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Congo, Democratic Republic of the

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The Democratic Republic of the Congo remained divided into territories controlled by the Government and several rebel factions. On January 16, President Laurent Desire Kabila, whose Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997, was assassinated by one of his guards. On January 26, the Government installed his son Joseph Kabila as president. Joseph Kabila ruled by decree, and the Government continued to operate without a constitution. The State continued to be highly centralized formally, although in practice the country's dilapidated transportation and communications infrastructure impaired central government control. On May 17, the Government adopted a law liberalizing political activity; however, the Government continued to restrict political activity in practice. The judiciary continued to be subject to executive influence and corruption.

The ongoing war broke out in 1998 between the Government and rebel forces. The Lusaka Accords, which were signed on July 10, 1999, provided for a political dialog among the Government, rebel factions, the unarmed opposition, and elements of civil society. In 2000 the peace process stalled; however, after becoming president, Joseph Kabila reengaged the Government in the peace process, from which Laurent Kabila essentially had withdrawn. Immediately following Joseph Kabila's inauguration in January, the Government renewed a cease-fire agreement with the rebels and allowed the U.N. Peace Observation Mission in Congo (MONUC) to deploy fully and monitor troop disengagements called for in the Lusaka Accords. The disengagement plan required government and rebel troops to withdraw 9 miles from the front line. All parties generally complied with the plan, and MONUC verified troop redeployments to the new defensive positions established for each side. Troop redeployments began in March and were completed with minor exceptions by July. Joseph Kabila also allowed the U.N. International Facilitator, former Botswana Prime Minister Sir Ketumile Masire, who was selected by the signatories of the Lusaka Accords, to return to Kinshasa to prepare the Inter-Congolese Dialogue (ICD). In October ICD participants, including representatives of the Government, rebel groups, members of the political opposition, and civil society groups met in Addis Ababa, Ethiopia, to create a transitional political framework. No agreement was reached; however, the participants agreed to continue the dialog in South Africa in 2002.

Government forces continued to control less than half of the country during the year. Several rebel groups, the Congolese Rally for Democracy based in Goma (RCD/Goma), the Movement for the Liberation of the Congo (MLC), and the Congolese Rally for Democracy based in Bunia (RCD/ML) controlled the remaining territory, with the active military support of the Rwandan and Ugandan Governments. The RCD/Goma remained dominated by members of the Tutsi ethnic minority and continued to be supported by the Government of Rwanda; in 2000 Adolphe Onosumba, a Kasaiian, was named RCD President. The RCD/ML, nominally led by Ernest Wamba dia Wamba until late in the year, commanded fewer troops and, like the largely non-Tutsi MLC, was supported by the Government of Uganda. Although the MLC and the RCD/ML united for much of the year as the Forces for the Liberation of the Congo (FLC) under the leadership of MLC President Jean-Pierre Bemba, in June the FLC split back into the separate MLC and RCD/ML groups; Mbusa Nyamwisi assumed leadership of the RCD/ML and remained in charge at year's end.

The war began in August 1998, when Laurent Kabila tried to expel Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis as well as the Governments of Burundi, Rwanda, and Uganda, all relied on the Rwandan military presence for protection against hostile armed groups operating from the eastern part of the country. These groups included: The Interahamwe militia of Hutus, mostly from Rwanda, Hutu members of the former Rwandan armed forces, and other Rwandan Hutu militiamen, some of whom took part in the 1994 genocide of Tutsis in Rwanda and who fought the Tutsi-dominated Government of Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which primarily fought Rwandan government forces and their Congolese allies; the Alliance of Democratic Forces (ADF), made up of Ugandan opposition forces supported by the Government of Sudan, which fought the Government of Uganda but largely was inactive during the year; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government of Burundi. In the ensuing war, elements of the armed forces of Rwanda and Uganda operated inside the country in support of the RCD or the MLC; elements of the armed forces of Angola, Namibia, and Zimbabwe operated inside the country in support of the Government; and elements of the armed forces of Burundi operated inside the country against armed groups of Hutu rebels from Burundi who used the country as a base. North Korean advisers provided training to government troops. During peace process negotiations during the year, Rwanda pledged to withdraw its troops 62 miles from the front lines, but continued to maintain a large military presence in the eastern provinces. Uganda also withdrew some of its troops but continued to maintain a substantial military presence, mostly in Orientale Province. Despite a relatively stable cease-fire and disengagement of troops along the formal cease-fire lines during the year, fighting intensified in the eastern provinces between the Hutu militias and Rwandan and RCD rebel troops. The withdrawal of troops toward and through the eastern provinces also created instability and insecurity in Orientale, Katanga, and the

Kivu Provinces.

The Government's security forces consist of a national police force under the Ministry of Interior, the National Security Council (CNS), the National Intelligence Agency (ANR), the Rapid Intervention Forces (PIR), and the Congolese Armed Forces (FAC), which includes an Office for the Military Detection of Anti-Patriotic Activities (DEMIAP). The immigration service, Direction Generale de Migration (DGM), also functioned as a security force. The People's Self Defense Forces (FAP) and the People's Power Committees (CPP) also served as security forces, but were less active than in previous years. In 1999 Laurent Kabila gave Mai Mai leaders commissions in the FAC and coordinated operations with the Mai Mai and Hutu militias. The Government continued to supply and coordinate operations with the Mai Mai and Hutu militias during the year. The People's Defense Committees (CPD's), which in previous years operated outside the formal structure of the State and were intended to be an armed wing of the CPP's, remained unarmed and ceased to function during the year. The police force handles basic criminal cases. The CNS shares responsibility for internal and external security with the ANR, including border security matters. The FAC retains some residual police functions. Military police have jurisdiction over armed forces personnel, but also have domestic security responsibilities, including the patrolling of urban areas. Security forces were poorly trained, poorly paid, and often undisciplined. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which the security forces acted independently of government authority. The security forces committed numerous, serious human rights abuses.

The country's economy is dominated by subsistence agriculture, a large informal sector, and widespread barter; most sectors of the economy continued to decline. Production and incomes continued to fall. Annual per capita national income for the population of approximately 52 million remained at less than \$100 (32,000 Congolese francs). Physical infrastructure was in serious disrepair, financial institutions remained in a state of collapse, and public education and health deteriorated. The ongoing restriction on commercial travel on the Congo River during the year negatively impacted the economy. The insolvent public sector could not provide even basic public services. External economic assistance remained limited, and the State's revenues from diamond exports, its leading source of foreign exchange, declined. Public sector employees, including most soldiers, received very low salaries and sometimes were not paid for months, which caused widespread hardship and contributed to tensions within the armed forces. Rebel-held areas continued to be integrated financially and administratively with the economies of Rwanda and Uganda. The Governments of Rwanda and Uganda 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.

The Government's human rights record remained poor, and it continued to commit numerous, serious abuses; however, there were improvements in several areas. Citizens do not have the right to change their government peacefully. Following the assassination of President Laurent Kabila, the Government immediately arrested and summarily executed 11 persons suspected of involvement. Security forces were responsible for extrajudicial killings, disappearances, torture, beatings, rape, and other abuses; however, there were fewer reported cases than in previous years. In general security forces committed these abuses with impunity. Prison conditions remained harsh and life threatening. Security forces continued to arbitrarily arrest and detain citizens; however, the number of such cases decreased. Prolonged pretrial detention remained a problem, and dozens of suspects remained in detention without formal charges filed, without any evidence presented against them, and without an opportunity to defend themselves in court. Citizens often were denied fair public trials. The special military tribunal tried some civilians for political offenses, although most cases were related to the Kabila assassination or to alleged coup plotting against the Joseph Kabila Government. The military courts did not execute any civilians during the year; however, due process frequently was disregarded. The judiciary remained subject to executive influence and continued to be underfunded, inefficient, and corrupt. It largely was ineffective as either a deterrent to human rights abuses or as a corrective force. Security forces violated citizens' rights to privacy. Forcible conscription of adults and children continued in both government-controlled and rebel-controlled territories, despite promises by both sides to end the practice. Government and rebel security forces continued to use excessive force and committed violations of international law in the war; however, there were no reports that government aircraft bombed civilian populated areas in rebel-held territory.

Harassment of journalists, human rights activists, and opposition politicians decreased. Several journalists were tortured during the year; however, there were fewer reported cases than in previous years. Although a large number of private newspapers published criticism of the Government, the Government continued to restrict freedom of speech and of the press by harassing, arresting, and detaining newspaper editors and journalists, and by seizing individual issues of publications; however, the Government reduced its restrictions on private radio broadcasting. The Government restricted freedom of assembly and association, used excessive force to disperse demonstrations, and on several occasions prevented political party press conferences. The Government continued to ban some political party activities; however, in May revised the law to allow legally registered parties to operate freely. The Government committed some abuses against religious entities. The Government continued to restrict freedom of movement and continued to require exit visas; however, the Government decreased some travel restrictions. The war continued to cause large numbers of internally displaced persons (IDP's). The Government also harassed and imprisoned members of opposition parties and human rights nongovernmental organizations (NGO's). The Government allowed humanitarian organizations better access to areas under its control.

Violence against women was a problem and rarely was punished, and rape persisted as a widespread act of war, especially in the eastern provinces. Discrimination against women was widespread and common. Female genital mutilation (FGM) persisted among isolated populations in the north. Child prostitution was a problem. Discrimination against indigenous Pygmies was pervasive. Violence and discrimination against members of the Tutsi ethnic minority continued; however, the Government protected many Tutsis who were at risk. On occasion tension between the Hema and Lendu ethnic groups in the area of Bunia, Orientale Province, flared into violence that resulted in hundreds of deaths. The Government restricted worker rights. The Government arrested labor leaders during public sector strikes and allowed private employers to refuse to recognize

unions. The Government forcibly conscripted adults and children during the year, although the Government made efforts to demobilize some child soldiers. Child labor, including use of child soldiers, remained a problem. Mob violence resulted in killings and injuries. The country is a source for trafficked women and children.

There were numerous reports that Mai Mai groups fighting on the side of the Government committed serious abuses, including many killings, rapes, torture, kidnappings, and the arbitrary arrest and detention of civilians.

The human rights situation in rebel-held areas of the country was extremely poor. The majority of abuses were committed in rebel-held areas, and rebel forces committed numerous, serious abuses with impunity against civilians living in territories under their control, including deliberate, large-scale killings, disappearances, torture, rape, dismemberment, extortion, robbery, arbitrary arrests and detention, harassment of human rights workers and journalists, and forcible recruitment of child soldiers. In particular RCD/Goma and Rwandan units committed mass killings allegedly in reprisal for Mai Mai attacks against RCD or Rwandan forces. There were no reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses. In previous years, the Rwandan army allegedly recruited these groups to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Rebel organizations restricted freedom of speech, assembly, and association in areas under their control, and respect for freedom of religion continued to be poor. There were attacks against local and international NGO's in rebel-held areas, and some NGO personnel were killed. There also were many deaths due to interethnic mob violence in areas held by rebel forces.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Members of the security forces committed extrajudicial killings, and the Government misused the judicial system to try, sentence, and execute numerous persons without due process. The Government also materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed unarmed as well as armed persons in areas held by rebel forces. An international humanitarian NGO estimated that as many as 2.5 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.g.).

On January 16, Rashidi Mizele, a presidential bodyguard, assassinated President Laurent Kabila. According to the Government, Colonel Eddy Kapend, Kabila's aide-de-camp, then shot and killed Rashidi, who already had been apprehended by another guard. Rashidi's death eliminated the possibility of interrogation and raised government suspicion that Kapend may have been involved in the assassination. Kapend was arrested and remained in detention at year's end (see Section 1.d.). Prior to the assassination, security forces reportedly executed hundreds of Kadogos (young soldiers recruited during the 1996-1997 rebellion) from South Kivu Province believed to have collaborated with AFDL co-founder Anselme Masasu in an alleged coup plot against Laurent Kabila in 2000. It was unknown whether Rashidi, a Kodogo from South Kivu, acted out of revenge for the execution of Masasu and the Kadogos, or if he may have been collaborating with other figures inside or outside the Government. The Commission of Inquiry, established by the Government on February 6 to identify and prosecute those involved in the assassination, did not release its results by year's end.

