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Torture: a weapon of war against
unarmed civilians



**STAMP OUT
TORTURE**

AMNESTY INTERNATIONAL

26 June 2001
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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

amnesty international

DEMOCRATIC REPUBLIC OF CONGO

Torture: a weapon of war against unarmed civilians

26 June 2001

SUMMARY

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In October 2000 Amnesty International launched a one-year-long international campaign against torture. This new campaign - *Take a step to stamp out torture* - seeks to galvanize people around the world in a collective effort to eradicate torture. The campaign builds on Amnesty International's experience over four decades of researching and working against torture. The campaign's strategy is to achieve progress in preventing torture and overcoming impunity, including in the Democratic Republic of Congo (DRC).

The DRC is one of the countries where the scourge of torture is being highlighted. The campaign features the case of **Jeannine Mwayuma Bouchez**, a Congolese woman, among the examples of individuals around the world who have been subjected to various forms of torture, including rape, by members of the security forces. This case illustrates the extent to which those in positions of power can go in using torture to seek to dehumanise or punish suspected opponents.

In this report, Amnesty International highlights mainly cases of torture committed by various armed forces since early 2000. Information obtained by Amnesty International since the start of 2000 has mainly concerned torture by forces of the governments of the DRC, Rwanda and Uganda.

From October 2000 dozens of soldiers and civilians originating from eastern DRC provinces of North-Kivu, South-Kivu and Maniema were arrested in Kinshasa and held in military custody where they were subjected to various forms of torture. They were arrested on suspicion of involvement in an alleged plot to overthrow President Laurent-Désiré Kabila. Many more soldiers and some civilians from Orientale and Equateur provinces were tortured after they were arrested in January and February 2001 in connection with an alleged coup plot and the assassination on 16 January 2001 of President Laurent-Désiré

Kabila. The torture was intended to force the victims to confess their involvement in the alleged plot, implicate other suspects or simply punish them for their alleged offence.

Journalists have been particularly targeted for torture and other forms of cruel, inhuman or degrading treatment to intimidate and prevent them from writing or publishing articles that criticise the DRC Government, its senior officials or its policies. A number of human rights defenders have been subjected to torture and other forms of ill-treatment in an attempt to intimidate them and cause them to desist from carrying out their work.

In eastern DRC many people were subjected to severe forms of torture to dissuade the disgruntled population from joining an armed uprising against Congolese armed political groups and the governments of Burundi, Rwanda and Uganda seeking to overthrow the DRC Government. Like the DRC Government, its armed Congolese opponents, particularly the RCD-Goma and the RCD-ML, have used torture as a weapon against their critics or those suspected of or known to support their opponents. Torture was carried out together with or even at times ordered by their Rwandese and Ugandan allies.

Human rights defenders involved in investigating and denouncing human rights abuses by armed opposition groups and their foreign backers have been tortured because of their activities.

Amnesty International is making a number of recommendations to political and military leaders whose forces are reported to have perpetrated torture to ensure the crime is neither tolerated nor ordered by the leaders. The organization is also making recommendations to the wider international community to assist the people of the DRC to end the scourge of torture. Amnesty International fully supports the UN Secretary-General Kofi Annan when he said in his 30 May 2001 statement to the UN Security Council that “... Without accountability for the most severe crimes [including torture], there can be no lasting peace”.

KEYWORDS: TORTURE/ILL-TREATMENT / INDISCRIMINATE KILLINGS / ARMED CONFLICT / SEXUAL ASSAULT / PRISON CONDITIONS / HUMAN RIGHTS DEFENDERS / JOURNALISTS / STUDENTS / FREEDOM OF EXPRESSION / MILITARY / NON-GOVERNMENTAL ENTITIES / RWANDA / UGANDA / IMPUNITY / COUPS / EMERGENCY LEGISLATION / HUMAN RIGHTS INSTRUMENTS / PHOTOGRAPHS

This report summarizes a 40-page document (15,600 words), : *DEMOCRATIC REPUBLIC OF CONGO Torture: a weapon of war against unarmed civilians* (AI Index: AFR 62/013/2001) issued by Amnesty International on 26 June 2001. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

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DEMOCRATIC REPUBLIC OF CONGO

Torture: a weapon of war against unarmed civilians

1. Introduction

In October 2000 Amnesty International launched a one-year-long international campaign against torture. This new campaign - *Take a step to stamp out torture* - seeks to galvanize people around the world in a collective effort to eradicate torture. The campaign builds on Amnesty International's experience over four decades of researching and working against torture. Amnesty International with its million-plus members, aims to collaborate with human rights organizations and concerned individuals in order to strengthen the global anti-torture network. The campaign's strategy is to achieve progress in preventing torture and overcoming impunity.

The Democratic Republic of Congo (DRC) is one of the countries where the scourge of torture is being highlighted. The campaign features the case of **Jeannine Mwayuma Bouchez**, a Congolese woman, among the examples of individuals around the world who have been subjected to various forms of torture, including rape, by members of the security forces. This is an illustrative case to give a glimpse to the international community of the extent to which those in positions of power can go in using torture to seek to dehumanise or punish suspected opponents.

By publishing this report Amnesty International seeks to further depict how much torture and other forms of cruel, inhuman or degrading treatment are endemic in the DRC. Over the years, the organization has researched and published numerous reports about torture and other human rights abuses in the DRC, including before May 1997 under the government of former President Mobutu Sese Seko¹ when the country was still known as Zaire. During the past three years the general situation of human rights, and torture in particular, has been exacerbated by an armed conflict involving forces of at least six governments and at least as many armed political groups². It is in this context that security forces are using torture as a weapon of war primarily against unarmed civilians they suspect or know to be opposed to the armed conflict or to the government or armed group to which the forces belong.

¹As President from 1965 to 1997 and before then as a military commander from 1960. Mobutu Sese Seko's forces committed massive and widespread human rights violations, including torture.

² In the on-going armed conflict which started in August 1998, the DRC Government is supported by the armies of Angola, Namibia and Zimbabwe. Congolese armed political groups (see next paragraph) opposed to the DRC Government are supported by the armies of Burundi, Rwanda and Uganda. In 1996 all the six foreign governments militarily supported a coalition of Congolese armed political groups led by Laurent-Désiré Kabila to overthrow former President Mobutu Sese Seko. Burundi, Rwanda and Uganda fell out with Kabila's government when in late July 1998 he ordered their forces to leave the DRC.

In this report, Amnesty International highlights mainly cases of torture committed by various armed forces since early 2000. Information obtained by Amnesty International since the start of 2000 has mainly concerned torture by forces of the governments of the DRC, Rwanda and Uganda; but this does not in itself mean that forces of other governments involved in the conflict have not committed similar violations. Many more cases that have occurred previously have been described in a number of reports published since the armed conflict resumed in August 1998³. On 19 June 2001 Amnesty International published a new report entitled, *Rwandese-controlled eastern DRC: Devastating human toll* (AI Index: AFR 62/012/2001) describing widespread and systematic killings and other grave human rights abuses in parts of eastern DRC variously controlled by Rwandese forces and their allies or opponents belonging to Congolese armed political groups. The organization is aware that there are many more cases that it has been unable to investigate and that the cases of victims referred to in the report are far from exhaustive. In addition to those of the DRC, Rwandese and Ugandan forces have practised torture in the DRC in the course of the on-going armed conflict. Armed opposition groups that have perpetrated torture include those of the Goma-based *Rassemblement congolais pour la démocratie* (RCD-Goma), Congolese Rally for Democracy, the *Rassemblement congolais pour la démocratie - Mouvement de libération* (RCD-ML), RCD- Liberation Movement⁴. Perpetrators of torture also include various smaller armed factions such as the Congolese *mayi-mayi* and the DRC-based Rwandese Hutu armed groups⁵, which are opposed to Rwanda, Uganda, as well as to RCD-Goma and RCD-ML which are seeking to overthrow the DRC Government.

During visits to eastern DRC - variously controlled by Rwanda, Uganda, RCD-Goma and RCD-ML - and to the DRC Government-controlled capital, Kinshasa, in late 2000, Amnesty International's delegates collected information about many cases of torture. Much of the information on torture and other forms of cruel, inhuman or degrading treatment published in this report was collected during these visits. In discussions with victims, human rights defenders and witnesses, it became clear to Amnesty International's delegates that the authorities on all sides of the conflict were aware of, and in some cases ordered, torture and other forms of cruel, inhuman or degrading treatment. However, when

³ Reports published by Amnesty International since August 1998 include *War against unarmed civilians* (AI Index: AFR 62/36/98), published on 23 November 1998, *Killing human decency* (AI Index: AFR62:007/2000), published on 31 May 2000, and *Deadly conspiracies* (AI Index: AFR 62/004/2001), published on 28 March 2001.

⁴ In March 2001 the RCD-ML fused with the *Mouvement pour la libération du Congo* (MLC) under the aegis of the Ugandan Government to form the *Front pour la libération du Congo* (FLC) led by Jean-Pierre Bemba, who founded the MLC.

⁵ The main Rwandese Hutu armed group is known as the *Armée de libération du Rwanda* (ALIR), Army for the Liberation of Rwanda.

asked by Amnesty International about reports of torture by their forces, the authorities repeatedly denied that they condoned these abuses - a recognition on their part too that it is a human rights abuse and that it is unacceptable. However, they continue to do little or nothing to prevent these severe violations of basic human rights or to bring the perpetrators to justice.

Torture and other forms of cruel, inhuman or degrading treatment contravene the principal international and African regional human rights treaties to which virtually all the countries implicated in the war in the DRC are party. Torture and other forms of ill-treatment contravene the UN Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT)⁶. Article 1 of the Convention defines torture (in part) as:

"... any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

Governments cannot justify torture, in any of its manifestations, as a legitimate consequence or conduct of war. It cannot be explained away either as a reaction to human rights abuses committed by armed or other opponents against their combatants or civilians under their control. The Convention's Article 2 states:

- "1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.*
- 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.*
- 3. An order from a superior officer or a public authority may not be invoked as a justification of torture."*

⁶ Burundi, the DRC, Namibia and Uganda are parties to the CAT.

Article 7 of the International Covenant on Civil and Political Rights (ICCPR)⁷ states in part:

"No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment."

The ICCPR's Article 10 adds:

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

Torture is also prohibited by Common Article 3 of the Geneva Conventions which is binding on governments and armed opposition political groups. The article applies to persons taking no active part in hostilities and specifically prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture".

Harsh prison conditions which amount to cruel, inhuman or degrading treatment are widespread throughout the DRC. Such conditions contravene the UN Standard Minimum Rules for the Treatment of Prisoners which describes in detail measures that must be taken to ensure that detainees are not subjected to any forms of ill-treatment. Rule 10 states:

"All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation."

