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COUNTRY OF ORIGIN INFORMATION REPORT

DEMOCRATIC REPUBLIC OF THE CONGO

27 OCTOBER 2006

RDS-IND
COUNTRY OF ORIGIN INFORMATION SERVICE

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This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

Preface

i 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. The main body of the report includes information available up to 30 September 2006. The latest news section includes information up to 27 October 2006.

ii 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.

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

iv The structure and format of the COI Report reflects the way it is used by 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.

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

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

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been

included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

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

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

x 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.

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ADVISORY PANEL ON COUNTRY INFORMATION

xi 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.

xii 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.

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Latest News

EVENTS IN DEMOCRATIC REPUBLIC OF THE CONGO, FROM 1 OCTOBER 2006 TO 27 OCTOBER 2006

27 October

Nzanga Mobutu was freed from the radio station in Gbadolite by UN troops.
BBC News
http://news,bbc,co.uk/1/hi/world/africa/6088010.stm
Date accessed 28 October 2006

Both candidates in the presidential election promised to abide by the results of the election. Joseph Kabila told the BBC that he would accept the results "without question." While according to IRIN Jean-Pierre Bemba stated "I will accept the decision of the ballot."
BBC News
http://news.bbc.co.uk/1/hi/world/africa/6092492.stm
Date accessed 28 October 2006
IRINnews.org
http://www.irinnews.org/report.asp?ReportID=56089&SelectRegion=Africa&SelectCountry=DRC
Date accessed 28 October 2006

It was reported that despite Peter Karim leader of the Front des nationalistes et intégrationnistes (FNI) being made a colonel in FARDC, militiamen from the FNI were still continuing to tax civilians in Ituri. At least $1,400 is being collected in monthly taxes from markets in Bale, Dhera and Libi according to a local chief. The chief also stated that Karim himself had just contacted him to demand 20 litres of fuel. A spokesman for the commander of FARDC in Ituri said that "by collecting taxes Peter Karim is being irksome."
IRINnews.org
http://www.irinnews.org/report.asp?ReportID=56079&SelectRegion=Great_Lakes&SelectCountry=DRC
Date accessed 28 October 2006

26 October

The television debate that was to have taken place between the two presidential candidates was cancelled as they failed to agree on the terms of the debate. Joseph Kabila wanted separate pre-recorded interviews, while Jean-Pierre Bemba wanted a live face-to-face discussion. According to the country's electoral law the candidates should hold a debate before the second round of voting.
BBC News
http://news.bbc.co.uk/1/hi/world/africa/6086990.stm
Date accessed 26 October 2006

Jean-Pierre Bemba has cancelled a stadium rally due to take place in Kinshasa on Friday 27 October 2006. Bemba claimed that this was because he had received information that the rally would be sabotaged and he wanted to avoid unnecessary bloodshed. One of his campaign spokesmen said that instead smaller rallies would be organised in certain parts of the city, and that there would be neighbourhood political meetings.
VOA news

http://www.voanews.com/english/2006-10-26-voa77.cfm?renderforprint=1
Date accessed 27 October 2006

At least four people were killed in shooting between supporters of Jean-Pierre Bemba and guards of Nzanga Mobutu, a former presidential candidate now supporting Joseph Kabila. The shooting happened in Gbadolite in western Equateur Province. Among those killed were one of Bemba's troops and three policemen. The gunfire erupted when troops loyal to Bemba surrounded the headquarters of Radio Liberty, a radio station owned by Bemba, whilst Mobutu was inside. A spokesman for Bemba's camp claimed that Mobutu's armed forces had occupied the radio station and fired at journalists. Mobutu remained in the station overnight. Violence broke out elsewhere in the country; a supporter of Bemba was stabbed to death in Lodja, central DRC, prompting locals to set fire to houses and two radio stations. In Goma stones were thrown at supporters of Bemba.
Agence France Presse (AFP)
http://www.afp.com/english/news/stories/061026224235.oeue5ank.html
Date accessed 27 October 2006

In Kinshasa a riot broke out at the main prison from which fourteen men had escaped two days previously. Armed police restored order after several hours. According to the police no one was killed and ten people were injured, nine of them lightly. However, according to human rights groups and a source inside the prison five people were killed. The unrest started after relatives were stopped from bringing food to prisoners after the breakout.
Agence France Press (AFP)
http://www.afp.com/english/news/stories/061026224235.oeue5ank.html
Date accessed 27 October 2006
BBC News
http://news.bbc.co.uk/1/hi/world/africa/6088010.stm
Date accessed 27 October 2006

25 October

Five electoral agents were arrested at Bunia's vote counting centre in Ituri District. The public prosecutor at the district's high court said that they had falsified results in provincial elections.
BBC Monitoring via Lexis-Nexis
Date accessed 25 October 2006

Oscar Kashala confirmed his support for Jean-Pierre Bemba in the election, as did Katebe Katoto leader of the Union of Liberal Democrats (ULD).
Radio Okapi via Lexis-Nexis
Date accessed 25 October 2006

The UN mission urged the candidates in the presidential election to denounce violence and promote discipline, and expressed disappointment that neither candidate had made any recent statements to rein in their supporters.
VOA news
http://www.voanews.com/english/2006-10-25-voa33.cfm?rederforprint=1
Date accessed 26 October 2006

Two of the men convicted of killing President Laurent Kabila who escaped from jail on 24 October were recaptured. Human rights activists have cast doubt that the prisoners actually escaped. The

chairman of the Kinshasa-based Association for the Defence of Human Rights (Asadho) stated "we consider it is rather about a disappearance in the prison because this prison is among the most protected in the country." However, according to MONUC prison conditions are harsh in the DRC and escapes are frequent.
IRINnews.org
http://www.irinnews.org/report.asp?ReportID=56059&SelectRegion=Great_Lakes&SelectCountry=DRC
Date accessed 28 October 2006

24 October

Rwandan fishermen from fishing cooperatives in Rusizi District complained that soldiers from FARDC have tortured and robbed them of all their possessions as they fished on Lake Kivu. They said that several times the Rwanda Defense Forces (RDF-marines) had come to their rescue.
allAfrica.com
http://allafrica.com/stories/200610240300.html
Date accessed 25 October 2006

A group of prisoners convicted for their involvement in the assassination of President Laurent Kabila escaped from prison in Kinshasa. It was reported that two were recaptured, and that others crossed the Congo River to Brazzaville. It was also reported that they had escaped by bribing jail officials.
Associated Press via Lexis-Nexis
Date accessed 25 October 2006

23 October

Some 20 military detainees, including some accused of rape, escaped from Mbandaka prison in Equateur Province. Seven of the escapees were recaptured.
Radio Okapi vai Lexis-Nexis
Date accessed 25 october 2005

22 October

HAM has warned broadcasters and newspapers against inciting violence in the run up to the elections. The regulator told Radio Liberte Kin (Ralik), controlled by candidate Jean-Pierre Bemba to stop broadcasting live political programmes where callers are given free rein to voice their opinions, some of which could incite violence. It also criticised weekly Le Soft International, close to President Kabila for again publishing an article which led to the regulators banning the paper in September.
IOL
http://www.int.iol.co.za/index.php?click_id=68&art_id=qw1161499507969B236&set_id=
Date accessed 25 October 2006-10-25

The chief of staff of FARDC requested that all Congolese soldiers, both officers and troops, observed strict neutrality during the elections.
Radio Okapi via Lexis-Nexis
Date accessed 25 October 2006

20 October

Oscar Kashala announced that he would support Jean-Pierre Bemba in the forthcoming presidential run-off.
townonline
http://www2.townonline.com/westborough/localRegional/view.bg?articleid=599351
Date accessed 25 October 2006

The US government warned of possible violence and told family members of US Embassy personnel the government would pay for them to leave.
Sapa-AP via ANC
Date accessed 25 October 2005

The campaign director for Jean-Pierre Bemba was evacuated from his hotel in Lubumbashi by UN troops, after the hotel was surrounded by members of the Union of Nationalists and Federalists of Congo (UNAFEC). UNAFEC is close to Joseph Kabila.
Sapa-AFP via ANC
Date accessed 25 October 2006

19 October

MONUC has condemned the latest round of violence in the election campaign and renewed its call to the political actors to think above all of the interests of the Congolese people.
allAfrica.com via Lexis-Nexis
Date accessed 20 October 2006

It was announced that the European Union military force will augment its number to almost 1,500 at the weekend.
Agence Presse France via Lexis-Nexis
Date accessed 20 October 2006

18 October

It was announced that President Kabila and François Joseph Zanga Mobutu who heads the Union des dèmocrates Mobutistes (UDEMO), had signed an agreement on 17 October according to which UDEMO would play a major role in government should Kabila become president.
IRINnews.org
http://www.irinnews.org/report.asp?ReportID=55992&SelectRegion=Great_Lakes&SelectCountry=DRC
Date accessed 20 October 2006

An outbreak of Hepatitis E has killed 13 in Equateur province and infected 341 others since July 2006
IRINnews.org
http://www.irinnews.org/report.asp?ReportID=55991&SelectRegion=Great_Lakes&SelectCountry=DRC
Date accessed 20 October 2006

With no special arrangements between DRC and Rwanda, a Congolese rebel Colonel Rene Manda and three Congolese nationals will soon stand trial in Rwanda. Manda is alleged to have entered Rwanda on documents he obtained from the Congolese Embassy in Uganda. Manda, a member of the MRC, claimed he was arrested at the border on his way to Goma where he said he was going to mobilise support for his rebel group.
allAfrica.com
http://allafrica.com/stories/printable/200610180129.html
Date accessed 20 October 2006

17 October

Three former employees of the Australian-listed Anvil Mining group are facing prosecution over a massacre in the town of Kilwa in October 2004, following the recommendation by a Congolese military judge last week. They are accused of having knowingly facilitated war crimes by Colonel Ademar Ilunga and his 62nd Brigade of the

Congolese Armed Forces. Australian federal police launched an investigation last September into whether Anvil committed any offences under Australian law.
The Age. Judge urges prosecution over Congo massacre
http://www.theage.com.au/news/national/judge-urges-prosecution-over-congo-massacre/2006/10/16/1160850874087.html
Date accessed 17 October 2006
http://today.reuters.com/News/CrisesArticle.aspx?storyId=L16676754
Date accessed 20 October 2006

It was reported that since the official start of the campaign on 14 October acts of political intolerance had increased countrywide. Campaigners burnt effigies and stoned cars in Mbuji Mayi and eastern and western Kasai Province, as well as other places. Different media outlets in support of the candidates had also urged violence, which the president of HAM said could not be allowed to continue.
IRINnews.org
http://www.irinnews.org/report.asp?ReportID=55981&SelectRegion=Great_Lakes&SelectCountry=DRC
Date accesssed 20 October 2006

A high ranking UN official guaranteed that international troops would be able to secure Kinshasa in case of violence during the second round of voting.
News24.com
http://www.news24.com/News24/Africa/News/0,,2-11-1447_2015298,00.html
Date accessed 20 October 2006

A report issued by Refugees International expressed concern for the security of civilians and called for an end to violence and the rehabilitation of the armed forces.
afrol News
http://www.afrol.com/articles/21996
Date accessed 20 October 2006

16 October

Amnesty International reported that after visits to compounds in Bunia the sources of weapons found in rebel hands included ammunition from the United States and Greece, rifles from South Africa, and small arms from Serbia, China and Russia. It also stated that Serbian anti-personnel mines and mortar shells had been found in the possession of armed groups in Bukavu in 2004, and that bullets manufactured in Serbia were used in the Gatumba massacre in Burundi.
Amnesty International. Media Briefing: Bullets from Greece, China, Russia and United States found in rebel hands in Democratic Republic of Congo
http://www.amnestyusa.org/news/document.do?id=ENGPOL300502006
Date accessed 16 October 2006

A news release from Human Rights Watch called for the Congolese armed forces to immediately end their practice of abducting civilians and using them for forced labour in Ituri district. The Congolese army claim that local militia groups were responsible for the abductions, which is countered by eye witness and human rights monitors. The release goes on to give detailed examples.
Human Rights Watch (HRW). DR Congo: Army abducts civilians for forced labour
http://www.hrw.org/english/docs/2006/10/13/congo14387.htm

Date accessed 16 October 2006

Tanzania, Burundi and the DRC have signed an agreement on jointly improving the transportation infrastructure surrounding Lake Tanganika. Joint efforts will be focused on improving the ports, the roads surrounding the lake, and the airports near the lake. A Tanzanian minister was quoted as saying the works could begin as early as December 2006.
People's Daily Online. Tanzania, Congo, Burundi to improve lakeside infrastructure
Date accessed 16 October 2006

At least three people were hurt when rival supporters of Kabila and Bemba clashed in the central town of Lodjo in Orientale province. The campaign director for Bemba, Joseph Olenghankoy was holding a rally at the Lodjo stadium. According to the province governor while the meeting was under-way pro-Kabila activists turned up and people began hurling stones.
Turkish Press.com. Further clashes in DR Congo presidential campaign
http://www.turkishpress.com/news.asp?id=146900

15 October

In order to defuse the row over the replacement of the helicopter belonging to Jean-Pierre Bemba that was destroyed in the events immediately after the declaration of the first round results, the UN has agreed to supply both candidates with helicopters for the duration of the campaign.
Reuters AlertNet. UN calls for calm as Congo vote campaign kicks off
http://mobile.alert.org/thenews/newsdesk/L15446601.htm
Date accessed 16 October 2006

The Peoples' Party for Reconstruction and Development (PPRD) claimed that some candidates in the provincial elections in North Kivu were using the party name to campaign without the party's permission. Among them was an unnamed candidate in Nyiragongo, registered on the electoral lists as an MLC candidate but using the PPRD name. When questioned he claimed that he had to step down form the MLC in August, and was now an independent candidate campaigning for Kabila. The Independent Electoral Commission reaffirmed that no candidate could use the logo or name of another party in the electoral campaign.
BBC Monitoring. DRCongo Kabila's Party says Opposing Candidates using its name in campaign (via Lexis-Nexis)
Date accessed 16 October 2006

Several incidents were reported in connection with the election. In Mbandaka town in Equateur Province it was reported that there were calls for ethnic hatred and clashes between supporters of the PPRD and the MLC. According to the reports the clashes occurred when supporters of Kabila's PPRD attempted to tear down an effigy of Bemba which was hanging in front of MLC headquarters. One PPRD supporter was reportedly injured. Two television channels in Kinshasa reported an attack by a group of unknown assailants against supporters of Antoine Gizenga who came third in the first round presidential elections.
Agence France Presse. Trouble reported as DRCongo presidential runoff campaign begins
Date accessed 16 October 2006
BBC Monitoring. Presidential Candidates' Supporters Clash in Northwestern DR Congo (via Lexis-Nexis)
Date accessed 16 October 2006

Private radio and television stations in Katanga ceased broadcasting on 14 October and were observing "days without media" to protest against a decision by HAM to suspend all commercials on the local stations for 30 days, on the grounds of non-respect of norms. Officals of the stations claim that the move is to bar the stations from sensitising the population to participate massively in the upcoming elections.

BBC Monitoring. Private media in central DR Congo protest ban on commercials (via Lexis-Nexis)
Date accessed 16 October 2006

A measels epidemic was reported in South Kivu, 300k from Bukavu. It was reported that the previous week seven people had died from the disease, whilst 69 cases had been reported.

BBC Monitoring. Measles epidemic reported in eastern Congo (via Lexis-Nexis)
Date accessed 16 October 2006

13 October

An outbreak of plague was confirmed in the DRC by the WHO with 42 deaths reported among 626 suspected cases over the past ten weeks, but the UN health agency said the number of suspected cases may be an overestimation.

Reuters. Plague confirmed in Congo, 42 reported dead: WHO
http://today.reuters.com/news/articlenews.aspx?type=worldNews&storyID=2006-10-13
Date accessed 15 October 2006

HAM condemned the media for fuelling tensions in the run-up to the elections. They particularly blamed private television stations financed by the two candidates as the main vendors of vitriol, claiming that the stations are calling for "tribal hatred" and championing a xenophobic concept of Congolese citizenship.

AFP. Media Excesses Feed Tensions Ahead of DR Congo vote.
Via ANC
Date accessed 13 October 2006

The start of the campaign for the presidential run-off has begun and will run until 27 October 2006. The campaign started with large numbers of billboards in Kinshasa (mainly for Bemba) and in Lbumbashi, a Kabila stronghold; vehicles equipped with loud hailers drummed up support for Kabila.

News 24. DRC campaigning under way
http://www.news24.com/News24v2/Components/Generic/News24v2_Print_PopUp_Ar
allAfrica.com. Kabila Secures Key Allies to Ensure Victory in Run-Off
http://allafrica.com/stories/printable/200610150118.html
Date accessed 16 October 2006

12 October

The ongoing detention of 130 people including women and children was raised by the human rights division of MONUC. They were amongst 800 people arrested on 21 September after clashes between youths protesting at the fire of a building housing TV stations owned by Jean-Pierre Bember, and Kinshasa police.

News24. DRC detains inmates illegally. The raw story. 130 still held without charge three weeks after DRC violence
http://www.news24.com/News24v2/Components/Generic/News24v2_Print_PopUp_Ar
http://rawstory.com/news/2006/130_still_held_without_charge_three_10122006.html
Date accessed 13 October 2006

It was announced that the two candidates in the presidential election run-off, Joseph Kabila and Jean-Pierre Bember are to hold a televised debate in the run-up to the second round on 29 October 2006.
BBC Monitoring. DRCongo: Opposition camp "ready" for televised debate - spokesman
Via Lexis-Nexis
Date accessed 13 October 2006

Armed men invaded a satellite relay station and destroyed the transmitter for a television station belonging to Jean-Pierre Bember. The MLC has termed the incident an act of provocation.
BBC Monitoring. DRCongo Armed Men Destroy Vice-President's TV Station Transmitter
Via Lexis-Nexis
Date accessed 13 October 2006

11 October

Amnesty International published its report DRC: 'Children at war, creating hope for the future'.
Amnesty International
http://web.amnesty.org/library/print/ENGAFR620172006
Date accessed 11 October 2006

Two militia commanders have been appointed colonels in the DRC army in a bid by the Government to pacify the north-eastern district of Ituri. They are Peter Karim leader of the Front des nationalistes et intégrationistes (FNI), and Martin Ngudjolo, head of the Mouvement des révolutionnaires Congolais. Another eight fighters from these groups were also commissioned into the regular army.
IRINnews.org. DRC: Two militia leaders appointed army colonels
http://www.irinnews.org/print.asp?ReportID=55907
Date accessed 12 October 2006

It was announced on state-owned television that President Kabila had carried out a Cabinet reshuffle, replacing some civilians and provincial governors with military officers. Army General Denis Kalume and Admiral Liwanga Numbi were named as Interior Minister and governor of Kinshasa respectively. Kalume replaced Theophile Mbemba and Numbi replaces Mazunga Kimbembe. The moves were condemned by the opposition and the NGO la Voix des Sans Voix (Voice of the Voiceless).
IRIN news.org. DRC: Cabinet reshuffles an attempt to entrench Kabila's power, critics say
Date accessed 15 October 2006

10 October

The first UNHCR convoy repatriating Congolese refugees from Burundi took 300 refugees back to the Rusizi Plains, South Kivu province.
Reuters AlertNet. UNHCR starts the fifth repatriation operation for Congolese refugees
http://mobile.alertnet.org/thenews/newsdesk/UNHCR/15d90cfb4977738285f271f21472
Date accessed 10 October 2006

9 October

The Congolese army FARDC attacked a Lords Resistance Army (LRA) camp in Ituri killing four rebels. FARDC occupied Rusu and Katanga areas where the LRA had moved to force the LRA northwards towards Wacha zone.
The New Vision. Congo army raids LRA hideout
http://www.newvision.co.org/PA/8/13/525800
Date accessed 10 October 2006

8 October

The High Media Authority (HAM) has banned the Rev Theodore Ngoy and Ambassador Theodore Mugalu from going on air for seven days. HAM accused the two men of making defamatory remarks demonising political opponents.
BBC Monitoring. DRCongo: Media authority bans politicians from broadcasting
ViaLexis-Nexis
Date accessed 9 October 2006

Two people, including a policeman were killed during violent clashes between protesting students and security forces in Buta, 300km north of Kisangani, capital of Orientale province.
IOL. DRC rally ends in violence
http://www.int.iol.co.za/general/news/newsprint.php?art_id=qw116042760261B236&sf=
Date accessed 10 October 2006

7 October

Congolese government forces killed 12 militiamen in new attacks in Ituri. The clashes took place at Mont Awi 40km south of Bunia. The army and the UN said that the fighters belonged to the FRPI led by Cobra Matata.
Reuters. Congo army says killed 12 militiamen in new attacks
http://today.reuters.com/News/CrisesArticle.aspx?storyId=L0764084
Date accessed 8 October 2006

5 October

6,300 IDPs assisted with return to villages in the Sampwe area of Katanga province.
Reuters Alertnet. UNHCR provides return assistance to 6,300 Congolese IDPs in the south
http://mobile.alertnet.org/thenews/newsdesk/UNHCR/f5439211ac15ab3ccc9420bedb7a
Date accessed 6 October 2006

Britain has said it would withdraw non-essential embassy staff and families in DRC as a precaution against possible violence during the presidential run-off vote this month.
Reuters UK. Britain to trim Congo embassy staff for polls
http://today.reuters.co.uk/news/CrisesArticle.aspx?storyId=L06878706&WTmodLoc=W
Date accessed 6 October 2006

4 October

Four supporters of Laurent Nkunda arrested in Bunia for recruiting young demobilised combatants and others.
BBC Monitoring. DRCongo Four supporters of Dissident General Arrested in Northeast
Via Lexis-Nexis
Date accessed 5 October 2006

Provincial parliamentary candidates for Mbuji Mayi (chief town of Kasai Oriental province) have been prevented from campaigning in the eastern part of the town by threats from youths. According to the mayor the UDPS is behind the threats.
BBC Monitoring. DRCongo: Southern town divided into two camps over polls campaign
Via Lexis-Nexis
Date accessed 5 October 2006

3 October

Congolese police, with UN and European Union security forces have begun special joint patrols aimed at forcing a weapons ban in Kinshasa during the election period.
allAfrica.com. Joint Patrols to Enforce Arms Ban in Kinshasa
http://allafrica.com/stories/printable/200610030411.html
Date accessed 4 October 2006

Pneumonic plague has since 16 August claimed 29 lives and infected 500 people in the Pawa and Wemba areas of Isiro District in northeastern DRC.
IRINnews.org. Plague Kills 29 in Oriental Province, Infects 500, WHO Says
http://www.irinnews.org/print.asp?ReportID=55811l
Date accessed 5 October 2006

1 October

Fourteen people were killed in fighting between rebels of the FRPI militia and government forces in Ituri.
BBC News. Deaths in eastern DR Congo attack
http://news.bbc.co.uk/1/hi/world/africa/5400642.stm
Date accessed 3 October 2006

The German Defence Minister rejects demands for an extension of the German-led European Union military mission to the DRC saying he was keeping to an end of November deadline.
The raw story. Jung says no extension planned for EU's Congo operation
http://rawstory.com/news/2006/Jung_says_no_extension_planned_for_10022006.html
Date accessed 3 October 2006

REPORTS ON DEMOCRATIC REPUBLIC OF THE CONGO PUBLISHED OR ACCESSED SINCE 1 OCTOBER 2006.

AMNESTY INTERNATIONAL – DRC: Children at war, creating hope for the future
11/10/06

INTERNATIONAL CRISIS GROUP – Securing Congo's Elections: Lessons from the Kinshasa Showdown
2/10/06

REFUGEES INTERNATIONAL – Seizing This Moment of Hope
17/10/06

HUMAN RIGHTS WATCH – A New Era for Congo
5/10/06

CIA – THE WORLD FACTBOOK – Congo, Democratic Republic of the
17/10/06

Background Information

GEOGRAPHY

1.01 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 climate is tropical, with an average temperature of 27°C (80°F) and an annual rainfall of 150cm—200cm (59ins—97ins). **[1a]** The capital is Kinshasa, and other major towns are Lubumbashi, Mbuji-Mayi, Kolwezi, Kisangani, Kananga, Likasi, Boma, Bukavu, Kikwit, Matadi and Mbandaka. **[1b]**

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

1.03 Europa World online also stated that French is the official language, and more than 400 Sudanese and Bantu dialects are spoken. **[1a]** The Country Profile of 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] [3g] (People)** The CIA World Factbook estimated the population at 60,085,804 in July 2005. **[13]**

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

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

[Forward to Maps]

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

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

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MAP

1.05

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

1.06

Map No. 4061 UNITED NATIONS
June 1998

Department of Public Information
Cartographic Section

ECONOMY

2.01 The Country Profile of 26 June 2006 by the Foreign and Commonwealth Office (FCO) stated:

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

The FCO Profile also noted that in June 2005 the exchange rate was Franc Congolais 449 = $1. **[22g] (Economy)** The United Nations Industrial Development Organisation gives the UN exchange rate from July 2006 as 1$US = 431 Franc Congolais). **[79]**

2.02 In December 2005 the World Bank approved a $125 million grant to help the DRC rebuild its agricultural production and enhance food security. **[18 bv]**

2.03 In March 2006 the World Bank announced that it was to provide DRC with a debt relief package worth $2.9bn (£1.66bn), in order to reduce the country's overall debt of $9.2bn. **[15Aa]**

2.04 The Economist Intelligence Unit (EIU) Country Report of June 2006 noted that "the poverty reduction and growth facility (PRGF) with the IMF has been allowed to lapse without being completed. The next arrangement with the IMF will have to be a one-year unfunded staff-monitored programme. As a result the government will lose significant budget support." **[30c]**

2.05 The EIU report of September 2006 states that "the government has begun a staff-monitored programme with the IMF in preparation for a new poverty reduction and growth facility (PRGF) which it hopes to begin in early 2007." **[30d]**

2.06 The EIU September report also states:

"Despite all the problems with governance and public expenditure, the economic policy outlook still favours growth-international investors intent on raising output who are active in a variety of sectors, especially mining - and the authorities will remain broadly committed to promoting macroeconomic stability, which will continue to be supported by donor assistance."
…"Corporate taxes and investment codes have been revised to liberalise the domestic business environment and attract foreign investment, and an increasing number of foreign investors are coming in." **[30d]**

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

2.08 The US Department of State's Background Note on the DRC of March 2006, stated:

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

2.09 The USSD Background Note also reported that:

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

2.10 The Background Note went on to say:

"In the past year, the Congolese Government has approved a new investment code and a new mining code and has designed a new commercial court. The goal of these initiatives is to attract investment by promising fair and transparent treatment to private business. The World Bank also is supporting efforts to restructure the D.R.C.'s large parastatal sector, including Gecamines, and to rehabilitate the D.R.C.'s neglected infrastructure, including the Inga Dam hydroelectric system." **[3g]**

2.11 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 also noted that: "Corruption was still endemic at all levels. Many civil servants, police, and soldiers have not been paid in years, have received irregular salaries, or did not earn enough to support their families, all of which encouraged petty corruption." **[3h] (Section 3)**

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HISTORY

HISTORY TO 1997

3.01 The Country Profile of 26 June 2006 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)**

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THE LAURENT KABILA REGIME 1997

3.02 The US State Department (USSD) Country Background Note of March 2006 recorded that:

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

3.03 The same source continued:

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

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

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

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THE JOSEPH KABILA REGIME 2001

3.04 The Foreign and Commonwealth Office (FCO) Country profile of 26 June 2006 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 6.01 on Political system; Section 6.05 on Government; Section 11.01 on Military service; Section 12.09 on Disarmament of foreign armed groups Section 17.01 on Political affiliation; Section 37 on Assassination of President Laurent Kabila;

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EVENTS OF 2005

3.05 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 6.05 on Government

3.06 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. The article also noted that the stone-throwing demonstrators blocked the city's main streets while police fired shots in the air to disperse the crowds. **[18aa]**

3.07 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]**

3.08 On the following Friday, 14 January 2005, BBC News reported that a general strike took place in Kinshasa in response to Monday's violence. 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]**

3.09 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]**

3.10 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. 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]**

3.11 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]**

3.12 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]**

3.13 According to an IRIN news report dated 18 November 2005, some 1,000 people who had fled their homes to live in the Democratic Republic of Congo's capital, Kinshasa, for six to nine years returned in October to their villages in the provinces of Equateur in the north-west of the country and Orientale in the north-east. **(18bo)**

3.14 The referendum on a new constitution held in December 2005 was approved by a large majority. **[18bq]**

See also separate headings for further information on 2005 History, including:

Section 5.01 on The Constitution;
Section 6.01 on Political System;
Section 6.05 on Government;
Section 7 on Human Rights Issues;
Section 8.01 on The general security situation
Section 8.14 on Security Situation – Eastern DRC;
Section 8.17. on Ituri;
Section 8.95 on Bukavu;
Section 8.106 on Katanga – possible secession attempt
Section 11.01 on Military Service
Section 22.01 on Human Rights Issues – Ethnic Groups

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

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RECENT DEVELOPMENTS

4.01 **January**

Fighting continued in eastern DRC. Rebels attacked and temporarily occupied several locations around Rutshuru in North Kivu. In a clash with Ugandan rebels in the east of the DRC eight Guatamalan peacekeepers of MONUC were killed. The human rights situation showed few signs of significant improvement with abuses continuing to take place, particularly in the east of the country. The bulk of the abuse was carried out by the military, other security forces, and armed rebels. The DRC government presented a report in Geneva on its compliance with the international convention on torture. Whilst the content of the report was thought to be economical with the truth, this was the first attempt at a demonstration of any kind of accountability vis-a-vis international human rights instruments. In Katanga the election campaign was reported to be causing friction between Katangans and immigrants from Kaisi province. The UDPS announced that they would take part in the elections. **[22o] [56ab]**

4.02 **February**

The ballot for the new constitution was approved by the Supreme Court and promulgated by the president, and a new flag adopted. As a result of the new constitution coming into force, the State Security Court was abolished. President Kabila was adopted as the candidate for the PRDP for the presidential election. A riot occurred at the penitentiary in Osio. Aid reached 6,000 people who had been displaced by fighting in Tcheyi, whilst fighting in Burhyni displaced a further 15,000. It was announced by the Independent Electoral Commission that 300 parties had registered for the elections. In a FARDC training camp six soldiers died of malnutrition. **[15bj] [56Ab]**

4.03 **March**

The electoral law that set the dates for different ballots was promulgated. Warlord Thomas Lubanga became the first war crimes suspect to face charges at the International Criminal Court in The Hague. Registration offices for the presidential and legislative elections opened. A demonstration on 10 March by the UDPS protesting that their election demands had not been met was broken up by armed riot police. A further demonstration took place on the 22 March. The leader of the armed group Mudundu 40 was sentenced to five years imprisonment for crimes including the illegal detention of children. A mutiny by FARDC troops in Ituri led to the operations around Tcheyi being halted. The Force Navale together with the police committed mass rape in three areas of the Lifumba Waka groupement. The home of a CEI official in Butembo was attacked as was the office of the national state broadcasting company, RTNC, by men in military uniform. **[15bj] [18ds]**

4.04 **April**

The Force Navale based in Sabe committed serious human rights violations including extrajudicial executions and forced 'disappearances'. There were also a number of incidents relating to the elections. Two policemen allegedly

broke into the radio station 'Radio Mongala' in Bumba and confiscated all the equipment. A political activist was arrested by troops and taken to an unknown location. A presidential candidate and eighteen of his supporters were arrested in Kinshasa. The politician was released three days later but seven of his supporters continued to be detained. Three members of MLC were arrested by the ANR in Bukavu for election-related activity, whilst a local official of RCD/Goma was assaulted by members of the Republican Guard. For the first time in the country's history seven soldiers were convicted of crimes against humanity. The FARDC were allegedly responsible for the majority of human rights violations during this period, although the PNC, armed groups and other security forces were also implicated. The CEI announced the election date as being 30 July 2006, and approved an electoral list for the presidential and legislative elections. The Cour d'Orde Militaire (Military Order Courts) were abolished. Olivier Kamitatu, the President of the National Assembly, resigned. **[56ac]**

4.05 **May**

The leader of one of the Mai-Mai groups, Gedeon, was arrested in Katanga after surrendering along with several commanders and 750 followers. A further 200 Mayi-Mayi surrendered at Lubumbashi. Pastor Kuthino, who had recently returned to the country, was arrested. Politically motivated human rights violations increased with mass arrests taking place in Kinshasa, and freedom of expression was under threat in several provinces. FARDC continued to commit serious human rights violations, including arbitrary executions. There were incidents of sexual violence committed by them in South Kivu, Ituri, and Kasai Occidental. PNC were accused of serious human rights violations including death in detention. Armed Rwandan Hutu groups continued to attack villages in the Kivus. Three television channels had political programmes suspended by the CEI. Ten Opposition leaders were put under house arrest and released the next day. Thirty-two foreigners providing security and advice to presidential candidate Oscar Kashala were arrested and accused of being mercenaries and were deported. The operations in Ituri, suspended after the rebellion in March, were resumed. Battles were reported between the 9th integrated brigade and the unintegrated 83rd brigade. Journalists were harassed and threatened; the most striking example was that of a Radio France Internationale journalist being refused accreditation and effectively expelled from the country, having suggested earlier in the year that members of the PPRD were racist. **[56w]**

4.06 **June**

There was a rash of abuses of freedom of expression and assembly. There were several incidents of journalists being harassed, attacked or detained. NGO activists critical of the government were intimidated, and there were PPRD-led government efforts to prevent opposition groups from gathering or demonstrating. Other incidents included the jailing of a journalist in Tshikapa for 'defamation', and the deportation of a Rwandan journalist trying to cover the President's visit to Goma. Despite the arrest and detention of the Mayi-Mayi leader, Gedeon, the Mayi-Mayi continued to burn villages as well as killing, maiming and abducting civilians. Of the seven soldiers convicted in May, six had their appeals turned down and one was acquitted. A further 30 soldiers were found guilty of crimes against humanity in relation to the '"mutiny' in Mbandaka in July 2005. MONUC reported the usual abuses carried out by FARDC and other members of the security forces. The trial of