Following the January 16 assassination of Laurent Kabila, security forces summarily executed some of the numerous persons arrested in connection with the assassination (see Section 1.d.). According to numerous credible reports, FAC General Yav Nawej and soldiers under his leadership arrested and summarily executed without trial 11 Lebanese citizens suspected of complicity in the assassination. The Government did not release the bodies of the victims to their families for 2 months, despite pressure from the Lebanese community and the Government of Lebanon. Nawej and Kapend were arrested several days later and remained in detention in the section of Makala prison reserved for suspects in the assassination at year's end. It was unclear whether Nawej and Kapend were in detention for their alleged role in killing the 11 Lebanese or for suspected involvement in the assassination.

Security forces also reportedly summarily executed members of the military suspected of collaborating in the assassination.

FAC soldiers killed numerous civilians; however, there were fewer reported cases than in previous years. On February 8 in the Nganda Ya Pio district of Kinshasa, eight soldiers driving in an unmarked vehicle shot and robbed Mansadila and Malau; Mansadila died from his injuries the following day. On March 12, four soldiers driving in an unmarked vehicle shot and killed Zorro Mbuta Kanda, who was guarding a farm in the Kasangulu suburb of Kinshasa; the soldiers then robbed the farm. No action was taken against the soldiers responsible for these killings by year's end.

Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police (see Section 5). On August 15, police shot and killed one street child for shoplifting in Kinshasa's central market.

Despite promises to end the practice, government military tribunals continued to sentence to death civilians after perfunctory military trials; however, unlike in the previous year, the Government did not execute any civilians convicted by military tribunals (see Section 1.e.). On May 17, the death sentences issued against six children were commuted after NGO appeals.

The military justice system prosecuted FAC members for individual incidents ranging from armed robbery to crimes against the State. Six FAC soldiers reportedly were executed in Kinshasa during the year; however, no information was available on their identities or the charges against them. In September the military court in Likasi, Katanga Province, sentenced to death 13 soldiers found guilty of plotting to overthrow the Government; however, none of the soldiers were executed by year's end, and Minister of Human Rights Ntumba Luaba announced that the sentences would be commuted (see Section 1.e.).

Harsh prison conditions and abuse led to an undetermined number of deaths in prisons (see Section 1.c.). Many prisoners died of illness or starvation. Some prisoners died as a result of torture, which was used following the alleged coup plot led by Masasu in 2000 and the January assassination of Laurent Kabila. Unlike in the previous year, the Office of the President did not use the secret detention center known as "Alfa," where both extrajudicial killings and deaths due to torture and neglect were common in the past; however, it used another unofficial detention center known as "Ouagadougou." On March 7, the Government closed the GLM intelligence service detention and interrogation center, where many prisoners were reported to have died as a result of torture (see Section 1.c.). However, despite a promise by the President to close all unofficial prisons, many remained in operation at year's end (see Section 1.d.).

Unlike in previous years, there were no reports that members of the security forces killed civilians in areas that they were preparing to abandon to advancing antigovernment forces.

There reportedly was no action taken against the members of the security forces responsible for the following killings in 2000: The November execution of Commandant Masasu and 35 suspected collaborators; the September killings of 47 men and 4 women in Dongo; the July killing of Irengé Kako; the May killing of Mpadi Mamikamona Moko; the May beating to death of Mukoko; the May killing of Nsiala Nkia Mbiyavanga; the May killing of "Ya Rolly" Ngimbi and the rape and killing of his wife; the January killing of Addy Lisasi; the January killing of William Mbulu; and the January killing of a policeman.

No action reportedly was taken against the members of the security forces responsible for the following killings in 1999: The November killings of Simon Makoko and student Kamba Kanyinda; the July killings of a 12-year-old boy and Charles Bokeleale; the May killing by torture of Colonel Ndoma Moteke; the April killings of a public transportation driver and a minibus driver; the February killing of a person in the Sebastian bar in Kinshasa; and the January killing of university student Remy Lushima Nyamangombe.

There were reports that landmines continued to be used, particularly in the eastern half of the country, despite agreements not to do so in the Lusaka Accords. Government forces, rebel groups, and the armed forces of Rwanda, Uganda, and Zimbabwe allegedly used landmines; however, it is impossible to know which groups laid landmines.

On April 26, six employees of the International Committee of the Red Cross (ICRC), including two foreigners, were killed in Ituri district, Orientale Province (see Sections 4 and 5). Credible reports indicated that Hema warriors killed the ICRC workers and had tried to make the Lendu appear responsible. The Ugandan Government promised an investigation into the killings; however, no credible investigation had begun by year's end. ICRC field operations in the Ituri district still were suspended at year's end.

In July 2000, a Belgian judge issued an arrest warrant against Congolese Foreign Minister Yerodia Abdoulaye after a number of Tutsis in Belgium claimed that Yerodia's radio broadcasts in August 1998 incited the populace to murder Tutsis randomly. A similar case was filed against Laurent Kabila in September 2000. On October 19, the Government filed suit against the Belgian Government in the International Court of Justice to annul the warrant against Yerodia; however, the warrant remained in effect at year's end although Yerodia was not arrested.

Despite a stable cease-fire along the front lines during most of the year, there continued to be reports throughout the year of killings and other human rights abuses by both progovernment and rebel forces, primarily in the eastern areas of the country. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those areas affected by active combat. Independent observers often found access difficult due to hazardous security conditions as well as impediments imposed by authorities (see Section 4). Both progovernment and rebel forces extensively used propaganda disseminated via local media, including charges leveled at opposing forces, further complicating efforts to obtain accurate information (see Section 2.a.).

Progovernment Mai Mai guerilla units killed many civilians, sometimes after torturing them, in areas where they operated. Hutu militia units fighting on the side of the Government, and reportedly supported materially by the Government, also killed many noncombatants. Information about killings by Mai Mai, Interahamwe, and Hutu militia units remained very incomplete, and many such killings may not have been reported.

Unlike in the previous year, there were no reports that progovernment forces bombed civilian populations during air raids against towns held by rebel forces.

Throughout the year, in the Ituri district of Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting continued between members of the Lendu and Hema ethnic groups, which reportedly resulted in hundreds of killings and the displacement of thousands of persons (see Section 5). This fighting reportedly arose from disputes over land use and also was manipulated by Ugandan troops who in previous years charged the rival groups fees to provide protection to their members. Specific incidences of violence were difficult to verify due to the general unrest in the region. There were reports of serious interethnic

fighting in January and February, during which several hundred persons were killed.

There were numerous credible reports that antigovernment forces committed mass killings during the year. In particular the RCD/Goma and Rwandan Patriotic Army (RPA) committed mass killings, sometimes in reprisal for Mai Mai attacks against RCD or Rwandan forces. There continued to be credible reports of attacks, murders, and looting committed against members and facilities of the Catholic church (see Section 2.c.); however, there were fewer such reports during the year. Investigations of such killings often were difficult, and details of reported abuses sometimes emerged long after the events occurred. There have been no known serious attempts by any of the combatants in the conflict to investigate incidents in which their troops allegedly committed killings, rapes, lootings, and other abuses in areas under their control.

On December 29, fighting between Mai Mai and RPA and RCD/Goma forces in Kindu resulted in the deaths of 21 civilians. RPA forces claimed that Mai Mai had attacked them; however, credible reports indicated that RPA and RCD/Goma forces had staged the battle to discourage MONUC deployment to the area.

Unlike in the previous year, there were no reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses. In previous years, the Rwandan army allegedly recruited these groups to demonstrate the need for a continued Rwandan military presence in the areas they controlled.

On May 23, Ugandan soldier Otim Okello killed six detainees at a police station in Gemina. On July 3, a UPDF military court in the country sentenced to death Okello, who remained in Luzira prison at year's end.

In September in Bukavu, RCD soldiers fired on a crowd of demonstrators. One student died and several demonstrators were injured (see Section 2.b.).

RPA Captain Peter Kabnada and other RPA soldiers, who allegedly killed 67 unarmed civilians in Masisi in September 2000, remained in detention awaiting prosecution for murder before the Rwandan military tribunal at year's end.

In June 2000, in Walikale, RPA Captain Alexis Rugira and other RPA soldiers stole Baligizi Mufungizi's bicycle, robbed him, and then killed him. Captain Rugira, Lieutenant Gapfunsi, S/Major Rutabana, and two privates were arrested and were in pretrial detention awaiting prosecution by a military tribunal at year's end.

No action reportedly was taken against the Rwandan and Ugandan forces who fought on two occasions in 2000 in Kisangani, which resulted in hundreds of civilian deaths, thousands of injured, and 60,000 IDP's. The most severe of these clashes occurred between June 5 and 11, 2000, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources claim that Rwandan and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations report that approximately 700 Congolese civilians were killed during the fighting; many died as a result of lack of medical attention because transportation to hospitals during the fighting often was unavailable. Many IDP's remained for several months at a camp outside of the city because they feared to return. There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani.

No action reportedly was taken against the members of the antigovernment forces responsible for the following killings in 2000: The November killings of 20 persons by Ugandan soldiers in Kikere; the November killings of 9 persons in Kehero by suspected Interahamwe soldiers; the August killings by RCD/Goma military police of 2 men suspected of stealing a sewing machine; the August killing of a student demonstrator by RCD soldiers; the August burning alive of more than 300 villagers by Mai Mai and RCD forces in South Kivu Province; the July killings of an estimated 150 persons in the Fizi district by Banyamulenge militias and Burundian military forces; the May killings of hundreds of civilians in Katogota by RCD soldiers; the April killing of a Muulwa farmer in Habula by RCD soldiers; the April killings of 4 persons during an RCD attack on the village of Izege; the March killing of Thomas Kumbuka by RCD soldiers in the village of Kishondja; the March killing by RCD soldiers of Samuel and Bwangi Lwina; the March attacks on Kilambo during which RPA soldiers executed numerous persons suspected of collaborating with the Interahamwe; the February killing of a priest by Banyamulenge militia during an attack on a Catholic mission in Kilibu; the February killings of the chiefs of Lulonga-Fizi and Kalele by RCD soldiers; the February killings of 30 persons by RCD and RPA soldiers; and the January execution of a rebel soldier by a Rwandan soldier.

No further action was taken in the 2000 case in which there were numerous credible reports that RCD forces, participating with or supported by the RPA, beat, tortured, and then buried alive 15 women at Mwenga in December 1999. In December 1999, the RCD/RPA arrested Frank Kasereke, the RCD commander, but he escaped from jail in February 2000 along with 32 other detainees.

Throughout the year, it was difficult to identify the armed groups responsible for attacks. There were numerous reports of killings along rural roads outside of Bukavu and Uvira in South Kivu Province; many were aimed at looting and theft. Observers believe that Mai Mai, Interahamwe, Burundian Hutu rebels, Banyamulenge, or RPA combatants could have been responsible for the attacks, with or without the knowledge or consent of their commanders. The climate of insecurity in rebel-held territories and particularly in the Kivu Provinces forced many local residents to abandon their homes and created food shortages because armed bands kept farmers from working in their fields.

No reported action was taken against the unknown persons or groups responsible for the following killings in 2000: The numerous reported killings along the road from Uvira to Bukavu; the July killings of 40 persons in an IDP camp; and the June killings of 3 civilians during an attack on a Catholic church and convent in Kabare.

There were numerous press reports that mobs lynched hundreds of suspected sorcerers in the northeastern part of the country during the year. In late June, in Orientale Province, there were reports of witch hunts, which resulted in the killing of several hundred persons. The local population targeted the victims because they suspected and feared that they were casting spells on others. There is a common belief in the region that some persons have the power to cast spells on others; this fear sometimes rises to mass hysteria. Local police and Ugandan troops had arrested more than 150 persons suspected of involvement in the killings by year's end.

b. Disappearance

There were many reported cases of disappearance, most as a result of the war. Government forces reportedly were responsible for the disappearance of many persons; in particular dozens of soldiers who disappeared after they were arrested following Laurent Kabila's assassination. Throughout the year, government security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody. Typical accounts described unidentified assailants who abducted, threatened, and often beat their victims before releasing them (see Sections 1.c. and 1.d.). Journalists and opposition members claimed that they were targets of such actions; however, there were fewer reports than in the previous year.

