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DEMOCRATIC REPUBLIC OF CONGO ASSESSMENT

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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

2. GEOGRAPHY

Physical

2.1 Covering an area of 2,344,885 sq km (905,365 sq mi), the Democratic Republic of Congo (formerly Zaire) is, after Sudan, the largest country of sub-Saharan Africa. The country shares borders with the Republic of Congo to the north west, the Central African Republic and Sudan to the north, Uganda, Rwanda, Burundi and Tanzania to the east and Zambia and Angola to the south. There is a short coastline at the outlet of the River Congo. Lying across the Equator, the DRC has an equatorial climate in the whole of the central region. Average temperatures range from 26 degrees centigrade in the coastal and basin areas to 18 degrees centigrade in the mountainous regions. Rainfall is plentiful in all seasons. The only arid region is an extremely small area on the bank of the lower Congo. [1]

Social and Economic

2.2 The DRC has a population of around 48 million. About 80% of the DRC's inhabitants reside in rural areas. The average density of population is low and the population is unevenly distributed. Kinshasa, the capital city, is the principal urban centre. Other major centres of population are Lubumbashi, Mbuji-Mayi, Kananga and Kisangani. [1]

2.3 The major ethnic groups are the Bantu, comprising mainly the Luba, Kongo, Mongo, Lunda, Tchokwe, Tetala, Lulua, Bangala and Ngombe, who make up 80% of the population. The remainder are of Sudanese origin (the Ngbandi, Ngabaka, Mbanja, Moru-Mangbetu and Zande); Nilotes (including the Alur, Lugbara and Logo); Pygmies; Bambutis; and Hamites. Many ethnic groups are split by the national boundaries of the region. The national language is French but the majority of Congolese speak Bantu languages of which there is great diversity. In total, around 700 native languages and dialects are spoken. To overcome the problem of inter-tribal communication, intermediary languages such as Kikongo, Tshiluba, Swahili and Lingala are used as well as French. [1][2][3][6][18]

2.4 Politically, the country is divided into 11 administrative provinces: Bandundu, Bas-Congo, Equateur, Kasai Occidental, Kasai Oriental, Shaba, Kivu-Maniema, North Kivu, Province Oriental, South Kivu and Kinshasa. [1]

2.5 The country is richly endowed with natural resources and an abundance of mineral reserves, in particular, copper and cobalt in Shaba, diamonds in Kasai and offshore petroleum production. Agriculture and forestry employ over 60% of the population. Food can be easily grown but cannot be easily transported to the main population centres due

to the poor road and rail infrastructure. Congo river traffic is the most significant means of transport but the journey between Kinshasa and Kisangani can take several weeks. [1]
[6]

2.6 Despite its natural riches, the economic history of the country has been one of decline, especially since the 1990s. Production and incomes have fallen steadily as the financial institutions have virtually collapsed. Many parts of the country have reverted to a barter system. Economic deprivation has been an important condition underlying the violent crime and extortion practices which are widespread especially in the major cities. The riots of September 1991 and January 1993 in which members of the military took a leading role in the disorder reflected popular discontent. Foreign economic assistance was limited or withdrawn on more than one occasion in response to allegations of abuses of human rights under the Mobutu regime. The rebellion of August 1998 and subsequent foreign intervention has had a further adverse effect on the economy. [1][2]
[4]

2.7 Most sectors of the economy are in a serious state of decline. Production and incomes continue to fall. The infrastructure of the country is also in a serious state of decline. Financial institutions have collapsed and the public health and education system have seriously deteriorated. The economy is characterised by subsistence activities, a large informal sector and widespread bartering. The public sector cannot provide basic public services and public sector employees, including most soldiers, are not paid on a regular basis. The rebel-held areas have been increasingly integrated into the Rwandan and Ugandan economies. The Rwandan and Uganda Governments have established commercial agreements, maintained cadres in key income-collecting agencies, levied and collected taxes and customs duties and systematically extracted hard currency from the regions they controlled. [5]

3. HISTORY

The Mobutu Regime

3.1 The country gained independence from Belgium on 30 June 1960 as the Republic of the Congo and in 1971 the country was renamed the Republic of Zaire. Following an army mutiny and power struggles, full executive power was assumed by Joseph Desire Mobutu in 1965. He remained head of an authoritarian regime until 17 May 1997. [1]

3.2 In order to consolidate his power, Mobutu imposed a five-year ban on party politics and in 1966 founded the Mouvement Populaire de la Revolution (MPR) to facilitate the concentration of power in the hands of the president who became the sole legislator and the head of government. The number of provinces was reduced from 21 to 8 and governors appointed to administer the provinces and in turn were accountable to the president. In June 1966, a new constitution was approved establishing a presidential regime. The constitution allowed for a maximum of two officially approved political parties but the claims of existing political groups to official recognition were ignored. The constitution was amended to make the government, legislature, judiciary, institutions of the MPR and all citizens party members. By 1970, Mobutu had eliminated all potential opposition. [1]

3.3 It was not until April 1990 that external and internal pressure obliged Mobutu to introduce political pluralism and declare an end to the one-party state although he retained a hold on his personal power. Nearly 400 political parties emerged following the announcement of 24 April 1990, notably the Union des Federalistes et Republicains Independants (UFERI), led by Nguza Karl-i-Bond, and the Parti Democrate et Social Christien (PDSC), as well as the UDPS. The Union Sacre de l'Opposition Radicale (USOR) organisation comprised 130 parties at July 1991. [1]

3.4 A Sovereign National Conference (CNS) on a revised constitution, which was previously opened in 1991 and in abeyance during the political crises of the following months, was re-opened in 1992 under the chairmanship of Archbishop Monsengwo to act as an interim legislature. It was consistently at loggerheads with Mobutu in his attempts to retain power. [1]

3.5 A number of governments were formed in response to the various political and economic crises which beset the country over the following years. In September 1991, a number of violent demonstrations of civil unrest took place, with heavy casualties. These reflected the general frustration with the political situation and massive inflation. In 1991, the "government of crisis" headed by the leading UDPS opposition figure, Etienne Tshisekedi, was followed by another headed by Karl-I-Bond (UFERI). In December 1992, the CNS was succeeded by a High Council of the Republic (HCR) which acted as a parliament. During 1993, power struggles between Mobutu and the HCR led to the establishment of two competing governments, headed respectively by Tshisekedi and Faustin Birindwa (ex-UDPS). [1]

3.6 In January 1994, the HCR was reconstituted as a transitional legislature (HCR-PT) which endorsed the organisation of a constitutional referendum and presidential and legislative elections and elected Leon Kengo Wa Dondo as prime minister in June of that year. Although its proposals to draw up an electoral timetable were delayed beyond the intended date of July 1995, it was announced that elections would be held in mid-1997, to be preceded by a constitutional referendum. [1]

3.7 In August 1996, Mobutu left the country for cancer treatment in Switzerland and remained there for four months. Although he remained nominally in control, his prolonged absence led to a significant decline in his authority. The caretaker government of Kengo wa Dondo was left to confront a rapid escalation of violence in the east. What initially appeared to be a regional movement seeking to protect the Tutsi population in South Kivu soon gathered momentum and emerged as a national rebellion with the support of Rwanda seeking to overthrow the Mobutu regime. Tutsi rebels were joined by other dissidents to form the Alliance des forces democratiques pour le liberation du Congo-Zaire (AFDL) led by Laurent Kabila. By November 1996, AFDL forces occupied a substantial area of the east of the country. [1]

3.8 Mobutu returned to Kinshasa in December 1996 and ordered the formation of a crisis government still headed by Kengo wa Dondo but including some opposition members. It excluded the UDPS which prompted the faction headed by Tshisekedi to mount a campaign of civil disobedience and, in January 1997, to declare its support for the AFDL. In February 1997, Mobutu banned all demonstrations and industrial action. In the ensuing three months, further territory fell to AFDL troops with little opposition from government forces. In March 1997, following the fall of the strategic town of Kisangani, the HCR-PT voted to dismiss Kengo wa Dondo. He was replaced briefly at the beginning of April 1997 by Tshisekedi. On 8 April, Mobutu declared a national state of emergency, dismissing the government and appointing General Likulia Bolongo as the head of a further government of national salvation. [1]

3.9 Following inconclusive peace talks between Mobutu and Kabila mediated by President Mandela, Mobutu refused to resign and Kabila reiterated his intention to seize Kinshasa by force. A hastily assembled regional initiative to transfer interim power to Archbishop Monsengwo, chairman of the HCR-PT, was rejected by the rebels as a procedural device designed to afford Mobutu a dignified withdrawal from office. [1]

3.10 On 16 May 1997, Mobutu and his entourage left Kinshasa travelling to Togo and then to Morocco. Many of his family and supporters fled to the neighbouring Republic of Congo. Mobutu died in Morocco in September 1997. [1]

The Laurent Kabila Regime

3.11 On 17 May 1997, following a Tutsi-dominated uprising originating in the north-east of the country the previous year, power was seized by the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL), under the leadership of Laurent Kabila. The AFDL force was said to be assisted by other countries such as Rwanda, Zambia, Zimbabwe and Angola. [1]

3.12 In May 1997, the country was renamed the Democratic Republic of the Congo and a transitional government was appointed with Kabila at its head holding executive, legislative and military power. The new government announced on 23 May 1997 was dominated by AFDL members but also included members of the UDPS and the Front Patriotique and avoided a potentially unpopular large preponderance of ethnic Tutsis. Following several demonstrations, on 26 May, Kabila issued a decree banning all political parties and public demonstrations. To consolidate his power, on 28 May Kabila issued a constitutional decree, which accorded him legislative and executive power as well as control over the army and the Treasury. On 29 May 1997, at a ceremony attended by foreign heads of state, Kabila was sworn in as President of the DRC. [1]

3.13 In August 1998, a rebellion began in the east of the country when a group calling itself the Rassemblement Congolais pour la Democratie (RCD) announced its intention to oust Kabila. The rebels were a disparate group of disaffected ex-Kabila civilian and military and opposition figures from outside and inside the country. The first political leader emerged as Ernest Wamba dia Wamba, a former lecturer at Dar-es-Salaam University. [1][2][4][5][25][40]

3.14 The RCD rebels, assisted by Rwandan and Ugandan forces captured a large area comprising most of the east of the country. Their initial attempt, however, to take Kinshasa was stalled after military support to Kabila was provided by Zimbabwe, Namibia and Angola and later Chad. Internal disagreements later emerged within the RCD which subsequently led the RCD being split into two factions: one headed by Ernest Wamba dia Wamba (RCD-ML), and the other by Dr Emile Ilunga (RCD-Goma). In November 1998, a new rebel group emerged called the Mouvement pour la Liberation du Congo led by Jean-Pierre Bemba. The MLC based itself in the Equateur Province and has large numbers of former Zairean soldiers in its ranks. The MLC developed close ties with the Ugandan Government. In January 2001, the RCD-ML rebel group merged with Jean-Pierre Bemba's MLC rebel group to form the Congo Liberation Front (CLF). Bemba is the leader of this newly formed group. The area under the control of the CLF corresponds with the areas that were under the control of the MLC and RCD-ML. [1][2][4][25][40][59][60]