Pastor Kuthino was concluded, with all defendants found guilty and sentenced. **[22p] [56x]**

4.07 **July**

Respect for civil and political rights in the DRC drastically decreased as the 30 July election approached. UDPS and RCD members were targeted for human rights violations because of their political affiliations. PNC, backed by GR officers, used excessive force to repress political demonstrations; opposition members continued to be targeted; there were cases of human rights violations by FARDC. FDLR and armed Rwandan Hutu units continued to be registered throughout the country on Election Day. During July, MONUC recorded an upsurge in arbitrary executions of civilians across eastern DRC. An independent journalist was killed, a crime which sparked a "journee sans medias" in Kinshasa with many newspapers, radio stations and TV channels ceasing activity for 24 hours. Journalists also faced harassment with threats made to journalists from Radio Okapi in Gemena and Lubumbashi by MLC and UNAFEC party personnel respectively. Members of political parties not receiving local backing from officials also faced unnecessary difficulty in organising meetings or other campaigning. **[22q] [56y]**

4.08 **August**

The main event in August was the publication of the election results and the aftermath. In Kinshasa three days of fighting followed the announcement of the presidential elections' provisional results, which led to 23 people being killed and 43 others injured; in connection with these events, eighty-four fishermen were illegally arrested and subjected to ill-treatment and torture by the GR. New cases of human rights violations perpetrated by FARDC, GR, and ANR officers; mass rape committed by the PNC agents in Equateur highlight the climate of impunity in which security forces continued to operate. Human rights violations committed by FDLR militiamen continued to be reported. In Ituri a military tribunal sentenced a Union des Patriotes Congolais (UPC) militia leader to prison terms ranging from 10 to 20 years for war crimes. Between 17 and 29 August a Mobile Military Court sentenced 11 soldiers found guilty of murder, rape, extortion, armed robbery, and other crimes. Journalists from both camps in the election claimed to have received threats in relation to their reporting of events which took place from 20-22 August. Freedom of expression was compromised by the arbitary closure of several pro Bemba media channels without orders from HAM by pro Kabila forces. **[22q] [56z]**

4.09 **September**

More than 800 street dwellers were arrested by the PNC in Kinshasa, whilst police regularly committed armed robberies in Mbuji Mayi. New cases of human rights violations committed by the security forces, including the Republican Guard, were reported throughout the DRC. Approximately 40 houses were burnt and three civilians arrested by FARDC in Mbandaka, while a FARDC sergeant was sentenced for rape and attempted murder. The LRA was active in Ituri and Rwandan Hutus in South Kivu. Reports of theft of voters' cards were becoming more common. Both Kabila and Bemba's people say that these incidents in various parts of the country have been designed to stop their voters from exercising their democratic rights. There were also incidents of demonstrations in Kinshasa and elsewhere, notably Kananga, being dispersed with unnecessary force. In Kananga, ten civilians were

arbitrarily detained having been tear-gassed during a peaceful march. They were held without questioning before being released the next day. Freedom of speech was better respected than in August, when many media stations were prevented from operating by pro-Kabila forces. However, many journalists still reported being threatened by political and military groups from both sides. **[22p] [56Aa]**

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CONSTITUTION

5.01 The Country Background Note of January 2006 by the US State Department (USSD) stated: "A new constitution was passed by the transitional parliament on May 2005. The D.R.C held a constitutional referendum on December 18-19 2005. Final results will be published at the end of January 2006." **[3h] (Government)** The text of the proposed Constitution approved in May 2005, and the current transitional constitution of June 2003 were published by the Institute for Security Studies. **[27a] [27d]**

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

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

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

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

See also Section 22.06 on Ethnic issues

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

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

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

See also Section 6.14 Elections

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POLITICAL SYSTEM

6.01 The US Department of State's Country Background Note of January 2006 stated that the country is currently a "highly centralized [republic] with executive power vested in the president". **[3h] (Government)**

See also Section 5 on The Constitution

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

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

6.04 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]**

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GOVERNMENT

6.05 Europa World online 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] (p16)**

6.06 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] (p18-19)**

See also Section 8.101 on Gatumba massacre August 2004

6.07 Europa World online noted that: "In late 2004 Kabila suspended from office six cabinet ministers and 12 senior managers of state enterprises, who were accused of extensive financial malpractice." **[1c] (p19)**

6.08 The BBC article dated 26 November 2004 about the suspension of the six ministers stated that:

"President Joseph Kabila has suspended six ministers from DR Congo's interim government after they were accused of embezzling millions of dollars. Mr Kabila's move came after a parliamentary inquiry accused the ministers and at least 10 heads of state-run firms of corruption. The suspended ministers include former rebels, former opposition leaders and members of Mr Kabila's own party…. The ministers for mines, energy, trade, public construction, higher education and transport are among those suspended on Mr Kabila's orders…. Most workers in DR Congo, which is trying to emerge from years of conflict and misrule, earn about $50 a month, if they are paid at all." **(15t)**

6.09 According to a report from the UN-sponsored Radio Okapi:

"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]**

6.10 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]**

6.11 A further BBC report 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]**

6.12 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]**

6.13 The EIU Country Report of September 2006 on the DRC gives the following as key ministers;

President & head of the executive	Joseph Kabila
Vice-presidents	Jean-Pierre Bemba (MLC)
	Abdoulaye Yerodia Ndombasi (Gov)
	Arthur Z.Ahidi Ngoma (PO)
	Azarias Ruberwa (RCD)
Agriculture	Constant Ndom (MLC)
Budget	François Mwamba (MLC)
Civil service	Athenase Matenda Kyelu (CS)
Defence	Adolphe Onusumba (RCD)
Economy	Pierre Manoka (RCD)
Energy	Salomon Banamuhere (Gov)
Environment	Anselme Enerunga (Mai Mai)
Finance	Marco Banguli (Gov)
Foreign affairs & international co-operation	Raymond Ramazani Baya (MLC)
Foreign trade	Chantal Ngalula Mulumba (RCD-N)
Health	Emile Bongeli ye Ikolo (Gov)
Higher education	Théo Baruti (RCD)
Human rights	Marie Kalala (CS)
Industry	Mukendi Tshungula (Gov)
Interior, decentralisation & security	Théophile Mbemba (Gov)
Justice	Kisimba Ngoy (PO)
Mines	Ingele Ifoto (PO)
Primary & secondary education	Paul Musafiri (MLC)
Public works & infrastructure	José Makila (MLC)
Regional co-operation	Mbusa Nyamwisi (RCD-ML)
Transport & communications	Eva Mwakasa (PO)
Central Bank Governor	Jean Claude Masangu

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ELECTIONS

6.14 The US Department of State's Country Background Note of January 2006 stated that: "This transitional government is slated to remain in place until local, legislative and presidential elections – the first since 1960 – have been held in 2005 and 2006." **[3g] (History)** The US Department of State's Human Rights Report 2004 added: "The Transitional Constitution calls for elections to be held by June 30, 2005. This period may be extended for two additional 6-month periods, with the approval of Parliament." **[3f] (p18) (Section 3)**

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

6.16 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. The report also described the status of preparations for holding elections, which involves the establishment of 64 liaison offices, detailed planning for registration of 28 million voters, and up to 40,000 polling stations. **[54f] (p2-3)** A further UNSG report on 2 August 2005 stated that the first weeks of the six-month extension of the transition had been generally peaceful, and that concerns that there would be an escalation of violence between demonstrators and security forces around 30 June did not materialise. **[54g] (p1,2)**

6.17 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 – Parti du peuple pour la reconstruction et la dèmocratie (PPRD), Rassemblement congolais pour la dèmocratie–Gorma (RCD-Gorma) and Mouvment pour la liberation du Congo (MLC) – as well as the Union pour la dèmocratie et le progrès social (UDPS) **[54f] (p4)** Coordination of international technical and political support was being given by the UN force, MONUC. **[54f] (p6-13)**

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

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

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

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

6.21 The method of registering voters was criticised in its report Congo's Elections: Making or Breaking the Peace, by the International Crisis Group. It states that the number of voters registered is important for the distribution of parliamentary seats, but that due to time constraints the electoral commission had to base its operations on the 1984 census. Together with the National Institute for Statistics it made a projection of the current population. The report goes on to say that the proportional distribution of registration sites does not correspond with the 1984 population levels. It quotes the example of Province Orientale being the most populous province in 1984 with 4.3 million, followed by Katanga with 3.9 million, but that the estimate now used indicates that Katanga is now the most populous province with some 400,000 more voters than Province Orientale, despite Katanga's high mortality rate in the war, and the fact that 750,000 Kasaians fled during the war and did not return. **[39h]**

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

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

See Section 33.09 National Identity Cards

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

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

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

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

6.28 On 10 March 2006 registration opened for the elections which were to be held on 18 June, the closing date being 23 March 2006. IRIN reported that the chairman of the Independent Electoral Commission, Apollinaire Muholongo Malumalu, had stated: "The Ministry of Interior registered 270 political parties today." **[18ca]**

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

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

See also Section 17.09 on Freedom of association and assembly

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

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

6.33 On 30 April 2006 the CEI announced that the presidential and parliamentary elections would be held on 30 July 2006, with campaigning beginning on 29 June and finishing at midnight on 28 July 2006. It also confirmed that there

would be 33 presidential candidates and that the Supreme Court was sitting through 9,587 applications for 500 parliamentary seats. **[21h]**

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

6.35 Other reasons for the delays were the fact that it took a year to set up the electoral commission, and key laws were bogged down. Above all, the report goes on to say, there was a lack of political will to move ahead with the elections, due to officials prolonging their tenure of office. Passing the constitution and electoral law and conducting voter registration took longer than planned due to these delays. **[39h]**

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

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

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

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

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

6.41 On 24 May 2006 It was reported by Agence France-Presse that around ten opposition leaders were kept under house arrest the previous evening and released the next day, (Wednesday), with no reason for their arrest being given. Those detained included four presidential candidates, Roger Lumbala, Anatole Matusila, Joseph Olenghankoy and Christophe Mboso Nkodia Mpwanga. Later on the Wednesday Olenghankoy's party, the FONUS, joined

with the UDPS in leading a demonstration to protest about the election date. **[65m]**

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

6.43 On 23 May 2006, ANR agents in Kinshasa arrested 32 men who they claimed were "foreign mercenaries" with South African, US, and Nigerian passports, who the government accused of plotting a coup. All of the arrested men worked for a private company called Omega. It later emerged that they had been contracted as security consultants and translators by Oscar Kashala, one of the 32 presidential candidates who claimed the arrests were a government attempt to intimidate him. International donors accused the government of "the political exploitation of the so-called coup attempt". The detainees were released and deported on 28 May. The South African ambassador, in a prepared statement, suggested this was a "face saving measure", and that the arrest of the alleged coup plotters was "motivated by internal political squabbles". **[18dh] [56s] [56t] [56u] [82c]**

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

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

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

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

See also Section 17.09 on Freedom of association and assembly;

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

6.49 On 4 July, 19 of the 33 presidential candidates had called for campaigning to be suspended because of irregularities, although none of the leading candidates signed the joint statement. This was rejected by the head of the election commission. On 10 July 2006, supporters of the 19 candidates were involved in a demonstration in Kinshasa against claimed election irregularities and calling for the destruction of five million extra ballot papers. It was broken up by police using tear gas and batons. **[83b, 15af, 15ag, 84a]**

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

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

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

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

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

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

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

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

6.58 On the same day it was reported that the Congo's Catholic bishops threatened to withhold their recognition of the validity of the elections if alleged vote rigging was not addressed. According to a statement read out in churches in Kinshasa, confusion over the number of voters could lead to attempts to rig the election. However, in the east, the Catholic Church told the faithful to support the elections. **[15aj, 87a]**

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

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

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

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

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

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

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

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

6.67 The results of the election were announced on Sunday 20 August 2006. The incumbent, President Joseph Kabila, took a 44.81 per cent share of the vote, while his nearest rival, Jean-Pierre Bemba, won 20.03 per cent. In third place was Antoine Gizenga with 13.06 per cent, whilst in fourth and fifth places were Mobutu Sese Seko, son of the former dictator, and Dr. Oscar Kashala, with 4.77 per cent and 3.46 per cent respectively. Turn-out for the election was put

at 70.54 per cent according to the Independent Electoral Commission. **[15as, 65p]**

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

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

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

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

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

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

6.74 On 4 September an Electoral Commission spokesman announced that ten electoral workers in Kinshasa had been arrested for allegedly helping a candidate for the legislature. The spokesman stated that those arrested had

supported the wartime Rally for Congolese Democracy led by Azarias Ruberwa, a candidate in the presidential election. It was announced that this would delay the announcement of the results. **[15bb, 48f]**

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

6.76 On 8 September 2006 the results of the parliamentary elections were announced. According to IRIN and the BBC, Joseph Kabila's PPRD took 111 seats and the MLC of Jean-Pierre Bemba took 64 seats. The UN News Service, reported this gave President Kabila's Alliance of Presidential Majority (AMP) grouping 224 seats, and Vice-President Bemba's Rally of Congolese Nationailsts (RCN) grouping about a hundred. According to IRIN The Parti Lumumbiste Unifies (PALU) came third with 34 seats in the 500-seat National Assembly, followed by the Coalition of Congolese Democrats (CCD), led by Pierre Pay Pay with 30 seats. **[15ba, 18co, 65s, 93a]**

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

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

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

6.80 Meanwhile the British envoy in Kinshasa had reportedly drawn up a draft agreement between the two second round opponents in the presidential

election. The document contained two main points. The first is the code of conduct that both candidates should adhere to during the campaign. The second point stipulates that the results will be accepted by the loser, but gives real standing to the loser. He will benefit from security and financial guarantees, legal immunity, and the possibility of keeping his personal guard, and receiving a salary. **[82b]**

6.81 On 11 September British Minister Hilary Benn, on a visit to Kinshasa, announced that the two presidential contenders had agreed to meet. Candidates also held meetings with South African President Thabo Mbeki. **[65t]**

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

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

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

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

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

6.87 MONUC announced on 27 September that it would deploy mixed street patrols of DRC civilian and military police plus MONUC personnel, to enforce commitments by the candidates to make the capital a city free of guns. **[56a]**

See also Section 8.106 on Katanga; Section 17.09 on Freedom of association and assembly; 17.16 on Opposition groups and political activists; Section 18.01 on Freedom of speech and media; Section 26.01 on Children – Basic information; Section 33.06 on Official documents.

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Human rights

INTRODUCTION

7.01 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]**

7.02 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)**

7.03 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)**

7.04 The HRW World Report 2006, commenting on events in 2005, stated:

"Focused on assuring elections, few Congolese or outsiders worked effectively to curb ongoing violence against civilians or to address crucial post-conflict challenges, such as delivering justice for the many grave violations of international humanitarian law committed in Congo in the last decade." **[5l] (overview]**

7.05 The same report states:

"In 2005, combatants from armed groups as well as government soldiers deliberately killed, raped, and abducted civilians and destroyed or looted their property in repeated attacks, particularly in eastern Congo. A feeble justice system failed to prosecute these recent crimes and did nothing to end impunity [sic] for war crimes and crimes against humanity committed during the previous two wars." **[5l] (overview]**

7.06 The HRW also states:

"In January and June 2005, security forces killed dozens of men, women, and children protesting electoral delays in Kinshasa, Mbuyi, Mayi, Goma and other towns." **[5L Civil and Political Rights] [18au]**

7.07 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) reported that "In all areas of the country, the human rights record remained poor, and numerous serious abuses were committed; however there was some improvements during the year."… the incidence of severe human rights violations decreased, although press freedom deteriorated. Several of the human rights violations reported in previous years, including militia attacks on internally displaced persons (IDPs) were not reported this year. …" During the year there was also a significant reduction in the number of human rights violations in Ituri District and Orientale Province". **[3h] (Overview)**

7.08 By contrast The Country Profile of 9 May 2005 by the Foreign and Commonwealth Office 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]**

7.09 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 2006 stated that the transitional government of the Democratic Republic of Congo (DRC) crippled by continuing conflict among its four main component parties ended two years in power with much of the eastern region still not under its control. **[5l] (Overview)**

7.10 The United Nations (UN) Secretary-General commented in a report of 28 December 2005 to the UN Security Council that "Serious human rights violations committed by FARDC and national police personnel against civilians continue to be reported..... Restrictions on freedom of expression have also continued. **[54h page 11]**

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

"Human rights defenders in DRC often work in conditions of extreme danger. Congolese activists have previously been victims of torture, extrajudicial execution and arbitrary arrest. In most areas the local political and military authorities are hostile to the activities of the local NGOs, which they fear may expose their involvement in human rights violations. The activists are frequently called in by the authorities for questioning or to settle so-called 'administrative matters' that are in reality thinly disguised acts of intimidation; their offices are subject to unannounced arbitrary visits by security officials. In some cases, human rights activists have been threatened with death at

gunpoint. On 31 July 2005, human rights activist Pascal Kabungulu Kibembi, the Secretary-General of Héritiers de la Justice (Heirs of Justice), a leading human rights organization, was murdered at his home in the eastern city of Bukavu, allegedly by soldiers." **[11i] (Background)**

7.12 A report from the UNSG in June 2006 stated:

"Serious human rights violations committed by FARDC against civilians continue to be reported, particularly following military operations in Ituri and Katanga. While some authorities have taken steps to fight impunity during the reporting period, including the sentencing by a military court in Equateur of seven FARDC officers to life imprisonment for committing mass rapes, serious concerns persist as to the capacity of the Congolese military authorities and judiciary — particularly in view of interference from political actors and the military command structure — to decisively address impunity and hold trials for serious human rights violations. FARDC has shown reluctance to hand over senior officers allegedly involved in human rights violations, including sexual violence, for prosecution."

For further information see relevant sections, including:

Section 3.05 on Events of 2005;
Section 6.01 on Political System;
Section 8.01 on Security situation;
Section 8.14 on Security situation – Eastern DRC;
Section 10.16 on Police; Torture
Section 10.22 on Armed forces; Torture
Section 11.01 on Military service;
Section 14.01 on Arrest and detention - Legal Rights;
Section 16.01 on Death Penalty;
Section 17.09 on Freedom of association and assembly;
Section 22 on Ethnic Groups;
Section 25 on Women;
Section 26 on Children;
Section 31 on Internally displaced persons;

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SECURITY SITUATION - GENERAL

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

"At year's end despite the presence of 16,850 UN peacekeeping troops in the country, government control of certain areas of the country remained weak, particularly in the rural areas of North and South Kivu, the Itguri District of Orientale Province, and northern Katanga, where armed groups continued to operate outside of government control."

8.02 The report also reiterated what it had reported in the previous year's report about civilian authorities not maintaining effective control, and different components of Government acting independently or contrary to the interests of the other components. It also reported that during the year the Government had made progress in integrating key institutions such as the army and the police. **[3h] (Overview)**

8.03 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)**

8.04 An article titled 'The Democratic Republic of the Congo from fiction to fact' in the African Security Review vol.14 no. 4, 2005, published by the Institute for Security Studies on 12 February 2006 states:

"Securing the elections against disruption will depend largely on the efforts of The United Nations Mission in The Congo (MONUC) and the understaffed and nascent national police force. The integration of units in the new Armed Forces of the Congo (FARDC) has been slow, and there is ample evidence that the various parties represented in the Transitional Government have withheld their best troops as a possible insurance against electoral disappointment. The handful of FARDC brigades that has [sic] been established lack both adequate training and equipment." **(27h)**

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

"Reform of the army is far behind schedule. Eighteen integrated brigades were supposed to be created before elections but only six have been deployed…The police are supposed to be responsible for election security but are no match for local militias in many parts of the country." **[39f] (p1)**

8.06 The same report states that "Security sector reform continues to be a neglected stepchild both financially and in terms of strategic planning. While donors have already contributed more than $2 billion to the Congo… only a small fraction has been dedicated to improving the status of the armed forces and the police." **[39f] (Executive Summary and Recommendations)**

8.07 The report continues:

"Real control over the security structures rests with the ex-belligerents who make up the transitional government, including the former government and Mai-Mai ethnic militias it raised in its fight against the 1998 invasion of the Congo by the Rwandan and Ugandan armies.…Today, the resistance of many belligerents to demobilize their armies and integrate them into one reformed national army is the largest hurdle to security sector reform in the country. Because of this, remnants of those former armies continue to exist. Their continued loyalty to their former leaders is the single most serious threat to the stability of the transition. The Congo's civil society and political opposition are represented in the transitional institutions but have little say on security matters, which are monopolized by the former belligerents." **[39f] (page 1)**

8.08 With regard to integration, the volatility of the situation was demonstrated in July, August and September 2005.

On 4 July 2005 it was reported that shooting took place in Goma between the bodyguards of Col Christophe Bindu of the 8th Military Region, who were ex-Mai-Mai, and troops from the military police of 8th Military Region who were ex MLC. At the same time 100 soldiers in Mbandaka went on the rampage to avenge the death of a comrade killed by an unknown assailant. They were part of 2,000 troops from different armed factions who were stationed in the region for integration into the national army. **[18dq] [18dr]**

8.09 On 31 August it was reported that the day after dissident General Laurent Nkunda had called for an insurrection, the 53rd Army Battalion and four companies of the 2nd Mixed Battalion in the east of the country had gone missing. Most of the deserters were Tutsis. They were either from the former army overthrown in 1997 or the former rebel group the RCD. The military commander of the region said that the soldiers of the 2nd Battalion had been resisiting integration. **[18dl]**

8.10 On 2 September it was reported that the troops of the 53rd Battalion had returned to base having fled in fear after being told they were being taken to another centre to be integrated with other members of the new national army, and that the 2nd Battalion had not gone missing. **[18dm]**

8.11 On 12 September it was reported that some 350 troops from the 124th Battalion had defected to join Nkunda. The military commander of the 8th Military Region said that they had now deployed the 51st Battalion to the area. The 51st Battalion consisted of combatants from the RCD, the Mayi-Mayi, and former soldiers of Mobutu Sese Seko, who had been integrated only two weeks previously. On 15 September the new army chief of staff contradicted the statement by the commander of the Military Region, and said no more than 100 troops had defected. **[18dn] [18do]**

8.12 On 21 September 2005 it was announced that soldiers from the 12th Brigade had deserted the previous week, but that 580 of them had been persuaded by MONUC to return to base. **[18dp]**

8.13 The problems were not confined to the east. A UNSC report of 25 January 2005 reported that 76 FARDC flights took place from 5 June to 22 October 2004 to Beni airport, of which 69 were by an airline owned by Vice President Bemba. The initial flights carried FARDC reinforcements. The UN group were

informed that from October 2004 only ex MLC troops were transported, who remained separate from other FARDC troops in Beni. **[54k]**

See also Section 11.01 on Military service; Section 14.01 on Arrest and detention - legal rights; Annex B Political organisations; Annex D Armed forces in the DRC

SECURITY SITUATION – EASTERN DRC

8.14 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] [3g] (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. **[17a] [17b] [29c] [38] [53] [54g] (p6) [57b] [59a]**

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

8.16 The fighting has had a devastating effect on the population in the east, where the infrastructure of transport, commerce, medical and social support was already extremely poor. **[3h] (Overview) [11f] (Overview) [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]** 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. **[3h] (Overview) [5l] [11f] (Overview) [15x] [29e] [55b] (p8-10) [56e] [74b]**

See also Section 2.01 on Economy;
Section 3.01 on History;
Section 11.01 on Military service;
Section 14.01 on Arrest and detention - legal rights;
Section 15.01 on Prison conditions;
Section 19.01 on Human Rights Issues – General;
Section 22.11 on Ethnic Groups – Banyarwanda/Banyamulenge/Tutsis in Eastern DRC;
Section 25.01 on Women;
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ITURI

8.17 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]**

8.18 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]**

8.19 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]**

8.20 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]**

8.21 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]**

See also Section 11.01 on Military service

8.22 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). **[49a] (p5)**

8.23 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]**

8.24 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] (p3, 5)** 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]**

8.25 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]**

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8.26 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)**

8.27 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)**

8.28 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]**

8.29 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)**

8.30 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 47,000 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)**

8.31 The UNSG report of 28 December 2005 stated: "The security situation improved significantly in Ituri during the reporting period. The mid-October deployment of the FARDC integrated brigade to the goldmining areas of Kilo and Mongwalu, supported by MONUC, yielded immediate results against elements of the Mouvement révolutionaire congolais (MRC). By early November, close to 1,000 militia elements had surrendered to MONUC and FARDC, handing over 223 weapons and ammunition, and 300 of them were

transported to Kisangani for brassage. However, the lack of basic support to feed and accommodate the disarmed militia members, who were regrouped at the FARDC camp in Bunia, quickly resulted in problems, and 32 of them escaped within a week of arrival in Bunia." **[54h] (p5)**

8.32 "In Irumu territory, south of Bunia, FARDC and MONUC launched a joint operation in mid-November that resulted in some 200 MRC elements fleeing towards North Kivu, where they surrendered and disarmed to FARDC. Some 100 militia elements fled to Uganda, where they handed over their weapons to the Ugandan Peoples' Defence Forces (UPDF). The Governments of Uganda and the Democratic Republic of the Congo have taken steps to organize their repatriation." **[54h] (p5-6)**

8.33 The same report also said: "Despite the gains on the military front, the overall security situation in Ituri remains fragile. Demobilized combatants who are not receiving their stipends under the disarmament, demobilization and reintegration programme and have not been reintegrated into civilian life are susceptible to rejoining militias, which are reportedly continuing to recruit in Djugu and Irumu territories. In the coming months, MONUC will continue to work with the local authorities and its national and international partners to prepare a programme of support for the extension of State authority in Ituri." **[54h] (p6)**

See also Section 26.33 on Child soldiers

8.34 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]**

8.35 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]**

8.36 The UNSG reported on 28 December 2005 that there had been an encouraging return of IDP's and refugees, and that thanks to the improved security situation there was increased access to vulnerable groups. It further stated: "The continued presence of uncontrolled armed groups in the east, coupled with harassment of civilians by unpaid government soldiers, often hinder [sic] the delivery of critical assistance to vulnerable populations." **[54h] (p10)**

8.37 The same report also states that clashes between militias in Ituri in September 2005 led to the displacement of 2,000 people to the Eringeti area of North Kivu, where they received humanitarian assistance. **[54h] (p10)**

8.38 A report from IRIN on 16 February 2006 reported that humanitarian aid had reached some 6,000 war-displaced people in Ituri's Aveba and Tcheyi areas. People fled their homes to escape fighting between the Congolese army and

local militias. The report said that the fighters were from various militia groups, and that they had formed a new alliance, known as the Congolese Revolutionary Movement (CRM). The report stated: "Local sources said a militia leader known as Bwambale Vihito Kakolele leads CRM. The movement's goal is to gather members of all armed groups in the district and continue their resistance, 'using all means possible against the government's injustice and frustration.'" **(18bt)**

8.39 A further report from IRIN, on 8 March 2006, stated that some 1,000 people had arrived in Bunia, whilst another 500 people had arrived in Dele. The report stated: "The newly displaced join 13,300 others who have been displaced from the Tcheyi area since January...another thousand people recently arrived in the town of Katoni, 25 km south of Bunia, unable to proceed farther on foot." **[18bx]**

8.40 On 1 March 2006 it was reported that some 40 soldiers involved in a joint operation with MONUC forces to retake the town of Tchei in Ituri district, had mutinied. The men, unhappy about their conditions of service were reported to have ransacked a UN base, seizing rations, and to have fired at a UN helicopter, and their own General and a UN General. As a result of the mutiny the operation was suspended and the Congolese troops ordered to withdraw to base. The mutiny by the FARDC unit led to the operation being postponed. **[15Ab], [23d] [54i]**

8.41 On 30 March 2006, it was reported that thousands of Congolese civilians were displaced by fighting between Congolese forces backed by MONUC troops and a newly formed militia alliance called the Mouvement revolutionnaire du Congo which is made up of remnants of various defunct militias, namely the Front nationaliste et integrationiste (FNI), and the Forces de résistance patriotique en Ituri. The fighting took place around Tchomia, and it was later reported that 5,000 of the reported 6,000 displaced persons returned home when the situation there became calmer. However, UNHCR reported that 4,000 displaced persons were in Tchomia and in a critical situation as humanitarian groups had been unable to operate in south-east Ituri for 12 months. **[18ct] [54i]**

8.42 On 9 May 2006 the operation postponed in March was resumed, when a major sweep was launched to secure control of the Ituri region in the area adjacent to the Uganden border, with some 300 UN troops and 1,500 DRC military involved. It was reported that some 2,000 rebels were reported to have been rampaging through the area. The commander of the eastern division of MONUC said his force was launching targeted military operations to limit the number of people displaced ahead of the general election. The resumed operation allowed MONUC and FARDC to clear the Tchei area of militias. On 4 July 2006 Reuters reported that the militia had taken back the town of Tchei after UN troops had withdrawn on 26 June. **[21r] [54i] [65z] [65aa]**

8.43 As the operation continued against the Mouvement revolutionnaire du Congo various reports were received on large numbers of people being displaced by the fighting in various areas. In the area of Tchei, used as their headquarters by the militias, at least 10,000 people were reported being displaced. Large numbers were reported to have fled to the bush in Libi, a town of 16,000 people. In Gety 38,000 were reported to have taken refuge, whilst another 14,300 were reported in Kotor. **[18cw] 18cu] [18cv] [74m]**

8.44 On 4 May some 4,500 living in a camp at Tchomia were chased from the camp by Congolese soldiers, who claimed that militia fighters were in the camp. The people living there were told that they had to leave or be considered legitimate targets. **[56m]**

8.45 On 20 May 2006 a joint MONUC FARDC operation was launched in Djugu territory to dislodge and capture elements of the FNI, led by Peter Karim. During the operation seven MONUC soldiers were captured but later released. During negotiations for the release of the soldiers Peter Karim indicated that the FNI wanted to join FARDC. On 10 July Karim and the Government signed an agreement on the FNI integration into FARDC. Since then the Government has taken no action on integration, and in September Karim was reported to be recruiting new militia elements. **[54j]**

8.46 On 5 June 2006 the Government reopened the disarmament and demobilization process in Ituri. By 8 September 4,758 militia elements had surrendered with 2,332 weapons. However, according to the UNSG report of September 2006 the demobilisation process has been hampered by the operational, managerial, and financial difficulties of the National Commision for Disarmement, Demobilization and Reintegration (CONADER). **[54j]**

8.47 The Twenty-first report of the UNSG in June 2006 stated;

"While the authorities cooperated with the International Criminal Court in arresting Thomas Lubanga, a former Ituri militia leader, and transferring him from Congolese custody to the Court's headquarters in The Hague, several dangerous Ituri militia leaders have been released from Government custody questionably, at least one of whom is reported to have rejoined a militia group in Ituri. Two prominent militiamen also escaped from prison in Kisangani. Although other Ituri leaders remain in jail, good-faith efforts of military judicial authorities to investigate alleged crimes remain blocked by a serious lack of political will and human and material resources. Important investigations, such as that of the Kilwa massacre, are stalled." **[54i]**

8.48 On 12 May 2006, it was reported that Ubemu Uzele the second in command of the Front of Nationalists and Integrationists (FNI) had been arrested by MONUC troops. He was held responsible for the murder of two unarmed UN military observers in Mongwalu. Two days later the capture was announced of Innocent Kaina, known as Indian Queen, reported in one source to be a founding member of the Revolutionary Movement of Congo (MRC), and in another as a "brigade commander" of the former militia Union des Patriotes Congolaise (the Congolese Patriotic Union) which was led by Thomas Lubanga, at present awaiting trial by the International Criminal Court. **[15bf] [18dg] [62h]**

8.49 On 3 August IRIN reported that militia leader Yves Panga Mandro Kahwa had been charged with creating the Parti por l'Unité et la sauvegarde de L'Intégrité du Congo (PUSIC) insurrection movement in 2002 in Tchomia, and had been jailed for 20 years for crimes against humanity. He had refused to appear before both the civil and military courts which he claimed were under the influence of MONUC. After the ruling Kahwa said he would appeal to the military court in Kisangi. **[18di]**

8.50 According to the UNSG Twenty-second report of September 2006 MONUC has continued to focus on the two remaining militia groups in Ituri, the Mouvement révolutionnaire congolais (MRC) of Mathieu N'Gudjolo and the Forces de résistance patriotique de l'Ituri (FRPI) of Cobra Matata. On 26 July MONUC facilitated discussions between MRC and the Government, pursuant to which MRC would cease hostilities and integrate into FARDC. Although sensitisation of MRC elements began immediately, the Government and MRC have yet to reach agreement on a timetable for integration or on a mutually-acceptable venue for talks. **[54j]**

8.51 On 11 September 2006 the United Nations News Service announced that a further 34 militia members had surrendered themselves and their weapons over the previous week, bringing the total number of combatants to have surrendered in Ituri since the start of June 2006, to over 4,800; 2,400 weapons and more than 350,000 units of ammunition had also been handed over. **[71c]**

8.52 On 17 September 2006 IRIN reported that the head of the army in Ituri District claimed that some militias, who had given an undertaking in July to demobilise, were re-arming, recruiting and fighting again. Those still wanting to disarm were being threatened and some were being killed. The same report stated that some of the army were selling their weapons to members of the militia. **[18cz]**

8.53 In August the UN World Food Programme warned that aid was running short for displaced people in Gety, and it had not been possible to deliver more. According to humanitarian agencies 40,000–50,000 out of Ituri's 150,00–200,000 Internally Displaced Persons (IDPs) were by then in Gety. It was also reported that at least ten people a day were dying from cholera and malnutrition, mainly children. Eventually at the end of August, aid workers fled Gety after attacks by armed gangs. **[18cx] [18cy] [21s] [65ab]**

