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# Issue Paper ZAIRE THE BALANCE OF POWER IN THE REGIONS April 1997

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See original.

Source: *Africa Confidential*. Vol. 35, N°. 25. 16 December 1994.

## GLOSSARY

### AFDL

Alliance of Democratic Forces for the Liberation of Congo-Zaire (Alliance des forces démocratiques pour la libération du Congo-Zaire)

### AZADHO

Zairian Human Rights Association (Association zairoise de défense des droits de l'homme)

### BSRS

Special Search and Surveillance Brigade (Brigade spéciale de recherche et de surveillance)

### CDH

Centre for Human Rights and Humanitarian Law in Lubumbashi (Centre des droits de l'homme et du droit humanitaire de Lubumbashi)

### DSP

Special Presidential Division (Division spéciale présidentielle)

### FAZ

Zairian Armed Forces (Forces armées zairoises)

### HCR-PT

Supreme Council of the Republic—Parliament of Transition (Haut Conseil de la République — Parlement de transition)

### MPR

Popular Movement of the Revolution (Mouvement populaire de la révolution)

### SARM

Military Action and Intelligence Service (Service d'action et de renseignements militaires)

### SNIP

National Intelligence and Protection Service (Service national d'intelligence et de protection)

### UDPS

Union for Democracy and Social Progress (Union pour la démocratie et le progrès social)

### UFERI

Union of Federalists and Independent Republicans (Union des fédéralistes et des républicains indépendants)

### Note:

English translations of the names of organizations are provided above for the reader's convenience. Except in the case of the CDH, which has an official English version of its name (but not its acronym), the English names given are not official since English has no official status in Zaire.

## 1. INTRODUCTION

Since work on this paper began, eastern Zaire has been in a state of flux. The autumn of 1996 saw the beginning of a revolt in the Kivu region. The rebels, led by Laurent-Désiré Kabila, [1] who by February 1997 already controlled a part of the North Kivu, South Kivu and Upper Zaire regions, have now advanced into Shaba (formerly Katanga) (AFP 3 Feb. 1997; *Le Monde* 11 Feb. 1997, 2).

Sources indicate that there are serious divisions within the transitional government known as the Supreme Council of the Republic - Transitional Parliament (Haut Conseil de la République - Parlement de transition, or HCR-PT) (HRW 1997, 61; Mwene Kabyana 14 Feb. 1997), and several opposition parties are also reported to have been beset by major differences (HRW 1997, 61; *Africa Confidential* 4 Oct. 1996, 3; Mwene Kabyana 14 Feb. 1997).

Mobutu's illness in the fall of 1996 has prompted some analysts and Zairian political opposition figures to question the president's ability to govern (AFP 21 Oct. 1996; *Courrier international* 7-13 Nov. 1996, 8; *Jeune Afrique* 27 Nov.-3 Dec. 1996, 6). According to one source, the president's loss of authority could lead to the breakup of Zaire (*Courrier international* 7-13 Nov. 1996, 8). Mobutu underwent an operation for prostate cancer in August 1996 (AFP 21 Oct. 1996; *Courrier international* 7-13 Nov. 1996, 8) and convalesced in France until mid-December 1996 (*Le Monde* 19 Dec. 1996). He returned to Kinshasa on 17 December 1996 and, in an effort to reassure Zairians, stated in an address to the nation that he would put an end to the crisis in eastern Zaire and do what was necessary to restore national unity (Reuters 24 Dec. 1996; *Elima* 23 Dec. 1996). Shortly after his return, President Mobutu made plans to form a crisis-management government and asked leaders of his own movement, the Popular Movement of the Revolution (Mouvement populaire de la révolution—MPR), as well as opposition leaders to nominate candidates (*Le Monde* 21 Dec. 1996, 3; *The New York Times* 21 Dec. 1996, A7; *La Presse* 20 Dec. 1996; *Info-Zaire* 20 Dec. 1996a, 1). At the same time, however, he unilaterally extended Prime Minister Kengo's term of office in contravention of the transitional constitution (*Info-Zaire* 31 Jan. 1997a, 1), which called for the prime minister to be selected by the National Sovereign Conference (Republic of Zaire; *Info-Zaire* 31 Jan. 1997a, 1; Reuters 24 Dec. 1996). According to a number of sources, Prime Minister Léon Kengo wa Dondo's government lacked the legitimacy it needed to govern (AI 1996, 331; *Info-Zaire* 31 Jan. 1997a, 1; Ngefa 23 Jan. 1997).

According to AFP, Prime Minister Kengo was dismissed from his post on 18 March 1997 by the Transitional Parliament (AFP 24 Mar. 1997b). On 24 March, President Mobutu [translation] "noted" Parliament's decision (AFP 24 Mar. 1997a). Later the same day, Kengo tendered his resignation (AFP 24 Mar. 1997b; *ibid.* 26 Mar. 1997).

This paper examines how and to what extent President Mobutu is able to hold on to power and maintain control over the population, especially over the last two years in areas outside the Kinshasa region. In particular, it examines the situation in Kasai, Shaba and Kivu, three areas that, economically at least, have a relatively greater degree of autonomy and are less dependent on Kinshasa (Reuters 3 Nov. 1996; *Africa Confidential* 29 Nov. 1996; *Jeune Afrique* 6-12 July 1995, 59; see also *Africa Confidential* 19 Jan. 1996, 6-7). Since many aspects of the situation described below are not covered in published literature, it was necessary to contact oral sources on several occasions in order to obtain information.

This paper does not cover in detail recent political events or the structure and activities of the transitional government and the various branches of the security apparatus. For more information on these topics and the Kengo government, please refer to the August 1995 DIRB paper entitled *Zaire: Political Opposition* as well as to other documents available in the IRB Regional Documentation Centres<sup>[2]</sup>.

## NOTES

[1] Laurent-Désiré Kabila is the head of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (Alliance des forces démocratiques de libération du Congo-Zaïre—AFDL), a multiparty coalition that is waging an armed struggle against Mobutu's regime (*Info-Zaire* 26 Nov. 1996; *La Presse* 20 Dec. 1996). Most of the rebels are reportedly Banyamulenge, Zairian Tutsis originally from Rwanda (AFP 25 Nov. 1996; AI Nov. 1996, 17). [\[back\]](#)

[2] The *Info-Zaire* bulletins published by the Montréal-based Roundtable of Human Rights in Zaire (Table de concertation sur les droits humains au Zaïre) also contain information on Zaire and provide updates on the situation in the country. [\[back\]](#)

## 2. PRESIDENT MOBUTU'S POWERS

### 2.1 Legal Foundations

Established as the commander-in-chief of the armed forces by Article 40 of the transitional constitution (Republic of Zaire 1992, 11), President Mobutu also has absolute control over the various police forces that are a part of the military structure (*Country Reports 1995 1996*, 287; *Alternatives* Dec. 1996, 1).

Jurisdiction over security is shared by the president and the prime minister (Ngefa 23 Jan. 1997; Republic of Zaire 1992, 12-20; Tougas 7 Feb. 1997). Some sources state that although the security services are theoretically under the authority of the minister of the interior, in reality they are controlled by Mobutu (Ngefa 23 Jan. 1997; Mwene Kabyana 14 Feb. 1997; see also AI Nov. 1996, 27). The National Security Council, which includes generals from the various security branches, also has some control over security matters (Ngefa 23 Jan. 1997; Mbuyu 10 Feb. 1997; see also *The New York Times* 21 Dec. 1996, A7). The prime minister reportedly has no jurisdiction over these security branches but seeks their collaboration in arresting political opponents (see Section 2.2) (Ngefa 23 Jan. 1997; Kapita 4 Feb. 1997; Mwene Kabyana 14 Feb. 1997).

