.amnesty.org/library/Index/ENGAFR620012005?open&of=ENG-COD
(Date accessed 17 March 2005)

f Report 2005 covering events January - December 2004
http://web.amnesty.org/report2005/cod-summary-eng
(Date accessed 28 July 2005)

g Arming the east AFR 62/006/2005 5 July 2005
http://web.amnesty.org/library/Index/ENGAFR620062005
(Date accessed 11 August 2005)

h Prominent human rights defender assassinated 1 August 2005 AFR 62/011/2005 (Public)
http://web.amnesty.org/library/Index/ENGAFR620112005?open&of=ENG-COD
(Date accessed 13 September 2005)

[12] Irish Refugee Documentation Centre
Report - Prisons in the Democratic Republic of Congo May 2002
www.ecoi.net/pub/sb47/rdc-cod-prison0502.pdf
(Date accessed 20 September 2005)

[13] CIA World Factbook 2004 last updated 9 August 2005
http://www.cia.gov/cia/publications/factbook/geos/cg.html
(Date accessed 25 August 2005)

[14] Misna News Agency
DRCongo army regains control of southeastern mining town - agency 16 October 2004 (via BBC Monitoring)

Return to Contents

[15] BBC News Online http://news.bbc.co.uk/1/hi/default.stm

a Rebels killed DR Congo president 23 May 2001
http://news.bbc.co.uk/1/hi/world/africa/1347439.stm
(Date accessed 20 September 2005)

b Veteran DRC opponent returns 29 September 2003
http://news.bbc.co.uk/1/hi/world/africa/3147832.stm
(Date accessed 20 September 2005)

c Congolese riot over UN failure 3 June 2004
http://news.bbc.co.uk/1/hi/world/africa/3773153.stm
(Date accessed 20 September 2005)

d UN troops open fire in Kinshasa 3 June 2004
http://news.bbc.co.uk/1/hi/world/africa/3773629.stm
(Date accessed 20 September 2005)

e DR Congo pursues 'coup leader' 13 June 2004
http://news.bbc.co.uk/1/hi/world/africa/3802169.stm
(Date accessed 17 March 2005)
f Cabinet reshuffle in DR Congo 4 January 2005
http://news.bbc.co.uk/2/hi/africa/4146531.stm
(Date accessed 24 January 2005)
g Protests at DR Congo poll delay 10 January 2005
http://news.bbc.co.uk/1/hi/world/africa/4161347.stm
(Date accessed 22 July 2005)
h Strike over DR Congo poll delay 14 January 2005
http://news.bbc.co.uk/1/hi/world/africa/4175277.stm
(Date accessed 19 January 2005)
i Thousands flee DR Congo violence 15 February 2005
http://news.bbc.co.uk/1/hi/world/africa/4269113.stm
(Date accessed 11 March 2005)
j Weapons ban on DR Congo fighters 18 April 2005
http://news.bbc.co.uk/2/hi/africa/4458319.stm
(Date accessed 1 September 2005)
k New DR Congo constitution backed 14 May 2005
http://news.bbc.co.uk/1/hi/world/africa/4546535.stm
(Date accessed 19 July 2005)
l DR Congo 'human shield' gunfight 28 June 2005
http://news.bbc.co.uk/1/hi/world/africa/4629507.stm
Date accessed 3 September 2005
m DR Congo villagers burnt to death 12 July 2005
http://news.bbc.co.uk/1/hi/world/africa/4673609.stm
(Date accessed 9 September 2005)
n New Congolese rebels cause worry 20 July 2005
http://news.bbc.co.uk/1/hi/world/africa/4701703.stm
(Date accessed 31 August 2005)
o DR Congo voters begin to register 22 August 2005
http://news.bbc.co.uk/2/hi/africa/4172678.stm
(Date accessed 25 August 2005)
p Uganda to expel DR Congo rebels 24 August 2005
http://news.bbc.co.uk/2/hi/africa/4179622.stm
(Date accessed 31 August 2005)
q Warlord 'arrest' for UN killings 1 March 2005
http://news.bbc.co.uk/1/hi/world/africa/4308583.stm
(Date accessed 30 September 2005)
r Netherlands halts Congo returns 24 June 2005
http://news.bbc.co.uk/1/hi/world/europe/4618807.stm
(Date accessed 12 October 2005)

[16] World Health Organisation (WHO)

a Country Information http://www.who.int/whr/2004/annex/country/cod/en/
(Date accessed 28 July 2005)
b Country Health Indicators
http://www3.who.int/whosis/country/indicators.cfm?country=cod
(Date accessed 20 September 2005)
c Country Profile 2004 TB Control
http://www.who.int/tb/publications/global_report/2004/annexes/en/
(Date accessed 28 July 2005)
d Mental Health Atlas 2005 http://www.cvdinfobase.ca/mh-atlas/
(Date accessed 9 August 2005)

[17] The World Bank Group

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

a Country at a Glance Data 15 October 2004
http://www.worldbank.org/data/countrydata/countrydata.html
(Date accessed 14 September 2005)
b Country Brief August 2005
http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/CONGODEMOCRATICEXTN/0,,menuPK:349476~pagePK:141132~piPK:141107~theSitePK:349466,00.html
(Date accessed 13 September 2005)