The bodies of many persons killed in the war were burned, dumped in rivers, or buried in mass graves that remain unopened. Neither side is known to have kept or released records of the identities of the persons whom its forces killed.

On May 15, Mai Mai forces kidnaped 30 foreign forestry company workers, including 23 Thai citizens, in Mangini, North Kivu Province. As conditions for the release of the hostages, the Mai Mai demanded representation at the ICD and the withdrawal of Ugandan and Rwandan forces from the country. In July the Mai Mai released the hostages without conditions after the intervention of Francois Lumumba, the president of a prominent opposition party and the son of the country's first Prime Minister, Patrice Lumumba.

Rebel forces reportedly were responsible for the disappearance of many persons. There were reports that these forces repeatedly failed to acknowledge detaining persons.

In July and August, 163 child soldiers, who Ugandan forces had taken to Uganda in 2000 for political education, were returned to the country and reunited with their families (see Section 5).

There have been no developments in the following 2000 cases: The May disappearance of human rights activist Ainakafota and two colleagues, who were arrested by Rwandan soldiers on charges of spying; and the April disappearance of Christian Ngongo Kasumba after his arrest by RCD soldiers.

Unlike in the previous year, there were no reports that Rwandan or Ugandan forces transferred Congolese prisoners to Rwanda or Uganda; however, credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government. Unlike in the previous year, there were no reports that UPDF troops abducted women from the villages they raided. There were confirmed reports that some Ugandan soldiers married Congolese women who later voluntarily left the country with their soldier husbands; there were no reports of forcible abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law forbids torture; however, security forces and prison officials used torture, and often beat prisoners in the process of arresting or interrogating them. The Government has not responded to charges of inmate abuse and repeated beatings by its security force and prison officials. Members of the security forces also raped, robbed, and extorted money from civilians; some abusers were prosecuted. Incidents of physical abuse by security forces occurred during the arrest or detention of political opponents, journalists, and persons believed to be responsible for the assassination of Laurent Kabila (see Sections 1.d. and 2.a.).

Unlike in the previous year, there were no recorded instances of torture, harassment, and theft committed against the residents of villages that surround Dingi-Dingi, the location of a FAC airfield that was under construction in 2000.

There were credible reports that suspects in the alleged Masasu coup plot in 2000 and in the January 16 assassination of Laurent Kabila were tortured to death at the GLM intelligence service detention center in Kinshasa before it was closed in March.

Security forces harassed, beat, and tortured journalists (see Section 2.a.).

Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police (see Section 5). There were credible reports that the FAC sexually exploited homeless girls.

Police used excessive force to disperse demonstrations (see Section 2.b.).

There was no known action taken against the members of the security forces responsible for torturing, beating,

or otherwise abusing the persons in the following cases from 2000: The November assault and shooting of Athanese Matenda Kyelu; the November beating of 10 students; the October beating and torture of 2 military court officials; the October detention and beatings of 7 members of the opposition Union for Democracy and Social Progress (UDPS); the May beating to death of Mukoko and the torture of his family; the May killing of Nsaiala Nkia Mbiyavange, beating of his parents, and rape of his sister; the April beating of Koyagialo Ahonzim Wasana; the April torture of Freddy Lomboto wa Lomboto; the March public raping of a young girl; the March beating of the president of the Front for the Survival of Democracy (FSD); the March beatings and torture of 2 refugees; the February torture and harassment of residents of villages surrounding Dingi-Dingi; the February torture and beating of Zuzi Phu Kuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of the human rights NGO *Justice Sans Frontiere*; the January torture of Freddy Loske Lisumbu, editor of the newspaper *La Libre Afrique*; the January death by torture of Iyela Mokolo; the January torture of UDPS activist Crispin Ipondo Banda; the January beatings of Christophe Kalonji Ntambwe and his wife; and the January torture of Albert Angbana Mate by the ANR.

There reportedly was no known action taken against members of the security forces responsible for torturing, beating, or otherwise abusing the persons in the following 1999 cases: The October case of Pascal Kusehuka, secretary general of the PALU opposition party for Bandundu Province; the September case of human rights NGO activist Wetemwani Katembo Merikas; the September case of Francois Mpoyi Mukandu, the legal advisor of the governor of Eastern Kasai Province, Marcel Mpuanga Mindu, who also was an attorney, and Ditutu bin Bwebwe, a court clerk; the July case of Professor Kambaj Wa Kambaji; the July case of Jean Marie Kashils of the Agence Congolaise de Presse and Bienvenu Tshiela of Kasai Horizon Radio Television; the June case of the owner of a dugout canoe known as Motinga; the June case of journalists for the daily newspaper *Tempete des Tropiques*; the May case of Colonel Ndoma Moteke; the May case of Christian Badibangi, president of the opposition party *Union Socialiste Congolaise*; the May case of eight members of the opposition *Parti Lumumbiste Unifie (PALU)* party; the April case of Lambert Edimba; the March case of a journalist; the March case of two female money changers; the February case of Professor Tshibangu Kalala; the February case of Luyinumu Lelo Koko and Jonas Ndoko; the February case of Toussaint Muhavu Shankulu; the January case of newspaper publisher Thierry Kyalumba; and the January case of human rights activists Christophe Bintu and Bienvenu Kasole.

There were reports that nongovernmental armed groups fighting on the side of the Government, and reportedly materially supported by the Government, tortured, raped, and otherwise physically abused many persons during the year (see Section 1.d.). Mai Mai guerillas reportedly killed persons by torture, including by mutilation and crucifixion (see Section 1.a.). There were reports that Interahamwe militia in South Kivu Province often raped women.

There also were numerous reports of torture by rebel forces in the occupied territories. On October 31, RCD forces arrested Jules Nteba Mbakumba, the president of Association Elimu, an NGO that conducts adult education in the country. The soldiers bound Nteba's hands and feet and beat him severely before releasing him later the same day; no reason was given for the arrest or torture.

There were some reports of killings and torture of prisoners by rebel forces; however, there were fewer reports than in the previous year. A number of prisoners reportedly died of suffocation after guards detained them in overcrowded shipping containers. Guards reportedly sealed the prisoners inside overcrowded containers without ventilation, then denied them all food and water, causing death by dehydration, suffocation, and exhaustion. This treatment reportedly was reserved for suspected Interahamwe or Mai Mai collaborators. RCD forces detained and beat NGO personnel and businessmen (see Section 1.d.). On March 15, RCD military commander Bernard, who is the brother of the Vice-Governor of North Kivu Province, arrested a policeman for making the Governor's vehicle wait in traffic. The policeman was taken to the Rumangabo RCD military camp where he was beaten and tortured. The policeman, whose name was not reported in order to protect his family, died from torture-related injuries.

Rwandan troops and RCD rebels also reportedly engaged in the rape of women in public and often in the presence of their families and in-laws. A woman raped in this manner generally is forced out of the village, leaving her husband and children behind (see Section 5). According to a number of credible human rights organizations, marauding bands of armed men in the occupied territories often put victims of rape through further abuse by inserting rocks, sharp sticks, and hot peppers into their vaginas. On May 15 in the village of Kinyogote, South Kivu Province, a group of RPA soldiers raped Jeanine Ruhembo and Ndole Sifa in the presence of their husbands and children. On July 17, in the village of Mwenga, South Kivu Province, RCD Commandant Pitchen forced Alexandrine Mwenga into his home and raped her repeatedly.

Numerous groups, particularly human rights groups, have reported that RPA troops and RCD rebels in the country targeted Catholic clergy for abuse. Abuses reportedly took the form of attacks on missions, the killings of priests, the rape of nuns, and the burning of churches (see Sections 2.c. and 5); however, there were fewer reports during the year.

No action reportedly was taken against the members of the RCD or the RPA who were responsible for torturing, beating, raping, or otherwise abusing the persons in the following cases from 2000: The October beating of 13 human rights activists in Bukavu; the August beating to death of Mbuyi Shibwabwa and Nyamulinduka Ndelo Zagabe; the July torture of Jules Saruti; the June rape of Fitina; the March torture of Kule Thatha; and the February raping of women in the village of Kilambo.

The Government operated 220 known prisons and other places of detention, and in all such facilities, conditions remained harsh and life threatening; there reportedly were many other secret or informal detention centers (see Sections 1.a. and 1.d.). Living conditions were harsh and unsanitary, and prisoners were treated poorly. The penal system suffered from severe shortages of funds, medical facilities, food, and trained personnel. Overcrowding and corruption in the prisons were widespread. Prisoners reportedly were beaten to

death, tortured, deprived of water, or starved to death. The Government provided food at some prisons, but not in sufficient quantities to ensure adequate nutrition for all inmates. Prisoners are dependent on the personal resources of family or friends for their survival. Guards have been known to steal food brought to prisoners. During the year, the Government continued to make limited efforts to improve conditions at Kinshasa's main prison, the Makala National Penitentiary and Reeducation Center. Inmates at Makala sleep on the floor without bedding and have no access to sanitation, potable water, or adequate health care. There were reports of guards forcing many prisoners into small cells with room only to stand. There are no toilets, forcing prisoners to urinate and defecate on the floor. Tuberculosis, red diarrhea, and other infectious diseases were widespread. According to credible reports, prison guards demand bribes to allow family members to bring food to prisoners. Prisoners also pay bribes to receive better treatment. Guards have shown a reluctance to release prisoners out of fear of losing part of their incomes. Women and juveniles generally were detained separately from men. Although authorities do not target women for abuse, prison guards have been reported to rape female inmates. Pretrial detainees, who generally were held in detention camps, were not separated from convicted prisoners. Political prisoners often were held separately from other prisoners.

The Government exacerbated the overcrowding of civilian prisons by incarcerating numerous soldiers believed to have been part of the alleged Masasu coup plot in 2000 or involved in the January assassination of Laurent Kabila. Security forces detained approximately 85 suspects involved in the assassination at Makala prison's Pavilion One where they were guarded by Zimbabwean soldiers to reduce the chance of escape (see Section 1.d.). At year's end, it was unknown how many soldiers continued to be detained in civilian prisons; however, local human rights NGO's claimed that up to 70 percent of the prisoners at Makala were soldiers.

On May 19, the Government released 400 inmates at Makala prison who were not guilty of violent crimes or attempts to overthrow the Government; the release reportedly reduced the inmate population at Makala to 2,072. Between July and September, the Government released 200 prisoners, including an unknown number of soldiers. The Government also released and returned to Uganda four Ugandan prisoners of war (POW's) in accordance with the Lusaka Accords.

The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison (see Section 1.e.); however, the ICRC was denied access to some regular detention facilities. The Government did not allow these organizations to visit the numerous unpublicized and unofficial detention sites scattered throughout the country where most newly arrested detainees were held, questioned, and sometimes subjected to abuse. The ICRC was denied access to these sites; however, the ICRC regularly visited a facility in Kinshasa where the Government provides shelter to Tutsis for their own protection. The ICRC is the only international NGO allowed to visit POW's.

Reports persisted that RCD/Goma forces frequently used the private residences of Rwandan or rebel military commanders for incarcerations. Reports from former detainees indicate a systematic pattern of beatings, undernourishment, and deliberate killings in these houses.

d. Arbitrary Arrest, Detention, or Exile

Despite legal provisions governing arrest and detention procedures, the security forces were responsible for numerous cases of arbitrary arrest and detention. Under the law, serious offenses (those punishable by more than 6 months' imprisonment) do not require a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status is empowered to authorize arrest. This status also is vested in senior officers of the security services. The law requires security forces to bring detainees to the police within 24 hours. The law also requires that detainees be charged within 24 hours and be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods. In practice these provisions were violated systematically. Security forces, especially those carrying out the orders of any official who could claim authority, used arbitrary arrest to intimidate outspoken opponents and journalists. Charges rarely were filed, and the legal basis for such detentions often was obscure. When the authorities did press charges, the claims that they filed sometimes were contrived or recitations of archaic colonial regulations.

Security forces arbitrarily arrested several members of the political opposition, although the number of such cases decreased from the previous year. On March 27, the same day the President announced that political activity would be liberalized, security forces arrested and detained briefly two UDPS members; no charges were filed. On July 20, security forces arrested several other UDPS members; all were released the following day. On December 5, authorities arrested UDPS members Modeste Sadiki Lutombo, J.B. Bomanza, J.S. Mwampata, Roger Kakonge, and Augustin Kadima Tshikala for submitting a request to hold a public rally without having submitted party registration papers (see Section 2.b.). They were charged with assault against state security, incitement to revolt, and sedition; all remained in detention in Makala prison awaiting trial at year's end.

