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The Democratic Republic of the Congo remained divided into territory controlled by the Government and territories controlled by several rebel factions, foreign troops, ethnic militias, and other armed groups. President Joseph Kabila, who came to power in January 2001 after the assassination of his father Laurent Desire Kabila, ruled by decree in the territory under government control. The Government continued to operate without a constitution. The State formally was highly centralized, although in practice the country's dilapidated transportation and communications infrastructure impaired central government control. The Government made progress in conforming to the May 2001 law liberalizing political activity; however, security services continued illegally to detain citizens, particularly members of political groups considered by the Government to be a threat. The judiciary continued to be subject to executive influence and corruption.

The Government, which was supported until October by Zimbabwean (ZDF) and Angolan (FAA) troops, controlled less than half of the country. On December 17, members of the Government, key rebel factions, political opposition, and civil society signed an all-inclusive agreement to form a transitional government leading to elections. At the end of the year, the parties were working under the auspices of U.N. Special Envoy Moustapha Niasse to resolve key questions about implementing this agreement.

On July 30, the Government and the Government of Rwanda signed the Pretoria Accord, which called for withdrawal of Rwandan troops in exchange for the demobilization of the Hutu rebels in the country. On September 17, Rwandan troops began their withdrawal, which was formally completed on October 5. On September 6, the Government and the Government of Uganda signed the Luanda Accord, which called for the withdrawal of Ugandan troops and the establishment of joint security patrols along the country's border with Uganda. Zimbabwe, Burundi, and Angola withdrew their remaining troops from the country by year's end; Uganda had withdrawn all but 1,000 to 1,500 soldiers in the Bunia area.

The Government's security forces consisted of a national police force under the Ministry of Interior, the National Intelligence Agency (ANR), the Rapid Intervention Forces (PIR), the Special Group for Presidential Security (GSSP), and the Congolese Armed Forces (FAC), which included 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 National Security Council (CNS) was replaced by the Committee for State Security (CSE), which as of June acted as a coordinating body for national security rather than a security force. The People's Self Defense Forces (FAP) and the People's Power Committees (CPP), created by former President Laurent Kabila, continued to decline in significance. The police force handled basic criminal cases. The ANR had responsibility for internal and external security, including border security matters. The FAC retained some residual police functions. Military police had jurisdiction over armed forces personnel, but also had 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 elements of the security forces acted independently of government authority. The security forces committed numerous, serious human rights abuses.

In government-held territory, the economy was dominated by subsistence agriculture, a large informal sector, and widespread barter; most sectors of the economy remained in decline. Production and incomes remained low; however, gross domestic product (GDP) grew by 2.5 percent during the year, ending a decade-long decline. Physical infrastructure was in serious disrepair, financial institutions remained weak, and public education and health deteriorated. Restrictions during most of the year on commercial travel on the Congo River negatively affected the economy; however, in April commercial traffic resumed on the Congo River between territory held by the Government and territory held by the Ugandan-backed Movement for the Liberation of the Congo (MLC). External economic assistance remained limited. Government revenues from diamond exports, its leading source of foreign exchange, increased slightly. 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 and corruption in the civil administration.

The Government's human rights record remained poor; although there were improvements in some areas, serious problems remained. Citizens did not have the right to change their government peacefully. The security forces were responsible for unlawful killings, torture, beatings, rape, extortion, and other abuses. In general security forces committed these abuses with impunity. Prison conditions in hundreds of small or regional detention facilities (both legal and illegal) remained harsh and life threatening; however, conditions in some of the larger, centralized prisons improved. Security forces continued to arbitrarily arrest and detain citizens. Prolonged pretrial detention remained a problem. The special military tribunal (COM) 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 judiciary continued to be underfunded, inefficient, and corrupt. It largely was ineffective as a deterrent to human rights abuses or as a corrective force. Security forces violated citizens' rights to privacy. Unlike in previous years, there were no reports of the forcible conscription of adults and children in government-controlled territory, and the Government continued to collaborate with the U.N. Children's Fund (UNICEF) to demobilize child soldiers in the military. There were few reports that government forces used excessive force and committed violations of international law in the war; however, the government continued to supply and coordinate operations with Mai Mai and Hutu militias, who committed numerous, serious abuses.

Harassment of journalists, human rights activists, and opposition politicians continued in government-held territory. Security forces continued to arbitrarily arrest and detain journalists and human rights activists; however, a large number of private newspapers operated freely and published criticism of the Government without interference. The Government continued to restrict freedom of assembly and association for some groups and used excessive force to disperse demonstrations. The Government restricted the activities of some opposition political parties. The Government continued to partially restrict freedom of movement and continued to require exit visas; however, unlike in the last year, the Government did not prevent political opposition figures from traveling. The war continued to cause large numbers of internally displaced persons (IDPs); however, most IDP movements were in areas not under the control of the Government. The Government harassed and imprisoned some members of nongovernmental organizations (NGOs); however, there were fewer cases than in previous years and most groups were allowed to operate freely. Violence against women was a problem and rarely was punished. Female genital mutilation (FGM) persisted among isolated populations in the north. Child prostitution was a problem. Discrimination against indigenous Pygmies and societal violence and discrimination against members of the Tutsi ethnic minority continued; however, the Government continued to protect Tutsis in government-controlled territory who were at risk. The Government restricted worker rights. Child labor remained a problem. Unlike previous years, there were no reports of mob violence in government-controlled territory. Trafficking was a problem.

There were numerous reports that Mai-Mai groups and Hutu militias in the eastern part of the country committed serious abuses, including killings, rapes, torture, and kidnapping of civilians.

Rebel factions backed by the Governments of Rwanda and Uganda, foreign troops, ethnic militias, and other armed groups continued to control more than half of the country during the year. Significant numbers of Rwandan (RDF) and Ugandan (UPDF) troops remained in the country for most of the year. Between September 17 and October 5, RDF troops withdrew completely from the

country; however, U.N. Peace Observation Mission in Congo (MONUC) reported that in November some RDF troops returned briefly to Idjwi Island, and there were continued, unconfirmed reports that RDF military advisors remained integrated with RCD/G and Union of Congolese Patriots (UPC) forces. Between 1,000 and 1,500 UPDF troops remained in the northeast part of the country by year's end. The largest rebel groups were the Rwandan-backed Congolese Rally for Democracy based in Goma (RCD/G), the MLC, and the Ugandan-backed Congolese Rally for Democracy based in Bunia (RCD/ML). The RCD/G remained dominated by members of the Tutsi ethnic minority; Adolphe Onusumba, a Kasaian, remained RCD/G president. The MLC remained dominated by former Mobutu supporters from the Equateur Province; Jean-Pierre Bemba remained MLC president. The RCD/ML commanded fewer troops than either the RCD/G or the MLC; Mbusa Nyamwisi remained RCD/ML president. Two smaller rebel factions emerged this year: The RCD/National (RCD/N), led by Roger Lumbala and backed by Uganda and the MLC; and the RCD/Originale (RCD/O), led by Felix Mumbere and backed by Uganda. In the Ituri region of the northeast, two tribally-based armed groups emerged during the year: The Lendu-dominated Patriotic Army of the Congo (APC), supported by the RCD/ML; and the Hema-dominated UPC, led by Tomas Lubanga and supported by the Governments of Uganda and Rwanda. In the areas under the control of rebel factions, foreign troops, and armed groups, there continued to be no effective rule of law or functional civil administration. The rebel factions and foreign troops severely restricted political freedom and did not tolerate political opposition or civil society activity critical of their rule. The judiciary, though largely nonfunctional, continued to be controlled and manipulated by the ruling authorities and subject to corruption.

In areas under the control of rebel factions and foreign troops, the security services were dominated by the military of each group. Although the RCD/G, MLC, and RCD/ML maintained police forces in name, there was little distinction between the jurisdiction of the police and the military, and in practice the police were subordinate to military command. Security services and soldiers of the rebel factions were poorly trained and generally unpaid, and security services and soldiers routinely extorted money, goods, and services from the local population. In areas controlled by Hutu militias, Mai Mai, ethnically-based militias, or other armed groups, there were no organized security services; those with weapons controlled the population and extorted money, goods, and services. While the civilian authorities in the Governments of Rwanda and Uganda generally maintained effective control over their respective troops, civilian authorities of the rebel factions did not maintain effective control over their troops and security services. Rebel soldiers and security services sometimes obeyed orders from their civilian authorities, sometimes received orders directly from foreign troops or governments, and sometimes acted independently. Foreign troops, rebel troops and their security services, and members of other armed groups committed numerous, serious human rights abuses.

In areas outside of government control, the economy was dominated by subsistence agriculture, a large informal sector, widespread barter, and non-regulated mineral exploitation. Areas controlled by foreign troops and rebel factions continued to be integrated financially and economically with the economies of Rwanda and Uganda. RCD/G soldiers frequently obstructed trade and impeded commercial travel on the Congo River. The largely nonfunctional and insolvent public sector did not provide even basic services, although the rebel factions continued to levy taxes on the local population. Public sector employees and soldiers were generally unpaid, which caused widespread hardship and contributed to extortion of the population by the armed forces. Although most Rwandan and Ugandan troops had left the country by October, the economy had not been integrated with government-controlled areas by year's end.

The human rights record in areas not under government control remained extremely poor, and rebel authorities continued to commit numerous, serious abuses, particularly in the eastern part of the country and in the Ituri area. Rebel forces, foreign troops, Mai-Mai forces, Hutu militias, and other armed groups committed numerous, serious abuses with impunity against civilians, including deliberate, large-scale killings, cannibalism, burning of entire villages, disappearances, torture, rape, dismemberment, mutilation, extortion, robbery, arbitrary arrests and detention, harassment of human rights workers and journalists, and forcible recruitment of child soldiers. Rebel security forces and foreign troops continued to use excessive force, and Rwandan forces bombed civilian populations. Rebel groups and foreign troops severely restricted freedom of speech, assembly, and association in areas under their control, and respect for religious freedom remained poor. There were attacks against local and international NGOs in rebel-held areas, and some NGO personnel

were killed. Forcible conscription of adults and children continued in rebel-controlled territories. Violence against women and rape were severe problems and occurred with impunity. Discrimination against women and indigenous Pygmies were problems. Combatants abducted women and children and forced them to perform labor, military services, and sexual services. Ethnically-based mob violence resulted in thousands of deaths. Trafficking, including child prostitution, was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

In areas under government control, security forces committed numerous unlawful killings with impunity and in some cases beat or tortured detainees to death. The Government also materially supported Mai Mai and Hutu groups, some of whom were believed to be responsible for killing civilians.

On March 15, the COM began trying Eddy Kapend, FAC General Yav Nawej, and approximately 130 other persons in connection with the January 2001 assassination of former President Laurent Kabila, the executions of 11 Lebanese and other persons following the assassination, and the 2000 coup plot led by Anselme Masasu (see Section 1.e.). The Commission of Inquiry, established by the Government in February 2001 to identify and prosecute those involved in the assassination, did not release its results by year's end. The defendants remained in custody at year's end. There reportedly was no action taken against members of the security forces responsible for numerous other killings in 2001.

There were reports that persons died from torture. For example, on May 15, DEMIAP agents arrested Dominique Weleme Konzo and his brother, Doudou Gbe Gbolo, on charges of counterfeiting foreign currency. The two detainees were taken to military Camp Kokolo, where Weleme was tortured to induce him to pay the wife of an employee of the Congolese Control Office. On June 24, Weleme died from his injuries at the Camp Kokolo hospital; on June 26, his brother was released. No known action was taken against those responsible for the abuse.

On July 24, policemen interrogated and tortured Desire Shungu Lyadunga at his home in connection with a diamond transaction. The police reportedly took this action on behalf of a foreign businessman, whose office was located in police headquarters and who used his police contacts to have Lyadunga arrested. Following Lyadunga's release, neighbors took him to the Bondeko Clinic, where he died a few hours later.