Return to Contents

[18] United Nations Integrated Regional Information Networks (IRIN)
www.irinnews.org
a Police Kill 14 autonomy demonstrators in Bas-Congo Province 26 July 2002
http://www.irinnews.org/report.asp?ReportID=29040&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
b Special report on Ituri 18 December 2002
http://www.irinnews.org/webspecials/Ituri/default.asp
(Date accessed 20 September 2005)
c Wives decry lack of access to those condemned to death in Kabila trial 28 January 2003 http://www.irinnews.org/print.asp?ReportID=31969
(Date accessed 20 September 2005)
d More than seven million children to be vaccinated against polio 25 July 2003
http://www.irinnews.org/report.asp?ReportID=35622&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
e Laurent Kabila murder convicts begin hunger strike 18 August 2003
http://www.irinnews.org/report.asp?ReportID=36047&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
f Government united and in control, Minister Says 29 March 2004
http://www.irinnews.org/report.asp?ReportID=40296&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
g Rights group claims 200 arrested in connection with recent attacks 13 April 2004
http://www.irinnews.org/report.asp?ReportID=40535&SelectRegion=Great_Lakes&SelectCountry=DRC
(**Date accessed 15 August 2005)**
h Brazzaville, Kinshasa agree to repatriate former soldiers 4 May 2004
http://www.irinnews.org/report.asp?ReportID=40897&SelectRegion=Great_Lakes&SelectCountry=CONGO-DRC
(Date accessed 30 August 2005)
i Some 25,000 displaced by April fighting 5 May 2004
http://www.irinnews.org/report.asp?ReportID=40909&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
j Ituri militia leaders commit themselves to peace, transition 17 May 2004
http://www.irinnews.org/report.asp?ReportID=41075&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
k Kinshasa calm after coup attempt 11 June 2004
http://www.irinnews.org/report.asp?ReportID=41627&SelectRegion=Great_

Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
l Sharp drop in aid to the east after Bukavu fighting 14 June 2004
http://www.irinnews.org/report.asp?ReportID=41653&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
m 20,000 government troops now in east, UN says 22 June 2004
http://www.irinnews.org/report.asp?ReportID=41807&SelectRegion=Great_Lakes&SelectCountry=DRC-RWANDA
(Date accessed 20 September 2005)

Return to Contents

n Government names suspects in March coup attempt 24 June 2004
http://www.irinnews.org/report.asp?ReportID=41855&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
o International court to investigate war crimes 24 June 2004
http://www.irinnews.org/report.asp?ReportID=41842&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 14 September 2005)
p Humanitarian agencies slowly returning to eastern provinces 25 June 2004
http://www.irinnews.org/report.asp?ReportID=41882&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
q UN Mission trains 350 police officers for Ituri 16 July 2004
http://www.irinnews.org/report.asp?ReportID=42223&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
r Special report on war and peace in the Kivus 6 August 2004
http://www.irinnews.org/report.asp?ReportID=42551&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
s Signs of peace in Ituri, despite insecurity 17 August 2004
http://www.irinnews.org/report.asp?ReportID=42714&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)
t Government troops seize rebel stronghold, general says 14 September 2004
http://www.irinnews.org/report.asp?ReportID=43167&SelectRegion=Great_Lakes&SelectCountry=DRC
(**Date accessed 15 March 2005)**
u Death sentence for former prosecutor 7 October 2004
http://www.irinnews.org/print.asp?ReportID=43547
(**Date accessed 17 March 2005)**
v Militiamen capture town in Katanga Province 15 Oct 2004
http://www.irinnews.org/report.asp?ReportID=43701&SelectRegion=Great_Lakes&SelectCountry=DRC
(**Date accessed 15 March 2005)**
w Army retakes Katanga mining town 18 Oct 2004
http://www.irinnews.org/report.asp?ReportID=43726&SelectRegion=Great_Lakes&SelectCountry=DRC
(**Date accessed 15 March 2005)**
x Leader of Katanga insurgents captured 20 Oct 2004
http://www.irinnews.org/report.asp?ReportID=43765&SelectRegion=Great_

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Lakes&SelectCountry=DRC
(**Date accessed 15 March 2005)**

y High death rates in prisons due to malnutrition 17 December 2004 http://www.irinnews.org/report.asp?ReportID=44713
(Date accessed 20 September 2005)

z 2004 Chronology of events 4 January 2005 http://www.irinnews.org/report.asp?ReportID=44892&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 20 September 2005)

Return to Contents

aa Protests over possible election delays turn violent 11 January 2005 http://www.irinnews.org/report.asp?ReportID=45003
(Date accessed 22 July 2005)

ab Residents of burnt out village begin to return 1 February 2005 http://www.irinnews.org/report.asp?ReportID=45330&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 29 March 2005)

ac Relief operation begins for thousands of displaced civilians 8 February 2005 http://www.irinnews.org/report.asp?ReportID=45437&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 12 March 2005)

ad Kinshasa to deploy police brigade to protect civilians in Ituri 22 February 2005 http://www.irinnews.org/report.asp?ReportID=45709
(Date accessed 11 March 2005)

ae Sixth disarmament centre opens in Ituri - UNDP 23 February 2005 http://www.irinnews.org/report.asp?ReportID=45733
(Date accessed 24 February 2005)

af Government troops hunt for killers of UN peacekeepers 28 February 2005 http://www.irinnews.org/report.asp?ReportID=45809&SelectRegion=Great_Lakes&SelectCountry=DRC **(Date accessed 11 March 2005)**

ag ARV distribution hindered by the war 4 March 2005 http://www.plusnews.org/AIDSreport.asp?ReportID=4555&SelectRegion=Great_Lakes
(Date accessed 29 July 2005)

ah Women remain under represented in government 10 March 2005 http://www.irinnews.org/report.asp?ReportID=46034
(Date accessed 25 August 2005)

