



**NATIONS UNIES
HAUT COMMISSARIAT
POUR LES REFUGIES**

**UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES**

**BACKGROUND PAPER ON
REFUGEES AND ASYLUM SEEKERS
FROM THE
- DEMOCRATIC REPUBLIC OF THE CONGO**

**UNHCR
CENTRE FOR DOCUMENTATION AND RESEARCH
GENEVA, APRIL 1998**

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PREFACE

The Democratic Republic of Congo, formerly Zaïre, has been an important source country of refugees and asylum-seekers over a number of years. This paper seeks to define the scope, destination, and causes of their flight. It replaces an earlier paper prepared in March 1995 by the Country Information Unit of UNHCR's Centre for Documentation and Research (CDR).

In the first part, the paper provides a statistical overview of DRC refugees and asylum-seekers in Western Europe, describing current trends in the number and origin of asylum requests as well as the results of their status determination. The data are derived from government statistics made available to UNHCR and are compiled by its Statistical Unit.

The second part of the paper contains information regarding the conditions in the country of origin, which are often invoked by asylum-seekers when submitting their claim for refugee status. The Country Information Unit CDR conducts its work on the basis of publicly available information, analysis and comment, with all sources cited. The paper is not, and does not purport to be, fully exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum.

1. TRENDS IN ASYLUM APPLICATIONS AND ADJUDICATION: DEMOCRATIC REPUBLIC OF CONGO

Applications

Asylum applications in Europe from nationals of the former Republic of Zaïre, now renamed the Democratic Republic of Congo (DRC) reached a peak in 1991 and 1992, when about 18,000 persons/annum applied for asylum in the 19 European asylum countries listed in the annexed tables. The annual number of asylum seekers from the DRC registered in Europe has remained relatively stable over recent years, at around 7,800 since 1995 (see page 1 of the tables).

In 1997, the largest number of asylum-seekers from the DRC was received by Germany (2,910, or 37 per cent of all DRC nationals applying for asylum in Europe), followed by France (17 per cent) and Belgium (16 per cent) (see page 1 of the tables).

During 1990-1997, asylum applications in Europe of DRC/Zaïrian nationals constituted between 2 and 3 per cent of all asylum applications (see page 6 of the tables).

1951 UN Convention status recognition

About 800 asylum seekers from the DRC were granted 1951 UN Convention refugee status during 1997, down from some 950 during 1996. A peak was reached in 1994, when almost 1,100 DRC citizens were granted Convention refugee status (see page 2 of tables).

During 1990-1997, France granted refugee status to the largest number of asylum seekers from the DRC/Zaïre (3,620 or 52 per cent), followed by Belgium (1,450, or 21 per cent) and Germany (1,330, or 19 per cent). However, whereas France was by far the leading country in granting asylum to DRC/Zaïre nationals from 1990-1993, Germany and Belgium have become much more important since 1994 (see page 2 of tables).

During 1990-1997, Convention status recognition of DRC/Zaïrian nationals constituted approximately 2 per cent of all Convention status recognitions in Europe (see page 6 of tables).

Rejections

In 1997, the number of rejected asylum applications of DRC/Zaïrian nationals in Europe (8,100) was slightly lower than during 1996 (8,800) (see page 3 of tables).

During 1990-1997, France recorded the largest number of rejections of DRC asylum seekers (43 per cent), followed by Germany (24 per cent) (see page 3 of tables).

Humanitarian status

In 1997, the number of DRC nationals granted humanitarian status recognition (460) was the highest in the past eight years, due to the relatively high number of recognitions in the Netherlands (320) (see page 4 of tables).

During 1990-1997, the Netherlands granted humanitarian status recognition to the largest number of nationals from the DRC/Zaire (58 per cent), followed by Sweden (13 per cent) and the United Kingdom (11 per cent) (see page 4 of tables).

Recognition rates

During 1990-1997, the 1951 UN Convention recognition rate for DRC/Zaire asylum seekers has varied between 5 per cent and 10 per cent. In 1997, the rate was approximately 8 per cent. Among the main receiving countries of asylum seekers from the DRC/Zaire (Germany, France, Belgium and the United Kingdom), Belgium had the highest Convention recognition rate (22 per cent), followed by France (9 per cent) and Germany (6 per cent).

The Total recognition rate (including both Convention and humanitarian status recognition) for DRC/Zairian nationals was 9 per cent during 1990-1997. In other words, of all positive and negative decisions taken on DRC/Zairian asylum applications in Europe during 1990-1997, nearly one out of ten received either Convention refugee or humanitarian status (mostly first instance decisions only).

2. COUNTRY PROFILE

2.1 Basic Country Information

The Democratic Republic of the Congo (DRC), formerly known as the Republic of Zaire, covering an area of 2,344,885 sq. km, is after Sudan, the largest country of sub-Saharan Africa. It is bordered by the Republic of the Congo, the Central African Republic, Sudan, Uganda, Rwanda, Burundi, Tanzania, Zambia and Angola. In 1996, the population was officially estimated at 45.2 million, of which 70.9 per cent live in rural areas while 29.1 per cent live in urban areas (*Encyclopaedia Britannica*, Book of the year 1997, 751). According to a 1994 census, Kinshasa, the capital, is the largest city, with 4.9 million inhabitants, followed by Lubumbashi 851,381; Mbuji-Mayi 806,475, and Kananga, 393,030 (*Ibid.*).

The population is made up of approximately 450 tribes belonging to six major ethnic groups: the Bantus (who include the Luba, Kongo, Mongo, Lunda, Tchokwe, Tetala, Lulua, Bangala and Ngombe) make up 80 per cent of the population; the remainder are Sudanese (consisting of the Ngabaka, Mbanja, Moru-Mangbetu and Zande), Nilotes (who include the Alur, Lugbara and Logo), Pygmies, Bambutis and Hamites (*United Nations Commission on Human Rights*, E/CN.4/1995/67, 7, 23 December 1994).

French has traditionally been the official language, but a 30 March 1998 draft constitution proposes that both English and French should be adopted as official languages (**Reuters**, 30 March 1998). The majority of the population, however, speak Bantu languages, of which there is a great variety. Of the more than 400 Sudanese and Bantu languages spoken, Kiswahili, Kiluba, Kikongo and Lingala are the most widespread (**Europa World Yearbook**, 1997, 3683). 46 per cent of the population is Roman Catholic, but animism exerts a strong cultural influence. Other recognized religions are Protestantism (28 per cent), Islam (1.3 per cent), Judaism, the Greek Orthodox Church, Jehovah's Witnesses and Seventh Day Adventists. Many Zairians follow traditional African beliefs (**Office fédéral des réfugiés**, juillet 1997).

2.2 National Institutions

Over the years, Congolese have become frustrated and disillusioned by the continuous failures of the transition to democratization. The economic and political situation reflects the breakdown of the State mechanism: there is no effective national government and no integrated economy (**EIU**, Country Report, 1st Quarter 1996-97).

Despite the country's vast mineral wealth, it is in a state of instability, decline and economic-collapse, a situation made worse by the arrival of Rwandese refugees in the latter half of 1994, which caused a rise in the prices of basic commodities and a serious imbalance in the natural eco-system and environmental pollution (**U.N. Economic and Social Council**, E/CN.4/1995/67, 19).

In addition, steps by the Mobutu government to deprive the Banyamulengé, an ethnic Tutsi group with roots in the province of South Kivu, of their nationality and to deport them, triggered the conflict which gathered momentum as other groups joined in. All expectations for a peaceful transition to democracy had withered away while President Mobutu's transitional government stalled the convening of elections for over seven years (**Info-Congo/Zaire**, 30 May 1997). Roughly seven months after the establishment of the Alliance of Democratic Forces for the Liberation of Congo (ADFL), its troops, in May 1997, overthrew President Joseph-Désiré Mobutu Sese Seko, who had been in power for over 30 years (**Human Rights Watch**, December 1997, 4).

The ADFL established a new order by formally taking power and naming its president, Laurent Desiré Kabila, as head of state with full executive, legislative, judicial and military powers vested in him (**Europa World Yearbook**, 1997, 3687). The transitional constitution of 1992 was abolished (**Info-Congo/Zaire**, 30 May 1997) and a 15-point constitutional decree was promulgated on 28 May 1997. Decree Law No. 97-003, which is to remain in force until the adoption of a new constitution, establishes a state structure consisting of a president, a government, and courts and tribunals (**U.S. DOS Country Reports for 1997, 1998; Regional Surveys of the World**, 1998, 336). President Kabila named himself head of the 26-member executive dominated by members of the ADFL. Since the legislature was suspended, he exercises the legislative power by decree (**Europa World Yearbook**, 1997, 3687). He retains the power to appoint and dismiss members of the government, ambassadors, senior army officers and civil servants (*Ibid.*). Although provisions had been made for the

independence of the judiciary, the president can appoint and dismiss magistrates, judges and the public prosecutor (**Economist Intelligence Unit**, Country Report, 1st Quarter 1998, 21).

Upon taking office in May 1997, President Kabila announced a transitional agenda that would lead to legislative and presidential elections in two years. The transitional agenda promised to open up to other political parties and members of civil society, although *de facto* a ban on all political activities has been put in place (**Human Rights Watch**, December 1997, 4). In October 1997, a Constitutional Commission which excluded non-ADFL members was appointed. This was the first move towards the implementation of the electoral calendar (*Ibid.*).

The new draft constitution was delivered to the President by the Constitutional Commission on 30 March 1998 (**Reuters**, 30 March 1998). It provides for a five-year presidency, where the incumbent can be re-elected only once. It also provides for the president having wide powers, a vice-president and no prime minister, and there are restrictions as to who can run for president (*Ibid.*). President Kabila has announced that in keeping with the draft constitution, presidential and legislative elections will be held in April 1999 (**Agence France Presse**, 31 December 1997; **EIU**, Country Reports, 1st Quarter, 1998, 21). Considering the declaration of the present government of its intention to hold democratic elections, and its appointment of a Constitutional Commission, the Council of the European Union has pledged support in the form of a Joint Action as part of the international effort to contribute to the democratic transition process and assist in the preparations for such elections (**Council of the European Union**, 19 December 1997).

2.3 Overview of political developments since 1991

The end of the Mobutu era

In 1965, Joseph-Désiré Mobutu intervened in a power struggle following elections, seizing power and proclaiming himself head of the republic of Congo (**Europa World Yearbook**, 1997, 3686). He headed an authoritarian regime for 32 years up to 17 May 1997 (**U. S. DOS Country Reports for 1997**, 1998, 1). In 1971, Congo was renamed the Republic of Zaïre. The organization of opposition demonstrations in the 1980s prompted changes towards a multi-party political system in April 1990 (**Europa World Yearbook** 1997, 3683), which marked the beginning of the transition to democracy.

From November 1965 to December 1990, the sole legal political organization allowed in Zaïre was the *Mouvement Populaire de la Révolution* (MPR), led by President Mobutu. He was the central organ of decision-making and as executive President, was elected for a seven-year term (and eligible to be re-elected). He was thus, at the same time head of State, head of the National Executive Council and leader of the MPR (**Political Parties of the World**, 1992, 626).

The first major development in the political reform process was the establishment in 1991 of a Sovereign National Conference. The objective of the Conference was to *inter alia* draft a new constitution. From the start, the Conference was in conflict with

the President, whose supporters in the Conference were in the minority (*Survival*, Autumn 1993, 70).

A succession of short-lived governments was appointed, with alternates being simultaneously appointed either by the Conference or by the President. This resulted on many occasions in organs of the state being at odds with each other, and a demonstrated lack of any coordinated policy (EIU, Country Report, 1st Quarter 1995, 22).

With the State apparatus and the economy in disarray, President Mobutu demonstrated his *de facto* political, military and economic strength, when in late 1992, he issued a new currency denomination. The government of the then Prime Minister Etienne Tshisekedi (appointed by the national Conference in August 1992) refused to accept the new bank notes, and riots ensued in Kinshasa when soldiers were unable to convert their salaries paid in the new currency into essential consumer goods. Up to 1,000 people lost their lives in the turmoil. Public order was restored when the presidential forces intervened demonstrating their ability to direct the course of political life in Kinshasa (*West Africa*, 26 September-2 October 1994, 1678).

After 1992, President Motortolabutu's powers started to be eroded and the stability of the country deteriorated, as opposition forces gained popular support in politics during the transition process (U. S. DOS Country Reports for 1997, 1998). The maintenance of a repressive system amid political liberalisation measures opened the door to an era of chaos and civil strife (EIU, Country Profile 1996-97, 4).

Up to the May 1997 overthrow of the government, the country was governed under a 'transitional period constitution' promulgated on 9 April 1994 (EIU, Country Profile 1996-97, 6). On 14 June 1994, the National Conference had appointed Joseph Kengo Wa Dondo as Prime Minister. Clashes with the main opposition party continued as Mr. Tshisekedi, its leader, refused to acknowledge his dismissal as Prime Minister, and his supporters in the Union for Democracy and Social Progress (UDPS) contested the legitimacy of the appointment of the new Prime Minister and refused to participate in Mr. Kengo's transitional government (EIU, Country Profile 1994-95, 7).

The transition process suffered from delays as there was no progress in the transition to democratic government and the holding of elections, thereby frustrating the opposition (U. S. DOS Country Reports for 1997, 1998). Finally, multi-party presidential and legislative elections were to be conducted in May 1997 (*Europa World Yearbook*, 1997, 3684). However, these never took place because of the conflict which eventually ousted President Mobutu and brought an end to his 30-year rule.

The New Order: the rise of the ADFL to power

In October 1996, some of the rebel groups existing in the country and in the bordering countries joined forces with the ADFL, under the leadership of Laurent-Désiré Kabila (*Africa Confidential*, 1 November 1996). Initially, L. Kabila had come to the fore as leader of a rather meagre band of rebels since the movement had only about 1,500 men when it started operating around Uvira in late September 1996. Most of the fighters

then were Banyamulengé forces (Prunier, G., February 1997). The Alliance of Democratic Forces for the Liberation of Congo-Zaire, (ADFL) used here to mean all forces under the nominal command of Laurent-Desiré Kabila, is alleged to have carried out massive killings of civilian refugees and other violations of basic principles of international humanitarian law during attacks on refugee camps in the former Zaire that began in late 1996, and in the ensuing seven months as war spread across the country (Africa Policy Information Center, 11 December 1996, 1). The war pitted the ADFL, with important backing from Rwanda, Uganda, Burundi, Angola and other neighbouring states, against a coalition of then-President Mobutu Sese Seko's Zairian Armed Forces (FAZ), former Rwandan Armed Forces (ex-FAR), Rwandan *Interahamwe* militias, and mercenaries. In addition to overthrowing President Mobutu, the Rwandan Patriotic Army (RPA) and the ADFL sought to disperse the refugee camps in Eastern Zaire, home to hundreds of thousands of civilian refugees as well as members of the ex-FAR and Rwandan *Interahamwe* (Human Rights Watch October 1997 1).