Unlike in the previous year, there were no reports that security forces killed street children.

In October Amnesty International reported that government-hired security guards and Zimbabwean soldiers who guarded parastatal mining concessions in Katanga province shot and killed numerous individuals who entered the mining concession illegally. While some of the intruders were armed, others were not and should have been arrested rather than shot. After the release of the report, the Government permitted the U.N. High Commission for Human Rights office in Kinshasa to conduct human rights training seminars in Katanga for members of the police and ANR.

Unlike in the previous year, there were no reports of summary executions.

Unlike in the previous year, government military tribunals did not sentence to death any civilians or soldiers.

There reportedly was no action taken against the members of the security forces responsible for numerous other killings in 2000.

On February 14, the International Court of Justice in Belgium granted immunity from prosecution to former Foreign Minister Yerodia Abdoulaye, who was accused of inciting the population to kill ethnic Tutsis. Ruling in support of the Government, the Court noted that Yerodia was an acting minister in 1998 and thus had immunity from such warrants.

Harsh prison conditions and abuse, particularly in small, local detention facilities (both legal and illegal), resulted in an undetermined number of deaths in prisons (see Section 1.c.).

Unlike in the previous year, there were no reports of civilian deaths from landmines in government-controlled territory.

There were several reports that unidentified armed men in police or military uniforms robbed, looted, and killed civilians during the year. Those responsible, who were believed to be deserters from the military or the police, generally acted independently; no action was taken against any of the perpetrators by year's end. For example, on March 10, armed men in military uniform shot and killed Tonny Peti-Pani after they attempted to steal his and his wife's identity card. On June 8, a group of armed men in uniform shot M. Mudimuna when he resisted their attempts to steal his cellular phone; on June 24, Mudimuna died from his injuries. On June 12, armed men in FAC uniforms reportedly entered the compound of university professor Fraterne Lokota, questioned him briefly on an unknown subject, and shot him six times; the professor died of his injuries that night.

Mai Mai forces and Hutu militias continued to kill many civilians, sometimes after torturing them, in areas of government-controlled territory where they operated. Some Mai Mai and Hutu groups continued to receive material support from the Government during most of the year. Due to the number and decentralization of these groups, it was difficult to determine whether the specific groups who received support from the Government were responsible for human rights abuses. However, the Government took no known action to ensure that groups it assisted respected human rights or to criticize or punish those who did not.

In areas not under government control, rebel forces, foreign troops, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including civilian massacres, acts of cannibalism, looting and burning of houses, attacks and aerial bombings of civilian areas, forcible recruitment of child soldiers, and rape (see Section 1.g.).

RCD/G and RDF forces, which remained deeply unpopular throughout the eastern part of the country, also killed numerous community leaders, including traditional chiefs, professors, clergy, NGO leaders, and journalists reportedly to intimidate the population and control local dissent; the RCD/G and RDF also killed, beat, tortured, and arbitrarily arrested numerous persons (see Section 1.c.).

For example, on February 21, RCD/G soldiers arrested and severely tortured 60-year-old Mahindule Mirimo Weteshe at the improvised jail of Ndoshio in Goma. He was accused of collaborating with the Mai Mai; a local NGO believed he originally may have been mistaken for Mai Mai Commander Akilimali. On April 16, he was released and died from torture wounds the same night.

On May 24, RCD/G and RDF soldiers killed Pierre Ruyange, president of the Hutu Community of North Kivu and influential member of the United Front for Non-Armed Opposition (FRUONAR), and his bodyguards in an ambush at an RCD/RDF road barricade between Goma and Sake. International observers believed Ruyange may have been killed to warn Hutus in North Kivu and to discourage Hutu militias from cooperating with MONUC disarmament efforts.

Elements of RCD/G and RDF militaries killed numerous civilians while robbing, looting, or raping them. For example, on January 27, an RDF soldier in Kindu attempted to rape a woman, whose brother summoned an RCD/G policeman for help. The RDF soldier shot the brother and the policeman, who died of his wounds.

Following an October 25 coup attempt in the Central African Republic (CAR), MLC soldiers sent to

the CAR to assist the government committed extrajudicial killings of civilians, raped women and girls, and looted hundreds of homes and businesses (see Section 1.c.).

In the Ituri district of Orientale Province, which was controlled by UPDF troops, RCD/ML rebel forces, and ethnically-based militias, fighting between members of the Lendu and Hema ethnic groups (and other smaller tribes allied with either the Lendu or the Hema) resulted in thousands of civilian deaths and the displacement of more than 500,000 persons. UPDF and rebel factions have armed both groups and manipulated ethnic tensions resulting from long-standing land disputes and colonial favoritism to the Hema. There were no reports of any action taken against the responsible parties.

On August 6, the Hema UPC militia took control of Bunia, which previously had been inhabited by a mixture of Hema, Lendu, and other tribes, and attempted to "ethnically cleanse" the city of its Lendu residents. The UPC separated the city into Hema and Lendu neighborhoods, killed numerous Lendu, broadcast ethnically-charged reports from Radio Cadnip, and chased many Lendu and Ngiti, a Lendu-affiliated group, into the surrounding bush. In reprisal members of Lendu-allied tribes killed 75 Hema women and children.

In early September, numerous civilians were killed during a UPC raid on several villages outside the Ngiti town of Nyakunde. Several days later, the Ngiti tribe, led by Colonel Kandro, carried out a retaliatory massacre in Nyakunde that resulted in the killing of approximately 1,000 civilians. The perpetrators killed Hema, Gegere, and Biri civilians, including patients in hospital beds and women in labor. Kandro's forces also rounded up and stripped approximately 120 men, women, and children, locked them in a large house, and denied them food and water. As the detainees began to die, the captors burned the bodies or threw them into an open latrine.

On October 7, a donor group discovered the mutilated bodies of 1,200 civilians, including babies, in a hospital in Bunia; the killings were believed to be a result of the Hema-Lendu conflict.

In November unknown assailants killed Joseph Eneko, a leading moderate in Ituri, and eight of his bodyguards on the road between Mahagi and Bunia. No investigation or action had been taken by local authorities by year's end.

On December 6, Burundian rebels reportedly cut the throats of approximately 30 civilians in Uvira in response to an RCD/G attack on their forces the previous day.

In August the Ugandan Government released the results of its investigation into the April 2001 killings in Ituri district of six employees of the International Committee of the Red Cross (ICRC) (see Section 4).

There were no developments in the 2001 and 2000 ethnic massacres and killings.

Unlike in the previous year, there were no reports that mobs lynched hundreds of suspected sorcerers, and there were no developments in 2001 and 2000 cases of persons involved in such killings.

b. Disappearance

Unlike in the previous year, there were no reported cases of disappearance in government-controlled territory; however, security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody or allowing the detainees to have contact with family or friends.

Mai Mai forces and Hutu militias kidnaped many civilians, many of whom disappeared, in areas in which they operated.

In areas not under government control, there were numerous cases of disappearances and

kidnapings. For example, on April 4, RCD/G soldiers in Uvira apprehended Pastors Rusingizwa Bitebetebe and Mugaju Ruterera of the Free Methodist Church of Mushimbake in South Kivu and accused them of being sympathetic to Commander Masunzu, who led a Banyamulenge-backed revolt in January against the RDF in the High Plateau (see Section 1.g.). The pastors reportedly were imprisoned and have not been heard from since, despite the efforts of local human rights NGOs to locate them.

There were numerous credible reports that RDF forces seized and transferred to Rwanda numerous Banyamulenge prisoners following the revolt of Banyamulenge Commander Masunzu. Several hundred RCD/G soldiers suspected of sympathizing with the revolt were disarmed and sent to Rwanda in mid-May for forced retraining. There have been no further reports about these soldiers; many presume they were killed or remained in secret detention in Rwandan military camps or prisons.

On April 23 and 24, the RDF arrested nine senior Banyamulenge commanders in the RCD/G who refused to fight against Masunzu and his followers. The RDF flew these commanders from Minembwe, South Kivu, to the Kamembe Military Camp in the Cyangugu prefecture of Rwanda. On May 1, a relative of one of the commanders saw the group at the Kamembe camp and reported that the commanders had been tortured severely and beaten; on May 2, the relative was told that the commanders "were no more," and they have not been seen since. On May 3, the RDF took 14 other Banyamulenge soldiers to the Kamembe camp; none of the soldiers has been heard from since.

There continued to be reports that RDF troops, RCD/G troops, Mai Mai, and Hutu militias abducted women and children from the villages they raided to perform labor, military services, and sexual services (see Section 1.f.). Many of the victims disappeared and have not been heard from since.

There were no developments in any of the numerous cases of disappearance in 2001 and 2000, nor has any action been taken against the responsible rebel perpetrators.

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

In territory under government control, the law forbids torture; however, security forces and prison officials used torture and often beat detainees in the process of arresting or interrogating them. The Government has not responded to charges of inmate abuse and repeated beatings by its security forces and prison officials. Some members of the police, military, and security forces also raped, robbed, and extorted money from civilians. The Government prosecuted and disciplined some of the abusers; however, others acted with impunity.

In some cases, members of the security services tortured or abused civilians to settle personal scores for themselves or other members of the Government (see Section 1.a.). For example, on May 3, ANR agents under orders from Security Minister Mwenze Kongolo arrested, severely beat, and burned with cigarettes five employees of the National Transportation Office (ONATRA). The employees were accused of attacking the life of Minister of Security Mwenze Kongolo because the speedboat in which they were taking him across the river to the Republic of the Congo ran out of gas.

On May 18, FAC soldiers manning a barricade at the Marble Palace stopped the vehicle of Zico Kikufu on the pretext that he passed a taxi illegally. The soldiers demanded that he give them money and beat him when he refused; the soldiers also stole his cellular phone.

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

Soldiers and police continued to harass street children in Kinshasa (see Section 5). There were credible reports that members of the police and military raped homeless girls.

On March 24, unidentified FAC soldiers raped and robbed university student M. Mbemba.

Police and security forces 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 the other numerous cases of torture or abuse in 2001 and 2000.

There were reports that Mai Mai forces and Hutu militias tortured, raped, and otherwise physically abused persons in areas in which they operated (see Section 1.d.).

The Government operated several hundred legal places of detention in the territory under its control. In major cities, the Government typically operated a large central prison facility and numerous, small, local detention facilities in police stations, court buildings, military bases, and neighborhoods of larger cities. Small local prisons were generally intended for short-term pretrial detentions; however, in practice they were used for lengthy detentions without due process.

The conditions in most of the large, central prisons were harsh; however, unlike in the previous year, they no longer were life threatening. The penal system continued to suffer from severe shortages of funds and trained personnel; however, the Government made efforts to improve the management and conditions of prison facilities, particularly at Kinshasa's main central prison, the Makala National Penitentiary and Reeducation Center (CPMK). From August 12 to 13, the Government conducted a workshop to train administrators at Makala prison and Rusuru prison in Bas-Congo. During the year, the ICRC worked with the Government to rehabilitate some showers and toilets in Makala prison, and other NGOs provided prisoners with mattresses and straw mats. Although health care and medical attention remained inadequate, a prison doctor was available and there were fewer reported cases of widespread infectious diseases. The Government continued to provide inadequate food, and prisoners remained dependent on the personal resources of family or friends; however, families were allowed to bring food and other necessities to prisoners during regular visiting hours 3 days a week. Guards demanded bribes and stole food from prisoners; however, there were fewer reports of such incidents than in the previous year. Prisoners continued to bribe guards to receive better treatment or to get out of work details. Makala remained overcrowded; however, unlike in the previous year, there were no reports that prisoners were forced into small cells with room only to stand. There were reports that guards permitted some prisoners to leave the prison temporarily to buy food and toiletries for themselves and other prisoners.

