

DEMOCRATIC REPUBLIC OF CONGO
COUNTRY REPORT

APRIL 2004

Country Information and Policy Unit
Immigration and Nationality Directorate
Home Office, United Kingdom

CONTENTS

1. SCOPE OF THE DOCUMENT	1.1 - 1.7
2. GEOGRAPHY	2.1 - 2.3
3. THE ECONOMY	3.1 - 3.2
4. HISTORY	
Belgian Colonial Rule	4.1 - 4.2
Independence from Belgium	4.3 - 4.4
The Mobutu Regime	4.5 - 4.9
The Laurent Kabila Regime	4.10 - 4.15
The Joseph Kabila Regime	4.16 - 4.29
5. STATE STRUCTURES	
The Constitution	5.1
Congolese Nationality Law	5.2 - 5.8
The Political System	5.9 - 5.12
The Judiciary	5.13 - 5.15
Military Service	5.16 - 5.17
Internal Security	5.18
Legal Rights/Detention	5.19 - 5.23
The Death Penalty	5.24
Prisons and Prison Conditions	5.25 - 5.28
Medical Services	5.29 - 5.35
The Education System	5.36

6. HUMAN RIGHTS	
6.A Human Rights Issues	
General	6.1 - 6.4
Freedom of Speech and the Media	6.5 - 6.8
Journalists	6.9 - 6.13
Freedom of Religion	6.14 - 6.17
Religious Groups	6.18
Freedom of Association and Assembly	6.19
Political Activists	6.20 - 6.22
Employment Rights	6.23 - 6.26
People Trafficking	6.27
Freedom of Movement	6.28 - 6.30
6.B Human Rights - Specific Groups	
Women	6.31 - 6.33
Children	6.34 - 6.37
Ethnic Groups	6.38 - 6.46
Homosexuals	6.47
Human Rights Activists	6.48 - 6.50
Members of Bundu dia Kongo	6.51 - 6.57
Former Soldiers of FAZ	6.58
Persons Closely Associated with the Mobutu Regime	6.59 - 6.61
Students Involved in the December 2001 University Demonstrations	6.62 - 6.65
Refugees in the DRC	6.66 - 6.67
Members of the Armee de Victoire (Army of Victory) Church	6.68 - 6.72
Persons Suspected of Involvement in the Assassination of Laurent Kabila	6.73 - 6.81

6.C Human Rights - Other Issues	
Official Documents Issued in the DRC	6.82
Birth, Marriage and Death Certificates	6.83
National Identity Cards	6.84
Arrest, Search and Bail Warrants	6.85
Newspaper Articles	6.86 - 6.87
"Letters of Support" from Opposition Political Parties	6.88
Treatment of Failed Asylum Seekers Returned to the DRC	6.89 - 6.90
ANNEXES	
CHRONOLOGY OF MAJOR EVENTS	ANNEX A
PROMINENT PEOPLE PAST AND PRESENT	ANNEX B
GLOSSARY	ANNEX C
LIST OF THE MAIN POLITICAL PARTIES	ANNEX D
LIST OF THE TRANSITIONAL GOVERNMENT MINISTERS	ANNEX E
LIST OF SOURCE MATERIAL	ANNEX F

1. SCOPE OF THE DOCUMENT

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/ human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum/human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

Return to Contents

2. GEOGRAPHY

2.1 According to "Africa South of the Sahara 2004", the Democratic Republic of Congo (DRC) has an area of 2,344,885 sq km (905,365 sq mi), and is the second largest country of sub-Saharan Africa. The country shares borders with the Republic of Congo to the north west, the Central African Republic and Sudan to the north, Uganda, Rwanda, Burundi and Tanzania to the east and Zambia and Angola to the south. There is a short coastline at the outlet of the River Congo. Lying across the Equator, the DRC has an equatorial climate in the whole of the central region. Rainfall is plentiful in all seasons. The only arid region is an extremely small area on the bank of the lower Congo **[1] (page 261)**.

2.2 The US State Dept Background Note on the DRC, published in October 2003, states that the DRC had an estimated population of around 56 million in 2003 with an estimated annual growth rate of 2.9 per cent **[3d] (page 1)**. According to "Africa South of the Sahara 2004", about 80 per cent of the DRC's inhabitants reside in rural areas. The average density of population is low and the population is unevenly distributed. Kinshasa, the capital city, is the principal urban centre. Politically, the country is divided into 11 administrative provinces: Bandundu, Bas-Congo, Equateur, Kasai Occidental, Kasai Orientale, Katanga, Kivu-Maniema, North Kivu, Province Orientale, South Kivu and Kinshasa **[1] (pages 261 and 292)**.

2.3 According to the "Encylopaedia Britannica", more than 200 languages and dialects are spoken in the DRC. The national official language is French which is the language of education, business, administration and international communications. Four national languages are widely used throughout the country - Swahili, Tshiluba, Lingala and Kikongo. These four languages are used in local trading and radio broadcasting. Lingala is the official language of the military and is widely spoken in Kinshasa where it is used in popular music **[6]**.

Return to Contents

3. THE ECONOMY

3.1 The US State Dept 2003 Human Rights Report on the DRC reports that the economy was dominated by subsistence agriculture, a large informal sector and widespread barter in 2003. In 2003, production and incomes remained low, financial institutions were weak, public health and education deteriorated and the country's infrastructure was in a serious state of disrepair. The World Bank has estimated that 80 per cent of the population in 2003 lived on less than 50 American cents a day. The GDP grew by approximately 5 per cent during 2003 and inflation remained below 20 per cent. In 2003, public sector employees, including most soldiers, received very low salaries and sometimes were not paid for months, which caused widespread hardship and contributed to tensions within the armed forces and corruption in the civil administration **[3b] (page 1)**. According to "Africa South of the Sahara 2004", the national currency of the Democratic Republic of Congo is the Congolese franc (100 centimes = 1 FC) **[1] (page 294)**.

3.2 According to "Africa South of the Sahara 2004", the road network is inadequate for

a country the size of the DRC. Of the estimated 145,000 km of roads, only 2,500 km are surfaced. Most of the road network is in a very poor condition. Telecommunications facilities in the DRC are operated by the Office Congolais des Postes et des Telecommunications, and are among the worst in Africa. International lines, apart from those to Brussels and Paris, are erratic **[1] (pages 284 - 286)**.

Return to Contents

4. HISTORY

Belgian Colonial Rule

4.1 The US State Dept Background Note on the DRC, published in October 2003, states that the area now comprising the Democratic Republic of Congo was officially colonised in 1885 as a personal possession of King Leopold II of Belgium and was known as the Congo Free State. The administration of the territory was subsequently transferred from King Leopold to the Belgian Government in and renamed the Belgian Congo **[3d] (page 3)**.

4.2 According to "Africa South of the Sahara 2004", under Belgian rule, Congolese political activity was forbidden. Radical Congolese people formed political groups but called them “cultural associations”, which included the Alliance des Ba-Kongo (ABAKO), led by Joseph Kasavubu. Following a violent demonstration organised by ABAKO in January 1959, the Belgian Government, alarmed at the prospect of involvement in a prolonged colonial war, adopted a policy of quickly granting the country independence. The constitutional arrangements that emerged affirmed the unitary character of the state but allowed each province to have its own government and legislature and equal representation in a national senate **[1] (page 262)**.

Return to Contents

Independence from Belgium

4.3 According to "Africa South of the Sahara 2004", the independence of the Republic of the Congo was proclaimed on 30 June 1960. Joseph Kasavubu became the first president of the independent country and Patrice Lumumba became the first prime minister. Five days later, the armed forces mutinied. Their demands were partly satisfied by the replacement of the Belgian chief of staff by Colonel (later Marshal) Joseph-Desire Mobutu. At the same time, the provinces of Katanga and South Kasai resolved to secede from the rest of the country. Disagreement over Lumumba’s response to the secession led to his dismissal by Kasavubu in September 1960. This was challenged by Lumumba who asked the legislature to remove Kasavubu. The political deadlock was resolved in September 1960 when Colonel Mobutu assumed control of the country and restored power to Kasavubu in February 1961. A few days after this occurred, Lumumba was murdered. Following negotiations between Kasavubu and Lumumba’s MNC political party, a new government was formed in August 1961 **[1] (page 262)**.

4.4 According to "Africa South of the Sahara 2004", the movement for the secession of Katanga collapsed in January 1963, when its leader, Moise Tshombe, went into exile. In

July 1964, Kasavubu invited Tshombe to become the interim Prime Minister, pending legislative elections. A new constitution came into force in August 1964, establishing a presidential system of government and a federal structure. Also in August 1964, the country was renamed the Democratic Republic of Congo. In March and April 1965, the Tshombe Government organised legislative elections. The coalition, led by Tshombe, the Convention Nationale Congolaise, won 122 out of the 167 seats of the legislature. An opposition bloc soon emerged called the Front Democratique Congolais and a political deadlock ensued. At this point, the army led by Mobutu assumed full executive powers and on 24 November 1965, he declared himself the head of the Second Republic **[1] (page 262)**.

Return to Contents

The Mobutu Regime

4.5 According to "Africa South of the Sahara 2004", moving swiftly to consolidate his power, Mobutu imposed a five-year ban on party politics and in 1966 founded the Mouvement Populaire de la Revolution (MPR) to facilitate the concentration of power in the hands of the president. In June 1966, a new constitution was approved establishing a presidential regime. The constitution allowed for a maximum of two officially approved political parties but the claims of existing political groups to official recognition were ignored. The constitution was amended to make the government, legislature and judiciary all institutions of the MPR and all citizens party members. By 1970, Mobutu had eliminated all potential opposition. In October 1971, the country was renamed the Republic of Zaire. In 1972, President Mobutu took the name Mobutu Sese Seko Kuku Ngbendu Wa Za Banga **[1] (page 262)**.