President Mobutu's absence at the time due to his having to receive cancer treatment in Europe, and uncertainties as to the state of his health, contributed to the poor response of the government forces to the ADFL (Regional Surveys of the World 1998, 335). ADFL troops were able to make rapid territorial gains, in what initially appeared to be a regional movement which sought to defend the Tutsi population and to disempower extremist Hutus, but which soon gathered momentum and emerged as a national rebellion aiming to overthrow the Mobutu government (Europa World Yearbook 1997, 3686).

After a successful offensive by the ADFL troops and following inconclusive peace talks between himself and President Mobutu, the latter left Kinshasa for exile on 16 May 1997. On the same day, ADFL troops entered Kinshasa, where they encountered very little resistance from government forces. Laurent Kabila declared himself President of the Democratic Republic of Congo, which swiftly gained international recognition (Europa World Yearbook 1997, 3686; Info-Congo/Zaire, 30 May 1997).

Several observers have since stated that the rebellion was supported or even planned by the Tutsi-dominated authorities in Rwanda and with active assistance of the authorities in Angola and Uganda (Europa World Yearbook, 1997, 3686, Regional Surveys of the World, 335). This was corroborated by Rwanda's vice-president, Paul Kagame (The Washington Post, 9 July 1997, United Nations. Department of Humanitarian Affairs 'UNDHA', Integrated Regional Information Network for the Great Lakes Region (IRIN), 14 July 1997). To a large extent, the removal of President Mobutu from power appears to have been a regional undertaking, masterminded by the Rwandan government and supported by the governments of Uganda, Zambia, Zimbabwe and Angola (EIU, Country Report, 4th Quarter 1997, 26).

2.4 Recent developments

The transition

President Kabila has been in power for a year. Commentators have suggested that relations with the Congolese population, on the whole, are strained as he has yet to clarify the intentions of his government. The population appears increasingly disenchanted with the ADFL and its leadership (EIU, Country Reports, 4th Quarter 1997, 20; Reuters 20 March 1998, *Africa Confidential*, 26 September, 1997).

In its bid to monopolize power, the new government of the DRC severely cracked down on political parties with a credible claim to popularity and national presence. Police and a plethora of security agencies interrupted their meetings, both public and private, and arrested their supporters, often subjecting them to torture and ill-treatment (*Human Rights Watch*, December 1997, 4). The attacks were strategically targeted to cripple the infrastructure of these parties and frighten away militants, especially those in the youth branches and student movements who had given the opposition its vitality and credibility. Human rights defenders who denounced the abuses themselves became the targets of arbitrary detentions and ill-treatment (*Ibid.*).

No significant political reform has thus been instituted by the new government, and the position of the opposition is bound to deteriorate further. Party political activities are banned, like they were under the previous regime. Consequently, the president's promises of multi-party elections to take place in 1999 are taken less and less seriously, and the chances for free and fair elections seem more and more distant (EIU, 1st Quarter, 1998, 23; Reuters, 30 March 1998).

The DRC's economy has been in major disarray since the 1970s. In the 1990s, the decline accelerated. There is hardly any economically productive activity, low incomes persist, a modern sector is markedly absent, and the physical infrastructure has been severely damaged (U.S. DOS Country Reports for 1997, 1998, 1). Reconstruction is being discussed with foreign donors. However, the reconstruction process is going very slowly, because the funds are lacking. Western nations and the World Bank and the IMF are not convinced of the DRC's commitment to reform and want a gradualist approach based on progress in both economic and political reform (*Africa Confidential*, 19 December, 1997, 1.).

Expectations of the country's economic performance have been inspired by overly optimistic projections on the part of President Kabila's regional supporters. At the same time, corruption has reached levels hitherto unknown even at the end of the Mobutu era. However, some positive developments have been noted and there has been progress in the economic stabilization of the country (EIU, 1st Quarter, 1998, 29).

The government has been dominated by the ADFL, although some non-aligned individuals are participating in government institutions as well: aiming to reduce domestic dissent, to placate foreign donors and perhaps to divide the opposition, President Kabila has invited some second-tier members of the opposition into his government, where they play secondary roles. He has insisted that they discontinue

any party affiliation (*The New York Times*, 8 December 1997). Initially, there were 14 ministers, of whom ten belonged to the ADFL, and four were supposedly non-aligned or were formerly with opposition groups such as the Union for Democracy and Social Progress (UDSP) (*Info Congo/Zaire*, 30 May 1997). However, Etienne Tshisekedi, the most important opposition leader, was not offered a post in the new government. The government was reshuffled in January 1998, and two new ministerial posts were created (*Info Congo/Zaire* 30 May 1997); **Office Fédéral des Réfugiés**, July 1997). One of these posts, that of *de facto* prime minister was filled by the president's cousin, Gastan Kakudji. Almost all the members of the initial government were reassigned to ministerial posts in the new cabinet (*Keesing's Record of World Events*, January 1998, 41990).

The ADFL itself, once united by its war against the Mobutu regime, has been struggling to remain cohesive and to elaborate solid plans for the future of the country (EIU, Country Reports, 4th Quarter, 1997, 20). A splintering of the ADFL is feared. For example, vice-president and commander of the army, General Masasu Nindaga was arrested on 25 November 1997 for forming a private militia and "for fraternising with enemies of State" (*Economic and Social Council*, E/CN.4/1998/65, 30 January 1998, para. 88). Recent events indicate that the Kivu Tutsi faction is losing ground to the Katangese faction. This is a result of Laurent Kabila's tendency to distribute power based on nepotism that favours supporters from his region of origin, Katanga (formerly Shaba). According to the EIU, this also supports the theory that the President does not fully trust the other members of the ADFL leadership (EIU, Country Reports, 1st Quarter 1998, 23-24).

The security situation remains precarious. The security forces are increasingly restless, the military forces are disenchanted and, more importantly, they remain unpaid. President Kabila cannot therefore count on their full support. Moreover, he has so far failed to demobilize and rehabilitate up to 75,000 soldiers of the former Zairian army (*U.S. DOS Country Reports for 1997*, 1998). Press agencies reported on 22 January 1998 that fighting had broken out on 21 January between rival groups of soldiers at a military base in the western city of Matadi. The violence was attributed to soldiers demanding the immediate payment of wage arrears (*Keesing's*, January 1998, 41990).

Since 17 May 1997, the ADFL has not been able to overcome ethnic tensions or to create national cohesion around a clear national reconciliation programme (*Info Congo/Kinshasa*, 27 March 1998). Internal ADFL conflicts rooted in ethnic and regional differences are re-emerging at the national level and the government has failed to establish its authority over the entire country (EIU, Country Reports, 4th Quarter 1997, 23-24). In an attempt to solve the ethnicity problems, the government established a Pacification Commission for the East in September 1997, with the participation of Interior Ministry officials, provincial and local community leaders and churches, which are also seeking to promote ethnic reconciliation (*Africa Confidential*, 26 September 1997.).

However, in July 1997, fighting resumed in Kivu province. The continuing anarchy in the eastern part of the country is providing a breeding ground for a number of regional insurgencies. The present DRC Government and Rwandan troops, mostly made up of Tutsi soldiers, entered the conflict after the local population resumed attacks against

the Banyamulenge and Banyarwanda in mid-1997. Ethnic Tutsis had returned to the region and re-established themselves there after the overthrow of President Mobutu. But local resentment quickly resurfaced. Tutsis became again targets of attack by local and remnants of the Hutu *Interahamwe* militias, troops of the former Zairian Armed Forces (FAZ), ex-Rwandan Armed Forces (FAR) members and the Hunde *Mai Mai* rebels, who once fought alongside the ADFL (EIU, Country Reports, 4th Quarter 1997, 23 *Amnesty International*, 3 December 1997). Assaults were also launched by members of ex-FAR against Congolese Tutsi refugee camps in Rwanda, and against the city of Bukavu on 10 and 11 December 1997. Congolese and Rwandan troops then retaliated against local populations by burning down villages and killing inhabitants. This further inflamed ethnic tensions in the area and lends support to claims that the ADFL miscalculated the importance of local ethnic tensions and is losing control of the region. The resurgence of violence further indicates that the ADFL has clearly been too arrogant about ethnic relations in the region (EIU, Country Reports, 4th Quarter 1997, 23). The Congolese, Rwandan Ugandan and Burundian governments have a strong interest in co-operating to contain the spread of instability, but the presence of various government and rebel armies in eastern DRC suggests a chaotic situation, difficult to contain and which may worsen (EIU, Country Profile 1996-97, 26). The fighting in February 1998 between the Congolese army and *Mai Mai* warriors in North-Kivu continues, most likely, in connivance with elements from the former Rwandan and Zairian armies and has reportedly cost some 300 lives to date, in Butembo alone plus many more, including among civilians (*Afrique Express* 166, 12 March 1998 ; *Info Congo/Kinshasa*, 27 March 1998).

Rebel forces fighting against the Rwandan government are also operating from within the DRC and are largely responsible for the resurgence of violence in Kivu province. The government expelled UNHCR, the main humanitarian agency dealing with refugees in the region on 3 October 1997, ostensibly on the grounds that its presence might lead to new refugee inflows, and instructed local authorities to return some 2,000 Hutu refugees to Rwanda (U.S. DOS Country Reports for 1997, 1998). Many more cases have been *refouled* to the neighbouring countries (E/CN.4/1998/65, paras. 93-98).

Regionally, President Kabila has good working relations with neighbouring governments Rwanda, Uganda, Zambia, Zimbabwe Ethiopia, Eritrea and Angola, who supported the overthrow of President Mobutu. The legitimacy he derived from ousting the long-time dictator has also led to a certain popularity with other progressive African governments. Some of those same governments are known to have also backed his regime against the UN investigation into the alleged massacres of Hutus by the ADFL (*Le Monde*, 12 April 1998). Following repeated obstacles and numerous systematic difficulties made by government officials to hamper the efforts of the UN mission, the UN Secretary- General Kofi Annan announced the suspension of the mission on 17 April 1998. The most recent obstruction was the arrest of an investigator and the searching of his luggage and personal computer which contained sensitive documents, a list of witnesses which was confiscated by the authorities in Kinshasa (*Reuters*, 18 April 1998).

Ironically, the transition process to democratic rule initiated and then strangled by President Mobutu, which was encouraged by civil society groups and churches, had

generated solid building blocks of democratic achievements. These included relative progress in terms of freedom of expression, association and assembly and some measure of multi-partyism (**Human Rights Watch**, December 1997, 4). The process of popular consultation that launched the democratization process under President Mobutu had generated broadly accepted national guidelines and constitutional drafts that offered some promise of a peaceful transition. However, these attainments appeared to be threatened by the severe restrictions introduced by the new ruler on the exercise of civil and political rights (*Ibid.*).

2.5 Political Parties and Movements

The Alliance of Democratic Forces for the Liberation of Congo-Zaire (*Alliance des forces pour la libération du Congo-Zaire* (ADFL))

Similar to the status under the earlier part of President Mobutu's rule, political parties remain officially banned under President Kabila. However, the ADFL is made up of members of four different political parties including the **Democratic Alliance of the Peoples** (*Alliance Démocratique des Peuples* - ADP), led by ADFL Secretary-General, Déogratias Bugera; President Kabila's Revolutionary Party of the People (*Parti Révolutionnaire du Peuple* - PRP), originally set up in 1967 by him as a Marxist party; the National Resistance Council (*Conseil Nationale de la Résistance* - CNR); under André Kisase Ngandu, a Muluba from Kasai-Oriental, composed of mainly Kasaians of the Luba tribe of eastern Kasai; and the Revolutionary Movement for the Liberation of Congo-Zaire (*Mouvement Révolutionnaire pour la Libération du Congo-Zaire* - RMLC) led by Masasu Nindaga, from the Bashi ethnic group, which has popular support in Bukavu in south Kivu (**Africa Confidential**, 1 November 1996).⁷ Masasu Nindaga was reportedly imprisoned in early 1998 for forming his own militia of mixed-Bashi/Tutsi descent.

The alliance describes itself as a structure for politico-military action aimed at dismissing the dictatorial government of former President Mobutu Sese Seko and the establishment of a genuinely democratic government based on popular legitimacy.

The Patriotic Front (*Front Patriotique* - FP)

ADFL has placed itself at the centre of an alliance with a number of political sympathizers. These include, The Patriotic Front (*Front Patriotique* (FP)), whose Chairman, Paul Kinkela, is currently the Minister of Post and Telecommunications. One of the founding members of the party, Jean-Baptist Sondji, is DRC's Health and Social Affairs Minister (**Human Rights Watch /Africa**, Reports for 1997, December 1997, 23). FP is a progressive party with a solid, though minority, following in Kinshasa and has been a member of the radical opposition to the Mobutu government since the 1970s. It is the only party to have been offered in June 1997 two ministerial seats in the present cabinet.

Democratic and Social-Christian Party (*Parti Démocrate et social-chrétien* - PDSC)

The party's chairman is André Bo-Boliko. The PDSC and other parties created the *Union pour la République et la Démocratie* (URD) in April 1994 and pursued the election of a new Prime Minister, thus causing a conflict with Mr. Tshisekedi and the UDPS (EIU, Country Profile 1994-95, 8). The party was one of the main opposition parties during the stalled transition under President Mobutu. The PDSC now voluntarily observes the ban on political activities by not demonstrating in the streets but does not accept the government's pronouncements as a ban on political parties (Human Rights Watch /Africa, Reports for 1997, December 1997, 23).

The party is also active outside the country, putting its membership in the DRC at risk. According to Marie-France Cros, the PDSC wants the democratization process to continue and preparation for elections to proceed from where it stopped under the former regime, with all political parties participating in the new transitional structures, such as the Constitutional Commission (*La Libre*, Brussels, 14 July 1997). In mid-July 1997, the party's chairman launched a strong appeal to President Kabila and the ADFL, calling on them to allow genuine participation and warning that

the great enthusiasm generated by . . . liberation, which should have galvanised everyone's energy for the work of reconstructing our country, is fading with time, gradually giving way to scepticism, demobilization, and even to revolt with regard to certain not very democratic practices (*Ibid.*).