The armed forces and the various security police forces in Zaire are made up of many branches (FIDH 7-15 Feb. 1996, 13; *Africa Confidential* 1 Nov. 1996, 3). All these civil and military branches are controlled by the president (Ngefa 23 Jan. 1997). Appointments to the top positions in these organizations are decreed by President Mobutu, who usually picks members of his Ngbandi ethnic group (*Country Reports 1996 1997*, section 5; *Alternatives* Dec. 1996, 1; Rivard 22 Nov. 1996) or his own family (*Alternatives*, Dec. 1996, 1; *EIU Business Africa* 16 Nov. 1996). Each of these generals is accountable only to the president<sup>[3]</sup> (Ngefa 23 Jan. 1997; Mwene Kabyana 14 Feb. 1997). According to *Country Reports 1996*, Mobutu still controls key security forces such as the Civil Guard (Garde civile) and the Special Presidential Division (Division spéciale présidentielle—DSP) (1997, Introductory Section). While he was convalescing in France, the High Command issued a communiqué in which the top military authorities assured him of their support<sup>[4]</sup> (*Le Palmarès* 11 Sept. 1996; Reuters 9 Sept. 1996).

*Africa Confidential* claims that the generals in charge of the various branches care more about promoting their political and business interests than about the country's military affairs

(15 Nov. 1996, 8). According to several sources, the real authority lies with these generals (*The New York Times* 21 Dec. 1996, A7; Ngefa 23 Jan. 1997; Mbuyu 10 Feb. 1997). *Africa Confidential* calls them the "Équateur mafia" (15 Nov. 1996, 8).

Upon returning to Zaire in December 1996, President Mobutu appointed General Mahele Lioko Bokoungo as the new chief of staff; General Mahele is reportedly the only person who commands sufficient respect among the troops to be able to restore discipline to the army (*Info-Zaire* 31 Jan. 1997a, 1; *The New York Times* 21 Dec. 1996, A7; *La Presse* 20 Dec. 1996; see also *Le Monde* 20 Dec. 1996, 3). He has a solid reputation, especially since he has prior experience as chief of staff (from 1991 to 1993) (*ibid.*; *The Christian Science Monitor* 23 Dec. 1993). He had been fired by Mobutu, who was reportedly afraid that he might become too powerful (*Le Monde* 20 Dec. 1996, 3; *The New York Times* 19 Dec. 1996). Like several other senior officers, General Mahele is from the Équateur region (*La Lettre du Continent* 5 Dec. 1996; Reuters 24 Dec. 1996) and is reportedly loyal to Mobutu (*Le Soir* 20 Dec. 1996, 9; Reuters 24 Dec. 1996). Even the opposition apparently welcomes his appointment (*Le Monde* 20 Dec. 1996, 3; *Le Soir* 20 Dec. 1996, 9; see also *Elima* 23 Dec. 1996), counting on him to restore discipline and put an end to the pillaging occurring in the country (Tougas 7 Feb. 1997).

General Mahele will be responsible for the Zairian Armed Forces (Forces armées zairoises—FAZ), the Civil Guard, the DSP and the Military Action and Intelligence Service (Service d'action et de renseignements militaires—SARM) (*Le Monde* 20 Dec. 1996, 3; *The Christian Science Monitor* 23 Dec. 1996, 7; *Le Soir* 20 Dec. 1996, 9). However, he is reportedly not assured of obtaining the [translation] "full collaboration" of the generals in charge of these organizations (*Info-Zaire* 31 Jan. 1997a, 1); in particular, DSP general Nzimbi, one of Mobutu's nephews, refused to lend arms to General Mahele in December 1996 (*Africa Confidential* 3 Jan. 1997, 6; Mwene Kabyana 14 Feb. 1997).

According to one source, most of the senior officers in the FAZ come from Équateur, which is also Mobutu's home region (*De Standaard* 6 Dec. 1996, 7), and several apparently belong to Mobutu's ethnic group<sup>[5]</sup> (Kalao 8 Jan. 1997; see also EIU ViewsWire 14 Nov. 1996, 1). AFP reports that General Mahele has undertaken a major overhaul of the FAZ, and that new generals and other senior officers were appointed in January 1997 (20 Jan. 1997). In early February 1997, the minister of defence, General Liloulia Bolongo, announced a campaign to recruit youths between the ages of 15 and 18 (*Voix du Zaïre* 3 Feb. 1997; Reuters 3 Feb. 1997; *Le Monde* 17 Feb. 1997; see section 5 below).

The security forces include various civil organizations or units, most of which have their own intelligence service<sup>[6]</sup> (Ngefa 23 Jan. 1997; Kalao 4 Feb. 1997; Kapita 4 Feb. 1997). These organizations are the Civil Guard, the Mobile Brigade (Brigade mobile), the Special Search and Surveillance Brigade (Brigade spéciale de recherche et de surveillance—BSRS), the Road Brigade (Brigade routière), the FAZ, the DSP and the National Intelligence and Protection Service (Service national d'intelligence et de protection—SNIP) (*La Voix du CDH* Jan.-Feb.-Mar. 1996) and the SARM (United Nations 19 Dec. 1994, para. 18; see also *Africa News Bulletin* 1 Jan. 1997, 36). The SNIP and the BSRS reportedly have broad mandates that allow them to report on anyone (Mwene Kabyana 26 Nov. 1996; Ngefa 23 Jan. 1997). Several sources state that FAZ troops do not receive adequate training (*Country Reports 1996 1997*; *Info-Zaire* 26 Nov. 1996a, 3) and are not paid their salary on a regular basis (*Country Reports 1996 1997*; *Alternatives* Dec. 1996, 1; *New African* Dec. 1996, 13; Balencie and de Lagrange 1996, 396; see also *Africa News Bulletin* 1 Jan. 1997, 36).

The DSP, which is responsible for protecting the president, is the best paid and the most disciplined of the security forces, along with the Civil Guard (United Nations 19 Dec. 1994, para. 18; *Country Reports 1995 1996*, 287). It is also the best armed (*Africa Confidential* 1 Nov. 1996, 3). Almost all its members belong to the president's ethnic group (FIDH 7-15 Feb. 1996, 13). According to Kalala Mbenga Kalao, the chief political news editor in Washington for the Zairian newspaper *La Tempête des tropiques*, 94 per cent of the DSP's members come from Équateur, the president's home region (8 Jan. 1997). One source states that DSP members must swear allegiance to the president (*Documentation-Réfugiés* 16-29 Mar. 1993, 12).

Although each of these groups theoretically has a clearly defined mandate, the UN points out that in practice there is considerable confusion as to their respective functions, and they are often not clearly identified during operations (United Nations 19 Dec. 1994, para. 68). According to oral sources, there are cases where a security organization arrests and interrogates people for matters that are not within its jurisdiction (Mwene Kabyana 26 Nov. 1996; Tougas 7 Feb. 1997). In practice, it is often difficult to know which security organization is carrying out a given operation, since the organizations' members do not wear identifiable uniforms (United Nations 19 Dec. 1994, para. 64). *La Voix du CDH* describes several such incidents that occurred in 1995 (Jan.-Feb.-Mar. 1996, 3).

*Info-Zaire* reports that Zairian army troops went on a rampage in Bukavu, Goma, Butembo, Beni, Bunia, Isiro, Buta and other towns in late December 1996 before fleeing to eastern Zaire; they confiscated the local inhabitants' belongings (31 Jan. 1997b, 7; see also *Knack* 1-7 Jan. 1997, 80). According to AFP, the Zairian troops' pillaging and the subsequent [translation] "liberation" by rebel forces have transformed Bunia into a ghost town (11 Feb. 1997).

In late February 1997 a source reported that [translation] "General Mahele has not succeeded in reorganizing the Zairian army" (*Info-Zaire* 28 Feb. 1997a). The troops continued to plunder the people, who then fled from the rebels without offering any real resistance, according to the same source (*ibid.*).