4.6 According to "Africa South of the Sahara 2004", it was not until April 1990 that internal pressure obliged Mobutu to announce that a multi-party political system would be introduced after a transitional period of one year. At the same time, Mobutu declared the setting up of the Third Republic and announced his resignation as Chairman of the MPR. In May 1990, a new transitional government was formed. As part of the continuing process of political reform, in June 1990, the legislature adopted amendments to the Constitution and the establishment of independent trade unions was authorised. In October 1990, Mobutu announced that a full multi-party political system would be established, and in November 1990, enabling legislation was adopted to allow this to happen. The announcement by the president of a timetable for the restoration of multi-party politics led to a proliferation of political parties being formed **[1] (page 263)**.

4.7 According to "Africa South of the Sahara 2004", a Sovereign National Conference (CNS) on a revised constitution, was opened in 1991, but was held in abeyance during the political crises of that year as it was consistently at loggerheads with Mobutu. It was re-opened in 1992 under the chairmanship of Archbishop Monsengwo to act as an interim legislature. A number of governments were formed in response to the various political and economic crises which beset the country over the following years. In December 1992, the CNS was succeeded by a High Council of the Republic (HCR) which acted as a parliament. During 1993, power struggles between Mobutu and the HCR led to the establishment of two competing governments, headed respectively by Etienne Tshisekedi, the UDPS leader, and Faustin Birindwa as Mobutu's nominee. In January 1994, the HCR was reconstituted as a transitional legislature (HCR-PT) which

endorsed the organisation of a constitutional referendum and presidential and legislative elections. The HCR-PT elected Leon Kengo Wa Dondo as prime minister in June 1994 **[1] (pages 264 - 266).**

4.8 According to "Africa South of the Sahara 2004", in August 1996, Mobutu left the country for cancer treatment in Switzerland and remained there for four months. Although he remained nominally in control, his prolonged absence led to a significant decline in his authority. The caretaker government of Kengo wa Dondo was left to confront a rapid escalation of violence in the eastern provinces of North and South Kivu. Rwandan Hutu militia who had taken refuge there in 1994 began to try to carve out an area for themselves with the support of local Hutus, and members of the Zaire armed forces (FAZ), killing and expelling local Tutsis and other ethnic groups. In October 1996, Tutsis in South Kivu were ordered to leave the area provoking a backlash in which combined Tutsi forces supported by Rwandan armed forces made rapid advances against the Hutus and FAZ. What initially appeared to be a regional movement seeking to protect the Tutsi population in South Kivu soon gathered momentum and emerged as a national rebellion with the support of Rwanda seeking to overthrow the Mobutu regime. Tutsi rebels were joined by other dissidents to form the Alliance des forces democratiques pour le liberation du Congo-Zaire (AFDL) led by Laurent Kabila. By November 1996, AFDL forces occupied a substantial area of the east of the country **[1] (pages 266 - 267).**

4.9 According to "Africa South of the Sahara 2004", Mobutu returned to Kinshasa in December 1996 and ordered the formation of a crisis government still headed by Kengo wa Dondo but including some opposition members. In the ensuing three months, further territory fell to AFDL troops with little opposition from government forces. On 8 April, Mobutu declared a national state of emergency and dismissed the government. In early May 1997, peace talks were held between Mobutu and Kabila mediated by President Mandela of South Africa. Mobutu refused to resign and Kabila reiterated his intention to seize Kinshasa by force. On 16 May 1997, Mobutu and his entourage left Kinshasa travelling to Togo and then to Morocco. Many of his family and supporters fled to the neighbouring Republic of Congo. Mobutu never returned to his home country and eventually died in Morocco in September 1997 **[1] (page 267).**

Return to Contents

The Laurent Kabila Regime

4.10 According to "Africa South of the Sahara 2004", on 17 May 1997, AFDL troops entered Kinshasa encountering no resistance. The leader of the AFDL, Laurent Kabila, then declared himself the president of the country and renamed it the Democratic Republic of the Congo. On 20 May, Kabila entered Kinshasa and by 22 May, the AFDL was in control of most of the country. On 23 May, Kabila formed a transitional government which was dominated by AFDL members but also included members of the UDPS and the Front Patriotique and avoided a potentially unpopular large number of Tutsis. Following several demonstrations on 26 May, Kabila issued a decree banning all political parties and public demonstrations. To consolidate his power, on 28 May Kabila issued a constitutional decree, which accorded him legislative and executive power as well as control over the army and the treasury. This constitutional decree would remain in force until a new constitution was adopted. Of the previously existing state

institutions, only the judiciary was not dissolved. On 29 May 1997, Kabila was formally sworn in as President of the DRC, assuming full executive, legislative and military powers [1] (page 267).

4.11 According to "Africa South of the Sahara 2004", on 28 July 1998, Kabila issued a decree expelling Rwandan members of the armed forces from the country. A rebellion against the Kabila regime began in August 1998 as a result. The rebellion, assisted by the Rwandan Government, was launched in North and South Kivu when a group calling itself the Rassamblement Congolais pour la Democratie (RCD) announced its intention to oust Kabila. The rebels were a disparate group of disaffected ex-Kabila civilians, military and opposition figures from outside and inside the country. The first political leader emerged as Ernest Wamba dia Wamba, a former lecturer at Dar-es-Salaam University [1] (page 268).

4.12 According to "Europa World Yearbook 2003", the RCD rebels, assisted by Rwandan and Ugandan forces captured a large area comprising most of the east of the country. Their initial attempt, however, to take Kinshasa was stalled after military support to Kabila was provided by Zimbabwe, Namibia and Angola and later Chad. Internal disagreements later emerged within the RCD which subsequently led the RCD to split into two factions: one headed by Ernest Wamba dia Wamba (RCD-ML), and the other by Dr Emile Ilunga (RCD-Goma). In November 1998, a new rebel group emerged called the Mouvement pour la Liberation du Congo (MLC) led by Jean-Pierre Bemba. The MLC based itself in the Equateur Province and was made up of large numbers of former Zairean soldiers. The MLC developed close ties with the Ugandan Government [2] (pages 268 - 269).

4.13 According to "Europa World Yearbook 2003", international diplomatic efforts to promote a ceasefire and a negotiated settlement, which would also meet the security concerns of neighbouring countries, resulted in a ceasefire agreement which was signed by all belligerent countries on 10 July 1999. The MLC and RCD signed up to the ceasefire agreement in August 1999. The ceasefire agreement, called the Lusaka Peace Accord, set out arrangements for an end to the fighting and the start of an inter-Congolese dialogue to resolve the conflict [2] (page 1229).

4.14 According to "Africa South of the Sahara 2004", the presidents of all the countries involved in the conflict participated in a United Nations Security Council debate in January 2000 and all re-affirmed their commitment to the Lusaka Peace Accord. The UN Security Council gave approval for the UN Mission in the DRC (MONUC) to be increased in size, to be supported by some 5,000 combat troops with powers of enforcement and to allow for the possibility of more troops being added if the Lusaka Accord was respected by its signatories [1] (page 270).

4.15 According to a news report published by "The Times" newspaper (UK) dated 17 January 2001, Laurent Kabila was assassinated in the Presidential Palace in Kinshasa on 16 January 2001, reportedly by one of his soldiers, during or after a meeting with some of his generals [13]. A BBC News Online report dated 19 January 2001 states that a government public announcement was made on 18 January confirming that Laurent Kabila had been assassinated. The country's airports and borders were temporarily closed for security reasons but were soon re-opened. There were no reports of widespread civil unrest [15a].

Return to Contents

The Joseph Kabila Regime

4.16 A "Washington Post" Online news report dated 26 January 2001 reports that Laurent Kabila's son, Joseph Kabila, was sworn in as the new President of the DRC on 26 January 2001 in a formal ceremony. The Supreme Court of the DRC confirmed Joseph Kabila as the fourth president of the DRC since the country's independence in 1960 **[16]**.

4.17 According to "Africa South of the Sahara 2004", President Joseph Kabila dissolved his late father's cabinet and appointed a new government in April 2001. Congolese opposition parties urged Kabila to allow political activity and Tshisekedi returned to Kinshasa after a 16-month absence on 23 April. President Joseph Kabila ended some restrictions on political activity in May 2001 **[1] (page 271)**.

4.18 According to the Amnesty International report "DRC - From Assassination to State Murder?" published in December 2002, in spite of a four-month investigation carried out in early 2001 by a specially established Commission of Inquiry and a lengthy trial, the exact circumstances of former President Kabila's assassination remain contentious. The Commission of Inquiry's report alleged that one of Laurent Kabila's bodyguards, Lieutenant Rachidi Muzele, fired the shots which killed him. The report asserted that the RCD-Goma rebel group was responsible for planning the assassination with the support of the Rwandan and Ugandan governments and that the assassination was part of a larger coup attempt. Arrests began immediately after the assassination and included other presidential bodyguards, members of the armed forces, members of the security services and at least 45 civilians **[11b] (pages 1 - 2)**.

4.19 According to a BBC News Online report dated 1 March 2001, many soldiers and civilians were arrested in connection with the assassination, including the late Laurent Kabila's aide-de-camp, Colonel Eddy Kapend and General Nawej Yav, a close associate of Colonel Kapend **[15b]**. According to the Amnesty International report "DRC - From Assassination to State Murder?" published in December 2002, these two men were formally charged with the conspiracy and murder of Laurent Kabila when the trial of the suspected assassins and accomplices began on 15 March 2002. The trial was conducted before the Military Order Court in a room at the Centre Penitentiaire et de Re-education de Kinshasa (CPRK), Kinshasa's central prison, normally reserved for prison visits. Almost all of the defendants were charged with capital crimes including the assassination of the head of state, treason and plotting against the regime. The Military Order Court trial was put on hold for a few months but was resumed later in 2002. The chief prosecutor of the trial called for the death penalty for more than one hundred of the accused and sentences ranging from two to fifteen years imprisonment for the rest. The trial in Kinshasa's central prison was initially opened to the public but was subsequently conducted in private **[11b] (pages 1 - 4)**.