The Union of Federalists and Independent Republicans, (*Union des Fédéralistes et Républicains Indépendants* - UFERI)

Another key political figure has been Jean Nguza Karl I Bond, from Katanga (*Regional Surveys of the World*, 1998, 333). He had gone into exile during President Mobutu's regime in the 1980s, was condemned to death, subsequently reconciled with the then-president and returned to the country to join the government of President Mobutu. Thereafter, Nguza Karl I Bond founded the UFERI opposition party in 1990, ethnically and geographically based in Katanga, in favour of Katangan secession (*Regional Surveys of the World*, 333; EIU, Country Profile 1996-97, 7).

The federal leader of the main UFERI faction is Gabriel Kyungu wa Kumwanza, also the populist former governor of Katanga (who was responsible for the expulsion of Kasaians from (then) Shaba in the early nineties). It was originally an independent opposition party, but it was allied to the MPR which supported President Mobutu. Now, the party seems to enjoy some preferential treatment from the current regime though this is seen as political opportunism to align itself with a group having a naturally popular base in Katanga (Human Rights Watch, December 1997, 24).

The Union for Democracy and Social Progress (*Union pour la Démocratie et le Progrès Social* - UDPS)

The UDPS led by Etienne Tshisekedi was founded in 1982 when opponents of Zaïre's one-party system of government established the party (**Political Parties of Africa and the Middle East**, 1993, 309; **Regional Surveys of the World**, 1998, 331). The leader's ethnic group is the Luba from Kasai-Oriental (*Ibid.*, 333). E. Tshisekedi, who since 1997, under house-arrest, was recently banned to his village of origin. By late 1995, tensions within the UDPS seemed to be intensifying, with support divided between Tshisekedi and the USORAL president, Frédéric Kibassa Maliba (*Ibid.*, 335). Maliba now has a position in President Kabila's government. This party remains a strong opposition to the present regime (*EIU*, Country Reports, 1st Quarter 1998, 21).

According to its leaders in Lubumbashi, the UDPS prepared the population in order to welcome the ADFL as 'liberators' in advance of the fall of the city. Party members expecting to take part in the election of the province's governor showed up in large numbers at a rally called by the ADFL on 19 April 1997, but their banners were confiscated and the expected popular vote did not take place (**Human Rights Watch**, December 1997, 24). On 27 May 1997, one of the prominent UDPS leaders and mayor of the city, Antoine Kazadi, was arrested and held in harsh detention conditions for months along with other political prisoners such as the former governor of Katanga, Gabriel Kyungu, UFERI leader and the president of Mobutu's party' (MPR), Kapapa. Antoine Kazadi was released and placed under house arrest in August 1997. As a condition for his release, he was made to sign a bond that he would cease to be involved in politics, appearing in public places and being together with more than three persons at a time. These threats were effective in freezing UDPS activities in the city for some time (*Ibid.*).

Unified Lumumbist Party (*Parti Lumumbist Unifié* - PALU)

Its General-Secretary is Antoine Gizenga. PALU is considered one of the largest opposition parties. It claims its political heritage as does L. Kabila himself, from Patrice Lumumba, the first elected prime minister of Congo who was slain in the early days following the country's independence. The party's chairman accuses the ADFL of having usurped the symbols of PALU to gain popular support in its campaign across the country, starting with the use of the old party banner and restoring the country's former name (**Human Rights Watch**, December 1997, 24). PALU rejects the electoral calendar proposed by the government as well as its three-year economic plan as having been defined by the ADFL without consensus. When party supporters protested on the streets, their premises were ransacked and its militants severely beaten (*Ibid.*)

Innovative Forces for the Sacred Union (*Forces Novatrices pour l'Union Sacrée* - FONUS)

The party's chairman is Joseph Olenghankoy, a close ally of Etienne Tshisekedi (*Info Congo/Kinshasa*, 4 July 1997). Three of the more influential opposition parties during the Mobutu era, UDPS, UFERI and the PDSC, formed the Sacred Union of the Opposition (*Union Sacrée de l'Opposition* - USOR) in 1991, later renamed Sacred

Union of the Radical Opposition and its Allies (*Union Sacrée de l'opposition Radicale et ses Alliés* - USORAL). It soon included 130 parties (*Regional Surveys of the World* 1998, 335). By 1995, it comprised no less than 215 parties (EIU, Country Profile 1996-97, 7).

The chairman of FONUS, a former opposition parliamentarian, was a frequent target of arrest under the former regime despite his parliamentary immunity. He was released from *incommunicado* detention on 13 December 1996 after parliament intervened and pressed for his release. After the overthrow of President Mobutu, he suffered similar treatment at the hands of the ADFL when, on 8 September 1997, security forces detained him for questioning and then released him (*Human Rights Watch*, December 1997, 24). In November 1997 he was again arrested and he subsequently complained that he had been subjected to assault and battery, arbitrary arrest, burglary, slanderous denunciation and violation of the rights of citizens guaranteed under the Constitution (*Ibid.*). He is presently again under arrest in Katanga but reportedly, he escaped in early April along with others from prison in Lubumbashi.

Other opposition parties include the Forces for the Future (*Forces du Future*), led by Arthur Z'Ahidi Ngoma, whose leaders were arrested along with party members and journalists when they held a press conference in contravention of the ban on political activities (*Human Rights Watch*, December 1997, 27), and the Congolese National Movement (*Mouvement National Congolais-Lumumba* - MNC-L) (*Info Congo/Kinshasa*, 4 July 1997).

3. THE HUMAN RIGHTS SITUATION

3.1 The International and National Legal Framework

The Democratic Republic of the Congo is through State succession, party to several international human rights conventions, including the Convention on the Prevention and Punishment of the Crime of Genocide, succeeded to on 31 May 1962; the International Convention on the Elimination of All Forms of Racial Discrimination, acceded to on 21 April 1976; the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, acceded to on 1 November 1976; the International Covenant on Economic, Social and Cultural Rights, also acceded to on 1 November 1976; the International Convention on the Suppression and Punishment of the Crime of Apartheid, acceded to on 11 July 1978; the Convention on the Elimination of All Forms of Discrimination Against Women, ratified on 17 October 1986; the Convention on the Rights of the Child, ratified on 27 September 1990; and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, acceded to on 18 March 1996 (UNHCR, *Refworld*, Legal Databases, January 1998).

The DRC acceded to the Convention relating to the Status of Refugees on 19 July 1965 and the Protocol relating to the Status of Refugees on 13 January 1975. It also acceded to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery on 28 February 1975 (*Multilateral Treaties Deposited with the Secretary-General*, United Nations, New York,

ST/LEG/SER.E). The country became a State Party to the Convention on the Political Rights of Women on 12 October 1977. The DRC has also ratified the Charter of the Organization of African Unity (OAU) on 13 September 1963; the African Charter on Human and Peoples' Rights, on 20 July 1987; and the Convention Governing the Specific Aspects of Refugee Problems in Africa, on 14 February 1973.

National Practices

Upon his coming to power, Laurent Kabila promulgated a constitutional decree abrogating all previous constitutional dispositions (**Info-Congo/Zaire**, 30 May 1997). The international community expressed concern that the decree allowed the president to wield near-absolute power, since it accorded him legislative and executive power as well as control over the armed forces and the treasury (**Regional Surveys of the World**, 336). The judiciary continues to be influenced by the executive, is plagued by lack of resources and efficiency, and is subject to corruption (**U.S. DOS Country Reports for 1997, 1998**). There are, however, some positive signs, in that forces in the Kabila government want to liberalize the country's economy and some action has been taken to enable the promotion of human rights. Among others, the Ministry of Justice supposedly has created a department of human rights, to be directed by Aubin Minaku, a former member of AZADHO (**Info Congo/Kinshasa** 27 March 1998).

The Draft Constitution

The new draft constitution, prepared by a 42-strong Constitutional Commission chaired by Anicet Kashamura, envisages a once-renewable, five-year presidency. The president is to have wide powers, there is to be a vice-president and no prime-minister. The draft also contains restrictions on who can run for president. A 'provisional list of exclusion' includes some 250 individuals, among them the UDPS opposition leader, Etienne Tshisekedi (**Reuters**, 30 March 1998). Moreover, articles have been adopted that could limit the number of political parties to only three (**Afrique Express**, 12 March 1998, 166). The draft also stipulates that a Constitutional Court will be created that will decide on the legalization of future political parties (**Afrique Express**, 24 March 1998, 167).

An important element is the nationality legislation. Article 31 of the 1981 Nationality law states that a Congolese national needs to demonstrate to belong to a tribe, or a part of a tribe, which was established and administratively organized on pre-existing DRC territory before 1885. This discriminatory provision, if implemented, will create stateless persons, especially among the Banyarwanda of Kivu and the transplanted workers coming from Rwanda (**Info Congo/Kinshasa**, 27 March 1998) and the 1959-60 refugees who had previously attained Zairian nationality by virtue of a 1972 Presidential Decree. It is generally felt that President Kabila is not really committed to reconciliation of either ethnic or political differences between himself and the former regime as well as other opposing ethnic groups because his actions to date appear to exacerbate the ethnic tensions (**Ibid.**)

The proposal has already met with opposition. Critics say that the committee is dominated by supporters of the current president, a claim which is denied by the chairman. Opposition parties and the local press favour the adoption of the federal

constitution drawn up by the 1992 National Conference, with a parliamentary government and the president being a mere figurehead (**Reuters**, 30 March 1998; **Info Congo/Kinshasa**, 27 March 1998).

3.2 General Respect for Human Rights

The state's 'responsibility' to seek the welfare of its citizens has been almost totally neglected for over 30 years. In fact, little remains of the state's role as a provider of health care, education, justice, the maintenance of the country's infrastructure and so forth. Since the overthrow of President Mobutu, the new government has also been accused of political repression, corruption, failure to restore the rule of law (**Human Rights Watch**, December 1997, 19) and of having done little to improve the country's human rights record (**Reuters**, 30 March 1998). It has become evident that President Kabila's interest in a transition to democracy is questionable, the government has strong authoritarian tendencies and hardly any commitment to good governance (**EIU**, Country Reports, 1st Quarter 1998, 23).

To say that the country has a functioning government today would be an exaggeration. A small group of military and civilian associates of the president, all mostly from the same ethnic group, control the city of Kinshasa with the loyalty (which is wavering at the best of times) of the presidential guard. While the ruling group control the capital, information from outside the capital suggests that there is no real government authority in the rest of the country (**U.S. DOS Country Reports for 1997, 1998**, 3).

There is no freedom of expression (**Info Congo/Kinshasa**, 27 March 1998). Journalists and publishers are detained without charges, their offices invaded and ransacked and several have been beaten. Foreign journalists and radio stations too, are subject to censorship. Critics and opponents have been tried by military tribunals (**EIU**, Country Reports 1st Quarter 1998; 23). Collective organization has also been strained. Political activity has been suspended, and manifestations by the opposition have been repressed heavily (**Info Congo/Kinshasa** 27 March 1998a). The position of the opposition is deteriorating. The ADFL has little if any interest in dialogue with them. In fact, more and more efforts are made to quell whatever opposition exists or is likely to challenge the current establishment (**EIU**, Country Reports 1st Quarter 1998, 23). It should be noted that operations of the main human rights NGOs were suspended in early April 1998 (**Reuters**, 4 April 1998).

Insecurity and violence are still widespread. Attacks upon the physical integrity and right to life are on the rise and the right to own private property has also been under serious threat (**Info Congo/Kinshasa**, 27 March 1998). Criminal activity cannot be curbed by the security forces (**EIU**, Country Reports 4th Quarter 1997, 26). Kinshasa is destabilised by unpaid soldiers (**Africa Confidential**, 26 September 1997). Security forces were responsible for extrajudicial killings, mutilations, disappearances, torture, rape and arbitrary arrest and detention of citizens (**Amnesty International**, 3 December 1997; **U.S. DOS Country Reports for 1997, 1998**). Violence against women wearing miniskirts, trousers or leggings, and children has also increased (**Amnesty International**, 3 December 1997; **Info Congo/Kinshasa**, 27 March

1998(a)). However, the Kabila government claims that it is attempting to establish control over the security forces (**U.S. DOS Country Reports for 1997, 1998**).

The government admits that it is incapable of ending ethnic violence raging in North-Kivu, where different factions continue to kill members of each others' tribes (**Info Congo/Kinshasa**, 27 March 1998). Roger Winter, director of the U.S. Committee for Refugees, suggests that President Kabila's human rights failings would appear to be the result of his government's inexperience and the country's lack of infrastructure, but a review of President Kabila's career reveals a consistent disdain for fundamental norms of international law (**Washington Post**, 1 April 1998):

[s]adly, Kabila's misdeeds continued after the rebels seized power. In the past month or two, Kabila's regime has massacred 300 civilians in the eastern town of Butembo, murdered and threatened several Catholic priests who were critical of the regime and denounced the U.S. special envoy for democracy, Jesse Jackson, and cancelled meetings with him because Jackson had met with peaceful Congolese opposition leaders (*Ibid.*)

In response to all the allegations levelled against his government, President Kabila however, stresses that his government could not undo all the abuses of the Mobutu era in one year, and has therefore given himself two years to stabilise the country and then hold elections (**Reuters**, 20 March 1998). To this end, the Information Minister, Raphaël Ghenda is visiting France to promote the accomplishments of his government since it took power nearly a year ago (**NCN News**, 13 April 1998).

On 1st April 1998, the Government of Belgium denied the grant of a visa to Information Minister Ghenda, spokesperson for the government on a visit to Europe. He requested an audience with the authorities in Brussels to resolve a dispute over the accusations made by the ADFL that Belgium is supporting terrorism and the supply of firearms to unauthorised agents in the country. The Belgian government did not find that his visit was opportune and suggested that the matter be resolved through regular channels (**Belgabrief** [Internet], 11 April 1998).

Military tribunals

Victims of abuses in the DRC cannot as yet turn to the judiciary for protection and redress. Since independence, the constitutions have provided for the independence of the judiciary. This was reaffirmed in Constitutional Decree No 97-003 (**Human Rights Watch**, December 1997, 19). Independence of the judiciary has hardly ever been achieved, however, for reasons such as lack of financial autonomy of judicial institutions, pressure from the holders of executive and legislative powers in the context of generalized corruption, and widespread corruption amongst judges and magistrates (*Ibid.*).