## **2.2 Extent of the Security Organizations' Powers**

According to the president of the Zairian Human Rights Association (Association zairoise de défense des droits de l'homme—AZADHO), President Mobutu's control over the security forces enables him to maintain real authority over the Zairian people through the use of armed force (Ngefa 23 Jan. 1997). Each region (province) has a regional security council, and the security organizations are encouraged to collaborate with the civil authorities (Mwene Kabyana 26 Nov. 1996; Mbuyu 10 Feb. 1997). However, sources state that the military does not cooperate with the regional governors except to arrest political opponents (Mwene Kabyana 26 Nov. 1996; Tougas 7 Feb. 1997; Mbuyu 10 Feb. 1997). The governors have no authority over the security forces, who in effect [translation] "are the law" (Mwene Kabyana 26 Nov. 1996; Ngefa 23 Jan. 1997; see also *Africa News Bulletin* 1 Jan. 1997, 36). A journalist who had recently visited Zaire wrote in *La Presse* that the army [translation] "has replaced the authorities" (9 Dec. 1995, B6). A separate source agreed that this is the situation (Ngefa 23 Jan. 1997).

Sources indicate that all the security forces have powers of arrest and detention, and that they regularly ill-treat people and commit other human rights violations (examples are provided later in this paper) (*Country Reports 1995 1996*, 287; see also *Africa News Bulletin* 1 Jan. 1997, 36). They reportedly often carry out arbitrary arrests and rarely lay charges, thereby

camouflaging the political motivation for these arrests (Kalao 4 Feb. 1997; Mbuyu 13 Feb. 1997). Under President Mobutu's authority, the security forces serve the regime in power (*Africa News Bulletin* 1 Jan. 1997, 36).

The National Security Council is the umbrella organization for all the various military and civil security services, each of which has its own intelligence branch (Ngefa 23 Jan. 1997; Kalao 4 Feb. 1997; Kapita 4 Feb. 1997). These organizations are distributed throughout the country and collaborate with one another (*ibid.*; Kalao 4 Feb. 1997; Kapita 4 Feb. 1997). The International Human Rights Law Group, in a letter to former US president Jimmy Carter published in *Africa News*, reports that the Civil Guard has strengthened its ties with the SNIP, in contravention of the transitional constitution (Apr. 1996).

Sources report numerous cases where the security forces have intimidated individuals or groups because of their political or human rights activities<sup>[7]</sup> (AI 1996, 331-332; *Country Reports 1996* 1997, section 1d; *Alternatives* Dec. 1996). President Mobutu has reportedly used the security forces to intimidate those who support a transition to democratic rule (*Africa News* April 1996; Kalao 8 Jan. 1997). The regime particularly targets supporters of democracy and various political opponents, NGO officials, lawyers and journalists (*Info-Zaire* 20 Dec. 1996b, 1; United Nations 29 Jan. 1996, paras. 64-100; HRW 1997, 60). Sources report that the threats against these people vary according to the events, regions and people involved (Ngefa 23 Jan. 1997; Blais 26 Nov. 1996; Mbuyu 13 Feb. 1997). Prominent personalities who opposed the new Zairian currency are also reportedly targeted (AZADHO 21 Jan. 1997, 3; Mbuyu 13 Feb. 1997).

When an intelligence service identifies someone it considers to be an opponent of the regime who is active or could have some influence within a political opposition party or human rights organization, it communicates information about the person, including a description and photo, to the National Security Council, which then forwards the information to the other intelligence services (Ngefa 23 Jan. 1997; Kalao 4 Feb. 1997; Kapita 4 Feb. 1997). According to sources, the people most at risk are rank-and-file opposition party workers, human rights activists (*ibid.*; Ngefa 23 Jan. 1997; Tougas 7 Feb. 1997; see also AZADHO Jan. 1997, 38) and journalists (Kalao 4 Feb. 1997; VSV 23 Jan. 1997). In addition, known Zairian activists who are sent back to Zaire after being refused refugee status abroad apparently face serious problems when they return (Ngefa 23 Jan. 1997; *Globe and Mail* 30 Jan. 1997, A4). According to *The Gazette*, one such Zairian, Zola Kazadi, was reportedly arrested as soon as he returned to Zaire but was freed after his family bribed officials (30 Jan. 1997, A6).

Representatives of the Union for Democracy and Social Progress (UDPS) claim that UDPS members who are arrested often continue to be harassed by the security services even after their release (Kapita 4 Feb. 1997; Mwene Kabyana 14 Feb. 1997). A UDPS secretariat commission monitors the situation of these members and helps those who can afford to do so to leave the country; the rest are moved to other areas within Zaire (*ibid.*; Kapita 4 Feb. 1997). In the latter case, it is believed that the members remain at risk since they can be identified by security services throughout the country (*ibid.*; Kalao 4 Feb. 1997; Mbuyu 10 Feb. 1997).

When the UDPS announced a one-day general strike (*ville morte*) in Kinshasa in July 1996, party members were beaten by security forces for distributing pamphlets (Mwene Kabyana 26 Nov. 1996; Ngefa 23 Jan. 1997). *Country Reports 1996* states that UDPS members were arrested and tortured in July 1996 for trying to organize a demonstration (1997, section 2b). Joseph Olenga, a member of parliament belonging to the radical opposition party Innovative

Forces of the Sacred Union (Forces novatrices de l'Union sacrée—FONUS), was reportedly arrested in Kinshasa in November 1996 on charges of [translation] "undermining state security" (Mwene Kabyana 14 Feb. 1997). Prime Minister Kengo also ordered the arrest of Joseph Olenga Nkoy on the grounds that he had called for a one-day general strike (*ville morte*) in February 1997 in order to press for Kengo's resignation (*ibid.*).

Jean Mbuyu, the editor-in-chief of the Lubumbashi-based publication *La Voix du CDH*, was arrested at Kinshasa airport on 5 November 1996 as he was about to leave for the United States (Mbuyu 10 Feb. 1997; Tougas 7 Feb. 1997). Security service officials told him that he could not leave because he had tried to obtain information about the situation in eastern Zaire (Mbuyu 10 Feb. 1997). Mbuyu was able to catch his plane after bribing the officials who had arrested him (*ibid.*). According to Mbuyu, the Lubumbashi security services must have informed the security services elsewhere of his departure (Mbuyu 10 Feb. 1997).

Several sources state that the authorities often arrest and detain journalists for several days in order to set an example and intimidate other journalists (Kalao 4 Feb. 1997; Kapita 4 Feb. 1997; see also Reuters 18 Sept. 1996). In January 1997, Emmanuel Katshunga, a journalist with *La Tempête des tropiques*, and Michel Luya<sup>[8]</sup>, the publisher and editor-in-chief of *Le Palmarès*, were arrested and detained by the SNIP in Kinshasa in connection with articles published by their newspapers (VSV 23 Jan. 1997; Reuters 17 Jan. 1997; HRIN 22 Jan. 1997; see also AZADHO Jan. 1997, 22, 24). They were freed a few days later (VSV 24 Jan. 1997; *Info-Zaire* 31 Jan. 1997c, 9). According to Kalao, journalists such as himself who are not allowed to leave Kinshasa and are banned from publishing articles dealing with politics or the economy cannot hope to start a new life elsewhere in the country without running the risk of being noticed by the security services (4 Feb. 1997).

Amnesty International reports that since fighting between rebel groups and the Zairian army began in Kivu in September 1996, Zaire has been overtaken by a wave of hostility towards Tutsis<sup>[9]</sup> and Hutus (AI 29 Nov. 1996; see also *Africa News* 1 Nov. 1996). Numerous Zairian Tutsis and Hutu refugees have been arrested by the Zairian authorities and detained for long periods in Kinshasa, and some have reportedly been tortured (*ibid.*).