Detention without charge has been a frequent problem under both Kabila administrations. There were many secret or unofficial detention centers in Kinshasa, some of which reportedly were run by the Office of the President; there were several reports of secret jails on the premises of the presidential palace (see Section 1.a.). On March 8, President Joseph Kabila announced the closure of all of the country's unofficial detention facilities, which security forces used in part to keep secret the identities and whereabouts of detainees; however, there were numerous, credible reports during the year that DEMIAP, ANR, the Marble Palace, Camp Kokolo, Ouagadougou, and other unofficial detention facilities continued to be used by the security forces. Conditions in such facilities were harsh, and there were numerous credible reports of abuse of detainees. There were fewer overall reports of detentions in such facilities than in previous years; however, the continued use of such facilities made it difficult for human rights organizations to monitor arrests and detentions.

The Government arrested approximately 85 persons believed to have been involved or complicit in the

assassination of Laurent Kabila, including General Yav Nawej, Colonel Eddy Kapend, and Kabila's driver and financial advisor; the Government summarily executed 11 Lebanese suspects (see Section 1.a.). All of those detained were denied due process. At year's end, these suspects and the family members of other suspects remained in detention at Makala prison without any charges filed against them, an opportunity to defend themselves in court, or access to attorneys. The suspects were not allowed to speak to each other, and access to family members was restricted severely. The two wives of Major Bora, who fled the country and reportedly is a prime suspect in the assassination, were among those detained in Makala prison at year's end. The Government claimed that the Commission of Inquiry's continuing efforts to gather evidence about the assassination through interrogations justified the ongoing detention of the suspects.

In late January, the Government arrested aide-de-camp Colonel Eddy Kapend and Army General Yav Nawej. They were not charged, and it was unclear whether they were arrested for involvement in the assassination or the execution of some of the suspects (see Section 1.a.) Both remained in detention at year's end.

Persons with origins in the Kivu Provinces were targeted for arrest following the assassination because Kabila's assassin and other suspected military collaborators came from the Kivus (see Section 1.a.). On January 26, security forces arrested Jeanine Mukaniwa, the vice president of the Promotion and Support of Women's Initiatives (PAIF), an NGO based in North Kivu Province, for suspected involvement in the assassination. Mukaniwa was detained at the DEMIAP military detention center and transferred to Makala prison on February 10; she was released later in February.

Security forces arrested numerous persons suspected of coup plotting against the Government; many were former soldiers and military officers from the Mobutu regime with ethnic origins in Mobutu's home province of Equateur. In January security forces arrested 11 former members of the Zairian Armed Forces (ex-FAZ) and a former Congolese Ambassador to Zambia for suspected coup plotting. After the April 15 discovery of an arms cache in Kinshasa's Ngaliema district, security agents arrested many civilians and ex-FAZ soldiers from the Mobutu regime. In September both groups of suspected coup plotters were sent before a military tribunal in Likasi, Katanga Province; although most were sentenced to hard labor or released, 13 persons were sentenced to death. However, none of those sentenced to death were executed by year's end.

The Joseph Kabila Government arrested several prominent human rights activists for publishing reports on government abuses. On February 6, security forces arrested Golden Misabiko of the African Human Rights Organization (ASADHO) for publishing a report on the execution of Commandant Masasu in 2000 (see Section 1.a.). On June 4, security forces arrested N'Sii Luanda Shandwe of the Committee of Human Rights Observers (CODHO) for investigating the arbitrary arrests and mistreatment of the families of suspects in the assassination, including the two wives of Major Bora. Misabiko and N'Sii were released in September. On January 3, security forces arrested Jean-Marie Rusimbuka of the U.N. Human Rights Office for allegedly investigating the 2000 execution of Masasu; Rusimbuka was released on January 10.

The Government continued to arrest and detain journalists; however, there were fewer reported cases than in previous years (see Section 2.a.).

After using excessive force to disperse demonstrations, police arrested protesters (see Section 2.b.).

The Government no longer followed a policy of arresting and detaining members of the Tutsi ethnic group without charge and merely on the basis of their ethnicity. Approximately 300 Tutsis who voluntarily entered a government protection site at the National Social Security Institute in Kinshasa remained there at year's end pending resettlement or reintegration into the community. However, information obtained late in the year indicated that the Government in 1998 arrested approximately 30 Tutsis, who remained in detention in Makala prison at year's end largely because of their ethnicity.

The Government released several persons during the year who were arrested in 2000. On January 8, Steve Mbikay, Secretary General of the Solidarity Union, was released. Security forces had arrested Mbikay in November 2000 as he left a union meeting with ONATRA, the Government's parastatal transportation company. On January 30, seven UDPS members, who were arrested in October 2000 and tortured by security forces, were released. On February 6, Placide Nkoso, a University of Kinshasa student arrested in July 2000, was released.

It also was reported during the year that the Government released several persons in late 2000 who were arrested in 2000. In late 2000, Crispin Ipondo Banda, who was arrested in January 2000, was released. In July 2000, authorities arrested Catherine Nzuzi, the president of the Popular Revolutionary Movement (MPR) opposition party, on charges of treason. Nzuzi, who was under house arrest for most of her detention, was released in December 2000.

In November 2000, police reportedly beat 10 students who intervened on behalf of two students arrested while carrying their lunches on the campus of the Institut Pedagogique National (IPN) in Kinshasa, because the police wanted the food. Several students were arrested. The following day approximately 800 students demonstrated to protest the incident; allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings. The commander of the police detachment reportedly was arrested and detained for questioning following the incident. However, no further information was available at year's end.

There were no reported developments in any of the following 2000 arrest cases: The October rearrest and subsequent execution of Commandant Masasu and 35 suspected collaborators; the July arrest and subsequent detention of Faustin Kamala, Deogratias Bihaire, and Thomas Kataala; the June arrest of Reverend Placide Tshisumpa Tshiakatumba, president of the International Society for Human Rights; the May

arrest and continued detention of Kinshasa University student Jean-Pierre Mofila Mbomb; the January arrest and detention of Jose Malika; and the January arrest and torture of Albert Angbana Mate.

In April 1999, members of the Presidential Guard arrested Ralph Biteo, because he had the facial features of a Tutsi, and Biteo's cousin Mirimo Mulongo; both were released in August 1999.

There were no developments in the following 1999 cases of arrest and detention: Tabu Kalaia, president of the Katangan provincial branch of the opposition UDPS party; Professor Kambaj wa Kambaji; Wetemwani Katembo Merikas, an activist with the youth-oriented human rights NGO Cojeski; and Innocent Kyuma.

Pretrial detention often was prolonged. In December there were credible reports that 70 percent of the 2,500 inmates and persons in detention at Makala prison were soldiers, most of whom still were awaiting trial at year's end. Human rights NGO's reported that less than 20 percent of the inmates at Makala prison had been charged or sentenced. The Government released more than 200 soldiers during the year, reportedly to make room for additional prisoners (see Section 1.c.).

The Government also held POW's. In September the Government released four Ugandan POW's in accordance with the Lusaka Accords. The Government claimed it no longer held any POW's at year's end.

There were many reported arbitrary arrests by antigovernment forces in the occupied territories, and these forces reportedly detained persons repeatedly. Many of those arrested reportedly were Hutus. On October 31, RCD forces detained and severely beat Jules Nteba Mbakumba, the president of Association Elimu, an NGO that conducts adult education in the country; he was released later that day. No reason was given for the detention and torture; however, RCD authorities previously had accused Association Elimu of using its computers to produce leaflets for the Mai Mai combatants.

Government soldiers captured by antigovernment forces reportedly were held by the RCD/Goma or MLC. Unlike in previous years, both groups allowed the ICRC to visit captured government soldiers.

There were no reported developments in any of the following 2000 cases involving arrest and detention by RCD forces: The October arrest and solitary confinement of Jean-Paul Ramazani Kulimushi, the director of the Congolese National Radio-Television (RTNC); the October arrest, beating, and detention of 13 human rights activists; and the July detention of 2 senior RCD/ML officials by RCD/ML forces.

The law prohibits forced exile, and the Government did not use it in practice.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice the judiciary was not independent of the executive branch, which manipulated it during the year. The Government failed to establish mechanisms to ensure the independence of the judiciary; a judicial reform decree, reportedly awaiting presidential approval since 1997, still had not been promulgated by year's end. The judiciary was ineffective and corrupt. The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, largely was dysfunctional. Military courts continued to try both military and civilian defendants.

Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings; however, the Government did not respect these rights in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, and except those cases adjudicated by the special military tribunals, whose jurisdiction is ill defined. The law provides for court-appointed counsel at state expense in capital cases, in all proceedings before the Supreme Court, and in other cases when requested by the court. In practice the Government did not respect fully these provisions. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently, and who also were trained poorly. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

Military courts, which are headed by a military judge and apply military law inherited from Belgium, try military and civilian defendants as directed by the Government, and tried nearly all cases during the year. There is no appeals process in the military courts, and the accused do not have a right to legal counsel, although counsel may be provided at the discretion of the military judge. The Government tried to ensure that most defendants were provided with legal counsel during the year. Sentencing guidelines also were inherited from Belgian military law; however, in practice military courts have broad discretion to go outside of these sentencing guidelines. Military courts, which are located in all military installations and in most urban areas, may be open to the public at the discretion of the military judge. The Government claimed that its use of military courts rather than civilian courts was a result of the ongoing war in the country.

During the year, the military courts sentenced civilians as well as military personnel to death after summary trials; however, death sentences from military trials were less frequent than in previous years, and the use of military courts to sentence civilians decreased. Military courts sentenced civilians to death for crimes against national security; however, unlike in previous years, civilians were not sentenced to death for non-violent offenses. No civilians who received death sentences were executed during the year. Military courts also sentenced to death military defendants charged with armed robbery, murder, inciting mutiny, espionage, and looting while in a state of mutiny. Human rights NGO's reported that six military defendants who received death sentences for violent crimes were executed early in the year.

In January the military court sentenced to death six child soldiers; however, their sentences were commuted following vigorous appeals from numerous human rights NGO's.

In September in Likasi, Katanga Province, the Government appointed counsel for 77 defendants on trial in the military court for plotting a coup; however, the Government did not provide the defense lawyers, who were based in Kinshasa, with transportation to Likasi. The Government did allow 12 lawyers funded by the ICRC and ASADHO to prepare defenses for the defendants. The military court acquitted 35 of the 77 defendants, sentenced 13 to death (5 of them in absentia), and sentenced the remaining 29 to varying periods of hard labor following a trial that lasted 1 week and included testimony from a single witness, who was from the ANR. The 35 who were acquitted were released; the remaining 42 remained in detention at year's end. None of the 13 defendants who received a death sentence were executed by year's end.

In January security forces arrested and summarily executed without trial 11 Lebanese citizens suspected of complicity in the assassination of Laurent Kabila (see Section 1.a.). Following the assassination, security forces arrested dozens of alleged suspects and the family members of alleged suspects; approximately 85 suspects remained in detention in Makala prison at year's end (see Section 1.d.). The Government did not charge formally any of these individuals, nor did it allow them access to counsel. No trial dates were announced by year's end.

The Government held some political prisoners, including suspects in the assassination and several human rights activists. The precise number of political prisoners could not be ascertained due to restrictions on access to prisons by independent monitors (see Section 1.c.). Most of the persons whom the Government incarcerated during the year for political offenses were detained without being tried (see Section 1.d.). The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison. The Government does not allow these organizations to visit the numerous other unofficial detention facilities scattered throughout the country. It is in these facilities that most recently arrested detainees are held, questioned, and often subjected to abuse.

In the territories occupied by the various rebel factions, particularly the RCD/Goma, the system of justice essentially remained nonfunctional. Judges and other public servants were not paid their salaries. There were credible reports of judges accepting bribes in return for favorable decisions. RCD/Goma officials and others with influence reportedly used the judicial system to arrest individuals on false charges to extract money and property from these individuals. Credible sources claim that higher RCD/Goma authorities reprimanded judges who refused to participate in such schemes. There also were documented cases of indiscriminate military justice in which persons suspected of treason were executed without a trial.