Conditions in the small, local prisons remained harsh and life threatening. There usually were no toilets, mattresses, or medical care; light, air, and water often were insufficient. Authorities often beat or tortured detainees. Such prisons generally operated without a budget and with minimal government regulation or oversight. Local prison authorities or influential individuals frequently barred visitors or severely mistreated particular detainees. Petty corruption was common, and prison guards frequently required bribes from family members or NGOs to visit or provide a detainee with food and other necessities.

Local NGOs reported that 146 persons died at Makala central prison during the year, 24 of whom died after being transferred to the prison from the custody of the Provincial Inspection of Kinshasa (IPK) and the PIR, where they were beaten severely; most of the remaining detainees died from malnourishment and illness.

Women and juveniles generally were detained separately from men. Pretrial detainees were not separated from convicted prisoners. The Government continued to detain soldiers in civilian prisons.

The security services, especially ANR and DEMIAP, continued to operate numerous illegal detention facilities, despite the March 2001 presidential decree to close all such facilities; however, the GLM detention center, where many of the assassination suspects were tortured and abused, remained closed. Prison conditions remained harsh and life threatening. Prisoners systematically were abused, beaten, and tortured. Facilities lacked adequate food and water, toilets, mattresses, and medical care, and authorities routinely denied access to family members, friends, and lawyers.

Unlike in the previous year, the ICRC and many NGOs were permitted access to all official

detention facilities. However, the Government did not allow the ICRC or other NGOs to visit the illegal detention facilities maintained by the security services, where many detainees were held, questioned, and frequently subjected to abuse.

The ICRC, as well as local NGOs, were allowed to visit prisoner of war (POWs) held in official detention centers. The ICRC and other international observers regularly visited a facility in Kinshasa where the Government provided shelter to Tutsis for their own protection (see Section 5).

In areas not under government control, rebel groups and foreign troops tortured, raped, and otherwise physically abused numerous persons during the year with impunity. RCD/G and RDF forces were responsible for numerous cases of beatings and torture that resulted in death (see Sections 1.a. and 1.g.). Rebel and foreign groups beat, tortured, and abused political figures, journalists, and community leaders while arresting or detaining them. Numerous cases of torture and abuse were unreported because these groups, particularly the RCD/G and RDF, denied access to NGOs.

At the military jail at Ndosho, outside Goma, RDF and RCD/G forces reportedly imprisoned individuals during the year in two small metal freight containers that had no openings for air or light. During the week of January 10 to 17, 35 civilians were detained in one of the containers and numerous military personnel were held in the other; several detainees died from injuries inflicted during torture. Following a March grenade attack in Goma by unknown assailants, RCD/G authorities in May and June arrested numerous individuals for political reasons, charged them with the attack, and held them in the containers, where they were beaten and tortured. After the RDF withdrawal in October, the arrestees, who included Zelote Farini Luendo Shandwe, Elias Nguru, Janvier Mugerangabo, Alphonse Munamire, Mathe Sikuli Vasaka, and Simon Salumu were transferred to the DGS detention facility, where they were remained under detention at year's end without charge and with limited access to family members and human rights NGOs.

During the RCD/G response to the May 14 to 15 mutiny attempt in Kisangani (see Section 1.g.), RCD/G soldiers reportedly held RCD/G police and alleged Mai Mai at the airport in overcrowded shipping containers; an undetermined number of detainees reportedly died of suffocation, dehydration, or exhaustion after RCD/G troops sealed them inside without ventilation, food, or water.

Rebel and foreign groups, particularly the RCD/G and RDF, kidnaped, raped, and tortured numerous women (see Section 1.g.).

RCD/G and RDF military and police violently dispersed demonstrations (see Section 2.b.).

Rebel forces and foreign troops, particularly the RCD/G and RDF, were responsible for systematic, non-lethal conflict abuses, including aerial bombardment of civilian populated areas (see Section 1.g.).

No known action was taken against responsible members of the RCD/G or RDF in any of the 2001 or 2000 cases of torture, beatings, or rape.

Following an October 25 coup attempt in the CAR, CAR President Ange Felix Patasse asked MLC president Bemba for support against the rebels. Bemba sent approximately 1,500 MLC troops to the CAR, where they committed a number of extrajudicial killings of civilians, raped many women and girls, and looted hundreds of houses and businesses. The MLC troops remained in the CAR at year's end.

Prison conditions in areas outside of government control were extremely harsh and life threatening. Most detention facilities were not designed for the purpose, and detainees often were kept in overcrowded rooms with little or no light or ventilation. Detainees typically slept on cement or dirt floors without bedding and had no access to sanitation, potable water, toilets, or adequate medical care. Tuberculosis, red diarrhea, and other infectious diseases were widespread. Little or no food was provided to detainees, and guards demanded bribes to allow family members or friends to

bring food to prisoners. Prisoners frequently were subjected to torture, beatings, and other abuse with no medical attention. There were numerous credible reports that rebel forces and foreign troops beat or tortured prisoners and then released them to their families just in time for them to die (see Section 1.a.).

There continued to be reports that RCD/G and RDF forces frequently used the private residences of Rwandan or rebel military commanders for incarcerations. Reports from former detainees indicated a pattern of beatings, undernourishment, and deliberate killings in these houses.

Human rights NGOs, family members, and lawyers were systematically denied access to detention facilities by RCD/G and RDF authorities.

d. Arbitrary Arrest, Detention, or Exile

In government-controlled territory, 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 was empowered to authorize arrest. This status also was vested in senior officers of the security services. The law requires that detainees 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 continued to arbitrarily arrest and detain citizens, including several NGO leaders and journalists (see Section 2.a.). Charges rarely were filed in a timely manner, and the legal basis for such detentions often was obscure. When the authorities did press charges, the claims filed often were contrived or overly vague.

Unlike in the previous year, there were no reports of jails run by the Office of the President.

Detention without charge continued to be a problem, and security forces used the pretext of state security to arbitrarily arrest individuals linked to groups considered a threat by the Government. Groups particularly targeted included the opposition political party Union for Democracy and Social Progress (UDPS), which in April formed an alliance with the RCD/G and briefly discussed forming an armed wing; associates of Katebe Katoto, who reportedly attempted to buy the support of government troops and police in Katanga and in April formed an alliance with the RCD/G; individuals allegedly connected to the assassination of former President Laurent Kabila; and some ex-Zairian Armed Forces (FAZ) soldiers and civilians associated with the MLC. Individuals arrested and detained in the name of state security frequently were held without legal charge, presentation of evidence, access to a lawyer, or due process. Security services frequently exhibited an attitude of guilty until proven innocent and showed extreme reluctance to release individuals they had detained illegally, even after protests from NGOs and the international community. In several of the cases in which individuals were arrested or detained for allegedly threatening state security, evidence suggested the arrest was made to settle a personal score for a government official or member of the security services.

On January 11, national police arrested Justin Nindaga and detained him at the jail of Kinshasa's Provincial Inspection. Nindaga was the older brother of Commandant Anselme Masasu Nindaga, who was executed in 2000 after being convicted of coup plotting by an ad hoc military tribunal in Katanga. No charges were filed against Nindaga, who remained in detention at year's end.

On February 23, NGO lawyer Willy Wenga was arrested by COM security forces and interrogated, but not formally charged, in connection with several telephone calls to and from Major Bora, a prime suspect in the Kabila assassination, who fled the country in 2001. Wenga remained in detention at year's end; no trial date had been scheduled.

On April 19, human rights activist N'Sii Luanda was rearrested by COM order as part of an investigation into the activities of Michel Bisimwa, who lived with Luanda and had been charged with having ties to the RCD/G. Luanda was detained for several days at the COM detention facility, then transferred to Makala prison. Despite a doctor's attestation, Luanda was denied appropriate

medical attention between June 12 and September 20; on September 24, he was transferred to a clinic for an emergency appendectomy. Luanda remained in detention at the clinic at year's end; no trial date had been scheduled.

On May 12, ANR officers in Katanga arrested UDPS Economic Advisor Jean-Baptiste Mulumba for instigating a briefly discussed UDPS armed wing, planning an attack on Lubumbashi and Mbuji-Mayi, and spying for the RCD and Rwanda. DEMIAP officers also reportedly closed and occupied Mulumba's office, confiscated his wife's car, and detained and sued his secretary. On July 27, Mulumba was released for insufficient evidence; however, on August 14, DEMIAP agents rearrested Mulumba, who remained in detention at year's end.

Police violently dispersed demonstrations and arrested demonstrators (see Section 2.b.).

Pretrial detention was prolonged systematically. Human Rights NGOs reported that less than 20 percent of the inmates at Makala prison had been charged or sentenced. On March 12, the Government filed charges against approximately 130 persons, primarily military and police, detained in 2001 in connection with the Kabila assassination and the 2000 coup plot led by Anselme Masasu (see Section 1.e.).

President Joseph Kabila issued several decrees during the year to commute sentences and release some military and civilian prisoners, many of whom likely served time without a fair trial or due process. However, NGOs reported that these pardons only were implemented partially and that only 72 of the 220 qualifying prisoners at Makala actually were released.

On January 21, UDPS members Modeste Sadiki Lutombo, J.B. Bomanza, J.S. Mwampata, Roger Kakonge, and Augustin Kadima Tshikala, who were arrested in December 2001, were released.

There were no developments in the cases of arbitrary arrest and detention in 2001 and 2000.

Unlike in the previous year, the Government did not hold any POWs.

The law prohibits forced exile; however, on September 26, the Government declared persona non grata 20 leaders of the Democratic Forces for the Liberation of Rwanda (FDLR) and expelled them to the Republic of the Congo, which refused to admit 8 of the 20 and returned them to Kinshasa. On October 30, security forces returned the eight to Rwanda. In October the Government detained in Kinshasa an additional 19 officials from the FDLR and the Army for the Liberation of Rwanda (ALIR); the 19 remained in custody at year's end (see Section 2.d.).

In areas not under government control, rebel forces and foreign troops were responsible for a systematic pattern of arbitrary arrests and detentions. RCD/G and RDF forces frequently shuffled prisoners among different cities under their control or transported them to Rwanda, which prevented family members or NGOs from monitoring them. RCD/G and RDF forces frequently detained prisoners under extremely harsh conditions in the private residences of Rwandan or rebel military commanders (see Section 1.c.).

RCD/G forces arrested and detained numerous citizens in connection with the May 14 to 15 massacres in Kisangani (see Section 1.g.); many of those detained remained imprisoned without charge at year's end.

During the year, RCD/G and RDF soldiers arrested Banyamulenge military and civilians whom they suspected of supporting Banyamulenge Commander Masunzu (see Section 1.g.). Seven Banyamulenge, who in January were arrested in Bujumbura, were transferred to Goma and remained in detention at year's end. In July RCD/G Security Chief Bizima Karaha traveled to Uvira to persuade the Banyamulenge community to withdraw its support for Commander Masunzu. Between July 7 and 26, 26 Banyamulenge community leaders and civilians who refused to abandon Commander Masunzu were arrested. Some of those arrested were released within a few days, some remained unaccounted for, and five were transferred to Goma, where they were held at the DGS detention center without medical care or access to families or lawyers. Of the five transferred

to Goma, four were released in December; the fifth, Rugeza Ntavumburwa, reportedly was tortured and remained in custody at year's end. On August 24, an additional four Banyamulenge were arrested and subsequently transferred to the DGM, where they remained in detention at year's end.

On September 13, RCD/G soldiers led by Commander Pipo arrested four staff members of the Goma Volcanic Observatory (GVO), an organization that monitors volcanic activity in Mount Nyiragongo, which erupted in Goma in January. Those imprisoned, including volcanologists Kavotha Kalendi Sadaka and Mavonga Tuluka, technical assistant Matthieu Yalire Mapendano, and driver Innocent Zirilane, were accused of distributing anti-RCD/Rwanda leaflets in Goma and were beaten severely; two were transferred to the hospital due to complications resulting from the beating. When it was discovered that the volcanologists had been falsely accused and set up by W. Mifundu, the brother of Commander Pipo and a former GVO employee, RCD/G authorities arrested Commander Pipo on September 26 in Bukavu and brought him to Goma. However, during the week of September 30, Commander Pipo was released, and RCD/G soldiers reportedly beat and fired the commander who had brought Pipo back from Bukavu. After strong international pressure, the RCD/G on October 9 transferred control of the case to Justice Minister Nyarugabo, who released the four GVO employees several days later. The RCD/G had taken no known further action to investigate or punish Commander Pipo or his brother Mifundu by year's end.