The UN's Body of Principles for the Protection of All Persons Under any Form of Detention or Imprisonment also clearly prohibits torture. Its Principle 6 states:

"No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstances whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment."

Article 5 of the African Charter on Human and Peoples' Rights (ACHPR), to which all countries participating in the war in the DRC are party, also categorically opposes torture and other forms of ill-treatment. It states:

⁷ All countries involved in the war in the DRC are party to the ICCPR.

"Every individual shall have a right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment or treatment shall be prohibited."

Torture in the DRC often takes place while prisoners are held in incommunicado detention. Anyone who is arrested, detained or imprisoned has the right to inform, or have the authorities notify, their family or friends.

Principle 16(1) of the UN Body of Principles states:

"Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody."

Rule 92 of the UN Standard Minimum Rules states:

"An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution."

2. Torture by the DRC government forces

DRC government forces have routinely used torture against known or suspected government opponents, particularly those thought to threaten the authorities' hold on power.

2.1 Torture of alleged coup plotters from eastern DRC

From October 2000 dozens of soldiers and civilians originating from eastern DRC provinces of North-Kivu, South-Kivu and Maniema were arrested in Kinshasa and held in military custody where they were subjected to various forms of torture. They were arrested on suspicion of involvement in an alleged plot hatched by former military commander **Anselme Masasu Nindaga** to overthrow President Laurent-Désiré Kabila. The torture was intended

to force the victims to confess their involvement in the alleged plot, implicate other suspects or simply punish them for their alleged offence. In November Anselme Masasu Nindaga and at least eight others were transferred from Kinshasa to Katanga province and reportedly convicted by the *Cour d'ordre militaire* (COM), Military Order Court, of plotting to overthrow the government. They were executed in Katanga province in late November 2000. The trial, if it took place, was patently unfair. It was held in secret and there has been no information on whether the defendants had any legal representation. The statute of the COM prohibits any appeal to a higher jurisdiction and there is no evidence that those condemned were allowed an opportunity to seek a presidential pardon.

Among those tortured were Célestin Mafuluko Mukungo, a member of the *Police nationale congolaise* (PNC), Congolese National Police. He was arrested on 28 October 2000 by members of the military security service known as the *Détection militaire des activités anti-patrie* (DEMIAP), Military Detection for Unpatriotic Activities, who accused him of participation in meetings organized by Anselme Masasu Nindaga. The arrest was reportedly ordered by an officer of the *Force d'intervention spéciale* (FIS), Special Intervention Force. While in custody at a detention centre at the *Cité de l'OUA* (notorious for political detentions and torture during Mobutu's rule), Mukungo was repeatedly beaten with military belts and an iron bar while lying on his stomach with his arms and legs tied. The beatings took place while he was under interrogation in the morning and evening of 28 and 29 October. After he escaped from custody on 15 December, Mukungo claimed that he and 30 other detainees shared a cell measuring about 10 square metres. Fearing rearrest and possible torture, Mukungo subsequently fled to neighbouring Republic of Congo.

Some of the members of the security services, particularly those of the ANR, from eastern DRC who had escaped in November and December 2000 fearing arrest were tortured after they were forcibly returned from Brazzaville, the capital of the neighbouring Republic of Congo. The 19 victims were Gervais Baguma Safari, Depho Balungwe Birashirwa, Cyprien Bakenga Kakomere, Adolphe Bashizi Mufungizi, Marcellin Rugogero Kabuna, Muzima Mwenyezi, Henri Materanya Kasisi, Georges Yenga Muhindo, Yves Kompany Kizito, Vital Malekera Balolebwami, Joseph Balegamire Bafunyembaka, Pascal Marhegane Bishunvu, Bernard Bahaya Maheshe, André Ndjaki Munganga, Elias Kashindi Mubone, Théodore Basole Bazirabora, Jimmy Bisimwa Cubaka, Marcellin Cikuru Chambu and Justin Kikuni. They were arrested on 28 January 2001 and detained by the Congolese police in Brazzaville on 28 January 2001. On 29 January they were transferred to the military security service before being handed over to the DRC authorities and detained incommunicado for three days by the ANR's *Direction Sûreté intérieure* (DSI), Directorate of Internal Security, in Kinshasa. They were repeatedly whipped and beaten with military belts to force them to admit involvement in the alleged plot led by Anselme Masasu Nindaga. They were deprived of food and placed in a tiny cell that was badly ventilated and with virtually no light. They used plastic bags as toilets. After

three days they were transferred to Block 1 of Kinshasa's main prison known as the *Centre pénitentiaire et de rééducation de Kinshasa* (CPRK), Penitentiary and Reeducation Centre of Kinshasa, where they were still held in early June. Amnesty International is still investigating reports that the 19 detainees were exchanged for several dozen opponents of the government of the Republic of Congo who had been arrested in Kinshasa.

As well as condemning the torture by the ANR of the 19 detainees unlawfully returned from the Republic of Congo, Amnesty International also opposes and condemns the forcible return of the asylum-seekers to the DRC where it was reasonable to believe that they would be tortured. The authorities of the Republic of Congo also contravened the 1951 UN Convention relating to the status of Refugees, to which the country is party. Its Article 33 states:

"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Many people have reportedly been tortured in an effort by the security forces to force their victims to implicate suspected or known government opponents in offences against the State. For example, **Augustin Mudianji Nkashama**, an employee of Jonas Mukamba Kadiata, was tortured soon after his arrest by the DEMIAP in June 2000. DEMIAP agents first interrogated him at the former Memling Hotel (used as a DEMIAP office and detention centre) about a political meeting that had supposedly taken place at the home of Mukamba, who himself had been detained in connection with an allegedly anti-government meeting. Having failed to answer to the satisfaction of his interrogators, they took him to a place behind the hotel's sentry box and whipped him repeatedly on the buttocks with belts and knotted ropes. He showed Amnesty International delegates a scar on his head resulting from an injury he sustained on the head during the beatings. A DEMIAP officer allegedly whipped him as many as 100 times while two army corporals held him to the ground. Interrogations and whippings continued a second day.

Kikuni Masudi, a former member of the *Groupe spéciale de sécurité présidentielle* (GSSP), Special Presidential Security Group, was severely tortured in October 2000 by members of the ANR on Avenue Kapenda in Lubumbashi, the capital of Katanga province. He had been among a group of soldiers who had withdrawn from Pweto, on the DRC border with Zambia, after losing the town to Rwandese and RCD-Goma force. ANR agents arrested him on 7 October as he looked for a relative in Lubumbashi. He was taken to the ANR detention centre where he was reportedly whipped and repeatedly beaten with gun butts and sticks. He reportedly sustained a fracture on the left leg and arm. He was then covered in

palm oil and made to sit on a hot brazier. His feet were reportedly crushed by hammer blows. The torture reportedly continued throughout his detention until 13 October. Initial reports suggested he died under torture. However, reports received by Amnesty International in early June 2001 suggested that fellow soldiers from Vangu military barracks (*camp Vangu*) in Lubumbashi intervened and took him to Sendwe hospital, where he was still undergoing treatment but with little prospect of a full recovery due to the severity of his injuries and to the lack of adequate medical care. The authorities are not known to have made any attempts to bring to justice any members of the security forces responsible for his torture.



1 Emaciated figure of Kikuni Masudi and horrific burns on his buttocks after the torture © Private

It appears that the sole reason for Kikuni Masudi's arrest was that the ANR thought he belonged to the Tutsi ethnic group (which in fact, he did not). Since August 1998 Tutsi were frequently subjected to human rights violations by the DRC authorities because they were believed to support the Tutsi-dominated Rwandese government and Congolese armed opposition groups waging war against the DRC government in northern and eastern parts of the country. Indeed many Tutsi were killed when the anti-government armed coalition threatened to capture the capital, Kinshasa, in late 1998⁸.

Children too have been among victims of torture. For example, members of the security forces severely beat two children and the wife of Mangoni Siane, a security guard of opposition leader **Joseph Olenghankoy**, in mid-November 2000 to force them to reveal Olenghankoy's whereabouts. Olenghankoy, president of the *Forces novatrices pour l'union et la solidarité* (FONUS), Renewal Forces for the Union and Solidarity, had gone into hiding fearing rearrest, after his release on 19 June 2000. Siane's wife was slapped during their arrest and the children were beaten with military belts at their home. The soldiers threatened

⁸ See Amnesty International report entitled, *DRC: War against unarmed civilians* (AI Index: AFR62/36/98), published on 28 November 1998.

them with death. When Amnesty International delegates visited Kinshasa in late 2000 the children still had swellings on their bodies caused by the beatings. Siane was himself still in hiding. Physical violence against children contravenes the UN's Convention on the Rights of the Child (CRC) which the DRC ratified on 28 September 1990⁹. Its Article 37 states (in part):

“ States Parties shall ensure that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”

Members of the security forces have been used by those close to power to torture individuals in the settlement of personal scores. For example, **Rachel Chakupewa** and her niece, **Marie Muzingwa**, were severely tortured in early February 2001 after they were accused of attempting to poison close relatives of President Kabila. The alleged poisoning incident reportedly took place during a funeral ceremony for a relative of the President. The two women were reportedly severely beaten by members of the security forces at the Hotel Okapi in Kinshasa where the funeral ceremony was taking place. They were then taken to a cell belonging to a military security service known as the *Garde spéciale présidentielle* (GSP), Special Presidential Guard¹⁰ in the Marble Palace Presidential residence and to a building known as the *Groupe Litho Moboti* (GLM) in the DRC capital, Kinshasa. The GLM is one of the most notorious places of detention in Kinshasa. The building has been used for several years as a detention centre by the GSP military security service (and by its predecessor the GSSP). During the night of 6 to 7 February, Chakupewa was whipped for several hours by five soldiers. She was also beaten with a metallic tube until she became unconscious. When the beatings stopped she was reportedly bleeding, disfigured and unable to move.

Members of Chakupewa's family reportedly sought help from a number of government and military authorities to investigate the torture and to bring the perpetrators to justice but received none.

Some people have been tortured to reveal the whereabouts of government opponents or to force the opponents to present themselves for arrest. For example, **François Kimbembe Akwapo**, a security guard at the residence of opposition leader Joseph Olenghankoy, was severely beaten at the time of his arrest by members of the *Police d'intervention rapide* (PIR), Rapid Intervention Police, on 9 June 2000. Kimbembe was detained in a cell at the

⁹ All countries involved in the war in the DRC are party to the CRC.