Officially, the RCD/Goma established measures to investigate and punish rebel soldiers guilty of committing atrocities against civilian populations. However, the initiative largely remained ignored and ineffective, and there were no reports that the RCD/Goma tried, convicted, or punished any of its troops for committing atrocities.

Persons reportedly incarcerated by rebel forces for political reasons generally were detained without being tried formally (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, members of the security forces routinely ignored these provisions in practice. Security force officials often harassed and robbed persons. Government security forces reduced but did not cease surveillance of the headquarters of opposition parties and the movements of leading opposition political figures (see Section 2.b.).

The security forces raided private businesses, such as newspapers, and arrested employees whom they accused of collaborating with rebel forces, although there were fewer reported cases than in previous years (see Sections 1.d. and 2.a.). Security forces routinely ignored requirements for search warrants, entering and searching at will.

Security agents forced their way into private homes without search or arrest warrants, often beating the inhabitants, stealing money and goods, and raping occupants. On November 30, four soldiers in an unmarked vehicle followed a Belgian couple to their home in the Binza neighborhood of Kinshasa. The soldiers forced their way into the house, stole money and other goods, and raped the couple's daughter.

There were no reports of raids of opposition party leaders' residences; however, soldiers continued to occupy opposition leader Antoine Gizenga's home, which military forces confiscated for political reasons in 2000. On April 23, during the festivities to celebrate the return to the country of opposition leader Etienne Tshisekedi, security forces reportedly commandeered a number of vehicles from Tshisekedi supporters and parked them three miles away.

Police often looted the homes of the persons they arrested and sometimes installed themselves in the homes of detainees (see Section 1.d.).

ANR security agents monitored mail passing through private express delivery companies as well as through the largely dysfunctional state mail service. The Government widely was believed to monitor telephone communications.

Government forces forcibly conscripted adults and children; however, there were fewer reports of such activity than in previous years, and the Government stopped encouraging the enlistment of children in paramilitary organizations (see Section 5.). Following the June visit of Olara Otunnu, the U.N. Special Representative for Children, the Government announced that it had ratified the Optional Protocol banning the participation in war of children under the age of 18. The Government cooperated with UNICEF to demobilize some child soldiers during the year, but many children already in the armed forces continued to serve. Unlike in previous years, there were no reports that the FAC forcibly conscripted homeless boys.

When unable to locate a specific individual, authorities often arrested or beat the closest family member (see Sections 1.a., 1.c., 1.d., and 1.e.). For example, the Government arrested dozens of the relatives of suspects in the Laurent Kabila assassination.

Some Mai Mai and Hutu militia units fighting on the side of the Government routinely seized private property and looted homes to supply themselves. Mai Mai and other progovernment groups reportedly recruited children from the areas in which they operated.

Antigovernment forces subjected civilians to arbitrary interference with privacy, family, home, and correspondence of civilians in the areas that their forces dominated (see Sections 1.a. and 1.c.). In the provinces of North and South Kivu, RCD rebels recruited children from the areas in which they operated, despite claims that they had stopped this practice (see Section 5). RCD/Goma and RPA soldiers abducted children and young men from markets, roadsides, and from their homes. They sent the unwilling recruits to military training camps both in the country and in Rwanda. Many child soldiers reportedly continued to serve in rebel armed forces.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Throughout the year, war continued with external intervention on both sides. The war began in August 1998, when former President Laurent Kabila tried to expel from the country Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis and the Governments of Rwanda, Uganda, and Burundi relied on these Rwandan forces for protection from hostile nongovernmental armed groups operating out of the eastern part of the country. These groups included: The Interahamwe militia of Hutus, mostly from Rwanda, Hutu members of the former Rwandan armed forces, and other Rwandan Hutu militiamen, some of whom took part in the 1994 genocide of Tutsis in Rwanda and who fought the Tutsi-dominated Government of Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which primarily fought Rwandan Government forces and their Congolese allies; the ADF, consisting of Ugandan opposition forces supported by the Government of Sudan, which largely was inactive during the year; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government of Burundi. Laurent Kabila's attempt to expel the Rwandan armed forces was frustrated by the outbreak in August 1998 of a rebellion, led by the RCD. The RCD/Goma was dominated by members of the Tutsi ethnic minority, but from the outset depended heavily on troops, material, and direction from the Government of Rwanda, and, to a lesser extent, the Government of Uganda. Military intervention by Angola, Chad, Namibia, and Zimbabwe resulted in the defeat of an RCD drive on Kinshasa in August 1998, but rebel forces advanced elsewhere.

In 1999 the rebels split into three factions: The Rwandan-supported faction of the RCD/Goma; the Ugandan-supported faction of RCD/ML; and the Ugandan-supported MLC, which unlike the original RCD was not dominated by ethnic Tutsis and instead drew most of its support from the population of Equateur Province. Elements of the armed forces of Rwanda and Uganda continued to operate inside the country in support of rebels, and elements of the armed forces of Burundi operated inside the country against armed groups of Hutus from Burundi. Elements of the armed forces of Angola and Zimbabwe continued to operate inside the country in support of the Government throughout the year. Chadian military forces withdrew in 1999. Namibian military forces withdrew in September. Nongovernmental armed groups such as the Interahamwe, former Rwandan Hutu military, and Mai Mai continued to operate inside the country on the side of the Government, often as guerrillas inside territory held by rebel forces. Cease-fire accords signed in July and August 1999 between progovernment and rebel forces were respected along the formal disengagement line during the year. However, the war in the eastern regions of the country between Rwandan and RCD forces on one side, and Mai Mai and Hutu militias on the other, continued and may have intensified. All sides repeatedly used excessive force and committed numerous abuses (see Sections 1.a., 1.b., 1.c., and 1.d.). An international humanitarian NGO estimated that as many as 2.5 million persons have died during the war mostly due to malnutrition and lack of health care (see Section 1.a.).

Unlike in previous years, government and progovernment forces did not bomb civilian populations during air raids against towns held by rebel forces.

Government security forces continued to use child soldiers but reduced the overall forcible recruitment of child soldiers during the year and cooperated with the U.N. to demobilize some child soldiers (see Sections 1.f. and 5).

There were reports that Mai Mai and Hutu guerrillas fighting on the side of the Government killed and tortured noncombatants (see Sections 1.a. and 1.c.).

There were some reports that elements of the RCD/Goma and RPA committed mass killings of noncombatants, allegedly in reprisal for attacks in the same area on RCD forces by Mai Mai or Hutu groups (see Section 1.a.). In addition Rwandan soldiers and RCD rebels reportedly engaged in dismembering their victims with machetes while they still were alive. There were numerous reports that Rwandan troops and RCD

rebels raped women (see Sections 1.c. and 5). According to numerous credible reports, rebel forces continued to recruit forcibly and use child soldiers (see Section 5).

Unlike in the previous year, there were no reports that Rwandan and Ugandan forces fought open battles in the streets of Kisangani.

The Government also held POW's, but released four Ugandan POW's in September. The Government claimed that it held no POW's at the end of the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the Government restricted this right in practice. Abuses continued at the instigation of the Government's various security services. The CPP's monitored persons' speech, association, and movement, in residential areas, workplaces, and schools, and reported speeches critical of the Government to security forces; however, they were less active than in previous years. Incidents of harassment, intimidation, and detention of journalists continued to occur, but violations of press freedom were less common than in previous years. During the year, government security forces arrested and detained 25 journalists compared with 37 in 2000; few of them were tried. One journalist remained incarcerated at year's end. Other journalists were subjected to harassment; three journalists stated that they were beaten by members of the security services, and one journalist claimed to have been tortured. The Government threatened to shut down several independent radio stations; however, previous bans on the transmission of some international radio broadcasts, including the Voice of America (VOA), were lifted. In addition the Government allowed two television stations to reopen. In general government authorities did not harass or expel foreign journalists; however, on July 24, police detained and questioned two foreign journalists who were observing an antigovernment demonstration in Kinshasa; the journalists were released after an hour.

Although approximately 400 newspapers were licensed to publish, no more than 30 appeared regularly in Kinshasa. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Of the Kinshasa-based newspapers, eight were dailies; the rest of the newspapers that appeared regularly were published between one and three times a week. Most private news publications relied on external financing, often from political parties and individual politicians. News publications tended to emphasize editorial commentary and analysis rather than factual descriptions of events; many were highly critical of the Government. There were no overtly government-controlled newspapers; however, at least two newspapers, *L'Avenir* and *L'Observateur*, were supported by the Office of the President and the Ministry of Foreign Affairs respectively. *Le Forum* and *Le Palmares* had close ties to the security services. Of these, only *Le Palmares* and *L'Avenir* were published daily.

A 1996 Press law regulates the newspaper industry. Publishers are required to deposit copies of their publications with the Ministry of Communication; however, there no longer is a formal censorship regime. Criminal libel laws exist, and at least one foreign resident during the year brought libel charges against local journalists, who reportedly accepted bribes to publish false accusations against the director of a foreign bank. In most cases where journalists were arrested, state authorities charged them with "endangering the State" or "insulting the military" through the publication or broadcast of political news or news of the war. Charges often were brought under the press law; however, the Government had not published the law in 5 years, and many of the judges, as well as the journalists on trial, were unfamiliar with it. Government officials criticized or implicated in fraudulent practices by the press have encouraged police to arrest the journalists responsible for such stories.

Unlike in the previous year, government security forces did not seize printing equipment, individual issues of various newspapers, or newspapers from street vendors to prevent circulation of articles deemed damaging to the Government.

On February 28, security forces arrested Guy Kasongo, editor of the satirical journal *Pot Pourri*, allegedly for publishing unflattering cartoons of the Minister of the Interior. Kasongo, who was beaten severely with lashes and metal bars before his March 22 release, never was charged or brought before a judicial official.

On March 16, security forces arrested *La Vision* newspaper journalist Kinyongo Saley for writing an article that accused Kakudji of profiting from the war. Saley was released shortly after his arrest and reportedly went into hiding.

On May 18, the civilian criminal court sentenced in absentia *Le Post* newspaper journalist Mukebayi Nkoso to 3 months in prison for writing an article accusing former Minister of Information Dominique Sakombi of stealing \$200,000 during the Government's confiscation of the privately-owned TKM television station in 2000. The sentence was not carried out by year's end.

Some arrests of journalists were arbitrary. On July 17, the four managing editors of the government-sponsored newspaper *L'Avenir* were arrested and detained briefly. The four claimed that they did not know why they had been arrested.

Feu d'or Bosange Ifonge, a music reporter who was arrested in 1999, fled to Brazzaville, Republic of the Congo, where he died of unknown causes in September.

Unlike in the previous year, the Government did not harass foreign journalists and academics by detaining them for questioning or searching their luggage for professional notes to prevent their departure from the country.

Due to limited literacy and the high costs of newspapers and television, radio remained the most important medium of public information. At year's end, 10 radio stations were in operation in Kinshasa; 2 of the stations were state-owned and government-controlled. Opposition parties were unable to gain access to state-owned radio, and private radio was markedly less critical of the Government than private newspapers. During the year, the Government threatened to shut down private radio stations, allegedly because they were not compliant with administrative requirements of the Press law; however, no stations were closed by year's end. In 2000 the Government nationalized two private radio stations because they broadcast news unfavorable to the Government or commentary critical of the Government; however, on October 15, the radio stations returned to private management.

Seven television stations broadcast in the Kinshasa area, three of which were state-controlled and two of which were religious. In October the Ministry of Information announced that it had denationalized three broadcast corporations, including RTKM and two television stations owned by rebel leader Jean-Pierre Bemba. Opposition parties generally remained unable to gain access to state-controlled television. However, during preparatory meetings for the ICD, the comments of some opposition and rebel leaders were broadcast on state television (see Section 3).