On May 30, the RCD/G declared persona non grata MONUC's chief human rights officer in Kisangani for "not respecting RCD/G authority." On June 1, the RCD/G took the same action against a senior MONUC political officer and a U.N. security official working in Goma; the two individuals were accused of helping plot a grenade attack and aiding pro-Kinshasa militias. All three officials subsequently left the country. RCD/G president Onusumba also charged Special Representative of the U.N. Secretary General Amos Ngongi with bias and banned him from RCD/G-held territory; however, in September Ngongi was permitted to resume his visits to the area. On December 26, RCD/G security agents arrested Nande community president Pierre Georges Fataki Luhindi, who had written a letter to the governor of North Kivu protesting the creation of primarily Hutu armed local defense forces, who were attacking the Nande community. Luhindi, who has held at the DSG detention facility, was released on December 31.

No reported action was taken against the RCD/G forces responsible for the October 2001 detention and severe beating of Jules Nteba Mbakumba, president of adult education NGO Association Elimu.

There were no reported developments in any of the 2000 cases of arbitrary arrest and detention by RCD forces.

On August 29, outside Bunia, UPC members took hostage Government Minister of Human Rights Ntumba Luaba, his assistant, and a local journalist accompanying them. The UPC demanded the release of nine UPC members detained in Kinshasa in exchange for the release of the Minister and his companions. On September 1, the Government flew the 9 UPC members to Bunia; the UPC subsequently released the Minister and his companions.

e. Denial of Fair Public Trial

In government-controlled territory, the law provides for an independent judiciary; however, in practice the judiciary frequently was influenced by the executive branch. The judiciary continued to be ineffective and corrupt; however, on April 20, President Kabila issued an executive order replacing several hundred judges. Although the Government did not cite officially corruption in the reasons for the shuffle, several judges known to be corrupt were removed. In July a system of commercial courts, established to reduce judicial corruption, became operational. On October 12, the Government established the Permanent Commission for Reform of Congolese Law (CPRDC), a technical body under the Justice Ministry mandated to review and propose reform of the law and judicial system. The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, continued to be largely dysfunctional.

Civil and criminal codes were 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 often did not respect these rights in practice. Defendants had 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, 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 often did not respect fully these provisions. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

Military courts, which were headed by a military judge and followed the military code inherited from Belgium, tried military and civilian defendants as directed by the Government. Military courts tried most high-profile cases with charges related to state security during the year; the Government claimed that its frequent use of military courts rather than civilian courts was a result of the ongoing war. The courts were required to file charges within 48 hours of the arrest; however, long delays often occurred. The military courts, which were located in all military installations and in most urban areas, had no appeal process. The Government permitted, and in some cases provided, legal counsel; however, lawyers sometimes were not granted free or unmonitored access to defendants. Sentencing guidelines also were inherited from Belgian military law; however, in practice military courts had broad discretion to go outside of those sentencing guidelines. In many cases, trials were open to the public at the discretion of the military judge. In previous years, death sentences or forced labor were typical punishments; however, no death sentences were issued during the year.

On September 26, the Government lifted the moratorium on the death penalty. The official reason given was that criminal activity had risen since the pronouncement of the moratorium; however, it was believed widely that the moratorium was lifted in anticipation of the sentencing of the suspects in the assassination of former President Laurent Kabila.

On March 12, the Government filed charges against Eddy Kapend, FAC General Yav Naweji, and approximately 130 other persons in connection with the January 2001 assassination of Laurent Kabila, the executions of 11 Lebanese and other persons following the assassination, and the 2000 coup plot led by Anselme Masasu. The trial of these suspects opened officially on March 15, but proceedings were postponed until April 3 to provide sufficient time for defense lawyers to prepare their cases, since they had not been granted access to defendants until March 12. According to international observers, the trial, which was conducted by a military tribunal, followed the correct procedures prescribed by the country's military and civil code; however, there were some irregularities, and prosecutors and judges remained subject to executive influence. The beginning and the end of the trial were public and open to the press; however, the trial was closed to the public between April 22 and September 19 for reasons of state security, a decision strongly criticized by NGOs as hampering transparency.

There were no further developments in the September 2001 case in which civilians and ex-FAZ soldiers were convicted of coup plotting by a military tribunal in Likasi. None of the death sentences had been carried out by year's end.

Unlike in the previous year, the Government held no political prisoners. Suspects in the Kabila assassination remained in detention at year's end (see Section 1.d.).

In the areas not under government control, the system of justice essentially remained nonfunctional. Judges and other public servants were not paid their salaries, and corruption was rampant. RCD/G officials and others with influence reportedly used the judicial system to arrest individuals on false charges and to extract money and property from these individuals. There also were reports of indiscriminate military justice in which persons suspected of disloyalty were executed without a trial. Persons incarcerated by rebel forces for political reasons generally were detained without being tried formally.

Officially the RCD/G 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/G credibly tried, convicted, or punished any

of its troops for committing atrocities.

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

In government-controlled territory, the law prohibits such actions; however, members of the security forces routinely ignored these provisions in practice. Members of security forces and deserters from the army and police continued to harass and rob citizens. Security forces routinely ignored legal requirements for search warrants and entered and searched homes or vehicles at will. In general those responsible for these acts remained unidentified and unpunished.

There were some reported cases in which security forces raided private businesses and arrested employees accused of collaborating with rebel forces or attacking state security (see Section 1.d.); however, there were fewer reported cases than in the previous years.

Police often looted the homes of the persons they arrested and sometimes installed themselves in the homes of detainees; occupants frequently were beaten and abused.

No action was taken against soldiers who in November 2001 forced their way into a foreign couple's home and raped their daughter.

Unlike in the previous year, there were no reports that government security forces maintained surveillance of the headquarters of opposition parties and the movements of leading opposition political figures. There were no reports of government raids on opposition party leaders' residences.

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

Unlike in the previous year, there were no reports that government forces forcibly conscripted adults and children.

There were credible reports that, when unable to locate a specific individual, authorities sometimes arrested or beat the closest family member.

Mai Mai forces and Hutu militias routinely seized private property and looted homes to supply themselves in areas in which they operated. Mai Mai forces recruited children from the areas in which they operated.

In areas not under government control, rebel forces, foreign troops, and other armed groups routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (see Sections 1.g. and 4).

From May 14 to 15, in reprisal for the RCD/G mutiny in Kisangani, RCD/G soldiers conducted house-to-house searches, arrested suspected dissidents, and beat those who resisted. Five priests or pastors were arrested and taken to undisclosed locations while their homes and parishes were ransacked. The RCD/G seized cell phones, livestock, and household goods.

RCD/G rebels continued to recruit children from the areas in which they operated despite claims that they had stopped the practice (see Section 5).

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

Until late in the year, war continued with external intervention on both sides. The war broke out in 1998 between the Government and rebel forces backed by the Governments of Rwanda and Uganda. Following initial gains by the rebels, the Governments of Zimbabwe and Angola sent troops to support the Government, bringing the war to a stalemate. The Lusaka Accords, signed in July 1999, provided for a cease-fire and disengagement of troops, the deployment of a U.N. peace

observation mission, the withdrawal of foreign troops, and an internal political dialog leading to the formation of a transitional government. By July 2001, all parties generally complied with the disengagement plan outlined in the Lusaka Accords and withdrew to new defensive positions. In late 2001 and throughout the year, U.N. International Facilitator Ketumile Masire organized the Inter-Congolese Dialogue (ICD), which included representatives of the Government, Congolese armed groups, political opposition, and civil society. The ICD began in October 2001 in Addis Ababa, Ethiopia, and was convened in several sessions during the year, culminating in a December 17 agreement to form a transitional government. During the year, most foreign troops withdrew from the country, although the Governments of Rwanda and Uganda continued to support armed Congolese groups operating in the country.

Unlike in previous years, there were few reports that the Government used excessive force or violated humanitarian law in the ongoing war in territory controlled by the Government. In general the cease-fire was respected along the disengagement line between government and rebel or foreign-held territory, and the fighting shifted to areas behind rebel lines in the eastern part of the country. However, on November 10, government troops used excessive force during fighting against Mai Mai militias in the town of Ankoro, Katanga Province, which resulted in the deaths of 104 civilians and the displacement of 75,000 local residents; both sides burned and pillaged homes and shops in the area.

Government security forces ceased to recruit child soldiers and continued to cooperate with the U.N. to demobilize child soldiers (see Section 5).

There were reports that Mai Mai forces and Hutu militias fighting on the side of the Government frequently killed and tortured noncombatants (see Section 1.a.).

In areas not under government control, rebel forces, foreign troops, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including civilian massacres, the looting and burning of houses, attacks and aerial bombings of civilian areas, the forcible recruitment of child soldiers, and the rape of women. At times, verification of these reports was difficult, due to geographical remoteness, hazardous security conditions, and impediments imposed by authorities (see Section 4); however, the presence of MONUC allowed international observers to gather more information than in previous years.

There have been no known credible attempts by any of the combatants in the conflict to investigate incidents in which their troops allegedly committed killings, rapes, pillaging, and other abuses in areas under their control. RCD/G authorities manipulated investigations into the May 14 to 15 reprisal killings of civilians in Kisangani and the March 24 grenade attack on a church in Goma, which killed 3 persons and injured 11; the RCD/G then used these investigations to expel U.N. personnel and to accuse and arrest leaders of human rights NGOs.

RCD/G and RDF forces committed numerous mass killings in areas under their control, usually in reprisal for alleged Mai Mai attacks or mutinies against RCD/G and Rwandan forces. In determining responsibility for abuses, it often remained difficult to distinguish between RCD/G and RDF forces, since RCD/G and RDF troops frequently operated together, RDF commanders trained RCD/G troops, RDF soldiers sometimes operated in RCD/G uniforms, and RCD/G forces received instructions directly from RDF commanders.

There were numerous credible reports that RCD/G and RDF troops burned and destroyed entire villages, frequently killing, torturing, or raping some of the inhabitants, especially in rural areas of North and South Kivu and northern Maniema Province. For example, on January 5, RCD/G troops under Commander Masore attacked and set fire to the villages of Kaboke II, Esunda, and Yonwe in South Kivu in reprisal for the ambushing and killing by Mai Mai forces of an RCD/G commander and his guards in the area; 30 persons were killed, including 18 persons who were burned beyond recognition. RCD/G soldiers, who also attacked and injured two women with machetes, reportedly pushed in the brick walls of the burned houses to hide the evidence.

During February and April, fighting in South Kivu between RCD/G and RDF soldiers and Mai Mai or Hutu militias resulted in repeated raids of more than 40 villages. At least 29 civilians were killed,

118 were raped, and 56 were kidnaped; 75 houses and churches were burned or destroyed, and hundreds of livestock were stolen. Frequently the same village was raided repeatedly, first by one side and then by the other, with each side accusing the villagers of collaborating with their enemies.

Between January and July, RDF forces occupied the High Plateau region to suppress a popular revolt led by former RCD/G Commander Patrick Masunzu, and used excessive, indiscriminate violence against civilians, particularly the ethnic Tutsi Banyamulenge. RDF soldiers burned, destroyed, and pillaged numerous small non-Banyamulenge villages during their 4-day march to the High Plateau. Once on the High Plateau, the RDF forcibly displaced approximately 30,000 Banyamulenge civilians, set fire to more than 90 Banyamulenge villages, and killed, abducted, and raped an undetermined number of Banyamulenge civilians. At various periods, particularly from June 18 until mid July, the RDF repeatedly used helicopters to bomb the High Plateau region, including areas populated by civilians. The RDF repeatedly denied access to all international humanitarian organizations, which severely impeded efforts to determine the number of civilians killed, injured, raped, tortured, and displaced.