¹⁰ This unit was previously known as the *Groupe spécial de sécurité présidentielle* (GSSP), Special Group for Presidential Security.

headquarters of the PIR on *Avenue Victoire* (Victory Avenue) in Kinshasa. He was released on the afternoon of the following day.

Victims of torture have included students who have had disagreements with members of the security forces. For example, **Vital Ntaboba Badheka**, a student of English at the Kinshasa *Institut pédagogique national* (IPN), National Institute of Education, and several of his colleagues were severely tortured after they protested against a military police soldier who had snatched a student's bag containing money. Badheka was a student leader of the IPN's brigade of the ruling *Comité du pouvoir populaire* (CPP), Popular Power Committee. On 16 November 2000 soldiers arrived from Kokolo military barracks and arrested 12 students at the institute's entrance. The students were put on a truck and ordered to shut their eyes while guns were being pointed at them and were being beaten with military belts. At the military barracks they were each given 25 lashes on the buttocks. The personal possessions they had on them, including documents and watches, were seized by the soldiers who then locked them up in a room with only enough space for them to stand. Shortly afterwards, they were taken out of the room for more whippings on the back, buttocks and legs, while naked.



2 Vital Ntaboba Badheka © AI



3 Scars on Vital Ntaboba Badheka's buttocks © AI

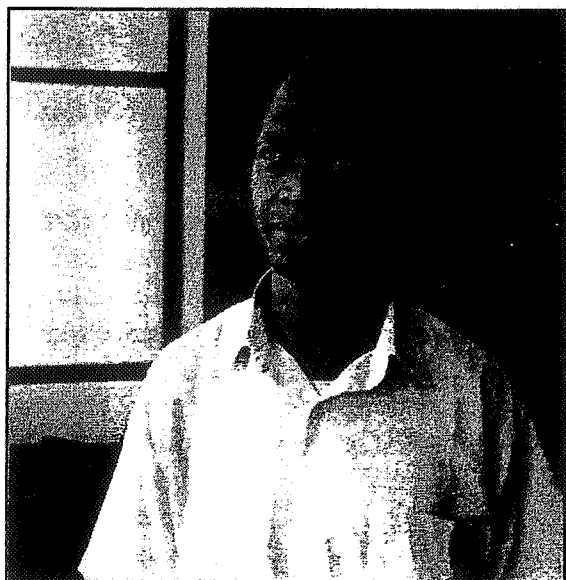
Thereafter, the students were ordered to do press-ups exercises and any faltering was punished with further whippings. The soldiers then ordered the students to stand on their hands for up to 15 minutes and they were beaten each time they fell. After several more sessions of beatings, the students were taken into a cell containing

military inmates, who beat them up. Still naked with open wounds, the students were made to clean up human excrement with bare hands. In the early hours of the following morning they were made to cut grass and were occasionally whipped by soldiers passing by. At around 10 am they were put on a truck and told that they were going to be executed. In fact the soldiers drove them straight to the IPN and freed them. Although CPP leaders told the victims who complained that they would investigate the allegations and bring anyone found responsible to justice, no action is known to have been taken.

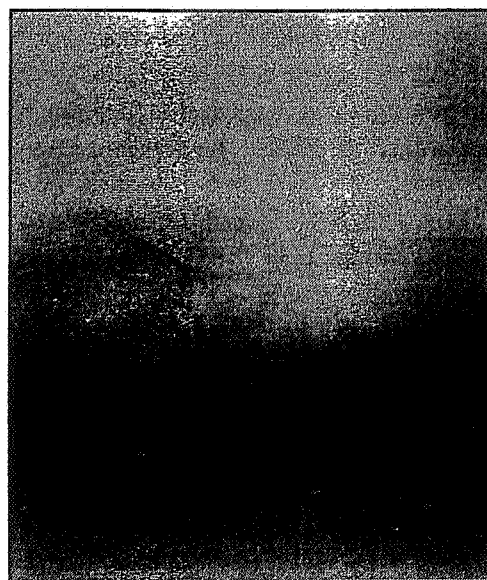
Another student, **Odon Tshibola Muloji**, was tortured after he was found with a letter considered by the DRC police to be subversive because it was written by a journalist who had fled the DRC. Tshibola had gone to Brazzaville, the capital of the Republic of Congo, to visit an exiled student colleague when a journalist exiled there too gave him a letter the journalist had written to his parents in Kinshasa. The police found the letter during what appeared to be a general search of all passengers coming from Brazzaville. He was promptly arrested on 25 October 2000 and taken to the PNC's *Inspection provinciale de Kinshasa* (IPK), Kinshasa Provincial Inspectorate. The police used military belts to beat Tshibola in an attempt to force him to admit knowledge of and involvement in anti-government activities by students, particularly those from Kasai region, where Tshibola comes from. On 3 November he was transferred to an ANR detention centre where he was again repeatedly beaten during interrogation. At both the IPK and at the ANR he was held incommunicado. He was transferred to the CPRK in December 2000. His case was reportedly transferred first to the COM and subsequently to the State Security Court but it remained unclear whether he had been charged with any offence or whether he would be tried. He appeared to be a prisoner of conscience who had not committed any recognizably criminal offence. By May 2001 he was reportedly still having severe pains in the lower abdomen and to the eye as a result of the beatings. He was also reported to be suffering from a hernia.

In some cases victims of torture have not been told or understood why they were arrested and tortured. For example, **Marcel Mwapu Kadilu**, was tortured without any clear explanation after he was arrested in early August 2000 at the *Palais de marbre* presidency in Kinshasa. He had gone to the presidency to visit his uncle who worked there. A group of six soldiers accused him of visiting the presidency to mount a coup d'état and threatened him with a knife. The soldiers whipped him on the head, chest and arms while holding him in a residential out-building before transferring him to an underground cell with about 10 other people, including soldiers. He told Amnesty International representatives that the cell was about four by three metres, with a low door, no windows, and very dark. He was only allowed out for about 30 minutes each day between 7 am and 8 am. At about 10 am he was subjected to between 10 and 20 lashes on the buttocks daily. At one time several armed soldiers visited him in the middle of the night and pressured him to join the army, apparently as a price for his

release. He was released without explanation at the end of the week, during which he received no food.



4 Marcel Mwapu Kadilu © AI



5 Scar on Marcel Mwapu Kadilu's elbow
© AI

2.2 Torture of alleged assassins of President Kabila

Many soldiers and some civilians were arrested in January and February 2001 in connection with an alleged coup plot and the assassination on 16 January 2001 of President Laurent-Désiré Kabila. Many of those arrested were from the provinces of Orientale and Equateur which are occupied by armed opposition groups and the forces of Uganda and Rwanda. Those arrested appear to have been suspected of involvement in the offences on the basis of their origin. For example, army **Brigadier Jean Kandolo** was severely tortured there after his arrest on 25 January. He was severely beaten on 27 and 29 January, and again on 2 and 10 February, each time in the hours of between midnight and 3 am. While in custody at the GLM, Brigadier Kandolo remained handcuffed until he was transferred to the CPRK. He reportedly sustained injuries and had scars on his testicles, buttocks, and the full length of his legs, including his feet.

Emmanuel Mokede Etisala, an army captain, was also reportedly tortured at the GLM soon after his arrest in the early hours of 4 February 2001. He was kicked and punched, and beaten with wooden sticks, military belts (*cordelettes*) and iron bars. He was also reportedly burned with a cigarette lighter. **Bete Ngoma**, a military security service

officer, was also severely beaten with sticks and military belts after his arrest on 1 February 2001. He was transferred to the CPRK on 23 February 2001.

Jean-Luc Bekama, a former soldier and advisor to the Deputy Minister of Foreign Affairs was tortured after his arrest by members of the security services on 31 January 2001. He was held with about 14 others in a cell measuring three by two metres. During the 10 days he was held there, he was in leg chains. All inmates were on a bare floor and used plastic bags for a toilet. Soldiers used military belts, electric wires, padlock chains and sticks to beat him. He had scars on much of his body when he was transferred to the CPRK on 23 February 2001. Other soldiers arrested in January and February 2001 and similarly tortured or ill-treated at the GLM included army captains **Eric Bowanga Bolumbu**, **Jean-Denis Bokoli Botikala**, **Baudouin Mongambi Mwenga Kosso**, **Jean-Lieven Liando Iyolesa**, former Colonel **Jean-Marie Ndjoli-e-Mingolomba Lokenyo**, Lieutenant-Colonel **Itele Ituko**, army doctor **Luc Mayolo**. Others detained in connection with the alleged coup plot and assassination of President Kabila include former diplomat **Emmanuel Dungia**. Although he himself was not physically tortured, **Dungia** was arrested after being denounced by **Itele Ituko** under torture.

Since it came to power in May 1997 the government has orchestrated a campaign of arrest, detention, torture and even killings of members of the former *Forces armées zairoises* (ex-FAZ). Zairian Armed Forces, who served under former President Mobutu Sese Seko. Many of them have been targeted on suspicion of preparing to oust the new government and return to power¹¹.

A number of ex-FAZ soldiers were severely tortured after an alleged discovery of an arms cache in Kinshasa's Ngaliema district (*commune*), ostensibly assembled to be used in an attack on the government. Amnesty International accepts that where sufficient evidence exists the authorities would be in their right to arrest people involved in advocating or carrying out acts of violence. However, unlawful detention or torture and other forms of ill-treatment are a clear violation of basic human rights. For example, **Constant Koyekwe Ngoysu**, a former member of President Mobutu's *Division spéciale présidentielle* (DSP), Special Presidential Division, was shot in the legs and his bones shattered by armed men in civilian clothes who broke into his home on 20 April 2001. He was then dragged on the ground and taken away in a jeep carrying his assailants. In May he was confirmed to be detained at the CPRK where he was reportedly denied visits, including by members of his family. His health was reportedly precarious as result of not being given appropriate treatment for the injuries he sustained at the time of his arrest. **Koyekwe** had been released

See Amnesty International's report entitled, "DRC: Deadly alliances in Congolese forests (AI Index: AFR 62/33/97), published on 3 December 1997.

on 9 March 2001 following President Joseph Kabila's decision to close all unofficial detention centres. He had been detained at the GLM building since June 2000.