4.20 According to "Africa South of the Sahara 2004", the Inter-Congolese Dialogue (ICD) started in Sun City in South Africa in February 2002. All the major parties to the ICD and many of the minor ones were represented. Intense debates failed to bring the various parties to the ICD to form a power-sharing partnership. A peace agreement was finally made in April 2002 between the DRC Government and the MLC and RCD-ML

rebel groups. RCD-Goma and some of the main political parties that had representatives at the talks did not sign up to the peace agreement [1] (page 271). According to a United Nations IRIN report dated 25 April 2002, the political parties that did not sign up to the peace agreement included the UDPS, PALU, FONUS, MNC-L and the G4 group of four parties led by Mbwebwe Kabamba. The peace agreement allows the current president, Joseph Kabila, to retain his post during a transition period until elections are held. Also, under the terms of the peace agreement - an assembly, a senate, a senior army council and a new national army will be created [18a].

4.21 According to "Africa South of the Sahara 2004", a peace agreement brokered by South African President Thabo Mbeki and UN Secretary General Kofi Annan, was signed in Pretoria in South Africa by DRC President Kabila and Rwandan President Kagame on 30 July 2002. Under the terms of the peace agreement, the DRC Government promised to disarm the Interahamwe militia force, and in return, the Rwandan Government agreed to withdraw its troops from the country. President Mugabe of Zimbabwe later announced that Zimbabwe would withdraw its remaining troops in the country, and by the end of October 2002, most of them had left the country. The Hutu rebels did not recognise the agreement as they claimed they were not consulted [1] (page 272).

4.22 According to the Human Rights Watch 2003 DRC Country Report, the UN Panel of Experts on the Illegal Exploitation of Natural Resources and other forms of Wealth of the DRC presented its final report to the UN Security Council in October 2002. Through the use of extensive documentary evidence and witness statements, the panel described the networks through which the Rwandan, Ugandan, Zimbabwean and Congolese authorities had been growing rich at the expense of the Congolese people. The report asserted that various foreign elements worked to keep local authorities weak and local peoples in conflict in order to make it easier for them to extract wealth from the country. It also concluded that Rwanda was not in the DRC to protect its security, as it frequently claimed, but rather to “secure property”. It named individual officers and also various corporations, both national and international, which were involved in illegally exploiting the DRC’s wealth. It called for sanctions against the individuals and corporations if they failed, after a brief grace period, to bring an end to their activities [5a] (page 4).

4.23 According to "Africa South of the Sahara 2004", peace talks between the groups participating in the Inter-Congolese Dialogue resumed in November 2002, and ended with the signing of a new peace agreement on 17 December 2002. The peace agreement allowed for a new transitional government to be headed by the current president, with four Vice-Presidents who would be representatives of the incumbent government, the MLC, RCD-Goma, and the political opposition [1] (page 272).

4.24 A United Nations IRIN report dated 3 April 2003 states that the peace agreement signed in December 2002 was ratified in April 2003 when delegates from all parties to the conflict in the DRC signed a power-sharing peace deal on 2 April in South Africa. At the final session of talks, the DRC Government, rebel movements, opposition political parties and representatives of civil society agreed to set up a transitional government to oversee democratic elections due to take place in 2005. Joseph Kabila would retain his position as President of the DRC, and be the head of the transitional government, supported by four vice-presidents from the rebel groups and civilian opposition. It was

also agreed that rebel fighters should be merged with the existing Congolese army to form a new national army [18d].

4.25 A United Nations IRIN report dated 5 May 2003 states that the unarmed political opposition was not united in its choice of vice-president. The choice of Arthur Z'Ahidi Ngoma was opposed by the UDPS and PALU political parties, led by veteran opposition politicians, Etienne Tshisekedi and Antoine Gizenga respectively [18e]. According to a BBC News Online report dated 29 September 2003, Tshisekedi returned to the DRC in September 2003 after two years of self-imposed exile in South Africa. Tens of thousands of his supporters greeted him when he arrived at Kinshasa Airport. He stated that he intended to start work to prepare for the presidential and parliamentary elections, due to take place in 2005, but he and the UDPS did not have any interest in the transitional government administration [15d].

4.26 According to two United Nations IRIN reports dated July 2003, the new transitional government was set up on 30 June 2003 and comprises the President, four vice-presidents, 36 ministers and 25 deputy ministers from the previous administration, the pro-government Mayi-Mayi militia, the rebel forces, the unarmed political opposition and civil society. Joseph Kabila remains the President of the DRC while the transitional government is in operation. The vice-presidents are Jean-Pierre Bemba (MLC rebel group), Abdoulaye Yerodia Ndombasi (former government), Arthur Z'Ahidi Ngoma (political opposition) and Azarias Ruberwa (RCD-Goma rebel group), who took their oath of office in July 2003. The setting up of the transitional government effectively ended the five-year conflict that began in August 1998 between the various rebel forces and the DRC Government [18f][18g].

4.27 According to a United Nations IRIN report dated 25 August 2003, a new National Assembly and Senate of the transitional government was opened by President Joseph Kabila on 22 August 2003 in Kinshasa. The National Assembly is made up of 500 members from the numerous parties to the Inter-Congolese Dialogue, namely the former government, the unarmed political opposition, civil society and former rebel groups. The Senate is made up of 120 members from the various parties to the national power-sharing accord [18i].

4.28 According to a BBC News Online report dated 20 August 2003, an agreement was reached in August 2003 on establishing a unified armed forces command. It is envisaged that the process of integration will be complete when elections are held in 2005. Former rebel commanders have been appointed to run the army and navy. The post of overall armed forces chief of staff is retained by Lieutenant General Liwanga Maata, who served under the previous administration [15c].

4.29 A "Daily Trust" (Nigeria) newspaper report dated 29 March 2004 reported that an attempted coup took place in Kinshasa on 28 March 2004. A number of targets were attacked, allegedly including military bases, a television station and a military airport. Some reports accused former soldiers of Mobutu's army of being responsible for the attacks. Government soldiers fought and overcame the attackers. The Information Minister, Vital Kamerhe, reported to journalists that 20 of the attackers had been arrested but another 15 were still at large [29]. According to a United Nations IRIN report dated 29 March 2004, the DRC Interior Minister, Theophile Mbemba, stated on 29 March that the Government remained united and in complete control of the situation.

Also, on 29 March, President Joseph Kabila made a national broadcast describing the attackers as terrorists and told citizens to go about their normal business [18k].

Return to Contents

5. STATE STRUCTURES

The Constitution

5.1 According to "Europa World Year Book 2003", when Laurent Kabila came to power in May 1997, he abolished the existing constitution. In October 1997, President Kabila appointed a Constitutional Commission to draft a new constitution by March 1998. The Commission drafted a constitution, which was referred to a Constituent Assembly to review and submit to a national referendum for ratification. Work on reviewing the draft constitution was held in abeyance when the conflict between the rebel forces broke out in August 1998. No progress had been made on reviewing the constitution by the time Laurent Kabila was assassinated in January 2001. During the current Joseph Kabila regime, the state continued to function without a written constitution up until a new transitional constitution was officially adopted on 4 April 2003 [2] (page 1239). According to the Economist Intelligence Unit's 2003 Country Profile Report on the DRC, a permanent constitution and associated political institutions have still to be agreed [30] (page 16).

Return to Contents

Congolese Nationality Law

5.2 According to "Africa South of the Sahara 2004", the country's name was changed from Zaire to the Democratic Republic of Congo in May 1997 by former president Laurent Kabila [1] (page 267). According to information obtained from the British Embassy in Kinshasa in June 2000, all Zairean citizens within the national territory or abroad then became citizens of the DRC, simultaneously and collectively. A Zairean citizen who left the country at that time automatically became a citizen of the DRC and would therefore be able to return to the country as a DRC citizen [22b]. According to information obtained from the British Embassy in Kinshasa in August 2001, the determination of Congolese nationality is governed by the provisions of Decree 197 which modified the Nationality Law 81-002 of 1981[22c].

5.3 According to information obtained from the British Embassy in Kinshasa in August 2001, Article 4 of Decree 197 stipulates that with effect from 30 June 1960, any person whose ancestor is or was a member of one of the ethnic groups established on DRC territory, as defined on 1 August 1885, and modified by subsequent conventions, is regarded as Congolese [22c].

5.4 Despite the legal provisions of Article 4 of Decree 197, the US State Dept 2003 Human Rights Report on the DRC reports that in 2003, the Government did not recognise the citizenship claims of some established residents whose ancestors immigrated to the country such as the Tutsis (Banyamulenge) from Rwanda. The issue of citizenship and nationality has been scheduled to be addressed by the current transitional government but at the end of 2003, citizenship rights had not been granted to Tutsis [3b].

5.5 According to information obtained from the British Embassy in August 2001, Article 5 of Decree 197 defines entitlement to Congolese nationality by filial descent when a child, regardless of the country of birth, has a father who is Congolese and/or a mother who is Congolese [22c].

5.6 According to "Citizenship Laws of the World" published by the United States Office of Personnel Management Investigations Service in March 2001, Congolese nationality can be acquired by registration by the following persons:

- A foreign woman who has been, or is, married to a Congolese citizen

- A foreign child adopted by Congolese citizens

Foreign residents can acquire Congolese nationality provided they have legally resided in the country for at least five years. Birth within the territory of the DRC does not automatically confer citizenship [14].

5.7 According to "Citizenship Laws of the World" published by the United States Office of Personnel Management Investigations Service in March 2001, dual nationality is not legally recognised. The only exception to this would be a child born abroad, who has obtained the citizenship of the country of birth, may retain dual nationality until the age of 21. The person concerned then has 12 months to renounce foreign citizenship. Failure to do this within 12 months by the person concerned will result in Congolese citizenship being revoked [14].

5.8 According to "Citizenship Laws of the World" published by the United States Office of Personnel Management Investigations Service in March 2001, voluntary renunciation of Congolese citizenship is permitted by law but is neither automatic nor guaranteed. A Congolese citizen seeking to renounce his citizenship must return to the DRC and present his case to a court of law. A Congolese citizen can involuntarily lose his citizenship if he voluntarily acquires a foreign citizenship and does not come under the only exception to the legal acceptance of dual nationality (refer to para 5.7) [14].