From May 14 to 15, RCD/G troops used excessive, indiscriminate lethal force against civilians in Kisangani in reprisal for an aborted mutiny attempt by RCD/G dissidents. In the original mutiny attempt, members of the population killed seven persons they accused of being Rwandan. RCD/G loyalist troops under the command of Gabriel Amisi (known as Tango Fort), Bernard Biamungu, and Laurent Nkunda put down the mutiny and then killed more than 150 civilians and numerous RCD/G members suspected of being mutineers or sympathizers. On May 14, RCD/G loyalists rounded up and summarily executed dozens of RCD/G police and military, who were hacked to death with machetes, decapitated, tortured, dismembered, or shot to death. RCD/G forces threw many of the corpses into the Tshopo River and buried other victims in mass graves. An unconfirmed number of civilians were abducted or disappeared, including young women taken to the airport and raped by RCD/G troops.

Under intense international pressure, the RCD/G appointed a military-led Commission of Inquiry to look into events at Kisangani. The Commission's report identified a total of 41 fatalities, including 7 persons killed by the population during the mutiny, 11 mutineers who allegedly drowned in the Tshopo River trying to escape, and 21 civilians allegedly killed in cross-fire between mutineers and loyalist forces. From June 16 to 22, Asma Jahangir, the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, conducted an investigation into the May 14 to 15 events in Kisangani. The report, which was endorsed and released by the U.N. High Commissioner for Human Rights, concluded that RCD/G authorities were responsible for at least 163 killings, including the massacre of at least 103 civilians, the summary execution of at least 60 members of the military and police, and the deaths of an addition 20 persons, whose corpses were found floating in the river. The report rejected the findings of the RCD/G Commission of Inquiry, accused the RCD/G of protecting the perpetrators and concealing the facts, and criticized RCD/G efforts to portray the events as ethnically motivated and to blame local civil society and NGO leaders for the violence. In August Human Rights Watch (HRW) released its report, which placed responsibility for events on several RCD/G commanders and called for them to be prosecuted for war crimes.

On August 25, Mai Mai forces in Kindu reportedly ambushed and killed 40 RCD/G soldiers. In response, RCD/G troops carried out reprisal attacks on the civilian population from August 26 to 28. At Nyonga Island, RCD/G soldiers assembled the entire village, separated out the men and boys over age 14, marched them into the bush, and summarily executed 56 persons. There were unconfirmed reports that at Kitingui Island, RCD/G troops burned alive up to 80 people who already had surrendered. RCD/G troops repeatedly denied access to international aid organizations.

From October 24 to 29, in Mabasa and Mangina in the Ituri region, RCD/N and MLC troops systematically killed, abducted, raped, tortured, and looted the civilian population, some of whom were forced to commit cannibalistic acts. According to the U.N., 117 persons were killed, 65 adults and children were raped, and 82 persons remained missing at year's end. In some cases, victims were killed in front of their families, who were forced to eat their body parts. Thousands of persons fled, including numerous Pygmies, who the rebels reportedly targeted for cannibalism.

RCD/G rebels and RDF troops continued to target churches and religious leaders in the areas

under their control and committed numerous abuses, including arbitrary killings, beatings, and the violent dispersal of religious services (see Sections 1.b. and 2.c.).

Rebel and foreign groups, particularly the RCD/G and RDF, raped women with impunity; a June HRW report charged that both groups used rape as a tool of war.

For example, from January to March, RCD/G, RDF, and Burundian soldiers frequently raped young girls in rural schools throughout the territory of Fizi in South Kivu. Local human rights organizations documented 248 cases of rape, 69 unwanted pregnancies, and 418 girls who dropped out of school after they received threats of sexual violence. Most of the girls, who faced societal rejection as rape victims and because of likely exposure to HIV/AIDS, received no medical care or trauma counseling.

RCD/G and RDF, Mai Mai, and Interahamwe forces kidnaped numerous women and girls during raids on rural villages and forced them to provide labor or sexual services. Many of the victims were forced to stay with the troops from several days to several months and subjected to gang rape or acts of sexual torture. Once released, many of the victims were ostracized by family members or their local communities, faced unwanted pregnancies, or had contracted the HIV/AIDS virus from the soldiers who abused them.

In October numerous persons were killed during fighting between RCD/G troops and Mai Mai over the control of Uvira. After October 13, when Mai Mai took control of the city, approximately 5,000 RCD/G troops marched south to retake Uvira and fought with Mai Mai along the way in Luvungi and Sange; more than 120 persons were killed. On October 19, the RCD/G regained control of Uvira and subsequently arrested more than 100 persons; local groups reported that six bodies also were found in the city after the RCD/G returned.

Landmines reportedly laid by Burundian soldiers throughout the territory of Fizi in South Kivu killed six civilians and seriously injured ten during the year. The victims included villagers from Ake, Mboko, Nundu, Kabondozi, Kabumbe, Swima, and Etundu; the ages of the victims ranged from 10 to 51 years old. It was impossible to know whether the mines were laid this year or in previous years.

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. 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, security forces arrested or detained illegally 9 journalists compared with 25 journalists in 2001; few of them were tried. One journalist, who was arrested on December 31, remained in detention at year's end. Other journalists reportedly were harassed, and in some cases, beaten or tortured by members of the security services; however, unlike in the previous year, there were no reports that government authorities harassed or expelled foreign journalists.

During the year, the Ministries of Human Rights and of Communication and Press maintained good relations with the private media and in some cases interceded with security services on behalf of journalists subjected to abuse. In an August 9 letter to all public prosecutors, including the COM, Minister of Justice Ngele Audi asked government officials to instruct their personnel to halt arrests of journalists and other members of the media. The Ministry of Justice held a seminar from August 24 to 26 with the goal of improving relations between the security services, the military, and journalists.

According to the Government, 97 newspapers completed the mandatory licensing process and were authorized to publish in the country. Approximately 40 publications appeared regularly in Kinshasa; 9 were dailies and the others were published once or twice a week. There also was an active private press in Lubumbashi, and some private newspapers were published in other

provincial cities. Many 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. The Government published *Bulletin Quotidien*, an official daily that covered official and general news. For the duration of the ICD in Sun City, the Government also published the *Congo Libre*, which was distributed in South Africa and the country. The Minister of Communications also published *Le Journal de Vendredi*, a private weekly.

A 1996 Press Law regulates the newspaper industry. Publishers were required to deposit copies of their publications with the Ministry of Communication and Press after publication. Criminal libel laws exist and were used to successfully prosecute journalists at least once during the year; however, it widely was believed that the Minister of Security and Public Order manipulated the court to secure the convictions and sentences in that case. In two other cases, libel charges against journalists were dropped, reportedly after the journalists had been intimidated by their detention.

Authorities generally charged journalists who were arrested by security services 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, which NGOs have charged needs revision.

On July 11, *Alerte Plus* published an article charging that Minister of Security and Public Order Mwenze Kongolo had been poisoned. On July 19, police arrested Raymond Kabala, the publications director of *Alerte Plus* on charges of libel; on July 22, Delly Bonsange, the newspaper's editor, was arrested on the same charge. Both journalists were beaten and tortured, and the article was retracted the following day. On September 6, the Kinshasa-Ndjili Peace Court found Kabala and Bonsange guilty of "harmful accusations" and "falsification of a public document." Kabala and Bosange were sentenced to 12 and 6 months in prison, respectively, and received heavy fines; however, the sentences and fines were reduced on appeal. Bosange was released in December; Kabala remained in Makala prison at year's end.

On July 25, opposition politician Joseph Olenghankoy lodged a libel complaint against Pot-Pourri editor Achille Ekele N'Golyma and Gogin Kigwakiou, a journalist for *Vision*, after both publications accused Olenghankoy of receiving bribes. On July 31, N'Golyma was arrested; however, Kigwakiou evaded arrest. On August 15, N'Golyma was released after Olenghankoy withdrew charges.

On August 2, the newspaper *L'Intermediaire* published an article on the ongoing illegal detention of human rights activists N'Sii Luanda and Willy Wenga; the article referred to the COM as a "dictator's consolidation instrument" (see Section 1.d.). On August 7, national police acting on behalf of COM General Prosecutor General Charles Alamba, detained Eugene Ngimbi, the editor of *L'Intermediaire*, for 2 days on defamation charges; however, the prosecutor did not pursue the charges.

Police in Kinshasa briefly detained newspaper vendors and seized newspapers during the year.

Due to limited literacy and the high costs of newspapers and television, radio remained the most important medium of public information. The number of private radio stations in Kinshasa increased to 18 radio stations compared with 10 in 2001, of which 2 were state-owned and 16 were private or religious. There were 16 television stations compared with 7 in 2001, of which 2 were state-owned and 14 were private or religious. Opposition parties were unable to gain access to state-owned radio, and private radio was markedly less critical of the Government than private newspapers. The Government threatened to shut down radio stations that had not paid their licensing fees, however, some stations did not pay the fee, and the Government took no action against them. During the year, MONUC established a nationwide radio station called Radio Okapi, which broadcast national and local news and provided information on MONUC's mandate and activities, as well as its demobilization and disarmament program.

On April 3, army soldiers arrested and detained journalist Jose Feruzi Samwegele, who intervened with soldiers on behalf of Mayulu Mayung, who had attempted to enter the national radio station RTNC without a valid ID; Mayung also was found to be carrying an opposition UDPS position paper

from Sun City. On April 10, Samwegele was released; on April 12, Mayung was released.

At year's end, there were 10 domestic Internet service providers. Because of technical difficulties and high cost, the Internet was not used widely; however, no restrictions were imposed on Internet use.

Academic freedom continued to be restricted, and professors (who were public servants) exercised self-censorship or modified their lectures to suit the views of their patrons in the Government; however, there were no reports of students or professors being overtly censored.

On February 21, the eight students arrested in connection with the December 2001 violent student strikes in Kinshasa were released and expelled from the University of Kinshasa. In October the students published a petition demanding that they be allowed to resume their studies; authorities had made no decision about the petition by year's end.

In areas not under government control, rebel groups continued to severely restrict freedom of speech and of the press; however, some independent media organizations, primarily the Catholic Church-sponsored news agency MISNA and MONUC-operated Radio Okapi, were allowed to operate. Most local radio stations were controlled by rebel authorities and foreign troops. Radio Maendeleo, the only independent Congolese-run radio station in Bukavu, operated most of the year; however, on October 14, RCD/G soldiers occupied the station and blocked its news broadcasting; the action reportedly was taken to prevent coverage of the Mai-Mai forces advancing to Bukavu. The station remained closed at year's end.

In June Banyamulenge civil society representative Enock Sebinezza fled the country in fear for his life after returning to Bukavu from the ICD in Sun City. Sebinezza, who had criticized the RDF military campaign against civilians on the High Plateau and feared reprisal from the RCD/G or RDF, reportedly remained abroad in self-imposed exile at year's end.

Rebel forces continued to harass and arrest journalists. For example, on March 9, in Bunagana (on the DRC-Uganda border), RCD/G forces arrested Raphael Paluku Kyana, director of Radio Rurale de Kanyabayonga, as he was leaving the country to attend a communications seminar being held in Nairobi. He was released on March 14; however, at year's end, RCD/G authorities still were demanding payment from Paluku Kyana to return his personal identification and travel documents, which the RCD/G had confiscated.

On August 28, Rigobert Yuma Nduani and Shabani Sadala, two journalists from Radio Okapi, took refuge at the MONUC mission in Kindu after receiving threats from the RCD.

On September 13, in Gbadolite, MLC troops arrested journalist Franklin Moliba-Sese in connection with a Radio Okapi report on the living conditions of MLC child soldiers; Moliba-Sese was released after 6 days.