ai Aid resumes for 88,000 displaced amid uneasy calm in Ituri - OCHA 10 March 2005 http://www.irinnews.org/report.asp?ReportID=46039
(Date accessed 6 September 2005)

aj Another key Ituri leader arrested 22 March http://www.irinnews.org/report.asp?ReportID=46251
(Date accessed 3 September 2005)

ak Ituri militias take war to civilians 23 March 2005 http://www.irinnews.org/report.asp?ReportID=46267&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 6 September 2005)

al Insecurity creates food shortages in Ituri 4 April 2005 http://www.irinnews.org/report.asp?ReportID=46439&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 6 September 2005)

am Ituri militia leader arrested 12 April 2005
http://www.irinnews.org/report.asp?ReportID=46597
(Date accessed 3 September 2005)
an The problems of reintegrating child soldiers 12 April 2004
http://www.irinnews.org/report.asp?ReportID=46582
(Date accessed 5 September 2005)
ao Transition is failing, monitoring groups warn 14 April 2005
http://www.irinnews.org/report.asp?ReportID=46639
(Date accessed 6 September 2005)
ap EU to insert experts into national defence 3 May 2005
http://www.irinnews.org/report.asp?ReportID=46913
(Date accessed 25 August 2005)
aq 30 arrested in alleged Katanga secession plot 9 May 2005
http://www.irinnews.org/report.asp?ReportID=47012&SelectRegion=Great_Lakes&SelectCountry=DRC
http://www.irinnews.org/report.asp?ReportID=47391
(Date accessed 9 September 2005)
ar Secession plot failed, government official says 13 May 2005
http://www.irinnews.org/report.asp?ReportID=47101&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 21 July 2005)
as Electoral process irreversible, Kabila says 17 May 2005
http://www.irinnews.org/report.asp?ReportID=47150&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 22 July 2005)
at Police impose curfew on Mbuji-Mayi after protests 18 May 2005
http://www.irinnews.org/report.asp?ReportID=47176&SelectRegion=Great_Lakes
(Date accessed 10 September 2005)
au UN mediates in aftermath of conflict in Mbuji-Mayi 24 May 2005
http://www.irinnews.org/report.asp?ReportID=47263
(Date accessed 10 September 2005)
av Latest killings in South Kivu part of long-standing abuses 26 May 2005
http://www.irinnews.org/report.asp?ReportID=47312
(Date accessed 9 September 2005)
aw Thousands flee following attack 30 May 2005
http://www.irinnews.org/report.asp?ReportID=47391&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 9 September 2005)
ax Newly integrated army brigade heading to the east 3 June 2005
http://www.irinnews.org/report.asp?ReportID=47462
(Date accessed 25 August 2005)
ay Aid needed for thousands fleeing attacks 6 June 2005
http://www.irinnews.org/report.asp?ReportID=47480&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 9 September 2005)
az Voter registration date set, university politics banned 7 June 2005
http://www.irinnews.org/report.asp?ReportID=47514&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 27 July 2005)
ba Soldiers killed, hundreds of civilians displaced in North Kivu 7 June 2005
http://www.irinnews.org/report.asp?ReportID=47516
(Date accessed 6 September 2005)
bb Mayi-Mayi attacks displace 1,700 in Katanga 8 June 2005
http://www.irinnews.org/report.asp?ReportID=47539
(Date accessed 10 September 2005)

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

bc Peacekeeper dies, two wounded following shooting 14 June 2005
http://www.irinnews.org/report.asp?ReportID=47625&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 6 September 2005)
bd Voter registration begins in Kinshasa 21 June 2005
http://www.irinnews.org/report.asp?ReportID=47735
(Date accessed 27 July 2005)
be Thousands displaced by attack in South Kivu 20 July 2005
http://www.irinnews.org/report.asp?ReportID=48212
(Date accessed 9 September 2005)
bf Thousands flee latest attack in South Kivu 25 July 2005
http://www.irinnews.org/report.asp?ReportID=48284
(Date accessed 9 September 2005)
bg Voter registration starts in provinces outside capital 26 July 2005
http://www.irinnews.org/report.asp?ReportID=48301
(Date accessed 27 July 2005)
bh UN mission calls for inquiry into death of rights activist 3 August 2005
http://www.irinnews.org/report.asp?ReportID=48429
(Date accessed 13 September 2005)
bi Katanga's forgotten strife displacing thousands 3 August 2005
http://www.irinnews.org/report.asp?ReportID=48416
(Date accessed 10 September 2005)
bj Voter registration extended in Orientale, Bas-Congo provinces 15 August 2005 http://www.irinnews.org/report.asp?ReportID=48594
(Date accessed 22 August 2005)
bk Former militiamen now form army's 4th Brigade 23 August 2005
http://www.irinnews.org/report.asp?ReportID=48705&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 25 August 2005)
bl 12,500 girls members of armed groups, NGO report says 25 August 2005
http://www.irinnews.org/report.asp?ReportID=48752&SelectRegion=Great_Lakes&SelectCountry=DRC
(Date accessed 25 August 2005)
bm Who's who in Ituri - militia organisations, leaders 20 April 2005
http://www.irinnews.org/report.asp?ReportID=46732
(Date accessed 3 September 2005)
bn Hutu rebels given till 30 September to disarm 25 August 2005
http://www.irinnews.org/report.asp?ReportID=48758&SelectRegion=Great_Lakes&SelectCountry=Great%20Lakes
(Date accessed 30 September 2005)