One of the main problems of the judiciary is the use of military courts to try civilians. Decisions from these courts however, have no recourse of appeal (**Info Congo/Kinshasa**, 27 March 1998). Up to January 1998, some 56 deaths by public execution have been recorded. The victims, of whom 14 were civilians, were executed

after having been tried by the military courts and found guilty of murders and armed robbery. There is no information on when and how their trials took place. As recently as 3 March 1998, 16 persons were executed in a military camp, Wangu in Lubumbashi, the capital of Katanga (*Afrique Express*, 12 March 1998 No. 166). On 10 April, the BBC reported that another 12 people convicted of armed robbery and murder on the border town of Uvira, including two soldiers and a woman, were shot by firing squad in front of a large crowd (NCN News, 13 April 1998)

Extrajudicial executions

Tens of thousands of people were killed during and after the civil war that resulted in the overthrow of President Mobutu. Hutus, especially, were the main victims, but also people from other ethnic groups. Not only ADFL members are responsible for the killings. By March 1997, FAZ soldiers who were on the run from the advancing ADFL, killed, raped and pillaged as they withdrew. Likewise, ex-FAR and *Interahamwe* militias are responsible for killings (Amnesty International, 3 December 1997). However, the largest number of deaths is attributable to the ADFL under the leadership of the current president. His forces also caused many people to die from starvation, disease and exposure (*Ibid.*). The killings in North-Kivu still continue (E/CN.4/1998/65, paras. 74-81).

Forced disappearance / abductions

Tens of thousands of unarmed civilians, mostly Rwandan refugees, are feared dead after having been abducted or forced into the forests by the ADFL, outside the reach of humanitarian agencies. It is feared that they have been killed or have died as a result of starvation, exposure or incurable illness (Amnesty International, 3 December 1997).

Torture, Inhuman or degrading treatment or punishment

Many of the people who have been arrested by the ADFL have reportedly been subjected to torture and ill-treatment. Amnesty International notes that many were beaten and women were raped. Among the victims were people accused of non-political crimes, and children. Many women have also been raped by FAZ soldiers in the beginning of 1997, when the soldiers were on the run from the advancing ADFL (3 December 1997). ADFL soldiers have also reportedly mutilated former FAZ soldiers, criminals and other individuals (*Ibid.*).

Arbitrary arrest and detention

Critics of the ADFL and its leaders, including journalists and members of opposition political parties, have been targeted for arrest since the ADFL assumed power. Many have been detained without warrants, accused of being supporters of the former government or for embezzlement of public funds. A Belgian businessman, Patrick Claes, was also arrested on 18 August 1997 (*Afrique Express*, 12 March 1998). Only one of the persons arrested was brought before a court: he is General Kikunda Ombala, the former head of Air Zaïre and personal pilot of President Mobutu. The others were denied their legal rights to challenge their detention before an independent

judicial official. Furthermore, human rights and humanitarian organizations have been denied access to most detention centres and detainees. Some 26 officials of the former government were detained for over eight months in Kinshasa. The 26 detainees were released provisionally only, and ten of those released in mid-February 1998, remain under house arrest (*Ibid.*). There are also several reports of arrests of local UN (including UNHCR) staff for "collaborating with the enemy" (E/CN.4/1998/65).

Freedom of speech

Freedom of the press has been heavily curtailed; many journalists have been arrested, threatened, intimidated and harassed (*Info Congo/Kinshasa*, 27 March 1998). Government control over television and radio broadcasting companies is said to have become more repressive since May 1997, with banned opposition parties being denied access to radio and television (*Index on Censorship*, 10 March 1998 [Internet]). Independent journalists are reported to have been expelled from Radio Télévision Nationale du Congo (RTNC), the national broadcasting corporation (*Ibid.*). Moreover, publishers are required to submit copies of books and newspapers to the information ministry, "which retains, and uses, the right to pre-publication censorship" (*Ibid.*). According to Minister of Information and Culture, Raphaël Ghenda, local FM radio re-broadcasts of Radio France Internationale, British Broadcasting Corporation and Voice of America news programmes had been banned in order to prevent the "disinformation and intoxication disseminated by international media", while media advisor Dominique Sakombi Inongo a former information minister under Mobutu who was later condemned to death explained the move as an attempt to "prevent unregistered local private radios from operating illegally" (*Ibid.*).

Freedom of movement

There have been severe restrictions on the freedom of movement, e.g., through the requirement to have an '*autorisation de sortie*', so that the authorities can maintain control of the movements of declared and suspected political opponents (*Info Congo/Kinshasa*, 27 March 1998). In addition, several political figures have been placed under house-arrest including the government's leading opponent, Etienne Tshisekedi, who is under house arrest since February 1998 at Kabeya Kamuanga, Mbuji-Mayi in Kasai province. He is reportedly suffering from medical ailments but is prevented by the authorities from receiving medical visits (*Afrique Express*, 24 March 1998, No. 167, 12).

3.3 Specific Groups at Risk

Members of the Opposition

The position of the opposition is deteriorating as the Constitutional Commission proposed the exclusion of 248 named political personalities from running for the office of president, including Etienne Tshisekedi, Antoine Gizenga, Léon Kengo, Justin Bomboko and Dominique Sakombi, former minister in President Mobutu's government and presently Minister of Communications, all of whom are to be excluded from political activity (*Afrique Express*, 6 April 1998, No. 168, 4). In a 3 April 1998 *Reuters* report, President Kabila has denied that his government is banning the

political opponents from running for the presidency. Mr Kabila said that the government official, Anicet Kashamura, the chairman of the Commission 'was speaking for himself' (NCN News, 4 April 1998).

According to several sources, the government tightened its ban on all political gatherings and demonstrations and asked parties to remove banners from public places (Reuters, 30 March; U.S. DOS Country Reports for 1997, 1998, 2; Info Congo/Kinshasa, 27 March 1998; Amnesty International, 17 February 1998). Moreover, the government has repeatedly used violence, including lethal force, to disperse or prevent peaceful opposition demonstrations and meetings. A number of members of opposition political parties and students have been killed by members of the ADFL (Ibid.).

Leaders and supporters of the main opposition party, UDPS have been particularly targeted. For example, after arrests during demonstrations on 15 August 1997, and during a New Year celebration party on 17 January 1998, UDPS members were unlawfully detained, tortured by means of electroshock batons, and they were then denied medical treatment for resulting illnesses. Some of them were still detained in February 1998 (Amnesty International, February 1998). On 12 February 1998, the UDPS leader, Etienne Tshisekedi, was arrested without a warrant for having violated the ban on political activity. Upon attempts to prevent his arrest, other UDPS members and supporters were also arrested and subsequently beaten and ill-treated (Reuters, 30 March 1998; Afrique Express, No. 167, 24 March 1998). Another opposition leader was arrested to prevent him from leaving the country and for denouncing human rights violations. The president of the Innovative Forces of the Sacred Union (FONUS), Joseph Olenghankoy (also known as Olengha N'Koy) was briefly detained at the airport in October 1997. This was another in a series of arrests for his non-violent political activities (Amnesty International, 17 February 1998). He was again arrested on 20 January 1998, shortly after he had publicly demanded an audience with President Kabila (Keesing's, January 1998, 41990).

President Kabila issued a warning to all opposition politicians, whom he called 'scum', that he would adopt harsher policies towards them if they did not stop their demonstrations which he said were inspired by 'Mobutuist values' against his regime (EIU, Country Reports, 4th Quarter, 1997, 25).

According to Amnesty International, Freddy Manganzo Nzani, a university student, was killed in Kinshasa by an ADFL soldier during a demonstration on 12 June 1997. The authorities are not known to have taken any action against the soldier (Amnesty International, 3 December 1997). On 25 July 1997, soldiers opened fire on a peaceful PALU demonstration. At least one demonstrator died while six were gravely injured. About 30 persons were subsequently arrested and held *incommunicado* in an underground cell. Soldiers have also reportedly broken into the home of PALU leader Gizenga, where a number of PALU supporters were stripped naked and whipped (Human Rights Watch, 9 July 1997; Le Soir, 28 juin 1997; AFP, 26 June 1997).

Journalists

Journalists critical of the ADFL have been targeted for arrest and ill-treatment (Amnesty International, 3 December 1997). Polydor Muboyayi Mubanga, editor-in-chief of *Le Phare* newspaper, was arrested on 8 September 1997 by ADFL soldiers after writing an article alleging that President Kabila was forming a personal armed unit. He was charged with 'spreading false rumours and inciting ethnic hatred'. He remains in custody awaiting trial (Ibid.) Another journalist was arrested in November 1997, and his demands for provisional release were rejected. Amnesty International believes he is detained solely because of his work as a journalist (Amnesty International, February 1998). Similarly, in February the editor of the Congo newspaper *Le Potential*, Modeste Mutingu Mutuishayi, was arrested after publishing an article which questioned the internal exile of opposition leader Etienne Tshisekedi (NCN News, 4 April 1998).

On 12 April 1998, Reuters reported that security officials arrested Michael Ladi Luya, the editor of the Kinshasa daily *Le Palmares*, on 11 April 1997. Although no reason for his arrest was given, Mr. Luya had allegedly compared President Kabila with the former President Mobutu (NCN News, 4 April 1998).

Human rights activists

The ADFL started clamping down on human rights activists virtually as soon as it began controlling territory in eastern DRC (Amnesty International, 3 December 1997). They were told not to investigate or report on human rights abuses by the ADFL. There are reports of the arrest and detention of human rights activists. Some of them have been arrested and ill-treated on suspicion of collecting information for the United Nations investigation into the massacres during the war against the Mobutu regime (Ibid.).

The Government of President Kabila has a track record of opposing non-governmental organizations (NGOs) and human rights organizations, asserting consistently over time that they are political organizations attempting to destabilize the government and, in some ways, hostile organizations protecting anti-government belligerents in refugee camps they manage. One instance of such opposition and the government's given reasons was the suspension of the activities of the office of the United Nations High Commissioner for Refugees (UNHCR) in October 1997, in eastern DRC (Keesing's, October 1997, 41848).

Other human rights activists have reportedly received death threats and other forms of intimidation. Others still, like Roger Sala Nzo Badila and Nyabirungu Mwene Songa, were arrested because of their human rights activities and were detained from November 1997 until February 1998, (Keesing's, January 1998).

Reuters reported on 3 April 1998 that the DRC Government banned the country's main human rights group, AZADHO, the Zairian Association of Human Rights, effective the same day (NCN News, 4 April 1998). The government said that the organization was "unnationalistic" and that it was playing politics under cover of being a human rights organization. All other human rights associations had been given three days to register with the Justice Ministry or face a ban (Ibid.).

In related developments, on 12 April 1998 the government announced that all private air strips and airports would be closed. From this date, all planes will be required to use one of the nation's five international airports unless they received permission to do otherwise from the Congolese transportation ministry (NCN News, 13 April 1998). The ban on the use of private airstrips will negatively impact on deliveries made by humanitarian organizations which have extensively used these private airfields. The government appears to be concerned about shipments of contraband and is ever suspicious of humanitarian aid and NGO activities in the country. It recently said that only 22 of 130 such organizations are operating legally in the country (*Ibid.*).

Ethnic minorities:

Many sources claim that thousands, and possibly tens of thousands of people have been killed since September 1996, during and after the civil conflict that resulted in the overthrow of President Mobutu. UNHCR has estimated that 250,000 Rwandan refugees are unaccounted for; many of them presumed dead. Most of the missing Rwandan Hutu refugees, but also Burundian Hutu refugees and many unarmed Congolese Hutu civilians, and Congolese from other ethnicities, among them women, children, the ill and the elderly (UNHCR, Country Profiles, The Democratic Republic of Congo, formerly Zaire, May 1997, UNHCR Web site). Human rights officials charge that most of the massacres were carried out by Rwandan Tutsis who fought for Laurent Kabila in the ADFL (*Amnesty International*, December 1997). They apparently sought revenge for the 1994 Hutu-led slaughter of some 500,000 Tutsis in Rwanda (*Associated Press*, 5 January 1998). Claims that most of the 'genuine' Rwandan refugees had left and the ones remaining were aligned with combatants, served to legitimise the killing and targeting of refugees and unarmed civilians, who were accused of 'guilt by association' with the armed elements (*Amnesty International*, 3 December 1997).

Not only ADFL members are responsible for the killings: members of the FAZ are reported to have carried out killings of members of the ex-FAR and unarmed Rwandese refugees. Likewise, former members of the ex-FAR and *Interahamwe* militias reportedly killed many refugees for trying to return to Rwanda. In addition to this, all combatants during the conflict perpetrated abductions, torture, rape and arbitrary detentions (*Amnesty International*, 3 December 1997).

Problems arose when the United Nations wanted to investigate these massacres. After having induced the UN to change the composition of the first investigative team, commissioned by the UN High Commissioner for Human Rights, President Kabila and the ADFL continued to resist any meaningful inquiry by the new UN team. Initially, team-members were not allowed to leave Kinshasa and the terms of the mission were repeatedly challenged by the government (*Africa Confidential*, 26 September 1997; *Keesing's*, December 1997, 41946). President Kabila demanded that the UN team investigate human rights abuses under Mobutu and refused to let it investigate events taking place after the 17 May 1997 take-over in Kinshasa, nor those in other regions than Kivu (*Ibid.*). The ADFL's stonewalling of the investigation is attributable both to the influence of the Tutsi faction [within the ADFL], which hopes to evade responsibility for its reprisals against Hutu militiamen involved in the 1994 genocide, and to President Kabila's reported deep distrust of the UN (*EIU*, Country Reports, 4th

with embezzlement of public funds and corruption (*Afrique Express* No. 166, 12 March 1998; *Reuters*, 19 February 1998; *Amnesty International* 3 December 1997). Their trials started in December 1997. Twenty-six of them were provisionally released on 19 February 1998, after nearly eight months of imprisonment. The others are still imprisoned. One of them, for example, is General Kikunda Ombala, the former director of Air Zaïre. His trial is suspended and was supposed to be resumed in March (*Afrique Express* 166, 12 March 1998; *Reuters*, 19 February 1998; *EIU*, 1st Quarter, 1998, 35). Eugène Diomi Ndongala Nzomambu, president of a political organization and member of parliament and a former deputy minister of economy and finance under President Mobutu, was arrested by the military police upon his return home, while his sisters were raped. There was no warrant for his arrest, he has not been charged with an offence and has reportedly been severely beaten. So far, he has not been released (*Afrique Express* 168, 6 April 1998).

Allegedly, the DRC Government wants to set up special courts to try this category of detainees because it does not trust the existing courts. *Amnesty International* expressed concerns that such courts will not conform to international standards of fair trials (3 December 1997).