The Government reversed its position on restricting foreign broadcasts during the year. In 1999 then-Information Minister Didier Mumengi ordered privately owned radio and television stations to cease transmitting foreign broadcasts. The order was aimed at Elikya, a Catholic radio station that transmits Radio Vatican, and at Raga FM, which broadcasts VOA, the British Broadcasting Corporation (BBC) World Service, and Deutsche Welle. During the year, Communications Minister Kikaya Bin Karubi worked with VOA to lift the ban; both VOA and BBC resumed broadcasting in Kinshasa by year's end. Radio France Internationale continued to broadcast from nearby Brazzaville throughout the year.

At year's end, there were two domestic Internet service providers. Because of technical difficulties and high costs, the Internet was not used widely; however, no restrictions were imposed on Internet use.

Some rebel forces, including the RCD/Goma, reportedly restricted freedom of speech and of the press. However, there were some independent media organizations in areas controlled by the RCD/Goma, most notably Catholic Church-sponsored news agencies such as MISNA. Radio Maendeleo in Bukavu, South Kivu Province, resumed broadcasts on January 1; in 1999 RCD/Goma security forces in Bukavu had seized the radio transmitter and other equipment from the private radio station, effectively taking it off the air.

Rebel forces reportedly continued to arrest journalists. On September 19, RCD/Goma authorities questioned Nicaise Kibel Bel, editor for Les Coulisses, who published several reports that criticized the rebel movement. In late October, RCD/Goma authorities arrested without charge Les Coulisses reporter Kisanga Yenga upon his return from the ICD conference in Ethiopia. Yenga was released on November 3, and no explanation for his arrest was provided.

Academic freedom continued to be restricted as professors (who are public servants) exercised self-censorship or modified their lectures to suit the views of their patrons in the Government. Faculty members complained that members of the Government took a strong interest in activities at their universities. However, unlike in previous years, the CPP's did not monitor classroom activities, and there were no reports that students were arrested for questioning the Government, contacting foreigners, or organizing peaceful strikes. However, between December 3 and 8, students at the University of Lubumbashi protested against school fees; two of the students were arrested and remained in detention without charge at year's end. On December 13, several students at the University of Kinshasa were arrested for organizing a violent protest against school fees that resulted in the deaths of three policemen. Eight students remained in detention without charge in Makala prison at year's end.

b. Freedom of Peaceful Assembly and Association

There is no legal protection for freedom of assembly, and the Government continued to restrict this right severely. The Government considered the right to assemble to be subordinate to the maintenance of "public order." The Government requires all organizers to apply for permits, which are granted or rejected at the Government's discretion. Public activities generally were dispersed by government security services. The Government required political parties to apply for permits to hold press conferences; such permits frequently were denied.

Security forces prevented political party press conferences and rallies on several occasions, including a July 24 attempt by several political parties, including the UDPS, MPR, and the New Forces for Union and Solidarity (FONUS), to hold a joint opposition press conference calling for the resumption of the ICD dialog. Hours before the event, armed police barricaded the door to the church assembly hall where the press conference was scheduled to occur. The Government claimed that the parties had not registered with the Ministry of Interior, as required by the May 17 law on political activity; however, the parties stated that they had registered under the Mobutu government and should not be required to reregister.

On July 30, heavily armed police dispersed an opposition march and arrested 40 protesters. Prior to the march, the Government had issued televised warnings against participating in the march, shut down several

means of transport into the city, and deployed police units at key intersections along the march route.

In August security forces detained 24 members of FONUS at Ndjili airport in Kinshasa, where other FONUS members had gathered to greet ICD delegates returning from preparatory meetings in Gaborone, Botswana. No charges were filed, and the activists were released within 1 week.

There were fewer government-sponsored demonstrations than in the previous year, when authorities sanctioned violent demonstrations against foreign embassies and U.N. offices.

The law provides no protection for freedom of association, and the Government severely restricted this right. Upon assuming power in 1997, Laurent Kabila suspended political party activities but not political parties themselves. In 1999 Laurent Kabila issued Decree No. 194 that partially lifted the ban on political party activities; however, the decree allows the Interior Minister to ban parties arbitrarily, and requires that legally recognized parties have members from all provinces, a requirement that could not be satisfied under war conditions. In May the Government revised the law on political activity to allow legally registered parties to operate freely; however, the Government continued to block some activities, including press conferences. Critics charged that the Government's arbitrary interpretation and implementation of the new law was used to control unwanted political activity. The new law on political activity allows anyone to form a political party by registering with the Minister of Interior; however, the law requires that all political parties, including existing parties, register. According to the Government, more than 100 parties, all reportedly progovernment, registered during the year. The Government attempted to force the UDPS and other parties to register with the Ministry in compliance with the law. The UDPS and several other opposition parties refused to register on the grounds that they had registered under the Mobutu government and should not be required to reregister.

Political party offices generally remained open, and parties continued internal administrative functions. Unlike in previous years, opposition parties were able to hold private meetings without government harassment; however, the Government effectively prevented most public political gatherings and press conferences. Despite governmental restrictions, political parties became more active during the year in preparation for the ICD. Government harassment of various political parties decreased during the year. For example, unlike in the previous year, there were no reports that security forces surveilled, padlocked, or patrolled the headquarters of opposition parties. Unlike in the previous year, there were no reports that the Government prevented opposition party members from traveling (see Section 2.d.).

Unlike in previous years, the CPP's had no role in deciding which political activities could occur.

Unlike in previous years, when the Government appointed members of the political opposition to senior positions to gain legitimacy and weaken the opposition, President Joseph Kabila did not include any opposition politicians in the Government.

NGO's are required to register with the Minister of Justice and file copies of internal regulations and descriptions of their organizational structure. In 1999 President Laurent Kabila promulgated a decree that restricted the activities of NGO's, including religious organizations, by establishing requirements for their activities. However, some existing organizations were exempt, and the decree was not enforced during the year.

Unlike in the previous year, security forces did not arrest individuals who visited foreign embassies or contacted NGO's (see Section 4).

Rebel forces continued to restrict freedom of assembly and association in the areas that they controlled. On September 13, RCD/Goma troops opened fire on demonstrators in Bukavu who were protesting the RCD rebel movement's refusal to allow the Government to pay salary arrears to Congolese civil servants in the rebel-held areas. One student was killed and several persons were injured in the incident.

c. Freedom of Religion

Although there is no constitution currently in effect, the Government generally respected freedom of religion in practice, provided that worshipers neither disturbed public order nor contradicted commonly held morals; however, government forces committed some abuses.

The establishment and operation of religious institutions is provided for and regulated through a statutory order on the Regulation of Non-profit Associations and Public Utility Institutions. Requirements for the establishment of a religious organization are simple and generally are not subject to abuse. Exemption from taxation is among the benefits granted to religious organizations. The law grants civil servants the power to establish and 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 Jehovah's Witnesses; that suspension subsequently was reversed by a court. Although this law restricts the process for official recognition, officially recognized religions are free to establish places of worship and to train clergy. In practice religious groups that are not recognized also worship freely.

In January 1999, President Laurent Kabila promulgated a decree that restricts the activities of NGO's, including religious organizations, by establishing requirements for them; however, existing religious organizations were exempt, and the decree was not enforced.

Although the Government required foreign religious groups to obtain the approval of the President through the

Minister of Justice, foreign religious groups generally operate without restriction once they receive approval from the Government. Many recognized churches have external ties, and foreign missionaries are allowed to proselytize. The Government generally did not interfere with foreign missionaries. However, security forces committed general human rights abuses against missionaries.

While the Government is tolerant in matters of religion, some abuses occurred in government-controlled areas as a result of the war, although there were fewer reported abuses than in previous years. These abuses, usually the ransacking of churches and the pilfering of church property, generally were committed by undisciplined government troops.

In December 2000, the military intelligence unit DEMIAP arrested Cyrien Mbuka, the Roman Catholic Bishop of Boma, in Bas-Congo Province, allegedly on charges of engaging in subversive activities. It is believed that his arrest was due to conflicts within the parish. On January 9, Cardinal Frederic Etsou issued a press release in which he protested Bishop Mbuka's arrest and that of other bishops during 2000. Mbuka was released on January 10.

In areas of the country under the military occupation of Rwanda, and their respective rebel clients, respect for religious freedom continued to be poor. RCD rebels and their Rwandan allies committed significant abuses in these areas. Credible reports indicate that RCD and Rwandan troops deliberately targeted Catholic churches as a means of both intimidating the local population and in retaliation for the Church's perceived role in the 1994 genocide in Rwanda. Abuses reportedly took the form of attacks on missions, the killings of priests, the rape of nuns, and the burning of churches; however, there were fewer reports of these types of abuses than in previous years.

Between February and September 2000, RCD rebels and Rwandan authorities kept Archbishop Kataliko of Bukavu in exile in the Kivu provinces because they suspected him of condoning resistance to the rebellion. These authorities only allowed the Archbishop's return to Bukavu in September 2000 following significant international pressure. The Archbishop died of a heart attack the following month while in Rome.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law allows for freedom of movement; however, in previous years, the Government, and in particular the security forces acting independently, restricted this freedom, and the Government increased its restrictions after the war began. In March President Joseph Kabila announced that all Congolese citizens were free to circulate with their goods throughout the country in accordance with the Lusaka Peace Accords. The Government generally honored its stated commitment to freedom of movement for the remainder of the year; however, some travel restrictions continued in government-controlled territory, and severe travel restrictions continued in rebel-controlled areas. Movement between the two zones was hazardous and sometimes impossible.

Immediately following the January 16 assassination of Laurent Kabila, the Government imposed a country-wide curfew, closed Ndjili airport, and halted traffic on the Congo River. All travel restrictions were lifted by January 29, and there were no other curfews in effect during the year.

In Kinshasa the practice of police and soldiers erecting roadblocks to harass or extract bribes from taxibus drivers and passengers decreased during the year. Roadblocks still were in use, but usually to protect government installations. The Government created a new force of armed military police, recognizable by their red berets. They occasionally stopped civilian vehicles at roadblocks for security checks or pulled over civilian vehicles, usually for traffic violations or for exceeding their legal carrying capacity; however, their precise function was unclear.

During the year, the Government prevented commercial and passenger travel on the Congo River allegedly for security reasons. MONUC negotiated the passage of some of its own goods, including two fuel barges, and escorted several humanitarian convoys up the River; however, commercial and passenger travel had not resumed by year's end.

Unlike in the previous year, the Government did not impede the travel of political party members, journalists, and local NGO representatives into and out of government-controlled areas of the country. The Government also allowed opposition members and journalists to travel to rebel-controlled territories. In July opposition leader Francois Lumumba was permitted to travel to Butembo to negotiate the release of Thai citizens who were held hostage by a Mai Mai group. In early September, several journalists from Kinshasa accepted an invitation from the RCD/Goma to visit cities under its control, as well as Kigali, Rwanda. The Government also allowed NGO activists from the areas of the country occupied by the rebels to attend conferences in Kinshasa.

The significant risk of rape, sometimes perpetrated by uniformed men, restricted freedom of movement at night for women in some neighborhoods. Groups of citizens implemented neighborhood watch programs, but women in some parts of Kinshasa and Lubumbashi did not leave their homes at night due to fear of attack.

The Government required exit visas for all foreign travel. No data on the refusal rate for exit visa applications was available. Noncitizens reportedly were required to obtain exit permits before leaving the country. The Government allowed opposition members and journalists to travel to leave the country; ICD participants were able to travel freely to meetings in Gaborone, Botswana, and Addis Ababa, Ethiopia (see Section 3). Several opposition leaders, including UDPS party leader Tshisekedi, reported during the year that the Government refused to issue new passports to them; the Government claimed that it was unable to issue the passports because of a shortage of passport booklets. Tshisekedi traveled on alternate documents during the year and

later obtained a passport. In 2000 the Government had confiscated the passports of numerous individuals, including Joseph Olenghankoy, Christophe Lutundula Apala, Francois Lumumba, and Catherine Nzuzi; however, all passports had been returned by year's end. Unlike in the previous year, the Government did not prevent the travel of foreign journalists by delaying their departure.

Freedom of movement in the rebel-controlled territories was restricted severely during the year as a result of fighting between the rebels, Rwandan and Ugandan forces, the Mai Mai, and Hutu militias. In the eastern portion of the country, rebel forces prevented travel and harassed travelers. Rebel forces also imposed travel restrictions on NGO's (see Section 4). Travel directly across the war front often was inconvenient and sometimes impossible, except by U.N. aircraft. Commercial flights between government-controlled and rebel-controlled territories did not resume during the year. Humanitarian shipments between Kinshasa and rebel-held Kisangani resumed by river in August.