2.3 Detention and torture of wives of alleged treason suspects

Five women, four of them wives of soldiers accused of involvement in the assassination of President Kabila, were severely tortured while in custody at the GLM building. They were arrested during the two weeks following the President's assassination. This group of victims included **Peggy Fono Onokoko**, wife of Lieutenant Mwenze Muzele, the alleged assassin of President Kabila. Others were **Charlotte Atandjo Otshudi**, **Luziba Nabintu**, **Coco Chibalonza Balole** and **Angélique Bilbago**, an aunt to Peggy Fono Onokoko. For several weeks, a GSP commander reportedly subjected them to beatings, while naked and with bound arms and legs, in the mornings and at night. The commander reportedly beat the women with sticks, a military belt, an electric cable and a chain. The commander reportedly used a bayonet to cut the hair of both Onokoko and that of Madi Muzele, her infant daughter born in 1999. The women appear to have been prisoners of conscience held solely because of their relationship with their husbands who were implicated in the murder of President Laurent-Désiré Kabila.

Anne-Marie Kamwanya Masumbuko, wife of former army major Janvier Bora Kamwanya, was tortured after she was arrested first on 1 March 2001 and again on 23 March. Her husband had been arrested at N'djili airport while on a Cameroon Airlines flight from Lagos to Nairobi. Bora had fled Kinshasa on 11 November 2000 fearing arrest. After her first arrest, Masumbuko was repeatedly beaten by a GSSP commander at the GLM. She was released on 10 March after President Joseph Kabila announced the closure of all illegal detention centres. She was rearrested on 16 March and taken by four soldiers to the headquarters of the external section of the DEMIAP. After interrogation she was released on the same day, but again rearrested on the orders of a government minister on 23 March, together with a her nephew, **Levis Shamungo**, and a visitor. In custody, she was beaten repeatedly with a piece of wood and military belts on much of her body. She was reportedly held in a cell reportedly measuring about five square metres with about 30 other detainees. During the torture session she was asked to explain how she had learned of her husband's arrest, when he had taken his flight from Lagos. Bora Kamwanya was reported in May to have escaped from custody at an unspecified date.

2.4 Rape by government soldiers

Many women have been subjected to rape and other forms of sexual violence by members of the security forces. However, rape is thought to be seriously under-reported. Investigations into cases of rape are extremely difficult particularly because of the social stigma associated

with it. In many cases, women are reluctant to report rape because they may be abandoned by their husbands or they may even be accused of having been targeted because of their loose morals. In a number of cases women who have been raped are stigmatized as likely to have contracted HIV and hence shunned by those who get to know about the rape. Fear of stigma and reprisals usually leads women to request that their identities are not revealed in public reports such as this one.

Several days after the arrest of Jean-Calvin Kandolo (see section 2.2 above), two soldiers staying in his home raped a girl who had gone there to visit his younger brother, Papy Kandolo. The girl reported the abuse to the commanders at the GLM who took no action to investigate the rape and bring the perpetrators to justice.

Numerous cases of rape by military recruits reportedly took place in areas around N'djili airport near Kinshasa in early 2000. Among the victims was a woman who was abducted by three recruits near Tata Raphael stadium on 16 February. A woman friend found with her was also reportedly gang-raped. In the nearby village of Dingi Dingi a woman was raped by soldiers on 20 February 2000. Her husband was reportedly severely beaten during the rape.

2.5 Cruel, inhuman or degrading conditions of detention

Whereas the CPRK prison was renovated soon after President Laurent-Désiré Kabila came to power, conditions there have nevertheless remained harsh and life-threatening. The prison's normal capacity is 1,000 inmates but its actual population is often around 2,500. Inmates often depend on their relatives for food. However, many of the inmates' families do not have the resources to supply the food in sufficient and regular quantities, if at all. As a result of congestion at the prison, many detainees become seriously ill with little or no access to medical attention or treatment, leading to high rates of mortality among the prison population.

As well as the 10 official prison blocks (*pavillons*), Amnesty International has received reports of unofficial cells where inmates are sometimes incarcerated as a form of punishment. There are reportedly as many as 20 cells (*cachots*) on the first floor of Block 6 which are little more than boxes, measuring about one cubic metre. In Block 2 there are also said to be a number of unofficial cells, which are bigger than those in Block 6 but still without enough room to lie down. In addition, an unofficial block known by inmates as *pavillon 11* is, despite denials by the prison authorities, sometimes used to hold detainees incommunicado. This was the case when Amnesty International representatives visited the CPRK in late 2000. The representatives were refused access to as many as 34 political

detainees being held in Block 11¹². There are no toilets or running water in this block. Amnesty International considers conditions in Block 11, as well as in the unofficial cells, to constitute cruel, inhuman or degrading treatment.

On 8 March 2001 President Joseph Kabila announced the closure of all unofficial detention centres not supervised by the judiciary. However, unofficial detention centres such as those of the ANR continue to be used to detain criminal suspects and government opponents. Given the wide publicity within the DRC given to the detention centres, the government cannot be unaware of their unlawful existence and use. Many observers have expressed surprise that the President has not ordered the closure of those that have continued to be unlawfully used, and where torture and other forms of cruel, inhuman or degrading treatment are known to take place. The requirement that prisoners must be held only in officially recognized places of detention is established in the UN Declaration on the Protection of all Persons from Enforced Disappearance and in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Article 10 of the UN Declaration on Disappearances states:

“° Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.

° Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

° An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.”

Article 7 of the UN Principles on Extra-Legal, Arbitrary and Summary Executions states:

¹² For further details see Amnesty International's report entitled, *DRC: Deadly conspiracies* (AI Index: AFR 62/004/2001), published on 28 March 2001.

“Qualified inspectors, including medical personnel, or an equivalent independent authority, shall conduct inspections in places of custody on a regular basis, and be empowered to undertake unannounced inspections on their own initiative, with full guarantees of independence in the exercise of this function. The inspectors shall have unrestricted access to all persons in such places of custody, as well as to all their records.”

The situation in security service detention centres is far worse. Detainees are held incommunicado for long periods and are often subjected to torture and other forms of cruel, inhuman or degrading treatment. The detainees also lack medical facilities for ordinary illnesses or the effects of torture. Very often in detention centres such as the GLM detainees are held in congested, dark and poorly ventilated cells. The cells lack toilets and inmates use either open containers which are rarely emptied or plastic bags whose smell is accentuated by hot temperatures. Detainees spend days or even weeks without being allowed to wash themselves or change clothes.

Beating of detainees is a regular occurrence and some detainees have their hands and legs bound, often as a punishment. Article 33 of the Standard Minimum Rules states:

“Instruments of restraint...shall never be applied as a punishment”.

The rules go on to define the strictly limited circumstances in which restraints may be used.

Food and medication brought by the detainees' relatives is handed to the guards, without any guarantee that it will reach them. It is common practice for relatives to be obliged to bribe the guards, usually with money, to ensure that the supplies reach the detainees. Guards use women detainees to carry out domestic duties such as cooking and washing.

Ten members of the opposition *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, were subjected to severe beatings at the time of their arrest on 19 July 2000 and while in custody in several detention centres. They included 47-year-old **Rafael Kapambu**, the party's Youth National Executive Secretary, and 35-year-old **Aimé Bwende**, a member of the party's international committee. Kapambu had previously been arrested on 24 November 1999 when members of the security forces found on him a list of UDPS detainees that he had been visiting at the CPRK. Until 7 January 2000 he was held at a COM detention centre where he was repeatedly punched on several occasions, including once when they brought his wife into the cell to watch him being hit.

On 19 July 2000 the 10 UDPS members were arrested by local police and members of the ANR at Ludisi Avenue, near N'djili international airport outside Kinshasa. During interrogation at the local police post several of the detainees were slapped around the face and threatened with death to force them to admit that they had been holding a political meeting. Later that day members of the police crammed all 10 detainees into the back seat of a jeep (meant for 4 people) and took them to the main police station (*commissariat de police*). After a series of interrogations that lasted from 6 pm to 2 am the following day they were made to spend the rest of the night in a cell measuring about two square metres. While being held at the police station - until 14 August 2000 - the detainees had to bribe the guards to be allowed to ease themselves outside the cell. They received no medical treatment or family visits, but families did get food through to them. They went on a hunger strike that lasted about 10 days. Several of them contracted diarrhoea while others suffered from malaria. They were only allowed to wash about twice a week beneath a tap which ran into a pond of dirty water.

During a visit in August 2000 by the UN Special Rapporteur on the situation of human rights in the DRC the 10 UDPS detainees were taken in a truck under armed escort to the ANR headquarters and thereafter to Lufungula military barracks, where they remained outside the camp in the truck for about five hours. They were then returned to the ANR where a guard told them, "*Si vous vous entêtez, vous aurez une balle dans la tete* (If you persist, you will have a bullet in the head)", adding that their bodies would be thrown into the river to feed the fish. On 16 August they were transferred to an underground cell at the headquarters of the Ministry of Justice (*Palais de Justice*). In a cell measuring about six metres by four metres there was virtually no ventilation or segregation of men and women. About 20 political and criminal detainees urinated and defecated into plastic bags and dumped them in a barrel in a corner of the cell which was only emptied every two to three days. Some detainees paid 1.000 Congolese Francs (equivalent to about US\$ 3) to the guards to let them briefly out of the cell to breathe fresh air. Between 16 and 19 August 2000 the UDPS detainees were interviewed by a magistrate from the General Procuracy. On 19 August they were transferred to the CPRK, with their hands tied behind their backs with belts and clothing. They were moved between several blocks at the CPRK before they were allowed to meet the UN Special Rapporteur. **Aimé Ilunga Tanga**, who was suffering from diarrhoea, gastritis and fever, was hidden from the Special Rapporteur, but his case was raised by a co-detainee and he was subsequently allowed to be hospitalized. **Albertine Panga** was also briefly hospitalized before being returned to the prison. Other detainees were **Papi Prince Kongolo**, **Theo Taraka**, **Leon Mela**, **Samuel Molzande**, **Richard Mulangu**, and **Eugene Mubeya**. They were released in a Presidential amnesty in January 2001.

Detainees who have been subjected to conditions which may amount to cruel and inhuman or degrading treatment include two journalists who were detained in the southwestern town of Matadi. **Jules-César Mayimbi**, a 47-year-old Matadi-based

correspondent for the Kinshasa daily newspaper *Forum des As*, and 56-year-old **Washington Lutumba**, a correspondent for another Kinshasa daily, *Le Potentiel*, were denied food by the authorities while in custody at Matadi central prison in early 2001. Their families did not have the resources required to supply them regular meals. Mayimbi, who was arrested on 5 April 2001, and Lutumba, who was arrested on 30 March, were both accused of libel by a private company in connection with articles they wrote about an importation of wheat flour which was reportedly unfit for human consumption. Mayimbi was also reportedly suffering from tuberculosis which he had either contracted in custody or which had been exacerbated by harsh prison conditions. He was reportedly not given appropriate treatment for his illness.