Return to Contents

The Political System

5.9 According to "Africa South of the Sahara 2004", the DRC is a republic with a president as the head of state. The president exercises legislative power by decree following consultation with the Cabinet. The president is the chief of the executive and of the armed forces and has the authority to issue currency. The president also has the power to appoint and dismiss members of the government, ambassadors, provincial governors, senior army officers, senior civil servants and magistrates [1] (page 297).

5.10 The Economist Intelligence Unit 2003 Country Profile Report on the DRC reports that President Joseph Kabila formed his own political party, the Parti pour la reconciliation et le developpement (PPRD) in March 2002. The PPRD is largely made up of politicians who were supporters of former president Laurent Kabila. Although the PPRD officially functions as a political party, it has done little to establish itself by publishing its policies or by creating the structures of a modern political party [30] (page 16).

5.11 The US State Dept 2003 Human Rights Report on the DRC reports that citizens did not have the right to change their government peacefully in free democratic elections in 2003. The Government, nevertheless, allowed political parties to exist in 2003 and legally registered political parties were allowed to engage in political activities. **[3b] (page 17).**

5.12 According to United Nations IRIN reports published in July 2003, Joseph Kabila is the President of the DRC and is the head of the new transitional government. The transitional government was set up on 30 June 2003 and comprises the President, four vice-presidents, 36 ministers and 25 deputy ministers, who are from the previous administration, the pro-government Mayi-Mayi militia, the rebel forces, the unarmed political opposition and civil society. Joseph Kabila remains the President of the DRC while the transitional government is in operation **[18f][18g]**.

Return to Contents

The Judiciary

5.13 The US State Dept 2003 Human Rights Report on the DRC reports that the law provides for an independent judiciary, however, in practice, in government-controlled territory, the judiciary was ineffective and corrupt in 2003. The civil judiciary, including the lower courts, appellate courts, the Supreme Court and the Court of State Security were largely dysfunctional in 2003. Corruption was pervasive in the judiciary, particularly among magistrates as they were paid very poorly and only intermittently. The judicial system suffered from major shortages of personnel, supplies and infrastructure in 2003. On 24 April 2003, President Kabila closed the Military Order Court (COM) in response to protests by national and international organisations **[3b] (page 7)**.

5.14 The US State Dept 2003 Human Rights Report on the DRC reports that military courts, which were headed by a military judge and followed the military code inherited from Belgium, tried military and civilian defendants as directed by the Government in 2003. Military courts were required to file charges within 48 hours of the arrest, however, long delays have often occurred. Military courts had no appeal process. The Government has permitted and in some cases has provided legal counsel, however, lawyers sometimes have not been granted free or unmonitored access to defendants. Sentencing guidelines were also inherited from Belgian military law, however, in practice military courts have had broad discretion to go outside those sentencing guidelines. In many cases, trials have been open to the public at the discretion of the military judge **[3b] (page 7)**.

5.15 The US State Dept 2003 Human Rights Report on the DRC reports that in areas not under government control, there was no functioning criminal justice system in 2003. Judges and other public servants were not paid their salaries and corruption was widely practiced in that year. RCD-Goma officials and other individuals with influence reportedly used the judicial system to arrest individuals on false charges and to extract money and property from these individuals. There were also reports in 2003 of indiscriminate military justice in which persons were executed without a trial. Persons imprisoned by rebel forces for political reasons were generally detained without being formally tried **[3b] (page 8)**.

Return to Contents

Military Service

5.16 According to information obtained from the British Embassy in Kinshasa in December 2001, recruitment into the Congolese armed forces is on a voluntary basis only. No compulsory military service scheme exists. A soldier has no legal right to refuse to fight on moral or conscientious grounds. Such an act is considered as desertion or high treason **[22d]**.

5.17 According to "Refusing to Bear Arms", published by War Resisters' International in 1998, desertion in peacetime and in wartime is dealt with under the Code of Military Justice. The punishment of penal servitude under the Code can mean imprisonment as well as forced labour in a camp. In peacetime, desertion is punishable by two months to ten years' penal servitude; up to life-long penal servitude or even the death penalty in wartime, during a state of emergency, or during a police operation to maintain public order. If two soldiers desert together, this is considered as desertion with conspiracy and may be punished by two to twenty years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime. Desertion abroad is punishable by six months to ten years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime. In aggravating circumstances, such as desertion during active service, desertion with the taking of arms or desertion with conspiracy, the punishment may be from three to ten years' penal servitude. Desertion and fighting with another armed group is punishable by ten to twenty years' penal servitude in peacetime and execution in wartime **[9]**.

Return to Contents

Internal Security

5.18 The US State Dept 2003 Human Rights Report on the DRC reports that the Government's security forces in 2003 consisted of a national police force and an immigration service, both under the control of the Ministry of Interior, the National Intelligence Agency (ANR), the Special Group for Presidential Security (GSSP), both of which report to the president, and the Congolese armed forces. The Office for the Military Detection of Anti-Patriotic Activities (DEMIAP), the military intelligence service, was technically disbanded in 2003 but continued to operate under the new chief of military intelligence. The ANR was responsible for internal and external security, including border security matters in 2003. The armed forces retained some residual police functions. Military police had jurisdiction over armed forces personnel but also had domestic security responsibilities. The members of the security forces were poorly trained and poorly paid and often undisciplined in 2003. Civilian authorities did not maintain effective control of the security forces in 2003 and there were frequent instances in which some members of the security forces acted independently of government. The security forces have committed numerous, serious human rights abuses **[3b] (page 1)**.

Return to Contents

Legal Rights/Detention

5.19 The US State Dept 2003 Human Rights Report on the DRC reports that civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a public trial, the presumption of innocence and legal counsel at all stages of proceedings, however, the Government did not respect these rights in practice in 2003. Defendants have the right to appeal in all cases except those involving national security, armed robbery and smuggling, all of which are adjudicated in theory by the Court of State Security, and except those cases adjudicated by the special military tribunals, whose jurisdiction is ill-defined. The law provides for court-appointed counsel at state expense in capital cases, in all proceedings before the Supreme Court, and in other cases when requested by the court. In practice, the Government has not fully respected these provisions **[3b] (page 7)**.

5.20 The US State Dept 2003 Human Rights Report on the DRC reports that the security forces arbitrarily arrested and detained persons in 2003. Under the law, police officers investigating offences punishable by more than six months imprisonment do not require a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status and senior officers of the security forces are empowered to authorise arrests. The law requires that detainees be brought before a magistrate within 48 hours, who may authorise provisional detention for varying periods. In practice, these provisions have been violated systematically **[3b] (page 6)**.

5.21 The US State Dept 2003 Human Rights Report on the DRC reports that the police often detained persons without filing charges in 2003. When the authorities did press charges, the claims were rarely filed in a timely manner and were often contrived or overly vague. The security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody or allowing the detainees to have contact with family or legal counsel **[3b] (page 6)**.

5.22 The US State Dept 2003 Human Rights Report on the DRC reports that the security forces used the pretext of state security to arbitrarily arrest individuals linked to groups considered a threat by the Government in 2003, in particular the opposition political party, the UDPS. Individuals arrested and detained on state security grounds were frequently held without legal charge, presentation of evidence, access to a lawyer or due process **[3b] (page 6)**.

5.23 The US State Dept 2003 Human Rights Report on the DRC reports that in areas not under government control, rebel forces were responsible for a systematic pattern of arbitrary arrests and detentions. Although rebel groups frequently arrested, charged, detained and tried persons in 2003, they operated outside the Government's criminal justice system **[3b] (page 7)**.

Return to Contents

The Death Penalty

5.24 According to the Amnesty International (AI) report "The Death penalty: List of Abolitionist and Retentionist Countries - 1 February 2004", published in March 2004, the DRC is a country which has the death penalty in force as a punishment for ordinary

crimes [11d] (page 5). The Amnesty International 2003 Country Report on the DRC reports that in September 2002, the moratorium on executions which had been in place since March 2001, had been suspended and that the courts continued to pass death sentences. In 2002, more than 80 people were on death row. Since 1997, the Military Order Court has sentenced hundreds of people to death after unfair trials, of whom at least 200 were executed [11c] (pages 1 - 2).

Return to Contents

Prisons and Prison Conditions

5.25 The US State Dept 2003 Human Rights Report on the DRC reports that conditions in most of the large, central prisons were harsh and at times life-threatening in 2003. The penal system suffered from severe shortages of funds and trained personnel. The Government has made efforts to respond to NGO complaints about prison conditions, particularly at the CPRK (formerly known as Makala prison). Health care and medical attention were inadequate in the CPRK in 2003 but a prison doctor was available. What food was provided by the Government was inadequate and prisoners were dependent on the personal resources of family or friends. Local NGOs have reported that in a few cases, family members were forced to pay bribes to bring food to prisoners. The Government allowed the International Committee of the Red Cross (ICRC) and many NGOs access to all official detention facilities but the ICRC and other NGOs were not allowed access to the illegal detention facilities [3b] (page 5).

5.26 The US State Dept 2003 Human Rights Report on the DRC reports that, in 2003, conditions in small detention facilities, both legal and illegal, were harsh and life-threatening and resulted in a number of deaths, particularly from tuberculosis. These facilities were generally intended for short-term pre-trial detentions but in practice they were often used for lengthy detentions in 2003. Detainees have often been beaten or tortured. Usually, these facilities have no toilets, mattresses or medical care and inmates often received insufficient amounts of light, air and water. Such prisons generally operated without a budget and with minimal government supervision in 2003. Local prison authorities or influential individuals have frequently barred visitors or severely ill-treated particular detainees. Petty corruption was common in 2003. Prison guards frequently required bribes from family members and NGOs to visit or provide a detainee with food and other necessities [3b] (page 5).

5.27 The US State Dept 2003 Human Rights Report on the DRC reports that the security services, particularly the ANR and DEMIAP, operated many illegal detention facilities in 2003, even though a 2001 presidential decree authorised their closure. Conditions in these detention facilities were harsh and life-threatening. Detainees were systematically abused, beaten and tortured. These facilities lacked water, toilets, mattresses and medical care. Detainees were routinely refused access to family members, friends and lawyers in 2003 [3b] (page 5).