3.15 Intensive diplomatic efforts to promote a ceasefire and a negotiated settlement which meets the security concerns of neighbouring countries resulted in a ceasefire agreement by all belligerent countries on 10 July. The rebel groups - MLC and RCD - signed up to the ceasefire agreement in August 1999. The ceasefire agreement, called the Lusaka Peace Accord, sets out arrangements for an end to the fighting and the start of a national dialogue. There have been reports of numerous violations of the ceasefire between government forces and rebel forces. There have also been reports of the rebel forces fighting one another in Kisangani as well. [1][16][17][35][36][37][38][43][44][45][46]

3.16 Peace talks were held at the UN Headquarters in January 2000 to discuss the political impasse which has protracted the conflict between the rebels and the government forces. President Kabila was in attendance as well as representatives of the other African nations involved in the conflict. [22]

3.17 Following the peace talks at the UN Headquarters in January 2000, the UN decided to send 5,037 troops to the DRC to support the work of the 500 ceasefire monitors. The UN decided to suspend the deployment of this peacekeeping force until the security situation throughout the country improved. The Laurent Kabila Government hampered the deployment of UN forces by employing obstructionist tactics. [13][21][23]

3.18 In August 2000, representatives of the warring parties attended peace talks in Lusaka in Zambia to try and break the military and political deadlock the conflict is currently in but this failed. President Kabila was largely blamed for the failure of this summit. [41][42]

The Assassination of Laurent Kabila

3.19 On 16 January 2001, President Laurent Kabila was assassinated in the Presidential Palace in Kinshasa, reportedly by one of his soldiers. A government public announcement was made on 18 January confirming that Laurent Kabila had been assassinated. The country's airports and borders were temporarily closed for security reasons but were soon re-opened. There were no reports of widespread civil unrest. Laurent Kabila's funeral took place a few days later which was attended by foreign leaders and thousands of Congolese people. He was buried in a mausoleum outside the old parliament building in Kinshasa. His son, Joseph Kabila, was sworn in as President of the DRC on 26 January 2001. The new president visited heads of states in various countries in order to consolidate his legitimacy both internationally and within the DRC. Many soldiers and civilians were arrested in connection with the assassination, including the late President Laurent Kabila's aide-de-camp, Colonel Eddy Kapend and General Nawej Yav, a close associate of Colonel Kapend. [26][34][48][53][54][55]

3.20 The Government set up a Commission of Enquiry to investigate the Laurent Kabila assassination. The Commission was made up of representatives from legal, military and human rights groups from Angola, Zimbabwe, Namibia and the DRC. The Commission produced a report in May 2001 which alleged that the Rwandan and Ugandan Governments and the RCD (one of the rebel groups) were responsible for the assassination. Investigators alleged that the assassination was part of a larger coup attempt. Both the Rwandan and Ugandan Governments and the RCD dismissed the claims that they were behind the assassination. [14][15]

4. ORGANS OF THE STATE

The Political System

4.1 In May 1997, the AFDL established a new order by formally taking power and naming its president, Laurent Desire Kabila, as head of state with full executive, legislative and military powers. The previous constitution and state institutions were abolished with the exception of the judiciary. A 15-point constitutional decree established a president, a government, courts and tribunals. This constitutional decree remains in force until a formal constitution is approved. The country has a highly centralised government. The President of the Republic exercises legislative power by decree following consultation with the Cabinet. The President is the chief of the executive and of the armed forces and has the authority to issue currency. The President also has the power to appoint and dismiss members of the Government, ambassadors, provincial governors, senior army officers, senior civil servants and magistrates. Political parties are allowed to exist but public political activity is banned. Political parties have to be registered with the Government to be officially recognised. The country is not a democracy despite its name as citizens do not have the right to change their government in democratic elections. In July 2000, President Kabila set up a transitional parliament nominating 240 legislators by decree. This parliament is based in the southern city of Lubumbashi. A government-appointed commission selected most of the parliament members. The parliament is intended to enable the Congolese people to participate in the running of the country but it is not clear how this will work in practice. The Laurent Kabila regime ended when he was assassinated on 16 January 2001. [1][3][5][49][50][53]

The Constitution

4.2 The Laurent Kabila regime came to power in May 1997 and abolished the previous constitution. In May 1998, a transitional constituent assembly was decreed with powers to approve a draft constitution and pave the way for the promised elections. In October 1998, the President Kabila instead set up a commission which examined the draft constitution and submitted comments. The final text provides for a 2-chamber parliament in which the president appoints a prime minister; provincial assemblies; English as an official language in addition to French; a new High Judiciary Authority headed by the president; and restrictions on members of political parties joining international organisations. The draft constitution has been criticised for not including the agreements of the National Sovereign Conference and for the lack of public consultation, and also for not addressing the issue of nationality legislation which discriminates against persons of Rwandan origin. [3][5][6]

The Judiciary

4.3 The judiciary is the responsibility of the Justice Department under the control of the Minister of Justice. The judiciary comprises a Supreme Court, Courts of Appeal, County and Magistrates Courts. The judiciary is ineffective in protecting citizens from the actions of the security forces and is ineffective in protecting the basic freedoms granted by law and by international human rights conventions to which the Government has subscribed. It has been underfunded and ineffective since independence and is subject to widespread corruption among judges and magistrates. The Government has also resorted to the use of military courts to try civilians. [1][3][5]

4.4 The Transitional Act of the former Mobutu Government and Decree Law No.3 provide for the independence of the judiciary. In practice, however, the judiciary has never been independent of the executive. The president can appoint and dismiss magistrates, judges and the Public Prosecutor. [3]

4.5 In August 1997, a Military Order Court or Cour d'ordre Militaire (COM) was established by decree to try soldiers accused of military offences. This has been used to try civilians accused of political and economic offences and has imposed sentences of imprisonment and death for murder and armed robbery. There is no right of appeal to a higher court and only the president can alter the court's judgements. The court has also been used to try critics and opponents of the regime. In many cases, defendants had no access to legal representation and when they did, lawyers did not have sufficient time to examine the evidence, interview witnesses and adequately prepare a defence. In 1999, as many as 100 civilians and soldiers were executed after being sentenced to death by the Military Order Court. In Kinshasa alone, at least 25 death sentences were handed down during 2000 by the COM. People sentenced to death by the COM have often been executed within days or even hours of their trial. [3][5][25][33]

The Security Forces

4.6 The Government's security forces consist of a national police force under the Ministry of Interior, a National Security Council (CNS), the National Intelligence Agency (ANR), and the Congolese Armed Forces (FAC), which includes an Office for the Military Detection of Unpatriotic Activities (DEMIAP). The Presidential Guard was integrated into forces of the 7th Military District to form the Forces d'Intervention Rapide (FIC) during 2000. The Immigration Service, Direction Generale de Migrations (DGM) and the Autodefence Forces (FAP) and CPPs (People's Power Committees) also function as security forces. There is also a security force called the Special Intervention Force for the Defence of the Capital (FIS). During 1999, Kabila gave Mai Mai leaders commissions in the FAC and co-ordinated operations with the Mai Mai and Hutu militias; the Government also formed People's Defence Committees (CPDs), which are armed elements of the CPPs and operate outside the formal structure of the Government. The police force was re-organised in 1997 and handles basic criminal cases. The CNS shares responsibility for internal and external security with the ANR which includes border security. Military

police have jurisdiction over armed forces personnel. The security forces have reportedly committed numerous serious human rights abuses both under the Mobutu and the Laurent Kabila regimes. [4][5][33]

The Education System

4.7 Primary education begins at age 6 and ends at 12 years but a high percentage of children do not have access due to a lack of facilities and a lack of teachers. In public schools, parents are formally required to pay a fee and are often expected informally to pay teachers' salaries. Many parents cannot afford these fees resulting in their children being denied a basic education. Secondary education begins at age 12 and ends at 18. The estimated average literacy rate for the total population in 1995 was 77.3%. The country has 4 universities, situated in Kinshasa, Kinshasa/Limete, Kisangani and Lumbumbashi. [1][4]

4.8 Government spending on children's programmes is virtually non-existent. Primary school education is not compulsory, free or universal. Primary school enrolment rates dropped to less than 70 percent during 2000. Most schools function only in areas where parents have formed co-operatives. The Government's economic policies have resulted in massive unemployment, inflation, and a devaluation of the currency, putting basic education out of reach of many families. There have been reports of economic circumstances forcing children to hunt or fish for their family's livelihood instead of attending school. In both the government/rebel-controlled areas, poverty brought on by the war has led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer can afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school. [5]

5. HUMAN RIGHTS IN THE DRC

A. Human Rights in the Government-Held Area

5.1 The Government controls mainly the west and south west of the country (Lower Congo, Kinshasa, Bandundu, part of East Kasai, part of West Kasai, part of Equator and most of Shaba). This area as a whole covers roughly one half of the country - the other half is in the control of rebel forces. The Government's human rights record is poor. Citizens do not have the right to change their government peacefully. Security forces have reportedly been responsible for numerous extrajudicial killings, disappearances, torture, beatings, rape and other abuses. In general, security forces committed these abuses with impunity although a special military tribunal tried and executed some security force members for human rights abuses. Prolonged pre-trial detention remains a problem and citizens are often denied fair public trials. The special military tribunal tried civilians for political offences and executed civilians, often with total disregard of due process. The judiciary remains subject to government influence and suffers from a lack of resources, inefficiency and corruption. Security forces have reportedly used excessive force and committed violations of international law in the conflict that started in August 1998. The Government has restricted freedom of speech and of the press by harassing and arresting newspaper editors and journalists and seizing individual issues of publications. Private radio broadcasting is also subject to restrictions. Freedom of movement, assembly and association are severely restricted by the Government. Public party political activity is banned and security forces are used to stop political demonstrations. Active members of opposition political parties and human rights workers working for NGOs are subject to harassment and imprisonment by the security forces. [4][5][11][28][30][40]

B. Human Rights in the Rebel-Held Area

5.2 The rebel forces control mainly the north, north east and part of central DRC (most of

Equator, Upper Congo, part of East Kasai, part of West Kasai, part of Shaba and North Kivu and South Kivu). This area as a whole covers roughly one half of the country - the other half is in the control of government forces. There have been many reports of widespread human rights abuses by soldiers of the rebel forces against the civilian population living in areas under rebel control. Rebel forces have reportedly been responsible for acts of murder, disappearances, torture, rape, theft, extortion, robbery, arbitrary arrests and detention, harassment of human rights workers and journalists and forcible recruitment of child soldiers. Rebel forces have reportedly severely restricted freedom of speech, assembly and association in the areas they control. [4][24][25][39]

5.3 In eastern DRC, the RCD and its Rwandan allies have reportedly used arbitrary arrest, illegal detention, torture and ill-treatment to harass and intimidate members of human rights groups, women's associations and other NGOs. The RCD has also reportedly tortured and ill-treated persons arrested for criminal offences and have disregarded due legal process. Persons detained by the RCD are often not informed of the reasons for their arrest and held for weeks or months without being charged. Prisoners are frequently subjected to beatings, torture and other forms of ill-treatment. Women have reported to being raped or sexually abused during detention in urban areas under RCD control. In an effort to control information both within their zone and that disseminated to the outside world, RCD authorities have censored or banned publications and radio programmes. They have threatened, detained and harassed journalists, human rights workers and senior members of Christian churches. [24][25][39]

5.4 The RCD has taken over the existing judicial institutions and retained most of their personnel in the areas they control. Many government employees, including magistrates, prison guards and others have rarely been paid for their services since the beginning of the conflict. In an increasingly desperate economic situation, judicial personnel often demand bribes to carry out their duties and people are forced to pay to obtain justice. Many people deplore the reluctance of the authorities to act on criminal complaints, particularly when crimes involve RCD or Rwandan soldiers. These soldiers can commit human rights abuses with impunity. [24][39]