8.54 According to the UNSG Twenty-first report of June 2006, a fundamental cause of ethnic tension in the area remains land ownership. Other issues of concern include the stalled reintegration of demobilised combatants and continued harassment of the population by FARDC. **[54i]**

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See also Section 11.01 Military service

NORTH KIVU

8.55 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]**

8.56 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)**

8.57 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]**

8.58 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]**

8.59 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)**

8.60 The UNSG reported on 28 December 2005 that on 25 October 2005 FARDC had declared the Virunga National Park a weapons-free zone and, supported by MONUC, had launched operations against renegade Mayi-Mayi in the area. The report stated: "Whilst these operations helped to improve security in several areas, they also caused the displacement of civilians." The report said that approximately 5,000 fled to Kanyabayonga, fearing an influx of FDLR combatants. **[54h]**

8.61 According to the UNSG report of June 2006 the military operation resulted in the disintegration of the armed group the Allied Democratic Forces (ADF). Furthermore, sensitisation was successful in getting 97 Congolese members of ADF to surrender. **[54i]**

8.62 A news release from UNHCR on 24 February 2006 reported that due to the fighting in North Kivu between the Congolese army and dissident forces, which started in mid-January 2006, thousands of people had been forced to

flee their homes. The report stated: "In the space of a few days around 20 January, 20,000 people crossed the border into Uganda. Most of them returned after a few days, but some 3,000 have asked for asylum in Uganda." The report went on to say that most of those displaced were not crossing the border but being displaced in North Kivu itself. It gives the example of the Kiberezi area, which has seen some of the worst fighting, where the normal population of 40,000 was reduced to about 2,000. It states that some 30,000 people had fled to Kanyabayonga. **[60d]**

8.63 The fighting in January led to tensions escalating after human rights abuses were committed by soldiers of the FARDC fifth integrated brigade against Kinyarwanda speakers in Rutshuru territory. Insurgents belonging to the Laurant Nkunds militia, with elements of the 83rd brigade, attacked the fifth integrated briagade, and subsequently took over Rwindi and Kibrizi, causing the FARDC troops to withdraw from Rutshuru to Kanyabayonga. An operation by MONUC on 21 January successfully cleared Rwindi and Kibrizi of rebel elements. Since March the fifth brigade has been replaced by the second integrated brigade which with MONUC assistance maintains control over Rutshuru and surrounding areas. **[54i]**

8.64 There were reports of atrocities committed against civilians in North Kivu, including killings, looting, sexual violence and abduction during January and February, by both local militias and members of FARDC. A report from IRIN in August 2006 stated that MONUC had said that 83 per cent of attacks on civilians in North Kivu were perpetuated by FARDC. **[56f] [60d] [18da]**

8.65 In March 2006 Amnesty International (AI) reported that large numbers of children, some as young as twelve, were once again being recruited in North Kivu to serve as fighters by militia groups loyal to dissident General Laurant Nkunda, often by force. Many of the children had already passed through the formal release and family reunification programme. **[11k]**

8.66 AI also reported that in response to Nkunda's recruitment drive "a number of Mai-Mai militia groups in North-Kivu province, opposed to Nkunda, have also again been recruiting children, or refusing to release children from their forces." **[11k]**

8.67 The report goes on to say that many of the allegations of recruitment and use of children concern the 83rd army brigade, formerly part of the RCD-Goma armed political group and composed of Kinyarwanda (Rwandan)–speaking soldiers opposed to the extension of DRC state control in North Kivu. Elements of this unit have rallied to Nkunda and in January 2006 attacked government army positions in Rutshuru territory. They later committed scores of rapes of women and girls from non-Rwandan-speaking ethnic groups. **[11k]**

8.68 Soldiers of the 83rd brigade together with those from the 81st brigade of the ex ANC (Congolese National Army) were reported to have "threatened, arbitrarily arrested, illegally detained, treated in a cruel, inhuman and degrading manner, even killed" some demobilised soldiers. Despite MONUC's plea to the Eighth Military Region of the National Army in the DRC (FARDC) and the governor of North Kivu, aggressive acts had continued against demobilised soldiers, both children and adults, in the region controlled by former ANC soldiers. **[62f]**

8.69 At the end of March 2006 some 640 Ugandans mainly women and children were expelled from Virunga National Park, together with 10,000 head of cattle after the expiry of a 30-day ultimatum. **[48h]**

8.70 On 16 May 2006 it was announced that 3,500 former rebels and soldiers of the 9th brigade had completed the reintegration programme, and on 5 August soldiers of the 9th brigade fought those of the 83rd brigade in Sake which resulted in thousands of Sake residents seeking refuge in Goma and other towns. On 6 September another battle took place between soldiers of the two brigades near Kalengera. Radio Okapi reported two soldiers and one civilian dead. Two soldiers of the 9th brigade were abducted by insurgent elements of the 83rd brigade. **[5x] [18da] [95c] [95d]**

8.71 The report from the UNSG in June stated that brigade and battalion commanders responsible for massacres, rape and other serious human rights violations in North Kivu in December 2004 obtained new assignments in FARDC and the military judiciary had not been able to take action. **[54i]**

8.72 The UNSG Report of September 2006 stated that the overall situation remained stable but fragile. It continued to state that the presence on non-*brassaged* former brigades of the ANC and their resistance to the deployment of integrated brigades remained a serious concern. **[54j]**

8.73 On 3 August Laurent Nkunda stated that he was "ready for war". He stated that the only way war could be avoided was if Joseph Kabila allowed more than 50,000 Congolese Tutsi refugees in neighbouring Rwanda to return home and be accepted as Congolese citizens. He dismissed the election on 30 July 2006 as a "non-event" but suggested he would wait several months before he considered an attack. **[97]**

8.74 On 20 September Laurent Nkunda threatened to forcibly prevent national army troops being deployed in his fiefdom. He has his headquarters in the Masisi area north-west of Goma. Nkunda created the National Congress for the Defence of the People (CNDP) which he calls a "political-military movement" shortly before the elections on 30 July 2006. He is the object of an international arrest warrant for war crimes and crimes against humanity. Upon receiving reports that Nkunda and ex-ANC hardliners intended to cause instability, and given the threat from Rwandan and Ugandan foreign armed groups, MONUC increased patrols in order to prevent any escalation of violence. The arrival of additional integrated brigades in North Kivu helped to further restrict the activities of militias in the province. **[54j] [74n] [65ac] [95e]**

8.75 According to the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) in Goma, by the end of August in addition to those displaced in Sake, an estimated 180,000 people had been displaced since December 2005. Humanitarian agencies said aid to displaced populations, notably in the previous six months, had been greater than in 2005. **[18da]**

8.76 The insecurity created by the armed groups also led to shortages of food and health problems. **[18da]**

See also Section 12.01 on Abuses by non-government forces; Section 12.09 on Disarmament of foreign armed groups

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SOUTH KIVU

8.77 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 political stalemate arising from the fighting in the east. **[39d] (Executive Summary and Recommendations)**

8.78 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]**

8.79 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]**

8.80 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]**

8.81 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)**

8.82 The UNSG reported on 28 December 2005 that following the deadline for the voluntary disarmament of foreign and armed groups to enter brassage, FARDC supported by MONUC intensified operations in the Kivus. The report stated: "While military operations against FDLR proceed in the Kivus, fears of reprisals against the civilian population continue." The report goes on to detail an incident in Walunga territory, South Kivu, where FARDC captured two localities after they had been held for two months by FDLR and ex-Mayi-Mayi: "Immediately following the operation, attacks were carried out against civilians

in and around the locality of Buba in Walunga territory, allegedly in reprisal by FDLR/Rastas armed with machete and sticks." This resulted in the deaths of 25 civilians. Following these killings, protests erupted against MONUC among the local population who feared reprisals if operations continued. **[54h]**

8.83 Following the intensification of FARDC operations against FDLR on South Kivu in December and heightened ethnic tensions, the humanitarian presence in South Kivu had dramatically decreased and several NGO's had withdrawn. **[54i]**

8.84 The UNSG June 2006 report stated that the operation against the FDLR caused the splintering of their hierarchy, and that approximately 1,000 Rwandan combatants migrated from South Kivu to North Kivu, reducing the number of FDLR in South Kivu to some 2,500. The report also stated that MONUC estimated the number of Rwandan combatants in the Kivus at 7,000. **[54i]**

8.85 The UNSG December report goes on to say: "The FARDC chain of command in South Kivu remains weak. In the Ruzizzi plain, three former Mayi-Mayi commanders refused to obey the restructuring orders issued by FARDC commanders before entering the brassage process in early November." The report also states that the security situation in Minembwe deteriorated due to increased tension between FARDC troops loyal to the Transitional Government and those refusing brassage, as well as with former ANC members allied with former Colonel Jules Mutebutsi, who infiltrated the country from Rwanda in September 2005. **[54h]**

8.86 A report from the UNSC in June 2005 had noted that Colonel Mutebutsi had been housed by the Rwandan authorities together with a number of his men in Coko camp. Although the Rwandan authorities gave an assurance that Mutebutsi and his men would not be allowed to threaten the territory of the DRC, they did not view the dissident forces as prisoners and allowed them considerable freedom of movement. It does not appear that the Rwandans disarmed them, and the report notes that Muebutsi continued to exert authority over his men. The report concludes that Rwanda effectively provided him with sanctuary from where he could continue his activities in the DRC. Rwanda granted him asylum in August 2006. **[54l]**

8.87 On 9 February 2006 IRIN reported that fighting between the army and FDLR in Burhyni, Mwenga territory had displaced 15,000 people. The same report said that MONUC had reported rape and destruction of schools and health centres in areas through which the Congolese army had passed. **[18bu]**

8.88 There were reports of atrocities committed against civilians in South Kivu, including killings, looting, sexual violence and abduction during January and February, by both local militias and members of FARDC. **[56f]**

8.89 On a more positive note, it was reported by UNHCR on 8 February 2006 that the voluntary repatriation programme from Tanzania had passed the 10,000 mark in South Kivu. **[60e]**

8.90 A report from Refugees International (RI) in April 2006 stated that the gradual improvement in security had now allowed some of the 153,000 refugees in Tanzania to return. The report states that between January 2004 and October

2005, roughly 20,000 returned on their own, and that since then UNHCR had facilitated the return of a further 12,000 more, with 900 to 1,000 refugees returning each week by boat through Baraka. The RI report goes on to detail how those that return have little to help them restart their lives and become self-sufficient and calls for a series of reintegration programmes. A later report from MONUC on 28 September 2006 states that more than 20,000 people had been assisted with repatriation to South Kivu. It also stated that every week the UNHCR office in Baraka receives and escorts two convoys – about 1,000 registered returnees. **[56q] [92c]**

8.91 On 3 May 2006 around 300 people blocked the access road between Bukavu and the town's airport at Kavumu 20 miles away. They were protesting against lack of protection from attacks by Rwandan rebels of the FDLR. UN peacekeepers and government forces had to fire into the air to disperse the crowds. **[92d]**

8.92 In August 2006 fifteen people were reported kidnapped in Nindja, South Kivu Province. On 13 August one of the hostages was freed to collect the ransom demanded by the kidnappers. Meanwhile, on 12 August, four women and 11 men were kidnapped in a village 60 miles north of Bukava, by what appeared to be Rwandan Hutu rebels. **[65af] [95h]**

8.93 The report by the UNSG in September 2006 stated that MONUC continued to take proactive measures to ensure a stable security situation, and that the activities of the FDLR and uncontrolled armed groups had decreased considerably, and that only a few incidents of lootings and killings had been reported. **[54j]**

8.94 On 28 September in a radio interview from Bukavu, vice-president Ruberwa who heads the Political, Defence and Security Commission, stated that conditions in South Kivu were better than those in North Kivu or Ituri, both of which he had visited, for the holding of the second round of the presidential elections. When asked about the issue of the Interahamwe and others plundering the region, Mr. Ruberwa stated that the Government had to make a choice between going to war against armed groups and holding elections. He noted that the government had opted to suspend operations against armed groups in order to give the elections a chance. **[95i]**

See also Section 8.95 on Bukavu June 2004; Section 8.101 on Gatumba massacre August 2004; Disarmament of foreign armed groups Section 12.09; Ethnic groups Section 22.01;

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BUKAVU JUNE 2004

8.95 Europa World online reported:

"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]**

8.96 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)**

8.97 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]**

8.98 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]**

8.99 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)**

8.100 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 8.55 on North Kivu;; Section 18.01 on Freedom of speech and the media; Section 18.27 on Newspaper articles; Section 22.01 on Ethnic groups; Section 38.09 on Attempted coup of 11 June 2004

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GATUMBA MASSACRE AUGUST 2004

8.101 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]**

8.102 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]**

8.103 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)**

8.104 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)**

8.105 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 8.95 on Bukavu June 2004

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KATANGA

8.106 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)**

8.107 A report from the International Crisis Group Katanga: the Congo's Forgotten Crisis states:

"The home province of President Joseph Kabila and many senior Kinshasa politicians is divided by three conflicts: tensions between southerners and northerners, between outsiders and natives, and between Mai-Mai militias and the national army." **[39g]**

8.108 The Institute for Security Studies paper 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)**

8.109 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]**

8.110 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)**

8.111 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)**

8.112 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]**

8.113 The UNSG reported on 28 December 2005:

"The security situation in northern and central Katanga continued to suffer from the activities of uncontrolled armed groups and FARDC elements." **[54h]**

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

8.115 The same report also states: "The Mai-Mai are the greatest security threat to Katanga and the main cause of the displacement of 310,000 people in the province. More than nineteen warlords in the northern and central territories command bands – estimated by the UN to total 5,000 to 8,000 – who regularly abuse the local population." **[39g] (p2)**

8.116 Later in the same report it states that "in the run-up to elections the army has begun operations against militias in the eastern Congo who remain outside government control…it attacked Mai-Mai in northern Katanga in November

2005…at this point the Mai-Mai had outlived their usefulness for former patrons, and their abuses were making some leaders of the Katangan Luba ('Lubkat') in Kinshasa, including Joseph Kabila, unpopular with the local population." **[39g] (p4)**

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

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

8.118 On 3 May 2006 MONUC denounced summary executions, kidnappings and illegal exploitation of natural resources carried out by both FARDC (Congolese army) and the Mai Mai rebels. An enquiry in Mitwaba established the identity of 97 civilians who had been killed, injured or undergone inhumane treatment between the beginning of 2005 and March 2006. Of these, 47 cases, including 33 summary executions, were committed by the FARDC, and 45 cases including 31 summary executions, were attributed to the Mai Mai. The remaining five were attributed to unidentified armed men. MONUC called for the perpetrators of crimes in Katanga to be pursued, and for an inquiry into the presumed summary executions committed in Mitwaba prison by the 63th [sic] brigade of the FARDC in April 2005. **[86d]**

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

8.120 A report issued by the UN Office for the Co-ordination of Humanitarian Affairs (UN-OCHA) at the end of March 2006 referred to the 150,000 war-displaced people in Katanga Province, who had fled their homes. The report urged a rapid response to the shortage of food. **[18dc]**

8.121 On 6 April 2006 the United Nations began a ten-day airdrop of food relief to 40,000 displaced people in the villages of Dubie, Mitwaba, Sampwe and Kasongeji. In May it was reported that the Red Cross were distributing aid to 20,000 people encamped on the shores of Lake Upemba. **[18dd] [65ah]**

8.122 On 15 May 2006 police killed two schoolchildren and a woman as they fired shots into a crowd of people demonstrating over repeated power cuts in Kipushi, a mining town about 30km south-east of Lubumbashi. Most of the demonstrators were pupils from schools in Kipushi, and a witness said that police opened fire on the crowd after failing to disperse around 100 demonstrators. **[86e]**

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

See also Section 6.14 on Elections; Section 17.16 Opposition groups and political activists

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POSSIBLE SECESSION ATTEMPT APRIL 2005

8.124 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]**

8.125 A more detailed account was given by the International Crisis Group report of January 2006 Katanga: The Congo's Forgotten Crisis:

"In late April 2005, the police and army carried out high-profile arrests in Lubumbashi. André Tshombe, the son of Moise Tshombe, who had tried and failed to make Katanga independent in the 1960s, was arrested along with several businessmen, a university professor and 30 FARDC officers. To the surprise of many locals, the government announced on 9 May that it had foiled another secession attempt. It claimed that Tshombe had been preparing a rebellion and those arrested had purchased several thousand machetes. At the same time, Jean-Claude Muyambo of Solidarité Katangaise was threatened by local officials and ordered not to leave town. President Kabila and General Numbi arrived shortly afterwards from Kinshasa to look into the matter personally.

No evidence has ever been produced but the alleged plot allowed authorities to arrest or intimidate many southerners who could be seen as rivals in the 2006 elections. Tshombe had links to the Katangan Tigers, of which an estimated 14,000 are rumoured still to be in Angola. According to local journalists and NGOs, he had several times contacted the Tigers in 2004 on Kabila's behalf to encourage them to return home. He is also the president of CONACO, a prominent political party in Lubumbashi, and hoped to receive support from Belgian parties for its 2006 campaign in Katanga. Among those arrested were ten FARDC colonels, mostly ex-Tigers from the south, stationed in Katanga but also as far away as Equateur province. Some of these had fallen out with Numbi shortly before.

Other prominent Numbi and Kabila foes were intimidated but not arrested, including Muyambo, who as head of Solidarité Katangaise and Sempya could have much greater influence on elections than Tshombe. He was summoned by the local prosecutor and warned not to leave town. He claimed Numbi personally threatened him and FARDC soldiers surrounded his compound. Another wealthy local politician from the south, Katebe Katoto, postponed a return to Katanga from abroad to launch the campaign of his party, the Union of Liberals for Democracy (ULD). He claims to have received death threats from Numbi. Vincent de Paul Lunda Bululu, a prime minister under Mobutu and now head of the Rally of Socialist Federalists (RSF), also reported Numbi threats. Others, who had publicly urged secession on local television and in newspapers such as the Notables Katangais led by Mbenga Sandongo, were not affected by the clamp-down.

The handling of the incident revealed the parallel command structures that still exist in Katanga. General Numbi travelled to Katanga to head the investigation, presiding over the provincial security council instead of the governor. According to local military sources, he gave direct orders to the Lubumbashi security services to track down and arrest the suspects, by-passing the regional military commander and civilian authorities." **[39g]**

8.126 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:

"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]**

8.127 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 37.01 on Assassination of President Laurent Kabila

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KILWA OCTOBER 2004

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

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

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

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

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

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

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

See also Annex D Armed forces in the DRC

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CRIME

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

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

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

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SECURITY FORCES

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

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

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

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

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

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

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

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

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

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POLICE

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

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

"by year's end the national police force was increasingly integrated. On November 8, the government—with financial support from foreign governments—opened a $1.3 million police facility in Kinshasa to bring the country's disparate police units under central command and control. In addition during the year the government worked with MONUC and members of the international community to train police. There was some police improvement, specifically among the rapid police force, following the training by a foreign country of three thousand officers for riot control and emergencies. These officers were properly armed with tear gas and rubber bullets to handle volatile situations and significantly reduce human rights violations. At year's end the international community was training and professionalizing traffic police."

The report continued, "…although the overall level of professionalism increased during the year, police forces generally remained ineffective and corrupt. During the year members of the police, military, and security forces attacked, detained, robbed, and extorted money from civilians. The government prosecuted and disciplined some abusers; however, the vast majority acted with impunity. Although there were mechanisms available to investigate human rights violations by police, they were used sporadically." **[3h] (1d)**

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

"The Congo police have never been able to provide basic law and order and have themselves ranked among the top abusers of citizens' basic human rights. **[39f] (page 4)** It continues, police reform has gone forward on an ad hoc basis driven by what individual donors are willing to provide rather than on the basis of a long term strategic plan. These reforms have not been without success; for example, when the elections were postponed in June 2005,

demonstrations in Kinshasa were handled well for the most part. However there is little co-ordination among the main donors – France, EU, South Africa, Angola and MONUC police – on the training and nature of the force. The bulk of the effort has focused on Kinshasa, and there is virtually no long term plan. A police reform reflection group (groupe de reflexion) was only recently established to improve co-ordination between MONUC, the European Commission, The EU police mission (EUPOL) and bilateral donors." **[39f] (page 6)**

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

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

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

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

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ARBITRARY ARREST AND DETENTION

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

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

TORTURE

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

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

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

10.19 In September it was reported that in Equateur Province a group of policeman may have raped 60 women, including two minors, and systematically tortured and plundered civilians who were forced to seek refuge in a nearby forest. A spokesman for MONUC said that nine of the suspected policemen had been arrested and two of the victims had already presented testimony to the military. **[74u]**

See also Section 15.01 Prison conditions

ARMED FORCES

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

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

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

ARBITRARY ARREST AND DETENTION

10.21 See Human rights organisations and activists Section 19.01

TORTURE

10.22 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) 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; although there was a draft bill before parliament that would criminalize torture, it had not been adopted by the years end. 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." **[3h] (Section 1c)**

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

10.24 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] [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 8.14 on Security Situation – Eastern DRC; Section 25.01 on Women

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EXTRA-JUDICIAL KILLINGS

10.25 A report from MONUC dated 10 May 2006 covering April to December 2005 states that whilst they had observed a decrease in the number of human rights abuses compared to 2004, they had noticed an increase in individual cases of summary executions and torture by members of the security forces particularly FARDC. **[56v]**

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

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

OTHER GOVERNMENT FORCES

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

MILITARY SERVICE

11.01 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]**

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

11.03 However, other reports from sources including Human Rights Watch, Amnesty International, and the International Crisis Group (ICG) have commented on the lack of progress in setting up an integrated armed forces structure below the headquarters and regional level, and chronicled incidents in which army units fought each other, and where soldiers, including senior officers were allegedly involved in killings and human rights abuses. **[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." **[39d] (Executive Summary and Recommendations)**

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

> "Although the government has created 11 military regions and appointed military commanders to these regions, the distribution of armed forces on the ground has been much the same as it was when the ceasefire agreement was signed in early 2001. As a result, these forces often remain loyal to the rebel group for which they fought during the war rather than to a new national army and the transitional government. An integrated command structure exists in theory, but many of the forces on the ground continue to answer to their former commanders. This is a particular problem in military regions whose commander is from the rebel group that previously controlled the area, as is the case in the 8th military region (North Kivu province), which was previously under the control of RCD-Goma. The decision to appoint a former leader of RCD-G forces to command the 8th military region was due to the nature of the transitional government, which is based on political compromise between the various parties. Unfortunately it has led to devastating consequences, as troops in this region have been used to undermine the authority of the transitional government." **[30b]**

11.05 News reports in 2005 also referred to various measures to assist and improve military integration and reform. The Integrated Regional Information Networks (IRIN) reported on 3 June 2005 about training assistance from Belgium and the creation of new integrated brigades in Katanga, South 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]**

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

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

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

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

11.09 The three steps envisaged may be summarised as follows:

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

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

accused of diverting military food trains, intended for Kamina, for his own private business. **[21d] [21p] [15u]**

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

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

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

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

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

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

11.16 The section dealing with the integration process states:

"Army integration appears to be unable to reach the goal of eighteen integrated and deployed brigades by March 2006. With only 6 such brigades having completed their courses, the training of three more underway in January, and three integration centres awaiting the arrival of troops, most Congolese and foreign observers consider that twelve brigades are the most that can be in the field by the April elections." **[39f] (page 25)**

11.17 The report also states:

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

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

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

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

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

See also Section 8.17 Ituri and Annex D Armed Forces in the DRC

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TREATMENT OF DESERTERS AND CONCIENTIOUS OBJECTORS

11.22 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "The organization and the jurisdiction of the military, as well as the modalities of punishment for military desertion, are specified in two Laws on Military of the 18 November 2002: the Law n.

023/2002 and the Law n. 024/2002. It is worth mentioning that Courts of Appeal also exist in military jurisdiction." **[60b]**

11.23 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]**

11.24 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]**

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

See also Section 7.01 on Human rights introduction; Section 8.14 on Security situation – Eastern DRC; Section 22.01 on Ethnic groups; Section 26.33 on Child soldiers; Annex D Armed forces in the DRC

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ABUSES BY NON-GOVERNMENT ARMED FORCES

See Also Section 17.01 Political affiliation

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

12.02 The USSD 2005 Country Reports on Human Rights Practices published on 8 March 2006 stated: "At year's end despite the presence of 16,850 UN peacekeeping troops in the country, government control of certain areas of the country remained weak, particularly in the rural areas of North and South Kivu, the Ituri District of Orientale Province, and northern Katanga, where armed groups continued to operate outside of government control." **[3h] (Overview)**

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

12.04 The USSD report stated: "There were numerous credible reports that the government of Rwanda continued to provide material support to armed groups in the Kivus and in Ituri, some of which committed human rights violations. There were credible reports that Ugandans provided material support to armed groups, including the Congolese Revolutionary Movement and the Front for the National Integration (FNI), who committed human rights violations while operating in Ituri." **[3h] (1g)** The report continued: "There remained between seven thousand and eight thousand soldiers of the Democratic Forces for the Liberation of Rwanda (FDLR) as well as their family members in the eastern provinces of North and South Kivu. The FDLR, largely made up of Rwandan Hutus who fled to the DRC in 1994 after the Rwandan genocide, continued to be led by many individuals responsible for leading the genocide." **[3h] (1g)**

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

See also Section 11.01 on Military service; Section 8.17 on Ituri

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

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

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

See also Annex D Armed forces in the DRC

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DISARMAMENT OF FOREIGN ARMED GROUPS

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

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

12.11 In a further report on 2 August 2005 the UNSG stated that the head of the FDLR announced on 31 March 2005 that the group "had decided to renounce violence and denounce the Rwandan genocide and was prepared to join the disarmament, demobilization, repatriation, reintegration, and rehabilitation process." **[54g] (p8)** However, an ICG report of 12 May 2005 commented on this commitment that "There are serious reasons to doubt matters will go so smoothly." citing the absence of Rwanda from the agreement. **[39e] (p1)** A report by IRIN of 25 August 2005 noted that at a recent meeting of ministers of regional cooperation from DRC, Rwanda and Uganda "The ministers at the

Kigali meeting criticised the rebels, known as the Forces démocratiques de libération du Rwanda (FDLR), for failing to keep a promise they made in March to end attacks against their homeland."; and gave Rwandan Hutu rebels in the DRC "until 30 September to disarm or else face "severe" consequences". **[18bn]** The UNDPKO (2005) Year in Review stated that FDLR members did not surrender in significant numbers, and in June the leadership split, delaying the full repatriation of the rebels to Rwanda. At the end of June the Transitional Government announced its intention to forcibly disarm the FDLR in a joint operation with MONUC which had some impressive results. **[103]**

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

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

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

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

12.16 The USSD Human Rights Report published 8 March 2006 reported: "More than100 FDLR members opted to voluntarily demobilize and return to Rwanda during the year." **[3h] (1g)**

12.17 In April 2006, Ignace Murwanashyaka the political leader of the Democratic Forces for the Liberation of Rwanda (FDLR) was arrested in Germany for entering the country illegally. He was arrested as he returned from a trip to eastern DRC via Uganda and Belgium. In November 2005, the UN Security

Council imposed a travel ban and asset freeze on Murwanashyaka and 15 others accused of violating an arms embargo aimed at ending fighting in the DRC. He claimed he was arrested because of this. He was released by the German court after three weeks. **[18de] [21t]**

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

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

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

See also; Section 8.17 on Ituri; 8.55 on North Kivu; 8.77 on South Kivu; 8.106 on Katanga; Section 26.33 on Child soldiers

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TORTURE

12.21 See Police Torture 10.16 above

FORCED CONSCRIPTION

12.22 See Section 26.33 Child soldiers

JUDICIARY

ORGANISATION

13.01 The US Department of State Country Background Note of January 2006 stated that "The judiciary is nominally independent; the president has the power to dismiss and appoint judges." **[3g]** Whilst in comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR advised that "In DRC, there are 12 Courts of Appeal, 1 in each Province and 2 in Kinshasa." **[60b]**

13.02 Europa World online 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]**

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

INDEPENDENCE

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

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

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

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

13.07 The US Department of State Human Rights Report 2005 published on 8 March 2006 reported that:

"The law provides for an independent judiciary; however, in practice, the judiciary continued to be poorly paid, ineffective, subject to influence by other government officials, 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. Although courts are required to file charges within 48 hours of arrest, they generally did not, and long delays occurred. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently and there were credible reports that judges regularly prolonged trials as a form of blackmail and a means of soliciting bribes." (Denial of Fair Public Trial) **[3h] (Section 1e)**

13.08 USSD 2005 also stated that "Throughout the country corruption remained rampant, and judges and other public servants were paid poorly and intermittently: Continued progress on demobilization of militia groups, particularly in Ituri District, stabilized the situation enough to allow the return of some judicial officials and public servants." **[3h] (Section 1e)**

FAIR TRIAL

13.09 In reference to military courts USSD 2005 stated:

"Military courts, which had broad discretion in terms of sentencing and no appeal process, tried military defendants. Military courts continued to try civilians during the year. Although the government permitted, and in some cases provided, legal counsel, lawyers often did not have free access to defendants. Trials were open to the public at the discretion of the military judge…." **[3h] (Section 1e)**

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

13.11 IN a report from Irin in July 2006 the chief security guard of Osio prison is quoted as thinking many of the prisoners serving there were not judged fairly. "These are not the tough criminals people believe. We live with them and know who they are. Many were members of the rebel movement UPC." According to Katrina Ladwig, a criminal lawyer from Germany and human rights officer for the MONUC protection unit in Kasangani, about 50 per cent of

the prisoners in Osio were soldiers or militias – many having been sentenced for belonging to the wrong rebel group. **[18cq]**

13.12 In the same report it states that "members of an international human rights organisation looking after prisoners' rights had told IRIN the problem with justice in DRC is that politicians nominate prosecutors – justice has the colour of parties. To change this, the transitional parliament on 24 May 2006 passed a law that should guarantee the justice system's independence from the executive bodies. But it has not been enacted yet." **[18cq]**

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

PENAL CODE

13.13 The US Department of State Human Rights Report 2005 published on 8 March 2006 reported that:

"The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel; however, these rights were not respected in practice. Some trials are public, while others, such as many rape trials, are not. There are no juries. Defendants have the right to appeal in most cases; but not in cases involving national security, armed robbery, and smuggling, which generally are adjudicated by the Court of State Security. In some instances the special military tribunals, whose jurisdiction is ill-defined, adjudicate national security cases. The law provides for court-appointed counsel at state expense in certain cases, but the Government often did not provide such counsel." **[3h] (Section 1e)**

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ARREST AND DETENTION – LEGAL RIGHTS

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

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

14.03 Several reports indicated that although the law provides for a speedy process, access to family and lawyers, and prohibits arbitrary arrest and detention, these provisions were not followed in practice. **[3h] (Sections 1d, 1e, 1f) [11f] (Torture and Illegal detention) [55b] [56a]** They included the US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) **[3h]** 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. Reportedly 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." **[3h] (Section 1d)**

and

"Throughout the country, there were credible reports that authorities sometimes arrested or beat a close family member of the person they sought but were unable to locate. For example on August 5, police in Lubumbashi arrested and severely beat Mimi Balela Mbayo in place of her husband, who was wanted for stealing 24 thousand dollars from a former employee. Ms. Mabyo's buttocks were flayed, tearing off large pieces of flesh and muscle. At year's end no action had been taken against OPJ Donat Atwena, the police officer who ordered the beating." **[3h] (Section 1f)**

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

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

- The period in police detention, which may not exceed forty-eight hours,

- The right for any person arrested to be informed immediately or at the latest within twenty-four hours of the reasons for his/her arrest and of any accusation made against him,
- The right to a just and fair trial within the legal periods." **[56a] (p4)**

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

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

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

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

14.09 In contrast other reports stated that there were confirmed incidents where children and elderly persons were driven from their homes or killed after being accused of witchcraft. **[3h] (Section 1a and Section 5) [3c]**

See also; Section 11.01 on Military service; Section 12.21 on Abuses by non-government forces - torture; Section 15.01 on Prison conditions

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PRISON CONDITIONS

15.01 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)**

15.02 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)**

15.03 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) 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 severely overcrowded, in a poor state of repair, lacked sanitation facilities, or were not designed to detain persons. Healthcare and medical attention remained inadequate, and infectious diseases were a problem. In some cases, prison doctors were available; when they were however, they lacked medicines and supplies." **[3h] (Section1c)** The same source stated that food remained inadequate and malnutrition was widespread. **[3h] (Section 1c)** USSD 2005 also reported that: "Women and juveniles sometimes were held 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." **[3h] (Section 1c)**

15.04 USSD 2005 also stated that "In general the Government allowed the International Committee of the Red Cross (ICRC), MONUC, and many NGOs access to all official detention facilities; however, these organizations did not have access to illegal detention facilities maintained by security forces." **[3h] (Section 1c)**

15.05 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)**

15.06 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]**

15.07 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]**

15.08 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]**

15.09 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]**

15.10 USSD 2005 reported:

> "Conditions in smaller 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 but in practice 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." **[3h] (Section 1c)**

15.11 The same source also stated "The security services, particularly the civilian and military intelligence groups 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." **[3h] (Section 1c)**

15.12 USSD 2005 also reported that:

"Prison conditions in the east were extremely harsh and life-threatening. Armed groups operating in these areas imprisoned persons in numerous facilities, including personal residencies and hastily constructed shacks that were not designed as prisons. Detainees often were kept in overcrowded rooms with little or no light or ventilation. 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." **[3h] (Section 1c)**

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

15.14 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)**

15.15 A report from MONUC in March 2006 'Arrestations et detentions dans les prisons et cachots de la RDC, Partie I – La légalité des arrestations et des detentions' states " the arrests and detentions in DRC police cells and prisons can be typically characterised by frequent disregard for the national and international rules on the subject. These numerous infringements of what can be considered legal are linked to serious dysfunction within the police and judicial apparatus." **[56j]**

15.16 The report also states that "women are frequently victims of the violation of the principle of individual criminal responsibility. It is not rare to see mothers or wives arrested and detained in place of their son or husband, who has been accused of a criminal offence." **[56j]**

15.17 The report continues, "Very many people are arrested even though they have not committed any offence against Congolese vcriminal law."…"The limit on the time period for being kept under arrest without charge should not exceed 48 hours, but it is not observed in many cases, both in Kinshasa and in the provinces." **[56j]**

15.18 The report states that the most shocking violation of human rights of people arrested is that of being denied treatment which will save their life, physical or mental health, as well as their dignity, which implies that a person should not be subjected to cruel, inhumane or degrading treatment, or to torture.