5.28 The US State Dept 2003 Human Rights Report on the DRC reports that prison conditions in areas outside of government control were extremely harsh and life-threatening in 2003. Most detention facilities were not designed for detaining persons and detainees were often kept in overcrowded rooms with no light or ventilation. Detainees typically slept on cement or dirt floors without bedding and had no access to

sanitation, drinking water, toilets or adequate medical care. Tuberculosis, red diarrhoea and other infectious diseases were widespread. Little or no food was provided to detainees and guards demanded bribes from family members or friends to bring food to prisoners. Prisoners were frequently subjected to torture, beatings and other abuses with no medical attention [3b] (page 5).

Return to Contents

Medical Services

5.29 According to the Economist Intelligence Unit 2003 Country Profile Report on the DRC, it is difficult to make a full assessment of the state of medical services and facilities in the DRC. What information is available indicates that the public health care system in the DRC has largely ceased to function. Hospitals and other health infrastructure suffer from serious shortages of medical staff and supplies. Many have largely ceased to function. Patients must often provide or pay for their own medical supplies. Private clinics operate in most of the large urban areas. Christian missionaries provide the only public health services in many areas [30] (pages 23 - 24).

5.30 According to information obtained from the British Embassy in Kinshasa in January 2001, medical treatment for people suffering from diabetes was available in Kinshasa at that time. The city's general hospital had facilities to care for diabetes. There were also medical centres run by the Salvation Army, the University Clinic of Kinshasa, Ngaliema Clinic and approximately 24 centres located throughout Kinshasa. Insulin, the drug needed by many diabetics, was available in the DRC in January 2001 but was very expensive. Hospitals outside Kinshasa were less equipped to provide medical treatment for diabetics [22a].

5.31 According to a Swiss Federal Office for Refugees report dated September 2001, a trade in medicines and medical equipment has been organised in Kinshasa for persons with little financial means. These poorest patients, who are excluded from the public health care system, can sometimes be taken care of at low cost, or even free of charge, by the health care facilities run by religious groups or by non-governmental organisations [10] (page 8).

5.32 According to a Swiss Federal Office for Refugees report dated September 2001, the Salvation Army had a Health Department that administers several health establishments throughout the country. In Kinshasa, it had nine medical establishments, among which there is a hospital and a surgery centre, an ophthalmic clinic and a maternity centre. The aim of the Salvation Army is to provide quality treatment at the lowest rates. According to their own 2001 estimates, the Salvation Army in Kinshasa took care of more than 200,000 patients a year, 3,000 of which were suffering from tuberculosis and 1,500 from diabetes [10] (pages 8 - 9).

5.33 According to a Swiss Federal Office for Refugees report dated September 2001, for cultural reasons, Congolese people do not as a rule consult psychiatric specialists. If a person exhibits mood or personality disorder problems, his relations will firstly believe that he is the victim of a spell and that someone is trying to harm the family. Sorcery or prayers are used to cure the person's mental illness. It is only as a last recourse that a psychiatrist is consulted. In Kinshasa, there is a small centre specialising in

neuropsychiatry, the Kakuambi Centre. Some other hospitals, clinics and medical centres offer, along with general medicine, some beds for psychiatric and psychological treatment. Public facilities that treat mental illnesses are few and far between and those that exist are dilapidated. Kinshasa's main psychiatric unit is the Neuro/Psycho/Pathological Centre (CNPP). The CNPP was in a dilapidated state in 2001 and had no more than 40-50 patients but provided the initial consultation, diagnosis and therapy free of charge. The rest was chargeable to the patients and their families **[10] (pages 9 - 10)**.

5.34 According to a Swiss Federal Office for Refugees report dated September 2001, mental illnesses can generally be treated in Kinshasa. This is particularly the case with depression, war trauma, post-traumatic stress syndrome and schizophrenia. Competent doctors practice on the spot and medicines are normally available. According to the Director of the CNPP, all the medicines on the list of the World Health Organisation are available in Kinshasa except preparations with a heroine base **[10] (page 10)**.

5.35 According to a United Nations IRIN report dated 2 October 2003, Medicins Sans Frontieres (MSF) reported that it had begun providing free treatment with life-prolonging anti-retroviral drugs (ARVs) to HIV/AIDS patients in Bukavu, in eastern DRC. The programme began with an initial enrolment of seven patients but was expected to add about ten patients per month, ultimately including 150 patients on ARV treatment by January 2005. MSF has made a five-year commitment to the programme, after which its sustainability and local capacity would be re-evaluated. MSF has been working closely with local health authorities and personnel, in a concerted effort to show local residents and international donors that it is possible to have people taking ARVs in an unstable setting. MSF consider patient education and having regular tests and check-ups to be just as important as taking ARV drugs. MSF have stated that the ARV treatment is the most recent step in its efforts to fight HIV/AIDS, which has also included voluntary testing and counselling, treatment for opportunistic infections and sexually transmitted diseases, home-based care and nutritional and psychosocial support **[18j]**. According to a United Nations IRIN report dated 14 April 2004, the DRC Government authorised the University of North Carolina (USA) to set up an office at the Kinshasa Referral Hospital, to improve public health care in the country. Under the agreement between the Government and the University of North Carolina, the university will carry out research into and assist in the effort to combat HIV/AIDS and also train medical staff **[18l]**.

Return to Contents

The Education System

5.36 According to "Africa South of the Sahara 2004", primary education begins at age 6 and ends at age 12 and secondary education begins at age 12 and ends at age 18. The country has 4 universities, situated in Kinshasa, Kinshasa/Limete, Kisangani and Lumbumbashi **[1] (page 304)**. According to the Economist Intelligence Unit 2003 Country Profile Report on the DRC, the formal education system has largely ceased to function and education services continue with the help of private initiatives. Education services were nationalised in 1972, but the Catholic Church is responsible for an estimated 80 per cent of primary schools and 60 per cent of secondary schools, largely due to the public sector's failure to provide adequate education services **[30] (page 23)**. According to the US State Dept 2003 DRC Human Rights Report, primary school education was not

compulsory, free or universal in 2003. In public schools, parents were formally required to pay a small fee but parents often informally were expected to pay teachers' salaries in 2003. Extremely poor economic circumstances often hampered parents' ability to afford these added expenses and many children were not able to attend school. Most schools only function in areas where parents have formed co-operatives. According to UNICEF, the net primary school attendance during 2003 was 51 per cent [3b] (pages 20 - 21).

Return to Contents

6. HUMAN RIGHTS

6.A Human Rights Issues

General

6.1 The US State Dept 2003 Human Rights Report on the DRC reports that in areas under government control, the Government's human rights record was poor in 2003. Some improvements were made during 2003 but serious problems remained. The security forces committed serious human rights abuses in 2003, such as unlawful killings, torture, beatings, acts of rape, extortion and other abuses, largely with impunity. The Government supplied and co-ordinated operations with Mai Mai and other militia groups, who committed many serious human rights abuses, including killings, rape, torture, the kidnapping of civilians and the recruitment of children as combatants. The Government has restricted the freedom of speech, the freedom of the press and the freedom of assembly [3b] (pages 1 - 2).

6.2 The US State Dept 2002 Human Rights Report on the DRC reports that, in 2002, the largest rebel groups were the Congolese Rally for Democracy based in Goma (RCD-Goma) supported by the Rwandan Government; the MLC, supported by the Ugandan Government, and the RCD-ML, led by Mbusa Nyamwisi, which was also supported by the Ugandan Government. The RCD-Goma was led by Adolphe Onusumba and was dominated by members of the Tutsi ethnic minority in 2002. The MLC was dominated by former Mobutu supporters from Equateur Province and was led by Jean-Pierre Bemba. Two smaller rebel factions emerged in 2002 - RCD/National (RCD-N), led by Roger Lumbala which was supported by the Ugandan Government and the MLC; and RCD/Originale (RCD/O), led by Felix Mumbere which was supported by the Ugandan Government. In the Ituri region of the north east, two tribally-based armed groups emerged in 2002. These were the Lendu-dominated Patriotic Army of the Congo (APC), supported by the RCD-ML, and the Hema-dominated UPC, led by Tomas Lubanga and supported by the Rwandan and Ugandan Governments [3a] (pages 2 - 3).

6.3 The US State Dept 2003 Human Rights Report on the DRC reports that the human rights record in areas not under government control was extremely poor in 2003. The RCD-Goma, the MLC, the RCD-ML and RCD-National rebel groups, ethnic militia and other armed groups operated in more than half of the country in 2003. Rebel forces committed many human rights abuses against the civilian population in the areas they continued to control. The rebel groups severely restricted political freedom and did not tolerate political opposition or civil society activity that was critical of their rule. Rebel forces, Mai Mai forces, Hutu militia, and other armed groups committed serious human rights abuses against civilians with impunity in 2003. Some of these human rights

abuses included large-scale killings, the burning of villages, disappearances, torture, rape, mutilation, looting, extortion and robbery. The judiciary was corrupt and controlled and manipulated by the ruling rebel authorities. The freedoms of speech, assembly, association, movement and religion in areas under rebel control were severely restricted by rebel groups in 2003. Members of local and international NGOs were attacked and some of them were killed. Violence and rapes committed against women and children were serious problems. Inter-ethnic violence caused the deaths of thousands of people **[3b] (pages 2 - 3).**

6.4 The US State Dept 2003 Human Rights Report on the DRC reports that ethnically-based armed militia groups fought for control of resources in the Ituri area of Orientale Province in 2003. The militia groups active in Ituri in 2003 were the National Integration/Patriotic Force of Resistance (Lendu and Ngiti-dominated) in Ituri, led by Floribet Njabu; the UPC (Hema-dominated), led by Thomas Lubanga; the Party for the Safeguarding of the Congo (Hema-dominated), led by Chief Kawa Mandra; the People's Army of Congo, led by General Jerome Bakonde and the Popular Force for Democracy in Congo (Alur and Lugbara-dominated), led by Thomas Unen Chen. There were also other loosely affiliated Lendu militia groups active in 2003 **[3b] (page 2).**