Return to Contents

[19] Committee to Protect Journalists

a Attacks on the Press Country Summary for 2003
http://www.cpj.org/attacks03/africa03/drc.html
(Date accessed 12 August 2005)
b Attacks on the Press Cases in 2004
http://www.cpj.org/cases04/africa_cases04/drc.html
(Date accessed 12 August 2005)
c Special Report - Fragile Freedom September 2004
http://www.cpj.org/Briefings/2004/DRC_9_04/DRC_9_04.html
(Date accessed 12 August 2005)
d Attacks on the Press Cases in 2005
http://www.cpj.org/cases05/africa_cases05/drc.html
(Date accessed 12 August 2005)

e Attacks on the Press Country Summary for 2004
http://www.cpj.org/attacks04/africa04/drc.html
(Date accessed 12 August 2005)

[20] The Independent Newspaper http://www.independent.co.uk
The Leopard is back: Mobutu's sons return to reclaim the nation plundered by their father 28 November 2003
http://news.independent.co.uk/world/africa/article80381.ece
(Date accessed 28 September 2005)

[21] Reuters news reports
a One dead in Congo protests against refugees, UN 11 October 2004 (accessed via MONUC) http://www.monuc.org/news.aspx?newsId=3943
(Date accessed 20 September 2005)

[22] Foreign and Commonwealth Office http://www.fco.gov.uk
a Letter from British Embassy Kinshasa dated 14 June 2000 (nationality status of Zairean citizens at the time the country's name was changed to the Democratic Republic of Congo)
b Letter from British Embassy Kinshasa dated 15 August 2001 (status of homosexuals and nationality laws)
c Letter from British Embassy Kinshasa dated 11 December 2001 (military service)
d Letter from British Embassy Kinshasa dated 3 March 2002 (authentication of birth, marriage and death certificates etc)
e Letter from British Embassy Kinshasa dated 9 December 2004 (return of failed asylum seekers to the DRC)
f Letter from British Embassy Kinshasa dated 11 February 2003 (documentation)
g Country Profile 9 May 2005
http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1020281605460
(Date accessed 31 August 2005)
h Travel Advice for British Citizens Updated 9 August 2005
http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029390590&print=true&a=KCountryAdvice&aid=1013618385812
(Date accessed 10 August 2005)
i Letter dated 19 August 2005 (CPRK prison)
j Letter dated 19 August 2005 (medical treatrment)
k Letter dated 31 August 2005 (attempted coup June 2004)

[23] CNN News Online
Son of former dictator returns to Congo 23 November 2003
http://edition.cnn.com/2003/WORLD/africa/11/23/congo.mobutu.reut/
(Date accessed 26 August 2005)

Return to Contents

[24] Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA)
a Fact Finding Mission Report on the DRC October 2002
b Report on Bundu dia Kongo December 2003
c Report on the Army of Church Victory December 2003

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

d Response Document 2 February 2004

[25] Letter from the Belgian Embassy in London to the Home Office dated 22 July 2003 about returned failed asylum seekers to the DRC

[26] Letter from the Dutch Embassy in London to the Home Office dated 21 July 2003 about returned failed asylum seekers to the DRC

[27] Institute for Security Studies

a Draft Constitution of the Transition 31 March 2003
http://www.iss.org.za/AF/profiles/DRCongo/cdreader/bin/7draft.pdf
(Date accessed 11 August 2005 via DRC Country Files Agreements and Treaties at http://www.issafrica.org/AF/profiles/drcongo/index.htm)

b Country Fact File History and Politics Updated 12 January 2005
http://www.iss.org.za/AF/profiles/DRCongo/Politics.html
(Date accessed 22 July 2005)

c Continuing Instability in the Kivus ISS Paper 94 October 2004
http://www.iss.org.za/pubs/papers/94/Paper%2094.pdf
(Date accessed 20 September 2005

d Draft Post-Transition Constitution 13 May 2005
http://www.iss.org.za/AF/profiles/DRCongo/cdreader/bin/constitution13may2005.pdf
(Date accessed 11 August 2005 via DRC Country Files Agreements and Treaties at http://www.issafrica.org/AF/profiles/drcongo/index.htm)

e Country Fact File Security Information Updated 12 January 2005
http://www.iss.co.za/AF/profiles/DRCongo/SecInfo.html
(Date accessed 2 September 2005)

f Situation Report Summary Overview of Security Sector Reform Processes in the DRC 6 January 2005, Henri Boshoff, Vol 13 No4 (2004)
http://www.iss.org.za/AF/current/2005/050110DRC.pdf
(Date accessed 22 July 2005)

g. Situation Report - Is Ituri on the Road to Stability? An update on the current security situation in the district Stephanie Wolters 11 May 2005
http://www.issafrica.org/Seminars/2005/mayituri.htm
(Date accessed 19 September 2005 via http://www.issafrica.org/AF/profiles/drcongo/research.htm#general)

[28] World Diabetes Foundation

Emergency insulin for people with diabetes in D.R. Congo
http://www.worlddiabetesfoundation.org/composite-767.htm
(Date accessed 28 July 2005)