However, poor treatment remains common throughout the country and torture also takes place. These happen more frequently during arrests by those authorities who have no power to do so, and during illegal detention in police cells. **[56j]**

15.19 It goes on to say that there are more and more places countrywide where arrest and illegal detention are carried out, and that serious violation of human rights take place in the premises and cells of the Intelligence Service (ANR), the Directorate of General Migration (DGM), the National Security Council (CNS) and the Republican Guard (GR) where the report gives details of widespread abuse and accounts of torture for reasons ranging from illegal arrest, extortion of money, and political reasons. The same offences are often committed in the cells of military camps, where most of the arrests are for reasons supposedly linked to security of territory. The majority of those detained in these establishments were soldiers or members of armed groups. These services often deny the existence of their places of detention, escape control, and can also be places where forced disappearances start. **[56j]**

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

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

15.22 Among the victims of abuses of arrest it is not unusual to find children. **[56j]**

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

15.24 Katrina Ladwig, a criminal lawyer from Germany and human rights officer for MONUC stated that "human rights were not respected. Some were irregularly detained, others were minors. There was a lack of food and water. This is the condition in all prisons of the province and actually in all prisons in the Congo." **[18cq]**

15.25 The report states that "it is not uncommon for politicians and military figures to put pressure on prison directors in DRC." **[18cq]**

15.26 The twenty-first report from the UNSG in June 2006 stated that improving detention conditions and facilties in the east remains high priority, and that MONUC was seeking to establish additional capacity at the prison in Bunia, where conditions were particularly difficult. This will bridge the gap until the new facility planned by the EU is constructed in 2008. **[54i]**

See also Section 26.52 also Imprisonment of children

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DEATH PENALTY

16.01 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)**

16.02 USSD 2005 also reported that in July 2005, a military court convicted Colonel Simba Hussein of killing Muyeye Bishamo on 15 July 2005 for refusing to change a tire [sic] for less than the agreed price, and sentenced him to death. He appealed the sentence and was still awaiting a hearing at the end of 2005. **[3h] (Section 1a)**

See also Section 37.01 on Assassination of President Laurent Kabila

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POLITICAL AFFILIATION

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

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

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

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

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

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

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

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

1. National parties such as the UDPS, the MPR and the PDSC that are represented throughout the territory of the Congo;
2. Semi-national parties, active in Kinshasa and in one or two other provinces, 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 17.08 on Letters of support from opposition political parties; Section 17.09 on Freedom of association and assembly;; Annex B Political organisations

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FREEDOM OF POLITICAL EXPRESSION

17.07 Article 11 of the transitional constitution stated:

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

Article 11 of the post-transition constitution stated:

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

See also Section 33.01 Citizenship and nationality

LETTERS OF SUPPORT FROM OPPOSITION POLITICAL PARTIES

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

FREEDOM OF ASSOCIATION AND ASSEMBLY

17.09 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) detailed a number of occasions during 2005 on which freedom of association was restricted. It stated: "The Constitution provides for freedom of association; however, in practice, the government sometimes restricted this right. During the year, government authorities sometimes harassed political parties, including party leaders." **[3h] (Section 2b)** The text of the proposed Constitution approved in May 2005 published by the Institute for Security Studies contains provision for the rights to set up trade unions and take part in their legal activities. **[27d]**

See also Section 35.01 on Employment rights

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

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

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

See also Section 17.01 on Political Affiliation

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

17.13 USSD 2005 also detailed a number of occasions during 2005 when freedom of assembly was restricted and stated that:

"The 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." **[3h] (Section 2b)**

17.14 The report went on to say: "On June 30, local authorities in Kinshasa denied the UDPS party permission to conduct marches protesting the extension of the transition. The authorities cited public safety reasons for their refusal following statements by UDPS leaders encouraging citizens to overthrow the government." **[3h] (Section 2b)**

17.15 The same source reported: "Unlike in the previous year, there were no reports that armed groups operating outside of government control in the east restricted freedom of assembly and association." **[3h] (Section 2b)**

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

17.16 The World Report 2006 by Human Rights Watch (HRW) commenting on events in 2005 stated: "Security services committed election-related abuses throughout 2005, including the January shooting in Kinshasa of dozens of demonstrators protesting elections delays and the later detention of political activists for months without charge elsewhere in the country." **[5L] (Overview)** The same report also states: "In January and June 2005, security forces killed dozens of men, women, and children protesting electoral delays in Kinshasa, Mbuyi Mayi, Goma and other towns." **[5l] (Civil and Political Rights) [18au]**

17.17 USSD 2005 stated that "The law allows legally registered political parties to operate freely; however, authorities occasionally continued to arrest political activists and to block some activities, including marches and demonstrations. Authorities in areas outside the national capital tended to impose more limits on civil and political liberties." **[3h] (Section 3)**

17.18 The same source reported a number of occasions when demonstrations or political meetings had been restricted or repressed but also stated: "Unlike in the previous year, in areas under government control, there were no reports that security forces committed politically motivated killings". **[3h] (Section 1a)** It also said there were no politically motivated disappearances by government forces. **[3h] (Section 1b)** Neither were there any reports of political prisoners. **[3h] (Section 1e)** It added "The Government required political parties to apply for permits to hold press conferences; according to local NGOs, such permits sometimes were denied." **[3h] (Section 2b)**

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

had been detained. Among those arrested was UDPS Secretary-General Remy Masamba. **[15z, 23c]**

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

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

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

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

See also Section 6.14 on Elections; Section 8.106 on Katanga; Section 17.01 on Political affiliations; Annex B Political organisations

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FREEDOM OF SPEECH AND MEDIA

18.01 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]**

18.02 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)**

18.03 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) reported "The law provides for freedom of speech and of the press; however, the Government sometimes restricted these rights in practice. During the year press freedom deteriorated. There were reports that the police or military officers killed at least one journalist, and there were more than 30 reported instances where police or military arrested, detained, threatened, or abused other members of the media. The Government temporarily closed several radio and television stations; journalists practiced self-censorship throughout the year." 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 Jean-Marie Kanku, editor and publisher of l'Alerte, following an interview in which a parliamentarian criticised the alleged incompetence and corruption within the Agence Nationale de Renseignements (ANR). Kanku was arrested and detained by the ANR in its headquarters for six days before being taken to the State Security Court. He was released after paying $150 bail following a meeting between one of the country's vice-presidents and a delegation of journalists. **[3h] (Section 2a)**

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

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

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

See also Section 18.27 on Newspaper articles

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JOURNALISTS

18.06 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) [5u] [7a] [7b] [7c] [19a] [19b] [19c] [19d] [19e] [19f] [19g] [19h] [19i] [63b]**

18.07 The HRW World Report 2006 commenting on events in 2005 stated "Authorities arrested and closed the operations of journalists who criticized those in power, such as a television station of Vice President Jean-Pierre Bemba, who is likely chief challenger of President Kabila in the up-coming elections." **[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]**

18.08 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." **[19b]**

18.09 USSD 2005 stated: "During the year, police and military officers allegedly killed one journalist, kidnapped another, and arrested, intimidated, harassed, and detained other journalists, often without filing formal charges.", the report also stated that "No action was taken against security forces that beat and harrased [sic] journalists in 2004 or 2003." **[3h] (Section 2a)** The same source

said that "Armed groups continue to harass, intimidate, beat and arrest local journalists". And that "Armed groups operating outside government control in the east and local authorities continued to severely restrict freedom of speech and of the press." **[3h] (Section 2a)**

18.10 The journalist killed was Franck 'Ngyke' Kangundu, 52, who headed the political section of the independent Kinshasa-based daily La Référence Plus. He and his wife were shot outside their home in Kinshasa. **[7d]** Three policemen and two accomplices were arrested for the killings. During a news conference the suspected ringleader, Second Lieutenant Mungande Kimbao Joel, denied having any part in the murders and said he only confessed under torture. **[18bw]** Subsequently members of the Congolese NGO, Journaliste En Danger (JED) received death threats following an article about their investigations into the killings. **[74c]** During a meeting with Reporters sans Frontieres (RSF) on 9 March 2006 President Kabila gave an undertaking that a 'public trial' would be held "before the presidential election." **[74d]** The trial of three suspects, two policeman and a soldier, commenced on 12 July 2006 before a military tribunal. The six judges did not read out the charges. One of the lawyers representing Ngyke's family said it was just the opening of the trial which involved the presentation of the three suspects who had refused to recognise the lawyers assigned to them, saying they had no earlier contact with them. A spokesman for Journaliste en danger (JED) alleged that Ngyke was killed because of an article on embezzlement of government funds. **[18cr]**

18.11 RSF also reported the comment of 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 2005 also stated: "The Ministry of Human Rights and the Ministry of Communication and Press continued to intervene on behalf of journalists facing prosecution and held occasional training workshops." **[3h] (Section 2a)**

18.12 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] (p20)** JED is also a member of the IFEX group, a Canadian-based organisation which is managed by Canadian Journalists for Free Expression and publishes reports from JED on its website. **[63b]**

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

18.14 According to the Committee to Protect Journalists (CPJ) several sources had told them in May 2006 that the Information Minister, Henri Mova Sakanyi, had pressured RFI to withdraw Dupont, while offering to accredit other RFI correspondents. The CPJ stated that "at that time, Mova told CPJ in a phone

interview that Dupont's accreditation was being withheld because of alleged violations of accredition rules and not due to the content of her work, but confirmed he had met with RFI management in Paris to complain about her." **[19j]**

18.15 This, together with two Rwandan journalists working for the news agency Reuters being refused entry to the country, led to the international committee accompanying the transition to democracy, known by its French acronym CIAT, which includes the ambassadors of the five UN Security Council permanent members, to call on the authorities to respect the freedom of the press, and warned that the DRC's image could suffer as a result of these actions. **[65v]**

18.16 On 8 July 2006 a journalist Bapuwa Mwamba was shot dead at his home in Kinshasa by three armed men. He had already been attacked the previous March by men who stole his computer and telephone as well as cash. His killers also took one of his cellphones. Three people were arrested for the crime: Vungu Mbembo a former deserter from the Zairian Armed Forces Artillary Brigade; Mangenele Lowayi José, a former poacher; and Kunku Makwala Sekula. The three were arrested on 25 July 2006 in Matadi; a loaded FA gun, which may be the murder weapon, was found in the suspects' possession. The accused are also suspected of carrying out the earlier robbery in March 2006. The police believe Bapuwa was killed in a botched robbery attempt. The case file will be transferred to the Military General Prosecutors' Office of the DR Congo Armed Forces (FARDC), which will commence preparatory legal action. **[21o, 74i, 86c]**

18:17 On 17 July 2006 more than 300 journalists and media workers marched through central Kinshasa to the headquarters of MONUC, they were demanding greater security for the press. This followed a crackdown on the media in the run up to the polls. According to BBC monitoring crimes against journalists include killings, detention, anonymous death threats and beatings of local media practitioners. The protest of the local media practioners culminated in 'No Media Day' on 18 July 2006, to protest at Bupuwa's death with most radio and television stations not broadcasting their news bulletins. **[65w]**

18.18 Human Rights Watch, in a briefing paper covering April and May 2006, details mistreatment of seven journalists and television technicians by the Republican Guard, agents of the special police, and unidentified assailants. The paper also states that another two journalists were detained by security forces, and that three others were arrested a few months earlier on charges of criminal defamation, "an accusation frequently invoked by officials to restrict legitimate freedom of expression". **[5v, 5w]**

18.19 The briefing paper goes on to say that in one threat delivered by e-mail on 20 May, two activists from the media watchdog Journaliste en Danger were told to choose their coffins. **[5v, 5w]**

18.20 According to BBC monitoring "while the government is believed to be behind most cases of intimidation of journalists, Human Rights Watch documented at least one case when a journalist fled the country after receiving threats form the opposition." **[95a]**

18.21 In another incident a journalist was arrested on 20 April following the publication of an article denouncing the embezzlement of funds and mismanagement of donations by the Protestant University of Congo (UPC). The Kinshasa/Gombe High Court ordered his release on 24 May, but he was kept in prison by the state prosecutor until 5 July 2006. During that time he was sentenced on 14 June 2006 to four months in prison and payment of US$5,000 in damages for "damaging allegations" against the UPC. JED with the journalists authorisation launched an appeal on 26 June 2006. It is expected that the journalist will be tried again by the Kinshasa/Gombe High Court. **[63d]**

18.22 On 12 September 2006 the editor of the Kinshasa-based weekly 'Tapis Rouge', Feu D'or Bosange was arrested by judiciary inspectors and kept in a TGI (Kinshasa/Gombe High Court) cell before being transferred on 16 September to a Kinshasa prison. He was arrested for publishing an article on 16 August 2006, in which the editor accused the head of the public tax office of embezzling funds, which reportedly allowed him to buy four luxurious villas throughout Kinshasa, and to offer brand new cars to girlfriends and colleagues. The editor was released on bail on 25 September having spent 14 days in detention. Under his bail conditions he had to report twice weekly to the High Court. **[74p]**

See Section 6.14 Elections

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NEWSPAPERS

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

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

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

"There are many newspapers in Kinshasa, but only a handful are regularly printed and read. The main opposition newspapers are Le Potentiel, Le Phare, Tempête des Tropiques and La Référence Plus. Le Palmares and L'Avenir are the two main pro-government newspapers. Le Potentiel has the largest

circulation, at 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] (p21-22)**

18.25 USSD 2005 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." **[3h] (Section 2a)**

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

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NEWSPAPER ARTICLES

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

18.28 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)**

18.29 The CPJ report on 2004 also stated:

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

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

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

18.31 USSD 2005 also reported "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 benefits to encourage them to write certain types of articles." **[3h] (Section 2a)**

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RADIO, TELEVISION AND THE INTERNET

18.32 USSD 2005 stated 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. Foreign journalists were able to operate in the country." **[3h] (Section 2a)**

18.33 The same document also reported that the Government closed or banned radio and television stations during the year. For example on January 18, the Government closed for three days two television stations and one radio station owned by one of the four vice-presidents, former rebel leader Jean-Pierre Bemba, who was reportedly in dispute with President Kabila. **[3h]**

See also Section 21.22 on Armée de Victoire (Army of Victory church)

18.34 The Economist Intelligence Unit (EIU) 2005 Country Profile in October 2005 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]**

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

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

It lists the main radio stations as:

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

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

94 radio stations:

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

45 television channels:

- Kinshasa – 21;
- Bandundu – 1;
- Bas-Congo – 3;
- Kasaï Occidental – 4;
- Kasaï Oriental – 4;
- Katanga – 4;
- Equateur – 2;
- Province Orientale – 2;
- Grand Kivu (Nord Kivu, Sud Kivu and Maniema) – 4. **[60d]**

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

18.38 According to a report in The East African published in Nairobi on 26 September 2006, there are 119 radio stations and 52 television stations in the DRC**. [74q]**

18.39 This figure agreed with that published by the International Crisis Group in their report Congo's Elections: making or breaking the peace dated 27 April 2006. The report stated:

"There are 119 radio stations in the Congo, more or less throughout the country; 52 television stations, some half of which broadcast in Kinshasa; and 176 newspapers and magazines, most with limited circulation." **[39h]**

The report went on to say that most of the media are affiliated to, or owned by politicians, and that although the management of state-run media was supposed to be shared between the peace deal signatories, it was not until August 2005 that its management was integrated and a director named from Kabila's party; which has led to bias. The report gives the example that during the referendum campaign 43 per cent of television time devoted to the referendum was given to those who supported it, and only eight per cent to opponents, whilst on state radio the ratio was 32:1. The report also states that in January 2006, the national conference of Kabila's People's Party for Reconstruction and Democracy (PPRD) was televised for over four hours, but no other party received similar coverage. This earned the station a minor sanction from the state media watchdog: not to broadcast political programmes for 48 hours. **[39h]**

18.40 During the 2006 election campaign there were several attacks on radio and television stations throughout the country. On 14 May 2006, armed police ordered the electricity to be cut in the district where the Kinshasa-based broadcaster Radiotélévision Message de Vie (RTMV) broadcasts its signal, which effectively shut down the station for three days. On 22 May 2006 armed assailants stormed into the offices of RTMV, where they destroyed equipment and forced the station off the air. Sources claimed that the assailants were state security agents dressed in civilian clothes. **[63e]**

18.41 Local journalists believe the move was intended to prevent RMTV from broadcasting the arrest of the evangelist pastor Fernanado Kuthino, whose church owns RTMV and who expressed political views at a rally on 14 May 2006. **[63e]**

18.42 Interviewed on 15 May on public radio channel RTNC, the Kinshasa Governor accused Kuthino of inciting hatred and division during his preaching. He also claimed to have discovered arms at the pastor's residence. The trial by a military tribunal of Pasteur Kuthino (and two co-defendants) was concluded on 16 June. All four were found guilty of charges of attempted murder, criminal association and the illegal possession of arms. Kuthino was sentenced to 20 years in prison. Amnesty International believes that the accusations against the men were politically motivated **[11m] [63e] [65ai]**

See also Section 21.22 Armée de Victorie

18.43 Journaliste en Danger (JED) documented three cases in April 2006, in which radio and television antennas belonging to politicians in Butembo, Lodja, and Kisanga, were sabotaged. **[63e]**

18.44 On 30 June 2006, agents from the Congolese National Police's intelligence services arrested the news director of RAGA TV at his office and took him to the Gombe neighbourhood prison. He was released later that night and ordered to cease live coverage of the opposition demonstrations. **[7e]**

18.45 Later that same evening a technician for the station was arrested and detained at the same prison for a few hours and later released. He was accused of continuing to broadcast programmes despite the police's suspension order. **[7e]**

18.46 On 1 July 2006, the radio and television stations RAGA FM, RAGA TV and RAGA Plus ceased broadcasting. Police arrived at RAGA's headquarters in Kinshasa, and cut the various stations' transmissions and seized equipment. This was done without a warrant. According to Reporters without Borders, that same afternoon under police pressure, the DRC's media regulatory body HAM, suspended RAGA FM and RAGA TV for ten days, on the pretext that the stations aired "biased reports" about demonstrations that had taken place on 30 June 2006. **[7e]**

18.47 A camera operator with the French public station RFO/AITV, was arrested by members of the President's personal guard in Kinshasa, and held at the Colonel Tshatshi military base in Kinshasa. He was released later that evening. **[7e]**

18.48 A reporter from the privately-owned station Antenne A (AA), was arrested in his newsroom as he was hosting a programme; he was taken together with the AA programming director, to the Gomba neighbourhood prison. Both journalists were released that evening. **[7e]**

18.49 A journalist and camera operator from the privately-owned Radio Télé Kin Malebo (RTKM), were arrested early that same morning as they were shooting footage in Kinshasa. They were detained in police cells and released in the early afternoon. **[7e]**

18.50 In Kitwit, the editor-in-chief of the local Catholic Church-owned community radio station TOMISA, was beaten up and injured by soldiers. The incident occurred as he was covering a march by opposition supporters from the Parti Lumumbiste Unifié (PALU). **[7e]**

18.51 On 31 August 2006 it was reported by allAfrica.com that at least a dozen journalists, presenters and technicians working for Canal Kin Television, a private television station owned by the Vice-President Jean-Piére Bemba, had complained about attacks and threats they had received from unknown persons over several days. Some claimed that they had received visits from unknown persons as well as receiving anonymous phone calls threatening them with death if they did not stop working for Mr Bemba. Others claimed to have been targeted by armed men, which had forced them to go into hiding. **[74j]**

18.52 On 18 September it was reported that fire had broken out in the offices of CCTV and CKTV. According to Journalists en danger, as reported by allAfrica.com, journalists and technicians working for the channels were surprised by a sudden "explosion", which was followed by a huge flame. The fire spread rapidly on the third floor of the building which houses the channels' editorial offices, and studios. Witnesses stated that important equipment was damaged and persons inside the building were injured. The general manager of CCTV suffered serious burns. The television stations resumed broadcasting four days later on 22 September 2006. **[15bc] [74l] [74o]**

18.53 On the same day it was reported by RAGA FM that High Media Authority (HAM) had suspended the broadcast 'Big Issues' by Radio Tele Groupe L'Avenir, (RTGA), for a period of one month. This programme is also broadcast by two other television channels: Digital Congo, and Radio-Television Nationale Congolaise (RTNC). **[95b]**

18.54 HAM was of the opinion that statements by two politicians during the broadcast were against the political code of ethics, and were a hindrance to the ongoing enquiry into the disturbances of 20 to 22 August 2006. Both politicians were also suspended on all Congolese media and HAM called on the court to enforce the decision. **[95b]**

18.55 On 25 September, the BBC reported that the HAM had put a broadcasting embargo on four politicians for a period of 15 days for broadcasting statements inciting xenophobia, demonising political opponents, and exalting "Congolese Identity" and other forms of discrimination. Another politician was suspended for 30 days for advocating "Congolese Identity", and two others were suspended for 60 days for having made outrageous statements against a public authority. **[95f]**

18.56 On the 23 September HAM issued a warning to the directors of Canal Congo Television and Canal Kin Television, and forbade them from broadcasting statements relating to "Congolese Identity", and wording such as "bird" or "chicken" when referring to a political opponent, or to referring to Vice–President Bemba as President of the Republic. **[95f]**

18.57 HAM had also suspended Radio Sankuru Liberte which broadcasts in Katakokombe, Kasai Oriental Province for 45 days. **[95f]**

18.58 On 27 September HAM suspended Francis Kalombo a parliamentarian from President Joseph Kabila's Peoples Party for Reconstruction and Democracy from any access to the media for two weeks for breaking election rules. HAM said that he had "made slanderous remarks, hurtful insinuations and incited hate and scorn for his political rivals." **[65ad]**

18.59 On the same day HAM suspended private television channel Moliere TV which was also given a 48-hour suspension for breaking election rules. **[65ad]**

See Section 6.14 Elections

18.60 The EIU 2005 Country Profile also stated "There are several local Internet service providers." **[30a] (p21)** The same source noted, however, that "The state-owned fixed-line telephone operator, Office national des postes et télécommunications (OCPT), is close to collapse. As a result, the use of cellular services has surged since 1993, and subscriber numbers reached more than 1 million in 2003. **[30a] (p21]** 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]**

18.61 The USSD 2005 report dated 8 March 2006 stated that "The government did not restrict access to the internet." **[3h] (Section 2a)**

See Also Section 6.14 Elections

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

GENERAL

19.01 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]**

19.02 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)**

19.03 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)**

19.04 The HRW World Report 2006, commenting on events in 2005, stated:

"Focused on assuring elections, few Congolese or outsiders worked effectively to curb ongoing violence against civilians or to address crucial post-conflict challenges, such as delivering justice for the many grave violations of international humanitarian law committed in Congo in the last decade." **[5l] (overview]**

19.05 The same report states:

"In 2005, combatants from armed groups as well as government soldiers deliberately killed, raped, and abducted civilians and destroyed or looted their property in repeated attacks, particularly in eastern Congo. A feeble justice system failed to prosecute these recent crimes and did nothing to end impunity [sic] for war crimes and crimes against humanity committed during the previous two wars." **[5l] (overview]**

19.06 The HRW also states:

"In January and June 2005, security forces killed dozens of men, women, and children protesting electoral delays in Kinshasa, Mbuyi, Mayi, Goma and other towns." **[5L Civil and Political Rights] [18au]**

19.07 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) reported that "In all areas of the country, the human rights record remained poor, and numerous serious abuses were committed; however there was some improvements during the year."…"the incidence of severe human rights violations decreased, although press freedom deteriorated. Several of the human rights violations reported in previous years, including militia attacks on internally displaced persons (IDPs) were not reported this year. …"During the year there was also a significant reduction in the number of human rights violations in Ituri District and Orientale Province". **[3h] (Overview)**

19.08 By contrast The Country Profile of 9 May 2005 by the Foreign and Commonwealth Office 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]**

19.09 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 2006 stated that the transitional government of the Democratic Republic of Congo (DRC) crippled by continuing conflict among its four main component parties ended two years in power with much of the eastern region still not under its control.. **[5l] (Overview)**

19.10 The United Nations (UN) Secretary-General commented in a report of 28 December 2005 to the UN Security Council that "Serious human rights violations committed by FARDC and national police personnel against civilians continue to be reported..... Restrictions on freedom of expression have also continued. **[54h p11]**

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

"Human rights defenders in DRC often work in conditions of extreme danger. Congolese activists have previously been victims of torture, extrajudicial execution and arbitrary arrest. In most areas the local political and military authorities are hostile to the activities of the local NGOs, which they fear may expose their involvement in human rights violations. The activists are frequently called in by the authorities for questioning or to settle so-called 'administrative matters' that are in reality thinly disguised acts of intimidation; their offices are subject to unannounced arbitrary visits by security officials. In

some cases, human rights activists have been threatened with death at gunpoint. On 31 July 2005, human rights activist Pascal Kabungulu Kibembi, the Secretary-General of Héritiers de la Justice (Heirs of Justice), a leading human rights organization, was murdered at his home in the eastern city of Bukavu, allegedly by soldiers." **[11i] (Background)**

19.12 On 1 April 2006 Hubert Tshiswaka the Director of the human rights organisation Action contre l'impunité por les droits humains (ACIDH), (Action Against Impunity for Human Rights), based in Lubumbashi, Katanga, received death threats. His organisation had published two press releases, the first called on the electorate not to vote for the "alleged perpetrators of human rights abuses", and called on them to vote for candidates able to promote human rights. In apparent response to the press release ACIDH workers received threatening letters from the Union nationale des federalistes au Congo (UNAFEC), a coalition member with President Kabila's party in the elections. The party is headed by the Minister of Justice, Honorius Kisimba Ngoy, and the letters accused Tshiswaka of "inciting ethnic hatred" and of being a representative of the migrants from Kasai province. The second press release condemned UNAFEC's creation of a youth wing which they had previously used as militia to intimidate their opponents, and called for all youth wings to be disbanded. On 1 April 2006 a letter from UNAFEC accused Tshiswaka of being a UDPS supporter, and that UNAFEC would no longer tolerate his "campaign of indoctrination and incitement to hatred." That evening Tshiswaka received an anonymous telephone call from a man who told him "you are enjoying it, we will sort you out. What you write will lead to your death." On 12 April an article in the newspaper Le Lushois which is run by the Secretary-General of UNAFEC entitled "Hubert Tshiswaka is inciting tribal hatred in Katanga. His object is to sabotage the election." [11n]

19.13 The twenty-first report form the UNSG in June 2006 stated that progress on the promotion and protection of human rights had been mixed. The report went on to say that although the State Security Court was abolished following the promulgation of the new Constitution in February 2006, the fate of those whose cases were pending at the time remains unclear. **[54i]**

19.14 The same report states that although the amnesty law was promulgated in January 2006, to date only 58 convicted prisoners have been granted amnesty for acts of war, and none for political infringements, which had raised concerns that the application of the law could be limited and discriminatory. Meanwhile, the Supreme Court had issued a non-binding advisory opinion stating that the murder of a head of State is not a political crime. Those convicted of killing the late President Laurent Kabila are therefore unlikely to benefit from the amnesty. **[54i]**

19.15 The twenty-second report of the UNSG lists a number of human rights abuses that took place between June and September 2006. On 30 June heavily armed FARDC troops deployed to prevent a political demonstration, and unused to crowd contol fired indiscriminately at protesters after a soldier was killed by the "enraged" crowd. Thirteen people were killed and twenty injured. **[54j]**

19.16 The twenty-second report of the UNSG states that the Republican Guard committed a number of politically-motivated human rights violations during the electoral campaign, including the arbitary arrest of journalists, the intimidation

of presidential candidates and their families and ill-treatment of detainees arrested for political reasons. **[54j]**

19.17 On 20 June 2006, 42 soldiers were sentenced by a military court in Mbandaka for murder and rape, as crimes against humanity, committed during a mutiny on 3–5 July 2005. **[54j]**

TREATMENT OF NON GOVERNMENT ORGANISATIONS (NGOS)

19.18 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) 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 UN representatives and international NGOs visited the country during the year. During the year international NGOs, including Amnesty International (AI) and Human Rights Watch (HRW), and international organizations such as the UN published several reports on the human rights and humanitarian situation." **[3h] (Section 4)**

19.19 The report continued: "The main Kinshasa-based domestic human rights organizations included Voices for the Voiceless (VSV); Groupe Jeremie; the Committee of Human Rights Observers; the Christian Network of Human Rights and Civic Education Organizations; Observatoire; and the African Association for the Defense of Human Rights. …Prominent organizations operating in areas outside Kinshasa included Heirs of Justice in South Kivu; Lotus Group and Justice and Liberation in Kisangani; and Justice Plus in Bunia." **[3h] (Section 4)**

For further information see relevant sections, including:

Section 3.05 on Events of 2005;
Section 6.01 on Political system:
Section 8.01 on Security situation;
Section 8.14 on Security Situation – Eastern DRC;
Section 10.16 on Police; torture;
Section 11.01 on Military service;
Section 14.01 on Arrest and detention; legal rights;
Section 16.01 on Death penalty;
Section 17.09 on Freedom of association and assembly;
Section 22.01 on Ethnic groups;
Section 25.01 on Women;
Section 26.01 on Children;
Section 31.01 on Internally displaced persons

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HUMAN RIGHTS ACTIVISITS

19.20 USSD 2005 reported that:

> "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 (2005) and were responsive to their requests and recommendations. However, during the year prison officials sometimes obstructed NGO access to detainees, and security forces' 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." **[3h] (Section 4)**

19.21 The same source stated: "Security forces throughout the country employed violence against, arbitrarily arrested, and harassed domestic human rights NGOs and civil society members." **[3h] (Section 4)**

19.22 USSD 2005 also stated:

> "In eastern areas of the country, domestic human rights NGOs and civil society members were subjected to frequent harassment and abuse, particularly in Ituri. …Unlike in the previous year, there were no reports that armed groups in the east killed or raped humanitarian workers. However, 11 UN peacekeepers were killed by armed groups during the year. Armed groups frequently imposed travel restrictions on persons who provided humanitarian aid, human rights NGOs, and journalists." **[3h] (Section 4)**

19.23 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." **[5s]**

19.24 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]**

19.25 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]**

19.26 In February 2006 in a document, DRC: Time to end threats against human rights defenders, AI stated:

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

See also Section 8.17 on Ituri; Section 8.55 on North Kivu

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CORRUPTION

20.01 A report from Global Witness in July 2006 claims that international companies and local elites in the DRC are pocketing revenues from copper and cobalt production instead of sharing it with local communities or spending it to reduce poverty. The report states:

> "Corruption both in the state and private sector is not unique to the mining industry. It is widespread throughout the DRC and has been one of the fundamental causes of the country's disastrous economic situation and enduring poverty for several decades. It has also been one of the factors perpetuating the conflict and threatening the fragile transition process." **[36b]**

20.02 The report goes on to say that corruption is prevalent in both the formal and informal mining sectors. In the artisanal sector corruption takes place at every stage of the mining process. Bribes are payable to officials at various points in the chain, at the entrance to every mine, at the mineshafts where the miners dig, at the exit points from the mines, along the roads, at checkpoints and border posts. Sometimes mine officials demand payment in kind rather than cash. The miners have little choice but to pay these bribes in order to work. **[36b]**

20.03 As an example, a MONUC report of July 2006 reported that a commission set up in Katanga to combat customs fraud was disbanded after it was discovered charging an illegal tax on all traffic passing across the border with Zambia. Traders said that every vehicle that passed through the border post had been charged between 20 and 50 dollars by the commission made up of police, customs officials, and intelligence agents. The border post at Kasumbelesa handles virtually all of DR Congo's exports of copper and cobalt. **[56r]** The Global Witness report quotes a transporter as saying that the government departments at Kasumbelesa usually asked for between US $3000 and $5000 per truck. **[36b]**

20.04 The Global Witness report also stated that trading companies paid even higher bribes and that in some instances the main trading companies paid the equivilant of a regular monthly salary to senior officials of the national customs agency (OFIDA), the intelligence services (ANR), and other government officials. The report states that some Congolese businesses were in the habit of paying $50 to the governor of Katanga "for him to tell the various government agencies to leave us alone". **[36b]**

20.05 The Report goes on to state:

> "For decades, politicians in the DRC, at the highest levels of government, have concentrated on enriching themselves from the lucrative copper and cobalt trade in Katanga instead of using these resources for the development of the country and the province. This pattern of personal appropriation of Katanga's minerals by senior politicians has continued since the war began and throughout the transitional period, from 2003 to 2006. If anything, national level politicians' hold on these resources has tightened in the run-up to elections in 2006: Katanga province is the heartland of the Kabila family and the home area of Laurent-Désiré Kabila, father of current president Joseph Kabila. Numerous sources interviewed by Global Witness in Katanga affirmed that Kinshasa-based political actors close to President Joseph Kabila had a

direct hand in all the mining deals in the province. The report of the Lutundula Commission also highlighted the interference of Kinshasa based politicians in the negotiation of some of the large mining contracts in the industrial sector. The report states, in its section on Katanga: 'The political leaders at the top levels of government intervene in the shadows by using their influence and giving inappropriate orders to the negotiators or signatories of the contracts. They follow closely and interfere in the activities of the partnership.'" **[36b]**

20.06 The report continues:

"Sources interviewed by Global Witness also frequently referred to regular, large cash payments from mining companies to President Kabila and individuals close to him, usually paid through various intermediaries. Several said it was impossible for a company – whether big or small – to operate in Katanga without a "political umbrella", meaning protection and support from politicians in Kinshasa. The involvement of members of the political elite in the mining sector in Katanga occurs both in the formal industrial sector, where they are alleged to have close links to some of the big mining companies, and in the artisanal sector, where they are facilitating illicit exports by trading companies and individuals on a regular basis." **[36b]**

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FREEDOM OF RELIGION

LEGAL FRAMEWORK

21.01 The US State Department (USSD) 2006 Religious Freedom Report on the DRC stated "The new constitution, approved in a national referendum in December 2005 and formally adopted February 18, 2006, provides for freedom of religion, and the Government generally respected this right in practice." **[3c] (Introduction)**

21.02 Freedom House stated in the Freedom in the World report for 2006 published before the elections, "The DRC's draft and transitional constitutions provide for freedom of religion, and this right is generally respected in practice, although religious groups must register with the government to be recognized." **[66] (Political Rights and Civil Liberties)**

21.03 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

21.04 The USSD 2006 Religious Freedom Report on the DRC stated:

"The country has a total area of 905,000 square miles, and its population is approximately 60 million. Approximately 55 percent of the population was Roman Catholic, 30 percent was Protestant, and less than 5 percent each Kimbanguist, and Muslim. The remainder largely practices traditional indigenous religions. There were no statistics available on the percentage of atheists. Minority religious groups included, among others, Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints (Mormons), and Coptic (Orthodox) Christians."