Return to Contents

Freedom of Speech and the Media

6.5 The US State Dept 2003 Human Rights Report on the DRC reports that the law allows for freedom of speech and the press but the Government restricted these rights in practice in 2003. The Press Law makes media criticisms of the authorities illegal and also regulates the newspaper industry. During 2003, the Government arrested, detained, beat, harassed and intimidated journalists but few journalists were formally charged or tried in court. Journalists who have been arrested by the security forces are charged by the authorities for "endangering the State" or "insulting the military" **[3b] (page 12).**

6.6 The US State Dept 2003 Human Rights Report on the DRC reports that 104 newspapers in 2003 had completed the compulsory licensing process, which allows newspapers to be published in the country. Many private news publications relied on funding from political parties and individual politicians. News publications generally emphasised editorial comment and analysis, rather than factual descriptions of events. Many newspapers were highly critical of the Government in 2003. The Government did not have an official newspaper in 2003 but published the "Daily Bulletin", which contained decrees and official statements **[3b] (page 12).**

6.7 The US State Dept 2003 Human Rights Report on the DRC reports that radio was the most important medium of public information in 2003. Other media such as television and newspapers are used to a lesser extent by the Congolese due to limited literacy and the high costs of television and newspapers. In 2003, there were 25 radio stations in Kinshasa, two of which were owned by the Government, and there were 22 television stations, two of which were owned by the Government. In 2003, opposition political parties were unable to gain access to state-owned radio but state-owned radio and television extensively covered the activities of former rebels and opposition politicians who were part of the transitional government administration. The Government

has threatened to shut down radio stations that have not paid the appropriate licensing fees but, in 2003, the Government did not take any action against those that have not paid the fees [3b] (page 12).

6.8 The US State Dept 2003 Human Rights Report on the DRC reports that rebel groups, in their areas of control, severely restricted the freedoms of speech and the press and harassed, intimidated, beat and arrested journalists in 2003, with impunity. Rebel authorities controlled most of the local radio stations in the areas they controlled in 2003 [3b] (page 13).

Return to Contents

Journalists

6.9 According to the "Attacks on the Press 2003" report, published by the Committee to Protect Journalists (CPJ) NGO:

"Congolese journalists have little protection from harassment, government-orchestrated or otherwise. They seldom have legal recourse, partly because of the high cost of legal representation, and partly because the judicial system is subject to influence from powerful local figures who are often the ones harassing journalists, according to local sources. Some local human rights organizations and press freedom groups, such as the Kinshasa-based Journaliste en Danger (JED), actively denounce abuses throughout the country. While JED has had some degree of success in raising awareness of the challenges faced by journalists, researchers at the organization say that court cases opened on behalf of local journalists are rarely resolved, and most often the perpetrators of harassment go unpunished."

"Attacks against the press are often orchestrated by powerful local figures, including private citizens, members of the government, and military and former rebel officials. The most common forms of harassment are arbitrary arrests, physical aggression, and intimidation; local sources say that police officers and members of the military are often paid to arrest and detain journalists." [19] (page 1).

6.10 Certain subjects are considered to be politically sensitive by the Government, according to the "Attacks on the Press 2003" CPJ report, which reports that:

"The most sensitive topics journalists can cover are government corruption, shifting alliances within the new transition government, and foreign sponsors of ex-rebel factions that continue to maintain economic networks and military links. The latter includes alleged Rwandan military support for the rebel Congolese Rally for Democracy (RCD) in the eastern region of Goma, and the financial and military support that senior Ugandan military officials have provided to local militias in the northeastern Ituri region to safeguard their economic interests in the DRC." [19] (page 2).

6.11 According to the "Attacks on the Press 2003" CPJ report, the restrictions media professionals work under varied throughout the country in 2003. As the transitional government has not extended its authority throughout the DRC, in areas not under government control, media workers have had to work under the authority of local officials. Local authorities in areas not under government control have often applied their own policies on media freedom in 2003 [19] (page 2).

6.12 According to the "Attacks on the Press 2003" CPJ report, the work of journalists was restricted in 2003 because of limited financial resources. Journalists in the DRC are very poorly paid and are therefore susceptible to bribes. This makes it difficult for journalists to remain independent. According to the Journaliste en Danger NGO, most journalists have no formal contract with their employer and often work on an ad hoc basis. This effectively means that taking bribes is the only way journalists can support themselves **[19] (page 3)**.

6.13 The "Attacks on the Press 2003" CPJ report states in its concluding paragraph, that there has been an improvement in press freedom conditions in 2003:

"A December report from JED noted there had been some improvement in press freedom conditions in the DRC during 2003, with the average duration of imprisonment for press offences decreasing. For the first time in years, no journalists were in prison for their work in the DRC at year's end. JED attributes the improvements to the stabilising security situation after the peace accords, as well as an increased sense of accountability on the part of officials in the new government. In December, JED launched a national campaign to decriminalise press offenses" **[19] (page 3)**.

Return to Contents

Freedom of Religion

6.14 The US State Dept 2003 International Religious Freedom Report on the DRC reports that the Government has generally respected freedom of religion in practice. Worshipers, however, must not disturb public order or contradict morals that are commonly held by the Congolese people. There is no state religion. Ethnic and political differences are generally not linked to religious differences **[3c] (page 1)**.

6.15 According to the US State Dept 2003 International Religious Freedom Report on the DRC:

"The establishment and operation of religious institutions is provided for and regulated through a statutory order on Regulation of Non-Profit Associations and Public Utility Institutions. Requirements for the establishment of a religious organization are simple and are generally not subject to abuse. Exemption from taxation is among the benefits granted to religious organizations. A 1971 law regulating religious organizations grants civil servants the power to recognise, suspend recognition of, or dissolve religious groups. There have been no reports of the Government suspending or dissolving a religious group since 1990, when the Government suspended its recognition of Jehovah's Witnesses; that suspension subsequently was reversed by a court. Although the law restricts the process of recognition, officially recognized religions are free to establish places of worship and train clergy. The Government requires practicing religious groups to be registered; however, in practice unregistered religious groups operate unhindered" **[3c] (pages 1 - 2)**.

6.16 The US State Dept 2003 International Religious Freedom Report on the DRC reports that the Government requires foreign religious groups to obtain the approval of the president, through the Minister of Justice, before they can begin operating in the country. Once approval has been obtained from the Government, foreign religious

groups can function without government restriction or interference [3c] (page 2).

6.17 The US State Dept 2003 Human Rights Report on the DRC reports that in areas outside government control, respect for freedom of religion was poor in 2003. RCD-Goma soldiers committed human rights abuses in the areas they controlled in 2003. They deliberately targeted churches and religious leaders in the towns and villages under their control and arbitrarily killed pastors, priests, and laymen, publicly threatened the lives of religious leaders, pillaged and destroyed church property [3b] (pages 15 - 16).

Religious Groups

6.18 The US State Dept 2003 International Religious Freedom Report on the DRC reports that the country has five major religious groups - Catholic, Protestant, Orthodox, Muslim and Kimbanguist. Most Congolese people have a Christian faith. Approximately 55% of the population are Roman Catholic, 25% are Protestant and 2.5% are Muslim. The remainder largely practice traditional religions which are native to the DRC. Minority religious groups include, among others, Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints . The Government promotes interfaith understanding by supporting and consulting with the country's five major religious groups. An association called the Consortium of Traditional Religious Leaders acts as a forum for religious leaders to gather and discuss issues of common concern and also provides advice to the Government on religious issues. The various religious groups generally had harmonious relations in 2003 [3c] (pages 1 - 2).

Return to Contents

Freedom of Association and Assembly

6.19 The US State Dept 2003 Human Rights Report on the DRC reports that the Government restricted freedom of assembly in 2003. The Government considered the maintenance of public order to be more important than the right to assemble. The Government requires all organisers of public events to apply for permits obtained from city government authorities. The law automatically allows organisers permission to hold a public event unless the city government authority in question denies permission in writing within 5 days of receiving the original application. In 2003, the security forces often dispersed protests, marches or meetings that had been held without official permission [3b] (page 14).

Return to Contents

Political Activists

6.20 The US State Dept 2003 Human Rights Report on the DRC reports that the Government restricted the right of political association in 2003, however, on 29 September 2003, the Government issued a decree authorising all political parties to function legally. This decree also authorised former rebel forces to function as political parties. Some political parties such as the UDPS had previously refused to register with the former government under the previous law as they did not regard the former government as a legitimate one. Political parties and civil society groups were very active in 2003 preparing for and participating in the transitional government that was set

up in that year [3b] (page 15).

6.21 According to information obtained from the British Embassy in Kinshasa dated February 2003, most political parties have little political significance. Most political parties have a small membership and no formal organisational structure. They are often based on family ties or a loose association of like-minded persons. Posts are not allocated on merit but on the basis of family relationships or ethnic affiliation [22g].

6.22 The US State Dept 2003 Human Rights Report on the DRC reports that, in 2003, the security forces forcibly broke up political party conferences and rallies on several occasions, either because the party concerned had not registered with the Government, or because the organisers of these events had not notified the city authorities in advance. The Government required political parties to apply for permits to hold press conferences in 2003 but according to local NGOs, applications for the appropriate permits were frequently rejected. In areas outside government control, rebel forces and foreign troops severely restricted freedom of assembly and association. In territory controlled by the RCD-Goma, groups critical of the RCD-Goma were severely repressed [3b] (pages 14 - 15).

Return to Contents

Employment Rights

6.23 The US State Dept 2003 Human Rights Report on the DRC reports that the law permits all workers, except magistrates and military personnel, to freely form and join trade unions. Trade union influence has declined due to the collapse of the formal economy, a tendency of employers to ignore existing labour regulations and a decrease in wages as the number of jobs has decreased. Discrimination against trade unions is unlawful according to the Labour Code but this regulation has not been effectively enforced by the Ministry of Labour. In 2003, there were around one hundred independent trade unions registered with the Government. Some of the independent unions have ties with political parties or were associated with a single industry or part of the country in 2003. As the vast majority of the country's economy is in the informal economy, only a small percentage of the country's workers are organised into trade unions [3b] (page 24).