According to some sources, the authorities have also violated the human rights of inhabitants of Lubumbashi, in Shaba, by harassing them, burglarizing their homes and businesses and physically ill-treating them (*Country Reports 1996 1997*, section 5; Mbuyu 13 Feb. 1997). An example is the case of a lawyer named Ruberwa who, along with his family, was kept under house arrest for more than a week in November 1996 before being forced to leave Zaire (Mbuyu 13 Feb. 1997). The family of a Lubumbashi merchant named Kayenzi was reportedly attacked in November 1996 as well (*ibid.*).

In addition, people and organizations are at risk if they are politically active and suspected of supporting the rebellion in eastern Zaire, since they are then considered to be [translation] "traitors" (Ngefa 23 Jan. 1997; Mbuyu 13 Feb. 1997; see also *Info-Zaire* 31 Jan. 1997, 9). When he tried to obtain information from the SARM on the state of the war in Kivu, the president of the group Human Rights Voice of the Voiceless (La Voix des sans voix pour les droits de l'homme—VSV), Floribert Chebeya, and fellow VSV members who were with him were arrested and detained by the SARM in Kinshasa on 28 October 1996 [translation] "for investigational purposes" (VSV 5 Nov. 1996, 1; *Africa News* 3 Dec. 1996; AZADHO Jan. 1997, 39; see also *Country Reports 1996 1997*, section 1d). In a public communiqué, the VSV describes the

conditions of detention as [translation] "inhuman and cruel" (5 Nov. 1996, 2). *Africa News* reports that the VSV members were released after spending six days in detention (3 Dec. 1996).

AZADHO states in its annual report for 1995 that military authorities and community heads in rural areas fleece the population by levying new taxes, imposing heavy fines and requiring people to buy expensive licences (Jan. 1996, 9-10). In particular, AZADHO cites the example of the taxes imposed on charcoal vendors in Goma, Kivu, in 1995 (ibid.). The Democratic Culture Promoters Group (Groupe des animateurs de la culture démocratique) and the Amos Group (Groupe Amos) for their part denounced the prohibitive school examination fees imposed by the West Kasai regional governor (*Info Ciam* 18 Apr. 1996). According to AZADHO, the cooperation between security services and various government organizations that impose a variety of legal and illegal taxes has helped turn Zaire into a [translation] "police state" that does not respect the rights of farmers and tradespeople (Jan. 1996, 10; see also *La Voix du CDH* Jan.-Feb.-Mar. 1996, 6).

Sources report that troops that have not been paid for several months fleece the population and use whatever means they wish, including corruption and violence, to get what they want (AZADHO Jan. 1997, 25; Reuters 18 Nov. 1996; *La Presse* 9 Dec. 1995, B6; see also *L'EDJ* 11-17 July 1996, 1). The local press and human rights organizations regularly report cases of plundering, robbery, kidnapping, rape and other acts of extortion committed by soldiers (AZADHO Jan. 1996, 12; *La Voix du CDH* Jan.-Feb.-Mar. 1996, 3-5; *Africa News* Aug. 1995). AZADHO notes in its 1995 report that [translation] "the civilian population had never before been plundered and robbed by soldiers as much as it was in 1995" (Jan. 1996, 12). According to the same source the situation worsened in 1996 (ibid. Jan. 1997, 3). *Country Reports 1996* also reports that "security forces continued to commit numerous human rights abuses, including extrajudicial killings, torture, looting, and arbitrary detention" (1997, introduction). Further information on human rights abuses in Zaire between November 1996 and February 1997 can be found in Amnesty International's February 1997<sup>[10]</sup> report *Zaire: Rape, Killings and Other Human Rights Violations by the Security Forces*, available in the IRB's Regional Documentation Centres.

According to a number of sources, because corruption is so widespread and extends into the security forces, people whose rights are being violated have no hope of obtaining redress from administrative organs, judicial bodies or the police (*La Presse* 9 Dec. 1995, B6; Ngefa 22 Nov. 1996; HRW 1997, 62; Mwene Kabwana Nov. 1996). It is common for magistrates to be paid by the defendants or plaintiffs (FIDH 7-15 Feb. 1996, 6; *Country Reports 1996* 1997, section 1e). Some sources report that the attorney general of Shaba is accumulating gifts from known criminals (*Info-Zaire* 8 July 1996; *La Voix du CDH* Apr.-June 1996, 1).

## NOTES

[3] According to *Jane's Intelligence Review*, which recently published a report on Zaire's security forces, "There is little accurate information regarding the chain of command" (1 Jan. 1997). [\[back\]](#)

[4] Reuters reports that the army has previously tried to obstruct the transition process begun in the early 1990s (10 Sept. 1996), and local newspapers have expressed their concern that the army might take advantage of President Mobutu's lengthy absence to seize power (*Le Phare* 6 Sept. 1996). [\[back\]](#)

[5] According to several sources, there are about 450 ethnic groups in Zaire (United Nations 19 Dec. 1994, para. 25; Braeckman 1996, 221; *Jeune Afrique* 27 Nov.-3 Dec. 1996, 7). [\[back\]](#)

[6] The intelligence services and military justice systems were reorganized in January 1997 (AFP 14 Jan. 1997). [\[back\]](#)

[7] AZADHO's president warns that the veracity of some of the allegations published in newspapers is suspect. He notes that some newspaper articles about human rights violations denounced by his organization have mentioned names that were not in the original AZADHO press releases (Ngefa 23 Jan. 1997). [\[back\]](#)

[8] Luya had already been arrested in September 1996 on charges of spreading false rumours by publishing an article on the state of Mobutu's health (Reuters 18 Sept. 1996; *New African* Nov. 1996, 25; *Country Reports 1996 1997*, section 2a). [\[back\]](#)

[9] For more information on the situation of Tutsis, see the 20 December 1996 issue of *Info-Zaire*. [\[back\]](#)

[10] Time constraints did not permit the DIRB to add information from this report in time for publication. [\[back\]](#)

### **3. EXTENT OF PRESIDENT MOBUTU'S POWERS OUTSIDE KINSHASA, PARTICULARLY IN KASAI, SHABA AND KIVU**

Mobutu controls most of the regions, especially with respect to security matters (Ngefa 23 Jan. 1997), since these constitute a [translation] "system with branches throughout the country" (ibid.; Kalao 8 Jan. 1997). While some aspects of the economy are beyond the president's control (*Africa Confidential* 29 Nov. 1996; Braeckman 1996, 123), his political influence is still felt in the regions (Ngefa 23 Jan. 1997; Mbuyu 13 Feb. 1997; Braeckman 1996, 123). Regions such as Shaba and Kasai that have abundant gold, diamond or copper mines are to a large degree economically independent of Kinshasa (*Jeune Afrique* 6-12 July 1995, 59; Reuters 3 Nov. 1996; *Le Monde* 27 Nov. 1996; see also *Newsday* 28 May 1996, A4). Some regional affairs are reportedly conducted without Kinshasa's knowledge (*L'État du Monde* 1996 1997, 399; *Newsday* 28 May 1996, A4; *The Economist* 16 Nov. 1996, 17). In addition, an informal economy has sprung up in the regions (see sections 3.2, 3.3 and 3.4 below) (Braeckman 1996, 121; Ngefa 23 Jan. 1997). *Jeune Afrique* states that each of the regions has had to [translation] "assume an autonomous existence" (6-12 July 1995, 59). In addition, according to *Newsday*, Kivu has only minimal ties with the capital and is establishing commercial relations with foreign countries such as Uganda, Kenya and Tanzania (28 May 1996; see also *Foreign Report* 17 Oct. 1996).