C. Human Rights: Specific Issues and Specific Groups

Freedom of Assembly and Political Association

5.5 There is no legal protection for freedom of assembly and political association and the Government severely restricts this right in practice. The Government considers the right to assemble and associate subordinate to the maintenance of public order. The Government requires all organisers to apply for permits which are granted at the Government's discretion. Public activities generally are dispersed by the security forces. [5]

5.6 The Kabila Government banned public political activities when it came to power in 1997 but not political parties themselves and, therefore, being a member of a political party is not illegal in itself. In practice, the Government has banned political activity beyond small administrative meetings. In January 1999, President Laurent Kabila issued a decree that partially lifted the ban on political activity. Political parties can now register with the Government to be officially recognised provided they have members from all provinces of the country. This is a requirement that is difficult to meet as roughly half of the country is in rebel hands. [4][5][11][30]

5.7 On 17 May 2001, President Joseph Kabila issued a decree liberalising political activities. Under the decree, political parties can function legally upon simple notification to the Ministry of the Interior and on condition that founding members have national representation. The new law imposes some onerous conditions on political parties. The law prohibits anyone under the age of 30 from being a founder member of a party. This effectively outlaws student political parties, a group which are amongst the most critical of the Government. The law mandates Congolese residence which prohibits exiled

political party founders from engaging in political activity. The law also requires a fee of 100,000 FC to be paid to the Government to allow political parties to operate. This would be beyond the reach of most Congolese in a country that is one of the most poorest countries in Africa. [56][57]

5.8 Political party offices by and large remain open and members of political parties can carry out internal administrative functions. At different times and for different reasons, the headquarters of various political parties are under surveillance, padlocked or patrolled by soldiers. The Government effectively prevents public political gatherings and even arrested opposition activists in small private meetings. The effects of these restrictions on opposition political parties varies widely throughout the country and are less enforced in some provinces than in others. Critics of the regime have also been arrested and ill-treated on a number of occasions although the majority have been released after a short time. [3][4][5]

Freedom of Speech and the Media

5.9 The law allows for freedom of speech and the press but the Government restricts these rights in practice. The People Power Committees (CPPs) monitor people's speech as well as association and movement of people in residential areas, workplaces and schools. They report speech critical of the Government to the security forces. The CPPs are not part of the formal structure of the state but can be regarded as agencies of the Government. [5]

5.10 Journalists are frequently harassed, intimidated and detained by the security forces and violations of press freedom are common. From May 1997, when Laurent Kabila became president, until 31 December 2000, over 130 journalists were imprisoned - a record in Africa. All of the DRC's nine security services have victimised journalists and other media employees at some stage. Some journalists have been harassed, beaten and tortured. The security forces sometimes seize individual issues of various newspapers or printing equipment. Other methods of silencing the broadcasting media include the burning down of radio stations and expelling journalists from their homes. The Kinshasa-based organisation, Journaliste en Danger, has submitted a report to the UN Commissioner for Human Rights, Mary Robinson, highlighting the difficult circumstances in which the media operate. [4][29][30][32][47]

5.11 Almost 400 newspapers are licensed to publish and a number of them appear regularly in Kinshasa. Of the Kinshasa-based newspapers, eight are dailies; the rest of the newspapers that appear regularly are published between one and three times a week. News publications tend to emphasise editorial comment and analysis rather than factual descriptions of events and some are critical of the Government. The Government restricts the freedom of the press but there is, however, no formal censorship regime. The newspaper industry is regulated by a press law enacted in 1996. Publishers must deposit copies of their publications with the Ministry of Information. Criminal libel laws exist but have not been used against journalists. The Government does not overtly control any newspapers. Government officials criticised or implicated in fraudulent practices by the press sometimes resulted in the police arresting the journalists responsible. [4][5][11]

5.12 Due to limited literacy and the high cost of newspapers and television sets, radio remains the most important medium of public information. There are about ten radio stations. In 2000, the Government nationalised one radio and television station. The state-controlled radio station is called La Voix du Congo (The Voice of Congo). It broadcasts in French, Swahili, Lingala, Tshiluba and Kikongo. The state-owned television channel is called Radio-Television Nationale Congolaise (RTNC). Church radio networks are growing but the state-controlled broadcasting network reaches the largest numbers of citizens. In 1997, the Government lifted the Mobutu regime's ban on news broadcasts on private radio. Opposition parties are unable to gain access to state-owned radio and private radio is markedly less critical of the Government than private newspapers. A number of private radio stations also operate and broadcast foreign

source news programmes. Some private radio stations have been closed down by the Government for broadcasting news unfavourable to the present regime. In September 2000, ten private radio and television stations were banned from broadcasting by the Government on charges ranging from non-payment of licensing fees to failure to file certain required documents. Eight television stations broadcast in the Kinshasa area, two of which are state-controlled and two of which are religious. The Government severely restricts foreign broadcasts including those of the BBC, Radio France Internationale and Voice of America. [4][5][51][58]

Prison Conditions

5.13 The present regime operates 220 known prisons and other places of detention, and in all such facilities, conditions are harsh, unsanitary and life-threatening. The Government provides food at some prisons but not in sufficient quantities to ensure adequate nutrition for all inmates. The penal system suffers from serious shortages of money, medical facilities, food and trained personnel. Overcrowding and corruption in prisons are widespread. Prisoners reportedly are beaten to death, tortured, deprived of food and water and die of starvation. Prisoners are wholly dependent on their families for their survival. The Government has exacerbated the problem of overcrowding of prisons by imprisoning many soldiers who have refused to fight for the Government in the conflict with the rebel forces. In July 2000, President Laurent Kabila pardoned and ordered the release of around 500 former Zaire Armed Forces (FAZ) soldiers held at Makal Prison; however, there were reports that these soldiers immediately were re-enlisted into the present Congolese army and sent to fight against the rebels. [5]

5.14 The Government allows some international humanitarian organisations to visit political prisoners on a regular basis but when the detainees are held in official prisons. The Government does not allow these organisations to visit the numerous unpublicised and unofficial detention sites throughout the country where most newly arrested detainees are held, questioned and sometimes subjected to abuse. [5]

5.15 The main prison in Kinshasa is the Centre Penitentaire et de reeducation de Kinshasa (CPRK). The CPRK prison was renovated soon after President Laurent Kabila came to power but conditions there remain harsh and life-threatening. The prison's normal capacity is 1,000 inmates but its actual population is often around 2,500. Inmates at this prison often depend on their relatives for food but many of these relatives are too poor to provide sufficient food on a regular basis. As a result of overcrowding at this prison, many detainees have become seriously ill, with little or no access to medical attention or treatment, which has led to high rates of mortality among the prison population. [61]

5.16 As well as the ten official blocks (pavillons), there have been reports of unofficial cells where inmates are sometimes incarcerated as a form of punishment. There are reportedly as many as twenty 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 do not have enough room to allow prisoners 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. [61]

5.17 On 8 March 2001, President Joseph Kabila announced the closure of all unofficial detention centres not supervised by the judiciary. Unofficial detention centres, however, such as those of the ANR continue to be used to detain criminal suspects and government opponents. Many observers have expressed surprise that the President has not ordered the closure of those detention centres that have continued to be unlawfully used, and where torture and other forms of cruel, inhuman or degrading treatment are known to take place. [61]

5.18 The situation in security service detention centres is reportedly worse than the main prisons. 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. Detainees are very often 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 as toilets. Detainees spend days or even weeks without being allowed to wash themselves or change clothes. Beatings of detainees is a regular occurrence and some detainees have their hands and legs bound, often as a punishment. [61]

Arbitrary Arrest and Detention

5.19 Despite legal provisions governing arrest and detention procedures, the security forces have reportedly been responsible for numerous cases of arbitrary arrest and detention. Under the law, serious offences do not require a warrant for a suspect's arrest. Only a law enforcement officer with judicial police officer status is empowered to authorise arrest. This status is also vested in senior officers of the security services. The law instructs security forces to bring detainees to the police within 24 hours and be brought before a magistrate within 48 hours, who may authorise provisional detention for varying periods. In practice, these provisions have been violated systematically. Security forces, especially those carrying out the orders of any official who could claim authority, use arbitrary arrest to intimidate outspoken opponents and journalists. [5]

Freedom of Religion

5.20 The Transitional Act of the Mobutu regime provided for freedom of religion and this provision has been respected in practice with the reservation that public order and morals are not disturbed. There is no state religion. Approximately 50% of the population are Roman Catholic, 20% are Protestant and 10% are Muslim. The remainder largely practice traditional indigenous religions. Traditional religions embody such concepts as monotheism, animism, vitalism, spirit and ancestor worship, witchcraft, and sorcery and vary widely among the different ethnic groups. Syncretic sects often merge Christianity with traditional beliefs and rituals. The most popular of these sects is Kimbanguism and was seen as threat by the colonial regime and was banned by the Belgians. Kimbanguism, officially "the church of Christ on Earth by the prophet Simon Kimbangu", now has around 3 million members. In 1969, it was the first independent African Church to be admitted to the World Council of Churches. [9][18]

5.21 The establishment and operation of religious institutions is provided for and regulated through a statutory order on Regulation of Non-Profit Associations and Public Utility Institutions. A 1971 law regulating religious organisations grants civil servants the power to recognise, suspend recognition of, or dissolve religious groups. There have been no reports of the Government suspending or dissolving a religious group since 1990 when the Government suspended its recognition of the Jehovah's Witnesses religion. This suspension was subsequently reversed by a court. This law restricts the process of recognition but in practice religious groups that are officially recognised are free to establish places of worship. In practice, members of religious groups that are not officially recognised are also free to worship freely. The Government does not prohibit or punish assembly for peaceful religious services regardless of faith. [9]

5.22 In the areas held by the rebel forces, human rights groups have reported human rights abuses by the rebel forces on the Roman Catholic clergy. These reports have been confirmed by various independent sources including the Roman Catholic Church itself. Human rights abuses reportedly took the form of attacks on Catholic missions, killings of priests, the rape of nuns, and the burning of churches. [9]

Freedom of Movement

5.23 The law allows for freedom of movement but the Government restricts freedom of movement in practice. The current conflict has resulted in new restrictions on internal travel even within the Government-controlled and rebel-controlled areas. Movement

between the areas is difficult and dangerous. The Government requires exit visas for all foreign travel. Security forces occasionally hinder foreign travel by citizens, including journalists. Security forces set up roadblocks - more than can be justified by public safety considerations - with the main aim to extort money and goods from travellers to supplement their low income. This has made internal travel more expensive, more time-consuming and more dangerous. Violent acts against travellers including shootings by the security forces are not uncommon at these roadblocks. There have been cases where political leaders have been denied exit visas. [4][5]

5.24 In Kinshasa, police and soldiers commonly erect roadblocks in order to extract bribes from taxibus drivers and passengers. On 18 January 2000, in the Gombe district of Kinshasa, there were unconfirmed reports that security forces forced passengers who allegedly were riding in excess of the capacity of a taxibus to pay bribes. There has reportedly been no investigation into this case. Also in January 2000, FAC (government) soldiers and police erected roadblocks in various districts of Kinshasa in order to extort money from each minibus passenger who crossed the roadblocks. [5]