"Foreign missionaries operate freely within the country. Missionary groups include Roman Catholics, Lutherans, Baptists, Evangelical Christians, Mormons, and Jehovah's Witnesses, Muslims, and Coptic (Orthodox) Christians."

"Most religious groups are scattered throughout the country and were widely represented in most cities and large towns. Muslims are mostly concentrated in the provinces of Maniema and Kinshasa. Members of the syncretistic religion Bunda dia Kongo reside predominately [sic] in Bas Congo." **[3c] (Section1**

BUNDU DIA KONGO

21.05 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]**

21.06 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]**

21.07 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]**

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

21.09 The CEDOCA report stated that the basic philosophy of the organisation was to promote the positive aspects of the Kongo ancestral traditions. **[24b] (p7)** The management committee, as of 2003, was a chief executive, Ne Muanda Nsemi, an administrative director, Malozi ma Mpanza, a secretary (name not known) and a treasurer, Nzaki Bazola. Its office headquarters in 2003 was in Kinshasa. **[24b] (p8)**

21.10 With regard to membership cards the CEDOCA report stated:

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

21.11 The USSD Country Report on Human Rights – 2005 published on 8 March 2006 reported that "During the year there were no reports that the government suspended or dissolved any religious groups. However, the Bundu Dia Kongo, an ethnically based spiritual and political movement that called for the violent overthrow of the government and the establishment of an "ethnically pure" kingdom for the Bakongo tribe, remained outlawed throughout the year." **[3h] (2c)**

21.12 The USSD International Religious Freedom Report 2006 confirmed that the movement remained outlawed for its separatist, political goals. **[3c] (Section 2)**

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ARRESTS OF JULY 2002 AND SUBSEQUENT EVENTS

21.13 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)**

21.14 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)**

21.15 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]**

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

21.17 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)**

21.18 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)**

21.19 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)**

21.20 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)**

21.21 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]**

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ARMÉE DE VICTORIE (ARMY OF VICTORY CHURCH)

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

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

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

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

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

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EVENTS OF JUNE 2003 AND SUBSEQUENTLY

21.26 The CEDOCA report stated that on 10 June 2003 police officers in plain clothes raided the Church's premises where the radio station was based. The police officers assaulted Archbishop Kutino, who was having a meeting with members of the Sauvons Congo movement and took away some of the people who had been at the meeting, including Kutino. **[24c] (p20-25)** The CEDOCA report reported differing sources about whether anyone was arrested, stating that Le Phare and other newspapers reported that arrests had taken place, however interviewees, including church members, and local human rights groups ASADHO and VSV, did not mention any arrests. **[24c] (p21, 26)**

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

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

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

21.29 Shortly after his return to the DRC in 2006, Pastor Ferdinand Kuthino was arrested on 14 May 2006. According to Agence France Presse, security forces raided his church in Kinshasa, fired teargas and beat members of his flock in what was described as a "very forceful" operation targeting the pastor. **[65ai]**

21.30 Kuthino had earlier that day given a speech to several hundred supporters, in which he criticised preparations for the elections, and called on the Government to hold talks with the opposition, which was boycotting the polls to ensure "national unity." **[65ai]**

21.31 On 15 May 2006, police cracked down hard on a demonstration by supporters who were demanding the release of the pastor. According to BBC Monitoring "the police crackdown was extreme. Several people were injured among the faithful and passers-by. Some 10 vehicles were also damaged." **[95l]**

21.32 The trial by a military tribunal of Pastor Kuthino (and two co-defendants) was concluded on 16 June. Kuthino was sentenced to 20 years in prison. **[11m]**

See also Section 18.01 Freedom of speech and media

RELIGIOUS FREEDOM

21.33 The USSD Religious Freedom Report stated "The generally amicable relationship among religions in society contributed to religious freedom; however, many children and elderly persons were accused of practicing witchcraft and driven from their homes by their families." **[3c] (Section III)** The same source noted "Government policy and practice contributed to the generally free practice of religion." **[3c] (Section II)**

21.34 The same report stated: "In areas not under marginal government control, respect for religious freedom improved. Although a Catholic parish was looted in rural South Kivu in November 2004, there was no evidence that the robbery was motivated by religious factors. 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)**

21.35 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) reported that "In the east, respect for religious freedom neither deteriorated or improved. During the year there were no confirmed reports of attacks against priests, parishioners, churches, parish property, or schools." **[3h] (Section 2c)**

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ETHNIC GROUPS

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

22.02 Referring to languages the same source states: "In the Democratic Republic of the Congo the official language is French. In addition, some 250 languages and dialects are in widespread use. Of these, 90 per cent are of Bantu origin. Four of them are referred to as 'national languages', namely: Swahili (40 per cent) in the east, in Nord Kivu, Sud Kivu, Katanga, Maniema and Orientale provinces; Lingala (27.5 per cent) in Kinshasa (the capital) and the neighbouring region, and in Equateur and Orientale provinces; Kikongo (17.8 per cent) in Bas-Congo and Bandundu; Chiluba (15 per cent) in the provinces of Kasaï Oriental and Kasaï Occidental. It should also be noted that in the northern part of the country the many spoken languages belong to the Niger-Congo family (Ubangian subgroup) and the Nilo-Saharan families (central Sudan group and Nilotic subgroup)." **[60g]**

22.03 Ethnologue provides maps showing the main locations for Congolese ethnic groups and languages. **[6b]**

22.04 The US State Department Background Note of January 2006 affirmed that "Although 700 local languages and dialects are spoken, the linguistic variety is bridged by the use of French and the intermediary languages Kikongo, Tshiluba, Swahili and Lingala." **[3g] (People)**

22.05 Ethnologue provided the following information:

"Lingala is widely used in Bandundu, Equateur, and Orientale provinces, except the southeast of Orientale; and is also spoken in the Central African Republic and the Republic of Congo; alternate name: Ngala. Luba-Kasai is used throughout Kasaï Occidental and Kasaï Oriental provinces; alternate names: Luba-Lulua, Tshiluba, Western Luba, Luva. Koongo is used in the Bas-Congo Province and around Mbanza Manteke, Fioti north of Boma, and scattered communities along the Congo River from Brazzaville to its mouth, and is also spoken in Angola, and the Republic of Congo; alternate names: Kongo, Kikongo, Congo, Kikoongo. Congo Swahili is used throughout the Katanga, 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 1 on Geography

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ETHNIC ISSUES

22.06 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) 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. **[3h] (Section 5)** Freedom House also stated in the Freedom in the World report for 2005 "Ethnic societal discrimination is practiced widely among the country's 200 ethnic groups." **[66] (Political Rights and Civil Liberties)**

22.07 The UNHCR Global Appeal 2005 noted that "The DRC's internal and external problems are fuelled by power struggles revolving around ethnicity and the desire to control the immense untapped natural resources of the country." **[60a] (p84)** The 2005 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] (p18)**

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

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

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

22.10 USSD 2005 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". **[3h] (Section 5)**

See also Section 8.14 on Security situation – Eastern DRC

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BANYARWANDA/BANYAMULENGE/TUTSIS IN EASTERN DRC

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

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

The source added that the situation deteriorated into a virtual civil war in 1992—93. **[8] (p524)**

22.12 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 footnotes)**

22.13 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) states that "In fact, the consensus is that the Banyamulenge narrowly speaking (the Tutsi community of the high plains of Itombe, South Kivu) have immigrated to these areas long before the beginning of colonial rule. Also, their origin seems to be Rwandan, rather than Burundian. Burundians also immigrated to South Kivu (mostly the plains between Bukava and Uvira), but they need to be distinguished from the Banyamulenge." **[102]**

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

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

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

22.17 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) states that this report mixes different historical processes and is erroneous on two accounts.

"First that in the 19th century, movement of Rwandan Tutsi to the Congo was either voluntary and part of the expansion of the Rwandan state (for whom central Rwandan elites acted as a spearhead) or, by contrast, was driven by the search for autonomy from the Rwandan state. Rwandan Hutus migrated to the Congo in search for land, but also in search of autonomy from the state. In addition, there were also autochthonous 'Hutu' communities in Bwisha (Rutshuru), although they only came to see themselves as Hutu with the incorporation of that territory in the Rwandan state. Thus, it is wrong to frame the migration of Rwandans in the 19th century in terms of colonial resettlement policies (which the term 'transplanted' evokes). Rwandans of both ethnic groups (but with different roles and statuses) were transplanted to the Congo only from the mid 20th century onwards in the framework of a massive resettlement programme. **[101]** The new constitution and the new citizenship act clearly also gives these colonial immigrants (or 'transplantés as they are often called) Congolese citizenship." **[102]**

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

"The present report makes references to the chronology of their arrival in Congo, saying that the Banyamulenge arrived before independence into the Mulenge mountains of the South Kivu from Rwanda and Burundi, and the Tutsis arrived to Congo due to the conflicts in the 1990s in Rwanda and Burundi. However, Tutsis like Hutus have not migrated from Rwanda/Burundi but were found to be living in the area between the Occidental Rift and the lack [sic] Victoria by the Europeans in the XIXth century. There was never a conquest from the North or the East by the Tutsis into Congo. At the time of independence those people were found to be separated by the borders dividing Rwandan/Burundi/Congo. Those same people who have always lived in the South Kivu were once before given the Congolese nationality under the Mobutu regime by a nationality law dated 1971, but a subsequent law in 1982 retroactively withdrew their Congolese nationality. It is only recently with the 2004 nationality law that the Congolese citizenship can be granted to those whose tribes were present in the Congo at independence in 1960. Munyamulenge (plural for Banyamulenge) are considered and consider themselves Congolese, whereas Tutsis are not, they are viewed as foreigners – Rwandans or Burundians — who arrived in the Congo (mostly in North Kivu) at different times and were never considered for Congolese citizenship. It has to be made clear that Munyamulenge are not all Tutsis. The issue of statelessness of the Munyamulenge which might appear to have been solved by the 2004 nationality law, has not yet produced effects, in practice there is no example of cases of Munyamulenge who have successfully obtained the Congolese nationality. As an indication, during the voters' registration there were some incidents reported over the registration in the Kivus by 'tutsis' being Munyamulenge or alien tutsis whose nationality was reported to be unclear. (« Atlas des Peuples d'Afrique », Jean Sellier, Edition La Decouverte, Paris 2004, pp 143, 167, 171, 173,175-177). The persecution and discrimination suffered by both groups, Congolese Banyamulenge and aliens [sic] Tutsis is very much similar." The document went on to say that there should be no differentiation in the approach to these groups. **[60g]**

22.19 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) states that this statement by the UNHCR contains factual errors. He states:

"First the summary of the statements contained in the October 2005 report by the UNHCR commentary contains two major errors, which are not corrected by the commentary that follows. The first one has already been dealt with above (22.17) (the arrival of Banyamulenge before Independence and their origin from Rwanda and Burundi). A second error contained in that summary is the claim that Tutsi also arrived because of the conflicts of the 1990s. There was a major wave of refugees in the 1960s in the wake of the 'Rwandan revolution' (1959-1962) and following massacres in 1963 as well as ethnic persecution in 1972. In the 1990s, the thousands of Rwandan Tutsi managed to escape the genocide to the Congo, where they remained only briefly, fleeing the arriving Hutu refugees, or more precisely, the Interahamwe and ex-government forces which arrived in the Congo with the Hutu refugees". **[101] [102]**

While it is true that some Tutsi as well as Hutu were living in the area of present-day Congo before colonisation, they were restricted to specific areas and had specific histories. In the south, the main settled community of Rwandan origin were the Banyamulenge. Another area of traditional settlement of Rwandans was Bwisha (present day-Rutshuru territory). The population, however, was almost entirely made up by Hutu and only few aristocratic members of the Rwandan Tutsi elite settled there in the course of the expansion of the Rwandan central state in the 19th century. While the southern Tutsi community was relatively insulated both from neighbouring groups as well as the Rwandan states, Bwisha became incorporated into the Rwandan state in the 19th century and received a constant trickle of migrants. Thus migration and previous settlement are not contradictory in this context. Thus, the only communities whose ties to Rwanda were severed through colonial boundaries were the inhabitants of Idjwi (the island in Lake Kivu was only loosely integrated into the Rwandan state at the time of colonisation and initially was part of German East Africa until boundaries were demarcated), and the Rwandan communities in Bwisha and Rwandan communities in the south of Uganda" **[102]**

22.20 Dealing with the UNHCR comments on Munyamulenge Mr. Kraler states:

"In fact, Munyamulenge is the singular for Banyamulunge. More important, although the nationality of the Banyamulenge was contested, legally, the Banyamulenge should always have been considered Zairean citizens as made clear in a previous commentary to the April 2005 report. More important, the second part of the quote completely misrepresents the actual situation: both Tutsi and Hutu immigrants who came to Eastern Congo from the 1920s onwards (and sometimes even before) are viewed as foreigners by many locals, however, many of these consider themselves Congolese and indeed have a strong claim to Congolese nationality. It is actually these immigrants that were most affected by successive changes of citizenship legislation under Mobutu, if very often not in practice (as it was relatively easy to obtain a citizenship card through bribing the relevant authorities). In addition, the academic consensus is that Banyamulenge in the narrow sense are exclusively Tutsi (in contrast to the last sentence of the quote). However, in

popular language Banyamulenge is often taken as a term for either Congolese Tutsi or Congolese Kinyarwanda-speakers in general, although the term should be reserved to the actual Banyamulenge community in South Kivu." **[102]**

22.21 Commenting further on the UNHCR report he states:

"Finally, the UNHCR report states that *"The persecution and discrimination suffered by both groups, Congolese Banyamulenge and aliens [sic] Tutsis is very much similar."* The author of this report feels that the label'"alien Tutsi' is a serious and dangerous misnomer, since many of these Tutsi are second or third generation immigrants and thus have a strong claim to nationality, in particular under the new nationality legislation. **[102]**

See also Section 5.01 on the Constitution; Section 33.01 on Citizenship and nationality

22.22 USSD 2005 stated: "Unlike in the previous year, anti-Tutsi sentiment—including appeals to force Tutsis into exile and practice discrimination towards Tutsis in regard to citizenship rights—were not expressed in private media or government affiliated media. There were no known reports that government members encouraged hate speech against Tutsis." **[3h] (section 5) (National/Racial/Ethnic Minorities)**

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

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

22.25 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 8.14 on Security situation – Eastern DRC; Section 8.95 on Bukavu June 2004; Section 8.101 on Gatumba massacre August 2004

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TUTSIS IN KINSHASA

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

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

22.27 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)**

22.28 The Belgian report of 2002 concluded that:

"In Kinshasa, Tutsis and individuals whose morphology resembles that of Tutsis, individuals who speak kinyarwanda and individuals from Kivu may be in danger because of the aforementioned characteristics. According to certain interlocutors, the husband or wife of a Tutsi may also experience some problems.… A Congolese citizen who accommodated a Rwandan in his own home always runs the risk of being harassed by the security services.… As is often the case in the Democratic Republic of Congo, the situation is in fact very volatile in relation to the Tutsis in Kinshasa." It also noted that since 1998, the Government had allowed international agencies to resettle thousands of Tutsis in other countries. **[24a] (p22)**

22.29 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] (p24)**

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

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

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

"Anti-Tutsi sentiment has been high in Kinshasa for years. After Laurent Kabila expelled members of the Rwandan army from the capital in July 1998, the head of his cabinet, Yerodia Ndombasi, called the Tutsi 'scum, vermin that must be methodically eradicated'. In the weeks that followed, hundreds of Tutsi civilians throughout the Congo were arbitrarily arrested, tortured and killed. In subsequent years, anti-Tutsi sentiment has formed a cornerstone of the PPRD platform. According to a UN analyst, 'In the absence of a solid popular base and public services, anti-Tutsi propaganda is one of the only things that can rouse the rabble in Kinshasa'." **[39d] (p12)**

22.32 As reported in USSD 2005 at 6.105 above there were no incidents reported of anti-Tutsi sentiment being expressed in the media or hate speeches against Tutsis.

22.33 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]**

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

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

23.02 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]**

23.03 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]**

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

"The Congolese Criminal Code does not contain any article dealing with homosexuality or makes it a criminal offence. Some international organisations for the defence of homosexuals state that articles 167,168,170 and 172 of the Zaire Criminal Code, "Section II: Indecent Assault, Rape" and "Section III: Offences Against Common Decency" could be used by the authorities to punish homosexuality. However, information obtained from organisations in defence of human rights in Kinshasa includes no indication of these suppositions. It is, however, an established fact that homosexuality is taboo in DRC. Merely raising the subject makes some interviewees feel embarrassed." **[24a] (p28)**

23.05 The same report stated that the observers questioned on the subject did not know of any cases of Congolese being persecuted by the authorities because of their sexual orientation. They did not know of the existence of an organisation for the defence of homosexual rights. The report referred to comments from two local human rights groups, CODHO (Committee of Human Rights Observers), and VSV (La Voix des Sans-Voix) that homosexuals are rejected by society and homosexuality cannot be displayed in public; however, homosexuals could manage to live as they wish in Kinshasa if they remained discreet. The report also stated that there were a number of clubs in Kinshasa where homosexuals meet. **[24a] (p28)**

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DISABILITY

24.01 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) stated:

"The law prohibits discrimination against persons with disabilities; however, 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." **[3h] (Section 5)**

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

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WOMEN

LEGAL RIGHTS

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

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

"There is a direct link between discrimination practised against women in general and the exacerbated violence inflicted on women in times of war. The fact that women in the DRC are considered to be second-class citizens is closely related to the violence inflicted on them and to the discriminatory absence of appropriate measures on the part of the State to combat such violence."

"Before the war, women suffered economic, social, cultural and political discrimination. The situation for women has deteriorated since the start of the armed conflict. Widows or rape survivors fare even worse than the rest of the female population. According to one Congolese activist, 'In some traditions, for example, women who have lost their husbands, are, as widows, considered to be the property of the husband's family. In this way, they often become victims of sexual violence from members of his family."

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

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

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

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

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

25.03 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)**

25.04 The US State Department 2005 Human Rights Report (USSD 2005) published on 8 March 2006 stated that:

"The law required married women 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. The deceased husband's family commonly stripped widows of all possessions – as well as their dependent children. Human rights groups and church organizations worked to combat this custom, but there was little government intervention or legal recourse available. 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." **[3h] (Section 5)**

POLITICAL RIGHTS

25.05 In the twenty-first report by the UNSG in June 2006, he states that according to figures from the Independent Electoral Commission about fifty per cent of registered voters in the election were women. It was also reported that MONUC is continuing to work with other UN and national and international organisations to establish and strengthen women's networks, platforms and consultation frameworks and to launch media campaigns, training and sensitisation sessions nationwide. The report also noted that four women had registered as candidates for the presidential elections, and that 13.5 per cent of candidates for the legislature were women. **[54i]**

SOCIAL AND ECONOMIC RIGHTS

25.06 An information response by the Canadian Immigration and Refugee Board (IRB) of 17 July 2003 about forced marriages in the DRC, particularly among the Yansi tribe, reported a comment by the president of the Réseau Programme d'appui aux actions féminines [Network Support Programme for feminine actions] referred to the "negative customs and traditions that drive [women] to commit suicide or leave the country." The same source also referred to an initiative by President Kabila to increase the birth registration rate which is currently at 34 per cent, and said that this could assist the problem of girls being forced to marry before they are of legal age in the absence of proof of their date of birth. **[43e]**

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

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

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

25.10 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)**

25.11 A report by the Integrated Regional Information Networks (IRIN) on 10 March 2005 reported comments by women's representatives on International Women's Day that "Women are still under represented at decision-making levels in the Democratic Republic of Congo's (DRC's) institutions, reduced to the role of house help and have even become victims of repeated sexual violence". The report also stated:

"The UN Development Fund for Women (UNIFEM) gender adviser, Miranda Kabefor, told IRIN that women were far from attaining 30 percent

representation in decision-making bodies of the government – the Senate, the National Assembly, and heads of public firms. She said more concrete action was needed.… There were, she said, just nine women among the 61 ministers and vice ministers in the transitional government, and only 60 women sit in the two chambers of the 620-member parliament. The same situation prevails in state-owned firms."

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

25.12 USSD 2005 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; judges set the penalties, and the laws establish minimum penalties as well. 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." **[3h] (section 5)**

25.13 USSD 2005 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. And there were reports of women and girls pressured or forced to engage in prostitution by their families. There was no statistical information available on the extent of adult or child prostitution in the country. Security forces encouraged prostitution and used prostitutes, and there were unconfirmed reports that security forces harassed and raped prostitutes." **[3h] (Section 5)**

25.14 The same source also stated "There were no laws preventing sexual harassment; the extent of the problem was unknown". [3h] (Section 5)

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25.15 Regarding Female Genital Mutilation (FGM), USSD 2005 stated "The law does not prohibit female genital mutilation (FGM). 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 continued to develop 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." **[3h] (Section 5)**

VIOLENCE AGAINST WOMEN

25.16 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. **[3h] (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)**

25.17 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)**

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

"In the course of the DRC conflict, tens of thousands of women and girls have been victims of systematic rape committed by combatant forces. Throughout 2004 women and girls continued to be attacked in their homes, in the fields or as they went about their daily activities. Many suffered gang rapes or were taken as sex slaves by combatants. Rape of men and boys was also reported. Rape was often preceded or followed by the deliberate wounding, torture or killing of the victim. Some rapes were committed publicly or in front of family members, including children. Some MONUC civilian, police and military personnel were responsible for rape and sexual exploitation of women and girls.

Rape survivors' rights were further violated in the aftermath of the rape, deepening their suffering. Women suffering injuries or illnesses caused by the rape – some of them life-threatening – were denied medical care. The DRC's health care system, completely broken down in many areas, was unable to offer even the most basic treatment. Because of prejudice, many women were abandoned by their husbands and excluded by their communities, condemning them and their children to extreme poverty. Because of an incapacitated judicial system, there was no justice or redress for the crimes they endured." **[11f] (Violence Against Women)**

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

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

25.21 A report published jointly by the African Association for the Defence of Human Rights (ASADHO-RAF) and the World Organisation Against Torture (OMCT) in August 2006, entitled Violence Against Women in the DRC, states that the draft of a new law against sexual violence was passed on 22 June 2006 by Congolese members of parliament and is now awaiting presidential approval. The new law corrects the deficiency of the Congolese Penal Code in terms of:

- definition of rape;
- expansion of the definition of rape beyond sexual penetration only;
- extension of the crime of rape to male victims;
- acknowledgment of sexual slavery, sexual harassment, forced pregnancy, paedophilia, forced zoophilia, and other sexual crimes in the Penal Code;
- inclusion of unambiguous language;
- correlation of the penalty with the gravity of sexual violence crimes;
- prohibition of the compromise fine;
- swiftness in the investigation of the causes of sexual violence;
- judicial in camera hearing (huis clos) to protect victims' confidentiality;
- waiver of court costs for victims of sexual violence ;
- psycho-medical assistance for victims ;
- strengthening of the protection of children ;
- legal assistance to victims during all phases of the procedure.

The report goes on to say "therefore, the proposed law takes into account the gravity of sexual violence. It recognises new sentences by reforming penalties and reinforcing victims' protection, including children." **[98]**

25.22 The OMCT report goes on to report that a concerted initiative on sexual violence brings together the United Nations, the Congolese Government and NGOs which help victims of sexual violence. This initiative is composed in part by legal and psycho-medical assistance, and in part by advocacy. The limited means, the limited restoration of the State's authority on the whole territory, the lack of independence and efficiency of the courts, the high number of cases of sexual violence in certain parts of the country where residual armed conflicts continue, make the impact of this initiative considerably relative.

This initiative is not limited to a proposition of law but also proposes health, legal, economic, psychosocial and security assistance to victims of sexual violence. Indeed, when victims register complaints, a mechanism of protection must be assured in order to encourage them to break the silence and to fight for their rights.

Awareness-raising actions have begun with the solidarity of women from eastern parts of the country and have focused on the fight against impunity. In spite of this, the number of victims continues to grow, and offenders need not worry even if they have been reported.

During March 2005, an awareness-raising campaign against impunity for rape was initiated by the Human Rights Ministry. According to Mrs.Madeleine Kalala, the Human Rights Minister; the campaign especially targets civil and military magistrates. This campaign continues. **[98]**

25.23 Dealing with violence against women in the armed conflict situation the OMCT report states: "The rape of women has been used as a war crime during the different armed conflicts of the DRC. Nowadays, in certain parts of the

country, women and children continue to undergo rapes, which generally go unpunished due to the weakness of the legal system and the inefficiency of the justice system." **[98]**

25.24 "Despite the insufficiency of statistics on the subject, it is possible to affirm that most women who were raped during the war were often detained by their aggressors, who could regularly abuse them. Such cases were principally noted in the East of the country, in the provinces of North and South Kivu, of eastern Maniema and of Kalémie (Katanga)." **[98]**

25.25 "In the province of North Kivu, sexual violence has become the new weapon of war. Women remain the individuals most affected by this crime, and there are numerous consequences for women victims and the entire community." **[98]**

25.26 Dealing with the question of sexual violence in the community the report says:

"According to recent information from the NGO LIZADEEL, numerous acts of sexual violence have taken place mainly in Kinshasa separate from the armed conflict. This phenomenon principally affects young girls and women, and the majority are under 18 years old; young boys and men are equally subjected to sexual abuse. The perpetrators of these acts are generally military personnel, police officers, prison guards, care staff, teachers, parents, pastors, neighbours and even young delinquents living on the streets. Very often the act is not even reported. When it is, the process usually concludes with an arrangement between the family of the victim (if a child, his/her interest is rarely taken into consideration) and the author of the act." **[98]**

25.27 The report continues: "Concerning women victims of rape, judges often tend to display a discriminatory attitude regarding their complaints. The question of evidence is aggravated by the fact that for cultural reasons, women abstain from complaining, or they submit a complaint some time after the facts, rendering it difficult for forensic doctors to collect evidence of the offence. The right of women to submit a complaint for acts of torture or ill-treatment or any other offence is subject to the authorisation of their husband (in cases involving married women). Indeed, article 448 of the Family Code expressly provides that "a woman must obtain the authorisation of her husband to effect all legal acts for which she must present herself in person". However, when the author of violence is her husband, the woman is not obliged to seek his permission in order to take action against her husband, in accordance with article 451 of the Family Code." **[98]**

25.28 An OCHA report, Humanitarian Crisis Watch: Democratic Republic of Congo states that 25,000 cases of rape were reported in eastern DRC during 2005, which is likely to be the tip of the iceberg, as many rapes go unreported. **[57f]**

25.29 Dealing with forced prostitution the report states:

"The prostitution phenomenon is principally caused by poverty. Brothels have appeared. Sometimes they are run by aged women who oblige young girls to follow men. These men pay the aged woman, the manager of the house. Most prostituted girls are children abandoned by their parents or children who have run away from their control. However, it is difficult to find statistics on this phenomenon. Few studies exist. The main reason for this lack of information is the silence kept by prostituted women and girls." **[98]**

25.30 "Article 174b is of the second book of the Penal Code forbids pimping. Concerning children, article 44.2 of the Constitution provides that the State must protect children against prostitution, pimping, homosexuality, incest, pedophilia, sexual harassment and all other forms of sexual perversion." **[98]**

25.31 The Convention on the elimination of All Forms of Discrimination against women (CEDAW) Committee, made known its concern about the extent of prostitution and especially the prostitution of girls. The Committee encouraged the government to adopt and to implement laws forbidding girls' prostitution. **[98]**

25.32 "The new law against sexual violence, in article 174.3.c, condemns forced prostitution. Article 174.5.e. also condemns sexual slavery." **[98]**

25.33 "In practice, there is no concrete measure of protection nor specific programme in this regard. In spite of the fact that the prostitution of children is often due to the poverty resulting from the economical and structural crises as well as the war." **[98]**

See also; Section 8.14 on Security situation – Eastern DRC; Section 26.33 on Child soldiers

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CHILDREN

BASIC INFORMATION

26.01 A report by the United Nations (UN) Committee on the Rights of the Child in August 2000 stated that the age of 18 is the start of civil and political majority; the age of majority for penal purposes is set at 16; and the age of majority for purposes of marriage or sexual majority is 14 years of age. **[58] (p28)** 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]**

26.02 A report of March 2004 by the Immigration and Refugee Board (IRB) of Canada on the Situation of Children in the DRC quoted various sources that there is a widespread lack of respect for children's rights, and that the notion of child abuse does not exist in Congolese legislation. This however was rectified with the passing of Article 41 of the new Constitution **[43o] (Section 4)** **[56i]** The same report stated that children under the age of 18 make up approximately 55 per cent of the population; however, only about 50 per cent of children between the ages of six and 11 attend school. **[43o] (Section 2)**

26.03 In the African Charter on the Rights and Well-being of the Child, which the DRC has ratified, and in accordance with several other international standards on the rights of the child in force in the country together with the text of the new Constitution of the DRC, a 'child' is defined as a person under 18 years of age. **[56i]**

26.04 By virtue of the primacy of international over national standards which is accorded by the DRC constitution (article 215 of the new Constitution) and by virtue of the absence of any need for implementing legislation to give direct effect to international standards that do not require implementing measures or penalty provisions, the definition of 'child' given in the African Charter in paragraph 26.04 above, takes precedence over that given in national legislation, notably that given in the 1950 Statute on the age of majority in criminal matters, which regarded children between that ages of 16 and 18 as adults. However this statute fails to define a minimum age of criminal responsibility. **[56i]**

26.05 Moreover, it is now clearly established by the DRC Constitution (promulgated in February 2006) that "a child shall be any person, regardless of sex, who has not attained the age of 18 years". **[56i]**

26.06 The new DRC Constitution contains a provision stipulating that parents and the State are responsible for the protection of children against all forms of violence and expressly forbids child abandonment as well as accusations of witchcraft against children. **[56i]**

EDUCATION

26.07 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]**

26.08 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]**

26.09 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]**

26.10 The International Association of Universities database hosted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) listed the higher educational establishments in January 2006.