The Shaba and Kasai regions enjoy virtual economic independence (*Africa Confidential* 29 Nov. 1996, 2; *The Economist* 28 Sept. 1996, 53; see also *EIU Business Africa* 16 Nov. 1996). One source states that [translation] "in reality, Kasai has practically acquired *de facto* autonomy" (Braeckman 1996, 237). The near autonomy of these regions on an economic level is explained by a number of factors: the crisis within the central government institutions (Balencie and de La Grange 1996, 392), the rise of regionalism (*Newsday* 28 May 1996, A4), the sorry state of road and rail networks, which contributes to the isolation of the regions from the capital (ibid.; Braeckman 1996, 123; Balencie et de La Grange 1996, 392), the fact that their trading partners are in neighbouring countries rather than in Kinshasa (*Newsday* 28 May 1996, A4) and the growing informal regional economies (*Foreign Report* 17 Oct. 1996; *Africa Confidential* 19 Jan. 1996, 6; Braeckman 1996, 123; Balencie and de La Grange 1996, 392).

#### **3.1 Factors that Permit Mobutu to Maintain His Authority**

President Mobutu appoints the governors responsible for the administration of the regions (formerly known as provinces); each region is made up of subregions (formerly known as districts) that are in turn divided into zones, and the population elects councillors at the local

level (Mwene Kabyana 26 Nov. 1996; *Political Handbook of the World: 1994-1995* 1995, 998; Ngefa 22 Nov. 1996). Mobutu selects governors from his own political circle, the Popular Movement of the Revolution (Mouvement populaire de la révolution—MPR) and they are loyal to him (Ngefa 22 Nov. 1996; Tougas 19 Nov. 1996; Mbuyu 10 Feb. 1997).

With the resurgence of regionalism among the population, which had lost all confidence in government officials from other regions, governors are now also selected on the [translation] "basis of origin"; that is, a governor must be a native of the region he or she is to govern (Mwene Kabyana 26 Nov. 1996; Kapita 4 Feb. 1997). Governors report to the minister of the interior (for administrative supervision), the president of the republic and the prime minister (Mwene Kabyana 26 Nov. 1996). According to two sources, only the president has real power over them and he alone can dismiss them from their posts (Kalao 8 Jan. 1997; Mbuyu 10 Feb. 1997).

The [translation] "Mobutist" governors—that is, the governors of Upper Zaire, Lower Zaire, Équateur, Maniema, Bandundu and Shaba—are more powerful than the others and have real authority (Ngefa 22 Nov. 1996; Kalao 8 Jan. 1997; *Africa Confidential* 16 Dec. 1994, 1). Other sources note that regional governors only have limited administrative and political powers since the security forces keep a tight rein on them (Tougas 19 Nov. 1996; Mbuyu 10 Feb. 1997; Kalao 8 Jan. 1997).

Other regional administrators such as zonal commissioners are subject to the same constraints; the security forces support the administrators' projects when these correspond to the security forces' own objectives (Mwene Kabyana 26 Nov. 1996; Mbuyu 13 Feb. 1997). In Kivu, for example, when the Uvira zonal commissioner issued a statement on 18 August 1996 insinuating that the Tutsis must be [translation] "got rid of," the FAZ attacked and killed 35 people of Tutsi origin (*New African* Dec. 1996, 13; see also AI Nov. 1996, 19).

In keeping with their ancestral traditions, the ethnic groups choose the successors in a line of kings known as customary chiefs; however, the selections become official only if they are approved by the minister of the interior (Ngefa 22 Nov. 1996; Mbuyu 13 Feb. 1997). Although these customary chiefs have little political power (Mwene Kabyana 26 Nov. 1996; Tougas 7 Feb. 1997; Mbuyu 13 Feb. 1997), they exert considerable moral influence on their subjects and can sway the electorate (Ngefa 22 Nov. 1996; Kalao 21 Jan. 1997; *La Libre Belgique* 6 Dec. 1996). *La Libre Belgique* cites the example of the great moral influence wielded by King Mwant'Yav, the head of the Zairian Association of Customary Chiefs and the Emperor of the Lundas (*ibid.*). Other sources corroborate this information (Kalao 21 Jan. 1997; Mbuyu 13 Feb. 1997). According to one of these sources, this chief, who, like the other customary chiefs, has reportedly received gifts from Mobutu, is apparently so fiercely loyal to Mobutu that his subjects have reproached him for it (*ibid.*).

A customary chief can at the same time be the head of a community (Ngefa 22 Nov. 1996; Mbuyu 13 Feb. 1997). A community head has administrative powers and, as an officer of the judicial police, the power to arrest people; he is also a justice of the peace and acts as an arbitrator-judge who resolves conflicts according to custom; he can also notarize documents governed by the civil code such as marriage certificates and succession papers (Ngefa 22 Nov. 1996; Mbuyu 13 Feb. 1997). He does not have jurisdiction over criminal cases (*ibid.*; Ngefa 22 Nov. 1996). The head of a community thus has no legal right to order people to be detained, but such orders are frequent in practice (Mbuyu 13 Feb. 1997; Ngefa 22 Nov. 1996); in particular,

this is true in the case of Mutombo Mukulu, who is a customary chief and the zonal commissioner in Kaniama, Shaba region (Mbuyu 13 Feb. 1997).

### **3.2 Kasai**

East Kasai and West Kasai are reputed to be the bastion of the Zairian opposition since they have produced the most significant opponents of Mobutu's regime (Kalao 8 Jan. 1997; Kambale 14 Feb. 1997). East Kasai is the homeland of Mobutu's principal adversary, Étienne Tshisekedi, <sup>[11]</sup> and it is also the stronghold of Tshisekedi's UDPS party (Kambale 14 Feb. 1997; Balencie and de La Grange 1996, 406; United Nations 19 Dec. 1994, para. 105). Kasai is divided between two Luba clans: the southern clan, which tends to support Tshisekedi, and a northern clan that includes Ngalula wa Mpandajila, a former Tshisekedi ally who is now a Mobutu loyalist (*Africa Confidential* 19 Jan. 1996, 7). The people of Kasai, noting the fate that befalls opponents of the regime and Mobutu's refusal to take action against the treatment of Kasaians in Shaba, <sup>[12]</sup> have lost confidence in Mobutu and, no longer hoping for anything from him, have started to harness local forces to ensure their economic survival (Braeckman 1996, 236-237; *Newsday* 28 May 1996; Kalao 8 Jan. 1997). This has had the effect of strengthening Kasaians' feelings of solidarity (ibid.; Braeckman 1996, 236; *Newsday* 28 May 1996, A4).

East Kasai is rich in mineral resources, especially diamonds (*EIU Business Africa* 16 Nov. 1996; *Guardian Weekly* 8 Dec. 1996, 13; *Courrier international* 7-13 Nov. 1996, 8; Balencie and de La Grange). Sources state that because of the collapse of Zaire's central government and the Kasai regional government, many decisions in Kasai that would normally fall within the government's purview, such as those dealing with school construction and teacher training, are being made by a diamond company in conjunction with the Roman Catholic Church (*Newsday* 28 May 1996, A4; Braeckman 1996, 236; *Africa Confidential* 29 Nov. 1996, 2). Kasaians have also launched their own airline company, called Wetrafa, and have founded a private university (Braeckman 1996, 236).

Wary of the inflationary repercussions of the new Zaire banknotes (Ngefa 23 Jan. 1997), in late 1993 East Kasai refused to use these new banknotes printed by the central government and chose to keep the old currency and dollars (*Africa Confidential* 19 Jan. 1996, 6; *EIU Business Africa* 16 Nov. 1996; *Foreign Report* 17 Oct. 1996; *Courrier international* 7-13 Nov. 1996, 8; *Africa Confidential* 16 Dec. 1994, 3). According to one source, in the two-year period that followed East Kasai's decision to stay with the old currency, "prices [were] stable in Mbuji-Mayi" (*Africa Confidential* 19 Jan. 1996, 7), East Kasai's capital and the second-largest city in Zaire <sup>[13]</sup> (Braeckman 1996, 236).