During the year, in Kisangani, RCD/G authorities severely criticized journalists and peace activists on the radio and at rallies, calling them traitors and allies of hostile foreigners (see Section 2.c.). After Radio Amani, which was owned by the Catholic Church, broadcast programs that criticized the RCD, the Department of Security and Intelligence abducted and severely beat the clergyman who headed the Catholic Justice and Peace Commission.

b. Freedom of Peaceful Assembly and Association

In areas under government control, there was no legal protection for freedom of assembly, and the Government continued to restrict this right. The Government considered the right to assemble to be subordinate to the maintenance of "public order," and continued to require all organizers to inform the city government before holding a public event. According to the law, organizers automatically had permission to hold an event unless the city government denied permission in writing within 5 days of receiving the original notification. Some NGOs reported that in practice the city administration sometimes denied permission for the event after the 5-day period by backdating the

correspondence. Government security services generally dispersed unregistered protests, marches, or meetings.

During the year, opposition parties held private meetings without government harassment; however, the Government prevented some public political activities such as marches and press conferences.

Security forces forcibly dispersed political party press conferences and rallies on several occasions, usually on the grounds that the party had not registered with the Ministry of the Interior after promulgation of the May 2001 law on political activity or had not notified city authorities of the event. The Government required political parties to apply for permits to hold press conferences; such permits frequently were denied.

On April 14, police dispersed PALU party activists when they tried to hold a rally in the Kimbanseke neighborhood of Kinshasa; 11 party members were detained for several hours.

On September 26, DEMIAP units forcibly dispersed a march organized by members of the UDPS "parlementaires debout," a movement that conducts street-side debates on current events and political figures, ostensibly because they had not notified the city government of the march as required by law. According to the UDPS, 51 of their members were detained for several hours, and 12 were beaten seriously.

Police also forcibly dispersed labor demonstrations. For example, on June 3, police in Kipushi forcibly dispersed a march organized by workers at Gecamines, a copper and cobalt mining parastatal, and SNCC, a railroad parastatal.

There were fewer government-sponsored demonstrations than in the previous year, and unlike in the previous year, there were no government-sanctioned violent demonstrations against foreign embassies or U.N. offices.

On October 8, in Kisangani, university students erected a barrier on the airport road, stopped a MONUC vehicle from leaving the airport, forced the passengers out, and burned the vehicle. After the students had stopped a second MONUC vehicle, a third MONUC vehicle arrived, and the MONUC soldiers inside fired into the air to disperse the crowd. RCD/G soldiers who had just arrived at the scene also fired into the air. One MONUC soldier and one student were injured.

The law provides no explicit protection for freedom of association, and the Government restricted this right; however, there were fewer instances of such restrictions than in previous years. The May 2001 law on political activity allows anyone to form a political party by registering with the Minister of Interior. NGOs and religious groups also were permitted to form freely, provided that they registered with the Minister of Justice and filed copies of internal regulations and descriptions of their organizational structure. According to the Government, more than 100 political parties have registered under the May 2001 law. Some longstanding parties, notably the UDPS, have refused to register under this law on the grounds that they already registered under the Mobutu government and that the Kabila government was illegitimate. The Government responded to this refusal by treating the UDPS as an illegal organization and arresting or dispersing UDPS members who attempted to hold public functions.

Political parties and civil society groups were highly active during the year in preparation for and participation in the ICD. The Government generally did not harass political parties, with the exception of the UDPS.

In areas not under government control, rebel forces and foreign troops continued to restrict severely freedom of assembly and association. Groups critical of the authorities, especially in RCD/G or RDF controlled territory, were subject to severe repression (see Sections 1.a., 1.b., and 1.g.). The only political party allowed to operate openly in RCD/G and RDF territory was the UDPS, which in April joined the Alliance to Save the Dialogue (ASD) with Rwanda and the RCD/G. There were numerous reports that RCD/G and RDF soldiers subsequently forced citizens in Goma, Kisangani, and Uvira to assemble and cheer for UDPS president Etienne Tshisekedi when he toured through the eastern

part of the country in June.

Rebels forcibly dispersed religious services (see Section 2.c.).

No action was taken against RCD/G troops who fired on demonstrators in Bukavu in September 2001.

c. Freedom of Religion

Although there is no constitution currently in effect, the Government generally respected freedom of religion in practice, provided that worshipers did not disturb public order or contradict commonly held morals; however, government forces committed some abuses.

The establishment and operation of religious institutions was 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 were simple and generally were not subject to abuse. The law grants civil servants the power to establish and dissolve religious groups. There were no reports of the Government suspending or dissolving a religious group; however, during the year, the Government outlawed Bunda Dia Kongo, an ethnically-based spiritual and political movement that called for the violent overthrow of the Government and the establishment of an "ethnically pure" kingdom for the Bakongo tribe. Officially recognized religions were free to establish places of worship and to train clergy. In practice religious groups that are not recognized also worshipped freely.

While the Government generally did not interfere with foreign missionaries, they were not exempt from general restrictions by security forces, such as restrictions on freedom of movement imposed on all persons by security force members who erect and man roadblocks, at which they often solicit bribes.

Some abuses against churches or clergy occurred in government-controlled areas as a result of a lack of discipline of individual government soldiers. These abuses, usually the harassing of priests at checkpoints or the theft of church property, were not linked to any religious or politically motivated policy.

On July 20, Bunda dia Kongo followers reportedly clashed with police in Louzi and Moanda; 10 of the demonstrators in Luozi and 4 in Moanda were killed, and numerous others were injured by gunshot. One policeman reportedly also was killed.

In areas not under government control, respect for religious freedom continued to be poor. RCD/G and RDF soldiers continued to commit significant abuses in these areas and deliberately targeted churches and religious leaders in the towns and villages under their control. These actions were believed to be part of an attempt to intimidate the population and in retaliation for the growing role of churches as one of the few remaining forums for community discussion and peaceful political activism. Abuses took the form of arbitrary killings, arrests, and disappearances of pastors, priests, and laymen; public threats against the lives of religious leaders; pillaging and destruction of church property; and the use of armed soldiers to disperse forcibly religious services (see Section 1.b.).

On April 12, in Bukavu, Rwandan and RCD/G soldiers surrounded the congregations of several Catholic churches and forcibly dispersed, beat, and kicked parishioners. Although the Catholic Church had applied for and received permission from the Mayor of Bukavu and the Vice Governor of South Kivu Province to hold a Mass at which Catholics from all parishes in South Kivu Province were to assemble and pray for peace, Rwandan and RCD/G soldiers announced on the radio that the Mass was forbidden. During the broadcast, RCD/G Commander Chuma Balumisa issued threats against the Catholic Church; specific priests, including Monseigneur Maroyi; and anyone who participated in the Mass. The Catholic Church cancelled the Mass and told parishioners to pray instead at their local parishes. On the morning of April 12, Rwandan forces armed with guns and RCD/G soldiers and police armed with batons surrounded the main religious centers in each parish and lined the main roads in Bukavu. In the Cahi Parish, soldiers entered the church, beat

parishioners and priests, and destroyed the statue outside the Church. In Nyamwera Parish, Rwandan soldiers used tear gas to disperse a group of young students. In Mater Dei of Muhungu Parish, soldiers chased parishioners from their church, beat them, and fired shots in the air. Soldiers at the same parish violently kicked a group of children between the ages of 8 and 12 who were marching toward the church chanting, "We ask for peace." Numerous persons were injured, including two priests, a 14-year-old girl, and a 17-year-old boy. No action was taken against those responsible by year's end.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

In areas under government control, the law allows for freedom of movement; however, the Government increased its restrictions of this right after the war began in 1998. Resolutions adopted as part of the ICD process in 2001 affirmed the right to free movement of persons and goods in the country, and the Government generally honored this stated commitment during the year; however, some travel restrictions continued, such as the need to obtain a routine written document from the Ministry of Interior for travel within government-controlled territory. Movement between government and nongovernment zones continued to be hazardous and sometimes impossible, except by U.N. flights and U.N.-accompanied river convoys. Commercial flights between government-controlled territory and RCD/ML territory resumed during the year; however, the flights were interrupted by new conflict in August.

In Kinshasa the practice of police and soldiers erecting roadblocks for night-time security checks and to protect government installations continued. In general military police manning the roadblocks were better organized and more professional than in previous years, and there were fewer instances in which taxibus drivers and passengers were harassed or forced to pay bribes. However, underpaid traffic police continued to routinely harass citizens and demand bribes in the course of pulling vehicles over for traffic violations.

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.

On April 29, the Government signed an agreement with the MLC and the RCD/G permitting the resumption of commercial traffic on the Congo River. Since this agreement, commercial barges under MONUC escort successfully have traveled between government and MLC territory; however, RCD/G authorities have not permitted travel to RCD/G territory.

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 leave the country; ICD participants were able to travel freely to meetings in South Africa. Unlike in the previous year, there were no reports that the Government refused to issue passports to opposition leaders.

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 CAR and Angola during the year. According to the U.S. Committee for Refugees, approximately 305,000 refugees from neighboring countries, including 180,000 from Angola, 70,000 from Sudan, 20,000 from the CAR, 20,000 from Burundi, 10,000 from Uganda, and 2,000 from Rwanda lived in the country.

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

On September 26, the Government informed the Third Party Verification Mechanism (TPVM) that it was declaring persona non grata and expelling 20 FDLR leaders from the country; all but one, who was expelled to Kenya, were expelled to the Republic of the Congo, which refused to accept 8 of the 20 and returned them to Kinshasa. On October 30, the Government forcibly returned the eight to Rwanda (see Section 1.d.). On October 24 and 25, the Government detained an additional 19 FDLR/ALIR officials in Kinshasa; all remained in custody at year's end.

According to the U.N., approximately 355,000 Congolese refugees lived in neighboring countries during the year, including approximately 80,000 in the Republic of the Congo and 120,000 in Tanzania. In September the Government agreed to allow the voluntary repatriation of 4,000 former soldiers from the Republic of the Congo. Approximately 10,000 Congolese Tutsis who had been living in refugee camps in Rwanda were repatriated to the DRC during the year.

In areas not under government control, freedom of movement was restricted severely during the year, partially as a result of fighting between the rebels forces, Rwandan and Ugandan troops, Mai Mai, and Hutu militias. Rebel soldiers and foreign troops frequently prevented travel and harassed travelers. Several cities were cut off from the surrounding countryside by soldiers and armed groups, which controlled all road and river access into and out of the cities. For example, Kisangani was controlled by RCD/G soldiers, who restricted entry and exit into the city by land and by river. Soldiers established roadblocks and routinely harassed and extorted civilians who attempted to enter or exit these cities to buy or sell food or to visit family members. Kindu, which was controlled by RDF and RCD/G soldiers, was surrounded by Mai-Mai, who cut off travel into and out of the city by land and river. Such travel restrictions contributed to widespread hunger and economic hardship.

Rebel forces frequently imposed travel restrictions on NGOs, although in some cases they permitted NGOs and civil society groups to travel to conferences in foreign countries or government-controlled territory (see Section 4).

On March 9, in Goma, RCD-G security services arrested and detained Raphael Paluku Kyana, director of a religious community radio station in Kanyabayonga, as he was attempting to travel to Nairobi to attend a training workshop for media professionals organized by the Inter-African Council of Churches. On March 14, Paluku Kyana was released.

The U.S. Committee for Refugees estimated that there were approximately 2 million IDPs in the country, most of whom were located in the eastern part of the country and the Ituri area. Many of the IDPs received no assistance because of ongoing fighting and the denial of access to NGOs. Many IDPs were forced to relocate numerous times to escape fighting (see Section 1.g.).

In March fighting between the Mai Mai and the RCD/G and RDF around Kitutu, South Kivu, resulted in the displacement from the surrounding villages of thousands of persons in Kamituga and in Kitutu.