See Annex F

26.11 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)**

26.12 According to IRIN in a report dated 12 July 2006 more than 3.5 million children do not go to school in the DRC due to the collapse of the education system. According to the Poverty Reduction Strategy Paper produced by the Government and UN agencies in March 2006, the situation has deteriorated in recent years. In 1995, 25 per cent of all children did not attend classes; by 2001 that figure had risen to 30 per cent. **[18cm]**

26.13 According to the report the director of 63 primary schools in Kisangani stated that one-third of all children in the city – an estimated 80,000 in a population of 500,000 people - did not attend classes. He is quoted as saying "sixty-five per cent of all children that roam around during the day are girls". "Many of them

prostitute themselves with the silent agreement of their parents in order to send their brothers to school" an Italian priest is quoted as saying. **[18cm]**

26.14 The new Constitution approved by Congolese voters in December 2005 guarantees free primary and secondary schooling for all children, but since teachers have not been paid, schools all over the country demand a 'prime' or 'premium', which varies from 15 cents to $1 in the interior, and between $10 and $30 in the capital Kinshasa. Teachers have called a strike over the non-payment of wages twice in the current school year but nothing has come of it**.** **[18cm]**

26.15 The IRIN report states that the situation in the universities, whilst not as bad as that in primary and secondary schools, is far from good. In Kisangani for instance the dean reported that they had lost dozens of professors during the battles that raged in the city; many fled to Kinshasa, and others left the country. Four have returned this year, but they now have only 65 professors to teach more than 5,000 students in eight faculties, where there is no internet connection, the electricity supply is random, and the libraries are badly equipped. **[18cm]**

26.16 Like all other professors and teachers in DRC, the dean cannot live off his salary alone. Being a qualified paediatrician he is able to make some money on the side – something other professors are unable to do. This opens the door to corruption. The dean is quoted as saying: "I don't know how many professors are asking for bribes when students want to pass their tests," adding that "it's not the brightest who make it through school – it's often just the wealthiest". **[18cm]**

CHILD CARE

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

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

26.18 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]**

STREET CHILDREN

26.19 The United Nations (UN) Secretary-General reported on 2 August 2005 to the UN Security Council on child protection measures:

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

See also Section 8.106 on Katanga

26.20 The IRB report of March 2004 and the US State Department 2005 Human Rights Report (USSD 2005) published on 8 March 2006 noted that tens of thousands of children are reported to live on the streets of major cities. **[3h] (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 2005 also stated that many street children are treated as 'child witches'. **[3h] (Section 5) [43o] (Section 2.2)**

26.21 In his report on child protection measures to the UN Security Council on 28 December 2005 the United Nations (UN) Secretary-General stated that the issue of street children continued to be a focus of activity. The report also said that "following persistant [sic] advocacy by child protection organisations, the Minister of Social Affairs held a meeting in November with relevant actors and other ministries to develop a national plan for street children." **(54h)**

26.22 In a report titled 'What Future? Street Children in the Democratic Republic of Congo', in April 2006, Human Rights Watch details the abuse suffered by street children, based on interviews with more than fifty street children. It states that whilst some police officers attempt to reintegrate children with their families and protect them from violence, many children are threatened, robbed, harassed and beaten by ordinary police, military police, and soldiers. It also reported that some members of the police and soldiers take advantage of the vulnerability of street girls and sexually abuse and rape them. The report went on to detail instances where street children had been rounded up by police in order to get free labour for jobs that they wanted doing, and to give details of child labour, and abuse by adults and older street children. **[5t]**

SEXUAL EXPLOITATION

26.23 The US State Department Victims of Trafficking Report 2005 stated "There were confirmed reports of children in prostitution in brothels across the country. During the year, a number of personnel from the UN peacekeeping mission to the Congo (MONUC), were accused of sexually exploiting women and girls." **[3e] (Country Narratives)** USSD 2005 stated "Child prostitution was a problem." **[3h] (Section 5)** Watch List on Children and Armed Conflict Report

June 2003 also referred to the problem of child prostitution in the DRC. **[37a] (p20-21)**

26.24 Numerous human rights groups including Amnesty International (AI), in a report of October 2004 'Mass rape: Time for remedies', reported on the use of violence, including sexual violence, by armed forces on women and children in areas of conflict, as did Human Rights Watch World Report 2005, commenting on events in 2004, and the Global IDP report of July 2005. **[5s] (Continuing Violence against Civilians) [11c] (Introduction) [49a] (p6-7)** The Freedom House Report 2005 stated that "The Save the Children organization has ranked the DRC among the world's five worst conflict zones in which to be a woman or child." **[66] (Political Rights and Civil Liberties)** In a report dated April 2006 from Human Rights Watch, 'What Future? Street Children in the Democratic Republic of Congo', details are given of the sexual exploitation of street children, both male and female, some as young as eight years old. **[5t]**

26.25 In August 2006 it was reported that the UN was investigating a suspected child prostitution ring involving its peacekeepers and government soldiers in South Kivu. It was reported that pimps were using the presence of UN peacekeepers to lure vulnerable girls to go and work as prostitutes in areas where the UN troops are deployed. According to a MONUC spokesman: "Although the majority of their patrons are Congolese soldiers and civilians, some of the girls involved mentioned that elements of MONUC contingents based in the region were also among their clients". **[15az, 21n]**

See also Section 25.01 on Women

HEALTH ISSUES

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

26.27 A report from UNICEF in July 2006 states that only a third of children are vaccinated against measles, and that the chronic lack of basic health care services heightens the risk of death from preventable causes. The report cites the case of malaria as being one of the biggest killers of children in DRC. Also only 17 per cent of children under five with diarrhoea receive oral rehydration and continued feeding, which is one of the lowest rates in the world. The report goes on to say that the DRC has among the worst child survival and nutrition rates in the world, with half a million children under five dying each year, "earning the DRC the grim distinction of being one of the top three deadliest places in the world in which to be born". An alarming 31 per cent of children under five are underweight. **[59d]**

CHILD LABOUR

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

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

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

26.30 USSD 2005 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." **[3h] (Section 6d)**

The same report also said that there continued to be reports of forced child labour which included parents forcing their children to beg, hunt, or fish, or engage in prostitution to earn money for their families, as well as numerous reports of forced child labour by armed groups in the eastern part of the country. **[3h] (Section 6d)**

26.31 Statistics published by UNICEF for children between 5 and 14 years between 1999 and 2004 show that an average of 28per cent were engaged in child labour. **[59a]**

26.32 In June 2006 the BBC reported on child miners at Ruashi mine in Katanga, where it reported that close to 800 children worked alongside men. The report stated that whilst it was all unofficial it was highly organised, and that many of the local middlemen preferred to use younger children because the older boys get paid more. As a result the children at the mine can be as young as five or six years old. **[15ax]**

CHILD SOLDIERS

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

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

26.35 The Global IDP Project report of July 2005 stated:

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

26.36 USSD 2005 reported that "there were fewer reports of the recruitment of child soldiers" during the year. **[3h] (Overview)**

26.37 USSD 2005 also stated that:

> "The FARDC and other armed groups continued to have child soldiers in their ranks. Unlike in the previous year, there were no reports that the government provided support to armed groups that continued to recruit child soldiers. The government continued to collaborate with UNICEF and other partners to demobilize children associated with the FARDC and armed groups." The report continued: "In eastern parts of the country, where armed groups operated outside government control, children committed and were victims of serious crimes. Credible estimates of the total number of children associated with armed groups varied widely from 15,000 to 30 thousand, many of whom were between 14 and 16. Armed groups, including Mai Mai, continued to abduct and forcibly recruit children to serve as forced laborers, porters, combatants, 'war wives,' and sex slaves." **[3h] (Section 5)**

26.38 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 2005 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." **[3h] (Section 5)**

26.39 The UNSG reported to the UN Security Council in March, August and December 2005 on some measures being taken to address disarmament of child soldiers. **[54e] (p12) [54g] (p12) [54h] (p11)** The UNSG report of 2 August 2005 stated "Under the disarmament and community reintegration programme, which ended on 25 June, 15,607 combatants of various militia groups, including 4,395 children (840 of whom were girls) were disarmed and some 6,200 weapons collected, of which, however, 70 per cent were unserviceable." **[54g] (p5)** The report of 28 December stated "As a result of efforts by MONUC and other child protection partners, at least 677 children under 18, mostly male, were separated from FARDC units and armed groups (mainly ex-Mayi-Mayi and Ituri militia elements) in Ituri, the Kivus, Kasai Oriental and Katanga. Some 40 children had been integrated into FARDC brigades, highlighting the need for continued monitoring to ensure that no one under 18 is included in the brassage process. At the same time, children continued to be re-recruited into militia groups. MONUC has received allegations of 15 children having been re-recruited, mainly in the Kivus, mostly by ex-Mayi-Mayi and ex-ANC militias." **[54h] (p11)**

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

26.41 A paper by the Institute of Security Studies 'Is Ituri on the Road to Stability?' dated 11 May 2005 stated "To date a total of 3,468 CAAGs [Children associated with armed groups] have entered transit sites in Ituri. CAAGs who are accompanied by family members will be allowed to return home to their families. Those who are unaccompanied will be placed with host families for a transition period. A number of structures including MONUC, UNICEF and international NGOs will be responsible for the follow-up and support for the CAAGs." **[27g] (p10)** A report by the Integrated Regional Information Networks (IRIN) dated 12 April 2005 illustrated the work of UNICEF in reintegrating the children and the difficulties involved. **[18an]**

26.42 On 20 March 2006 it was reported that a Congolese military tribunal had sentenced the leader of a former armed group, called Mudundu 40, to five years imprisonment for crimes including the illegal detention of children. It was reported by Human Rights Watch that Mudundu 40 was composed of up to 40 per cent child soldiers. **[18ck]**

26.43 On the same day it was reported that a Congolese warlord, Thomas Lubanga Dyilo, had made his first appearance at the International Criminal Court in the Hague on charges of conscripting children and using them to participate in hostilities during 2002 and 2003. **[18cl, 91]**

26.44 By the end of March, Amnesty International was reporting that child soldiers were once again being recruited in North Kivu by Laurent Nkunda. They went on to say that many of the allegations of recruitment of children concerned the 83rd army brigade, elements of which had rallied to Nkunda. **[11j, 92]**

26.45 A further report from the BBC in July stated that a range of militia in the Masisi area of North Kivu continued to recruit child soldiers with impunity, despite the presence of UN troops in the area. **[15ay]**

26.46 A report by the UNSG in June 2006 stated:

"Concerning the disarmament, demobilization and reintegration of minors, during the first trimester of 2006, irregularities were registered during the withdrawal of children from armed groups and forces in several regions. In many cases, children tried to gain access to adult programmes or attempted to re-enter the children's process to benefit from the facilities. MONUC noted an increase of reports of re-recruitment and abuses against children formerly associated with armed groups in areas where militias remain active. Another issue that urgently needs to be addressed is the numerous reports of FARDC soldiers abusing minors and perpetrating acts of sexual violence against the population." **[54i]**

26.47 A further report in July 2006 stated that Ugandan dissidents were regrouping in Ituri province and had started recruiting Congolese children. **[74h]**

26.48 A report in July 2006 by UNICEF Democratic Republic of Congo – Child Alert stated "At the height of the war, estimates suggested that as many as 30,000 children were fighting or living with armed forces or militia groups."…"it is estimated that 30 to 40 per cent of children associated with armed forces and groups are girls." **[59d]**

26.49 The report continued to say that since demobilisation started in 2003, so far 18,000 children had been demobilised, but that due to the problems associated with demobilisation and poverty, many re-enlist. **[59d]**

26.50 The US State Department 2006 Trafficking in Persons Report released in June 2006 reported:
"In May 2005, the head of the Congolese armed forces (FARDC) instructed all brigade commanders not to recruit children and explained the severe punishments that would be meted out against anyone responsible for such conscription. FARDC's Auditor General also instructed all military courts to legally pursue anyone who continued to recruit children for military participation. As a result, in early 2006, Kanyanga Biyoyo, Commandant of rebel army Mundundu-40, was sentenced to five years in prison for war crimes, including the recruitment and use of child soldiers. In March 2006, the government arrested and turned over Thomas Lubanga, leader of the UPC rebel movement, to the International Criminal Court for recruiting and using children under the age of 15 in armed conflict." **[3e]**

26.51 Through its national demobilisation commission, CONADER, the Ministry of Defence worked closely during the year with NGOs and international organisations to demobilise and reintegrate into society children associated with armed groups. When such groups disarm and are integrated into FARDC, CONADER identifies and separates out children and transports them to camps for temporary housing and vocational training. In 2005, 14,315 children were removed from armed groups. Of the 16,809 children demobilised since 2004, 8,663 were reunified with their families, 7,044 returned to academic schooling, and 4,609 received vocational training. As the Government lacked funding to fully respond to the large numbers of demobilised children, NGOs provided legal, medical, and psychological services. **[3e]**

See also Section 8.14 on Security situation - Eastern DRC; Section 8.17 on Ituri; Section 11.01 on Military service; Section 12.09 on Disarmament of foreign armed groups; Section 27.01 on Trafficking; Section 37.01 on Assassination of President Laurent Kabila

IMPRISONMENT OF CHILDREN

26.52 A report produced in March 2006 by MONUC Human Rights Department Child Protection Unit states that "there is still no co-ordinated system, either at provincial or at national level for collecting, analysing, and bringing together data on children who have been arrested or detained. The position regarding the collection of data in the interior of the country is particularly poor." MONUC itself recorded the arrest of an average of forty children per month which varied according to location. Due to the fact that in most detention centres the system for recording detainees is by no means rigorous and sometimes does not exist at all, it is not possible to assemble statistics of child arrests. **[56i]**

26.53 The report continues that many children who are found in illegal detention are set free straight away owing to greater awareness and intervention by child protection officers. It gives several examples of how the numbers of children in various detention centres has decreased, and states that "thanks to sustained campaigns and training initiatives by MONUC, hardly any children are now detained in police cells". **[56i]**

26.54 In the east of the country in 2005, an increasing number of children with links to armed forces and groups were arrested for military offences. There was also an increase in the number of rapes committed by children on other children. Children imprisoned for this type of offence hardly ever receive any kind of rehabilitative psychosocial support. Since September 2004 there has also been an increase in the number of cases of child imprisonment for vagrancy and begging, often ordered by the political authorities. **[56i]**

26.55 As a result of article 41 (1) of the new Constitution provisions on the protection of children in trouble with the law as set out in international and national standards on justice for minors apply to all children under the age of eighteen. This protection includes the provision that children should not be subject to the death penalty, that any detention of children should be a measure of last resort, and last for as short a period as possible, the aim being rehabilitation rather than punishment. In this respect the MONUC report commends the

good practices of the courts of Kissangani, Mbuji Mayi and Bunia for treating children between 16 and 18 as minors. **[56i]**

26.56 The 1950 Statute on Juvenile Crime provides that all cases involving children should be heard immediately by the appropriate judge. According to the Criminal Law System this falls to magistrates. In a number of places such as Kananga, Goma, and Bunia, magistrates are informed rapidly of such cases, but in other places children often remain in police cells, military establishments, in the prosecutor's office, and sometimes in illegal detention centres, sometimes spending days or weeks in cells. **[56i]**

26.57 When detained in police cells, subject to some exceptions, children are held in the same unventilated cells as adults. There is no access to sanitary arrangements, food or water unless the famili es become involved. They are also subject at times to ill-treatment. **[56i]**

26.58 Children are often arrested within police stations because their parents take them to the police for disciplinary reasons. MONUC recorded several cases at Mbuji Mayi, Bunia, and Lumumbashi where this had happened. **[56i]**

26.59 Some children have been held in illegal detention centres, including in underground dungeons. The report gives examples of a 16-year-old being held in an underground cell at the S11 camp at Mahagi for alleged desertion, and two minors held in an underground cell for the month of August 2004 in Goma. It also reported that the majority of young illegal miners arrested for trespassing on State mining concessions were held inside the compound of the Société Miniére de Bakwanga, (MIBA) in cells similar to cages for several days for non-payment of fines, but that after appeals by child protection agencies those not immediately released were to be transferred to the detention centre at the Public Prosecutors Office which had been fitted out for the purpose. **[56i]**

26.60 Children with links to armed forces and groups have frequently been arrested by the FARDAC or by members of other armed groups and later been kept in cells in army camps, frequently charged with desertion, and although the number is diminishing there are still cases of children being taken before military courts and sentenced, even though they have no jurisdiction over under-18s. **[56i]**

26.61 As far as street children are concerned, in some towns the Government has, as a stopgap measure, resorted to round-up operations against street children. Among the reasons given are rounding up children in order to clean up the town, solving the problem of junvenile crime, and to protect street children from reprisals by people exasperated by the acts of violence committed by or attributed to street children and young people. **[56i]**

26.62 By contrast, in Kisangani in September 2005 the mayor brought together street children and gave them light paid work for the good of the community, whilst in Goma, the mayor worked with child protection agencies to find realistic ways of preventing juvenile crime and to take into care some of the street children. **[56i]**

CHILDREN AND WITCHCRAFT

26.63 The report published by Human Rights Watch, What Future? Street Children in the Democratic Republic of Congo in April 2006 states that "accusations of witchcraft and the belief in the ability to cause harm to others have existed in the DRC since before colonial rule." The report goes on to say that in the past it was usually widows or single women who were accused of sorcery, but in the past fifteen years children living in urban areas have become the primary target of witchcraft allegations. It states: "Each week in the DRC, hundreds of children are accused of sorcery and endure abuse at the hands of their accusers – normally extended family members but, increasingly, self-proclaimed prophets or pastors as well." This growth has occurred in tandem with the creation of churches that specialise in the exorcism of evil spirits from the "possessed". There are approximately 2,000 churches in Mbuji-Mayi, and an even greater number in Kinshasa, that perform services which combine prayers, fasting and abuse in "deliverance" ceremonies to rid children of "possession". These ceremonies range from simple prayers and singing to sequestering the children for several days at the churches, denying them food and water, and whipping or beating confessions out of them. In addition the most abusive pastors also burn them or pour salt water in their anuses or down their throats to purge the "evil" from their bodies. It is additionally reported that sometimes children are tied up during their confinement at the churches and that in a few cases boys and girls have been sexually assaulted by members of the churches whilst in confinement. **[5t]**

26.64 Some children who undergo these ceremonies are reunified with their families who believe the spirits have been exorcised. Others may accept the child initially to see if the perceived evil reoccurs, and if so, throw the child out. In other cases they are made to leave the home immediately they return from the church, whether or not the ceremony was deemed successful by the pastors. **[5t]**

26.65 The HRW report states that children can be accused of sorcery for any number of reasons. "The loss of a job, an illness or death in the family, or marital difficulties can lead parents or guardians to look to their children as the cause." The report continues to say that perceived "unusual" behaviour can trigger sorcery accusations, and those children who suffer from illnesses such as epilepsy, chronic illness, or mental illness can also be accused, and that once a child has been identified as a witch he or she will be treated differently by other members of the family by having to do such things as eating alone, sleeping separately, or be forced to do disproportionate amounts of domestic work, or work on the streets to earn his/her keep. At the same time these will be whipped, beaten, or slapped to rid them of the "possession", or coerce them to confess to being a sorcerer. They are also insulted, and called derogatory names. **[5t]**

26.66 It is claimed that up to 70 per cent of street children appear to be outcasts from their families having been accused of sorcery. Orphans or children with step-parents seem to be especially vulnerable to accusations – made by surviving relatives – that they are responsible for the family's misfortunes. Children who are HIV positive are also susceptible, with some people believing that they can infect relatives with AIDS by using magic spells. **[5t, 15aw]**

26.67 Despite the prevalence and seriousness of abuses stemming from accusations of sorcery in homes and churches, and despite the new Constitutions prohibition of accusations of child sorcery, the state has failed to stop the violence, and has failed even to investigate the most serious cases of abuse or prosecute those responsible. **[5t, 92b]**

CHILDREN AND THE 2006 ELECTION CAMPAIGN

26.68 A report published by Human Rights Watch, 'What Future? Street Children in the Democratic Republic of Congo' in April 2006 stated that "as the presidential elections approach Congo's tens of thousands of street children risk political manipulation and physical harm." The report went on to state "that in recent years leaders of political parties have enlisted street children to create public disorder in mass demonstrations," which in may cases led to the security forces responding with excessive use of force, "leading to the death or injury of dozens of children." **[5t]**

26.69 At the end of July IRIN reported that during the election campaign, children had been in the front line of political rallies in Kinshasa and other cities in DRC that had frequently turned violent. On the first official day of the campaign, 30 June 2006, two children were killed whilst participating in a political protest in Matadi, in Bass Congo Province. Whilst on 25 July 2006 two more were injured in Kinshasa while putting up political posters in the street. On 27 July 2006 an unknown number of children were injured when security forces opened fire on supporters of Jean Pierre Bemba, who were attacking supporters of President Joseph Kabila. They had burned down the compound of Bemba's bodyguards, killing two babies. **[18cn]**

26.70 None of the children had any political affiliation. One child, who took part in a demonstration in Kinshasa in support of 19 presidential candidates protesting against the elections, was quoted in the report as saying: "I come because they paid me 500 francs [US $1.10] to take part". He went on to say that he always took part in demonstrations for whichever party paid him. "Yesterday we were at the rally for president Kabila, but we left because this time they didn't give us anything. Before that I was supporting [presidential candidate Oscar] Kashala." **[18cn]**

26.71 A Roman Catholic priest who works for the Kinshasa-based NGO Ouevre de reclassement et de protection des enfant de la rue tried to warn candidates against using children when the campaign began in June. He is reported as saying: "Put yourself in the place of the children: there is a demonstration in the street and the organisers offer money. What else can the children do but follow?" The problem is not just limited to street children. A UNICEF protection officer is quoted as saying "With so much poverty children with families also take part in the hope of getting a free T-shirt or a baseball cap or a little bit of money. For them it's a big deal." **[18cn]**

26.72 A report from Radio Okapi on 19 July stated that one person was killed and six others wounded when a lorry, carrying over 200 youths with an average age of 16, missed a turn on its way to Kananga airport to receive a parliamentary candidate of Kasai Occidental Province. **[64f]**

See also Section 8.14 on Security situation - Eastern DRC; Section 8.17 on Ituri; Section 11.01 on Military service; Section 12.01 on Disarmament of foreign armed groups; Section 37.01 on Assassination of President Laurent Kabila

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TRAFFICKING

27.01 The US State Department 2006 Trafficking in Persons Report released in June 2006 reported:

"The Democratic Republic of the Congo is a source and destination country for men, women, and children trafficked for forced labor and sexual exploitation. The vast majority of trafficking occurs within the country's unstable eastern provinces, where transitional government control is nominal and members of armed groups continue to perpetrate violent acts with impunity. Indigenous and foreign armed rebels continue to abduct and forcibly recruit Congolese men, women, and children to serve as laborers, porters, domestics, combatants, and sex slaves, albeit at a much reduced rate from previous years. Many people abducted in past years, including a limited number of Ugandan nationals being detained by Ugandan militia operating in Congolese territory, are still being held by these armed groups. There were reports of Congolese children in prostitution in brothels in the country. There were also numerous reports indicating that some local authorities attempted to recruit child soldiers for armed groups. During the year, there was one known case of Congolese children trafficked to Zambia." **[3e] (Country Narratives)**

27.02 The report continued to say:

"The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Given the transitional government's financial, military, and political inability to deal with armed rebel groups, its capacity to effectively address trafficking is limited. To further its anti-trafficking efforts, the government should continue demobilizing child soldiers, demonstrate progress toward the passage of anti-trafficking legislation, and arrest and prosecute traffickers. It should also continue military action against armed groups that recruit children for military service or abduct civilians for forced labor or sexual slavery." **[3e] (Country Narratives)**

27.03 The same USSD report stated: "Although the country's criminal justice system — police, courts, and prisons — was decimated by years of war and remains extremely weak, military tribunals sentenced commanders of armed groups to prison for illegally detaining children during the reporting period. There is no law specifically prohibiting trafficking in persons, but existing laws prohibit slavery, forced labor, the prostitution of children under the age of 14, and the activities of brothel owners, clients, and pimps. The Ministry of Justice, with French Government assistance, worked to revise the penal code to include specific laws against trafficking in persons; completed draft legislation is expected in September. The government lacks the funds to print and distribute copies of the current penal code to the country's 2,500 magistrates. Local law enforcement authorities were rarely able to enforce existing laws due to lack of personnel, funding, and the inaccessibility of eastern areas of the country. However, local police in the east used laws barring underage persons from drinking establishments to close down suspected or known brothels; no one was arrested during these operations. In 2005, the Congolese Embassy in Lusaka fully cooperated with the Zambian Government to repatriate

Congolese child trafficking victims. At the national level, FARDC, with United Nations Mission to the Congo (MONUC) support, conducted dozens of operations in the eastern provinces to neutralize foreign armed groups, the primary perpetrators of human trafficking in the country". **[3e] (Country Narratives)**

27.04 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) stated:

"The Government had few programs in place to prevent trafficking. The Ministry of Women's and 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 was related to the use of children associated with armed groups operating outside of 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." **[3h] (Section 5)**

See also Section 25.01 on Women; Section 26.01 on Children; Section 26.33 Child soldiers

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.01 Data from the World Health Organisation (WHO) indicated a life expectancy at birth of 42 years for men and 47 years for women (2003 figures), with a healthy life expectancy at birth of 35 years for men and 39.1 years for women. Public expenditure on health was 4per cent of GDP (2002). **[16a] [16b]**

28.02 The Economist Intelligence Unit (EIU) December 2005 Country Profile Report 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)**

28.03 The Lancet reported in an article on 6 January 2006 on the results of a nationwide health study in 2004. They found that deaths in the DRC were 40 per cent higher than the average rate for sub-Saharan Africa, and that most deaths were from easily preventable and treatable diseases. Fever, malaria, diarrhoea, respiratory infections, and malnutrition were the principal causes of death, together accounting for more than 50 per cent of deaths in both the east and the west. Children under five years of age were at particular risk from these diseases, with malnutrition as a primary or contributing cause. Death rates were more than one-third higher in the unstable eastern provinces. **[75]** The report pointed out that improving security and increasing access to essential health services, such as clean water, immunisations, and basic medical care, would dramatically reduce preventable deaths. **[75]**

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

28.05 A 2001 report by the Swiss Federal Office for Refugees added that "Without modern or sophisticated equipment, Congolese doctors often act purposefully and effectively. Having a great deal of experience in dealing with the most widespread local diseases, they provide quality treatment, without much in the way of resources." **[10] (p8)**

28.06 Aid agencies have also provided assistance in dealing with other diseases and conditions, and preventive vaccination campaigns for children, including

tuberculosis, pertussis, yellow fever, polio tetanus and measles. **[18d] [29a] [29c] [59c]**

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

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

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

28.09 A report produced by a team of doctors led by Professor O L Ahuka of the University of Kisangani in May 2006 stated that more babies were being born with deformities due to the health effects of the ongoing conflict. According to the report the incidence of congenital malformations had been rising steadily in eastern Congo since the outbreak of hostilities. The most frequently observed birth defects are clubbed foot, spina bifida and cleft palates. **[74v]**

28.10 During 2006 there have been outbreaks of various diseases in the DRC including polio, cholera, ebola, trypanosomiasis or sleeping sickness, and pnuemonic plague. **[18du] [18vl] [18dw] [21u] [57f] [62i] [92f] [92g] [105]**

28.11 On the credit side conditions in the main hospital in Lubumbashi are improving since Professor Stanis Wembonyama became director, and the NBA basketball player Dikembe Mutombo has financed a hospital in Kinshasa, the Biamba Marie Mutombo Hospital and Research Centre is named after his mother. According to a newsletter the hospital will offer "specialized care to the capital city's poorest residents." The newsletter claims that "a special focus will be placed on maternal and child health." The hospital was due to open on 2 September 2006, but due to the security situation in Kinshasa after the post election events Mutombo has delayed the opening, and a new date has not yet been set. He stated that the hospital would begin accepting patients at the end of September as planned. **[15bl] [106a] [106b] [107]**

See also Section 8.14 on Security situation – Eastern DRC; Section 25.01 on Women; Section 26.01 on Children; Section 29.01 on Humanitarian aid/international assistance; Section 31.01 on Internally displaced persons;

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KINSHASA

28.12 The Foreign and Commonwealth Office (FCO) Travel Advice (last updated 11 January 2006) stated: "The Centre Prive d'Urgence (CPU) clinic in Kinshasa is able to cope with basic health problems and to stabilise a patient after most serious accidents….Outside Kinshasa western standard medical facilities are practically non-existent." **[22h]** In a 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]**

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

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

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

28.14 The same report stated:

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

28.15 The Swiss report of 2001 stated "In the capital, the Salvation Army has nine medical establishments, among which there is a hospital and a surgery centre, an ophthalmic clinic and a maternity centre (the Bomoi Maternity Centre in Ndjili which deals with about 3,000 births a year). According to Dr Nku, Head

of the Health Department, the aim of the Salvation Army – which employs 250 people in the health sector (including four full-time doctors, five part-time doctors, two dental surgeons and 155 nurses) – is to provide quality treatment at the lowest rates. Thus, according to their own estimates, the Salvation Army in Kinshasa takes care of more than 200,000 patients a year, 3,000 of which are suffering from tuberculosis and 1,500 from diabetes." **[10] (p8)**

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

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

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

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

9. Tuberculosis: treatment is available.

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

28.17 A further letter from the FCO dated 29 August 2006, states that following consultations with local doctors treatment for hepatitis C is not available in the DRC. **[22q]**

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

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

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

28.20 Regarding the availability of drugs and treatment in Kinshasa for specific conditions, the FCO letter of 19 August 2005 added "Not everybody has

access to anti-retroviral treatment because of its high cost ($200) but the 'Centre de Dépistage de Kabinda' has been providing anti-retrovirals free for the past six months. **[22j]** IRIN reported on 4 March 2005 that distribution of ARV drugs was being hampered by the fighting in the east of the country. **[18ag]**

28.21 The EIU 2005 Country Profile also stated that:

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

28.22 IRIN reported that the money has been used to fund condom distribution programmes, provide free anti-retrovirals (ARVs) in several parts of the country, and tackle inadequate capacity in the healthcare sector. Although 13,000 people were on ARVs in March 2006, it was estimated that 200,000 were still in need of medication. **[18dx]**

28.23 NGOs have complained that the AIDS plan drawn up in 1999 to cover the following nine years has become obsolete. A new monitoring body has been set up to co-ordinate HIV/AIDS efforts, with a '2006 roadmap' to update the strategic plan. **[18dx]**

28.24 A report by Médecins sans Frontiers (MSF), entitled 'Democratic Republic of Congo: Another Year of Misery', in December 2005 stated: "MSF teams have continued to increase access to comprehensive care for those living with HIV/AIDS in the DRC. In the town of Bukavu, South Kivu, MSF was providing 331 patients with antiretroviral (ARV) medicines by April 2005. The team hopes to have 900 patients enrolled in the treatment program by the end of 2005. In a second HIV/AIDS project, in Kinshasa, 870 patients had received ARVs from MSF by the end of April 2005, and the team aims to increase that number to 1,700 by the end of 2005. MSF had also monitored nearly 3,000 patients in less advanced stages of the disease in Kinshasa by Spring 2005." **[29f]**

In early 2005, MSF started a new project aimed at treating commercial sex workers who have HIV/AIDS with ARVs. The treatment of sexually transmitted infections is also a priority for MSF teams and is integrated into basic health care projects across the country and in a targeted centre in Kisangani, a city in the Orientale province of the DRC that bore the brunt of fighting during the civil war and retains a large military presence. [**29f]**

MSF also runs a specialised clinic to treat people with sexually transmitted infections in Kitchanga in North Kivu, and operates three such clinics in Bukavu, South Kivu. **[29f]**

28.25 Action Plan 2006 published by the United Nations Office for the Coordination of Humanitarian Affairs lists the main achievements of the 2005 Country Action Plan so far as:

"Within the national multi-sector programme against HIV/AIDS, UNICEF helped detail a national strategy to prevent mother-to-child transmission, currently operational in 123 health structures.

Some 430,000 young people have been informed about HIV/AIDS by 100 young peer educators trained to educate youth and adolescents about the HIV/AIDS epidemic.

UNAIDS developed a map of partners involved in the DRC. Results of this study show 57 programmes out of which 21 have a national scope and 36 have a regional focus. These programmes target refugees (13), IDPs (19), vulnerable populations (40), persons living with HIV/AIDS (5) and orphans (7)". **[57e]**

28.26 The UNAIDS report, Progress on Global Access to HIV Antiretroviral Therapy An update on "3 by 5", dated June 2005 shows that between 5,000 – 6,000 people have been treated being 2 – 3 per cent coverage with an unmet need of 203,000. **[77]**

28.27 A report from MSF entitled 'Humanitarian Needs Remain as DRC Election Approaches', dated 28 July 2006, stated:

"It is estimated that 1.2 million people are living with HIV/AIDS in the Democratic Republic of Congo (DRC). In the capital, Kinshasa, 3.8% of the population is affected

At a walk-in treatment centre in Kabinda, Kinshasa, MSF provides care to over 6,900 patients living with HIV, including 1,500 people under antiretroviral treatment. MSF also provides diagnosis and treatment for opportunistic infections; specific treatment for children; counselling and voluntary testing; nutritional support and psychosocial care for patients.

Each month, MSF carries out an average of 3,000 consultations. Since August 2005, MSF has also initiated decentralisation of the follow-up of patients under treatment to three outlying structures.