Sources indicate that the security forces continue to harass political opponents and human rights activists in Kasai (Ngefa 23 Jan. 1997), although to a lesser degree than in other regions (Kambale 14 Feb. 1997; Mwene Kabyana 14 Feb. 1997). AZADHO's president states that the security forces intervene only when things get out of hand and in cases involving people suspected of supporting the rebellion (Ngefa 17 Feb. 1997). For example, when a banned UDPS demonstration took place in February 1997, many people were arrested; it is not known whether they have been released (ibid.). On 31 January 1997, gendarmes shot at Lodja University students at close range (ibid.).

### **3.3 Shaba (formerly Katanga)**

Shaba abounds in copper, cobalt, manganese and uranium resources (*Guardian Weekly* 8 Dec. 1996, 13; *Courrier international* 7-13 Nov. 1996, 8). Thanks to its mining industry, it is

Zaire's richest region (Kalao 8 Jan. 1997; United Nations 1995, para. 104). Zaire's biggest state-owned corporation, Gécamines, which has accounted for up to 70 per cent of the country's revenues, has its headquarters in Shaba (Kalao 8 Jan. 1997; see also Braeckman 1996, 224).

Shaba has threatened to secede several times in the past<sup>[14]</sup> most recently in 1993, when it was governed by Gabriel Antoine Kyungu wa Kumwanza (*New African* July-Aug. 1995, 32; *Africa Confidential* 29 Nov. 1996, 2; *Political Handbook of the World: 1994-1995* 1995, 997). Kyungu reportedly proclaimed Shaba's autonomy at a December 1993 rally (*Africa South of the Sahara* 1996, 1018). In 1995, Kyungu, with UFERI's support<sup>[15]</sup>, threatened to keep regional taxes in Shaba and proclaim Shaba independent if Kinshasa did not hold elections as scheduled (*New African* July-Aug. 1995, 32). Kyungu was arrested in April 1995 for allegedly hiding weapons in his house (*Keesing's* 1996, R34; *ibid.* Mar. 1996, 40441; *Africa South of Sahara* 1996, 1019; *New African* July-Aug. 1995, 32). He was suspended from his post for three months (*Keesing's* Apr. 1995, 40489; *Africa South of Sahara* 1996, 1031), but has yet to be reinstated (Mbuyu 10 Feb. 1997). The current governor, Mulume Thaddée of the MPR, has become President Mobutu's right-hand man in Shaba (United Nations 29 Jan. 1996, para. 39; Mbuyu 10 Feb. 1997; Mwene Kabyana 14 Feb. 1997). Nevertheless, Kinshasa is still concerned about possible uprisings (*Africa Confidential* 29 Nov. 1996, 2) or secessionist movements in Shaba (*Guardian Weekly* 8 Dec. 1996, 13; *La Libre Belgique* 10 Dec. 1996, 5). Laurent-Désiré Kabila, the leader of the rebels who are waging an armed struggle in eastern Zaire, comes from Shaba (Kalao 8 Jan. 1997; see also *La Libre Belgique* 6 Dec. 1996).

In July 1995, the Zairian army attacked strikers in an effort to end a mining strike in Shaba; four people were reportedly killed (RFI 14 July 1995; Mbuyu 13 Feb. 1997). According to some reports, the Civil Guard and the SNIP arrested, detained, beat and tortured students and workers employed by Gécamines for allegedly organizing a strike in Kambove, a town located about 150 km from Lubumbashi (AI 1996, 332); the detainees were released a week later without being charged (*ibid.*; Mbuyu 13 Feb. 1997).

In its 1996 report, Human Rights Watch noted an increase in the number of violent acts committed against civilians by the army in Shaba in 1995. In many cases, the DSP and the SNIP violated human rights by, among other things, torturing and detaining political activists (HRW 1996, 57). In several incidents reported to have occurred in Shaba in 1995, the security forces attacked UFERI activists; on one of these occasions, the soldiers were reportedly acting on General Mosala's orders (*Country Reports 1995* 1996, 288; AZADHO Jan. 1996, 20).

An editorial in *La Voix du CDH* claims there are two [translation] "dictatorships" in Shaba: the dictatorship of the politicians and that of the military (Jan.-Feb. 1995). The source goes on to state that the latter [translation] "is more savage than the former and totally ignores civilian authority" (*ibid.*). It claims moreover that this dictatorship is [translation] "desired and deliberately supported by Kinshasa" (*ibid.*). In 1996, *La Voix du CDH* noted that the security forces were still involved in arbitrary arrests and detention, torture and threats against the population (*ibid.* Jan.-Feb.-Mar. 1996, 1).

In January 1997, AZADHO reported that the measures of [translation] "repression" taken by the FAZ and security forces in their hunt for suspected rebel sympathizers are a cause of [translation] "bloodshed among the civilian population" (21 Jan. 1997). According to the same source, [translation] "entire families [in Shaba] have been displaced and forced to settle in areas where they will constitute a human shield in the event of a rebel attack" (*ibid.*). AZADHO states

that such incidents have occurred in the communities of Kapanga, Sandoa and Dilolo, which are located in Lualaba district (ibid.). In addition, *Info-Zaire* cites a December 1996 AZADHO communiqué according to which the inhabitants of Ankoro, Laurent-Désiré Kabila's home town, were forced to take refuge in the brush when threatened by the FAZ (31 Jan. 1997c, 9). The inhabitants of Kelelebalanda, a village in Haut-Katanga, also had to take similar measures (ibid.).

According to Jean Mbuyu, eight prominent UFERI members were deported to Kinshasa for saying that Zairians would have no choice but to support the rebels if the Zairian authorities were unable to bring the war to an end (10 Feb. 1997). *Info-Zaire* reports that [translation] "the SARM has arrested four activists belonging to Kyungu wa Kumwanza's UFERI-originelle [original UFERI] branch on charges of having 'secret dealings with the rebels'" (31 Jan. 1997c, 9).

In early February 1997, the Alliance of Democratic Forces for the Liberation of Congo-Zaire (Alliance des forces démocratiques pour la libération du Congo-Zaïre—AFDL) rebel group led by Laurent-Désiré Kabila captured Kalémie, a town in the Shaba region (*Le Monde* 11 Feb. 1997, 2; *Africa News* 4 Feb. 1997).

### **3.4 Kivu** <sup>[16]</sup>

Located at a distance of some 2,000 km from Zaire's capital, the regions of North Kivu and South Kivu have enjoyed a certain degree of autonomy and possess a local economy based on trade with neighbouring Rwanda and Burundi and, through them, other East African countries (*Le Monde diplomatique* Sept. 1994; see also *Newsday* 28 May 1996, A4). In addition, North Kivu has reportedly been managing its own political affairs for some time (*The Economist* 19 Oct. 1996, 46). Kivu is known for its opposition to the Mobutu regime (*The New York Times* 11 Dec. 1996, A14).

After a visit to eastern Zaire in the summer of 1996, the United Nations Special Rapporteur accused the Zairian central authorities of provoking [translation] "racial or national hate" (16 Sept. 1996, para. 64). In January 1996, women of Banyamulenge origin were apparently arrested on the orders of the Uvira zonal commissioner (Héritiers de la Justice 21 June 1996, 2). In April 1996, at the time of the Special Rapporteur's visit, North Kivu's governor, Christophe Molomupenda, reportedly called for Tutsis to be expelled from Zaire (ibid., para. 68). In South Kivu, a Banyamulenge rights organization called MILIMA was banned in August 1996 and the Uvira zonal commissioner issued a warrant for the arrest of MILIMA president Muller Ruhimbika (HRW 1997, 64). Ruhimbika was arrested on 21 November 1996 and released a few days later (UN 29 Jan. 1996, para 89). In October 1996, Prime Minister Kengo reportedly suspended the vice-governor of South Kivu for proclaiming war on the Banyamulenge (*Info-Zaire* 30 Oct. 1996b, 3; Mwene Kabyana 14 Feb. 1997).