There were numerous reports that the RDF forcibly displaced Banyamulenge in the High Plateau region of South Kivu and then bombed areas in which IDPs were gathered (see Section 1.g.). NGOs also estimated that the RDF forcibly displaced approximately 4,100 households (including 14,600 children) in non-Banyamulenge Congolese villages during the conflict between the RDF and the Banyamulenge; many of these IDPs were living in the outskirts of Uvira at year's end. In October 20,000 persons, many of them ethnic Banyamulenge from Uvira, entered Kalemie as IDPs.

In November the RCD/ML captured Bafwasende and Niania in Orientale Province, which resulted in 33,000 IDPs in North Kivu Province.

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 and their respective allied tribes, which reportedly resulted in 500,000 IDPs (see Section 1.a.). In August, when the Hema-dominated UPC militia took control of the city of Bunia, there were numerous reports that they attempted to ethnically cleanse Bunia and chase out all residents from the Lendu tribe. Several thousand Lendu fled Bunia and were IDPs in surrounding villages at year's

end.

On several occasions, the RCD/G, RDF, and the UPC militia denied access to humanitarian organizations or obstructed their ability to deliver humanitarian relief supplies. For example, during the RDF military campaign against the Banyamulenge revolt in the High Plateau (see Section 1.g.), RDF authorities repeatedly denied access to humanitarian organizations and to MONUC, claiming that the area was not secure; however, RDF authorities subsequently granted access to a planeload of journalists flown in at the Rwandan Government's expense.

On July 18, RCD/G authorities closed and padlocked the office of AirServe, the humanitarian plane service used by international NGOs to deliver relief supplies throughout the eastern part of the country. RCD/G authorities demanded \$23,500 in taxes and other expenses, despite having signed a convention in 1999 with AirServe and other NGOs that exonerated such groups from most taxes. During the same week, RCD/G authorities attempted to collect large sums of money from other international NGOs, including Alisei, MSF Holland, Save the Children, and Concern; authorities also threatened Concern with closure. On July 20, after strong international pressure, RCD/G authorities allowed AirServe to resume delivery of humanitarian goods.

Since the beginning of October, after the Mai-Mai assumed control of RCD/G territory in Shabunda, RCD/G authorities denied permission for humanitarian NGOs to fly from Goma to Shabunda, where NGOs had longstanding health and nutritional programs supplied by AirServe flights. Despite the exhaustion of milk and food supplies at an NGO nutrition center and severe malnutrition among 3,400 IDPs, RCD/G authorities justified the flight denial as concern for security and claimed that NGO flights to Mai-Mai areas would give legitimacy to such groups. When the NGOs promised to take responsibility for their own security, RCD/G authorities granted approval for the flights; however, few flights at only irregular intervals had been approved by year's end.

On October 17, the Hema UPC militia refused landing rights to a UNICEF-chartered cargo flight carrying humanitarian supplies as the plane was circling over Bunia. UPC authorities, who previously had granted permission for the flight, subsequently claimed the refusal was an unfortunate bureaucratic error; however, credible reports indicated that the UPC may have taken the action to force the humanitarian community to charter planes from a private airline connected with the UPC.

The UNHCR continued to work with NGOs and the RCD/G to voluntarily repatriate Rwandan Hutus to Rwanda.

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. The Government continued to operate without a constitution. President Joseph Kabila, who came to power in January 2001 after the assassination of his father Laurent Desire Kabila, ruled by decree in the territory under government control. At year's end, the Government was holding talks with rebel groups, opposition politicians, and civil society to establish a transitional government, which would be responsible for drafting a constitution and organizing elections (see Section 1.g.).

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. During the year, the Assembly continued to meet and to approve decrees and motions handed down by the President, but it did not have a significant role in governing the country.

In May 2001, the Government revised the law on political activity to allow legally registered parties to operate freely, which significantly improved political freedom in practice. However, the Government continued to arrest political activists and to block some activities, including marches and press conferences, particularly of parties who had not registered under the terms of the 2001 law (see Section 2.b.).

On March 31, supporters of President Kabila established the Peoples Party for Reconstruction and Democracy (PPRD) to legitimize politically President Kabila's regime. In November the President reshuffled his cabinet; the new 34-member cabinet included 17 PPRD members. President Kabila also eliminated three ministerial positions formerly occupied by ministers he suspended for their involvement in resource exploitation.

The State continued to be highly centralized in many ways. The Government 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 by the Government. Provincial government resources, both financial and logistical, almost exclusively came from the Government. Unlike in previous years, when a disproportionate number of government positions were held by persons from Katanga Province, President Kabila's government generally was geographically and ethnically diverse.

There are no official restrictions on the participation of women or minorities in politics. Three of 23 cabinet ministers and 1 of 12 vice ministers were women, and women held 18 of the 300 seats in Parliament, including the Speaker's chair. Pygmies were not represented in the political process. There were no Muslims, who constituted only 2.5 percent of the population, represented in senior positions in the Government or in political parties.

In areas not under government control, citizens did not have the right to change their government peacefully. In RCD/G-controlled territory, rebel authorities, often in consultation with the Government of Rwanda, appointed local officials. Rebel groups tended to be dominated by members of one ethnic group, often a minority group in the areas under their control. Rebel forces and foreign troops continued to severely limit political freedom (see Section 2.b.). The only political party allowed to operate openly in RCD/G-held territory was the UDPS, which signed a political alliance with Rwanda and the RCD/G.

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

In areas under government control, numerous domestic and international human rights NGOs continued to investigate and publish their findings on human rights cases. The Government Human Rights Ministry attempted to stop abuses against NGO workers; however, the security services continued to harass some domestic NGO workers. For example, the security services rearrested N'Sii Luanda, president of the human rights organization Committee for Human Rights (CODHO) (see Section 1.d.). In October outside of a military court in Kinshasa unidentified individuals in military uniform beat and abducted Sebastien Kayembe Nkokesha, chairman of the Congolese Human Rights Observatory; Nkokesha was released the same day.

The main domestic human rights organizations operating in the country included 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 Jeremie and Groupe Amos, two Christian-inspired groups that focused on human rights and democracy problems; CODHO, a human rights monitoring group; Toges Noires, an association of lawyers and judges involved with human rights; and Association Africaine de Defense des Droits de l'Homme (ASADHO).

International human rights and democracy NGOs operating in Kinshasa included the ICRC, International Human Rights Law Group, the International Foundation for Elections Systems, Search for Common Ground, Avocats Sans Frontiers-Belgium, and the National Democratic Institute. Representatives of other international human rights and democracy NGOs, such as Human Rights Watch Africa and the National Endowment for Democracy, visited the country during the year.

In May the Government invited the International Criminal Tribunal for Rwanda (ICTR) to open an office in Kinshasa. While the ICTR has not established an office, ICTR investigators operated freely in government-held areas of the country, seeking a number of genocide indictees thought to be living in the country. On September 29, the Government arrested genocide suspect Tharcisse Renzaho and delivered him to the ICTR.

In areas not under government control, there were fewer domestic and international human rights NGOs than in government-controlled territory; those that did operate generally were subjected to more harassment and abuse. Domestic human rights organizations operating in areas outside government control included SEDI, a human rights NGO monitoring violations in South Kivu; PAIF, a woman-led NGO monitoring violence against women in the Kivus; RODHECIC, a human rights NGO network active in South Kivu; ARC, a human rights NGO focusing on abuses against religious groups and women; and Groupe Lotus, Amis de Nelson Mandela, and Justice and Liberation, three human rights NGOs monitoring abuses in Kisangani.

Rebel groups, foreign troops, and militias frequently harassed, arrested, and tortured domestic NGO workers in an attempt to obstruct their reporting (see Section 1.g.). Rebel forces frequently imposed travel restrictions on human rights NGOs and journalists (see Section 2.d.).

For example, on May 26, RCD-G soldiers accompanied by the head of the RCD-G security service forcibly entered the home of Delphine Itongwa, Executive Secretary of the NGO Group for Study and Action of Development. The soldiers interrogated Itongwa and confiscated her work documents, laptop computer, and airplane ticket to Bukavu; Itongwa was warned not to leave the city.

International NGOs active in areas not under government control included the ICRC and the International Human Rights Law Group. Representatives of Human Rights Watch Africa visited RCD/G-controlled territory during the year.

After the May massacres in Kisangani, the RCD/G permitted Asma Jahangir, the U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, to visit and conduct investigations in Kisangani from June 16 to 22 (see Section 1.g.). However, Jahangir reported that the RCD/G attempted to hinder her investigation and intimidated potential witnesses.

In August the Ugandan Government released the results of its investigation into the April 2001 killings of six employees of the ICRC in Ituri district. Although the report placed responsibility on uncontrolled elements of the Lendu ethnic group, credible reports indicated that members of the Hema UPC militia killed the ICRC workers and tried to make the Lendu appear responsible. It was unclear whether the UPDF knew of or assisted in the killings. ICRC field operations in the Ituri district remained suspended at year's end.

On November 22, the UPC president declared the Congolese head of the regional U.N. Office for the Coordination of Humanitarian Assistance (OCHA) in Bunia persona non grata and ordered him to leave Ituri within 48 hours for "arrogance" and "verbal disrespect of UPC security personnel." On November 25, the OCHA official left Bunia.

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

In areas under government control, previous constitutions prohibited discrimination based on ethnicity, sex, or religious affiliation; unlike in previous years, the Government tried to enforce these prohibitions and no longer condoned discrimination against members of the Tutsi ethnic group. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women, Muslims, and the indigenous Pygmy (Batwa) people.

Women

Domestic violence against women, including rape, was common, but there were no known government or NGO statistics on the extent of this violence. The police rarely intervened in domestic disputes. Rape was a crime, but the press rarely reported incidents of violence against women or children. Press reports of rape generally appeared only if it occurred in conjunction with another crime or if NGOs had reported on the subject. Girls who had been raped often found it difficult to get married; married women who were raped often were rejected by their husbands. It was commonplace for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim.

FGM was not widespread, but it was practiced on young girls among isolated groups in the north. On August 20, the Government, which severely criticized the practice, issued a Presidential Decree creating the National Committee to fight Harmful Traditional Practices/Female Genital Mutilation. The Committee, which held a conference in May under the auspices of the Health Ministry, developed a network of community leaders, women representatives, and health professionals dedicated to the prevention and treatment of FGM.

Prostitution, which is not a crime except for children under the age of 14, was a problem, and there was an increase in prostitution due to poor economic conditions. Women sometimes were 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 were relegated to a secondary role in society. They constituted the majority of primary agricultural laborers and small-scale traders and almost exclusively were responsible for child rearing. In the nontraditional sector, women commonly received less pay for comparable work. Only rarely did they occupy positions of authority or high responsibility. Women also tended to receive less education than men. Women were 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; however, in practice women often were denied these rights, which in some cases was consistent with traditional law. Widows commonly were stripped of all possessions--as well as their dependent children--by the deceased husband's family. Human rights groups and church organizations were working to combat this custom, but there generally was no government intervention or legal recourse available. In addition, women often did not realize that they could improve their legal claims by obtaining official documents that declared them to be married legally to a man. Women also were denied custody of their children in divorce cases, but they retained the right to visit them. Polygyny was practiced, although it was illegal. Father-child relationships resulting from polygynous unions were recognized legally, but only the first wife was recognized legally as a spouse.

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 was nonexistent. Primary school education was not compulsory, free, or universal. In public schools, parents formally were required to pay a small fee, but parents often informally were expected to pay teachers' salaries. Extremely poor economic circumstances often hampered parents' ability to afford these added expenses and many children were not able to attend school. Most schools functioned only in areas where parents had formed cooperatives. There were 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 led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer could afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school. In addition, in areas under control of RCD/G and RDF soldiers, there were numerous reports that girls dropped out of school due to threats of rape and sexual violence by soldiers targeting the schools (see Section 1.g.).