An international human rights NGO estimates that there are approximately 1.5 million IDP's in the country. There are many camps for IDP's, especially in the eastern half of the country; however, unlike in previous years, there were no reports that IDP camps were attacked by government or rebel forces. Throughout the year in the Ituri district of Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting continued between members of the Lendu and Hema ethnic groups, which reportedly resulted in thousands of IDP's (see Sections 1.a. and 5).

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum. Refugees were accepted into the country from the Central African Republic and Angola during the year. Approximately 360,000 refugees from neighboring countries, including the Central African Republic, Rwanda, Burundi, Angola, Uganda, and Sudan, lived in the country. There were no known reports of the forced return of persons to a country where they feared persecution.

According to the U.N., approximately 340,000 Congolese refugees lived in neighboring countries during the year, including approximately 80,000 in the Republic of the Congo and 120,000 in Tanzania.

The Government's cooperation with the U.N. High Commissioner for Refugees (UNHCR) and other international agencies improved during the year; the Government generally allowed humanitarian workers free access to affected populations in most areas under its control (see Section 4).

The UNHCR cooperated with NGO's and rebel forces in voluntarily repatriating Rwandan Hutus to Rwanda.

In the eastern portion of the country, rebel forces reportedly prevented travel and harassed travelers. Several NGO's and journalists in the eastern provinces reported that they had difficulty returning home after attending conferences in government-controlled territory or outside the country (see Section 2.a.).

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens do not have the right to change their government peacefully. Citizens have not been able to change their government through free elections since independence in 1960. In his May 1997 inaugural address, President Laurent Kabila promised a constitution and elections by 1999; however, the 1998 outbreak of war effectively prevented the holding of national elections. The Government did not pursue the ratification of the proposed constitution drafted in 1998; after it was disseminated in 1998 to the press, many leaders of political parties, NGO's, and religious organizations criticized it as undemocratic.

On January 16, President Laurent Desire Kabila, whose AFDL overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997, was assassinated by one of his guards. On January 26, the Government installed his son Joseph Kabila as President. Joseph Kabila ruled by decree, and the Government continued to operate without a constitution. The cease-fire accords signed in July and August 1999 at Lusaka, Zambia, between the Government, progovernment, and antigovernment forces called for an open national dialog among all political parties and civil society groups. However, in 2000 the Government repeatedly used its power to stifle any meaningful dialog. After becoming president, Joseph Kabila reengaged the Government in the peace process and the creation of the dialog. According to the 1999 Lusaka Accords, the ICD is to establish a new transitional political framework in preparation for elections. Between August 20 and 24, a successful preparatory meeting for the ICD was held in Gaborone, Botswana; on October 15, the ICD itself began in Addis Ababa, Ethiopia. Representatives of the Government, RCD, MLC, civil society, and political parties participated in both meetings. While no agreement was reached by year's end, the participants agreed to resume the dialog in South Africa in February 2002.

In March 2000, church groups attempted to hold a National Consultation, an initiative that the Government seized to carry out its own agenda; it filled meetings with its own supporters. Despite the Government's effort to control the National Consultation, the body did not accept the Government's agenda. In April 2000, the delegates presented President Laurent Kabila with a list of recommendations. The delegates urged the Government to release political prisoners, open the political process, abolish the CPP's, and free jailed journalists. The Government ignored these recommendations and instead turned to the guidance provided by its own delegates, which in essence urged the President to ignore key provisions of the Lusaka Accords.

In 2000 the Government created the Constituent and Legislative Assembly to draft a new constitution, prepare a national budget, and approve decrees and motions handed down by the President. The Government appointed members of the Assembly based on past services to President Laurent Kabila and loyalty to the Kabila regime. During the year, the Assembly continued to meet but did not have a significant role in governing

the country.

In previous years, the Government did not ban political parties but did impose severe restrictions on their activities and enforced these restrictions with torture, arrests, detentions, surveillance, raids, and limits on freedom of movement (see Sections 1.c., 1.d., 2.b., and 2.d.). On May 17, the Government revised the law on political activity to allow legally registered parties to operate freely; however, the Government continued to block some activities including press conferences (see Section 2.b.). The Government also continued to arrest political activists for engaging in political activity, although there were fewer cases of such arrests than in previous years (see Section 1.d.).

The State continued to be highly centralized in many ways. The central government executive in Kinshasa generally appointed governors, but once in the provinces they had considerable autonomy, due in part to poor communications and transportation infrastructure. Territorial administrators also were appointed from Kinshasa. Provincial government resources, both financial and logistical, almost exclusively have come from Kinshasa since Laurent Kabila took control of the Government in 1997. President Joseph Kabila continued his father's practice of filling a disproportionate number of government positions with persons from his home province of Katanga, and specifically from his Muluba ethnic group. However, overall the President formed a more geographically representative cabinet than his father's in the previous year.

The percentages of women or minorities in government and politics do not correspond to their percentages of the population; however, there are no official restrictions on the participation of women or minorities in politics. There are few women in senior positions in the Government or in political parties. There were four female ministers in the Cabinet at year's end. Pygmies were unrepresented in the political process. There were no Muslims represented in senior positions in the Government or in political parties.

The rebel movements established civil administrations in the areas they controlled, including appointment of provincial governors and issuance of visas for foreigners to travel into their areas. Rebel authorities reportedly began training police forces. Rebels appointed local officials rather than holding elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international local human rights NGO's continued to investigate and publish their findings on human rights cases; however, these activities took place in the context of some government harassment. The Government arrested several human rights activists after they published reports on government abuses, including Golden Misabiko of ASADHO and N'Sii of CODHO (see Section 1.d.). However, there was a significant decline in the overall level of government harassment of human rights activists from the previous year, and unlike in the previous year, there were no reported attacks on human rights NGO's.

The main domestic human rights organizations operating in the country include Comité Droits de l'Homme Maintenant, a national network of human rights organizations; la Voix des Sans Voix (VSV), an active Kinshasa-based organization; Groupe Jérémie and Groupe Amos, two Christian-inspired groups that focus on human rights and democracy problems; CODHO, a human rights monitoring group; Toques Noires, an association of lawyers and judges involved with human rights; and Association de Défense des Droits de l'Homme. In addition numerous groups were active that are involved with development and with specific problems such as voter education and women's rights.

International human rights and democracy NGO's operating in Kinshasa included the International Human Rights Law Group, the International Foundation for Elections Systems, Search for Common Ground, and the National Democratic Institute. Representatives of other international human rights and democracy NGO's, such as Human Rights Watch Africa and the National Endowment for Democracy, visited the country (including rebel-held areas) during the year.

On January 3, security forces arrested Jean-Marie Rusimbuka of the U.N. Human Rights Office for allegedly investigating the 2000 execution of Masasu; Rusimbuka was released on January 10.

Unlike in the previous year, the Government did not obstruct the travel of MONUC personnel or deny NGO workers humanitarian access to areas under its control (see Section 2.d.).

U.N. Special Rapporteur for Human Rights in the Democratic Republic of the Congo, Roberto Garreton, visited the country in March and July.

In April six ICRC employees were killed in Ituri district in Orientale Province, where fighting between the Hema and Lendu ethnic groups continued during the year (see Sections 1.a and 5). Credible reports indicated that Hema warriors killed the ICRC workers and had tried to make the Lendu appear responsible. Shortly before the attack, Hema leaders reportedly had accused the ICRC of favoritism toward the Lendu. Some reports indicated that UPDF forces, which controlled the road along which the ICRC vehicle was traveling, also may have been complicit in the attack. In May the ICRC suspended all field activities in the Ituri district; operations remained suspended at year's end.

Human rights groups and members of political, religious, and other nongovernmental organizations in the parts of the country held by rebel forces continued to be harassed and detained on suspicion of helping the Government; however, such incidents reportedly decreased during the year.

Rebel forces permitted humanitarian NGO's to work in areas they controlled.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The previous constitutions prohibited discrimination based on ethnicity, sex, or religious affiliation; however, the Government did not enforce these prohibitions effectively and continued to act with prejudice against members of the Tutsi ethnic group. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women, Tutsis, Muslims, and the indigenous Pygmy (Batwa) people.

Women

Domestic violence against women, including rape, is common, but there are no known government or NGO statistics on the extent of this violence. The police rarely intervened in domestic disputes. Rape is a crime, but the press rarely reported incidents of violence against women or children. Press reports of rape generally appear only if it occurs in conjunction with another crime or if the crime allegedly was committed by Rwandan, Ugandan, or Burundian troops in rebel-controlled areas of the country (see Section 1.c.).

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.

Prostitution is not a crime (except for children under the age of 14), and there has been an increase in prostitution due to poor economic conditions. Women sometimes are forced into prostitution by their families out of economic necessity. There was no information available as to the extent of prostitution in the country.

Women are relegated to a secondary role in society. They constitute the majority of primary agricultural laborers and small-scale traders and almost exclusively are responsible for child rearing. In the nontraditional sector, women commonly receive less pay for comparable work. Only rarely do they occupy positions of authority or high responsibility. Women also tend to receive less education than men. Women are required by law to obtain their spouse's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a widow to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce. In practice sometimes consistent with customary law, women are denied these rights. Widows commonly are stripped of all possessions—as well as their dependent children—by the deceased husband's family. Human rights groups and church organizations are working to combat this custom, but there generally is no government intervention or legal recourse available. In addition women often do not realize that they can improve their legal claims by obtaining official documents that declare them to be married legally to a man. Women also are denied custody of their children in divorce cases, but they retain the right to visit them. Polygyny is practiced, although it is illegal. Father-child relationships resulting from polygynous unions are recognized legally, but only the first wife is recognized legally as a spouse.

There were a number of active and effective women's groups in both the government-controlled and rebel-controlled areas of the country.

Children

Government spending on children's programs almost is nonexistent. Primary school education is not compulsory, free, or universal. Primary school enrollment rates decreased to less than 50 percent during the year from less than 70 percent in 2000. In public schools, parents are required formally to pay a small fee, but parents often are expected informally to pay teachers' salaries. Extremely poor economic circumstances often hamper parents' ability to afford these added expenses, meaning that children may not be able to attend school. Most schools function only in areas where parents have formed cooperatives. Widespread poverty puts basic education out of the 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 (see Section 6.d.). In both the government-controlled and 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.

The number of orphans and street children increased during the year. Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police. On August 15, police shot and killed one street child for shoplifting in Kinshasa's central market. This provoked a riot during which police arrested dozens of street children. Public sentiment for the most part rested with the police, since the Kinshasa population is distrustful of street children. There were credible reports that the FAC sexually exploited homeless girls.

There were no documented cases in which security agents or others targeted children for specific abuse, although children were affected by the same generalized social disorder and widespread disregard for human rights that impact society as a whole. These conditions sometimes make it impossible for parents to meet their children's basic human needs.

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 the year that girls as young as 8 years of age were forced into prostitution to earn money for their families (see Sections 6.c.

and 6.d.).

There were reports of trafficking in children (see Section 6.f.).

Child labor is common (see Section 6.d.).

Human rights organizations estimate that there are 6,000 child soldiers serving in the country. Following the June visit of Olara Otunnu, the U.N. Special Representative for Children, the Government announced that it had ratified the Optional Protocol banning the participation in war of children under the age of 18. The Government recruited fewer children than in previous years and stopped encouraging the enlistment of children in paramilitary organizations; however, the FAC continued to use child soldiers. The Government has stated its intention to demobilize all child soldiers once the war is over, and in December it released a group of 235 child soldiers into the care of the U.N. Unlike in previous years, there were no reports that the FAC forcibly conscripted homeless boys.

Rebel forces reportedly continued to recruit child soldiers, particularly in the areas controlled by Rwandan and Ugandan forces, and to use child soldiers already in service (see Sections 1.f. and 6.c.). Credible reports indicated that rebel forces forcibly conscripted boys as young as age 10, and that RCD/Goma forces established recruitment quotas for its field commanders and senior party leadership. RCD/Goma leader Adolphe Onusumba claimed the RCD was attempting to demobilize its child soldiers, but there were numerous credible reports that the RCD continued to conscript child soldiers and to send the unwilling recruits to military training camps in both the country and Rwanda. Escaped child soldiers from Camp Mushaki in North Kivu Province, the best known camp of this type, described their forced conscription and subsequent training at this camp to NGO personnel. In July and August, 163 child soldiers who had been taken to Uganda in 2000 by Ugandan forces, were returned to the country and reunited with their families.

Credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government. Unlike in the previous year, there were no reports that UPDF troops abducted women from the villages they raided. There were confirmed reports that some Ugandan soldiers married Congolese women who later voluntarily left the country with their soldier husbands; there were no reports of forcible abductions.

FGM is performed primarily on girls among isolated groups (see Section 5, Women).

Persons with Disabilities

The law does not mandate accessibility to buildings or government services for persons with disabilities. There are some special schools, many staffed with missionaries, that use private funds and limited public support to provide education and vocational training to students who are blind or have physical disabilities.

Persons with disabilities are subject to discrimination in employment, education, and the provision of other government services. Persons with disabilities are exempt from some civil laws, such as paying some taxes or in some cases paying customs duties.

Indigenous People

There is a population of fewer than 10,000 Pygmies (Batwa), who are believed to have been the country's original inhabitants; societal discrimination against them continued. Although they are citizens, most Pygmies continued to live in remote areas and took no part in the political process.

Religious Minorities

Approximately 50 percent of the population are Roman Catholic, 20 percent are Protestant or Kimbanguist, and 10 percent are Muslim. Approximately 20 percent practice traditional indigenous religions exclusively. Many persons practice elements of both traditional indigenous religions and Christianity or Islam.

In June in the Aru district of Orientale Province, several hundred persons were killed because they were accused of practicing witchcraft (see Section 1.a.).

National/Racial/Ethnic Minorities

There are 200 separate ethnic groups, which generally are concentrated regionally and speak distinct primary languages. There is no majority ethnic group; the four largest ethnic groups are the Mongo, Luba, Kongo, and Angbetu-Azande, who together make up approximately 45 percent of the population. Four indigenous languages, Kiswahili, Lingala, Kikongo, and Tshiluba have official status. French is the language of government, commerce, and education.

Societal discrimination on the basis of ethnicity is practiced widely by members of virtually all ethnic groups and is evident in private hiring and buying patterns and in patterns of de facto ethnic segregation in some cities; however, intermarriage across major ethnic and regional divides is common in large cities. The longstanding violent conflict between the Tutsi and Hutu ethnic groups continued inside the country.

President Joseph Kabila continued his father's practice of filling a disproportionate number of government positions with persons from his home province of Katanga and specifically from his Muluba ethnic group. Katangans in the FAC substantially were more likely both to be promoted and to be paid than persons from other regions. Since the beginning of the war, Tutsis have been absent from the Government. However, overall Joseph Kabila has formed a more geographically representative cabinet than his father's in the previous year.

Birth on national territory does not necessarily confer citizenship. The Government does not recognize the citizenship claims of longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis. According to some accounts, resentment of their noncitizen status contributed to the participation of many Tutsi residents of the country in the RCD rebellion against Laurent Kabila.

Since the start of the war in August 1998, ethnic Tutsis have been subjected to serious abuses, both in the capital and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime; however, these abuses decreased somewhat during the year (see Section 1.d.). Human rights groups increasingly complained that the killing of and other human rights violations against Congolese civilians by persons perceived to be of Tutsi ethnicity and their supporters presented an increasing problem. The Government materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed both unarmed and armed Tutsis in areas militarily dominated by antigovernment forces.

In April 1999, members of the Presidential Guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi. Members of the Presidential Guard then also arrested Biteo's cousin Mirimo Mulongo. Both Biteo and Mulongo were released in August 1999.

Allegations in state-owned and progovernment media that European governments supported antigovernment forces decreased considerably during the year.

Unlike in the previous year, there were no reports of the participation of the Government of Rwanda in arming Hutus and sending them into the country to terrorize the population. In previous years, these groups reportedly posed as Interahamwe fighters to justify Rwanda's military occupation of areas of the Kivu Provinces.

Throughout the year in the Ituri district in Orientale province, an area dominated by Ugandan and Ugandan-supported forces, fighting between members of the Lendu and Hema ethnic groups reportedly killed thousands of persons and displaced tens of thousands of persons. This fighting reportedly arose from disputes over land use (see Section 1.a.). There are reports that Ugandan troops manipulated and exacerbated the fighting by providing support to the combatants.

Section 6 Worker Rights

a. The Right of Association

Legislation in effect from the Mobutu period permits all workers except magistrates and military personnel to form and join trade unions. The National Union of Congolese Workers (UNTC) remains the largest labor federation. The country's other large confederations are the Labor Confederation (CDT) and the Congo Trade Union Confederation (CSC). There also are almost 100 other independent unions, which are registered with the Labor Ministry. Some of the independent unions are affiliated with political parties or associated with a single industry or geographic area; however, they also have ties to larger unions, such as the UNTC, which have more diverse membership. Since the vast majority of the country's economy is in the informal sector, only a small percentage of the country's workers are organized.

The law recognizes the right to strike. However, legal strikes rarely occur because the law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures. Labor unions have not been able to defend effectively the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers, but this prohibition is not enforced.

Between August 28 and 31, nurses and paramedics at public hospitals in Kinshasa went on strike to protest deteriorating salaries and poor working conditions; no resolution was reached. The Government took no action against the health workers.

Unlike in the previous year, there were no citywide strikes ("villes mortes") in Bukavu or Goma to protest the occupation of the two cities by antigovernment forces.

Following a series of strikes in 1999 to protest low salaries and unpaid wages, the Government claimed in October 1999 that it would meet the demands of the strikers. It did so in June 2000 by implementing progressively a comprehensive, higher civil service salary scale; however, civil servant salaries still remained very low (see Section 6.e.)

In September the Ministry of Labor told the press that the Government would no longer authorize businesses to carry out temporary layoffs of employees; however, many large manufacturers in Kinshasa conducted layoffs to save money on transportation costs and other benefits. The Government took no action against the manufacturers.

Government security forces continued to arrest and detain labor leaders and activists. On September 10, security forces arrested 12 labor leaders, including Bavela Vuadi of the FIC and Mayala Celestin of the teacher's union Coordination Nationale des Mandataires et Fonctionnaires de l'Etat (CONAMAFET), for encouraging teachers to strike at the beginning of the school year. The leaders were released 2 days later.

In January Steve Mbikay, Secretary General of the Solidarity Union, was released. Security forces had arrested Mbikay in November 2000 as he left a union meeting with ONATRA, the Government's parastatal transportation company.

Unions may affiliate with international bodies. The UNTC participates in the Organization of African Trade Union Unity, and the Central Union of Congo is affiliated with the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively, and an agreement between the UNTC and the employers' association formerly provided for wages and prices to be negotiated jointly each year under minimal government supervision. This system broke down in 1991 as a result of the rapid depreciation of the currency. The professional unions and the Congolese Business Federation signed a cooperative agreement in 1997; however, while collective bargaining still exists in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees. Inflation and the constant depreciation of the Congolese franc eliminated salary increases in the public sector. Trade unions responded rapidly to changes in government leadership by requesting pay increases. Labor leaders also demanded the reactivation of the National Labor Council (CNT), which is responsible for setting the minimum wage and has not met since May 1997 (see Section 6.e.).

The collapse of the formal economy resulted in a decline in the influence of unions, a tendency of employers to ignore existing labor regulations, and a decrease in wages as jobs increasingly became scarce. The Labor Code prohibits antiunion discrimination, although this regulation was not enforced effectively by the Ministry of Labor. The law also requires employers to reinstate workers fired for union activities. In the public sector, the Government sets wages by decree; public sector unions act only in an informal advisory capacity.

The International Confederation of Free Trade Unions (ICFTU) alleged in its 2000 Annual Survey of Violations of Trade Union Rights that the Labor Code does not protect adequately workers against antiunion discrimination and interference by employers into union affairs. The ICFTU also claimed that enforcement of the Labor Code "remains virtually nonexistent."

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, the Government forcibly conscripted adults during the year (see Sections 1.f. and 5). There also were reports that some Mai Mai guerrillas fighting on the side of the Government in the war forced persons in rural areas to work.

Trafficking in persons occurs (see Section 6.f.).

The law does not prohibit specifically forced and bonded labor by children, and the government forcibly conscripted children (see Sections 1.f. and 5). In addition there were reports that girls as young as 8 years of age were forced into prostitution to earn money to their families (see Section 5).

There were unconfirmed reports that the Rwandan army forced Rwandan prisoners to mine coltan in the Kivu Provinces. Rwandan and RCD/Goma soldiers continued to conscript forcibly adults and children (see Sections 1.f. and 5).

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 18 years. Employers legally may hire minors between the ages of 14 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of 4 hours per day; those between the ages of 16 and 18 may work up to 8 hours. The employment of children of all ages is common in the informal sector and in subsistence agriculture, which are the dominant portions of the economy. Such employment often is the only way a child or family can obtain money for food. Many children have been forced by their parents to leave school and beg in the streets or work in order to earn money to their families. Larger enterprises generally do not exploit child labor. Neither the Ministry of Labor, which is responsible for enforcement, nor the labor unions make an effort to enforce child labor laws.

On June 20, Labor Minister Marie-Ange Lukiana announced that the Government had ratified three International Labor Organization (ILO) conventions: The Abolition of Forced Labor Convention, the Discrimination (Employment and Occupation) Convention, and the Minimum Age Convention.

During the year, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor.

The law does not prohibit specifically forced and bonded labor by children, and the Government forcibly conscripts children (see Sections 1.f. and 5). In addition there were reports that girls as young as 8 years of age were forced into prostitution to earn money to their families (see Section 5).

There also were credible reports that rebel groups forcibly recruited child soldiers and sent them to Uganda and Rwanda for military training (see Sections 1.f. and 5).

There were reports of trafficking in children (see Section 6.f.).

e. Acceptable Conditions of Work

Most citizens are engaged in subsistence agriculture or commerce outside the formal wage sector. The minimum wage, last adjusted by government decree in 1990, subsequently was rendered irrelevant by rapid inflation. The average wage does not provide a decent standard of living for a worker and family. Most workers rely on extended family and informal economic activity to survive. The low salaries of police, soldiers, and other public officials (and the non-payment of salaries) encouraged many of these officials to extract bribes. The maximum legal workweek (excluding voluntary overtime) is 48 hours. One 24-hour rest period is required every 7 days.

Civil servant salaries remained very low, ranging between \$5 (1,600 Congolese francs) and \$25 (8,000 Congolese francs) per month. During the year, the Government reportedly paid some salaries more regularly; however, the ICFTU reported that up to 36 months of salary arrears exist for some workers in the Post and Telecom Union. In July the Ministry of Labor created the Congolese Credit for Development fund (CCD), a "social fund" for civil servants; the CCD provides payments to civil servants of expenses such as funerals and retirement insurance.

The Labor Code specifies health and safety standards. The Ministry of Labor officially is charged with enforcing these standards, but it does not do so effectively. No provisions in the Labor Code permit workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

The law provides for the protection of legally documented foreign workers.

f. Trafficking in Persons

There are no specific laws that prohibit trafficking in persons, and trafficking is a problem; the country is a source for trafficked women and children. Women are trafficked to Europe, mainly France and Belgium, for sexual exploitation. Rebel and foreign forces have abducted a number of children in the country to be used for labor or sex. Credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government. Unlike in the previous year, there were no reports that UPDF troops abducted women from the villages they raided. There were confirmed reports that some Ugandan soldiers married Congolese women who later voluntarily left the country with their soldier husbands; there were no reports of forcible abductions.

The Government does not have any programs in place to prevent this practice. The Government has not yet made significant efforts to combat trafficking, due in part to lack of resources or information, an unwillingness to acknowledge there is a significant problem, and because much of the country's trafficking problem occurs in areas controlled by rebel groups and foreign armies. The Government has not investigated vigorously or prosecuted trafficking cases. The Government has no resources for training; however, it permits training of officials by the Government of France and by NGO's. The Government does not coordinate with other countries on trafficking issues and has no funding for protection services. Victims are not prosecuted.

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