Amnesty International has denounced human rights abuses by the FAZ and armed rebels in Kivu (AI 19 Dec. 1996, 2). Sources indicate that humanitarian organization workers are reportedly constantly harassed by the FAZ (*Le Monde* 5 Dec. 1996; HRW 1997, 60; Ngefa 23 Jan. 1997). A report from VSV states that Kambaza Tabaro Sylvestre of the Regional Programme of Development Training and Exchanges (Programme régional de formation et d'échanges pour le développement—PREFED), <sup>[17]</sup> who currently lives in Kinshasa, is wanted by the SARM (VSV 5 Dec. 1996). Collective of Action for the Development of Human Rights (Collective d'action pour les droits de l'homme—CADHOM) workers were arrested in South Kivu in July 1996 after they had alleged corruption in the Kamitunga prosecutor's office (HRW 1997, 64; *Africa News* 10 Dec.

1996; see also Héritiers de la Justice 21 June 1996, 4). They were apparently severely beaten before being released (*ibid.*). Héritiers de la Justice reports being threatened in a letter sent by the Kalongo assistant zonal commissioner, Shweka Kaniki Rubenga, on 19 February 1996 (21 June 1996, 11; AI Nov. 1996, 21). The US-based International Human Rights Law Group notes that Batabiha Bushoki, one of the leaders of a human rights organization in Goma, was arrested and detained by SARM agents in November 1995 for trying to meet with former US president Jimmy Carter, who was visiting the region (*Africa News* Apr. 1996; United Nations 29 Jan. 1996, para. 89; Kambale 14 Feb. 1997). The SARM kept Bushoki in detention despite orders to the contrary from the governor and the Minister of Foreign Affairs (*Africa News* Apr. 1996). He was released only after President Mobutu intervened (*ibid.*).

Since autumn 1996, when war broke out in this part of Zaire, the rebels have captured the greater part of North and South Kivu (AI 29 Nov. 1996). Laurent-Désiré Kabila is endeavouring to install a new government order in the region: he has appointed a governor—Cubaka Anatole Bishikwabo—as well as a number of mayors (*Guardian Weekly* 8 Dec. 1996, 13; *Africa Confidential* 29 Nov. 1996, 2; *Info-Zaire* 26 Nov. 1996c, 4; *Knack* 1-7 Jan. 1997). These new authorities have set up, in North and South Kivu, [translation] "special 'people's' tribunals" that do not respect the rules of fundamental justice and whose judges are not lawyers (AZADHO 21 Jan. 1997, 1; *Info-Zaire* 31 Jan. 1997c, 8; Mwene Kabyana 14 Feb. 1997). AZADHO has issued a communiqué stating that it is [translation] "extremely concerned" by the situation (21 Jan. 1997).

In October 1996, rebel forces launched an attack against Lemera Hospital, killing several patients and nurses (AI 19 Dec. 1996; *La Lettre du Continent* 24 Oct. 1996, 6; see also *Info-Zaire* 30 Oct. 1996a, 2). In a separate incident, rebels killed more than 200 prominent residents of the town of Bukavu (*Les Amis de Nelson Mandela* 28 Nov. 1996, 2).

In addition, according to an oral source, members of the South Kivu Civil Society (*Société civile*) now face the risk of retribution from both the security forces and the rebels. The security forces blame the Civil Society for having defended the Banyamulenge in the early stages of the conflict,<sup>[18]</sup> while the rebels are unhappy that the Civil Society later denounced the rebellion<sup>[19]</sup> (*Tougas* 7 Feb. 1997).

## NOTES

[11] Étienne Tshisekedi was elected prime minister by the National Sovereign Conference in 1992 (United Nations 19 Dec. 1994, para. 105; *Le Monde diplomatique* 1994, n.p.), but he was dismissed from his post in 1993 by a conclave consisting of Mobutu's supporters (United Nations 19 Dec. 1994, para. 42; *Africa South of Sahara* 1996, 1018). [\[back\]](#)

[12] In 1991-1992, on the orders of the governor of Shaba, people of Kasaian origin were expelled from Shaba and sent back to Kasai (United Nations 19 Dec. 1994, para. 107; Braeckman 1996, 225-236). [\[back\]](#)

[13] The rebels captured Mbuji Mayi in early April 1997 (*Libération* 5-6 Apr. 1997, 4). [\[back\]](#)

[14] In the 1960s, there was a separatist movement in Katanga; the movement's leader Tshombé was forced to go into exile (*Africa South of the Sahara* 1996, 1014; see also *Courrier international* 7-13 Nov. 1996). [\[back\]](#)

[15] The Independent Federalist and Republican Union (Union fédéraliste et républicaine indépendante—UFERI) is the political organization that has the greatest influence among the Lundas of Shaba (Balencie and de La Grange 1996, 407). Its leader is Nguza Karl-I-Bond (*ibid.*). In July 1996, the Kengo government banned UFERI from undertaking any political activities in Shaba (*Africa No. 1* 26 July 1996; Mbuyu 10 Feb. 1997). [\[back\]](#)

[16] For detailed information on the human rights situation in North Kivu and South Kivu, please see the November 1996 Amnesty International document *Zaire: Lawlessness and Insecurity in North and South-Kivu* as well as AZADHO's 1997 annual report. [\[back\]](#)

[17] According to VSV, PREFED is a private Swiss NGO that [translation] "operates in Zaire, Rwanda and Burundi with the aim of setting up a regional programme of development training and exchanges" (5 Dec. 1996). [\[back\]](#)

[18] Haki Yetu reports that in the autumn of 1995, members of the Héritiers de la Justice organization sent a letter to the governor of South Kivu and a memorandum to the minister of the interior complaining about the Uvira zonal commissioner's actions against the Banyamulenge (Jan. 1996). [\[back\]](#)

[19] The Civil Society is made up of apolitical people and organizations, merchants and others who defend the interests of the Zairian people (Tougas 7 Feb. 1997). The members of the South Kivu Civil Society appended their names to a press release denouncing the rebellion (Société civile du Sud-Kivu 23-28 Sept. 1996; Société civile du Sud-Kivu and Groupe Jérémie 28 Oct. 1996). [\[back\]](#)

#### 4. RESTRICTIONS ON FREEDOM OF MOVEMENT

Information about restrictions on freedom of movement is scarce. However, available sources indicate that people under surveillance by the security services cannot move about freely and face obstacles if they and their families want to settle elsewhere in the country (Kalao 4 Feb. 1997; Kapita 4 Feb. 1997; Mbuyu 10 Feb. 1997). The numerous checkpoints set up on roads by security forces "acting independently" mean that Zairians' freedom of movement within the country is far from guaranteed (*Country Reports 1996 1997*, section 2d; Kalao 4 Feb. 1997; Kapita 4 Feb. 1997). Sources report that roadblocks are increasingly common throughout the country and that there are checkpoints in the airports and ports as well on the roads (*Country Reports 1996 1997*, section 2d; AZADHO Jan. 1997, 28; Kapita 4 Feb. 1997; AZADHO Jan. 1996, 14-17). The checkpoints are generally manned by FAZ soldiers, who often require travellers to pay a toll (ibid.; Tougas 7 Feb. 1997; Héritiers de la Justice 21 June 1996, 5; *Country Reports 1996 1997*, section 2d). In addition, *Country Reports 1996* states that travel documents are often sold at "exorbitant" prices by "corrupt officials," and that women cannot obtain a passport without their husband's approval (1997, section 2d) [\[20\]](#).