The most common disease that people with HIV/Aids are prone to is tuberculosis (TB). MSF is working in partnership with the Tuberculosis Testing and Treatment Centre to ensure that HIV positive patients with TB are treated. A campaign to prevent the transmission of sexually transmitted infections (STIs), including HIV, was launched in 1994, targeting sex workers. A specialised unit offers treatment for STIs and HIV/Aids. MSF also focuses on education in order to encourage behavioural changes." **[29g]**

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

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CANCER TREATMENT

28.28 According to an e-mail dated 7 August 2006 from the British Embassy in Kinshasa cancer treatment is not widely available in the DRC. Embassy staff state that according to their latest research "chemotherapy and other related treatments are available (at a cost to the patient and not all of the time) in 5 medical centres, all of which are in Kinshasa. These are: the University Clinics (Cliniques Universitaires), Centre Hospitalier Monkole, Clinique Nganda, Clinic Ngaliema and at the referral hospital, Hôpital Général." **[22p]**

KIDNEY DIALYSIS

28.29 According to the e-mail dated 7 August 2006 from the British Embassy in Kinshasa: "kidney dialysis is not available in the DRC. Most patients who need this treatment (if they can afford it) go to South Africa." **[22p]**

MENTAL HEALTH

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

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

28.32 The FCO letter of 3 April 2006 confirmed that treatment was available for manic-depressive psychosis and bipolar affective disorder in Kinshasa for those who have the funds to pay for it. It also said the drugs Risperdal, Clopixol and Tegrettol were available. **[22s]**

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

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

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

28.35 The same Swiss report stated:

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

28.36 The same report continued:

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

28.37 The Swiss report also noted:

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

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

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

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HUMANITARIAN AID/INTERNATIONAL ASSISTANCE

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

29.02 According to the Global IDMC report of March 2006 "UN agencies, national and international NGOs and the ICRC are providing emergency assistance to IDPs as well as transport assistance and return packages to returning IDPs. However, according to the Internal Displacement Division [of the UN Office for the Coordination of Humanitarian Affairs-(OCHA), while a number of agencies are involved in activities related to return and reintegration, there is as yet no overall strategic framework. As a result, in most cases humanitarian and development actors operate in separate worlds (OCHA, 8 June 2005)." **[49b] (p7)**

29.03 The Global IDP report of 29 July 2005 stated "Funding has also been inadequate. In order to address this question, DRC has been chosen as a pilot country for the Good Humanitarian Donorship initiative. Under this initiative, 18 donors have pledged to improve the flexibility of their financing, provide funds based on need, reinforce local capacities to prevent crises, respond rapidly and support the transition from emergency to development through appropriate funding (OCHA, 31 July 2004). Still, the level of funds committed to respond to the humanitarian needs of IDPs has remained disappointing." **[49a] (p8)**

29.04 The IDMC report states: "In order to further strengthen the response to the crises in the DRC, the humanitarian community is requesting some $680 million to finance projects by UN agencies, as well as by national and international NGOs in 2006. This is more than three times what the UN Consolidated Appeal had called for in 2005, which received only a meagre response." **[49b] (p8)**

29.05 In August 2006 IRIN reported that financial resources to fight HIV/AIDS were slowly trickling into the country. In 2004, the DRC had received US$113 million from the Global Fund to fight AIDS, tuberculosis and malaria, spread over five years. It will also benefit from US$102 million in World Bank financing between 2005 and 2009**. [18dx]**

See also Section 2 on Economy

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FREEDOM OF MOVEMENT

30.01 The Foreign and Commonwealth Office Travel Advice for British Citizens (last updated 6 October 2006 stated "There is no reliable public transport system in the DRC." **[22h]**

30.02 The same source advised that there is a lack of air transport to the east, and that "following a number of crashes involving Congolese-registered aircraft in 2005 prospective travellers should be aware of doubts about the airworthiness of some Congolese and other regionally registered aircraft. British government employees have been advised that there are safety concerns about all DRC domestic airlines and that Hewa Bora may carry fewer risks than other local DRC airlines. But this airline – like all Congolese airlines – does not fully meet ICAO and other international safety standards." **[22h]**

30.03 The 2005 Country Profile by the Economic Intelligence Unit (EIU) stated that "The Congo River and its tributaries are open to navigation over long distances, although the stretch between Kinshasa and the Atlantic Ocean is blocked by a series of rapids. There are passenger and freight services between Kinshasa and Kisangani." **[30a] (p20)** The FCO advised in its Travel Advice that: "You should be aware that the boats and ferries, which serve the rivers and lakes, are poorly maintained. Strong currents, shifting sandbanks and poor maintenance contribute to low safety standards." The EIU added "The once extensive railway system has now been reduced to a rump service." **[30b] (p20)**

30.04 The EIU 2005 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)**

30.05 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]**

30.06 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) stated:

"The law provides for freedom of movement; however, the Government at times restricted this right". **[3h] (Section 2d)**

30.07 An Amnesty International report from 2003 'Our brothers who help kill us" gives details of the different ways in which foreign armed forces and armed political groups collected substantial sums in customs duties and other taxes to sustain their rule, which seriously hampered freedom of movement. **[11l]**

30.08 USSD 2005 also reported that:

"In Kinshasa, police and soldiers erected roadblocks for security checks and to protect government installations. In general, security forces were more aggressive than during the previous year, and there were 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. Security services and police routinely extorted money from truckers on two national routes. 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." **[3h] (Section 2d)**

30.09 As reported by USSD 2005, large numbers of people were displaced due to the violence and fighting, especially in the east of the country. **[3h] (Sections 1a, 1g, 2d)**

30.10 On the credit side a newly paved road was being constructed between Goma and Kisangani provided by the German Agro Aid group; as at May 2006 only 30 miles remained to be built. This means that the east of the country will be linked to the capital via the road and the river Congo for the first time since Congo's 1998-2002 war. **[83c]**

See also Section 33.06 on Official documents; Section 31.01 on Internally displaced persons

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INTERNALLY DISPLACED PERSONS (IDPS)

31.01 The Global IDMC report of 1 March 2006 reported that in the DRC "Displacement peaked in 2003, with an estimated 3.4 million people forced from their homes, most of them in eastern DRC. The UN estimated that over 1.6 million people remained displaced as of October 2005. Since then, however, every month an estimated 40,000 people have fled their homes in the DRC." **[49b] (p1]** The report cited several areas in the east of the country where fighting and consequent displacement had taken place in 2005 and 2006, and stated: "The main areas were Ituri, North Kivu, South Kivu, and Katanga." **[49b] (p4)** The report also stated that between October 2004 and October 2005 1.6 million people had returned to their homes. **[49b] (p4)**

31.02 The Global IDMC report detailed the major incidents that led to displacement after October 2005. These included attacks by militias and operations by the Congolese army in Ituri; attacks by Mai Mai militias and operations by Congolese troops in Katanga; attacks by the FDLR and fighting between the FDLR and the national army and actions such as looting by Congolese troops and dissident troops in North and South Kivu. **[49b] (p4)** Although IDP camps had been set up "Most IDPs live with host communities or hide in forests." **[49b] (p4)**

31.03 An IDMC update reported that the level of IDPs as of August 2006 was 1.48 million as against the 1.6 million in April 2006, mainly due to the reduction in military activity against armed groups in the east during August. Returnees to Katanga and in the territory of Djugu, in Ituri, made up the bulk of this decrease. The update also stated that the main IDP caseload remains concentrated in Ituri and the Kivus, with 35 per cent of the total IDPs located in the territories of Lubero and Beni in central and northern North Kivu. **[49c]**

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

31.05 The Global IDMC report of March 2006 and USCRI also referred to reports setting out abuses against the displaced and other civilians, especially women and children. Global IDP stated "The protection of the displaced and other civilians remains a serious concern in eastern DRC". In June 2005, the UN Inter-Agency Internal Displacement Division reported continuing widespread human rights violations by armed groups, including killings, rape, sexual exploitation, abductions, forcible conscription of children, looting, plundering of crops, illegal taxation and general harassment of civilians." **[49 b] (p5) [53]**

31.06 The Global IDMC report of March 2006 also stated "Civilians continue to live in crisis conditions in many parts of the DRC. Millions lack access to basic infrastructure (health centres, schools and roads), potable water, food, seeds, tools, clothes and straw to build houses.… With DRC's collapsed healthcare structures, displaced people are particularly vulnerable to infectious diseases." **[49b] (p6)**

31.07 The twenty-second report of the UNSG in September 2006 stated that the number of newly displaced persons increased dramatically in the first eight months of 2006. The majority of 45,000 IDPs at the Geti camp in Ituri have refused to return home because of insecurity, although the demobilisation of

500 Mayi-Mayi and the deployment of the FARDC 63rd brigade in Mitwaba, had allowed 160,000 IDPs to return. **[54j]**

31.08 In August it was reported that some 2,200 families had returned to the Sampwe area, and that others were returning in other areas of Katanga. **[60k]**

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REFUGEE MOVEMENT WITH NEIGHBOURING COUNTRIES

32.01 The US State Department 2005 Human Rights Report (USSD 2005) stated that "According to the UNHCR, at year's end [2005], approximately 372,000 Congolese refugees lived in several neighboring countries, including Tanzania (155,000)." **[3h] (Section 2d)** The report also stated: "According to the UNHCR, by November the country was hosting an estimated 250 thousand refugees, including refugees from Angola, Sudan, and Burundi." **[3h] (Section 1d)**

32.02 The same source also reported: "During the year more than 20 thousand DRC refugees returned to the country. For example between January and August the Office of the UN High Commissioner for Refugees (UNHCR) facilitated the return to Equateur Province of approximately 2 thousand DRC refugees from the Central African Republic and 2,500 from the Republic of the Congo." **[3h] (2d)**

32.03 By the end of June 2006, UNHCR reported that the reintegration of refugees around Dongo in Equateur province was surpassing all expectation, although the launch of organised returns only started in November 2005. The report went on to say that to date 7,000 have returned to Dongo. **[60j]**

32.04 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR gave the following figures for returns to the DRC through voluntary repatriation operations by UNHCR during 2005:

Number of Returnees for 2005:

To Fizi and Uvira and South Kivu: 21,000
To Equateur: 6,659
To North and South Kivus: 95
Other urban cases (Kinshasa and elsewhere): 140

32.05 In a report from IRIN on 30 August 2006 it was stated that as at that date 21,787 refugees had returned to the DRC in 2006, of whom 13,607 returned to South Kivu province and 7,312 to Equateur province **[18ea]**

32.06 As part of its comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR gave the following figures for the location of the refugee population

Location of Congolese DRC Refugee Population

Angola: 13,000
Burundi: 30,000
CAR: 4,600
RoC: 59,000
Rwanda: 40,000
Sudan: 1,500
Tanzania: 153,000
Uganda: 14,000
Zambia: 66,000
Total 381,100

Number of refugees hosted in DRC:

This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

Angolans: 90,000
Rwandans: 50,000
Burundians: 19,000
Ugandans: 19,000
Sudanese: 13,000
Others: 20,000 **[60d]**

32.07 The IRIN report of 30 August gives the figures as of 30 June 2006 of refugees remaining abroad as:

Tanzania: 150,000
Zambia: 60,000
RoC: 49,000 **[18ea]**

32.08 On 14 September 2006, IRIN reported that the United Nations had repatriated 400 Sudanese from the Aba area of Orientale province. Of the 5,000 Sudanese in Aba, 3,200 have registered with the UNHCR for voluntary repatriation. Earlier in the year the UNHCR organised the repatriation of at least 1,600 Sudanese from the Aru area in north-eastern DRC. The same report stated that a UNHCR spokesman said that "the DRC still hosts 13,000 Sudanese refugees." **[18eb]**

32.09 During May and June 2006 a total of 648 long time refugees, mainly elderly, were repatriated by the UN refugee agency from Sudan despite the fact that UNHCR did not consider the conditions in the specific areas of return to be favourable. **[60i] [86h]**

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

32.11 A report from MONUC on 27 September 2006 stated that more than 70,000 Congolese refugees had returned to the DRC since UNHCR launched its organised repatriation programme in October 2005. It also reported that there were still more than 420,000 Congolese refugees in neighbouring countries, including 140,000 in Tanzania. **[56q]**

32.12 Rwanda is used as a rear base by some political movements and refugees there are apparently subject to forcible recruitment, which appears to be not only tolerated, but actively supported by Rwanda. **[54m]**

See also Section 8.14 on Security situation – Eastern DRC;
Section 8.17 on Ituri;
Section 8.55 on North Kivu;
Section 8.77 on South Kivu;
Section 8.106 on Katanga;
Section 22.01 on Ethnic groups;

Section 25.01 on Women;
Section 26.01 on Children;
Section 26.07 on Education
Section 28.01 on Medical services;
Section 29.01 on Humanitarian aid and assistance

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CITIZENSHIP AND NATIONALITY

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

33.02 UNHCR also amplified in subsequent information that:

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

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

33.03 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated that "in addition 7 years of marriage can also lead to acquiring the nationality through the nationality of the spouse (being a man or a woman)." **[60f]**

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

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

OFFICIAL DOCUMENTS

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

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

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

BIRTH, MARRIAGE AND DEATH CERTIFICATES

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

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NATIONAL IDENTITY CARDS

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

See also Section 6.14 on Elections

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

33.11 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 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]**

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DRIVING LICENCES

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

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

PASSPORTS

33.13 A report from the Danish Immigration Service in 1999 gives the following information:

"According to the *Direction Générale de Migration* (DGM), applicants have to appear in person to complete a passport application form (Annex 4), and also produce the following:
- 3 passport photographs
- certificate of nationality (issued by the Ministry of Justice)
- photocopy of identity card
- declaration by employer/educational institution
- spouse's permission to obtain a passport (only for female applicants)
- father's permission and confirmation of school attendance (only for applicants under the age of 18)
- the applicant must also be fingerprinted.

A Western diplomat reported that an extract from the police record and a birth certificate also had to be produced to obtain a passport.

Other documentary requirements can be seen from the passport application form which, inter alia, states that the applicant must produce an extract from the police record.

The application, with all the documents mentioned above, is submitted to the DGM, which registers both the application form and the accompanying documents. Then the whole file is sent on to a 'control/verification' office in the Ministry of Internal Affairs. The application with accompanying documents is

then returned to the DGM, which enters all the documents in the case on computer, whereupon the file is again returned to the control/verification office in the Ministry of Internal Affairs. If there are no circumstances preventing the issue of a passport to the applicant, the Ministry of Internal Affairs will then issue the passport.

The source pointed out that passports were formerly issued by the Ministry of Foreign Affairs, but that under the new regime the task had been transferred to the Ministry of Internal Affairs. He also mentioned that diplomatic passports, and passports for employees of, for example, the Ministry of Internal Affairs, were still issued by the Ministry of Foreign Affairs.

Asked whether a reason for wanting to travel abroad had to be stated in order to obtain a passport, and whether it was in that case necessary to show a ticket, the source replied that this was not required. A reason only has to be given if the applicant requests rapid handling of the passport application.

In response to a question from the delegation, the source replied that the following applicants would not be able to obtain a passport:
- those refused on political grounds;
- those with a court case pending against them, for example drug dealers;
- those whose Congolese citizenship has been impossible to confirm.

The DGM states that in normal circumstances, a passport application takes about one week to process. The cost of a passport is 236 Congolese francs. Nowadays, within the DRC, passports can only be issued in Kinshasa. The authorities are working on the issue of passports in other towns.

Passports can also be issued by DRC Embassies abroad.

The DGM explained that the new DRC passports, which are blue, were introduced in December 1998. Zairean passports are no longer valid, and will be replaced by DRC passports.

The old Zairean passports are gradually being recalled, and the holders receive a receipt. The individual then has to produce the required documents, which effectively means reapply, to obtain a DRC passport. The DGM explained that a fresh application was required because, under the former regime, passport issue had been very unregulated. In those days it was possible to obtain a passport by bribery, or to buy a passport." **[104]**

33.14 In his Evaluation of the April 2006 Home Office Report, Mr Albert Kraler states that personal information obtained from two independent Congolese sources shows that if a Congolese passport is obtained abroad it costs US$ 250. **[102]**

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

33.16 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) 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." **[3h] (Section 5)**

See also Section 33.01 on Citizenship and Nationality; Section 30.01 on Freedom of Movement

ARREST, SEARCH AND BAIL WARRANTS

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

See also Section 22.01 on Ethnic groups;

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EXIT – ENTRY PROCEDURES

34.01 See Section 33.13 Official documents: Section 36 Treatment of failed asylum seekers

EMPLOYMENT RIGHTS

TRADE UNIONS

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

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

35.02 The US State Department Report on Human Rights Practices in 2005 published on 8 March 2006 (USSD 2005) stated: "The law permits all workers, except magistrates and military personnel, to form and join trade unions without prior authorization; 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. ..Labor unions function countrywide, though they are generally weak. MONUC reported that authorities arrested at least one trade union representative during the year." **[3h] (Section 6a)**

35.03 The ICFTU report also noted that "In practice, the civil war and the collapse of the formal economy mean that there is very little respect for trade union rights. Employers ignore labour regulations and the government does not have the resources to enforce them. Soaring inflation and the constant depreciation of the Congolese Franc render any pay rises agreed through collective bargaining meaningless." **[40]**

35.04 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 2 on Economy; Section 17.09 on Freedom of association and assembly

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COLLECTIVE BARGAINING

35.05 USSD 2005 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." **[3h] (Section 6a)**

STRIKES

35.06 USSD 2005 stated:

"The law provides for the right to strike, and workers exercised this right in practice….During the year [2005], there was increased labor union activity, and public sector unions organized several legal strikes to call for increased wages and back pay. 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." The report went on: "The law prohibits employers or the Government from retaliating against strikers, and in practice this law was generally respected during the year." **[3h] (Section 6b)**

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

35.08 Education International reported that a general assembly held by an EI affiliate, and the Teachers' Union of the Democratic Republic of Congo (SY.E.Co) had asked all public education teachers to strike from 30 January 2006. A previous strike held in September and part of October 2005 was suspended in mid-October following the Government's commitment to find a solution to the teachers' wage situation and its promise to teachers and associate teachers to the drafting of the education budget. **[76]**

35.09 On 3 September, IOL reported that the two main teachers unions in DRC had called for strike action from 4 September 2006 in order to press for more pay. On 17 September BBC monitoring announced that the strike had been called off. The teachers said that they would wait for the new parliament to be put in place. **[64g] [86g]**

See also Section 3.05 on Events of 2005

EQUAL EMPLOYMENT RIGHTS

35.10 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 2005 noted that "women constituted the majority of primary 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." **[3h] (Section 5)**

35.11 USSD 2005 also stated: "Although the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred." The report also states that soldiers and armed groups operating outside government control in the east both used forced labour, although unlike in the previous year there were no reports of forced-labour camps, or of Pygmies being used as slaves. **[3h] (Section 6c)**

35.12 A new constitution was adopted in February 2006 which contained explicit provisions for emphasising the State's responsibility to ensure equality between men and women, even in the transitional period. According to Vasika Pola Ngandu, the Secretary-General of the DRC Ministry on the Status of Women and the Family, the country's legislation gives men and women the same advantages and social benefits. The Career Statute relates to the public sector and the Labour Statute regulates the informal sector. She said that all jobs are open to both men and women. She continued to say that the Labour Code has eliminated the requirement for women to get their husband's authority to work, and provided equal pay for equal work. The only problem was the failure to recognise maternity. For instance, female civil servants are not allowed to take their annual leave when they have already taken maternity leave in the same year. **[100]**

35.13 Addressing a meeting of the United Nations Women's Anti-Discrimination Committee on 8 August 2006 she told the committee that although two decades of conflict had not created a favourable environment for jobs, the Government was committed to ensuring employment opportunites for men, women, and youths. Measures taken towards that end included awareness-raising campaigns and microfinance arrangements. She also said that outreach campaigns were also being implemented to counter discriminatory customs and to build the capacities of women. An example given was that of increased outreach through the recruitment of women journalists, which had accelerated progress. She also said that progress had been made in areas such as ensuring that maternal leave was no longer a valid reason for firing a woman from her job. **[100]**

See also Section 25.01 on Women; Section 8.14 on Security situation – Eastern DRC; Section 26.28 on Child labour

TREATMENT OF FAILED ASYLUM SEEKERS RETURNED TO THE DRC

36.01 In comments to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated a BBC report published on 1 December 2005 completely contradicted the COI report of October 2005, and operational guidance. **[15y] [60f]**

36.02 The USSD Country Report on Human Rights – 2005 published on 8 March 2006 gave an account of the BBC programme but concluded: "During the year there were no other reports that corroborated the accounts contained in the BBC article." **[3h] (Section 2d)**

36.03 The view of the Foreign and Commonwealth Office (FCO) was given in two letters dated 6 February 2006 from the British Ambassador to the DRC. The first letter confirmed the letter of 9 December 2004 which stated that the FCO had no evidence that DRC nationals face persecution from DRC authorities on being returned to Kinshasa after a failed claim for political asylum in a third country. It stated: "Our sources in researching the treatment of failed asylum seekers include local non governmental organisations, press and lawyers, Ministers from all parties forming the transitional government and colleagues in other Embassies based in Kinshasa." The same letter noted that "other EU governments continue to make regular supervised returns of failed asylum seekers to Kinshasa, for which DRC Immigration requires a suitable identification document. Flights carrying returnees from Schengen countries are met by a French Airport Liaison Officer who ensures that, on arrival, the returnee holds a satisfactory document before passing them on to be landed by DRC Immigration officials." It also stated: "All passengers arriving at N'djili airport are liable to be questioned by DRC immigration officials. We have no evidence that returned failed asylum seekers are specifically targeted for adverse treatment." The letter continued: "It is possible that some returnees may face criminal prosecution upon their return to the DRC if it were established on their return that they had departed the DRC with invalid travel documents or were already the subject of an arrest warrant or criminal investigation." **[22l]**

36.04 The second letter from the embassy states that the Ambassador had met with the Vice-Minister for the Interior in late December 2005 to discuss the return of failed asylum seekers from the UK to the DRC. During the discussions the Ambassador relayed concern over reports that failed asylum seekers, on return to the DRC, had been investigated or persecuted by the DRC authorities and enquired what the DRC Government's official position was. According to the letter the Vice Minister "said categorically that there was no official policy to target failed asylum seekers upon their return to the DRC. He could not guarantee that individual failed asylum seekers had not been harassed by individual members of immigration or security services. But they had definitely not been ordered to do so by the Interior Ministry." **[22m]**

36.05 In response to an information request on the subject of the treatment of rejected asylum seekers in the DRC the UNHCR stated on 19 April 2006, that after the press coverage following the BBC programme their officials in Kinshasa had contacted various organisations and institutions in an attempt to gather more information. This included organisations such as the Congolese Immigration Authorities (DGM), the National Committee for Refugees (CNR), IOM, MONUC, and national human rights NGOS. In addition, it sent staff to

the airport on days of arrival of flights from Europe. The following were its findings:

1. According to the DGM and CNR, the usual procedure for any person returning through Kinshasa airport in case they do not hold proper documentation, including current DRC passports, and/or when they have been absent for a long time, is to be interrogated by immigration officials at the airport. In the best case scenario, they are freed within one to three hours. In the worst case, they are sent to a detention facility in the centre of town, and released after further verification.

2. The Congolese human rights NGO 'Voix des Sans Voix' informed the office that rejected asylum-seekers are received upon arrival at the airport by agents of DGM, who question them about why they left and applied for asylum. The NGO have an office at the airport and are closely monitoring the situation. They mentioned that there were many failed asylum seekers who are sent back by western European countries, but they are not aware of any of these persons detained and/or tortured upon return. They reported that some of the failed asylum seekers had to pay some money to the police (5 to 10 US$).

3. IOM Kinshasa advised the office that they have no information of returnees who were mistreated and/or tortured upon return.

4. According to MONUC's human rights section, which is also monitoring the prisons in the DRC, they did not receive concrete indications that individual failed asylum-seekers were arrested upon their return.

5. According to ASADOH (Association Africaine de Defense des Droits de l'Homme), no cases of detention, abuse or torture of failed asylum-seekers were known to their office.

6. As reported above, UNHCR staff were at times present at the airport, but they have not witnessed arrests made at the airport. However, it has to be kept in mind that arrivals at the airport are difficult to monitor, and UNHCR does not have a regular presence at the airport. The UNHCR Kinshasa office has only details on the forced return of three persons, of whom two were from African countries and one from Sweden. The latter person was, upon arrival, interrogated for some three hours and then released without further problems.

7. In general, the situation in the prisons and detention centres in DRC are extremely dire, and detainees have to rely on relatives to bring them food.

8. With the limited information available to UNHCR, it does not have evidence that there is systematic abuse, including detention and mistreatment, of failed asylum seekers returned to the DRC through Kinshasa airport. It wishes to highlight, however, that it advises against the forced return to Kinshasa of persons of Banyamulenge ethnic origin. **[60h]**

36.06 An EU Report on Illegal Migration published in June 2006 dealing with the subject of returned asylum seekers states that the majority of failed asylum

seekers (particularly in the UK) do not take up the offer of voluntary repatriation. Member states therefore mostly rely on forcible repatriation.

36.07 The report goes on to state that no EU member state has run charter flights of failed asylum seekers to the DRC since 2003. The DRC authorities have resisted attempts by member states to restart them. However, many member states have signed or are hoping to sign agreements to allow charter flights and guarantee a minimum level of service from Congolese embassies and immigration directorate. Some who have signed agreements have not been satisfied with their results.

36.08 The report continues to say that there is no reliable evidence of failed asylum seekers being specifically targeted for harassment by the security services. Although some returnees have been harassed, this is seen as part of a trend of opportunistic crime against random civilians by unpaid or underpaid officials. Harassment is experienced by the majority of travellers, both Congolese or foreign. **[22n]**

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

36.10 A letter from the Dutch Embassy in London of July 2003 stated that the Dutch Government also enforced the return of failed Congolese asylum seekers to the DRC, and that the Dutch Embassy in Kinshasa had not seen any evidence to indicate that returned failed asylum seekers were at risk of persecution. The Dutch Government did not monitor the treatment of returned failed asylum seekers to the DRC. **[26]** Further information about the return of failed asylum seekers from The Netherlands was reported by a BBC News report of 24 June 2005 which stated that, following a media programme report, "The Netherlands [had] suspended the return of failed asylum-seekers to the Democratic Republic of Congo following reports of documents being leaked. Congolese officials are reported to have obtained confidential documents on several deportees and then abused them.… She said an independent inquiry would investigate how Dutch files may have ended up with Congolese immigration.… On a number of occasions in the past she has reassured parliament that failed asylum-seekers' files were kept secret. Dutch media reports that human rights organisations had also warned that deportees faced the serious risk of imprisonment, extortion and assault if unmasked as asylum-seekers." **[15r]**

36.11 A report from Justitie Netherlands reported on 9 December 2005 that "The Dutch Government has concluded that the Havermans Committee report indicates that no information on the content of asylum files was provided to the Congolese authorities. The report also shows that the current affairs programme Netwerk did not find any such information in the Democratic Republic of Congo". …"The findings of the report prove that the relevant executive bodies did not supply any detailed data from the asylum files to the

country of origin, something that Immigration Minister Rita Verdonk repeatedly told the Lower House of Parliament in its debate of 23 February 2005." **[78]**

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

"4.3 Policy of other countries

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

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

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

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

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

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

36.14 In a report by the Danish Immigration Service in 1999 a spokesman for the NGO, TOGES NOIRES, Association Internationale des Avocats et Magistrats Défenseurs des Droits de l'Homme, Kinshasa, (BLACK TOGAS, International Association of Lawyers and Magistrates Commited to Defending Human Rights, Kinshasa) offered the cooperation of his organisation in helping refused asylum seekers who were to be repatriated to return home safely without difficulty **[104]**

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ASSASSINATION OF PRESIDENT LAURENT KABILA

37.01 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

37.02 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)**

37.03 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)** 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

37.04 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)**

37.05 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

37.06 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)**

37.07 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)**

37.08 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)**

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37.09 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)**

37.10 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 13.01 on Judiciary; Section 16.01 on Death Penalty

37.11 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]**

37.12 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]**

37.13 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]**

37.14 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]**

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POST-TRIAL SITUATION

37.15 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]**

37.16 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]**

37.17 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 13.01 on Judiciary

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COUP ATTEMPTS 2004

38.01 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 39.01 on Persons Associated with the Mobutu Regime

ATTEMPTED COUP OF 28 MARCH 2004

38.02 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]**

38.03 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]**

38.04 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]**

38.05 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]**

38.06 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)**

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38.07 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]**

38.08 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 39.01 on Persons Associated with the Mobutu Regime

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ATTEMPTED COUP OF 11 JUNE 2004

38.09 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]**

38.10 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]**

38.11 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]**

38.12 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]**

38.13 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)

38.14 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." **[48a]**

38.15 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]**

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38.16 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]**

38.17 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 39.01 on Persons Associated with the Mobutu Regime; Section 8.95 on Bukavu June 2004

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PERSONS ASSOCIATED WITH THE MOBUTU REGIME

39.01 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 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]**

39.02 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 33.13 on Documentation – Passports

39.03 In 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]**

39.04 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 38.02 on Attempted Coup of 28 March 2004

39.05 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)**

39.06 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)**

39.07 A CNN Online news report dated 23 November 2003 recorded that close relatives of Mobutu returned to the DRC from exile in 2003. **[23a]** 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. **[23a]** 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]**

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FORMER SOLDIERS OF THE MOBUTU REGIME

39.08 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]**

39.09 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)**

39.10 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)**

39.11 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 11.01 on Military service

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Annex A: Chronology of major events

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

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

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

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

1977 An invasion of Shaba [Katanga] province by former Katangese rebels from Angola was repulsed with assistance from France and Morocco (the First Shaba War).

Mobutu created the post of first state commissioner (equivalent to prime minister) and announced a legislative election for 1980. He was then re-elected unopposed for a further term of office.

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

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

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

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

1997 **On 16 May** President Mobutu left Kinshasa with his entourage as AFDL forces approached Kinshasa.

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

1998 **In April**, the government banned the country's main human rights group AZADHO and took action against other groups.
In August, reports were received of an organised rebellion from the east of the country which was aimed at toppling the regime. The rebels, calling themselves the Rassemblement Congolais pour la Democratie (RCD), were assisted by Rwanda and Uganda who were angered by Kabila's failure to contain attacks on their territory by insurgents based in eastern DRC. The rebels captured a number of eastern towns and made a flight to the west to take other assets. They reached the outskirts of Kinshasa by late August but then received a number of military setbacks from government forces who were by then being aided by Zimbabwe, Angola and Namibia, and subsequently by Chad.

The rebels continued to make progress in the east and captured more than one-third of the country by the end of the year.

In October, another rebel group, the Movement for the Liberation of Congo (Mouvement pour la Liberation du Congo) (MLC) joined the fighting in northern DRC.

Later in the year and in early 1999, reports of mass movements of refugees displaced by the war and of atrocities committed by both sides were issued. Kinshasa remained generally calm, although suffering the economic effects of the war. Diplomatic efforts to end the fighting were inconclusive.

1999 **In January**, government decrees lifted the ban on public political activity and announced arrangements for registering new political parties. These were widely criticised for being too restrictive.

A peace accord was signed in Lusaka by the governments of the DRC and other countries involved on 10 July and shortly afterwards by the MLC rebel group and the RCD factions.

Despite the ceasefire agreement, violations of the ceasefire by both the government forces and the rebel groups were reported.

At the end of November the UN Security Council established a force in the country – UN Mission to the Congo (MONUC)

2000 **In January**, MONUC was increased in size by adding some 5000 troops to support the work of 500 ceasefire monitors.

Violations of the ceasefire agreement by both the Government forces and the rebel groups continued to be reported. A new ceasefire agreement in April failed to bring lasting peace.

In early May there was serious fighting between Ugandan and Rwandan forces in Kisangani, and, later in the year, between government and RCD-Goma forces, around the town of Pepa.

2001 **On 16 January**, President Laurent Kabila was assassinated in Kinshasa. His son – Joseph Kabila – was sworn in as the new President of the DRC.

In May, a law was passed allowing registered political parties to engage in political activity legally subject to certain conditions.

In November a UN report accused Rwanda and Uganda of illegal exploitation of the DRC's mineral resources, a charge which both countries rejected.

In December, violent clashes took place between university students and the police in Lubumbashi and Kinshasa.

2002 **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.

2003 **On 7 January**, the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila.

In April the Cour d'Ordre Militaire (COM, Military Order Courts) which were widely used to abjudicate civilians were abolished.

On 2 April, delegates from all parties to the conflict in the DRC signed a power-sharing peace deal in Sun City, South Africa. The DRC Government, rebel movements, opposition political parties and representatives of civil society agreed to set up a Transitional National Government to oversee democratic elections due to take place in 2005.

On 30 June the new Transitional National Government was set up and comprised the President, four vice-presidents, 36 ministers and 25 deputy ministers from the previous administration, the Mai-Mai militia, the rebel forces, the unarmed political opposition and civil society. Joseph Kabila remained the President of the DRC while the Transitional National Government was in operation.

On 22 August a transitional National Assembly and Senate of the Transitional National Government was opened in Kinshasa by President Joseph Kabila, with members drawn from the various parties to the national power-sharing accord.

In August an agreement was reached on establishing a unified armed forces command.

2004 **On 28 March**, an attempted coup was reported to have taken place inKinshasa, allegedly by former soldiers of Mobutu's army.

In May the President appointed governors and their deputies to the eleven provinces to form part of the Transitional national Government.

In May and June fighting broke out in the Bukavu area.

On 28 June another attempted coup in Kinshasa was reported which was also quelled within a short time.

In June the chief prosecutor of the International Criminal Court announced an ICC investigation into alleged war crimes committed in the DRC since 1 July 2002, with the initial focus of the enquiry in Ituri. **[18o]**

In August some 160 Banyamulenge refugees who had fled from the fighting in Bukavu were massacred at a refugee camp at Gatumba, Burundi. Vice-President Ruberwa suspended RCD-Goma's participation in the transitional government in view of the collapse of the peace process for about a week at the end of August.

2005 Demonstrations and a general strike occurred in Kinshasa in the week of 10 January 2005 following reports that the elections programmed for June 2005 might be delayed to later in the year. **[15i] [15j]**

In mid-January ministers and state officials were dismissed for corruption. **[18z]**

In May a new draft post-transition constitution was approved by the national assembly. **[15k]**

In May the transitional parliament agreed that elections should be postponed for six months from the scheduled date of 30 June. **[62b]**

In June the National Electoral Commission launches its registration of 3.5 million voters in Kinshasa, marking the start of a nationwide registration campaign. **(18by)**

Demonstrations took place in several parts of the country around 30 June in protest at the postponement. **[65j]**

In September the Government issued an ultimatum for all foreign armed groups to leave the DRC by 30 September, or face the consequences. **[18z]**

In September MONUC's mandate is extended for 1 year. **[18z]**

In October following the expiry of the September deadline for all foreign armed groups to leave the DRC MODUC and Congolese troops begin joint operations in eastern Congo against local and foreign rebel groups. **[18z]**

In November some 1,000 people who had fled their homes to live in Kinshasa for six to nine years return to Equateur and Orientale Provinces. **[18bo]**
Restrictions on press freedom had increased during the year and in November resulted in the death of Franck 'Ngyke' Kangundu, who headed the political section of La Reference Plus.

In December the referendum on a new constitution is passed by a large majority. **[18bq]**
Fighting continued in the Eastern parts of the country throughout the year mainly in the Kivus, Ituri, and Katanga.