5.25 In January 2000, immigration officials prevented FONUS opposition leader Joseph Olenghankoy from travelling abroad. The Government gave no explanation for its actions. On 8 March 2000, immigration security agents again detained Olenghankoy as he attempted to depart Kinshasa for Brazzaville, Republic of the Congo. Immigration officials confiscated all of his documents and prevented him from leaving the country. [5]

5.26 On 16 February 2000, immigration officials confiscated the passport and airline ticket of Christophe Lutundula Apala, a member of the Mouvement Solarite pour la Democratie et le Developpement (MSDD), a think-tank, as he prepared to board a plane to attend an international conference on democratic transitions in Benin. He departed on 18 February after La Francophonie and other organizations petitioned the Government to permit his departure. [5]

5.27 In June 2000, President Laurent Kabila and government authorities prevented the departure of a number of opposition and civil society leaders, including Joseph Olenghankoy (president of FONUS), Francois Lumumba (President of the MNC/L), and Catherine Nzuzi wa Mbombo (President of the MPR) who were invited to participate in a preparatory meeting of the Inter-Congolese Dialogue in Benin, as authorized by the Lusaka Accords. The Government already had expressed its intention not to participate in the U.N.-sponsored forum, which had been organized by Inter-Congolese Dialogue facilitator and former Botswana Prime Minister Sir Ketumile Masire. The Government successfully prevented initial efforts to launch the forum by preventing civil society and opposition groups from participating and confiscating all travel documents of intended participants. At the end of 2000, the Government still had not returned the travel documents of these individuals. [5]

5.28 The risk of rape restricts the freedom of movement at night for women in many neighbourhoods. Some people have started neighbourhood watch programmes but women in Kinshasa and Lubumbashi do not leave their homes at night due to fear of attack. [4]

5.29 The Home Office has a policy of returning failed asylum seekers to Kinshasa, the capital city, as Kinshasa is in western DRC which is a part of the country that is firmly in government control and is considered safe enough to allow returns. Failed asylum seekers are not returned to any other part of the country. Information obtained from the Foreign and Commonwealth Office in 2001 indicates that there is no evidence to support the assertion that failed asylum seekers returned to the DRC are subject to harassment and persecution. [52]

Interference With Privacy

5.30 Security forces routinely ignore legal provisions for the inviolability of the home, the

family, and private correspondence. Security force officials often harass and rob persons. Government security forces routinely kept under surveillance the headquarters of opposition parties and the movements of leading opposition political figures. Security forces repeatedly raid private businesses, including newspapers, banks and law firms, seized documents and other property, and arrested and detained employees whom they accused of collaborating with rebel forces. Security forces routinely ignore requirements for search warrants, entering and searching at will. When unable to locate a specific individual, authorities routinely arrest or beat the closest family member. For example, in July 1999, military personnel held hostage the wife and sister of Innocent Kyuma until Kyuma appeared. He was arrested on 9 July 1999 without a warrant and for no apparent reason; his release still had not been reported at the end of 2000. [5]

5.31 Security agents force their way into private homes without search or arrest warrants, often beating the inhabitants and stealing money and goods. There have been reports that security forces raped women during these raids. The police often raid opposition party leaders' residences, make arrests, and seize files. For example, in November 2000, a group of armed government soldiers searched and robbed the house of Athanese Matenda Kyelu, the manager of the Chamber of Commerce, in the Ngaliema district of Kinshasa. [5]

Use of Torture and other Cruel or Degrading Punishment

5.32 The law forbids torture but in practice security forces and prison officials use torture and often beat prisoners in the process of arresting or interrogating them. Incidents of physical abuse by security forces has occurred during the arrest or detention of political opponents, journalists and businessmen. There are legal provisions governing arrest and detention procedures but the security forces are responsible for many cases of arbitrary arrest and detention. Security forces use arbitrary arrest to intimidate outspoken opponents and journalists. Detention without charge is a frequent problem. [5]

5.33 Despite assurances given by the Government both to Amnesty International and the UN High Commissioner for Human Rights that it was committed to a moratorium on executions, the death penalty continues to be applied. As many as 200 members of the security forces and civilians have been executed since Laurent Kabila took power in May 1997. At least 35 people are known to have been executed in Kinshasa and Maluku during 2000. Executions are often carried out in secret. In September 2000, five soldiers and three civilians were taken from the CPRK (main prison in Kinshasa) in the middle of the night and reportedly executed at the Inspectorat de police de Kinshasa (IPK) or Police Inspectorate of Kinshasa. No official announcement was made and no names were released. At the end of 2000, up to 60 people remained on death row at the CPRK. [33]

5.34 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 Kabila. Many of those arrested were from the provinces of Orientale and Equateur which are occupied by the rebel forces. 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 reportedly 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 Groupe Litho Moboti (GLM) detention centre in Kinshasa, Brigadier Kandolo remained handcuffed until he was transferred to the CPRK. He reportedly sustained injuries and has scars on his testicles, buttocks, and the full length of his legs, including his feet. [61]

5.35 Five women, four of them wives of soldiers accused of involvement in the assassination of former President Laurent Kabila, were reportedly severely tortured in custody at the GLM building. They were arrested during the two weeks following Kabila's assassination. This group of victims included Peggy Fono Onokoko, wife of Lieutenant Mwenze Muzele, the alleged assassin of Laurent Kabila, Charlotte Atanrjo Otshudi, Luziba Nabintu, Coco Chibalonza Balole and Angélique Bilbago. 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 women appear to have been prisoners of conscience held solely because of their relationship with their husbands who were implicated in the murder of former President Kabila. [61]

Ethnic Issues

5.36 Ethnic tensions, which are a long-standing issue, are reflected in DRC internal and external politics. The Congo people are made up of over 200 distinct ethnic groups. These ethnic groups generally are concentrated regionally and speak distinct primary languages. There is no majority ethnic group - the four largest are the Mongo, Luba, Kongo and Angbetu-Azande. [4][8]

5.37 Societal discrimination on the basis of ethnicity is widely practiced by members of virtually all ethnic groups. People from Laurent Kabila's home province, Katanga, and from his Mulaba tribe, fill a disproportionate number of positions in the current administration and in the senior ranks of the civil service and dominate the FAC officer corps. Birth on national territory reportedly does not necessarily confer Congolese citizenship. [5][8]

5.38 The province of Shaba has tried to secede since independence and there is friction with the Luba from Kasai Oriental. There is the question of discrimination against the Banyamulenge who are Congolese Tutsis of Rwandan origin who have been living in the east since the nineteenth century and are resented because of their ownership of land. There is also conflict in North Kivu between residents of Rwandan descent, the Banyarwanda, and the Hunde and Nyanga tribes over land property rights. [3][4]

5.39 Existing tensions in the east of the country were exacerbated by the crisis in Rwanda in 1994 when millions of Rwandan refugees crossed the border. They were placed in a number of camps in the area and were subjected to acts of vandalism and violence from the Zaire military and the local populace, and also from units of the Rwandan militia (the Interhamwe) living within the camps. [3]

5.40 Tutsis dominate one of the rebel groups - the Congolese Rally for Democracy - which controls one third of the country and for this are viewed by the Government as a potential threat. In addition to this, Tutsis are generally resented and viewed with suspicion by other tribal groups who make up the civilian population of the country. In August 1998, at the start of the rebellion, the Government's security forces systematically arrested and detained Tutsi civilians throughout the country. Many Tutsis have been killed, beaten and tortured both by security forces and civilians and the Government has encouraged this by inciting violence against them in radio broadcasts. Violent acts against the Tutsis have lessened in intensity since 1999 and the Government no longer incites mob violence against unarmed Tutsis. The widespread killings that occurred in 1998 did not occur in 1999. During 2000, there were no reports of extrajudicial killings of non-combatant Tutsis in government-controlled areas. Tutsis have either left the Government-controlled areas or are in hiding, sought refuge abroad or in government custody. In addition to this, many Tutsis have been evacuated to safe countries in evacuation programmes by the UNHCR. Persecution and harassment of Tutsis is now sporadic and not part of a systematic and concerted campaign. Many people who are not Tutsis but physically resemble Tutsis have been detained or beaten on suspicion of being a Tutsi. [4][5]

5.41 The long-standing violent conflict between the Tutsi and Hutu ethnic groups continues inside the country. Congolese Hutu militias have increased their recruitment from populations of Hutu refugees from Rwanda and Burundi, the Republic of Congo and Zambia. The Government reportedly welcomes the support of these Hutu groups in the fight against the Tutsi-dominated RCD and the Tutsi-dominated Rwandan Government. [4][5][8]

5.42 Brutal inter-tribal fighting has been reported between the Hemas and the Lendus. These two tribes used to live in the same villages in Eastern DRC but since June 1999 have been practising a form of ethnic cleansing. Thousands of people are reported to have been killed in the fighting and thousands of people have been forced to leave their homes. [19][20]

Trade Unions

5.43 Legislation enacted under the Mobutu regime permits all workers except magistrates and military personnel to form and join trade unions. The National Union of Congolese Workers is the largest labour organisation in the country. There are almost 100 other independent unions which are now registered with the Labour Ministry. Some of the independent unions are affiliated with political parties or associated with a single industry or geographic area. The International Confederation of Free Trade Unions (ICFTU) alleged in its *Annual Survey of Violations of Trade Union Rights 2000* that the Labour Code does not adequately protect workers against anti-union discrimination and interference into union affairs. The ICFTU also claimed that the Government does not enforce the provisions of the Labour Code. [5]

5.44 The law recognises the right to bargain collectively and the right to strike, however, legal strikes rarely occur since the law requires prior resort to lengthy mandatory arbitration and appeal procedures. The country's deteriorating economy has meant that trade unions have not been effective in defending the rights of workers. The law prohibits employers or the Government from retaliating against workers who go on strike but this is rarely enforced. The collapse of the formal economy has resulted in the decline of trade union influence. Employers tend to ignore labour regulations in what is very much a buyer's market for labour. [5]

People Associated With Mobutu's Regime

5.45 In January 1998, the UNHCR issued guidelines for refugees and asylum seekers from the DRC who claim to be at risk of persecution on account of their association with the former regime. [10]

5.46 In general, the UNHCR have assessed the following categories as being at risk:

- Soldiers of the Division Speciale Presidentielle (DSP).

These were mainly from Mobutu's tribe (Ngbandi) or region (Equateur). Members of the Ngbandi tribe were not assessed to be at risk purely on account of their ethnic origin.

- Few officials of the National Security Council are likely to deserve international protection.
- The activities of the security agencies SNIP and SARM were described without any recommendation.
- Forces Armees Zairoises (FAZ). The majority of the 60,000 soldiers of the former regime are still in the country. The majority were from Equateur region. High ranked FAZ officers would have a well-founded fear of persecution.
- Garde Civile. Apart from being involved in 1991 and 1993 riots and lootings no serious crimes that might be considered as exclusion clauses have been reported against the staff, with the exception of its head, General Baramoto (who is now associated with the rebel cause).
- Leading and active members of the MPR, the Forces Politiques du Conclave and other pro-Mobutu parties; also political allies and Mobutu family members and close collaborators, especially those from Ngbandi tribe or Equateur region.
- Former ministers and ambassadors; opposition leaders and activists, but not sympathisers or members who were not playing a substantial role within their political parties.