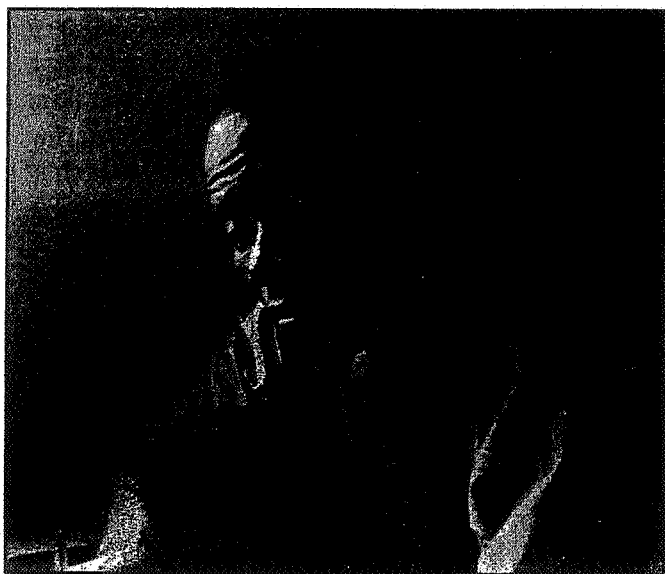
On 18 May the two journalists were granted provisional release but the charges against them were not withdrawn. Ten days later, a court in Matadi found them guilty of the charge and sentenced them to 45 days' imprisonment and payment of a fine of 25,000 Congolese Francs (equivalent to about US\$ 70). However, they were not returned to custody as they had already spent more than 56 days in jail. The harsh detention conditions were reportedly being used to pressure them to reveal the sources of the information they published. Their continued detention and ill-treatment were, according to some sources in the DRC, linked to the fact that a director of the company that imported the wheat had personal connections with a judicial official in Matadi.

2.6 Torture of journalists

Journalists have been particularly targeted for torture and other forms of cruel, inhuman or degrading treatment to intimidate and prevent them from writing or publishing articles that criticise the government, its senior officials or its policies.

Freddy Loseke, editor of *Libre Afrique* newspaper, was tortured in custody after he was arrested on 31 December 1999. He was taken to Kokolo military barracks where he was repeatedly kicked by a military officer who threatened to kill him. After he was released on 9 January 2000, as many as 20 members of Freddy Loseke's family were arrested by a military commander to oblige him to re-submit himself for detention. Afraid for his life and that of his relatives, Freddy Loseke presented himself to a police station for arrest and he was taken into military custody on 10 January. He was beaten and thrown naked into a cell. He was charged with spreading false information (*propagation de faux bruits*) by the *Cour d'ordre militaire* (COM), Military Order Court. After his relatives were released, much of the food brought to Freddy Loseke by members of his family was eaten by the soldiers guarding inmates. On 19 May the COM found him guilty of insulting the army and sentenced him to three years' imprisonment. The COM's statute prevented him from appealing against his conviction or sentence. For much of 2000 there was concern for Loseke's health as he was suffering from a slipped disc, for which he was at times not allowed to get medical care.

He was released on 4 January 2001 following a Presidential amnesty for several hundred political prisoners.



6 Freddy Loseke at the CPRK in November 2000

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As a further demonstration of repression against journalists and a clampdown on the freedom of expression, *Libre Afrique* was banned in early May 2001 after it reportedly published an article accusing the Zimbabwean forces in the DRC of involvement in the spreading of AIDS and of failing to assist the DRC recapture territory seized by anti-government foreign forces. The Minister of Information reportedly denied that he had acted under pressure from the Zimbabwean Government. Freddy Loseke was arrested once again on 30 May and detained, first in a cell of the Kalamu High Court Procuracy (*Parquet de*

Grande instance) in Kinshasa and subsequently transferred to the CPRK on 31 May in connection with an alleged libellous article published by *Libre Afrique*. The article, published on 15 May 2001, reportedly accused a Protestant pastor of financial malpractices.

On 23 March 2001 **Trudon Kiomba Shesha**, a journalist with *Congo Wetu*, a newspaper published in Mbuji-Mayi, the capital of Kasai-Oriental province, was beaten by members of the *Police nationale congolaise* (PNC), Congolese National Police. The PNC started beating him when they discovered from his identity card that he worked for the newspaper. The police, who appear to have been checking on identity documents of any people they met, reportedly told the journalist that they were searching for the newspaper's employees because it was critical of the province's governor. In its 22 March 2001 edition, *Congo Wetu* had accused the governor of xenophobia and improper sale of public land. After the beatings Kiomba was released without charge.

Guy Kasongo Kilembwe, editor-in-chief of *Pot-Pourri* satirical newspaper, was severely beaten at the time of his arrest on 28 February 2001 and while in custody. He was reportedly told by the authorities that he was arrested because his newspaper criticized the then Minister of Interior. He was first detained in a cell of the special services of the PNC where he was subjected to 50 lashes. He was subsequently transferred to a cell situated in a

former Hotel Regina where he was repeatedly beaten with metal bars (*lames métalliques*). From there he was transferred on 6 March to the external section of the ANR, where he was again severely whipped. As well as being threatened with death, Kilembwe also contracted malaria for which he did not receive adequate medical care and lost a lot of weight while in custody. For most of the time he was held incommunicado. He was released on 22 March on the orders of the head of the ANR. He was never charged with any offence or referred to a judicial official, as required by Congolese law.

On 26 July 1999 Jean-Marie Kashila of the Congolese Press Agency and **Bienvenu Tshiela**, of Kasai Horizon Radio-Television (KHRT) were flogged by policemen in Mbuji-Mayi. The beatings were reportedly ordered by a top government official who accused the journalists of criticizing him in a number of reports. The same official had ordered the flogging of another journalist, **Robert Ndaye Thisense**, in 1998.

2.7 Torture of human rights defenders

A number of human rights defenders have been subjected to torture and other forms of ill-treatment in an attempt to intimidate them and cause them to desist from carrying out their work. For example, **Guy Maginzi**, a member of the Lubumbashi-based *Centre des droits de l'homme* (CDH) human rights group, was tortured after he was suspected by the security services of travelling to Kinshasa to investigate the case of another human rights defender, Golden Misabiko. Maginzi was arrested soon after his arrival at N'djili airport from Lubumbashi on the same flight as Golden Misabiko of the *Association africaine de défense des droits de l'homme* (ASADHO), African Association for the Defence of Human Rights, who was being transferred to Kinshasa after he had been arrested in Lubumbashi. Maginzi was arrested after he exchanged greetings with Misabiko and both were taken to the GLM building. A member of GSP first ordered him to laugh and then cry repeatedly. He was then made to lie on the floor and he was repeatedly beaten on the soles of his feet in the air. The second night he was repeatedly whipped on the back. While in custody he was held with nine women and seven children. Detention of males with females contravenes Article 8 of the Standard Minimum Rules which states (in part):

Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;"

Detention of children with adults contravenes Article 37 of the UN Convention for the Rights of the Child which states (in part):

"[...] In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;"

3. Torture by Rwandese and Ugandan government forces

Many people were subjected to severe forms of torture to dissuade the disgruntled population from joining an armed uprising against Congolese armed political groups and the governments of Burundi, Rwanda and Uganda seeking to overthrow the DRC Government. Governments of Rwanda and Uganda have argued that they joined the armed conflict in August 1998 to prevent the DRC being used as a base from which their armed opponents launched attacks on their countries, and to prevent genocide against Tutsi in the DRC. The war has effectively degenerated into a fight for political and military control of the DRC's natural resources.

In September 2000 **Gabriel Kakule**, a 36-year-old man, was reportedly tortured to death by Ugandan soldiers in Beni, North-Kivu province, who suspected him of collaborating with the *mayi-mayi*. In a particularly macabre form of torture, Gabriel Kakule was first repeatedly whipped in public. He was then reportedly tied to a cross, with a cigarette put in his mouth as he died.

Four students, **Bahavu Mapendano**, **Eric Sikubwabo Sibomana**, **Lazare Lukuta Tshonga** and **Obin Lukute Wembo**, were tortured after they were arrested on 3 June 2000 by members of the Rwandese security at Gatuna, on the border between Rwanda and Uganda. They were detained for three hours by the Rwandese military intelligence at the border and then transferred to Gikondo detention centre in Kigali, the capital of Rwanda. On the same day they were transferred to Kicukiro military detention centre where they were held for 16 days. They were detained in an old latrine and were denied food for three days. During a four-hour interrogation they were accused of travelling to Uganda to join an armed group supporting former Rwandese King Kigeri V and were asked to reveal the whereabouts of the armed group's training camp. They were also variously accused of belonging to the Ugandan-supported RCD-ML, or spying for President Kabila or of being members of civil society organizations travelling to Kinshasa for a meeting. Soldiers held pistols to their heads and threatened them with execution as a form of torture. One soldier beat Lukuta Tshonga on the head with a piece of wood. A Congolese Protestant pastor who was also detained there informed their families of their detention after his release. In June they were transferred to Goma's *Chien méchant* detention centre, where they were beaten with military belts. Their families paid \$US 10 each time they brought food to the detainees. When Amnesty International delegates met them in October 2000 they had been released and able to return

to their homes in the DRC but had to report to the authorities daily. They are not known to have been charged with any offence.

During a visit to Bunia in the Ugandan-created Ituri province, Amnesty International received disturbing reports of methods of torture and other forms of cruel, inhuman or degrading treatment inflicted on local people, particularly members of the Lendu ethnic group, by Ugandan troops. Torture methods included beatings and burning victims' bodies



7 Three youths whose buttocks were burned with hot irons in mid-1999 by Ugandan soldiers at Fataki in Ituri province. The youth in the middle reportedly died from his injuries. © Private

with hot irons. Detainees were regularly held in leg-irons. A disused refrigerated room (*chambre froide*) formerly used to store meat and other perishable goods at Bunia airport was also used as a detention centre.

Some detainees have been held in underground pits. It has been reported in eastern DRC that the use of pits as places of detention was introduced by members of the Ugandan security forces. One such pit, apparently originally dug as an underground water tank, was located at Boga (about 20 kilometres from Bunia) where as many as 15 people were being held. One detainee known as Edmund, a member of RCD-ML in Beni and Butembo, North-Kivu, was arrested on 10 August 2000 and held in a pit at Beni military camp for five days. The entrance to the pit was reportedly so narrow that detainees crawled in backwards and dropped down into the pit. While in custody, he was severely beaten. Edmund was reportedly detained after he complained about embezzlement of RCD-ML funds by some of the armed group's financial inspectors. He was held in cramped conditions with eight others who were naked. They were so cramped that they had to remain upright. He was later helped to escape to Bunia.