Members of security/ armed forces

According to *Amnesty International*, some of the people killed by the ADFL were reportedly former members of Mobutu's security forces. Former FAZ soldiers have also been mutilated by ADFL soldiers (3 December 1997).

3.4 The ethnicity problem

As R. Lemarchand has said,

"In a society exonerated of moral constraints, and where the capture of power implies domination of one group by another, killing becomes a moral duty. The preservation of ethnic hegemony is perceived as a condition of physical survival, and the elimination of rival claimants the only means by which survival can be assured. Conversely, in such circumstances, the excluded community feels free to retaliate in kind. "An eye for an eye" becomes a licence to kill. The result is endless bloodshed. In this hellish universe of mutually inflicted mass murder no one can claim innocence, nor is there any room for reconciliation and compromise. As a result, the obstacles that stand in the path of state reconstruction are exceptionally daunting" (August 1997, 4).

Ethnicity remains a major driving force in Congolese politics: the Lunda from Shaba, now Katanga province have been known to have secessionist tendencies since the 1960s, and there are tensions between them and the Luba from Kasai-oriental for generations. These ethnic groups subsequently found a political voice through Jean Nguza Karl I Bond and Etienne Tshisekedi, respectively (*EIU*, Country Profile 1996-97, 7-8).

The roots of this violent conflict lie deep in the history of the Great Lakes region as well as in the political alignments of the Mobutu regime nationally, regionally and

internationally. There is, in the first place, the question of whether or not people of Rwandan origin, or Banyarwanda (Hutu, Tutsi and Twa), can claim DRC citizenship on the basis of being descendants of ethnic groups living in the (Belgian) Congo as of August 1885, when the country came into existence as the Congo Free State (**Africa Policy Information Centre**, 19 November 1996). If so, they would, as other indigenous people all over Africa, lay claim to ancestral lands in eastern Zaïre. In the second place, the conflict has to do with the consequences for the DRC of the Hutu-Tutsi conflict in both Rwanda and Burundi. In either case, the actions and decisions of the Mobutu regime since 1972 have helped to exacerbate tensions and to bring about the present crisis (*Ibid.*).

The colonial powers controlling the Masisi and surrounding regions negotiated amongst themselves territorial boundaries which led to a 1910 convention, delineating the borders "de la Colonie belge du Congo et du protectorat allemand de l'Afrique orientale". The territory which evolved is modern-day Rwanda, Tanzania, Uganda, Burundi and DRC. The internationally recognized borders are those which exist today, but they did not necessarily reflect the cultural, ethnic, and linguistic associations which existed (**Prunier, G.**, February 1997).

For several years now, ethnic tension has been rife in Kivu where the situation remains insecure. Troubled by internal inter-ethnic problems, the country is also affected by the crises in neighbouring Rwanda and Burundi, and by Ugandan rebel groups (**Afrique Express**, 12 March 1998, 166). The Special Rapporteur on Zaïre to the Commission on Human Rights, Roberto Garreton, stated that "the main cause [of the armed conflict in Southern Kivu, eventually leading to the fall of Mobutu] is the colonial heritage, for frontiers were drawn between various colonies regardless of the borders recognized by the 'original' ethnic groups, and this situation was aggravated by the transplantation of populations" (**UN Commission on Human Rights**, E/CN.4/1997/6, 28 January 1997).

According to Julius K. Nyerere, former president of Tanzania, "the problems of the region . . . have little to do with ethnicity and more to do with the economics of land and resources. Ethnic divisions emerged only after Africa's partition and short-sighted colonial policies that favoured the Tutsi over the Hutu" (**Africa Recovery**, December 1996).

In 1972, following independence, the President of Zaïre issued a presidential decree conferring nationality upon all persons resident within Zaïre with a claim to nationality. All those resident in the Masisi region at the time were made citizens (**Prunier, G.**, February 1997). They and their children born to them enjoyed the fruits of citizenship until 1981, when the Government passed a retroactive law that deprived them of their citizenship. Nonetheless, the majority of those who 'lost' their nationality, remained resident in Masisi. Prior to the passage of the 1972 legislation granting nationality, a majority of the residents were Tutsi of Rwandan origin. The territory of the Rwandan Kingdom prior to colonisation appears to have overlapped with the territory now within the borders of the DRC. Thus, assessments of 'origin' are difficult to make, and the position taken by the Government that the migrants to the area have no historical tie to the region, is untenable. They cannot claim citizenship in Rwanda, as Rwanda does not recognise them and claims that they are Zairians, and the DRC no

longer recognises them and claims that they are not its citizens either. These people number several thousand and are in effect, stateless (*Ibid.*).

Besides the nationality issue, there has been a long-running conflict between natives of the North Kivu province (Hunde and Nyanga) and local Zairian residents of Rwandan descent (Tutsi and Hutu, Banyarwanda and *Autochtones*) about land property rights (EIU, Country Profile 1996-97, 8). This was caused mainly because the Banyarwanda dominated the region's economy and the 'original' ethnic groups living there were in a minority. Jealousy therefore ensued over the economic success of the majority and it feeds into the anti-Banyarwanda sentiment. Although they have lived within the country's modern borders for hundreds of years, legislation requiring proof of residency in Zaïre prior to 1885 enacted by the Government in June 1981 targeted them and sought to undermine their claim to citizenship (US Committee for Refugees, 1996, 11). The Special Rapporteur to the UN Commission on Human Rights submitted that the conflict was exacerbated by the authoritarian Zairian regime by creating an artificial problem of depriving certain groups of their nationality (*Ibid.*).

The situation deteriorated further in July 1994 when more than 1.2 million refugees, fleeing the Rwandan crisis, crossed into Zaïre, increasing anti-Rwandan feelings (EIU, Country Profile 1996-97, 8; *Europa World Yearbook* 1997, 3686; UN Commission on Human Rights, E/CN.4/1997/6, 28 January 1997). Among the refugees were Rwandan Hutu militiamen (*Interahamwe*) and former soldiers of the Rwandan army (often referred to as ex-FAR members), who feared Tutsi retribution for the massacres of the Tutsi in Rwanda. From mid-1996 they began to carve out a strategic territorial niche for themselves in eastern Zaïre in an attempt to create a 'Hutuland' in Kivu (EIU, Country Profile 1996-97, 8; UN Commission on Human Rights, E/CN.4/1997/6, 18 January 1997), supported by local extremist Hutus and members of the Zairian Armed Forces (FAZ) (*Regional Surveys of the World*, 1998, 335; *Europa World Yearbook* 1997, 3686). The refugee camps, protected by the United Nations, were held by local authorities to be under the influence of these rebel groups. They became rear bases for rearmament of the exiled forces and for attacks on Rwanda and on local Tutsis (Banyamulenge) and Hunde (*Regional Surveys of the World*, 1998, 335; *Africa Confidential*, 29 November 1996).

The U.S. Committee for Refugees notes that Kivu Hutu used to view Tutsi as fellow Banyarwanda, but the 1994 arrival of the Rwandan Hutu refugees and their well-armed extremist leaders altered the traditional view of the group and instilled resentment causing conflict (*World Refugee Survey*, 1996, 12-14). By 1995, Hutu were targeting Tutsi, and the genocide and war in Rwanda and the resulting refugee flow made the differences between Hutu and Tutsi in Zaïre seem as stark as ever in their own respective minds. However, to the *autochtones*, the arrival of nearly one million Hutu refugees only served to reinforce general sentiment against Banyarwanda and encourage attacks against Tutsi households by *Mai Mai* militia composed of groups of young Hunde, Nande, and Nyanga men (*Ibid.*). There is a spirit of 'ethnic cleansing' within different groups. Allegations from different sites culminated in a call for the 'liberation' of Kivu (UN Commission on Human Rights, E/CN.4/1997/6, 28 January 1997). These external factors, the arrival of so many refugees and the consequent environmental damage, the imported violence, the protection of militias in refugee camps and the preferential treatment of refugees, triggered spiralling resentment,

leading to a demand for the expulsion of refugees, immigrants, transplanted persons and Banyarwanda (*Ibid.*).