- Some former Mobutu political opponents who had left the country during the Mobutu regime would not necessarily be safe to return, depending on their relationship with the former AFDL (in April 1999 the AFDL was dissolved)
- Human rights activists, journalists and other intellectuals are not for the time being facing any systematic or latent persecution, their applications should be assessed on a case by case basis, based on individual merits.
- Prosperous businessmen are suspected of having connived with the Mobutu regime in economic crimes. Some have been arbitrarily arrested and detained, and deprived of their property, whether or not they are connected with Mobutu or the MPR.
- Ex-Zairean General Managing Directors of national companies were appointed by Mobutu on the basis of political support or affiliation, or membership of specific ethnic groups rather than competence or aptitude. Many have fled to avoid being subject to the DRC justice system and may be considered as economic criminals rather than victims of any possible persecution. [10]

Human Rights Groups

5.47 The Laurent Kabila regime had a track record of opposing non-governmental organisations (NGOs) and human rights organisations, asserting that they were hostile political organisations attempting to destabilise the Government and protect anti-government elements in the refugee camps. Local human rights activists are subject to frequent harassment, arrest and detention by the security forces. Human rights groups and members of political, religious and other non-governmental organisations in the rebel-held areas are frequently harassed and detained on suspicion of helping the Government. The main domestic human rights organisations operating in the country include Comite Droits de l'Homme Mainenant, a national network of human rights organisations; VSV, an active Kinshasa-based organisation; Group Amos, a Christian-inspired group that focuses on human rights and democracy issues; Tofges, an international association of lawyers and judges involved with human rights and Associations de Defence des Droits de l'homme (ASADHO). [3][4][5]

5.48 A number of human rights defenders have been subjected to torture and other 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. Maginzi was arrested after he exchanged greetings with Misabiko and both were taken to the GLM building. A member of the GSP (one of the Government's security forces), 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. [61]

Women

5.49 Many women suffer from domestic violence and rape but there are no known government or NGO statistics to verify this. The police rarely intervene in domestic disputes and the press rarely report incidences of violence against women. Women mainly work as agricultural labourers and small-scale traders. They are relegated to a secondary role and rarely occupy positions of authority or responsibility. The law discriminates against women in many areas of life. Women are required by law to obtain their husband's permission before selling or renting property, opening a bank account, accepting employment, or applying for a passport. Widows often have their possessions and their children taken from them with no legal recourse and women are denied custody of their children in divorce cases although they have the right to visit them. Polygyny is practiced although it is illegal. Father/child relationships resulting from polygynous unions are legally recognised but only the first wife is legally recognised as a spouse. Prostitution is not a crime and there has been an increase in prostitution due to poor

economic conditions. Some women become prostitutes by their families due to economic necessity. [4][5]

5.50 Many women have been subjected to rape and other forms of sexual violence by members of the security forces. The incidence of 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 are stigmatised 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. [61]

Children

5.51 There are no reported cases of child abuse by government security forces but children suffer from the same social disorder and human rights abuses that adults suffer from. Thousands of children have been abandoned by their families and are suffering from malnutrition, disease, unemployment, poverty, mistreatment, lack of shelter or hygiene facilities and a lack of educational facilities. [4]

5.52 The Juvenile Code includes a statute prohibiting prostitution by children under the age of 14; however, child prostitution is common in Kinshasa and in other parts of the country. There were reports during 2000 that girls as young as 8 years of age were forced into prostitution to provide income for their families. [5]

5.53 The number of orphans and street children increased in 2000. Street children in Kinshasa are subject to severe harassment and exploitation, particularly by soldiers and the police. There were credible reports that the FAC sexually exploited homeless girls. [5]

5.54 It is estimated that more than 10,000 children are under arms in the DRC, although the precise number cannot be verified. All parties to the conflict are alleged to be making extensive use of child soldiers. Despite declarations by both the DRC Government and the RCD rebel group to cease recruitment and commit to the demobilisation of child soldiers, their use and recruitment continues. The April 2001 report of the UN Secretary-General to the Security Council on the MONUC operations stated that MONUC confirms regular sightings of child soldiers across the country. Reports to MONUC indicate that between 15 and 30 per cent of newly recruited combatants are children under 18 years old; substantial numbers of these are under 12 years old. [7]

5.55 A significant minority have been recruited by force, while armed groups or local authorities have enrolled many others through various forms of community coercion such as the imposition of quotas. The principal motivations for children to join a rebel group or the government regular army are economic, a desire to seek revenge, a desire to seek personal physical security and to protect family and community. The most important factor has been economic necessity as being a soldier can mean receiving financial payments and having greater access to food. There is a close correlation between the level of a child's poverty and their vulnerability to recruitment. [7]

5.56 Testimonies from former child soldiers suggest that they are used extensively in combat and suffer a disproportionate number of casualties while being the least likely to receive medical attention when sick or wounded. Severe beatings and other punishments are reportedly routinely meted out to child soldiers, both during training and in general service. [7]

5.57 Girls recruited by the different armed groups are not generally used in combat. Girls are typically used for domestic work and sex by commanders, which implies that their number is relatively low compared with boy recruits. [7]

5.58 Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health is not widespread but it is practiced on young girls among isolated groups in the north. The Government has not addressed the problem. [5]

Homosexuals

5.59 Homosexual activity is not illegal in the Democratic Republic of Congo. Police arrests are usually made when the person concerned has acted without due regard to propriety or acted against public morals but this applies to heterosexual activity as well. Male homosexuals are not treated any differently to female homosexuals by the law. Homosexuality has traditionally been regarded as a crime against nature and homosexuals could be punished in accordance with local tradition. This might have included being ostracised or segregated. Homosexuality does not now generally result in public condemnation or police harassment. [31]

6. MISCELLANEOUS

Congolese Nationality Law

6.1 Congolese nationality is governed by the provisions of Decree 197 which modified the Nationality Law 81-002 of 1981. Congolese nationality may be acquired through naturalisation, application or adoption. Foreign residents or immigrants may obtain Congolese nationality provided that they meet the legal requirements. [31]

6.2 Article 5 of Decree No 197 defines entitlement to Congolese nationality by filial descent when a child has a father who is Congolese and/or a child has a mother who is Congolese. [31]

6.3 Article 7 of Decree No 197 also stipulates that a new-born child in the DRC is Congolese but a minor is not regarded as Congolese if he/she is descended from a foreigner. [31]

6.4 Article 4 of Decree No 7 stipulates that with effect from 30 June 1960, any person whose ancestor is or was a member of one of the ethnic groups established on DRC territory, as defined on 1 August 1885, and modified by subsequent conventions, is regarded as Congolese. Tutsis, or persons whose ancestors were members of the Tutsi ethnic group, as defined on 1 August 1885, are Congolese, as is the case for any member of an ethnic group who fulfils the terms of Article 4. [31]

Medical Facilities and Health Issues

6.5 Prior to the conflict that started in 1998, available health data showed that the existing infrastructure was already failing to deliver quality, affordable medical care to the majority of the country's population. The conflict has made this situation even worse. Hospitals, clinics and health posts have been destroyed, medication cannot be delivered and routine vaccination programmes have been disrupted. Many people struggle to pay for health services and some cannot pay at all. There has also been an upsurge in cases of war-related stress among the country's population. [7][27]

6.6 A dearth of recent statistical data from across the country makes a full assessment of the population's access to health services difficult. Conservative estimates, however, of the coverage of health facilities show that at least 37% of the population, or approximately 18.5 million people, have no access to any form of formal health care. In government-held areas, the share of central government expenditure allocated to the health sector is less than 1% and has been barely more than this since the country's

independence in 1960. As a result of state underfunding, the health system has always been run more or less as a private health care system, with patients required to pay for medical care. In rebel-held areas, there is no budget for health services. Additional support to the 307 Health Zones into which the country is divided comes mainly from churches and other organisations. In 2000, 100 Health Zones received no external assistance, either from the Government or from outside agencies. In addition, there is a serious lack of human resources. In 1998, there were only 2,056 doctors for a population of around 50 million people. 930 of these doctors are in Kinshasa. [7]

6.7 In the west of the country, state salaries when paid for the few well-qualified medical practitioners are so low (4,700 Congolese Francs or US\$14 per month) that they charge their patients for treatment. To earn extra income, many doctors also work in unregulated private health institutions alongside their jobs in the state health service. The increase in poverty has meant that a big percentage of people cannot afford essential medicines. On the outskirts of Kisangani, the staff at the Segama Health Centre estimate that only 40% of the population can afford to pay the US\$0.15 consultation. Of these, only one in four can afford US\$0.11 to buy the medicines that are prescribed. Many people have resorted to treating themselves. [7]

6.8 One of the main problems with the health system is its infrastructure. The lack of investment has resulted in hospitals, clinics and health posts falling into an increasingly dilapidated state. Many lack essential medical equipment, sanitation and even clean water. This is the case in the major towns as well as in the more remote rural areas. The hospitals and health centres are often places where disease is spread. [7]

6.9 The mortality rates in the DRC are among the highest in the world. In 1998, the national infant mortality rate was 127 per 100,000 live births and 138 per 100,000 live births in rural areas. Maternal mortality rates registered in the DRC are among the worst in the world and are the worst in Africa and are a clear indication of the dilapidated state of the health care system. In 1998, the national maternal mortality rate was 1837/100,000 live births and by 2000 this had increased to 2000/100,000 live births. The conflict has caused a large increase in the numbers of women who cannot get adequate health care when they deliver, many of whom die at home. In Rethy (Ituri), maternal mortality rose from 50/100,000 live births in 1997 to 905/100,000 in 1999, indicating that many mothers get to hospitals in difficulties owing to prolonged labour. In the Kivus, in 2001, the rates are as high as 3000/100,000 live births. This problem is not just confined to rural areas and to the east of the country. A study on maternal mortality in Kinshasa published in June 2001 found that the rate during 2000 was 1393/100,000 live births (20 deaths per day), and that the main cause of death was haemorrhaging. [7] [12]

6.10 As a result of difficult living conditions and lack of access to health care, diseases which had almost been eradicated, such as bubonic plague and whooping cough, are now being recorded. There have also been numerous epidemics of measles and cholera and reported cases of haemorrhagic fever, monkey pox and meningitis. The prevalence of tuberculosis, already a serious problem before the conflict, has risen. The increase in the number of cases of tuberculosis can be attributed to malnutrition, a lack of access to drugs, HIV/AIDS, and cramped living conditions which promote disease transmission amongst the urban population, the displaced, and refugees. Government figures show that 59,513 cases of cases of tuberculosis (of all forms) were treated in 1998, although the World Health Organisation estimates that the number of cases is at least double those registered. The number of people with tuberculosis in Kinshasa has risen from 7,000 in 1996 to 20,000 in 2001. [7]

6.11 Routine vaccination programmes in many areas of the country have been interrupted by the conflict, leading to the re-emergence of epidemics of diseases which could otherwise be controlled, particularly among children under five. Measle epidemics have devastated the under-five population in many parts of the country. Health staff in Kabinda Health Zone (Kasai Oriental) report that measles has killed thousands of children. In Kifuenkese, 60% of children are reported to have contracted measles, of

whom two-thirds died. In some villages of Ngombe Nyama, more than 50% of children are reported to have died from the illness. [7]

6.12 The DRC was one of the first African countries to acknowledge the HIV/AIDS epidemic and began conducting awareness-raising campaigns as early as the late 1980s. Although these initiatives stopped when structural aid was suspended in 1992, they contributed to the DRC being spared the extremely high prevalence rates seen in neighbouring countries. The effects of the conflict have significantly increased the population's vulnerability to the HIV virus. [7]