Four of five young men tortured on the orders of a Ugandan military officer at Lukaya, near Mangina, in North-Kivu, died in custody in August 2000. The region was at the time jointly administered by Ugandan forces and the RCD-ML. The dead were named as Kasongo, Bebe, Kambale Meso and Kivali, and the survivor was known as Njolo, a son of

a local businessman. Those who died were reportedly initially buried in a mass grave and their bodies subsequently thrown into river Tua on 10 August 2000. No investigation into the deaths is known to have taken place to identify the killers and bring them to justice.

4. Torture by Congolese armed opposition groups

Like the DRC Government, its armed Congolese opponents, particularly the RCD-Goma and the RCD-ML, have used torture as a weapon against their critics or those suspected of or known to support their opponents. In the same way that human rights abuses such as deliberate and arbitrary killings have been carried out with their allies from Rwanda and Uganda, torture is also reported to be carried out together with or even at times ordered by the allies.

4.1 Torture of suspected supporters of the DRC Government or rival armed groups

One prominent case of torture by members of the RCD-ML in which members of the Ugandan armed forces played a significant role was that of **Désiré Lumbu Lumbu**, a former government minister and president of civil society groups. Lumbu Lumbu was arrested together with **Kasereka Kihuvi**, a businessman and vice-president of the Federation of small businesses in Butembo, **Kanyanyu** and **Muganda** by members of the Ugandan forces and RCD-ML security service officials in Butembo on 14 November 1999. Their arrest appears to have been linked to a memorandum they and 11 others signed on 22 September 1999 criticizing the RCD-ML and Uganda for the social and political crisis in North-Kivu province. Their opposition to the RCD-ML and Uganda also appears to have been interpreted by the armed group and Ugandan forces as indicating complicity in the killing on 14 November 1999 of Ugandan army major Reuben Ikondere by *mayi-mayi* combatants in nearby Beni town. Lumbu Lumbu had reportedly refused to join the armed political groups opposed to the DRC Government despite repeated pressure by armed opposition leaders to convince him to do so. The detainees were transferred on 15 November to a detention centre run by Ugandan soldiers in Beni. While in custody, the detainees were reportedly subjected to hundreds of whippings while being detained in a pit. The beatings were apparently intended to force them to admit complicity with the *mayi-mayi* and to punish them for their opposition to the RCD-ML and Ugandan role in the war in the DRC.

After their release on 30 November 1999, Désiré Lumbu Lumbu died on 11 December from a brain haemorrhage believed to have been caused by torture. He had also reportedly been blinded in one eye during torture. At least three security officials of the RCD-ML were arrested, ostensibly for the unlawful arrest and torture of Lumbu Lumbu. One of them, a senior member of the RCD-ML was released in mid-2000 but at least two others were reportedly still in custody without trial in May 2001. The RCD-ML officials reportedly

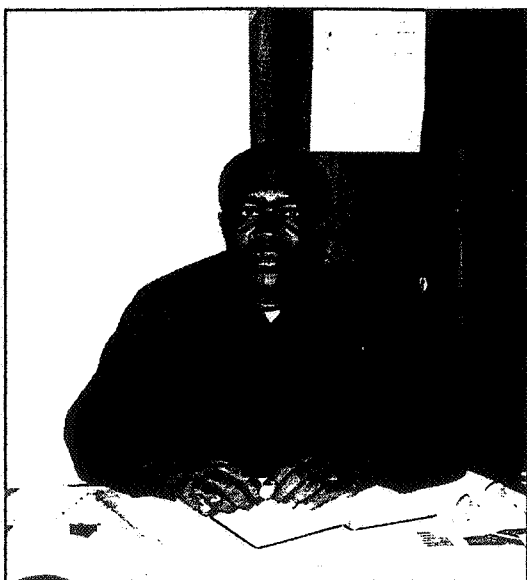
claimed that Lumbu Lumbu's arrest had been ordered by a top RCD-ML official and continued to deny torturing Lumbu Lumbu. The role played by Ugandan soldiers in the torture remained unclear, although they had overall control of the detention centre where the torture allegedly took place and were in position to prevent it.

Many people have been tortured - some to death- as a punishment for their alleged support for *mayi-mayi* or Rwandese Hutu insurgents. Victims include **Alexis Muisha** who, together with other men from Ngenge in South-Kivu, was severely beaten and left for dead. The attack occurred after the Rwandese insurgents had stayed in a nearby forest in mid-December 1999. On 23 December the RCD-Goma entered the village, separated women and children from men and beat the men with sticks. The bodies of the men still thought to be alive were stabbed with bayonets to ensure they were dead. The RCD-Goma soldiers slashed Muisha's back with a machete. When the soldiers realised that he was alive and had rolled bound into a nearby river they shot at him. The water current took him under the river's bank where he hid for three days. The soldiers burned down the village and killed at least five women. Muisha told Amnesty International representatives that the injuries he sustained severely impaired his vision.

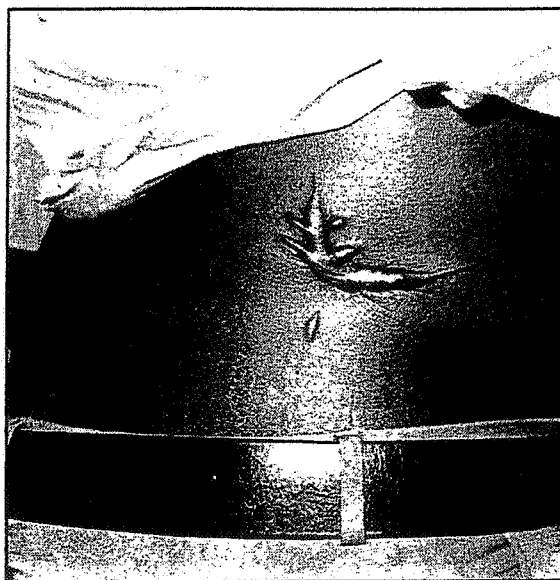
Many unarmed civilians in eastern DRC have been victims of assaults, torture or other violent attacks by combatants seeking to extort money or other valuables. The combatants appear to be committing these abuses as a means of earning a living because they are virtually never paid and have no other means of income for themselves or their families. For example, **Bahati Mapendo**, a bread seller in Goma was shot in the stomach and stabbed in the neck by men in military uniform. His attackers injured him to force him to hand over money earned from his trade.

On 11 January 2000 **Paul Mitsindo Mutaka** was stabbed in the stomach and shot in the chest by members of the RCD-Goma when he refused to give them money. He was taken to hospital in Goma where he stayed for three weeks before he was transferred to Kampala, the Ugandan capital, for further treatment. After complaints from his family to the RCD leadership Mutaka's alleged attackers were arrested but released without trial soon after.

Some victims have been arrested and tortured by members of the armed opposition groups so as to obtain ransoms. Detainees are held without food and water, at times exposed to the sun for a number of hours. In some cases, detainees have their legs and arms tied behind their back and suspended on ropes. In Bunia central prison there have been reports of detainees cuffed on legs and arms.



8 Paul Mitsindo Mutaka © AI



9 Scar of stab wound in Paul Mitsindo Mutaka's stomach © AI

To secure their release, detainees' relatives are obliged to pay as much as US\$ 100. There have been reports of children being held because the security forces could not find the father or other older relative they intended to arrest.

Many opponents of RCD-Goma and Rwandese government forces in eastern DRC are frequently tortured at the time of their arrest and in custody. For example, **Honoré Kabunta** was tortured after he had been arrested in connection with tracts calling for the Rwandese government forces to leave the DRC. He had his testicles squeezed and was made to stand on his hands; he was beaten each time he fell. His arrest followed a general strike and demonstration against the RCD-Goma and Rwandese government forces in Goma on 14 February 2000. Kabunta told Amnesty International delegates that an additional reason for his arrest was the fact that he is a brother of Sesanga, a member of the RCD-ML. He was also reportedly seen taking photographs of the demonstration. The activities for which Kabunta was detained did not include the advocacy or use of violence and as such he appears to have been detained as a prisoner of conscience.

Members of armed opposition groups too have tortured rivals or personal enemies of those close to power. For example, **Tabu Dufina Mwenebatende**, head of a local non-governmental organization, was arrested on 11 May 2000 and reportedly subjected to torture for two days at Goma's central prison at the request of his second wife whose cousin was a woman police officer. Tabu was tortured apparently to punish him for a domestic quarrel with his wife. The torture was reportedly overseen by the police officer.

In June 2000 two domestic workers, **Papy Saiba** and **Muhindo**, were reportedly severely beaten and repeatedly kicked by soldiers in Goma after their employer accused them of stealing her jewellery. Due to the severe injuries they sustained, the two victims were reportedly taken by their relatives to Goma's main hospital for treatment. Papy Saiba was reportedly vomiting blood.

On 30 August 2000 an RCD-Goma commander in Bukavu ordered the torture of two 20-year-old men, **Mbuyi Tshibwabwa** and **Ndeko Zagabe**, accused of stealing a sewing machine. They were beaten with hammers, spades and pestles. Mbuyi died from his injuries. After numerous protests from local people and human rights organizations the RCD authorities reportedly arrested the commander. Before any trial could take place, the commander reportedly escaped from custody and his whereabouts remain unknown.

On 28 September 2000 members of RCD-Goma arrested and tortured four men accused of involvement in a grenade attack on a market place in Bukavu, the capital of South-Kivu province. About 10 people were killed in the attack which took place on 26 August. Critics of RCD-Goma and of their Rwandese backers blamed the armed opposition and Rwandese forces for carrying out the attack. RCD-Goma said the attack was the work of the Congolese *mayi-mayi* armed group, and claimed the four men helped them prepare it.

Those arrested and tortured included **Karume Chisirika** who was held at the *Direction provinciale de sécurité et de renseignement* (DSR), Provincial Directorate of Security and Intelligence. The torture reportedly included beatings with an iron bar. He also endured psychological torture. In at least one instance he was reportedly taken to a cemetery at night and told he would be killed if he did not sign a confession admitting responsibility for the grenade attack.

Jean-Pierre Bosingizi was held at the *Police spéciale de recherche et de surveillance* (PSRS), Special Police for Research and Surveillance, where he was beaten. **Omer Kamoso** and **Déogratias Mbalabala** were detained in the Saïo military camp in Bukavu, where they too were severely beaten.

RCD-Goma reportedly threatened to move the men to military detention centres in Rwanda, where it would be very difficult to trace them. Detainees moved from the DRC to Rwanda in this way sometimes "disappeared".