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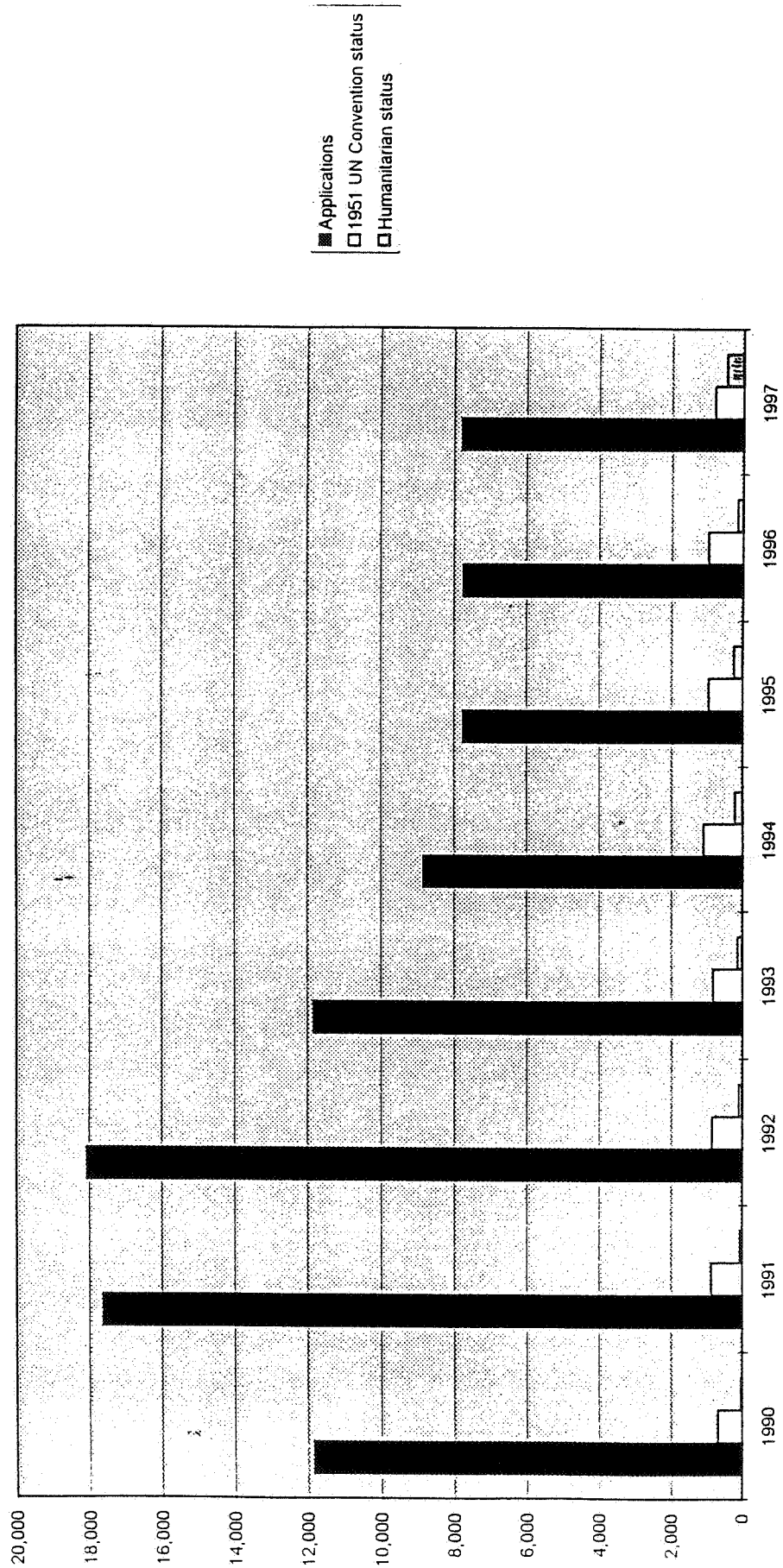
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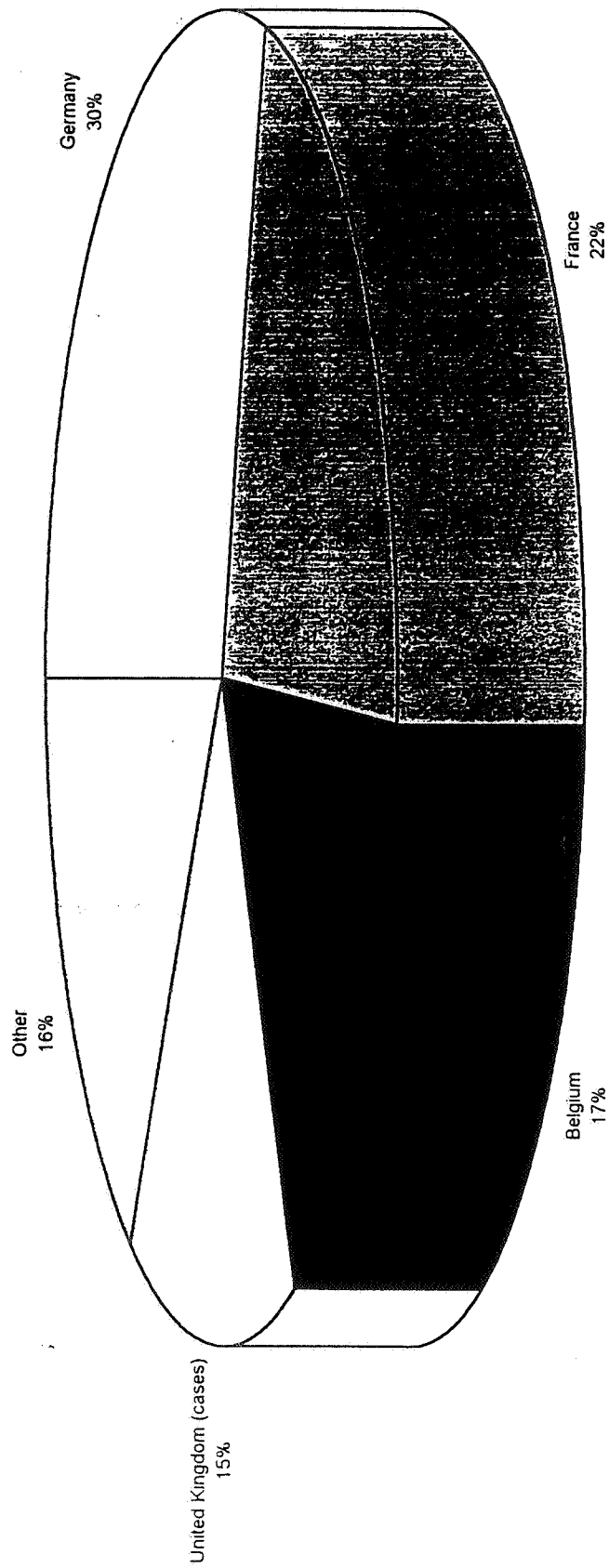
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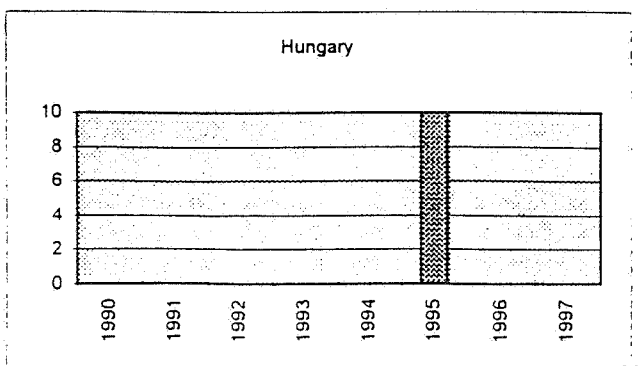
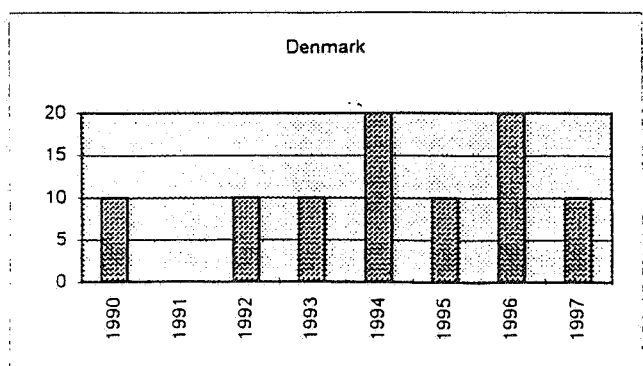
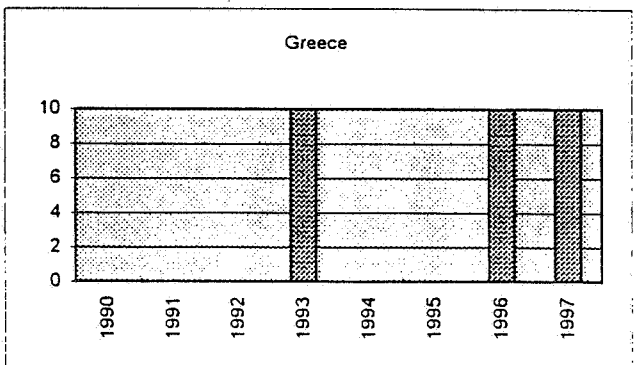
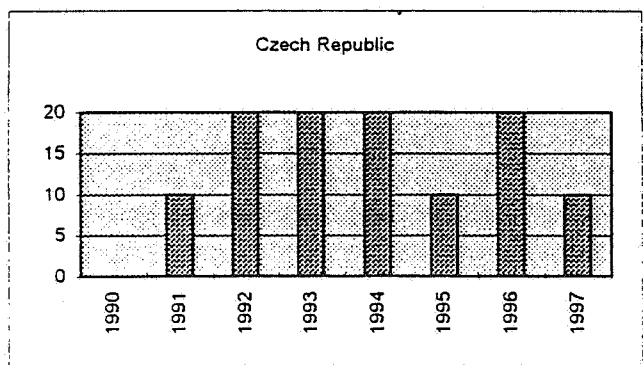
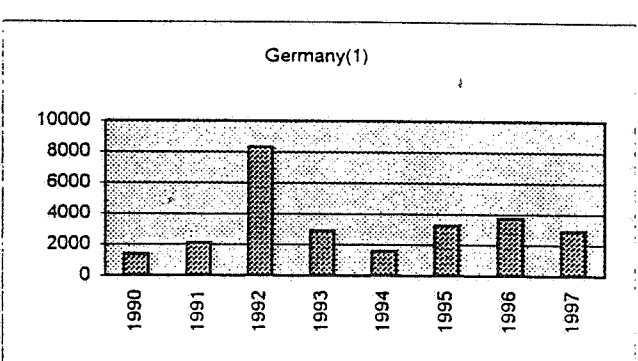
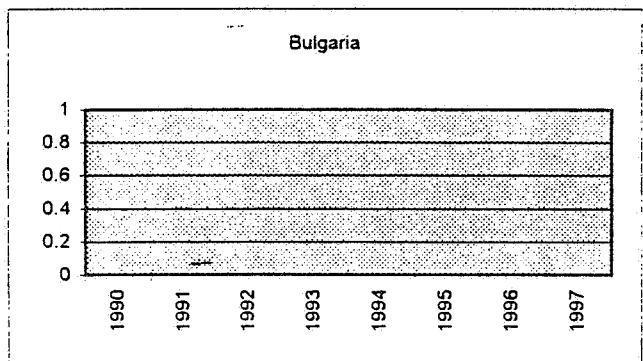
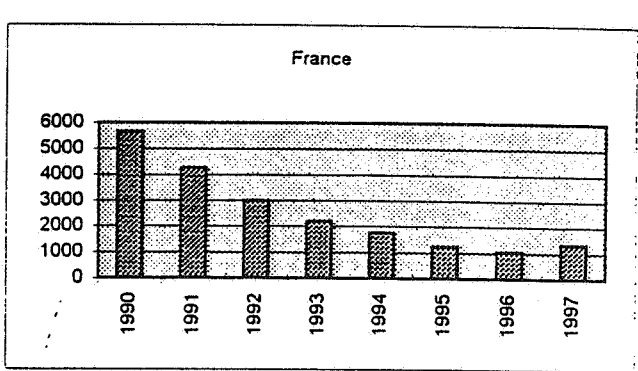
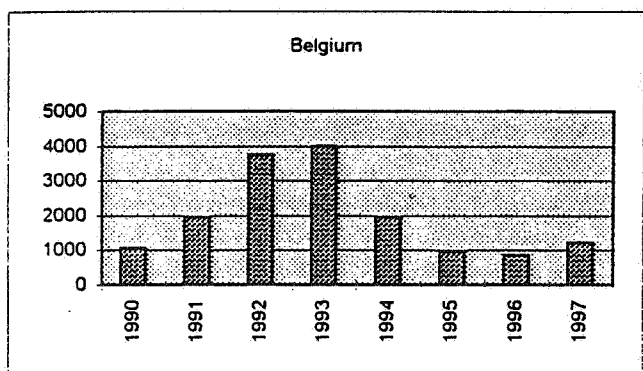
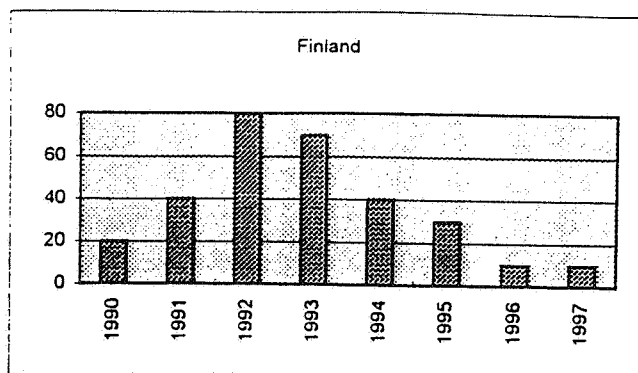
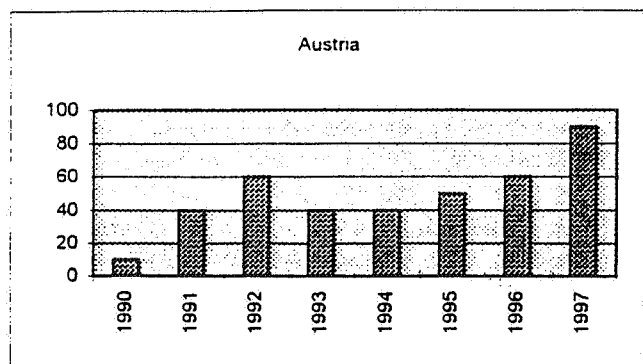
Asylum applications and refugee status determination of nationals from DRC
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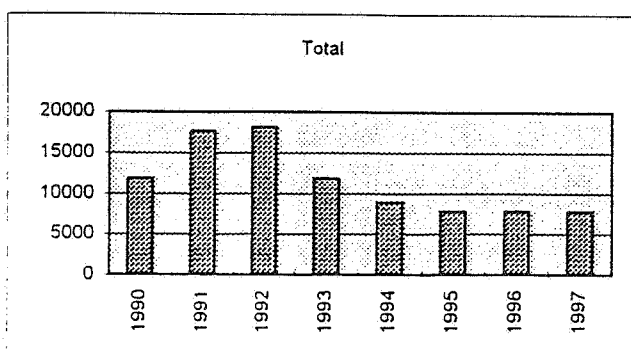
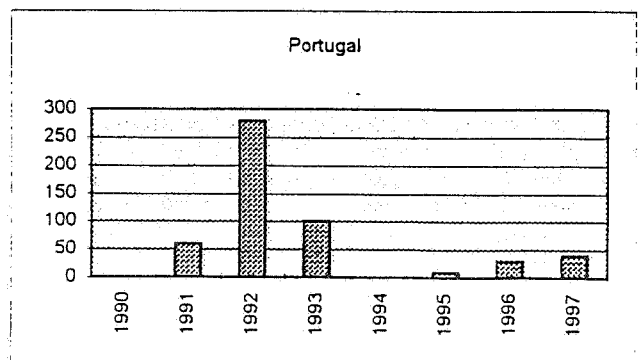
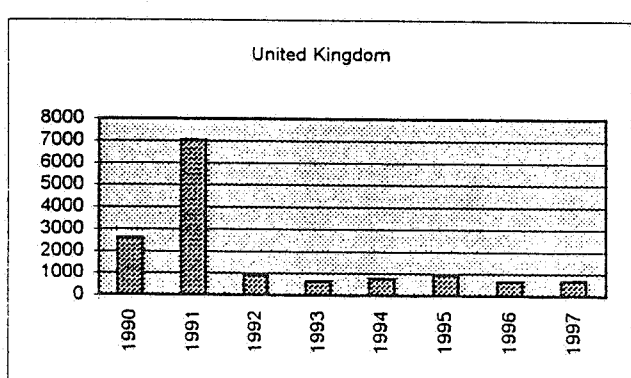
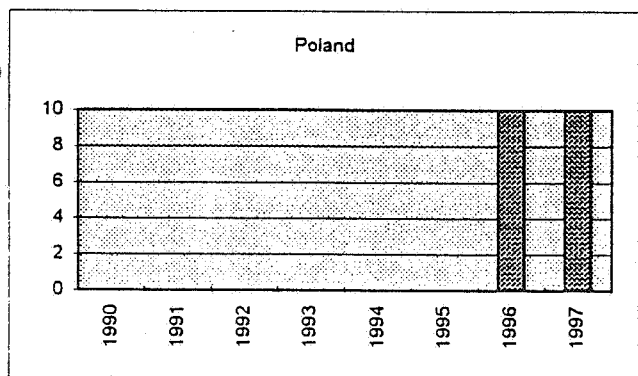
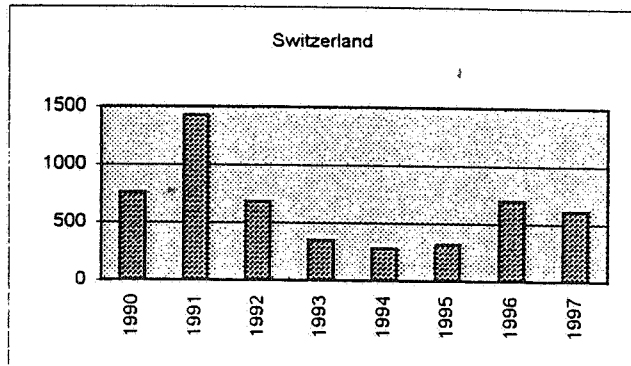
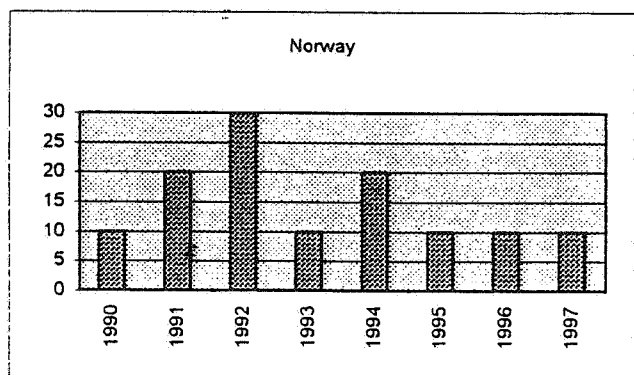
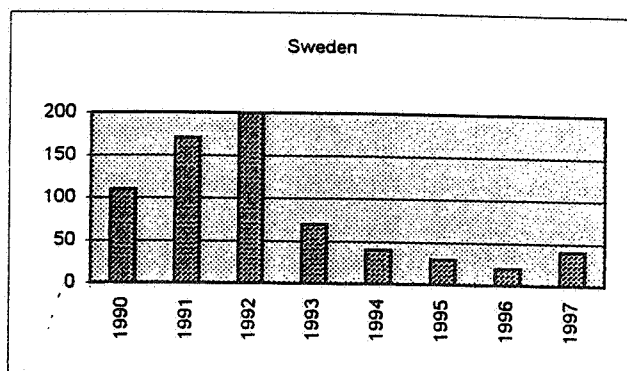
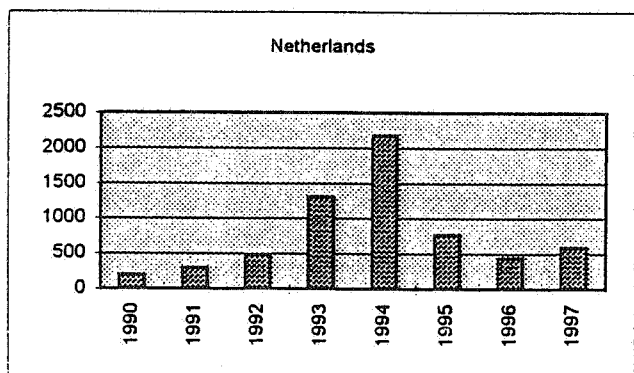
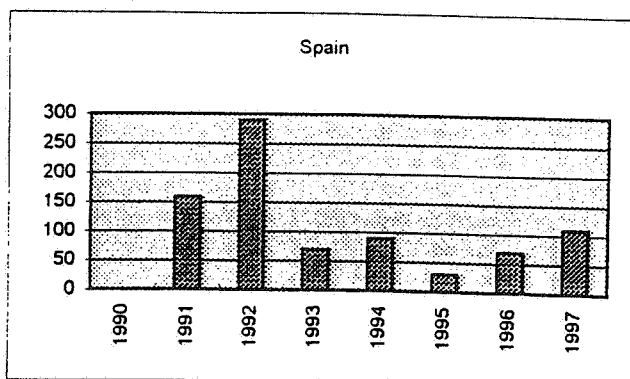
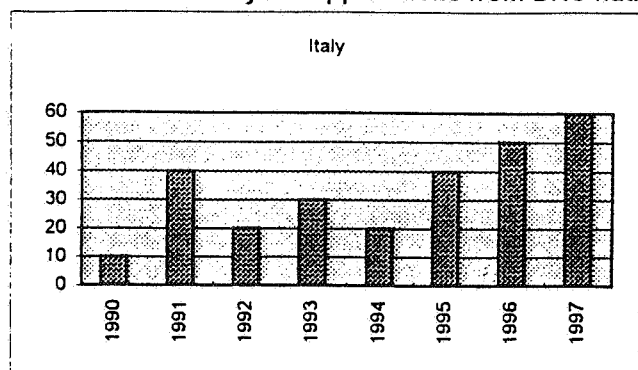
Asylum application of DRC nationals by main country of asylum in Europe 1990-1997