According to two sources, it is as dangerous for political opponents, human rights activists and anti-government journalists to leave their villages and take up residence in the capital as it is for them to move from Kinshasa to the regions (Kalao 4 Feb. 1997; Kapita 4 Feb. 1997). An individual moving to another part of the country will have difficulties in adapting to ethnic and linguistic differences and must contend with the lack of employment opportunities in the regions (Kalao 4 Feb. 1997; Ngefa 23 Jan. 1997). An outsider to a village or a town neighbourhood would be quickly spotted and would run the risk of being reported to the security forces (ibid.).

People who do not have money to give to those who arrest and question them are detained and later released (Mbuyu 10 Feb. 1997; Kalao 21 Jan. 1997). Such individuals are not necessarily in danger if they settle elsewhere, unless they are already on the security forces' wanted list, in which case the security forces have their descriptions and can easily spot them (Mbuyu 10 Feb. 1997). The president of AZADHO reports that his organization knows of one or two such cases (Ngefa 23 Jan. 1997).

#### NOTE

[20] According to *Country Reports 1996*, "all citizens, refugees and permanent residents are nominally required to carry identity cards. However, the Government has not officially issued identity cards since 1987 when it invalidated the old ones, then banned the new ones. Consequently, some citizens carry both cards, while other citizens have none" (1997,

section 2d). [\[back\]](#)

## 5. FURTHER CONSIDERATIONS

The president of AZADHO stated in January 1997 that an increasing number of military personnel considered to pose a threat to the regime were being arrested on charges of [translation] "violating military orders," "slander" or "undermining state security" (Ngefa 23 Jan. 1997; see also VSV 21 Dec. 1996 and AFP 10 Jan. 1997). Apparently wanting to make an example of them, the government reportedly charged about 20 soldiers with weapon theft or desertion (Ngefa 23 Jan. 1997; AFP 22 Jan. 1997). However, no general has been arrested or charged with such infractions (ibid.).

In early February 1997, according to several sources, the minister of defence, General Likulia Bolongo, announced a campaign to recruit youths between the ages of 15 and 18 (Voix du Zaïre 3 Feb. 1997; Reuters 3 Feb. 1997; *Le Monde* 17 Feb. 1997). Military authorities claim that mobilizing these youths will help increase the efficiency of the Zairian army and create a true dissuasive force in this part of Africa (Reuters 3 Feb. 1997; Voix du Zaïre 3 Feb. 1997). *Le Monde* reports however that the [translation] "term [army of dissuasion] did not win people over ... : in the working-class neighbourhoods [of Kisangani], all the young people concerned have got into the habit of sleeping in the brush in order to evade any forced recruitment operations" (17 Feb. 1997). According to AFP, more than 1,000 youths recruited through this campaign left the capital on 22 March to undergo training in Lower Zaire (22 Mar. 1997). Mobutu's government has also hired European and African mercenaries to fight against the rebels (*Le Devoir* 8-9 Feb. 1997a, C12; ibid. 8-9 Feb. 1997b, C12).

The rebels are also reportedly recruiting young teenagers (Reuters 8 Feb. 1997; *Info-Zaïre* 28 Feb. 1997a; *The New York Times* 21 Feb. 1997). Some of these youths say that enrolling was the only chance they had of obtaining adequate food and clothing (*Info-Zaïre* 28 Feb. 1997a). According to *Libération*, hundreds of children in Kalémie were lining up on 17 February 1997 to enrol in the rebel forces (20 Feb. 1997).

The situation in Zaire is changing rapidly. The various parties in the Zairian civil war began peace talks in South Africa in early April 1997. The rebels are in the meantime continuing their advance into various regions and towns in Zaire. The DIRB is monitoring the events in Zaire and will provide up-to-date information on recent developments in the *Indexed Media Review*, Responses to Information Requests and other DIRB documents available in the IRB's Regional Documentation Centres.

## APPENDIX: NOTES ON SELECTED SOURCES

### **Braeckman, Colette:**

Colette Braeckman is a journalist at the Belgian daily *Le Soir*. She specializes in Zaire and the Great Lakes region. She also writes for the monthly *Le Monde diplomatique* and in 1996, her book *Terreur africaine: Burundi, Rwanda, Zaïre: Les racines de la violence* was published by Éditions Fayard.

### **Héritiers de la Justice:**

Héritiers de la Justice is a South Kivu human rights group associated with a Protestant church association (Services des Églises protestantes pour les droits humains et la paix). It has received

threats from the Zairian security forces (*Africa News* Dec. 1996; *Haki Yetu* Jan. 1996) because of its denunciations of human rights abuses (*Africa News* Dec. 1996).

**Info-Zaire (Montréal):**

*Info-Zaire* is published by the Montréal-based Roundtable on Human Rights in Zaire (Table de concertation sur les droits humains au Zaire). It was founded in February 1992 by Denis Tougas, one of its current editors. *Info-Zaire* is published monthly and distributed to about 300 groups and individuals in North America and Europe who are interested in the human rights situation in Zaire.

**Kalao, Mbenga Kalala:**

Mbenga Kalala Kalao is the chief political news editor in Washington for the Zairian newspaper *La Tempête des tropiques*. In 1994, he received the International Freedom of the Press award from the National Press Club in Washington.

**Kambale, Pascal:**

Pascal Kambale is the vice-president of the Zairian Human Rights Association (Association zaïroise de défense des droits de l'homme—AZADHO) in Zaire. He is currently on sabbatical with the International Human Rights Law Group, an NGO based in Washington, D.C.

**Kapita Shabangi, Paul Gabriel:**

Kapita Shabangi, a Zairian who lives in Kinshasa, is a founding member of the UDPS. He has close ties with Tshisekedi and is a member of the College of Founding Members of the UDPS. He is one of the 13 Members of Parliament who left Mobutu's MPR—at that time the sole party—in order to press for "true democracy."

**Mbuyu, Jean:**

Jean Mbuyu is the founder and director of the Lubumbashi Centre for Human Rights and Humanitarian Law (CDH), created in 1993. He is also the editor-in-chief of *La Voix du CDH*. This periodical, published by the Centre, deals with the human rights situation in the Shaba region. Mbuyu, a lawyer and former president (*bâtonnier*) of the Lubumbashi bar association, is currently studying for a master's degree in international human rights law at Notre-Dame University in Indianapolis, Indiana. He most recently visited Zaire in November 1996.

**Mwene Kabyana, Kadari:**

A native of Zaire, Kadari Mwene Kabyana has a master's degree in political science from the Université de Montréal and is working on a doctorate at Laval University in Québec. Since 1994, Mwene Kabyana has helped publish *Info-Zaire*, a monthly bulletin put out by the Montréal-based Roundtable on Human Rights in Zaire (Table de concertation des droits humains au Zaire). He is the UDPS representative in Montréal.

**Ngefa, Guillaume:**

Guillaume Ngefa is the president of the Zairian Human Rights Association (Association zaïroise de défense des droits de l'homme—AZADHO). Founded in 1991, AZADHO belongs to a network of 250 NGOs and has seven regional offices in addition to its Kinshasa headquarters. It publishes a bulletin called *Périodique des droits de l'homme* once every two months, as well as an annual report on human rights in Zaire. Guillaume Ngefa visited the DIRB on 23 January 1997.

**Tougas, Denis:**

Denis Tougas has been the secretary of the Montréal-based Roundtable on Human Rights in Zaire (Table de concertation des droits humains au Zaïre) since September 1990. He is also the founder and editor of *Info-Zaire*, the group's monthly publication. The Roundtable is made up of about 30 individuals and representatives of various organizations (including Amnesty International and Development and Peace) that are interested in Zaire. The group, which meets about once every two months, promotes human rights and democracy in Zaire.

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