The number of orphans and street children increased during the year. Street children in Kinshasa were subjected to harassment by soldiers and police, including the rape of homeless girls. At several points during the year, government forces rounded up children living on the street and transferred them to group facilities outside the city. In some of these cases, the children were not placed in adequate facilities. However, the Government allowed international NGOs to monitor the facilities and worked with these NGOs to transfer children to adequate facilities. The public generally supported the police, since the Kinshasa population was distrustful of street children, who often committed theft and other crimes.

FGM was not widespread but still was performed on girls among isolated groups (see Section 5, Women).

The Juvenile Code included a statute prohibiting prostitution by children under the age of 14; however, child prostitution was a serious problem (see Section 6.f.).

Unlike in the previous year, the Government stopped recruiting child soldiers and continued to cooperate with UNICEF in demobilizing child soldiers. However, rebel forces, particularly the RCD/G, continued to recruit child soldiers, sometimes forcibly (see Section 6.c.). There were some reports that RCD/G forces arrested boys and young men for being Mai Mai sympathizers and then forced them to train and serve with RCD/G or RDF military. Credible reports indicated that rebel forces forcibly conscripted boys as young as age 10, and that RCD/G forces established recruitment quotas for its field commanders and senior party leadership. The RCD/G claimed it was attempting to demobilize its child soldiers, and RCD/G president Onusumba signed an agreement with UNICEF to this effect, but there were numerous credible reports that the RCD/G continued to recruit and conscript child soldiers and to send them to military training camps. In addition, there were numerous reports that the Hema militia UPC recruited a large number of children to fight in the ethnically-based conflict in the Ituri region. No reliable data was available on the number of children recruited willingly versus forcibly.

Persons with Disabilities

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

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

Indigenous People

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

NGOs reported that some tribes in the interior of the country captured and used Pygmies as slaves or occasionally killed a Pygmy as part of the burial ceremony of a tribal chief.

National/Racial/Ethnic Minorities

There were 200 separate ethnic groups, which generally were concentrated regionally and spoke distinct primary languages. There was no majority ethnic group; some of the largest ethnic groups were the Luba, Kongo, and Anamongo. Four indigenous languages, Kiswahili, Lingala, Kikongo, and Tshiluba, had official status. French was the language of government, commerce, and education. Societal discrimination on the basis of ethnicity was practiced widely by members of virtually all ethnic groups and was 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 was common in large cities. Unlike in the previous year, there was no evidence that violent conflict between the Tutsi and Hutu ethnic groups continued inside the country; at one point the Tutsi Banyamulenge people collaborated with Hutu militias in the country to fight the Rwandan army, which was both Hutu and Tutsi.

Since the start of the war in 1998, ethnic Tutsis have been subjected to serious abuses, both in the capital and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime; however, these abuses decreased significantly during the year.

Human rights groups have complained that discrimination against persons perceived to be of Tutsi ethnicity and their supporters was a problem.

President Kabila's cabinet and office staff were geographically and ethnically diverse. However, a significant amount of political influence remained in the hands of individuals (both inside and outside the Government) from the Luba Katangan ethnic group of Kabila's father, former President Laurent Kabila. 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. The leadership and armed forces of the rebel MLC continued to be dominated by members of the Equateur province. The RCD/G leadership continued to be dominated by Tutsis.

Birth on national territory did not necessarily confer citizenship. The Government did not recognize the citizenship claims of longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis from Rwanda. However, in ICD negotiations in Sun City, the Government and most other parties agreed to grant citizenship to the Banyamulenge. This has not yet been implemented and was on hold until the completion of transitional government talks.

During the year in the Ituri district in Orientale province, fighting between members of the Lendu and Hema ethnic groups (and other smaller tribes allied with either the Lendu or the Hema) resulted in thousands of civilian deaths and the displacement of more than 500,000 persons. UPDF and rebel factions have armed both groups and manipulated ethnic tensions--resulting from long-standing land disputes and colonial favoritism to the Hema--to exploit the region's resources. There have been reports that the Rwandan Government supplied and trained Hema militias led by Thomas Lubanga, while the progovernment RCD-ML supported Lendu combatants.

Section 6 Worker Rights

a. The Right of Association

In areas under government control, the law permitted all workers, except magistrates and military personnel, to form without prior authorization and to join trade unions. The National Union of Congolese Workers (UNTC) remained the largest labor federation. The country's other large confederations were the Democratic Confederation of Labor (CDT) and the Congo Trade Union Confederation (CSC). There also were almost 100 other independent unions, which were registered with the Labor Ministry. Some of the independent unions were affiliated with political parties or associated with a single industry or geographic area; however, they also had ties to larger unions, such as the UNTC, which had more diverse membership. Since the vast majority of the country's economy was in the informal sector, only a small percentage of the country's workers were organized.

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

On October 7, the Government passed a new labor code; however the code has not yet been published.

Police forcibly dispersed labor marches during the year (see Section 2.b.).

Unlike in the previous year, there were no reports that security forces arrested or detained labor leaders and activists.

Unions could affiliate with international bodies. The UNTC participated in the Organization of African Trade Union Unity, and the Central Union of Congo was affiliated with the World Confederation of Labor. Both the UNTC and the CDT also were affiliated with the International

Confederation of Free Trade Unions.

In areas not under government control, there were no reports of functioning labor unions.

b. The Right to Organize and Bargain Collectively

In areas under government control, the law provides for the right to bargain collectively. The professional unions and the Congolese Business Federation signed a cooperative agreement in 1997; however, while collective bargaining still existed in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees.

The law recognizes the right to strike; however, legal strikes rarely occurred because the law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures. Labor unions were not 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 was not enforced.

On January 15, doctors held a 48-hour warning strike to protest a bill that would allow health professionals other than doctors to manage a health care center. The Government took no action against the strikers.

In February workers at Starcell, a telecommunications company, went on strike and demanded contract negotiations. ANR detained an expatriate employer and released him only after he agreed to accept union demands.

In January and in June, workers of the Congolese Office of Post and Telecommunications continued a strike to protest 22 months of salary arrears; the Government took no action against the strikers.

During much of the year, some ONATRA workers were on strike to protest salary arrears; the Government took no action against strikers.

There were no export processing zones.

In areas not under government control, there were no regulations in effect that governed employment or union memberships. Rebel authorities held complete control over public and private sector workers. Rebel authorities generally did not pay public sector employees.

c. Prohibition of Forced or Bonded Labor

In areas under government control, the law prohibits forced or bonded labor; however, there were reports that Mai Mai groups and Hutu militias abducted men, women, and children and forced them to work in rural areas (see Section 1.b.).

The law does not prohibit specifically forced and bonded labor by children; however, the general law prohibiting forced or bonded labor applies (see Section 6.f.). Many children were forced by their parents to leave school and beg in the streets or work to earn money for their families. Unlike in the previous year, there were no reports that the Government forcibly conscripted children or adults.

There were NGO reports that some tribes used Pygmies as slaves (see Section 5).

In areas not under government control, there were numerous reports that rebel groups, foreign troops, Mai Mai, and Hutu militias used forced and bonded labor. RCD/G and RDF soldiers routinely forced civilians to carry heavy loads for them for long distances or to transport them without pay on their bicycles, which typically were used as taxis in many eastern cities. Armed combatants on all sides, particularly Hutu militias and Mai Mai groups, abducted women and children and forced them to provide household labor or sexual services, for periods ranging from

several days to several months. Rwandan and RCD/G soldiers continued to conscript forcibly adults and children, often forcing those they had arbitrarily arrested to train and serve with RCD/G forces (see Section 5).

There continued to be numerous reports that the Rwandan army forced Rwandan prisoners and Congolese civilians, including children, to mine coltan in the Provinces of South Kivu and Maniema, especially in the areas of Kalemie and Kalima.

On January 17, NGOs reported that Mfaume Ebombo, a civil servant, and Burundian soldiers seized control of palm groves belonging to the villagers in Ake I and II, Iyuwa, and Swima, South Kivu and forced the villagers into slave-like labor, regardless of age or state of health. Burundian soldiers reportedly patrolled the groves with whips. On January 27, a Burundian soldier reportedly slashed M'mabi Birire with a machete because he told the soldier he could not climb a palm tree; soldiers also whipped Mshenji Ishibilebwa for the same reason.

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

In areas under government control, the legal minimum age for full-time employment without parental consent 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. The employment of children of all ages was common in the informal sector and in subsistence agriculture, which were the dominant portions of the economy. Such employment often was the only way a child or family could obtain money for food. Larger enterprises generally did not exploit child labor. Neither the Ministry of Labor, which was responsible for enforcement, nor the labor unions effectively enforced child labor laws.

There continued to be reports that forced child labor occurred (see Section 6.c.).

In areas not under government control, there were numerous credible reports that rebel groups, foreign troops, Mai Mai, and Hutu militias used forced child labor (see Section 6.c.).

e. Acceptable Conditions of Work

In areas under government control, most citizens were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family. Most workers relied 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) was 48 hours. One 24-hour rest period was required every 7 days.

Civil servant salaries remained very low, ranging between \$4 (1,600 Congolese francs) and \$20 (8,000 Congolese francs) per month, and salary arrears continued to be a problem. However, depending on their position, civil servants frequently supplemented their incomes through various practices of corruption. The Congolese Credit for Development fund (CCD), which was announced in July 2001, has not yet been implemented.

On July 3, the Government passed a new minimum wage law, which provided public and private sector workers with a minimum daily wage of \$.86 (335 Congolese francs); however, on October 14, the Government announced that due to fiscal constraints, public salaries would not be raised to comply with the minimum wage. Some public ministry workers subsequently went on an extended strike (see Section 6.b.).

The Labor Code specifies health and safety standards. The Ministry of Labor officially was charged with enforcing these standards, but it did not do so effectively. No provisions in the Labor Code permitted 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.

In areas not under government control, rebel authorities did not address employment issues or health and safety standards. There were few jobs available in the formal sector. Employees of RCD/G-controlled parastatals remained unpaid. Most citizens in rebel-controlled territory were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family. Due to extended pillaging, extortion by armed groups, and instability forcing families to flee their homes and crops, poverty and economic hardship generally were more severe in areas held by rebels and foreign troops than in areas under government control. Most citizens relied on informal economic activity, humanitarian aid, and scavenging in the forests. Salary arrears for police, soldiers, and other public officials encouraged extortion and theft from the population.

f. Trafficking in Persons

In areas under government control, there were no specific laws that prohibited trafficking in persons, and trafficking occurred; however, there were laws prohibiting the corruption or debauchery of minors under the age of 21. The Government also was a party to the Convention on Repression of Trafficking of Human Beings and Exploitation of Third Party Prostitution; the Additional Convention Relating to Child Rights; and the Optional Protocol on the Sale of Children. Unlike in previous years, there were no reports that women were trafficked for sexual purposes to Europe; however, child prostitution was common in Kinshasa and in other parts of the country. There were reports during the year that girls were forced into prostitution to earn money for their families.

The Government had few programs in place to prevent this practice. The Government coordinates with other countries on trafficking issues and has attended some regional meetings on trafficking in persons; however, Government efforts to combat trafficking were limited by a lack of resources and information, and because much of the country's trafficking problem occurred 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 NGOs. The Government does not coordinate with other countries on trafficking issues and has no funding for protection services. Victims are not prosecuted.

In areas not under government control, there continued to be reports that the RCD/G, RDF, Mai Mai, Hutu militias, MLC, and other armed groups kidnaped men, women, and children and forced them to provide menial labor or sexual services for members of the armed group. Many of the victims were held for periods of several days to several months. Specific information was difficult to obtain because NGO access was hindered and because victims were reluctant to discuss their experiences because of possible reprisal from the perpetrators and the social stigma attached (see Section 5).

The Government repeatedly has criticized severely the abduction of women and children by armed groups in areas of the country not under government control. On May 28, the Government filed a case against Rwanda in the World Court, accusing Rwandan soldiers of killing, raping, and kidnaping civilians in the country.