4.2 Rape and other forms of sexual violence by armed opposition groups

Rape, particularly of girls and women of all ages has been extensively used by armed opposition groups and foreign government forces supporting them in eastern and other parts

of the DRC. Rape has effectively been used as a weapon of war against sections of the population that are known for or suspected of supporting their opponents, including by humiliating them. Women and girls of all ages are the most vulnerable to this form of torture, but it is also used by the armed groups as a reprisal against their male opponents, as well as a demonstration of their military superiority over their opponents who are shown to be unable to protect the women.

Many human rights defenders told Amnesty International delegates that sexual violence included other acts of torture. The torture also included in some cases hot pepper being put in the woman's genitals. In a number of cases women were shot in the genitals after being gang-raped. A woman in Fizi, South-Kivu, was one such victim and she had to spend as long as five months in hospital and underwent as many as five operations to treat her extensive injuries.

A woman member of the immigration security service in Goma, was reportedly raped by *Bureau Deux* ("B2" - military intelligence unit) guards after she had been arrested on 9 April 2000 in connection with possession of tracts critical of the RCD-Goma. She was arrested together with two workers of the electricity company. She and her co-detainees were whipped daily while being held incommunicado.

Mayi-mayi and Rwandese Hutu insurgents too have carried out numerous rapes and other forms of sexual violence. For example, an insurgent group known as *Tamwara* reportedly terrorized villages in Masisi, North-Kivu, by raping women. The perpetrators reportedly pierced holes in women's external genitalia and cut their breasts.

In April 2000 Rwandese Hutu insurgents attacked villages in Masisi and raped women. In one case a woman was reportedly raped by nine men in front of her children. After the rape her husband abandoned her.

A 28-year-old woman and her 14-year-old daughter were raped on 1 September 2000 by soldiers speaking Kinyarwanda¹³. In a desperate effort to protect her daughter she told the attackers to rape her and not her daughter, but the soldiers raped both of them. Her mother too was raped. After the rape, the woman was abandoned by her husband.

Some of the victims were killed after they were raped by RCD combatants. A 35-year-old woman and four other women were gang-raped on 15 May 1999 by as many as 10 combatants each. Three of the women, **Saniya Kaota, 55, Monique Kwabo and Magdalene**

¹³ Kinyarwanda is the national language of Rwanda widely spoken by Rwandese nationals, as well as by Hutu and Tutsi of Rwandese origin or of the same language group in the Great Lakes region.

Marko, 60, were shot and then killed with machetes. The 35-year-old woman and another woman were unable to walk after the attack and were taken to a dispensary by their relatives to be treated for their injuries.

In many cases of rape the victims could only tell that the perpetrators were armed but could not identify which armed group they belonged to. For example, Amnesty International met with a victim who told them that in Kashebere territory of North-Kivu, an estimated 50 soldiers attacked a village at 5am, but said that the events took place so rapidly that she could not recognize the soldiers. The victim told Amnesty International that she and four of her friends were taken into a bush and raped. She said that each woman was raped by as many as 10 men and that after the rape three of the women were killed. The two others remained in the village. She told Amnesty International:

We were unable to walk after our ordeal. Our families took us to a dispensary to be cared for. After that we travelled on foot to Goma, where we live in extreme poverty. Until now we haven't had a medical examination to see whether we have AIDS. It was the RCD-Goma who were surrounding the village. Three of the women were shot and then finished off with machete blows.

As in many cases of torture mentioned above, most cases of rape have not been investigated and the perpetrators remain unpunished. The climate of fear and the social stigma surrounding rape is such that many women feel unable to report the abuse to their relatives or even to human rights organizations. As awareness of rape as a punishable human rights abuse has increased, a few women are becoming brave enough to testify. However, the victims generally request not to be named to reduce the possibility of reprisals and to protect themselves from the stigma.

4.3 Torture of human rights defenders by armed groups

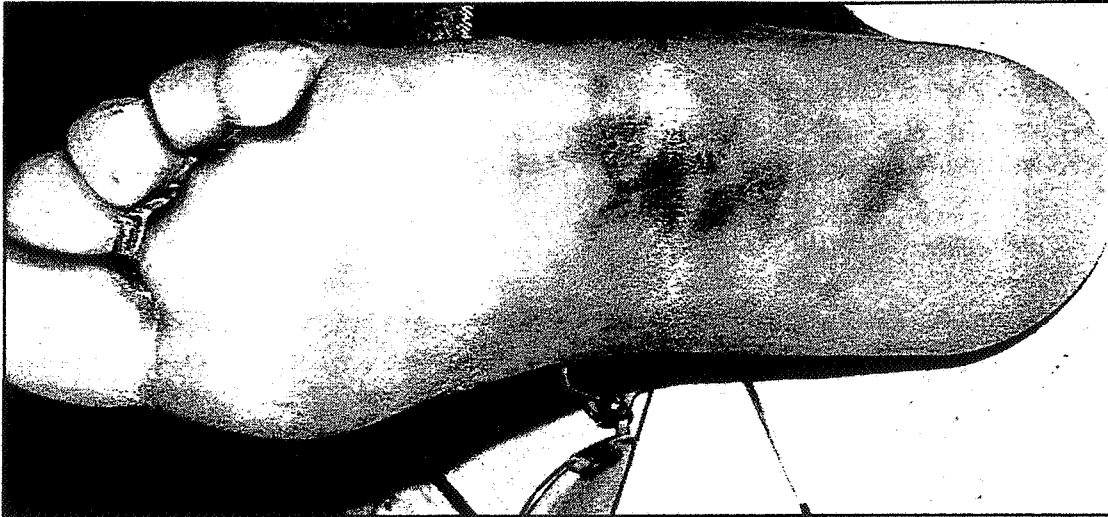
Human rights defenders involved in investigating and denouncing human rights abuses by armed opposition groups and their foreign backers have been tortured because of their activities. For example, Aline Kabeyabeya, coordinator of the social commission (*animatrice adjoint de la Commission sociale*) and deputy leader of the *Collectif des organisations des jeunes solidaires du Congo-Kinshasa* (COJESKI), Collective of Youth Partnership Organizations of Congo-Kinshasa, board was arrested by the RCD-Goma authorities on 17 June 2000 and detained at the ANR detention centre. She was accused of spying for the DRC Government and tortured by RCD-Goma soldiers, who stripped her naked and beat her in an attempt to extract a confession. She was detained as a prisoner of conscience for her human rights activities. She is not known to have been charged with any offence. COJESKI members have often been targeted and

considered as a dangerous threat to the RCD-Goma authority because they investigated and denounced human rights abuses by the armed group and its allies.

On 9 October 2000 members of the RCD-Goma forced their way into a meeting of human rights defenders at the Bukavu offices of *Groupe Jérémie* human rights group, arrested them and subjected them to various forms of torture. They had just started a meeting to discuss their activities, including those surrounding a visit on 3 October 2000 by UN Human Rights Commissioner Mary Robinson. The victims included **François Maheshe** of *Groupe Jérémie*, **Marcellin Musemakweli** of CADDHOM, **Moise Chifende** of APRODEPED, **Dieudonné Mushagalusha Chiruzza** of COJESKI, **Oscar Baharanyi Byadunia** of CEDAC and **Emmanuel Shamanvu** (a magistrate) of ACAT. Others were **Nestor Bauma** of CPDDH, **Edouard Kabazimya** of CADDHOM, **Michel Aissi** of *Groupe Jérémie*, **Dunia Songolelo** of PADEDHUM, **Kizungu Loochi** of AED, **Muzalia Loochi** of *Justice pour tous* and **Jolly Biayi Tshizaza** of LIVAP. The soldiers ordered the defenders to lie on their stomach and beat them repeatedly before taking them to Saio military barracks.

The victims' shirts were removed and used to tie them in twos and they were taken in a van to Saio military barracks. At the barracks the defenders were again beaten on the hands and soles of their feet. They forced them into a cell and took them out about 15 minutes later for more beatings. This pattern of being beaten, locked up in a cell and then beaten again, took place five times between 3 and 6.30 pm. At around 8 pm the defenders were taken to the RCD-controlled radio and television stations where they were presented to listeners and viewers as "terrorists". They were freed around 9.30 pm but had difficulty getting home due to injuries, particularly to their feet.

While the beatings were going on, the soldiers told the defenders that they had been passing information about human rights abuses to the international community and taunted them saying, "we will see what the international community will do [in connection with their arrest and torture]". On leaving the *Groupe Jérémie* premises, the soldiers took away office equipment including computers, mobile phones and various documents. Just before and after the defenders were released, RCD political and military leaders later accused the defenders of collaboration with *mayi-mayi* and of having been found in possession of weapons such as guns. The defenders were also accused of organizing terrorist actions in connection with the funeral of Roman Catholic Bishop Kataliko who had died in Rome after being banished from his Bukavu diocese for about eight months.



10 Scars caused by beatings on the sole of Oscar Baharanyi's foot © AI

5. Conclusion

Forces of the DRC Government and of several other neighbouring governments, as well as those of a variety of armed political groups, have been involved in grave acts of torture against unarmed civilians. Amnesty International is aware that it has not been able to uncover the whole pattern of torture and other forms of cruel, inhuman or degrading treatment or punishment. It is also likely that forces of other governments, such as those of Angola, Burundi, Namibia and Zimbabwe and armed political groups not mentioned in this report have carried out similar abuses but the organization has not so far been able to obtain or cross-check such reports.

It is primarily the responsibility of governments to prevent acts of torture and other human rights abuses and to bring perpetrators to justice. Armed political groups too have a duty to prevent their forces from carrying out these abuses, in accordance with international humanitarian law. Leaders of governments and armed political groups must take all measures necessary to end the scourge of torture in the DRC.

In the complex political and military crisis that the DRC continues to experience, it is clear that there is no single jurisdiction in the region with powers to bring perpetrators of torture and other human rights abuses to justice. Amnesty International believes that in addition to measures required of governments and armed political groups to end impunity for crimes such as torture, it is necessary that the international community considers setting up a UN-sponsored jurisdiction for the DRC to oversee an investigation into violations of human

rights and to bring the perpetrators to justice, regardless of their status or nationality. Amnesty International fully supports the UN Secretary-General Kofi Annan when he said in his 30 May 2001 statement to the UN Security Council that "the question of impunity has to be addressed by investigating alleged massacres and other major violations of human rights. Without accountability for the most severe crimes, there can be no lasting peace".

6. Recommendations

Amnesty International is making a number of recommendations to political and military leaders whose forces are reported to have perpetrated torture to ensure the crime is neither tolerated nor ordered by the leaders. The organization is also making recommendations to the wider international community to assist the people of the DRC to end the scourge of torture.