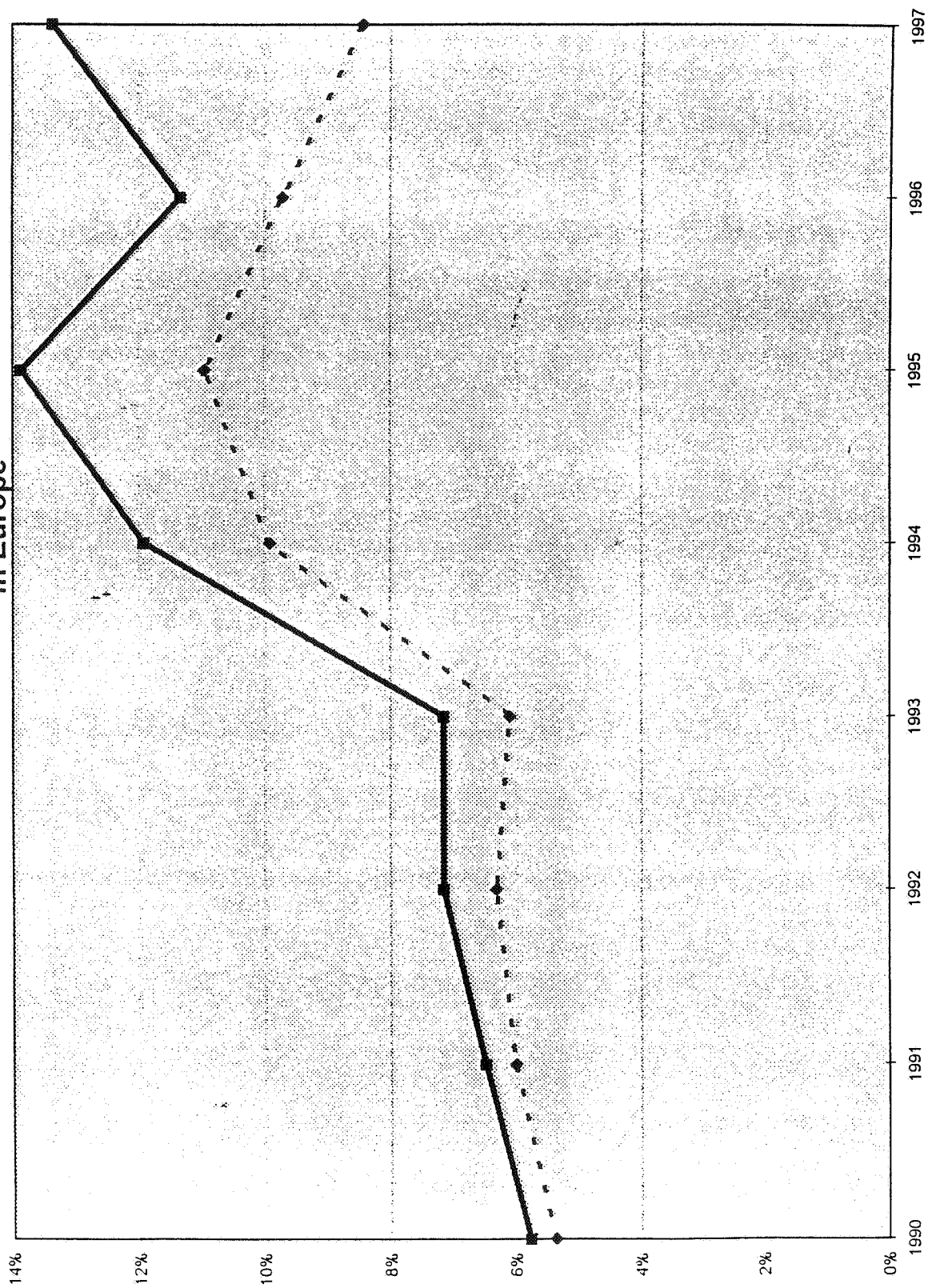
Asylum applications from DRC nationals in European countries 1990-1997



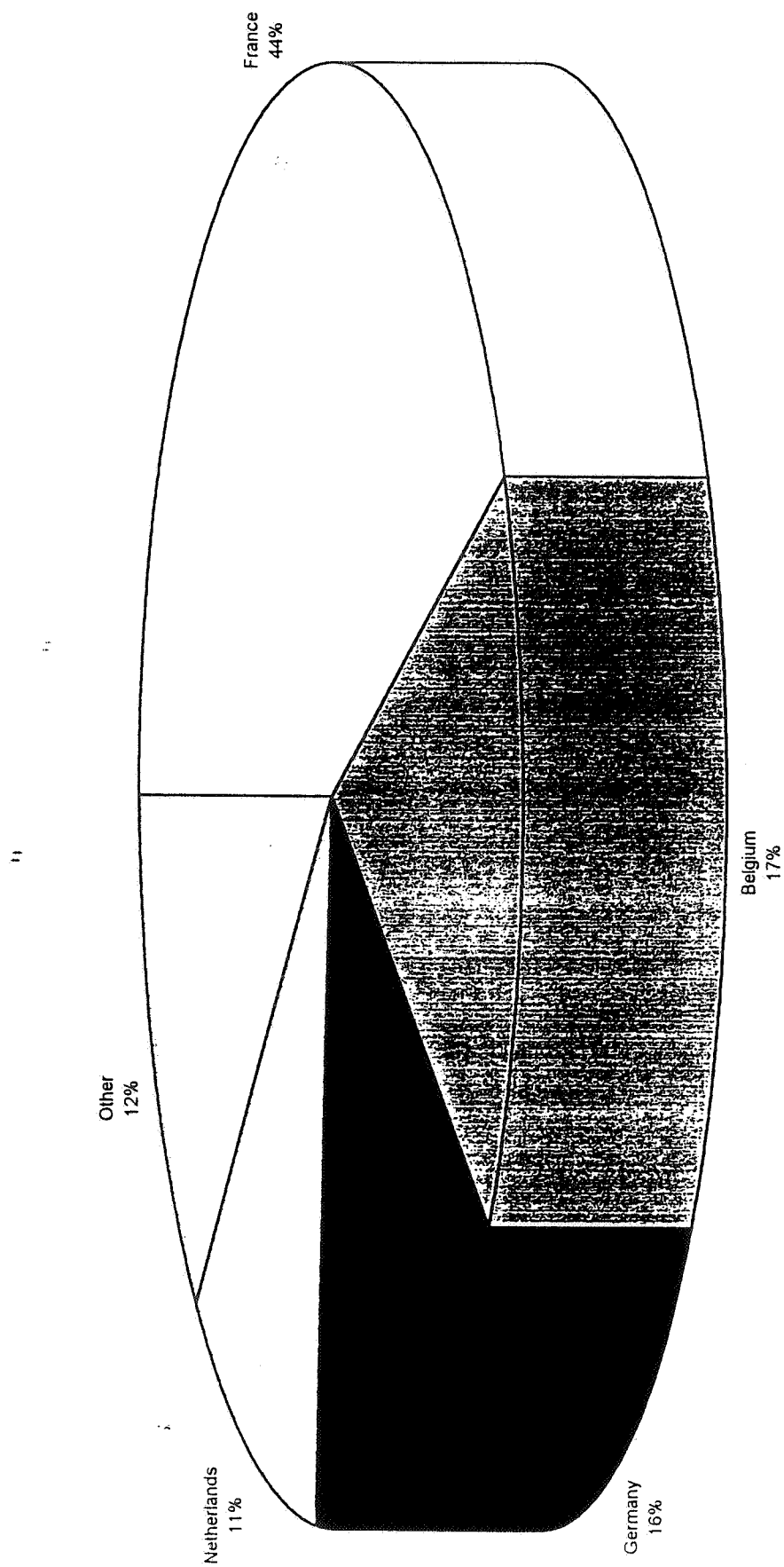
Asylum applications from DRC nationals in European countries 1990-1997



Convention and total recognition rates for asylum-seekers from DRC in Europe



Total number of Convention and humanitarian recognitions by main country of asylum, 1990-1997



Explanatory notes

Decisions usually in first instance only.

In the Netherlands, decisions refer to first and appeal.

In Sweden, positive decisions refer to first and appeal, negative to first instance only.

Rejections in the United Kingdom are those after full consideration only.

All UK statistics refer to cases only. On average, there are 1.25 persons per case

Asylum applications		Country of origin: DRC							
Country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	10	40	60	40	40	50	60	90	390
Belgium	1,070	1,960	3,750	4,020	1,960	970	860	1,230	15,820
Bulgaria	-	-	-	-	-	-	-	-	-
Czech Republic	-	10	20	20	20	10	20	10	110
Denmark	10	-	10	10	20	10	20	10	90
Finland	20	40	80	70	40	30	10	10	300
France	5,650	4,260	2,990	2,200	1,770	1,240	1,060	1,350	20,520
Germany	1,390	2,130	8,310	2,900	1,580	3,280	3,720	2,910	26,220
Greece	-	-	-	10	-	-	10	10	30
Hungary	-	-	-	-	-	10	-	-	10
Italy	10	40	20	30	20	40	50	60	270
Netherlands	200	300	480	1,310	2,180	770	440	590	6,270
Norway	10	20	30	10	20	10	10	10	120
Poland	-	-	-	-	-	-	10	10	20
Portugal	-	60	280	100	-	10	30	40	520
Spain	-	160	290	70	90	30	70	110	820
Sweden	110	170	200	70	40	30	20	40	680
Switzerland	760	1,430	680	350	280	320	700	610	5,130
United Kingdom	2,590	7,010	880	630	780	940	650	690	14,170
Total	11,830	17,630	18,080	11,840	8,840	7,750	7,740	7,780	91,490

Asylum applications		Country of origin: DRC							
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	0%	0%	0%	0%	1%	1%	1%	0%
Belgium	9%	11%	21%	34%	22%	13%	11%	16%	17%
Bulgaria	0%	0%	0%	0%	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	0%	0%	0%	0%	0%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	0%	0%	1%	0%	0%	0%	0%	0%
France	48%	24%	17%	19%	20%	16%	14%	17%	22%
Germany	12%	12%	46%	24%	18%	42%	48%	37%	29%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	0%	0%	0%	0%	1%	1%	1%	0%
Netherlands	2%	2%	3%	11%	25%	10%	6%	8%	7%
Norway	0%	0%	0%	0%	0%	0%	0%	0%	0%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	2%	1%	0%	0%	0%	1%	1%
Spain	0%	1%	2%	1%	1%	0%	1%	1%	1%
Sweden	1%	1%	1%	1%	0%	0%	0%	1%	1%
Switzerland	6%	8%	4%	3%	3%	4%	9%	8%	6%
United Kingdom	22%	40%	5%	5%	9%	12%	8%	9%	15%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

Democratic Rep. of the Congo

1951 UN Convention status recognitions

Country of origin: DRC

Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	-	10	10	-	10	20	20	10	80
Belgium	130	70	110	200	220	190	270	260	1,450
Bulgaria	-	-	-	-	-	-	10	-	10
Czech Republic	-	10	10	-	-	10	-	-	30
Denmark	-	-	-	-	-	-	-	-	-
Finland	-	-	-	-	-	-	-	-	-
France	530	740	660	480	350	280	300	280	3,620
Germany	10	10	-	80	440	370	300	120	1,330
Greece	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-
Italy	-	10	10	-	10	-	10	30	70
Netherlands	-	-	20	10	10	20	10	50	120
Norway	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-
Spain	-	-	-	20	20	20	10	10	80
Sweden	-	10	-	-	-	-	-	-	10
Switzerland	-	-	10	10	20	10	10	10	70
United Kingdom	10	10	10	10	10	20	20	20	110
Total	680	870	840	810	1,090	940	960	790	6,980

1951 UN Convention status recognitions

Country of origin: DRC

Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	1%	1%	0%	1%	2%	2%	1%	1%
Belgium	19%	8%	13%	25%	20%	20%	28%	33%	21%
Bulgaria	0%	0%	0%	0%	0%	0%	1%	0%	0%
Czech Republic	0%	1%	1%	0%	0%	1%	0%	0%	0%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	0%	0%	0%	0%	0%	0%	0%	0%
France	78%	85%	79%	59%	32%	30%	31%	35%	52%
Germany	1%	1%	0%	10%	40%	39%	31%	15%	19%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	1%	1%	0%	1%	0%	1%	4%	1%
Netherlands	0%	0%	2%	1%	1%	2%	1%	6%	2%
Norway	0%	0%	0%	0%	0%	0%	0%	0%	0%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	0%	0%	0%	0%	0%
Spain	0%	0%	0%	2%	2%	2%	1%	1%	1%
Sweden	0%	1%	0%	0%	0%	0%	0%	0%	0%
Switzerland	0%	0%	1%	1%	2%	1%	1%	1%	1%
United Kingdom	1%	1%	1%	1%	1%	2%	2%	3%	2%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