6.13 The DRC has enormous water reserves but the majority of its population lack access to clean drinking water. Water-related disease, in addition to poor hygiene and sanitation, is one of the main causes of illness in the DRC. In 1999, UNICEF estimated that in the DRC as a whole, only 45% of the population had access to safe drinking water. In rural areas, the percentage was thought to be as low as 26%. [7]

6.14 Poor access to water of sufficient quality and in sufficient quantity has had serious consequences for the Congolese people. In Kinshasa, 30% of all diseases registered by the health authorities in 1998 were water-related. In rural areas, the percentage is even higher. Among groups of people who are living in particularly insanitary conditions, such as the displaced, the lack of access to sufficient water, in addition to their inability to buy soap, has led to severe outbreaks of scabies. Cholera epidemics have been notified in many parts of the country. [7]

The Humanitarian Situation

6.15 The conflict has led to large-scale population movements within the country and over the borders into neighbouring countries. In March 2001, there were an estimated 2,040,000 internally displaced people (IDPs) within the DRC - an increase of 240,000 since November 2000. According to the Office for the Co-ordination of Humanitarian Affairs, the conflict in the DRC has created the highest number of IDPs ever registered in Africa in the context of a single conflict. Approximately 1.6 million of the total number of internally displaced are in rebel-held areas, and approximately 1 million are currently located in North and South Kivu, a figure that has risen from 400,000 in mid-1999. It is estimated that four-fifths of families in rural areas of the Kivus have been displaced at least once during the past five years, sometimes to less than a kilometre from their homes. Less than half the internally displaced people have access to direct relief assistance, which means that more than 1 million people are displaced with no kind of external assistance or support. In addition to the internally displaced people, a large number of Congolese have left the DRC as refugees. The annual reports of the US Committee for Refugees show that by the end of 2000, approximately 340,000 people had left the DRC, compared with approximately 135,000 in 1998. [7]

6.16 During the past three years, people's ability to grow and/or purchase food of sufficient quantity and quality to lead healthy lives has been substantially reduced. In November 2000, the UN World Food Programme estimated that 16 million people (33% of the population) had critical food needs as a result of prolonged displacement, isolation, lack of market outlets, severed food supply lines, price increases and declining purchasing power. [7]

6.17 In eastern DRC, the war has reduced the poorest sections of the population, both displaced and host/local communities, to an extremely marginal existence. Conflict continues between the various armed groups and insecurity has worsened, particularly in rural areas. The devaluation of the currency and rise in the cost of imported goods had eroded people's purchasing power. Agricultural production has dropped across the east of the country, meaning that some formerly surplus producing areas no longer grow enough to feed their populations. Insecurity, limited access to markets, cassava blight, and difficulties in making enough money from the sale of crops, all discourage people from cultivating. Most of the estimated 1 million displaced people in eastern DRC are particularly vulnerable, although those living with host families are often no worse off

than their hosts. Many of those still close to their fields continue to harvest, or even cultivate in the short term, despite the risk of meeting armed groups. Those who no longer have access to their fields place a greater strain on the families with whom they live, who stretch their own resources to provide support. This often results in both groups having too little to eat. [7]

6.18 In other areas of the country, the war has made the chronic economic crisis even more acute. Rural communities are affected, as are the populations of the urban areas which they traditionally supply. Despite huge agriculture potential, production is continuously falling as farmers cannot purchase seeds and tools and have great difficulty in taking their produce to market. Traditional supply routes have been cut and as a result large cities such as Kinshasa and Kisangani face constant food deficits. Small-scale initiatives have been started to help urban populations cope. [7]

6.19 In 2000, Kinshasa alone had a food deficit of 1 million tonnes. The capital used to be supplied by areas all over the DRC, but the effective partition of the country has forced Kinshasa to buy most of its food from areas such as Bandundu and Bas Congo. The poor condition of the roads, problems with food supply, and reliance on agricultural cycles in fewer regions, has meant that food prices are no longer stable throughout the year, but are subject to large fluctuations. [7]

6.20 A major factor governing the access of the humanitarian community to the whole of the DRC's territory is financial. The country's sheer size and lack of transportation infrastructure makes it an expensive place in which to run humanitarian programmes. Access to many areas is only possible by air which is a costly way to transport goods. The low levels of funding that have been made available to humanitarian agencies are severely limiting and have led to a large proportion of vulnerable people in both government and rebel held areas unassisted. [7]

Treatment of Refugees

6.21 The law includes provisions to grant refugee status and asylum in accordance with the provisions of the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum to refugees and co-operates with the UN High Commissioner for Refugees. Refugees were accepted into the country from the Republic of Congo (ROC) during 2000 and approximately 330,000 refugees from neighbouring countries, including Rwanda, Burundi, Angola, Uganda and Sudan live in the country. The Ministry of Human Rights and in particular Human Rights Minister She Okitundu played an active role in organising the protection and voluntary departure of Tutsis who were not imprisoned before their departure from the country. During 2000, there were no known reports of the forced repatriation of refugees. [4][5]

6.22 According to international human rights NGOs, approximately 300,000 Congolese refugees lived in neighbouring countries during 2000, including approximately 100,000 in the Republic of Congo and 9,000 in the Central African Republic. During 2000, some refugees also fled to Zambia to avoid the increased fighting in the Katanga (Shaba) Province. [5]

ANNEX A

PROMINENT PEOPLE

Bayona BAMEYA

Mobutu political associate. Head of national electoral commission set up in December 1995 to implement a timetable for elections.

Jean-Pierre BEMBA

Leader of the Movement for the Liberation of Congo (MLC) before it merged with RCD-ML in January 2001 to form the Congolese Liberation Front. Bemba is the leader of this new rebel group. Son of business magnate Bemba Saolona. The Bemba family, which was closely associated with Mobutu before his fall, has wide ranging business interests.

Faustin BIRINDWA

Former UDPS member and adviser to Tshisekedi. Prime Minister of "government of national salvation" appointed by Mobutu from March 1993 until the following year in contest with the administration appointed by the HCR and headed by Tshisekedi.

Deogratias BUGERA

North Kivu Tutsi and founding member of the RCD.

Lunda BULULU

Former legal adviser to Mobutu and first State Commissioner 1990-91. Continued in opposition politics. Joined rebel RCD and appointed co-ordinator of its executive committee.

Joseph ILEO (or Ileo Nsonga Amba)

Prime minister 1960-61. Leader of PDSC. Vice-president of CNS December 1991. Died in 1995.

Emile ILUNGA

Leader of RCD-Goma rebel faction until November 2000 when he was deposed. A long-time political activist from Katanga.

Joseph KABILA

Son of Laurent Kabila and current President of the DRC. He was appointed as the President of the DRC in January 2001 after the assassination of his father - Laurent Kabila.

Laurent Desire KABILA

Former President of the DRC. He was the leader of AFDL forces which toppled Mobutu in May 1997 after a prolonged military campaign which started in the east of the country. He became President of the DRC in May 1997 and remained the president until his assassination in January 2001.

Bizimi KARAHA

Former foreign minister under Kabila. Later external affairs spokesman for the RCD rebel group which sought to overthrow the regime in August 1998. Remains with RCD Goma faction.

Nguza KARL-I-BOND

Lunda ethnic origin. Minister in Mobutist governments in the 1970s. Sentenced to death in 1977 for alleged treason, the sentence was commuted to life imprisonment. Reinstated to government post in 1979. Leader of FCD in 1982. Leader of UFERI in 1990. First state commissioner on 22 November 1991 under Senegal proposals for new constitutional arrangements.

Justine KASAVUBU

Appointed ambassador to Belgium by Kabila. She resigned and formed an opposition party in exile in Brussels in June 1998.

Leon KENGO WA DONDO

Appointed first state commissioner by Mobutu in November 1982 and November 1983 for a few months on each occasion. He was appointed Prime Minister from June 1994 until the last days of Mobutu's presidency. Press reports state he is now head of a government in exile in Belgium.

Frederic KIBASSA-MALIBA

Founder member of UDPS and president of USORAL 1994-6. During this period he was involved in a power struggle with Tshisekedi. Appointed Minister of Mines in Kabila government in 1997.

Francois LUMUMBA

Leader of MNC/L Party. Lives in Belgium.

Patrice LUMUMBA

First Prime Minister after independence. Leader of MNC (Mouvement national Congolais) which favoured the creation of a federal state. In the post-independence secession of Katanga, Lumumba lost control to Kasavubu who was supported by Mobutu. He was murdered in February 1961. The current Lumumbiste party (PALU) support similar federalist views.

Catherine Nzumi Wa MBOMBO

Leader of the MPR political party.

Joseph Ruhana MIRINDI

UDPS politician. Leader of reformist wing which took part in the Kengo Wa Dondo administration in 1994.

Joseph-Desire MOBUTU (Mobutu Sese Seko Kuku Ngbendu Wa Za Banga after 1972)

Took control of the country in 1965 and remained President of the DRC until 1997. From 1965 to 1990 opposition activity was banned and power was concentrated in Mobutu's hands and those of his immediate supporters. Eventually, in 1990, amid allegations of corruption, extravagance and human rights abuses, Mobutu announced a return to pluralist politics and promised elections and a constitutional referendum, which never took place. In August 1996, Mobutu left the country for 4 months for cancer treatment. During his absence the AFDL rebels led by Kabila extended the revolt which had arisen from ethnic tensions in the east and eventually took control of the whole country in May 1997. Mobutu and his family left for Morocco where he died in September 1997.

Monsignor Laurent MONSENGWO PASINYA

Former Roman Catholic Archbishop of Kisangani. President of CNS November 1991, and its successor, the HCR, from December 1992.

Joseph OLENGHANKOY

Leader of FONUS political party. Detained in January 1998 on unspecified charges, he was later sentenced to 15 years imprisonment by the Military Court for violating the ban on political activity. He was released in June 1999.

Jean-Pierre ONDEKANE

Military commander of rebel RCD forces.

Adolphe Yemba ONUSUMBA

President of RCD-Goma rebel group since November 2000 replacing Emile Ilunga.

Etienne Wa MulumbaTSHISEKEDI

UDPS founder member and leader. During the 1990s, he was at the centre of the political activity following Mobutu's 1990 announcement of a return to a multi-party state, often in conflict with other leading figures, including Mobutu and with members of his own party. In April 1996, divisions with Kibassa-Maliba led to a power struggle for control of the party. During the last days of the Mobutu regime Tshisekedi continued to be excluded from the government although he again held the premiership briefly in April 1997. In early 1997, his faction of the UDPS declared its support for the AFDL takeover. After they came to power, however, he refused to recognise the new regime, and was not offered a post in the new government. In February 1998, he was arrested on the grounds that he had violated the ban on public political activity and sent to live in internal exile in his home village for 5 months. In October 1998, he was prevented from travelling to Brussels to address the European Parliament.

Ernest WAMBA DIA WAMBA

Chairman of the RCD from the start of the rebellion in August 1998. He was later ousted by the Goma-based faction of the RCD led by Emile Ilunga and became the head of RCD-ML until it merged with the MLC in January 2001.

Arthur Z'AHIDI NGOMA

Political opponent of Mobutu and Kabila under Forces du Futur party. In May 1998, he was found guilty by a military tribunal of violating the ban on public political activity and given a one year suspended sentence. He then emerged as a leader of the rebel RCD group but left in January 1999 after a disagreement.