6.1 To leaders of the DRC, Rwanda, Uganda and other governments with forces in the DRC

Amnesty International urges all governments involved in the armed conflict, and particularly those of the DRC, Rwanda and Uganda, to:

- a) Publicly condemn torture, including rape, and other forms of ill-treatment, and make it clear to all forces that torture and other forms of cruel, inhuman or degrading treatment or punishment will no longer be tolerated under any circumstances, including in a situation of war;
- b) Take immediate steps to prevent torture, including by adopting and implementing Amnesty International's 12-Point Program for the Prevention of Torture (see appendix);
- c) Ensure that independent bodies, including the judiciary, promptly, effectively and impartially investigate all reports of torture (including those mentioned in this report) with a view to bringing to justice within a reasonable time all those responsible for the crime, whoever and wherever they may be;
- d) Ensure that victims of torture and other forms of ill-treatment are entitled to and do receive full and timely reparation, including compensation and rehabilitation;
- e) Initiate and give public and material support to national campaigns against torture to raise public awareness of the unacceptability of the abuse, particularly among members of the security forces and other public officials.

- f) Ensure that education and information regarding the prohibition of torture are fully included in the training of all law enforcement personnel, civil, military, medical personnel, public officials and any other person who may be involved in arrest, detention or imprisonment. Provide training to the police, prison officers and the armed forces to ensure that they are able to investigate or prevent crimes without recourse to torture;
- g) Ensure decent prison conditions that sustain the physical integrity and dignity of the person, regardless of the offences for which detainees may have been arrested or of which prisoners may have been found guilty;
- h) Instruct all public officials, including members of the security forces, to abide by international treaties, standards and declarations, such as the UN Convention against Torture, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, outlawing the practice of torture and other forms of ill-treatment;
- i) Set up independent and impartial national institutions such as a Human Rights Ombudsman to whose office victims or witnesses of torture can report the crime and which can investigate all incidences of torture and assist victims to seek judicial redress;
- j) Fully cooperate with an international investigation, as recommended by the UN Security Council in several of its resolutions on the DRC, into violations of international humanitarian law, including torture, and submit any perpetrators to an appropriate jurisdiction for trial, according to international standards of fairness and without recourse to the death penalty.

6.2 To leaders of armed political groups in the DRC

Amnesty International urges leaders of armed political groups including the RCD-Goma, FLC and *mayi-mayi* to:

- a) Publicly condemn torture, including rape, and other forms of ill-treatment, and make it clear to all forces that torture and cruel, inhuman or degrading treatment or punishment will no longer be tolerated under any circumstances, including in a situation of war;
- b) Order all combatants to abide by international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions and its Protocol II which specifically prohibit all parties to an internal armed conflict from targeting people taking no active part in hostilities; and in particular from carrying out acts of violence, including murder, mutilation, cruel treatment and torture, outrages upon personal dignity and the taking of hostages;

c) implement specific measures which conform to the standards of international human rights and humanitarian law to prevent torture, such as:-

- ensuring that all forces under their control are trained and ordered to adhere at all times to basic principles of humanitarian law

- investigating allegations of torture to determine responsibility and ensuring that those responsible are removed from any position in which they may commit human rights abuses against civilians and those who are *hors de combat*;

d) Fully cooperate with an international investigation, as recommended by the UN Security Council in several of its resolutions on the DRC, into violations of international humanitarian law, including torture, and submit any perpetrators to an appropriate jurisdiction for trial, according to international standards of fairness and without recourse to the death penalty.

6.3 To foreign governments and intergovernmental organizations

Amnesty International urges all foreign governments, particularly members of the UN Security Council such as the USA, Britain and France, and intergovernmental organizations (IGOs), such as the UN, the Organization of African Unity (OAU), the Southern African Development Community (SADC) and the European Union (EU) to:

a) Use their influence with governments and armed political groups whose forces have perpetrated torture to end the practice;

b) Provide technical expertise and material resources to end torture in the DRC, such as technical assistance in training law enforcement personnel and the judiciary, and to facilitate the investigation of torture and treat its victims;

c) Prevent all transfers of technology, training or other resources that could be used to perpetrate torture;

d) Urge the governments of the DRC, Rwanda and Uganda, to implement safeguards for the prevention of torture, including Amnesty International's 12-Point Program for the Prevention of Torture;

e) Urge the leaders of armed political groups in DRC to abide by international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions and its Protocol II;

f) Use all influence at the UN to ensure that an international investigation into violations of international humanitarian law and other human rights treaties is set up and that a special

jurisdiction is established to bring the perpetrators to justice. Exercise pressure on all the protagonists in the armed conflict in the DRC to fully cooperate with an international investigation, as recommended by the UN Security Council in several of its resolutions on the DRC, into violations of international humanitarian law, including torture, and to submit any perpetrators to an appropriate jurisdiction for trial, according to international standards of fairness and without recourse to the death penalty.

7. Appendix:

Amnesty International's 12-Point Program for the Prevention of Torture by Agents of the State

Torture is a fundamental violation of human rights, condemned by the international community as an offence to human dignity and prohibited in all circumstances under international law.

Yet torture persists, daily and across the globe. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture by Agents of the State. It invites concerned individuals and organizations to ensure that they do so. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to end torture and to work for its eradication worldwide.

1. Condemn torture

The highest authorities of every country should demonstrate their total opposition to torture. They should condemn torture unreservedly whenever it occurs. They should make clear to all members of the police, military and other security forces that torture will never be tolerated.

2. Ensure access to prisoners

Torture often takes place while prisoners are held incommunicado — unable to contact people outside who could help them or find out what is happening to them. The practice of incommunicado detention should be ended. Governments should ensure that all prisoners are brought before an independent judicial authority without delay after being taken into custody. Prisoners should have access to relatives, lawyers and doctors without delay and regularly thereafter.

3. No secret detention

In some countries torture takes place in secret locations, often after the victims are made to "disappear". Governments should ensure that prisoners are held only in officially recognized places of detention and that accurate information about their arrest and whereabouts is made

available immediately to relatives, lawyers and the courts. Effective judicial remedies should be available at all times to enable relatives and lawyers to find out immediately where a prisoner is held and under what authority and to ensure the prisoner's safety.

4. Provide safeguards during detention and interrogation

All prisoners should be immediately informed of their rights. These include the right to lodge complaints about their treatment and to have a judge rule without delay on the lawfulness of their detention. Judges should investigate any evidence of torture and order release if the detention is unlawful. A lawyer should be present during interrogations. Governments should ensure that conditions of detention conform to international standards for the treatment of prisoners and take into account the needs of members of particularly vulnerable groups. The authorities responsible for detention should be separate from those in charge of interrogation. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

5. Prohibit torture in law

Governments should adopt laws for the prohibition and prevention of torture incorporating the main elements of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and other relevant international standards. All judicial and administrative corporal punishments should be abolished. The prohibition of torture and the essential safeguards for its prevention must not be suspended under any circumstances, including states of war or other public emergency.

6. Investigate

All complaints and reports of torture should be promptly, impartially and effectively investigated by a body independent of the alleged perpetrators. The methods and findings of such investigations should be made public. Officials suspected of committing torture should be suspended from active duty during the investigation. Complainants, witnesses and others at risk should be protected from intimidation and reprisals.

7. Prosecute

Those responsible for torture must be brought to justice. This principle should apply wherever alleged torturers happen to be, whatever their nationality or position, regardless of where the crime was committed and the nationality of the victims, and no matter how much time has elapsed since the commission of the crime. Governments must exercise universal jurisdiction over alleged torturers or extradite them, and cooperate with each other in such

criminal proceedings. Trials must be fair. An order from a superior officer must never be accepted as a justification for torture.

8. No use of statements extracted under torture

Governments should ensure that statements and other evidence obtained through torture may not be invoked in any proceedings, except against a person accused of torture.

9. Provide effective training

It should be made clear during the training of all officials involved in the custody, interrogation or medical care of prisoners that torture is a criminal act. Officials should be instructed that they have the right and duty to refuse to obey any order to torture.

10. Provide reparation

Victims of torture and their dependants should be entitled to obtain prompt reparation from the state including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.

11. Ratify international treaties

All governments should ratify without reservations international treaties containing safeguards against torture, including the UN Convention against Torture¹⁴ with declarations providing for individual and inter-state complaints. Governments should comply with the recommendations of international bodies and experts on the prevention of torture.

12. Exercise international responsibility

Governments should use all available channels to intercede with the governments of countries where torture is reported. They should ensure that transfers of training and equipment for military, security or police use do not facilitate torture. Governments must not forcibly return a person to a country where he or she risks being tortured.

This 12-Point Program was adopted by Amnesty International in October 2000 as a program of measures to prevent the torture and ill-treatment of people who are in governmental custody or otherwise in the hands of agents of the state. Amnesty International holds

¹⁴ Of the countries involved in the war in the DRC, Angola, Rwanda and Zimbabwe are not yet parties to the CAT.

governments to their international obligations to prevent and punish torture, whether committed by agents of the state or by other individuals. Amnesty International also opposes torture by armed political groups.

Glossary of acronyms

ACHPR	African Charter on Human and Peoples' Rights
ANR	Agence nationale de renseignements
ASADHO	Association africaine de défense des droits de l'homme
CAT	Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment
CDH	Centre des droits de l'homme
COJESKI	Collectif des organisations des jeunes solidaires du Congo-Kinshasa
COM	Cour d'ordre militaire
CPP	Comité du pouvoir populaire
CPRK	Centre pénitentiaire et de rééducation de Kinshasa
CRC	Convention on the Rights of the Child
DEMIAP	Détection militaire des activités anti-patrie
DRC	Democratic Republic of Congo
DSR	Direction provinciale de sécurité et de renseignement
FAZ	Forces armées zairoises
FIS	Force d'intervention spéciale
FLC	Front de libération du Congo
GLM	Groupe litho moboti
GSP	Garde spéciale présidentielle
GSSP	Groupe spéciale de sécurité présidentielle
ICCPR	International Covenant on Civil and Political Rights
IPK	Inspection provinciale de Kinshasa
IPN	Institut pédagogique nationale
KHRT	Kasai Horizon Radio-Television
OUA	Organisation de l'unité africaine
PIR	Police d'intervention rapide
PNC	Police nationale congolaise
PSRS	Police spéciale de recherche et de surveillance
RCD-GOMA	Goma-based Rassemblement congolais pour la démocratie
RCD-ML	Rassemblement congolais pour la démocratie - Mouvement de libération
SADC	Southern African Development Community
UDPS	Union pour la démocratie et le progrès social