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Rejections	Country of origin: DRC								
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	-	-	20	30	60	40	-	70	220
Belgium	210	220	260	380	770	840	970	1,350	5,000
Bulgaria	-	-	-	-	-	-	-	-	-
Czech Republic	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	10	20	-	-	30
Finland	-	-	20	40	50	20	20	20	170
France	10,330	9,990	4,180	2,870	1,770	1,860	2,150	3,000	36,150
Germany	860	1,290	540	5,720	4,400	1,920	3,520	1,680	19,930
Greece	-	-	-	-	-	-	-	10	10
Hungary	-	-	-	-	-	-	-	-	-
Italy	-	20	30	30	10	30	20	30	170
Netherlands	160	150	530	570	1,780	1,830	680	970	6,670
Norway	10	10	30	-	10	10	10	20	100
Poland	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	280	-	30	20	30	360
Spain	-	-	-	320	60	50	50	100	580
Sweden	-	-	-	20	200	40	10	20	290
Switzerland	240	750	1,910	360	300	220	410	620	4,810
United Kingdom	100	1,100	4,810	1,700	260	480	900	180	9,530
Total	11,910	13,530	12,330	12,320	9,680	7,390	8,760	8,100	84,020

Rejections	Country of origin: DRC								
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	0%	0%	0%	1%	1%	0%	1%	0%
Belgium	2%	2%	2%	3%	8%	11%	11%	17%	6%
Bulgaria	0%	0%	0%	0%	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	0%	0%	0%	0%	0%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	0%	0%	0%	1%	0%	0%	0%	0%
France	87%	74%	34%	23%	18%	25%	25%	37%	43%
Germany	7%	10%	4%	46%	45%	26%	40%	21%	24%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	0%	0%	0%	0%	0%	0%	0%	0%
Netherlands	1%	1%	4%	5%	18%	25%	8%	12%	8%
Norway	0%	0%	0%	0%	0%	0%	0%	0%	0%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	2%	0%	0%	0%	0%	0%
Spain	0%	0%	0%	3%	1%	1%	1%	1%	1%
Sweden	0%	0%	0%	0%	2%	1%	0%	0%	0%
Switzerland	2%	6%	15%	3%	3%	3%	5%	8%	6%
United Kingdom	1%	8%	39%	14%	3%	6%	10%	2%	11%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

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Humanitarian status		Country of origin: DRC							
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	-	-	-	-	-	-	-	-	-
Belgium	-	-	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-
Czech Republic	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	-	-
Finland	-	10	-	40	30	10	20	10	120
France	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	20	20	20	60
Greece	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-
Netherlands(1)	10	10	90	70	110	180	50	320	840
Norway(1)	10	-	-	-	-	10	-	-	20
Poland	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	10	10
Sweden	20	40	10	10	70	10	10	20	190
Switzerland	-	-	-	-	-	-	20	40	60
United Kingdom	10	10	10	20	10	20	40	40	160
Total	50	70	110	140	220	250	160	460	1,460

(1) Including individually granted temporary protection

Humanitarian status		Country of origin: DRC							
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	0%	0%	0%	0%	0%	0%	0%	0%
Belgium	0%	0%	0%	0%	0%	0%	0%	0%	0%
Bulgaria	0%	0%	0%	0%	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	0%	0%	0%	0%	0%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	14%	0%	29%	14%	4%	13%	2%	8%
France	0%	0%	0%	0%	0%	0%	0%	0%	0%
Germany	0%	0%	0%	0%	0%	8%	13%	4%	4%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	0%	0%	0%	0%	0%	0%	0%	0%
Netherlands(1)	20%	14%	82%	50%	50%	72%	31%	70%	58%
Norway(1)	20%	0%	0%	0%	0%	4%	0%	0%	1%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	0%	0%	0%	0%	0%
Spain	0%	0%	0%	0%	0%	0%	0%	2%	1%
Sweden	40%	57%	9%	7%	32%	4%	6%	4%	13%
Switzerland	0%	0%	0%	0%	0%	0%	13%	9%	4%
United Kingdom	20%	14%	9%	14%	5%	8%	25%	9%	11%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

(1) Including individually granted temporary protection

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1951 UN Convention recognition rates					Country of origin:				DRC
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	100%	33%	0%	14%	33%	100%	13%	27%
Belgium	38%	24%	30%	34%	22%	18%	22%	16%	22%
Bulgaria	0%	0%	0%	0%	0%	0%	100%	0%	100%
Czech Republic	0%	100%	100%	0%	0%	100%	0%	0%	100%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	0%	0%	0%	0%	0%	0%	0%	0%
France	5%	7%	14%	14%	17%	13%	12%	9%	9%
Germany	1%	1%	0%	1%	9%	16%	8%	7%	6%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	33%	25%	0%	50%	0%	33%	50%	29%
Netherlands	0%	0%	3%	2%	1%	1%	1%	4%	2%
Norway	0%	0%	0%	0%	0%	0%	0%	0%	0%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	0%	0%	0%	0%	0%
Spain	0%	0%	0%	6%	25%	29%	17%	8%	12%
Sweden	0%	20%	0%	0%	0%	0%	0%	0%	2%
Switzerland	0%	0%	1%	3%	6%	4%	2%	1%	1%
United Kingdom	8%	1%	0%	1%	4%	4%	2%	8%	1%
Total	5%	6%	6%	6%	10%	11%	10%	8%	8%

Note: 1951 UN Conv. recogn. rate equals the no. of Conv. status recognitions divided by the total number of positive and negative decisions

Total recognition rates					Country of origin:				DRC
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	100%	33%	0%	14%	33%	100%	13%	27%
Belgium	38%	24%	30%	34%	22%	18%	22%	16%	22%
Bulgaria	0%	0%	0%	0%	0%	0%	100%	0%	100%
Czech Republic	0%	100%	100%	0%	0%	100%	0%	0%	100%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	100%	0%	50%	38%	33%	50%	33%	41%
France	5%	7%	14%	14%	17%	13%	12%	9%	9%
Germany	1%	1%	0%	1%	9%	17%	8%	8%	7%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	33%	25%	0%	50%	0%	33%	50%	29%
Netherlands	6%	6%	17%	12%	6%	10%	8%	28%	13%
Norway	50%	0%	0%	0%	0%	50%	0%	0%	17%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	0%	0%	0%	0%	0%
Spain	0%	0%	0%	6%	25%	29%	17%	17%	13%
Sweden	100%	100%	100%	33%	26%	20%	50%	50%	41%
Switzerland	0%	0%	1%	3%	6%	4%	7%	7%	3%
United Kingdom	17%	2%	0%	2%	7%	8%	6%	25%	3%
Total	6%	6%	7%	7%	12%	14%	11%	13%	9%

Note: Total recogn. rate equals the no. of Conv. status + humanit. status recognitions divided by the total number of positive and negative decisions

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Asylum applications: country of origin as % of all nationalities

Country of origin: DRC

Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	0%	0%	1%	1%	1%	1%	1%	0%
Belgium	8%	13%	21%	15%	14%	8%	7%	10%	13%
Bulgaria	0%	0%	0%	0%	0%	0%	0%	0%	0%
Czech Republic	0%	1%	2%	1%	2%	1%	1%	0%	1%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	1%	2%	2%	3%	5%	4%	1%	1%	2%
France	10%	9%	10%	8%	7%	6%	6%	6%	8%
Germany	1%	1%	2%	1%	1%	2%	2%	3%	1%
Greece	0%	0%	0%	1%	0%	0%	1%	0%	0%
Hungary	0%	0%	0%	0%	0%	8%	0%	0%	2%
Italy	0%	0%	0%	2%	1%	2%	7%	3%	1%
Netherlands	1%	1%	3%	4%	4%	3%	2%	2%	3%
Norway	0%	0%	1%	0%	1%	1%	1%	0%	0%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	23%	41%	5%	0%	2%	11%	16%	11%
Spain	0%	2%	2%	1%	1%	1%	1%	2%	1%
Sweden	0%	1%	0%	0%	0%	0%	0%	0%	0%
Switzerland	2%	3%	4%	1%	2%	2%	4%	3%	3%
United Kingdom	7%	10%	3%	2%	2%	2%	2%	2%	4%
Total	3%	3%	3%	2%	3%	2%	3%	3%	3%

1951 UN Convention status recognitions: COO as % of all nationalities

Country of origin: DRC

Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	0%	0%	0%	1%	2%	3%	2%	1%
Belgium	19%	12%	14%	19%	15%	15%	17%	15%	16%
Bulgaria	0%	0%	0%	0%	0%	0%	7%	0%	4%
Czech Republic	0%	1%	4%	0%	0%	17%	0%	0%	2%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	0%	0%	0%	0%	0%	0%	0%	0%
France	4%	5%	6%	5%	5%	6%	7%	5%	5%
Germany	0%	0%	0%	0%	2%	2%	1%	1%	1%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	1%	3%	0%	3%	0%	6%	9%	2%
Netherlands	0%	0%	0%	0%	0%	0%	0%	1%	0%
Norway	0%	0%	0%	0%	0%	0%	0%	0%	0%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	0%	0%	0%	0%	0%
Spain	0%	0%	0%	2%	3%	4%	4%	7%	2%
Sweden	0%	1%	0%	0%	0%	0%	0%	0%	0%
Switzerland	0%	0%	1%	0%	1%	0%	0%	0%	0%
United Kingdom	1%	1%	1%	0%	1%	1%	1%	1%	1%
Total	2%	2%	3%	2%	2%	2%	2%	2%	2%

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Rejections: COO as % of all nationalities

Country of origin: DRC

Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	0%	0%	0%	1%	1%	0%	1%	0%
Belgium	18%	13%	13%	15%	24%	31%	24%	33%	23%
Bulgaria	0%	0%	0%	0%	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	0%	0%	0%	0%	0%
Denmark	0%	0%	0%	0%	0%	1%	0%	0%	0%
Finland	0%	0%	1%	3%	10%	7%	8%	7%	3%
France	14%	16%	16%	11%	8%	8%	12%	20%	13%
Germany	1%	1%	0%	2%	2%	2%	3%	2%	1%
Greece	0%	0%	0%	0%	0%	0%	0%	1%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	0%	0%	2%	1%	2%	4%	2%	1%
Netherlands	2%	1%	3%	4%	6%	6%	4%	6%	4%
Norway	0%	0%	1%	0%	0%	1%	1%	1%	1%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	49%	0%	6%	12%	17%	14%
Spain	0%	0%	0%	2%	0%	1%	1%	2%	1%
Sweden	0%	0%	0%	0%	2%	1%	0%	0%	0%
Switzerland	2%	3%	6%	2%	2%	2%	3%	4%	3%
United Kingdom	12%	20%	14%	9%	1%	2%	2%	1%	6%
Total	5%	4%	4%	2%	3%	3%	4%	4%	3%

Humanitarian status: COO as % of all nationalities

Country of origin: DRC

Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	0%	0%	0%	0%	0%	0%	0%	0%
Belgium	0%	0%	0%	0%	0%	0%	0%	0%	0%
Bulgaria	0%	0%	0%	0%	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	0%	0%	0%	0%	0%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	1%	0%	2%	10%	5%	6%	4%	2%
France	0%	0%	0%	0%	0%	0%	0%	0%	0%
Germany	0%	0%	0%	0%	0%	1%	1%	1%	1%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	0%	0%	0%	0%	0%	0%	0%	0%
Netherlands	1%	1%	1%	1%	1%	2%	1%	5%	2%
Norway	1%	0%	0%	0%	0%	1%	0%	0%	0%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	0%	0%	0%	0%	0%
Spain	0%	0%	0%	0%	0%	0%	0%	5%	2%
Sweden	0%	0%	0%	0%	0%	0%	0%	0%	0%
Switzerland	0%	0%	0%	0%	0%	0%	0%	1%	0%
United Kingdom	0%	0%	0%	0%	0%	0%	1%	1%	0%
Total	0%	0%	0%	0%	0%	1%	0%	2%	0%

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Convention + Humanitarian recognitions					Country of origin:				DRC
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	-	10	10	-	10	20	20	10	80
Belgium	130	70	110	200	220	190	270	260	1,450
Bulgaria	-	-	-	-	-	-	10	-	10
Czech Republic	-	10	10	-	-	10	-	-	30
Denmark	-	-	-	-	-	-	-	-	-
Finland	-	10	-	40	30	10	20	10	120
France	530	740	660	480	350	280	300	280	3,620
Germany	10	10	-	80	440	390	320	140	1,390
Greece	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-
Italy	-	10	10	-	10	-	10	30	70
Netherlands	10	10	110	80	120	200	60	370	960
Norway	10	-	-	-	-	10	-	-	20
Poland	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-
Spain	-	-	-	20	20	20	10	20	90
Sweden	20	50	10	10	70	10	10	20	200
Switzerland	-	-	10	10	20	10	30	50	130
United Kingdom	20	20	20	30	20	40	60	60	270
Total	730	940	950	950	1,310	1,190	1,120	1,250	8,440

Convention + Humanitarian recognitions					Country of origin:				DRC
Asylum country	1990	1991	1992	1993	1994	1995	1996	1997	Total
Austria	0%	1%	1%	0%	1%	2%	2%	1%	1%
Belgium	18%	7%	12%	21%	17%	16%	24%	21%	17%
Bulgaria	0%	0%	0%	0%	0%	0%	1%	0%	0%
Czech Republic	0%	1%	1%	0%	0%	1%	0%	0%	0%
Denmark	0%	0%	0%	0%	0%	0%	0%	0%	0%
Finland	0%	1%	0%	4%	2%	1%	2%	1%	1%
France	73%	79%	69%	51%	27%	24%	27%	22%	43%
Germany	1%	1%	0%	8%	34%	33%	29%	11%	16%
Greece	0%	0%	0%	0%	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%	0%	0%	0%	0%
Italy	0%	1%	1%	0%	1%	0%	1%	2%	1%
Netherlands	1%	1%	12%	8%	9%	17%	5%	30%	11%
Norway	1%	0%	0%	0%	0%	1%	0%	0%	0%
Poland	0%	0%	0%	0%	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	0%	0%	0%	0%	0%
Spain	0%	0%	0%	2%	2%	2%	1%	2%	1%
Sweden	3%	5%	1%	1%	5%	1%	1%	2%	2%
Switzerland	0%	0%	1%	1%	2%	1%	3%	4%	2%
United Kingdom	3%	2%	2%	3%	2%	3%	5%	5%	3%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