Return to Contents

[29] Médécins sans Frontières (Doctors without Borders)

a Half a million children to be vaccinated for measles in the Democratic Republic of Congo 5 August 2004
http://www.msf.org/countries/page.cfm?articleid=1AC26318-5AFF-468A-8ABC929206A3E345
(Date accessed 20 September 2005)

b Kinshasa and war-torn Bukavu region, DRC, celebrate first year of ARV treatment 15 October 2004
http://www.msf.org/countries/page.cfm?articleid=6142E492-A180-4608-87CCBF0F0A0B812B
(Date accessed 20 September 2005)

c Annual Activity report 2004 DRC: A never ending health crisis 6 December 2004 http://www.msf.org/countries/page.cfm?articleid=CF0F0A78-E88C-4E10-86391D9E2C2E0E69
(Date accessed 28 July 2005)

d Nothing new in Ituri August 2005 http://www.msf.org/source/countries/africa/drc/2005/ituri_violence_report.jpg via http://www.msf.org/msfinternational/invoke.cfm?objectid=7BC39654-E018-0C72-09E7DF9CC8A2E42A&component=toolkit.report&method=full_html
(Date accessed 3 September 2005)

[30] Economist Intelligence Unit www.eiu.com

a Country Profile Report on the Democratic Republic of Congo June 2004 http://db.eiu.com/report_dl.asp?issue_id=1017749501&mode=pdf
(Date accessed 28 July 2005)

b Country Profile Report on the Democratic Republic of Congo June 2005 http://db.eiu.com/index.asp?layout=displayIssueTOC&issue_id=1189145904&publication_id=1350000935
(Date accessed 18 July 2005)

[31] Le Phare (Kinshasa) newspaper www.le-phare.com

a Police arrest three more abortive coup plotters 17 June 2004 (via BBC Monitoring Online)

b VOTV denounces the "right to life and death" policy for those held under Operation "Pentecost" 24 February 2005 (via All.Afrique.com) (Home Office official translation)

[32] Handicap International Democratic Republic of Congo http://www.handicap-international.org.uk/page_373.php
(Date accessed 29 July 2005)

[33] African Security Review

a DRC Update. Building Security for the Elections 2005, Jim Terrie Vol 14 (2005) No 1. http://www.iss.co.za/pubs/ASR/14No1/terrie.pdf
(Date accessed 9 September 2005)

[34] Angola Press

DRC thanks Zambia for foiling Kilwa insurgency 20 October 2004 http://www.africanewssearch.com/olink.php?ARG1=http://www.angolapress-angop.ao/noticia-e.asp?ID=290895&ARG2=99413
(Date accessed 15 March 2005)

[35] L'Avenir (via http://www.digitalcongo.net/index.php**)**

Failed putsch on 27 and 28 March this year: Finger points at General Nzimbi of the DSP 24 June 2004 (Home Office translation)
http://www.digitalcongo.net/fullstory.php?id=38889
(Date accessed 20 September 2005)

Return to Contents

[36] Global Witness

Violence erupts in mineral rich Katanga. . . yet the international community Press release 18 October 2004
http://www.globalwitness.org/press_releases/display2.php?id=264
(Date accessed 15 March 2005)

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

[37] Watch List on Children and Armed Conflict
The Impact of Armed Conflict on Children in the Democratic Republic of Congo June 2003 http://www.watchlist.org/reports/dr_congo.report.pdf
(Date accessed 26 September 2005)

[38] US Agency for International Development (USAID) Country Profile HIV/AIDS July 2003
http://www.usaid.gov/our_work/global_health/aids/Countries/africa/congo.html
(Date accessed 10 August 2005)

[39] International Crisis Group
a Pulling Back from the Brink in the Congo ICG Briefing 7 July 2004
http://www.crisisweb.org/home/index.cfm?id=2854&l=1
(Date accessed 23 March 2005)
b Maintaining Momentum in the Congo: The Ituri problem 26 August 2004
http://www.crisisweb.org/home/index.cfm?id=2927&l=1
(Date accessed 23 March 2005)
c Back to the Brink in the Congo 17 December 2004
http://www.crisisweb.org/home/index.cfm?id=3180&l=1
Date accessed 4 February 2005
d The Congo's Transition is Failing: Crisis in the Kivus 30 March 2005
http://www.crisisgroup.org/home/getfile.cfm?id=1731&tid=3342&type=pdf&l=1 **(Date accessed 21 July 2005)**
e Solving the FDLR Problem Once and for All 12 May 2005
http://www.crisisgroup.org/home/getfile.cfm?id=1789&tid=3426&l=1
(Date accessed 21 July 2005)

[40] International Conference of Free Trade Unions (ICFTU) Annual Survey of Violations of Trade Unions Rights 2004
http://www.icftu.org/displaydocument.asp?Index=991219516&Language=EN
(Date accessed 23 August 2005)

[41] Voix des Sans-Voix http://www.vsv-rdc.org/
Operation Pentecost: Policy of Life or Death over Detainees Press Communiqué No. 016/RDC/VSV/CD/2005 20 February 2005

[42] Netherlands Department for Asylum and Migration Affairs General Country Report January 2004 (Home Office translation of extracts)
http://www.minbuza.nl/default.asp?CMS_ITEM=MBZ257248
(Date accessed 20 September 2005)