ANNEX B**CHRONOLOGY****1885**

Congo Free State established under the sovereignty of King Leopold of Belgium.

1908

Following reports of exploitation and abuses, the Belgian Parliament voted to annex the territory, which was then renamed the *Belgian Congo*.

1959

The Belgian Government announced a timetable leading to independence.

1960

The country gained independence from Belgium on 30 June 1960 as the Republic of the Congo. Kasavubu becomes president and Lumumba becomes prime minister. Political and military disagreements ensued and the eastern provinces of Katanga and South Kasai resolved to secede. Later that year, Col Mobutu, as Army Chief of Staff, suspended political institutions and assumed control of the country. Kasavubu was allowed to remain as President. Lumumba was murdered in 1961.

1964

Rebellions in the Kwilu region and in the South Kivu and northern Katanga provinces were eventually defeated with the help of Belgian troops. The political leader of the eastern separatists, Moïse Tshombe, became Prime Minister pending legislative elections, and the country was renamed the *Democratic Republic of the Congo*.

1965

Mobutu again intervened, following the political deadlock which ensued from elections. He assumed full executive powers and declared himself the President of the "Second Republic". The legislature was suspended and a five year ban on party politics was imposed. During this period power was progressively concentrated in the office of the President. By 1970, no senior politicians remained as potential rivals to Mobutu, the main candidates having been either ignored, or appointed to overseas diplomatic posts, subsequently accused of plotting against the President, and dismissed or arrested.

1970

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

1975

National economic difficulties became a major problem, exacerbated by the high level of the regime's extravagance and corruption and the collapse of copper prices in 1977.

1977

An invasion of Shaba province by former Katangese rebels from Angola was repulsed with assistance from France and Morocco (the First Shaba War).

Mobutu created the post of first state commissioner (equivalent to prime minister) and announced a legislative election for 1980. He was then re-elected unopposed for a further term of office.

The commissioner for foreign affairs, Nguza Karl-I-Bond, was dismissed and sentenced to death for alleged treason, later commuted to life imprisonment.

1978

The military establishment was purged when a number of senior officers and civilians were executed after the alleged discovery of a coup plot.

The "Second Shaba War" occurred when several thousand men, originally from Angola, invaded Shaba from Zambia in May. French paratroopers assisted Zairian forces to recapture Kolwezi, a major mining centre. In June a Pan-African peacekeeping force was sent to Shaba and remained there for more than a year.

1980

The economic crisis worsened despite massive IMF loans and aid from various western countries.

1982/3

Internal opposition groups became active, notably the UDPS, led by Etienne Tshisekedi, which was then banned, and the FCD coalition, headed by Karl-I-Bond. A substantial political opposition movement in Belgium was also formed. In response to a highly critical Amnesty International report, Mobutu offered an amnesty to political exiles.

1984

Mobutu was again re-elected without opposition and continued with political and financial policies to reinforce his personal position. Two UDPS members were imprisoned for insulting the head of state.

1986

A further Amnesty International report condemned human rights abuses and the illegal arrest, torture and murder of UDPS supporters.

1987

Results of regional and municipal elections were annulled due to alleged electoral malpractice. External opposition continued and several UDPS members, including Tshisekedi, returned to Zaire under amnesty terms. Some UDPS members were appointed to government posts.

1988

Tshisekedi was arrested twice for political activities and announced his withdrawal from politics later that year.

1989

Thirty seven people were killed in student demonstrations in Kinshasa and Lubumbashi. Tshisekedi was placed under house arrest.

1990

Further demonstrations took place in February and April in Kinshasa and other towns. In early May, between fifty and one hundred and fifty (according to different reports) were

massacred at Lubumbashi University by members of the Presidential Guard acting on Mobutu's orders. Strong international condemnation followed and Mobutu announced an internal enquiry although he refused to permit an international investigation.

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

In November, following renewed allegations of human rights abuses and speculation that for many years Mobutu had been misappropriating foreign aid, the USA terminated economic and military aid.

1991

The announcement of a timetable for the restoration of multi-party politics led to the proliferation of political parties, notably, UFERI, led by Karl-I-Bond, and the PDSC, which united with the UDPS, to form a coalition, the USOR.

In April, Mobutu announced a national conference to discuss the drafting of a new constitution, which would be subjected to a national referendum. Widespread anti-government demonstrations followed and forty two people were killed, and many others wounded, when security forces opened fire on demonstrators in Mbuji-Mayi, in central Zaire.

In September, political demonstrations developed into widespread disorder reflecting frustration with the national conference and economic hardship caused by massive inflation and corruption. French and Belgian troops were sent to suppress the rioting.

In October, following pressure from France, Belgium and the USA in the wake of the riots, the "government of crisis" was formed, headed at first by Tshisekedi, then by Mungal Diaka, leader of the Rassemblement democratique pour la Republique (RDR). When this failed to gain both internal and external acceptance a new government led by Karl-I-Bond was appointed. The national conference resumed in December, only to be suspended by Mobutu in January 1992.

1992

Violence intensified as a response to the suspension of the conference. On 16 February, over 30 people were killed by security forces in Kinshasa, the "March of the Christians".

Under pressure at home and abroad, Mobutu reconvened the national conference in April which then became the Sovereign National Conference (CNS), with power to take legislative and executive decisions, with Mobutu remaining as head of state. The CNS was to prepare a draft constitution for a referendum, and a timetable for legislative and presidential elections. Disagreements between Mobutu and the CNS soon arose over its powers.

In August, the CNS appointed Tshisekedi as transitional first state commissioner, who also clashed with Mobutu.

On 6 December, the CNS dissolved itself and was succeeded by a 453-member high council of the republic (HCR), which again clashed with Mobutu over its stated intention to consider a report on allegations of corruption, and in its declaration of Tshisekedi as head of government.

1993

In January, the HCR declared Mobutu to be guilty of treason and threatened impeachment proceedings unless he recognised the transitional government. Civil disorder again broke out in a brief general strike and campaign of civil disobedience organised by the USOR which resulted in five deaths. Army units also rioted in protest at an attempt by Mobutu to pay them with discredited zaire banknotes. Sixty five people were killed and French and Belgian troops were required to restore order.

In March, Mobutu convened a "conclave" of political forces to debate the country's future, which appointed Faustin Birindwa, ex-UDPS, as Prime Minister, in a rival government to that of Tshisekedi and the HCR. Instability and political stalemate ensued in the following months, despite the attempted mediation of a UN envoy. In September an agreement reached between Mobutu representatives and opposition groups over arrangements for a transitional period failed to finalise over the HCR insistence that Tshisekedi should continue as Prime Minister.

1994

In January, an agreement was reached to form a government of national reconciliation. Mobutu then announced the dissolution of the HCR, the dismissal of the Birindwa government, and a contest for the premiership between Tshisekedi and Molomba Lokoji, to be decided by a transitional legislature - the HCR-PT - which convened and immediately rejected Mobutu's proposal for the selection of a new Prime Minister.

In the following months a number of inconclusive political moves occurred but by July a new administration had been established under Leon Kengo Wa Dondo, which sought to introduce a measure of stability. In October an expanded opposition grouping - USORAL - resumed participation in the HCR-PT, and in November a reformist wing of the UDPS, led by Joseph Ruhana Mirindi, agreed to join the government.

Meanwhile, the country's economic difficulties had been compounded in September by the circulation of some 30 tons of counterfeit Zaire currency. Austerity measures were announced but by December the country's financial reserves were virtually exhausted.

1995

The Kengo Wa Dondo Government continued despite opposition frustration at the failure to finalise a timetable for elections. In July, at an anti-government rally organised by PALU, clashes with the security forces resulted in the deaths of nine civilians and one police officer. A further anti-government demonstration in Kinshasa in August organised by USORAL, which passed off peacefully, was attended by an estimated 5000 Tshisekedi supporters.

1996

In April, it was announced that multi-party presidential and legislative elections would take place in May 1997, and regional and municipal elections in June and July of that year, to be preceded by a referendum on a new constitution in December 1996, later put back to February 1997.

In August, Mobutu left the country for treatment in Switzerland of a serious form of cancer. The hiatus created by his absence and ill-health proved to be a decisive factor in bringing his rule to an end as the Kengo Wa Dondo Government proved unable to deal with the outcome of the rapidly escalating situation in the eastern provinces of North and South Kivu. Rwandan Hutu militia who had taken refuge there in 1994 began to try to carve out an area for themselves with the support of local Hutus, and members of the Zaire armed forces (FAZ), killing and expelling local Tutsis and other ethnic groups. The situation was affected by long-standing ethnic friction in the area. In October, Tutsis in South Kivu were ordered to leave the area provoking a backlash in which combined Tutsi

forces supported by Rwandan armed forces made rapid advances against the Hutus and FAZ. What appeared at first to be a regional movement soon gathered momentum and emerged as a national rebellion aiming to overthrow the Mobutu regime. The rebels were joined by dissidents of diverse ethnic origin to form the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL), led by Laurent-Desire Kabila, a former Lumumba aide and opponent of the Mobutu regime since the 1960s. Despite attempts by the government to control the situation the rebel forces continued to make progress in taking over a large area of the east, including the towns of Goma and Bukavu, by the end of the year.

1997

In January, following Mobutu's return from abroad and the formation of a crisis government in Kinshasa, a counter-offensive by Zaire troops failed to make any significant gains and the AFDL forces continued to advance, taking the second city, Lubumbashi, by April. Attempts at mediation between the two sides failed, and with control of all the country's main resources Kabila was in a commanding position.

On 8 April, Mobutu declared a state of emergency, dismissed the government headed by Tshisekedi, who had replaced Kengo Wa Dondo a few days previously, and appointed General Likulia Bolongo as Prime Minister. Following inconclusive peace talks with Kabila mediated by the South African president, Nelson Mandela, Mobutu refused to submit to international pressure and the realities of the situation and resign. On 16 May, however, he left Zaire, having accepted a proposal to transfer interim power to the speaker of the HCR-PT, Monsignor Monsengwo Pasinya. He took refuge with his family and entourage in Morocco, where his health continued to deteriorate and where he died in September.

On 17 May, AFDL troops entered Kinshasa and Kabila declared himself President of the Democratic Republic of the Congo. He announced that there would be presidential and parliamentary elections in April 1999 and a programme of national regeneration would be pursued meanwhile. Kabila also issued a constitutional decree to remain in force until the adoption of a new constitution which allows him legislative and executive power and control over the armed forces and treasury. Of the previously existing institutions, only the judiciary was not disbanded. A government was formed which, while dominated by AFDL members, also included UDPS and other party members.

In June, a number of senior officials from the Mobutu period were arrested. The UDPS leader, Tshisekedi, was detained overnight after addressing a student meeting.

In July, a protest march against the ban on political activity resulted in three civilian deaths following clashes with troops. The Government blocked efforts by UN investigators to enquire into allegations of massacres by AFDL troops in eastern DRC but subsequently allowed them to resume in November.

In August, a military court was established by decree.

In October, the president appointed a 42-member Constitutional Commission (originally due to be appointed in June) to draft a new constitution by March 1998.

In November, Kabila re-affirmed the ban on public political activity until the holding of presidential and legislative elections in 1999. Clashes between rival army factions took place at the end of the month. It was apparent that Kabila had yet to gain control over the eastern provinces where ethnic violence continued between the Tutsi and Bantu groups.