6.24 The US State Dept 2003 Human Rights Report on the DRC reports that the law allows the workers to bargain collectively but collective bargaining was not used in practice in 2003. Pay rates are individually arranged between employers and employees. In the public sector, the Government has set wages by decree and public sector unions are limited to acting in an informal advisory capacity only [3b] (page 24).

6.25 The US State Dept 2003 Human Rights Report on the DRC reports that the law recognised the right to strike in 2003 but legal strikes rarely occurred because the law requires unions to have prior consent and to go through compulsory, lengthy arbitration and appeal procedures. The law prohibits employers or the Government from taking punitive action against strikers but this prohibition was not enforced in 2003 [3b] (page 24).

6.26 The US State Dept 2003 Human Rights Report on the DRC reports that in areas outside government control, employment issues were not addressed by the rebel

authorities in 2003. Most people living in rebel-controlled areas were employed in subsistence agriculture or commercial activity outside the formal employment sector in 2003. Robbery, extortion by armed groups and insecurity compelled families to leave their homes and crops in 2003, which led to these families suffering severe economic hardship. Most people living in rebel-controlled areas in 2003 resorted to informal economic activity, humanitarian aid and scavenging in forests to survive [3b] (page 26).

Return to Contents

People Trafficking

6.27 The US State Dept 2003 Human Rights Report on the DRC reports that there were no specific laws that prohibited trafficking in persons in 2003 and trafficking in persons was practiced. The Government had few programmes in place in 2003 to prevent trafficking in persons but the Government has co-operated with other countries in addressing trafficking issues. Government efforts to combat trafficking have been limited by a lack of resources and information and also because trafficking has mostly occurred in areas controlled by rebel forces [3b] (page 26).

Return to Contents

Freedom of Movement

6.28 The US State Dept 2003 Human Rights Report on the DRC reports that the law allows for freedom of movement but the Government has, at times, restricted freedom of movement in 2003. Resolutions adopted as part of the Inter-Congolese Dialogue process and the transitional constitution affirmed the right to free movement of persons and goods in the country. The Government generally respected the free movement of persons and goods during 2003. Unlike previous years, the Government did not require citizens to obtain a permit from the Ministry of Interior to travel within areas controlled by the Government. Movement between areas under government control and areas in rebel control was hazardous in 2003 and sometimes only possible by United Nations flights and United Nations-accompanied river convoys [3b] (page 16).

6.29 The US State Dept 2003 Human Rights Report on the DRC reports that the Government did not require citizens to obtain exit visas for all foreign travel in 2003 as was the case in 2002. Foreigners, including missionaries, were reportedly required to obtain exit permits before leaving the country for employment purposes. The Government allowed opposition politicians and journalists to leave the country in 2003 but it was reported that journalists had difficulty in obtaining visas and permits to travel abroad [3b] (page 16).

6.30 The US State Dept 2003 Human Rights Report on the DRC reports that in areas under rebel control, freedom of movement was severely restricted in 2003. Rebel soldiers frequently harassed travellers and prevented people from travelling within the areas they controlled. Rebel soldiers and armed groups also cut off several cities from outside contact by controlling all road and river access. This situation was made worse by the setting up of roadblocks and the harassment of civilians who attempted to enter or leave these cities [3b] (page 16).

Return to Contents

6.B Human Rights - Specific Groups

Women

6.31 The US State Dept 2003 Human Rights Report on the DRC reports that many women have suffered from domestic violence and rape. The police rarely got involved in domestic disputes in 2003 and rapists were rarely prosecuted although assault and rape are crimes. Girls who have been raped have often had difficulties in getting married and married women who have been raped have often been abandoned by their husbands. It was commonplace for family members to instruct a rape victim not to report the crime, even to health care professionals, to save the reputation of the victim **[3b] (page 19 - 20)**.

6.32 The US State Dept 2003 Human Rights Report on the DRC reports that women were relegated to a secondary role in society in 2003. Women have rarely been given positions of authority or high responsibility. Most of the primary agricultural labourers and small-scale traders in 2003 were women and women are almost always responsible for caring for children. Women commonly have received less pay than men for comparable work **[3b] (page 20)**.

6.33 The US State Dept 2003 Human Rights Report on the DRC reports that the law discriminates against women in many areas of life. The law requires women to obtain their husband's permission before engaging in routine legal transactions, such as selling real estate, opening a bank account, accepting employment, or applying for a passport. The law allows a widow to inherit her husband's property, control her own property and receive a property settlement following a divorce. In practice, however, women have often been denied these rights. Women are often not aware that they can improve their legal claims by obtaining official documents that declare them to be legally married. Women have also been denied custody of their children in divorce cases although they have been allowed to visit them. Polygamy is illegal but is practiced and father/child relationships resulting from polygamous relationships are legally recognised but only the first wife has legal recognition **[3b] (page 20)**.

Return to Contents

Children

6.34 The US State Dept 2003 Human Rights Report on the DRC reports that the number of orphans and street children increased in 2003. Street children in Kinshasa have often been the victims of harassment by soldiers and the police. According to a November 2003 report by the United Nations Special Rapporteur, between 25,000 and 50,000 child refugees, orphans and "child sorcerers" roamed the streets throughout the country. Some of these children who were not orphans returned to their families at the end of the day. Many of these street children resorted to street crime, begging and prostitution to survive. Child sorcerers have been accused of having mystical powers and their families often abandoned them **[3b] (page 21)**.

6.35 The US State Dept 2003 Human Rights Report on the DRC reports that the Government has made a commitment to demobilise all child soldiers in the armed forces but by August 2003, only 280 out of a total of 1,500 child soldiers, who were scheduled for demobilisation, had been released. There were no reports in 2003 that

the Government was actively recruiting children into the armed forces [3b] (page 21).

6.36 The US State Dept 2003 Human Rights Report on the DRC reports that the law did not prohibit the practice of female genital mutilation (FGM) in 2003. FGM is not a widespread practice in the DRC but it is practiced on young girls among isolated groups in the north. In 2002, the Government set up the National Committee to Fight Harmful Traditional Practices/Female Genital Mutilation. The Committee has developed a network of community leaders, women representatives and health professionals to prevent and treat FGM but the work of the Committee lacks the resources to address the problem [3b] (page 20).

6.37 The US State Dept 2003 Human Rights Report on the DRC reports that the employment of children of all ages was widely practiced in the informal economy and in subsistence agriculture in 2003. Such employment was often the only way a child or family could survive. The legal minimum age for full-time employment without parental consent is 18 years of age. The Ministry of Labour, which is the government department responsible for the enforcement of the child labour laws and the trade unions, however, have not effectively enforced them [3b] (page 25).

Return to Contents

Ethnic Groups

6.38 The US State Dept 2003 Human Rights Report on the DRC reports that the Congolese people are made up of around 200 separate ethnic groups. The various ethnic groups are generally concentrated regionally and speak distinct primary languages. No ethnic group forms the majority ethnic group. Some of the largest ethnic groups are the Luba, Kongo and Anamongo. Four native Congolese languages have official status - Kiswahili, Lingala, Kikongo and Tshiluba while French is the language of government, commerce and education. Discrimination on the basis of ethnicity was widely practiced by members of virtually all ethnic groups in 2003 and was evident in private business transactions and the de facto ethnic segregation that exists in some cities. In large cities, however, there is a degree of inter-ethnic mixing as intermarriage across ethnic and regional divides is common [3b] (page 23).

6.39 The US State Dept 2003 Human Rights Report on the DRC reports that, in 2003, President Joseph Kabila's cabinet and office staff came from geographically and ethnically diverse backgrounds. Political influence, in government and outside it, remained with individuals from the Katanga province, in 2003. Katangans in the FAC were more likely to be promoted and to be paid than persons from other provinces. The leadership of the former rebel groups also came from diverse geographical and ethnic backgrounds in 2003. Nevertheless, MLC members from the Equateur Province had a dominant influence in the MLC and Tutsis had a dominant influence in the RCD-Goma [3b] (page 23).

6.40 According to an article entitled "Conflict in Eastern Zaire" by Georges Nzongola-Ntalaga dated November 1996, immigration and settlement in the eastern part of the country by the Banyarwanda people, who are Twas, Tutsis and Hutus of Rwandan origin, occurred at different periods and for a variety of reasons. There is historical evidence that Rwandan agricultural colonies were established in the islands of Lake Kivu in the 18th century. In addition to this, a group of ethnic Tutsis claim to have settled

during the 17th century in the hills they named “Mulenge” between Lakes Kivu and Tanganyika or between Bukavu and Uvira in South Kivu Province. Accordingly, they called themselves Banyamulenge. Congolese Tutsis are often described as Banyamulenge or “Rwandans” by Congolese from other ethnic groups **[8] (page 2)**. According to a Belgian CEDOCA 2002 Fact-Finding Mission Report on the DRC, Tutsis are recognised by other Congolese ethnic groups by their great height, pointed noses and oval faces, which are their stereotypical physical characteristics. This has resulted in Congolese people, who are not Tutsis but have their stereotypical appearance, being viewed as Tutsis **[24] (page 21)**.

6.41 The US State Dept 2002 Human Rights Report on the DRC reports that since the conflict began between the rebel forces and the Government in 1998, serious human rights abuses have been committed against the Tutsis by government security forces, both in Kinshasa and elsewhere, and by some citizens who have viewed the Tutsis as being disloyal to the regime **[3a] (page 27)**. According to a Belgian CEDOCA 2002 Fact-Finding Mission Report on the DRC, in August and September 1998, an undetermined number of people who were not Tutsis, but had their stereotypical physical appearance, were subjected to indiscriminate human right abuses, simply because they were perceived as being Tutsis. Despite being subject to human rights abuses by the security forces and the civilian population since 1998, the Government has allowed international agencies to resettle thousands of Tutsis in other countries **[24] (pages 21 - 22)**.