Return to Contents

[43] Immigration and Refugee Board of Canada - Country of Origin Research
http://www.cisr-irb.gc.ca/en/index_e.htm
a RDC40976.E 3 April 2003 Update to RDC33027.F of 25 November 1999 on the treatment by the Congolese government of former diplomats who return to Kinshasa and other individuals who are perceived as Mobutu sympathizers (2001-2002)
b RDC40994.E 10 April 2003 Whether a Congolese citizen to whom a Zairian passport was issued during the Mobutu regime would encounter any difficulty renewing his passport since Laurent-Désiré Kabila took over in May 1997
c RDC41640.FE 9 June 2003 Information on any political party that is associated with "Mizele Nsemi Bernard" or "Minzele Nsemi" (June 2003)

d RDC41644.FE 10 June 2003 The Renewed Popular Movement of the Revolution (MPR)/Salongo; its founding date and its leaders; treatment of its members by the government authorities (June 2003)
e RDC41768.FE 17 July 2003 Update to RDC30240.E on forced marriages in the Democratic Republic of Congo (RDC), particularly within the Yansi tribe; the consequences for refusing such a marriage as well as the recourses and protection available to women who refuse a marriage (July 2003)
f RDC41922.FE 2 September 2003 Meaning of the notations “Avis favorable A.N.R.” (“Approved A.N.R.”) and “Avis favorable D.G.M.” (“Approved D.G.M.”) stamped on the back of cards serving as proof of loss of identity papers, issued by the authorities of the city of Kinshasa
g RDC41780.FE 4 September 2003 List of persons convicted in the trial for the murder of Laurent-Désiré Kabila
h RDC42061 15 October 2003 The Bundu dia Kongo sect, which worships Nzambi Mpungu, its location and its treatment of women; whether sect members may have more than one wife
i RDC42470.E 2 March 2004 Treatment of members of the Ngbandi tribe (March 2004)
j RDC42522.FE 26 March 2004 Update to RDC32129.F of 16 June 1999 on the situation and treatment of members of the Mbunza ethnic group and persons from the Province of Équateur (March 2004)
k RDC42521.FE 26 March 2004 Treatment of a person whose family members served in the army under the regime of former President Mobutu (March 2004)
l RDC42556 8 April 2004 Whether a customary marriage can take place in the absence of one of the spouses (April 2004)
m RDC42555.FE 14 April 2004 Forced marriages, particularly among the Bambala ethnic group; whether members of the same family can marry one another; if so, the possible consequences and recourse available to a woman who refuses such a marriage, and the protection offered to her by the state (April 2004)
n RDC42835.FE 5 August 2004 The Union for Democracy and Social Progress (UDPS), including its position vis-à-vis the transition government established on 30 June 2003 and the reasons why no UDPS member is in the government; a military intervention against UDPS members on 20 July 2003 in Mwene-Ditu and, if it took place, whether certain UDPS members were injured or arrested (2002-August 2004)
o Situation of Children March 2004 http://www.cisr-irb.gc.ca/en/research/publications/index_e.htm?docid=140&cid=185 Date accessed 8 February 2005
p RDC42625.FE 22 April 2004 The Congolese Liberation Movement (MLC), including ties with an organization called the League of Electors; the treatment of League members who are suspected of having ties with the MLC
q RDC42958.FE 8 September 2004 The attempted coup d’etat of 28 March 2004, particularly the list of the people arrested or sought by the authorities in relation to this event
r RDC43027.FE I October 2004 The situation of the Wabembe ethnic group in South Kivu, including the existence of a group called Emo Imbondo, whose objective is to remove the government, the Banyarwanda (Rwandans) and the rebels, so that peace may be restored to the region; whether two demonstrations were held in Baraka on 6 and 13 May 2004,

Disclaimer: “This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents.”

respectively, and, if so, whether any of the demonstrators were arrested or killed (2004)

s *Democratic Republic of Congo (RDC): State Protection (June 2003-November 2004) February 2005 http://www.cisr-irb.gc.ca/en/research/publications/index_e.htm?docid=282&cid=185 (Date accessed 22 July 2005)*

t RDC43466.FE 30 March 2005 Current situation of the Unified Lumumbist Party, including the treatment of its members by the authorities (2003-2005)

Return to Contents

[44] Coalition to Stop the Use of Child Soldiers Global Report 17 November 2004 http://www.child-soldiers.org/document_get.php?id=767
(Date accessed 25 August 2005)

[45] The International Lesbian and Gay Association World Legal Survey
http://www.ilga.info/Information/Legal_survey/africa/zaire.htm
(Date accessed 1 September 2005)

[46] Association Africaine de Defence des Droits de l'Homme (ASADHO) Annual Report 2002

a Special edition http://www.fidh.org/afriq/rapport/2003/asadho2002f.pdf
(Date accessed 20 September 2005)

b Information provided by the President of ASADHO of during a 10 December 2004 telephone interview

[47] Radio Candip, Bunia (via BBC Monitoring Online) 21 June 2004
DRCongo leader sacks army chief in shake up of military, presidential guard

[48] News24.com
DRC army chief axed 21 June 2004
http://www.news24.com/News24/Africa/News/0,,2-11-1447_1545486,00.html
(Date accessed 20 September 2005)

[49] Global IDP Project
Country Profile July 2005
http://www.idpproject.org/sites/idpsurvey.nsf/wCountries/Democratic+Republic+of+the+Congo
(Date accessed 25 August 2005)

[50] International Rescue Committee
3.8 Million Dead in 6 Year Conflict June 2005
http://www.theirc.org/index.cfm/wwwID/2129
(Date accessed 28 July 2005)

[51] Les Heritiers de Justice http://www.heritiers.org/

a Network of Women for the Defense of Rights and of Peace Report on Events in Bukavu, South Kivu May 29 to June 9 2004
http://www.heritiers.org/english/index.htm
(Date accessed 20 September 2005)

b Press release 3 August 2004
http://www.heritiers.org/english/nota%20bene/nota%20bene015.htm
(Date accessed 20 September 2005)