1998

In February, Tshisekedi was arrested and banished to his native village allegedly because of his continued involvement in subversive political activity in defiance of

the ban imposed in May 1997. He was freed in July and returned to Kinshasa. It was reported that government control had been restored in the east, however, clashes reportedly continued and a statement issued by the citizens of Kivu province expressed indignation at the arrest of traditional chiefs and university lecturers.

A government in exile was formed in Brussels headed by Leon Kengo wa Dondo.

In April, the government banned the country's main human rights group AZADHO and took action against other groups. The draft constitution was submitted to the president. The draft was accompanied by a list of 250 names of people who would not be allowed to stand for office which was later disowned.

In May, a decree provided for the establishment of a 300-member constituent and legislative assembly to carry out a number of functions, including the preparation of a draft constitutional bill. Restrictions of previous good character and associations with the Mobutu regime were placed on membership.

In August, reports were received of an organised rebellion from the east of the country which was aiming to topple the regime. The rebels, calling themselves the Rassemblement Congolais pour la Democratie (RCD), were assisted by Rwanda and Uganda who were angered by Kabila's failure to contain attacks on their territory by insurgents based in eastern DRC. The rebels captured a number of eastern towns and made a flight to the west to take other assets, including the country's only port, Matadi, and the Inga hydroelectric dam, which were vital to Kinshasa. They reached the outskirts of Kinshasa by late August but then received a number of military setbacks from government forces who were by then being aided by Zimbabwe, Angola and Namibia, and subsequently by Chad.

The rebels continued to make progress in the east and captured more than one-third of the country by the end of the year.

In October, another rebel group, the Movement for the Liberation of Congo (MLC) joined the fighting in northern DRC.

Later in the year and in early 1999, reports of mass movements of refugees displaced by the war and of atrocities committed by both sides were issued. Kinshasa remained generally calm, although suffering the economic effects of the war. The security situation in government areas outside Kinshasa was dependent on the attitude and ability of the local police or army commander. Diplomatic efforts to end the fighting were inconclusive.

1999

In January, government decrees lifted the ban on public political activity and announced arrangements for registering new political parties. These were widely criticised for being too restrictive.

In April, the government stated that the country needed new-style political parties which should be national in character and not reflect narrow interests and stated that elections could only take place on a nationwide basis. The election that was due to take place in April 1999 was postponed.

A peace accord was signed in Lusaka by the governments of the DRC and other countries involved on 10 July and by the MLC rebel group on 1 August. The RCD factions, however, stayed outside the deal. On 31 August 1999, the RCD also signed the peace deal. Attention turned to the next steps of setting up arrangements to monitor the ceasefire and to hold a national debate about restoring central administration and to pave the way for elections.

In August/September, the UN Special Rapporteur visited the country. He expressed

concern at human rights issues on both the government and rebel sides and made recommendations.

Despite the ceasefire agreement, violations of the ceasefire by both the government forces and the rebel groups have been reported.

2000

In January, peace talks were held at the UN Headquarters in New York to discuss the political impasse in the DRC which is protracting the conflict between the rebels and the government forces. President Kabila of the DRC was in attendance as well as representatives of the other African nations involved in the conflict.

Following the peace talks at the UN Headquarters in January, the UN decided to send 5,037 troops to the DRC to support the work of the 500 ceasefire monitors.

Violations of the ceasefire agreement by both the Government forces and the rebel groups continue to be reported. New ceasefire agreement in April fails to bring lasting peace. Serious fighting between Ugandan and Rwandan forces in Kisangani.

Transitional parliament set up by President Kabila.

Peace talks between the warring parties in Lusaka in Zambia in August aimed at ending war completely fails.

2001

On 16 January, President Laurent Kabila was assassinated in Kinshasa. He was given a full state funeral. His son - Joseph Kabila - was sworn in as the new President of the DRC.

In February, representatives from the six warring countries and the three main rebel groups attended a United Nations Security Council meeting in New York on the DRC in February 2001. In a resolution negotiated with all the parties, the Security Council demanded that rebel forces withdraw an initial 15 km from their current positions by 15 March 2001 and plan for a complete withdrawal by 15 May 2001.

In May, the Commission of Enquiry into the assassination of Laurent Kabila produced its findings in a report which accuses both the Ugandan and Rwandan Governments and the rebel RCD rebel group of plotting the assassination and a coup.

Also in May, a law is passed allowing political parties to engage in political activity legally subject to certain conditions.

ANNEX C

GLOSSARY

AFDL

Alliance des forces democratiques pour la liberation du Congo-Zaire Ruling party of President Kabila on coming to power. Mainly Tutsi and comprising 4 political parties, all from eastern DRC: PRP (Popular Revolution Party), founded by Kabila in 1967; PDA (Peoples Democratic Alliance led by AFDL Secretary-General, General Bugera, and comprising largely Congolese Tutsis, the Banyamulenge; RMLZ (Revolutionary Movement for the Liberalisation of Zaire) led by Masusu Nindaga, mainly supported by

the Bashi in the Bukavu area; and, NCRD (National Council for resistance for Democracy) led by the late Andre Kisase Ngandu, supported by the Luba tribe. In April 1999, President Kabila dissolved the AFDL.

ANR

National Intelligence Agency (Agence Nationale de Renseignements). One of the Government's security forces.

ASADHO

Formerly AZADHO. Human rights group banned by Kabila in April 1998.

Banyamulenge (Congolese Tutsis)

Congolese Tutsis of Rwandan origin. Long-term residents of South Kivu. Formed the basis of the AFDL group which brought Laurent Kabila to power but now compromised by association with Rwandan opposition to the Kabila regime. Tutsis were systematically persecuted by the security forces and Congolese people from other ethnic groups in August 1998 when the RCD rebellion against the Laurent Kabila regime started.

Banyarwanda

Collective name for Congolese people of Rwandan origin, either Hutu, Tutsi or Twa. Those in DRC living mainly in North Kivu but without equal nationality and land ownership rights, a situation which led to violent ethnic conflicts, especially after the influx of Rwandese Hutu refugees in 1994, when thousands were massacred.

Congolese Liberation Front

Formed in January 2001 following a merger between the MLC and RCD-ML and backed by the Ugandan Government. Leader - Jean-Pierre Bemba. The CLF is in control of the areas that were in the control of the MLC and RCD-ML.

CNS (1)

National Sovereign Conference (Conference nationale souveraine). Group comprising representatives of political parties, civil society and the regions which was convened first by Mobutu in 1991 to consider drafting new constitution, then reinstated in April 1992 when it declared itself sovereign with the power to take legislative and executive decisions. Dissolved itself in December 1992 and succeeded by HCR.

CNS (2)

Nationality Centre. Government security agency.

DEMIAP

Military Detection of Anti-Patriotic Activists. One of the Government's security forces.

DESN

Investigation and National Security directorship. Government security agency.

DGM

Direction Generale de Migrations. Government security force with immigration control responsibilities.

DSP

Special Presidential Division. Mobutu's security force, controlled by loyalist generals.

FAC

Force Armee Congolaises or Congolese Armed Forces.

FAZ

Zaire armed forces under former Mobutu regime.

Gecamines

Generale des Carrieres et des Mines. State-owned mining corporation sold to a Swiss company SWIPCO in 1995.

HCR

High Council of the Republic. Multi-party interim executive and legislative body formed in 1992 under the chairmanship of Archbishop Monsengwo, empowered to adopt a new constitution and organise elections, also to examine corruption allegations.

HCR-PT

Succeeded HCR in 1994 (haut conseil de la republique-parlement de transition).

ICRC

International Committee of the Red Cross.

Interhamwe

Rwandan Hutu militia groups who lived in refugee camps in Kivu. Responsible for most of the massacres which took place in Rwanda during the genocide and involved in the ethnic clashes in Kivu. Controlled many of the refugee camps in the Kivus. Dispersed with the camps but many groups are still in eastern DRC and opposing Rwandan military involvement in the country. They are allied with government forces but operate independently.

Lusaka Peace Accord or Lusaka Ceasefire Agreement

This ceasefire agreement was signed in Lusaka by representatives of the DRC war combatants - DRC, Namibia, Rwanda, Uganda, Zimbabwe and Angola on 10 July 1999 and by the MLC rebel group on 1 August 1999. On 31 August 1999, the RCD also signed the peace agreement.

Mai-Mai

Militia based in North Kivu, drawing support from local tribes and opposed to Rwandan occupation. They are allied with government forces but operate independently.

MLC

Mouvement de Liberation du Congo. Rebel group which emerged in late 1998 in northern DRC. Operating in Equateur province with Ugandan backing. Leader - Jean-

Pierre Bemba. Merger with RCD-ML in January 2001.

MONUC

United Nations Organisation Mission in the DRC created in August 1999. Originally authorised to deploy 5,537 observers and armed troops by the UN Security Council.

Rassemblement Congolais pour la Democratie (RCD)

Rebel group. Formed by rebels in August 1998. Split into two separate groups in 1999: RCD-Goma and RCD-Kisangani (later renamed RCD-ML). The RCD-ML merged with the MLC in January 2001 to form the Congolese Liberation Front.

RPA

Rwandan Patriotic Army. Armed forces of Rwanda.

RPF

Rwandan Patriotic Front. Tutsi-dominated movement which forced out the Hutu regime in Rwanda following the 1994 genocide.

SARM

Service d'action et de renseignements militaires. Mobutist military security agency.

SNIP

Service national d'intelligence et de protection. Mobutist civilian security agency.

ANNEX D

LIST OF MAIN POLITICAL PARTIES IN THE DRC

Forces Novatrices pour l'union et la Solidarite (FONUS)

Based in Kinshasa. Advocates political pluralism. President - Joseph Olenghankoy.
Secretary General - John Kwet

Forces Politiques du Conclave (FPC)

Bases in Kinshasa. Formed in 1993. Alliance of pro-Mobutu groups. Chairman - Jean Nguza Karl-I-Bond

Mouvement National du Congo-Lumumba (MNC-Lumumba)

Based in Kinshasa. Coalition of seven parties, including PALU. Led by Antoine Gizenga; supports the aims of the late Patrice Lumumba.

Mouvement Populaire de la Revolution Liberation du Congo (MPR)

Formed in 1966 by Mobutu. Sole legal political party until 1990. Advocates national unity and opposes tribalism. Leader - Catherine Nzugi Wa Mbombo

Parti Democrate et Social Chretien (PDSC)

Formed in 1990. President - Andre Bo-Boliko. Secretary General - Tuyaba Lewula

Parti Lumumbiste Unifie (PALU)

Formed in 1964 by Antoine Gizenga (minister in Lumumba's government)

Union des Federalistes et Republicains Independants (UFERI)

Based in Kinshasa. Formed in 1990. Seeks autonomy for the Shaba (Katanga) province. Dominant party in the USOR. Leader - Kouyoumba Muchuli Mulembe

Union pour la Democratie at le Progres Social (UDPS)

Based in Kinshasa. Formed in 1982. Leader - Etienne Tshisekedi. Secretary General - Dr Adrien Phongo Kunda.

Union pour la Republique (UPR)

Based in Kinshasa. Formed in 1997 by former members of the MPR. Leader - Charles Ndaywel.

Union Sacree de L'Opposition Radicale (USOR)

Based in Kinshasa. Formed in 1991. Comprised of 130 movements and factions opposed to Mobutu.

Union Sacree Renovee (USR)

Based in Kinshasa. Formed in 1993 by several ministers in former Government of National Salvation. Leader - Kiro Kimate.

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ANNEX E

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