Source: **[1c]** unless otherwise stated

Annex B: Political organisations

Alliance des forces democratiques pour la libération du Congo-Zaire (AFDL)
The AFDL was the ruling political party of former president Laurent Kabila on coming to power. Arguably the most powerful group in the alliance were mainly Tutsis. At its founding it comprised four political groups, all from eastern DRC: the Revolutionary Party of the People (founded by Kabila), Democratic Alliance of the People, the Revolutionary Movement for the Liberation of Congo-Zaire and the National Resistance Council. As the rebellion unfolded they were joined by many other groups one of which was a lumumbiste group the Conseil Nationale de Resistance led by Kisae Ngunda (killed 1997). In April 1999, Laurent Kabila dissolved the AFDL in favour of village committees to devolve power to the people. **[1c] [30a] (p6,12) [4a] (p135) [102]**

Forces Novatrices pour l'Union et la Solidarité (Forces of New Ideas for Union and Solidarity) (FONUS) [1c]
Leader Joseph Olenghankoy was minister of transport in the transitional national government set up in 2003, until he was dismissed in January 2005. **[4a] (p137) [65c]**

See also Section 6.05 on Government; Annex C Prominent people

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

Mai Mai (also Mayi Mayi)
Internet : - http://www.congo-mai-mai.net/

The Mai-Mai militias fighting in Congo first emerged in the context of the current crises in the contexts of violent conflicts in Masisi 1993-1996, as an expression of local resentment and opposition to the presence of Rwandan forces and their proxy, the RCD [Rassemblement congolais pour la démocratie], in eastern DRC. Although originating from specific groups, they were never a cohesive political or military grouping. They emerged in Northern Katanga and elsewhere. **[101]**

It is important to note in this regard is that several observers feel that the Mai-Mai in other regions than the Kivu are creations of Kinshasa politicians. **[101]**

The Mai-Mai are rural militias which were originally set up by the Hunde tribe. They originated in the 1960s as part of a nationalist and Marxist guerrilla group under the leadership of Patrice Lumumba. As a group they generally oppose foreigners of any ethnicity, but in particular the Banyamulenge and Congolese Tutsi. This is largely the result of disputes over land and pressure on local resources.

The Mai-Mai are divided into many armed groups and do not have a unified leadership structure. Their origins as self-defence militias have also been largely abandoned and, although they are fierce about their cause, they have become as predatory of the local populations as have the myriad other armed groups roaming the eastern DRC, and many group leaders have started behaving more like warlords

The ever-changing alliances and groupings within this group of rebel forces makes it difficult to give clear estimates of numbers of fighters. It is estimated that after a significant number surrendered during 2006 the Mai-Mai number between 2,400 and 3,000.

The Mai-Mai fought alongside government forces throughout the war and also have close links to the Interahamwe. Mai-Mai representatives participated in the inter-Congolese dialogue and are signatories to the agreement. They have two ministers and two vice-ministers in the transition government and are represented in the national assembly and the senate.

Mai-Mai commanders have also been incorporated into the new structure of the armed forces and several – such as General Padiri Kalendu, the commander of the fifth military zone of Orientale province – hold senior posts. Like the troops of the various rebel groups, Mai-Mai forces have been incorporated into the new Congolese army.

The Mai-Mai operate in the North and South Kivu Provinces, and also in Katanga and north in Orientale Province. Equipment varies from spears to rifles and rocket-propelled grenade launchers. **[30a] (p14)**

See also Annex D Armed forces in the DRC

Mouvement pour la libération du Congo (Congo Liberation Movement) (MLC)
Internet : - http://www.mlc-congo.net/

Former Ugandan-supported rebel movement. **[1c]**

The MLC emerged in Equateur province and included about 5,000 ex-FAZ/DSP, Congolese soldiers from the Republic of the Congo and new recruits form the north-west of the DRC. Estimated strength was between 6,500 and 9,000 soldiers, although it claimed an army of 25,000 men.

The MLC was supported militarily and politically by Uganda, and had alliances with all of the main rebel movements at various times during the conflict. At the time of the signing of the global peace agreement, the MLC was co-operating with the Rassemblement Congolais pour la Democratie-Nationa, led by Roger Lumbala. Officially Uganda admitted that it provided artillery, medical and communication support to the MLC.

The MLC's headquarters were in Gbadolite and it controlled most of Equateur province as well as the north-western parts of Orientale province.

The MLC has funded most of its operations by the proceeds from four to five small diamond and gold mines under its control. Revenues were also raised from taxes levied on tea, coffee, and timber.

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

The 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 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. Bemba is now one of four vice-presidents in the transition government. In the Presidential Elections of 30 July 2006 he came second and will face a run-off with President Kabila on 30 October 2006.

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

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

MLC members were given high-profile cabinet posts (Foreign Affairs and Planning) and 116 seats in the transitional legislature. **[4a] (p136)**

The MLC has seven ministerial posts and two vice-ministerial posts. In the national assembly and the senate has representation equal to that of the RCD and the presidential party.

The MLC's former Secretary-General was Olivier Kamitatu; he was the president of the national assembly but resigned in April 2006. The former Chief of Staff of the MLC's army is Colonel Amuli.

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

See also Section 6.14 Elections; Annex C Prominent people; Annex D Armed forces in the DRC

Mouvement Populaire de la Révolution (Popular Movement for the Revolution) (MPR)

Formed in 1966 by former President Mobutu; sole legal political party until November 1990; leader: Catherine Nzuzi wa Mbombo Tshianga **[1h] [4a] (p137)**

An information response by the Canadian Immigration and Refugee Board (IRB) of 10 June 2003 about the existence of the MPR rénové/Salongo stated:

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

Catherine Nzuzi wa Mbombo was named as the Minister of Solidarity and Humanitarian Affairs in the Transitional National Government appointed in June 2003. **[56c] (Institutions de la Transition en RDC) [4] (p137)**

See also Annex C Prominent people

Parti démocrate et social chrétien (Democratic and Social Christian Party) (PDSC)
32a ave Tombalbaye, Kinshasa-Gombe. Centrist. Founded in 1990; Pro-centrist. President André Bo-Boliko; Secretary-General Tuyaba Lewula. **[1h]** Affiliate of the Christian Democrat International. **[4b] (p135) [22g] (major political parties)**

Parti lumumbiste unifié (Unified Lumumbist Party) (PALU)
Leader Antoine Gizenga **[13] (Political parties and leaders) [22g] (Major Political Parties)** According to a report of 30 March 2005 by the Canadian Immigration and Research Board, PALU did not agree with the appointment process of members of the political opposition to the transitional government in 2003 so is not represented in the transitional government. The same source stated that PALU and others formed a political grouping to insist on elections by 30 June 2005, and that a number of PALU and UDPS members were arrested when they tried to submit a memorandum to the office of the United Nations Mission to the Democratic Republic of Congo (MONUC) in May 2004. **[43t]** After the results of the presidential and parliamentary elections were announced Gizenga announced on 21 September 2006 that PALU would support the PPRD in parliament and President Kabila in the presidential election run-off. **[92g]**

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

The Economist Intelligence Unit (EIU) Country Profile of June 2004 stated "Parti du 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)**

In the parliamentary elections held on 30 July 2006 the PPRD became the largest party but without a majority. However it formed a coalition with other parties, notably PALU and UDEMO (the party of Nzangsa Mobutu), in the Alliance of Presidential Majority (AMP). **[18db]**

Rassemblement congolais pour la démocratie – Goma (Congolese Rally for Democracy (RCD-Goma/RCD-G)
Internet: http://www.rcd-congo.info/

Founded in 1998; a rebel movement until the December 2002 peace agreement; main faction initially led by Émile Ilunga; supported by Rwanda. Secretary.-General. Francis Bedy Makhubu Mabele. **[1h]** A close political ally of the Rwandan government and the bulk of its leaders hail from the Banyamulenge community. **[27b] (History and Politics)** 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.

Important military leaders included 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.

The RCD received military support from Rwanda.

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)**

The political leader of the RCD-G is Azarias Ruberwa who replaced Adolphe Onusumba Yemba. Ruberwa was appointed as one of four vice-presidents in the transitional government formed in July 2003. The RCD-G was given a number of ministries, the most important being that of defence (Jean-Pierre Ondekane), and 116 seats in the transitional bicameral legislature, in which Onusumba is one of two vice-presidents of the national assembly. Jean-Pierre Ondekane was dismissed by President Kabila in January 2005. Ruberwa is also in charge of the political and security commission. **[4a] (p136)**

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. **[4a]**

See also Annex D Armed forces in the DRC

Rassemblement congolais pour la démocratie - Mouvement de Libération (Congolese Rally for Democracy - Liberation Movement) (RCD-ML) also known as RCD-Kisangani (RCD-K/ML) [22g] (Major Political Parties)
Broke away from main RCD in 1999; supported initially by Uganda but went over to government side in 2000 prompting clashes with the Ugandan backed MLC; **[1h] [4a] (p136)**

The RCD-K/ML controlled an area known as the Grand Nord which stretches from Kanyabayonga to Beni. The RCD-K/ML is led by Mbusa Nyamwisi, who is now also the Minister of Regional Cooperation in the transitional government. The party has 19 seats in the transitional bicameral legislature. **[4a] (p136) [27b] (History and Politics)**

See also Annex C Prominent people

Rassemblement congolais pour la démocratie – National (Congolese Rally for Democracy - National) (RCD-N)
Ugandan-backed faction which broke away from RCD-ML in October 2000, based in Isiro, Orientale Province. Leader Roger Lumbala was appointed Minister of External Trade in the transitional government formed in July 2003. It has 19 seats in bicameral legislature. **[1h]**

Union pour la Democratie et le Progrès Social (Union for Democracy and Social Progress) (UDPS)
The address for the general office is given as 546 Avenue Zinnia, Commune de Limete, Kinshasa, Congo-Kinshasa. The address given for the Secretary-General is 54 Avenue Zinnia, Kinshasa-Limété, Congo-Kinshasa. http://www.udps.net/

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

See also Annex C Prominent people

The UDPS was formed in the early 1980s as an opposition party within the former Zaire to counter the arbitrary rule of the Mobutu regime. **[1c]** The UDPS has been banned on a number of occasions, and was finally legalised in 1991. **[4a] (p136)**

Europa World online reported that the UDPS denounced the Inter-Congolese Dialogue in 2002 and formed a political alliance with the RCD-Goma to oppose it. **[1c]** however, this alliance was short lived, breaking up once the RCD-Goma decided to support the Inter-Congolese dialogue. **[101]** Europa World stated that they also refused to take part in the Transitional National Government formed in June 2003. **[1c]** According to information from the Institute for Security Studies, Mr Tshisekedi has declined to participate in the transitional government but intends to run in the presidential elections. **[27b] (History and Politics)** A report of 5 August 2004 by the Canadian Immigration and Refugee Board (IRB) referred to a statement by the UDPS president that although the UDPS is not part of the transitional government, the organisation is fully participating in the transition process. **[43n]**

UFERI Union of Federalist and Independent Republicans [22g] (Government) Two factions; UFERI (Lokambo Omokoko); UFERI/OR (Adolphe Kishwe Maya). Founded 1990 to seek autonomy for Shaba/Katanga province. Expelled from Sacred Union after leader accepted Mobutu's nomination for Prime Minister in 1991. **[13] (Political parties and leaders) [22g] (Major Political Parties) [4a] (p 136)**

Reference **[4a]** also lists a further 19 minor parties.

See also Section 6.01 on Political system; Section 17.01 on Political affiliation; Section 17.08 Letters of Support from Opposition Political Parties Section; 17.09 on Freedom of Association and Assembly; Annex F List of Websites

Annex C: Prominent people: past and present

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

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

The 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)**

According to allAfrica.com he is a son-in-law of the late Mobuto. Candidate for MLC in 2006 presidential elections. **[74]**

He came second in the Presidential Elections on 30 July 2006, and will now face the run-off election on 30 October 2006 against President Kabila. **[15as] [65p]**

See also Annex B Political Organisations;

Antoine Gizenga
Leader of Union des Lumumbistes unifié (PALU), based in the provinces of Kinshasa, Bandundu and Bas-Congo. He served as deputy prime minister and prime minister in the 1960's, and came third in the Presidential Election. **[18dj]**

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)**

Joseph Kabila stood as a nominal independent candidate backed by the PPRD in the Presidential Elections, and came first with approximately 44.81% of the vote. He will face a run-off election on 30 October 2006 against Jean-Pierre Bember. **[15as] [65p]**

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

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

See also Section 37.01 on Assassination of President Laurent Kabila

Olivier Kamitatu
Former president of the Transitional National Assembly, Mr Kamitatu was Mr Bemba's right-hand man in the MLC and its chief strategist. He is widely considered to be a responsible interlocutor and has close links with the international community. Before becoming involved with the MLC, he headed a political research institute in Kinshasa which continues to function. **[30a] (p15).** In December 2005 he was sacked by the MLC as the party's number two, accused of establishing relations with rival parties, and resigned his post on 3 April 2006. **[56v] [18dj]** Some 319 parliamentary candidates are aligned with Kamitatu under the Alliance pour le renouveau du Congo, which is allied to another former rebel faction , the Rassemblement congolais pour la democratie-Mouvement de liberation-Kisangani (RCD-ML), whose leader Mbusa Nyamwisi, also ran for president. **[18dj]** Since the election he has become the spokesman for the Alliance pour la majorité présidentielle (AMP) which supports President Kabila. **[18db]**

Fernando Kutino
Archbishop Fernando Kutino founded the World Mission for Message of Life (MMMV), a religious organisation, and is also the leader of the Army of Church Victory, which is the main branch of the MMMV, and the Sauvons Congo (Save the Congo) movement. After the 10 June 2003 raid of the Army of Church Victory by the police, Kutino fled the country and applied for asylum in France. **[24c]** He returned to DRC in April 2006 and was arrested three weeks later, tried, and sentenced to 20 years imprisonment. **[65ai]**

See also Section 21.22 on Armée de Victoire (Army of Victory church) Section 18.01 Freedom of Speech and Media

Patrice Lumumba
First Prime Minister after independence was granted in 1960. He was murdered in February 1961. **[1c]** The current Lumumbiste party is PALU. **[13] (Political parties and leaders) [22g] (Major Political Parties)** There is a second minor lumumbiste party Le Mouvement Lumumbiste Progressiste (MLP) led by Franck Diongo **[101]**

See also Annex B Political Organisations

Appollinaire Mulohongo Malumalu
The chairman of the Independent Electoral Commission, Malumalu, is a Roman Catholic priest from North Kivu. He has been head of the commission since its inception in 2003 at the end of the inter-Congolese dialogue, which resulted in the formation of the transitional government. Members of civil society refer to him as a dynamic person of integrity. **[18dj]**

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

See also Annex B Political organisations

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

See also Section 3.01 on History

François Joseph Nzanga Ngbangawe Mobutu
Aged 36, he is the son of Mobutu Sese Seko. He contested the presidency on a Union democrates des Mobutistes (Udemo) party ticket and came fourth. He is married to vice-president Jean Pierre Bemba's sister. **[18dj]**

Colonel Jules Mutebutsi
Commander in RCD-Goma who was suspended from the integrated national army in 2004. Joined Laurent Nkunda to take control of Bukavu in 2004, where his troops committed war crimes. He afterwards fled to Rwanda where he was granted asylum in August 2006. DRC government have issued an international arrest warrant for him. **[15bi]**

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

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

General Laurent Nkunda
Born in North Kivu and studied psychology at university. Fought with the Rwandan Patriotic Front. Joined the RCD-Goma rebel forces in 1998, and became the commander of the seventh brigade of the RCD-Goma forces. In May 2002 was among RCD-Goma officers responsible for brutal repression of attempted mutiny at Kisangani. Despite the supposed end to the war and the establishment of the provisional government in 2003, dissident soldiers loyal to RCD-Goma clashed with other Congolese forces in South Kivu in May 2004. Nkunda, and troops loyal to him took control of Bukavu on 2 June, claiming his action was to stop the genocide of Congolese Tutsis. During the fighting his troops carried out war crimes. In August 2005 he declared the transitional government corrupt, and in September 2005 a large number of Rwandaphone soldiers belonging to the former RCD-Goma deserted the national army and joined him in North Kivu. There have been a number of demands for his arrest for war crimes, and the government of DRC has issued an international arrest warrant for him. **[5w] [15bh]**

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

See also Section 6.05 on Government; Annex B Political Organisations

Pierre Pay-Pay wa Syakassighe
Former Governor of the Central Bank of the DRC who also served as Minister of Economics and Finance under the late President Mobuto Sese Seko. Hails from North Kivu province in eastern DRC. Candidate for FCD in 2006 presidential elections. **[74]**

Azarias Ruberwa
Appointed as one of the vice-presidents of the new Transitional National Government in June 2003. **[1c] [56c] (Institutions de la Transition en RDC)** Current leader of the RCD-Goma former rebel group**. [1c]** The EIU 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)**

Candidate for RCD in 2006 presidential elections. **[74]**

See also Annex B Political Organisations; Annex D Armed Forces in the DRC

William Lacey Swing
He is the special representative of the United Nations Secretary-General in the DRC and head of the UN Mission in the country, known as MONUC. A career diplomat, he heads the International Committee for the Support of the Transition, known as CIAT, which was created at the end of the Inter-Congolese dialogue in 2003. He has been a major figure in facilitating efforts to restore peace and democracy in the country. **[18dj]**

Etienne Wa Mulumba Tshisekedi
UDPS founder member and current leader. **[1h]** Mr Tshisekedi has been prominent in DRC politics since the 1980s. **[1c]** A BBC News Online report dated 29 September 2003 recorded that Tshisekedi returned to the DRC in September 2003 after two years of self-imposed exile in South Africa. Tens of thousands of his supporters greeted him when he arrived at Kinshasa Airport. He stated that he intended to start work to prepare for the presidential and parliamentary elections, due to take place in 2005, but he and the UDPS did not have any interest in the transitional administration. **[15b]** The EIU 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 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)**

According to allAfrica.com, on 2 January 2006 he announced his intention of standing in the 2006 presidential elections as a candidate for the RDSP [sic] after more than two years of boycotting the peace process. **[74]**

See also Annex B Political Organisations

Ernest Wamba Dia Wamba
Chairman of the RCD from the start of the rebellion in August 1998. He was later ousted by the Goma-based faction of the RCD led by Emile Ilunga and became the head of RCD-ML. **[1c]** He became a member of the transitional Senate in 2003. **[70b]**

Annex D: Armed forces in the DRC

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

See also information about armed groups in Section 10.01 on Security Situation – Eastern DRC and subsequent sections; also information on former rebel groups that now form part of the transitional political administration in Annex B Political organisations

CONGOLESE ARMED FORCES (FARDC)

The President, Major General Joseph Kabila is the Commander-in-Chief of the Armed Forces
Minister of defence: Adolphe Onusumba Yemba (RCD-G)
FARDC chief of staff: Major General Sungilanga Kisempia (PPRD)
FARDC land forces chief of staff: General Sylvain Buki (RCD-G)
FARDC navy chief of staff: General Major Amuli Bahigwa (MLC)
FARDC air force chief of staff: Brigadier General Bitanihirwa Kamara (MLC)
1st Military Region/Bandundu: Brigadier General Moustapha Mukiza (MLC)
2nd Military Region/Bas-Congo
3rd Military Region/Equateur: Brigadier-General Mulubi Bin Muhemedi (PPRD)
4th Military Region/Kasai-Occidental: Brigadier-General Sindani Kasereka (RCD-K/ML)
5th Military Region/Kasai Oriental: General Rwabisira Obeid (RCD)
6th Military Region/Katanga: Brigadier-General Nzambe Alengbia (MLC)
7th Military Region/Maniema: Brigadier-General Widi Mbulu Divioka (RCD-N)
8th Military Region/North Kivu: General Gabriel Amisi (RCD)
9th Military Region/Province Orientale: Major-General Bulenda Padiri (Mayi-Mayi)
10th Military Region/South Kivu: Major Mbuja Mabe (PPRD)
12th Brigade Region/ North Kivu: Col Janvier Mayanga

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

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

National Police, including PIR (Police d'Intervention Rapide)

The Commander is General Celestin Kifwa, a former general in the Angolan army.

The Bandundu area has been a major source for recruitment for PIR, thus a strong Lunda influence.

PIR is largely credited for the return of safety on the streets of Kinshasa.

FIC (Force d'Intervention de la Capitale)

The Commander Brigadier-General Jean Yav Nawesh, a former general in the Angolan army, was the commander, but has been arrested. Commandant Jean-Claude Kifwa (Tango-Tango) is the second-in-command.

It is the military intervention force for Kinshasa. It was created in 1999 out of the Presidential Guard (GSSP) and troops of the Kinshasa-based 7th army brigade. It is mostly composed of Balubakat.

It is ready to crush attempts at insurrection as illustrated in the curbing of the camp Tchatchi mutiny in September 2000.

OTHER ARMED GROUPS

Mai Mai (also Mayi Mayi)

Now a political party and represented in the provisional government See Annex B

Interahamwe
Interahamwe and ex-FAR (Forces Armées Rwandais) 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 in South Kivu. There are three brigades operating in North Kivu, namely Limpopo in Lukweti-Mutongo, Niamey in Rutshuru and Lilongwe in Katoye. They operate on the frontline in the DRC and in Eastern DRC.

Larger formations possess limited numbers of heavier weapons, including 60mm mortars, 12.7mm anti-aircraft guns, rocket-propelled grenade launchers and five crew-manned machine guns. Their communications include hand-held Motorolas, VHF radios and satellite phones. They lack vehicles and regular supplies.

Former forces Armées Rwandaises (Ex-FAR)
Interahamwe and ex-FAR 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.

Prior to the overthrow of Mobutu the Ngilima were trained by mercenaries from Kisangani, with Lumumbist connections.

They are usually subsumed under the Mayi-Mayi phenomenon. **[102]**

Zairean Hutu (MAGRIVI or Militia)

Another group of Hutu is the Zairean Hutu who, having joined forces with the Rwandan Hutu, are often included under the general 'Hutu' label. However, care should be taken to distinguish between these two groups as they have different political objectives which temporarily coincided. The Zairean Hutus have been in Zaire for generations and consider themselves to be Zairean. Local authorities estimated the Hutu population at some 400,000—500,000 in North Kivu.

MAGRIVI, which was founded in 1989 by Sekimonyo wa Magango, the former Minister for Higher Education and Scientific Research, allegedly supported Rwandan President Habyarimana's regime and the Interahamwe financially. Following the exodus of the Rwandan Hutus to eastern Zaire, Magrivi consolidated itself into a military group, the Hutu Militia (sometimes the Hutu Combatants), who worked in close collaboration with the ex-FAR and Interahamwe militia, whose apparent objective was the establishment of a racially pure 'Hutu-land'.

FNLK [sic] (Front de Libération Nationale du Katanga) or Katanga Tigers and the FLNC (Front de Libération Nationale du Congo)

Since 1998, the Tiger's military leadership has been divided into two political wings, each claiming to represent the movement. One wing is led from Angola by Henri Mukatshung Mwambu (Secretary-General of the FLNC) who returned to Kinshasa after Kabila's victory, joining the main faction of Tigers. The movement's second in

command is General "Mufu" Vindicien Kiyana. Dr Emile Ilunga leads the other wing and is a former representative in Brussels of the PRP (Patri de la Revolution Populaire) founded by Kabila in 1968. The nominal head of the Tigers, is General Jean Delphin Muland (or Mulanda)

This anti-Mobutu movement had its origins in the exodus of Katanga Gendarmes from the Congo to Angola, following the defeat of the attempt by the Katanga Provincial government to secede in 1960-62. Initially composed of gendarmes from Katanga they aimed to achieve independence or greater autonomy for the province of Katanga/Shaba and control over the lucrative mining potential of the region. Pogroms against Kasai immigrants led to further resentment against the Gendarmes, and after their defeat in the 1960-62 war, they formed a mercenary group led by Nathanael Mbumba and operating mainly out of Angola. They consisted of groups of about 5,000, of which about 1,800 were fighting men.

The Katanga Gendarmes were used and supported by virtually every Angolan political entity. They received equipment and were maintained by the Angolan Government in return for their services in the war against UNITA. By the 1990's they have adopted the MPLA's leftist ideology and seemed to have placed the secession of Katanga on the back burner. During Laurent Kabila's military campaign they joined the AFDL and were instrumental in the defeat of Mobutu in Kinshasa.

See also Section 8.128 on Kilwa

RCD-Goma (Rassemblement Congolais pour la Democratie/Congolese Movement for Democracy).

Now a political party and represented in the transitional government. See Annex B

RCD/ML-Kisangani (Rassemblement Congolais pour la Democratie – Mouvement de Libération/Congolese Rally for Democracy – Liberation Movement)

Now a political party and represented in the transitional government. See Annex B

See also Annex C Prominent People

MLC (Mouvement de Liberation Congolais/Movement for the Liberation of the Congo)

Now a political party and represented in the transitional government. See Annex B

Ex-Mobutu Generals and Ex-FAZ/DSP Troops

The most prominent Commanders are Generals Kpama, Philemon Baramoto Kata, Nzimbi Ngabale, Kongo wa Bassa, Monga Aundu Eluki and Mavhe.

Former soldiers of Mobutu's Division Speciale Presidentielle (DSP) formed the Union des Nationalistes Republicains pour la Liberation (UNAREL). UNAREL now seems to be defunct.

After the fall of Mobutu and the capture of Kinshasa, Mobutu's richest generals fled to Europe, South Africa and Canada, and the less well off to the Central African Republic, Congo/Brazzaville and Northern DRC.

Some of the generals attempted to organise continuing resistance from abroad. They have been in contact with various rebel groupings in the DRC, and are known to have had discussions with the Mayi-Mayi, Interahamwe, ex-FAR, UNITA and the two FLEC movements [Angolan groups].

It is not clear exactly how much support they still have left on the ground.

See also Section 39.01 on Persons Associated with the Mobutu Regime

Congolese Revolutionary Movement (MRC)
A BBC news report of 20 July 2005 stated "The United Nations mission in the Democratic Republic of Congo says it is concerned by the creation of a new rebel group in neighbouring Uganda." The report stated that the group described itself as "fighting for the rights of the people in DR Congo's eastern Ituri and North Kivu regions" and "made up of elements of various groups operating in the east." **[15n]** A further BBC news report of 24 August 2005 stated that six members of the group who remained in Uganda would be expelled from there. Innocent Kaina, reported to be one of the founder members of the movement, and known as India Queen was captured in May 2006. **[15p] [18dg]**

Rastas
The Integrated Regional Information Networks (IRIN) reported on 26 May 2005 on a group "known as the Rastas, [which] has been committing numerous human-rights abuses in the region" IRIN reported that the Rastas and the FDLR "consist primarily of Rwandan Hutus who fled their country following the 1994 genocide, and some are accused of having participated in the [Rwanda 1994] genocide." IRIN also stated that "MONUC reported on 18 May that it had documented 1,724 cases of summary execution, rape, beating and hostage taking in Walungu [South Kivu] between June 2004 and April 2005." **[18av]**

Forces Arméés du Peuple Congolais/People's Armed Forces of Congo (FAPC)
Rebel group based in the Ituri region of the DRC and has been active in that region's conflict. The FAPC was formed in March 2003 by Jérôme Kakwavu, a former member of the Union of Congolese Patriots (UPC). Headquartered in the towns of Aru and Ariwara, the group had approximately 4,000 fighters in early 2005. Disarmament of the FAPC began on 6 March 2005 with the aim of integrating its members into the national army. There were protests when Kakwavu was appointed to FARDC. **[5g] [99]**

Front pour les nationalistes et intégrationistes (FNI)
Ethnic Lendu rebel group led by Floribet Ndjabu Ngabu. Military leader was Etienne Lona who was arrested in Kinshasa in March 2005. Ubemu Uzele the second in command arrested in May 2006. Became part of the MRC. **[18bm] [18ct] [18dg]**

Union des patriotes congolais (UPC-L)
A largely ethnic Hema organisation formed by Thomas Lubanga after he split from RCD-ML. Began operating in 2000. Formed an alliance with RCD-Goma in 2003. Lubanga was arrested in March 2005 and is to stand trial at the Internationl Criminal Court in the Hague on war crimes. **[18bm]**

Le Parti pour l'unité et la sauvegarde de l'intégrité du congo - Party for Unity and Safeguarding of the Integrity of Congo: (PUSIC)
Mandro Panga Kahwa, the former military chief of UPC, formed this Hema party in February 2003 after a dispute over leadership and military support with the UPC leader, Thomas Lubanga, he was charged in August 2006 with creating the movement.

PUSIC's leader was Floribert Kisembo. On 20 December 2004, PUSIC announced that Kisembo had been dismissed as its chairman in favour of Deo Pimbo, who had been the secretary-general. However, a week later, PUSIC militiamen stated categorically that they still considered Kisembo as their commander. **[18bm]**

Forces de resistance patriotiques en Ituri - Patriotic Resistance Front in Ituri (FRPI)
Led by Dr Adirodo, it is a political party of the Ngiti, one of 18 distinct ethnic groups in Ituri. The party was established in November 2002 and is allied to the Front des nationalistes et integrationnistes (FNI) - Nationalist Integrationist Front - led by Floribert Ndjabu Ngabu. The alliance is aimed at bringing Ngiti militias and traditional leaders together to face the UPC. It supported Uganda's move to drive the UPC from Bunia in March 2003. Military leader is Cobra Matata. **[18bm] [54j]**

Annex E: Further education establishments in DRC

Centre universitaire de Bukavu
Collèges universitaires de Kinshasa
Ecole d'Informatique, d'Electronique et d'Expertise comptable
Ecole nationale supérieure de Finance et Administration bancaire
Ecole polytechnique supérieure de Boma
Ecole technique d'Etudes supérieures
Faculté de Théologie protestante de Lubumbashi
Facultés catholiques de Kinshasa
Institut de Comptabilité intégrée
Institut de Gestion coopérative et syndicale
Institut de Théologie et de Pastorale de Mayidi
Institut des hautes Etudes commerciales
Institut du Bâtiment et des Travaux publics
Institut facultaire de Gestion
Institut facultaire des Sciences agronomiques de Yangambi
Institut facultaire des Sciences de l'Information et de la Communication
Institut interuniversitaire de Kinshasa
Institut National des Arts
Institut supérieur d'Etudes sociales de Lubumbashi
Institut supérieur d'Informatique, Programmation et Analyse
Institut supérieur de Commerce de Kinshasa
Institut supérieur de Développement rural de Tshibashi
Institut supérieur de Formation des Agents de Développement
Institut supérieur de Statistique de Kinshasa
Institut supérieur de Théologie et de Philosophie – Saint-Augustin
Institut supérieur des Sciences commerciales et financières
Institut supérieur des Sciences du Travail
Institut supérieur des Statistiques de Lubumbashi
Institut supérieur des Techniques appliquées
Institut supérieur des Techniques médicales
Institut supérieur pédagogique de Bukavu
Institut supérieur pédagogique de Kananga
Institut supérieur pédagogique de la Gombe
Institut supérieur pédagogique de Lubumbashi
Institut supérieur pédagogique de Mbanza-Ngungu
Institut supérieur pédagogique de Mbuji-Mayi
Institut supérieur pédagogique de Muhangi à Lubero
Institut supérieur pédagogique technique de Kinshasa
Institut supérieur technique d'Etudes économiques et coopératives de Kinshasa
Institut supérieur technique et commercial
Institut supérieur théologique des Assemblées de Dieu au Congo
Institut universitaire catholique
Institut universitaire des Sciences économiques, Philosophie et Lettres
Institut universitaire du Congo
Université Acquatoria
Université adventiste de Lukanga Wallace
Université Cardinal Malula
Université catholique de Bukavu
Université catholique Don Peti Peti
Université catholique du Graben
Université centrale de Kinshasa

Université chrétienne de Kinshasa
Université de Kinshasa
Université de Kinshasa Binza
Université de Kisangani
Université de l'Ouest. Congo, Campus de Kananga
Université de la Mongala
Université de Lubumbashi
Université de Luélé
Université de Mbuji-Mayi
Université Divina Gloria
Université du CEPROMAD
Université du Kasayi
Université franco-américaine de Kinshasa
Université francophone internationale/Campus de Kananga
Université Gelesi de l'Ubangi
Université internationale du Congo
Université Kongo
Université libre de Kinshasa
Université libre de Luozi
Université libre des Pays des Grands Lacs
Université libre du Lac Mukamba
Université méthodiste au Katanga
Université Patrice Emery Lumumba de Wembo-Nyama
Université pédagogique nationale
Université presbytérienne Sheppard et Lapsley du Congo
Université Président Joseph Kasa-Vubu
Université protestante de Kimpese
Université protestante du Congo
Université Simon Kimbangu
Université technologique Bel Campus
Université William Booth **[73]**

Annex F: List of websites

MONUC - http://www.monuc.org/Home.aspx?lang=en

Site of the United Nations Mission in the DRC. In French and English. French site has more information. Facts and figures, UN press conferences, the mandate, background, relevant UN documents, maps. Sponsers Radio Okapi.

RADIO OKAPI – http://www.radiookapi.net

Radio station sponsored by MONUC and Fondation Hirondelle. Broadcasts news in French, Kiswahili, Lingala, Kikongo, Tshiluba. Website based in Lausanne, Switzerland.

CARTER CENTRE – http://www.cartercenter.org

Institution set up by ex President Jimmy Carter; has a keyword search facility to retrieve references to Democratic Republic of Congo/Zaire

CENTRE FOR POLICY STUDIES – http://www.cps.org.za

"An independent policy research institute" based in Johannesburg. Has online executive summaries of recent CPS research reports, and the complete texts of their most recent policy briefs.

COMMISSION ÉLECTORALE INDÉPENDANTE, CEI – http://www.cei-rdc.cd/

In French. The Commission in charge of running the elections. Directory of political parties, many full text documents – election laws, candidates guides, the constitution (in five languages), code of conduct. Has registration statistics by province and names of all candidates and their parties.

CONGO ONLINE – http://www.congoonline.com/

In French. Has addresses of ministries, business directory, travel information, biographies of all Congo's heads of state, a list of past government leaders, population figures from the UDPS party, the national anthem, national flags (past and present) and so on.

CONGOPOLIS – http://www.congopolis.com

In French and English. News from UN's IRIN, Agence France Presse, AP, Xinhua, DRC newspapers, and so on. Provides webspace for DRC NGOs.

DIGITALCONGO.NET – http://www.digitalcongo.net

In French and English (computer translation). Rich source of information on current politics, economy, sports, music, culture. Articles from Congolese newspapers. Also hotel, restaurant, hospital listings. Based in Kinshasa.

For web sites of political parties see under Annex B Political Parties.
For a comprehensive list of DRC websites see http://library.stanford.edu/africa/zaire.html

Annex G: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSG	United Nations Secretary General
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

For other abbreviations see Annex B Political Organisations and Annex D Armed Forces in the DRC

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