[52] ACCORD/UNHCR 8th European Country of Origin Information Seminar Vienna, 28 -29 June 2002
http://www.ecoi.net/alert.php?id=1245&iflang=en&country=ZR
(Date accessed 20 September 2005)

[53] US Committee for Refugees World Refugee Survey 2005
http://www.refugees.org/uploadedFiles/Investigate/Publications_&_Archives/WRS_Archives/2005/algeria_european_union.pdf
(Date accessed 14 September 2005)

[54] United Nations Security Council

a MONUC Special report on the events in Ituri January 2002-December 2003 S/2004/573 16 July 2004 via http://www.un.org/Docs/sc/sgrep04.html
(Date accessed 11 March 2005)

b Third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo S/2004/650 16 August 2004 via http://www.un.org/Docs/sc/sgrep04.html
Date accessed 20 September 2005)

c Report on the Gatumba Massacre S/2004/821 18 October 2004 via http://www.un.org/Docs/sc/sgrep04.html **(Date accessed 14 January 2005)**

d Sixteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo 31 December 2004 S/2004/1034 via http://www.un.org/Docs/sc/sgrep04.html
(Date accessed 12 January 2005)

e Seventeenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo S/2005/167 15 March 2005 via http://www.un.org/Docs/sc/sgrep05.htm
(Date accessed 19 July 2005)

f Special report of the Secretary-General on elections in the Democratic Republic of the Congo 26 May 2005 via http://www.un.org/Docs/sc/sgrep05.htm
(Date accessed 2 June 2005)

g Eighteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo S/2005/506 2 August 2005 via http://www.un.org/Docs/sc/sgrep05.htm
(Date accessed 20 September 2005)

[55] United Nations

a Cartographic Section
http://www.un.org/Depts/Cartographic/english/index.htm
(Date accessed 18 July 2005)

b Economic and Social Council Report on the situation of human rights in the Democratic Republic of Congo, submitted by the Special Rapporteur, Ms Iulia Motoc E/CN.4/2004/34 10 March 2004
http://www.unhchr.ch/huridocda/huridoca.nsf/AllSymbols/E17F022DF5C7829DC1256E9800380663/$File/G0411748.pdf?OpenElement
(Date accessed 22 July 2005)

Return to Contents

[56] UN Mission in the Congo (MONUC)

a Report in the Prisons and Detention Cells of the Democratic Republic of Congo April 2004 (Home Office official translation provided) Accessed via http://www.monuc.org/downloads/Rapport_conditions_detention_en_RDC_avril_2004.doc
(Date accessed 20 September 2005)

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

b Maps Library
http://www.monuc.org/Documents.aspx?lang=en&CategoryID=12
(Date accessed 18 July 2005)
c Documents Library
http://monuc.org/Documents.aspx?lang=en&CategoryID=13
(Date accessed 20 September 2005)
d MONUC participates in efforts to resolve food crisis in DRC prisons 17 May 2005 http://www.monuc.org/News.aspx?newsID=6827
(Date accessed 25 July 2005)

[57] Office for the Coordination of Humanitarian Affairs (OCHA) ReliefWeb
a Reliefweb Map Filter
http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&rc=1&cc=cod
(Date accessed 13 September 2005)
b Humanitarian Organisations Present in the DR Congo 24 June 2004
http://www.reliefweb.int/rw/fullMaps_Af.nsf/luFullMap/623FD871C463E50685256EC400558C5B/$File/rw_drcWdWW010704.pdf?OpenElement
(Date accessed 13 September 2005)
c Who's Working
http://www.reliefweb.int/rw/rwb.nsf/doc214?OpenForm&rc=1&cc=cod
(Date accessed 10 March 2005)
d Life saving emergency assistance underway in Ituri 8 February 2005
http://ochaonline.un.org/DocView.asp?DocID=2950
(Date accessed 29 March 2005)

[58] United Nations Committee on the Rights of the Child 8 August 2000 CRC/C/3/Add.57
http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.57.En?OpenDocument
(Date accessed 25 August 2005)

[59] United Nations Children's Fund (UNICEF) http://www.unicef.org/
a At a glance: The Big Picture; Statistics; Basic Indicators
http://www.unicef.org/infobycountry/drcongo_statistics.html#5
(Date accessed 29 July 2005)
b Annual Report 2004 -State of the World's Children 2005
http://www.unicef.org/sowc05/english/sowc05.pdf
(Date accessed 3 February 2005)
c Life-saving immunization drive launches in DR Congo 28 February 2005
http://www.unicef.org/infobycountry/drcongo_25279.html
(Date accessed 28 July 2005)

[60] UNHCR
a Global Appeal 2005 December 2005 http://www.unhcr.ch/cgi-bin/texis/vtx/template?page=publ&src=static/ga2005/ga2005toc.htm
(Date accessed 13 September 2005)
b UNHCR comments to the Advisory Panel on Country Information on the October 2004 Home Office Country Report for Democratic Republic of Congo February 2005. www.apci.org.uk
(Date accessed 30 March 2005)
c UNHCR comments dated 27 April 2005 on the Nationality Act of November 2004

Return to Contents

[61] UNAIDS

a AIDS Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections 2004 Update http://www.unaids.org/html/pub/publications/fact-sheets01/demrepcongo_en_pdf.pdf
(Date accessed 29 July 2005)
b UNAIDS World Report 2004 Chapter 3 Sub Saharan Africa http://www.unaids.org/wad2004/report.html
(Date accessed 29 July 2005)
c UNAIDS Country Information http://www.unaids.org/Unaids/EN/geographical+area/by+country/democratic+republic+of+congo.asp
(Date accessed 29 July 2005)

[62] Xinhua News Agency
a Foreign Minister of Democratic Republic of Congo dismissed 22 July 2004 http://www.monuc.org/news.aspx?newsID=3359
(Date accessed 20 September 2005)
b DR Congo parliament extends transitional period for 6 months 17 June 2005 http://www.monuc.org/news.aspx?newsID=7223
(Date accessed 21 July 2005)
c Mechanism established in DRC to supervise soldiers' pay 10 August 2005 http://www.monuc.org/news.aspx?newsID=7925
(Date accessed 25 August 2005)

[63] International Freedom of Expression Exchange (IFEX)
http://www.ifex.org/en/
a Religious broadcaster RTMV returns to the airwaves after six months of forced silence 16 December 2003
http://www.ifex.org/en/content/view/full/55660/
(Date accessed 20 September 2005)
b IFEX Alerts: Democratic Republic of Congo http://www.ifex.org/en/content/view/full/35/
(Date accessed 7 February 2005)
c JED welcomes suspension of hate media 19 January 2005 http://www.ifex.org/en/content/view/full/63895/
(Date accessed 24 August 2005)

[64] Radio Okapi
a DRCongo rebels deny involvement in capture of southern town 19 October 2004 (via BBC Monitoring)
b DRCongolese president suspends six ministers 25 November 2004 (via BBC Monitoring)

[65] Agence France Presse
a Eight more suspected putschists arrested in DR Congo 15 June 2004 (via BBC Monitoring Online)
b Presidential adviser confirms recapture of DRCongo mining town 16 Oct 04 (via BBC Monitoring)
c DRCongo leader sacks nine leaders, reshuffles cabinet 4 January 2005 (via BBC Monitoring)
d Four dead, 60 held in DRC protests over rumoured election delays 11 January 2005 http://www.monuc.org/news.aspx?newsID=5101
(Date accessed 22 July 2005)
e Kabila silent on possible 'insurrection' 11 May 2005 http://www.iol.co.za/index.php?set_id=1&click_id=136&art_id=qw1115809021107B236
(Date accessed 10 September 2005)

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

f Political violence rocks DRC town once again 19 May 2005 (via http://www.int.iol.co.za/) http://www.iol.co.za/index.php?set_id=1&click_id=136&art_id=qw1116504180321B236
(Date accessed 10 September 2005)
g Former government minister banned from leaving DR Congo 30 May 2005 (via Lexis Nexis)
h DRCongo parliament adopts law on referendum vote 14 June 2005 (via monuc.org) http://www.monuc.org/news.aspx?newsID=7190
(Date accessed 19 July 2005)
i Bloody end to peaceful protests 1 July 2005 (via News 24.com) http://www.news24.com/News24/Africa/News/0,,2-11-1447_1730401,00.html
(Date accessed 13 July 2005)
j Opposition ups death toll in DRCongo protests to 26 1 July 2005 (via Reliefweb) http://www.reliefweb.int/rw/RWB.NSF/db900SID/ACIO-6DVS6K?OpenDocument&rc=1&emid=SKAR-64FB9M
(Date accessed 16 September 2005)

[66] Freedom House
Freedom in the World Survey 2005
http://www.freedomhouse.org/research/#reports
(Date accessed 19 August 2005)

[67] SOS Children's Villages
Activities in the Democratic Republic of Congo http://www.sos-childrensvillages.org/cgi-bin/sos/jsp/wherewehelp.do?BV_SessionID=@@@@1776427014.1125488090@@@@&BV_EngineID=ccccaddfhmidfficfngcfkmdhkhdffj.0&site=ZZ&lang=en&nav=2.3&c=0&ct=474906&v=0
(Date accessed 31 August 2005)

[68] Historical Dictionary of Democratic Republic of the Congo (Zaire), F. Scott Bobb, The Scarecrow Press, Inc 1999

[69] International Labour Organization NATLEX
http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=COD
(Date accessed 2 September 2005)

[70] Le Potentiel
a DRCongo president appoints four new ministers 18 February 2005 (via BBC Monitoring Online)
b Commission de suivi: la vraie liste des députés et sénateurs [List of Deputies and Senators] 10 July 2003 (via Digitalcongo) http://www.digitalcongo.net/fullstory.php?id=25915&page_offset=0
(Date accessed 22 August 2005)

[71] United Nations News Centre
a Some 250,000 voters registered in DR of Congo's capital in 10 days – UN mission 1 July 2005 http://www.un.org/apps/news/story.asp?NewsID=14862&Cr=democratic&Cr1=congo
(Date accessed 27 July 2005)

b Logistical problems put strain on voter registration process in DR of Congo – UN 17 August 2005
http://www.un.org/apps/news/story.asp?NewsID=15447&Cr=&Cr1=
(Date accessed 22 August 2005)

[72] National Library of Medicine
Diabetes, Nutrition & Metabolism Clinical and Experimental *Official Journal of The Italian Society Of Diabetology* A hospital survey of the clinical features of diabetes in Congo 16 August 2003 via PubMed at
http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=pubmed&dopt=Abstract&list_uids=14768773&itool=iconabstr&query_hl=4
(Date accessed 28 July 2005)

[73] The International Association of Universities
Database 2004 List of Universities (via United Nations Educational Scientific and Cultural Organisation)
http://www.unesco.org/iau/onlinedatabases/list_data/c-nw.html#Congo_Democratic_Republic
(Date accessed 28 September 2005)

Return to Contents

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."