6.42 The US State Dept 2002 Human Rights Report on the DRC reports that human rights abuses committed against Tutsis significantly decreased during 2002 but human rights groups complained that discrimination against persons perceived to be of Tutsi ethnicity and their supporters continued in that year **[3a] (page 27)**. The security situation for the Tutsis improved during 2003 according to the US State Dept 2003 Human Rights Report on the DRC which reports that:

"Unlike in previous years, ethnic Tutsis were not subjected to serious abuses by government security forces or citizens. A cooperative effort between the Ministry of the Interior, ICRC, and international donors had supported a center in Kinshasa for Tutsis at risk since 1998; however, with the threat of abuses greatly diminished, the National Institute for Social Security (INSS) Center was closed on 30 June." **[3b] (page 23)**.

6.43 According to the "Democratic Republic of Congo - Ituri: Covered in Blood - Ethnically Targeted Violence in North Eastern DR Congo” Human Rights Watch report, published in July 2003, serious incidents of inter-ethnic violence between the Lendu and Hema ethnic groups in the Ituri area in north eastern DRC occurred in 2002 and 2003. Human Rights Watch estimates that at least 5,000 civilians were killed from direct violence in Ituri between July 2002 and March 2003. Ituri is home to 18 different ethnic groups, with the Hema/Gegere and Lendu/Ngiti forming about 40 per cent of the inhabitants. The other major groups are the Bira, the Alur, the Lugbara, the Nyali, the Ndo-Okebo and the Lese. With ethnic identity of growing importance, a new group has emerged, the “non-originaires” (outsiders), who were not born in Ituri **[5b] (page 1, 14)**.

6.44 The "Democratic Republic of Congo – Ituri: Covered in Blood – Ethnically Targeted Violence in North Eastern DR Congo” Human Rights Watch report, published in July 2003, reports that the Hema ethnic group is divided into two sub-groups – the Gegere known as the Hema from the north, who speak Kilendu and the Hema, also

known as the Hema from the south, who speak Kihema. There are increasing divisions between these two groups. The Lendu ethnic group is also divided into sub-groups - Lendu who originate from the northern areas of Ituri and the Ngiti who come from the south. The Hema are pastoralists and the Lendu are agriculturalists. There has been some degree of co-existence in the past between the two ethnic groups and intermarriage was common. Belgian colonial rule accentuated ethnic divisions between the two communities by favouring the Hema over the Lendu. After independence was achieved from Belgium, the Hema continued as the administrative, landowning business elite. Mobutu confirmed the Hema in management positions in the farming, mining and local administrative sectors. Hema and Lendu fought small battles over land and fishing rights on several occasions after independence but arbitration, supported by the government, contained the incidents **[5b] (pages 1,14,18)**.

6.45 The "Democratic Republic of Congo – Ituri: Covered in Blood – Ethnically Targeted Violence in North Eastern DR Congo" Human Rights Watch report, published in July 2003, reports that two tribally-based armed groups emerged in 2002. These were the Lendu-dominated Patriotic Army of the Congo (APC), supported by the RCD/ML, and the Hema-dominated UPC, led by Tomas Lubanga and supported by the Rwandan and Ugandan Governments. Armed groups have committed war crimes, crimes against humanity and other violations of international humanitarian and human rights law on a massive scale. Assailants have massacred unarmed civilians in each such attack and in addition have mutilated corpses and practiced cannibalism. Armed groups have also arbitrarily arrested and unlawfully detained other persons, some of whom have been subjected to systematic torture **[5b] (pages 1,15)**.

6.46 The "Democratic Republic of Congo – Ituri: Covered in Blood – Ethnically Targeted Violence in North Eastern DR Congo" Human Rights Watch report, published in July 2003, reports that combatants of all armed groups have committed rape and other forms of sexual violence in Ituri. They have often raped women and girls as part of a more general attack in which these forces killed and injured civilians, pillaged, destroyed property and employed child soldiers in their ranks. Women and girls have been raped simply due to their ethnicity. Some may have been killed and others may be held by their abductors for sexual and other services. In the DRC, a girl or woman who has been raped has been personally dishonoured and, through no fault of her own, has brought shame to her household. An unmarried woman who has been raped will have problems finding a husband if the crime becomes known. A married woman could be rejected by her husband or his family and suffer daily humiliation, if not outright expulsion from her household. Many victims are afraid to talk about the crimes. Many such victims receive no medical help, either because there is no functioning medical facility near enough for a visit or because they fear that seeking help will make the crime generally known in the community **[5b] (page 44)**.

Return to Contents

Homosexuals

6.47 According to a Belgian 2002 Fact-Finding Mission Report on the DRC, homosexuality is a taboo subject in the DRC and is disapproved of in Congolese society. As a result, homosexuality is not a subject that is openly discussed. Homosexual practices are not illegal in the DRC. Homosexual activity that is practiced

in private and is discreet is tolerated by Congolese society [24] (page 27). According to information obtained from the British Embassy in Kinshasa in August 2001, police arrests of homosexuals may be made when the person concerned has acted without due regard to propriety or acted against public morals but this applies to heterosexuals as well. Male homosexuals are not treated any differently to female homosexuals by the law. Homosexuality in the DRC has traditionally been regarded as a crime against nature and homosexuals could be punished in accordance with local tradition. This might have included being ostracised or segregated [22c].

Return to Contents

Human Rights Activists

6.48 The US State Dept 2003 Human Rights Report on the DRC reports that in areas under government control, many Congolese and international human rights NGOs carried out investigations into human rights abuses and published their findings in 2003. There were no reports in 2003 of the security forces harassing Congolese NGO workers as had been the case in 2002. The Government's Human Rights Ministry worked with NGOs during 2003 and was responsive to their concerns [3b] (page 18).

6.49 According to the US State Dept 2003 Human Rights Report on the DRC:

"The main domestic human rights organisations operating in the country included the Committee from Human Rights Now; the Voice of the Voiceless; Groupe Jeremie; the Committee of Human Rights Observers (CODHO); Toges Noires; and ASADHO."

"The Government cooperated with international governmental organisations and NGOs, and permitted international humanitarian and human rights NGOs access to conflict areas. A number of U.N. representatives and international NGOs visited the country during the year [2003]. International NGOs published several reports on [the] human rights and humanitarian situation in the country. With a focus on the Ituri region of Orientale province. Amnesty International (AI), HRW, Refugees International, and Doctors without Borders published major reports on the human rights and humanitarian situation in Ituri. AI and Watchlist on Children and Armed Conflict published major reports on the impact of ongoing violence in the east on children, with a focus on child soldiers (see Section 5)." [3b] (page 18).

6.50 The US State Dept 2003 Human Rights Report on the DRC reports that NGOs that were active in rebel-held areas in 2003 have been frequently arrested, harassed, tortured and abused by rebel groups and militias in order to obstruct their reporting of human rights abuses. Congolese human rights groups active in areas outside government control in 2003 included the Heirs of Justice and Solidarity Exchange for Integral Development, the Christian Network of Human Rights and Civic Education Organisations, Promotion and Support for Women's Initiatives, Action for the Relaunch of the Congo and the Lotus Group, the Friends of Nelson Mandela and Justice and Liberation. International NGOs active in areas not under government control, in 2003, included the ICRC and the International Human Rights Law Group. International humanitarian and human rights NGOs were allowed access to conflict areas in 2003 by the various armed groups active in those areas [3b] (page 19).

Return to Contents

Members of Bundu dia Kongo

6.51 According to a United Nations IRIN report dated 26 July 2002, the Bundu dia Kongo (Kingdom of Kongo) is a political-religious group centred in the Bas-Congo province (west of Kinshasa) which has campaigned for the independence of the Bas-Congo region from the rest of the DRC. Its adherents have to renounce western and eastern religions. It seeks the restoration of the ancient Kongo Kingdom with its pre-colonial boundaries, which encompass parts of today's Angola, Republic of Congo and Gabon. The centre of the kingdom was located in Bas-Congo Province and in neighbouring Bandundu Province in the DRC. Bundu dia Kongo adherents have protested in the past against former presidents Mobutu and Laurent Kabila. These protests have occasionally ended in the deaths of the groups' adherents, who have themselves sometimes been armed **[18b]**.

6.52 According to a 2003 Belgian CEDOCA report on the Bundu dia Kongo (BDK), the basic philosophy of the organisation is to promote the positive aspects of the Kongo ancestral traditions. The BDK is founded on three "pillars", which are science, religion and politics. The Management Committee, as of 2003, was made of a Chief Executive, Ne Muanda Nsemi, an Administrative Director, Malozi ma Mpanza, a Secretary (name not known) and a Treasurer, Nzaki Bazola. Its HQ office in 2003 was in Kinshasa **[27] (page 7)**.

6.53 A 2003 Belgian CEDOCA report on the Bundu dia Kongo (BDK) reports that the organisational structure of the BDK consists of:

- Zikuas at the basic level, which are prayer cells
- vula, made up of three zikuas, which are located in towns, and are known as Zungas in communes, in Matadi and Kinshasa they are called Mbanzas and in districts they are called Kimbukus

At each level, the person in charge is called a Nfumu, who is supported by three assistants, who represent the three pillars of the organisation **[27] (page 8)**.

6.54 A 2003 Belgian CEDOCA report on the Bundu dia Kongo reports that persons wishing to become members must undergo nine months training. After the training, the prospective members must take an oath. Once this has been done, the person becomes a member. There are two categories of membership - members and sympathising members. Anyone from a sub-Saharan African country can become a member of the BDK by submitting a membership request to the Management Committee. Members of the organisation are free to leave at any time by sending their resignation to the Management Committee. Members must pay a monthly subscription. The BDK Information Department publishes an information sheet called Kongo Dieto, which is printed in Kinshasa as and when required **[27] (pages 14 - 15)**.

6.55 A 2003 Belgian CEDOCA report on the Bundu dia Kongo reports that membership cards are issued to members and are yellow with the name of the organisation (BDK) and the BDK emblem printed on them. The cards include a photograph of the cardholder. The cards are only written in Kikongo and no other language. The

membership cards issued by BDK representatives in the neighbouring Republic of Congo and Angola are different to the cards issued in the DRC. No membership cards have been issued since the events of July 2002. Subscription cards are also issued to members as a subscription payment record **[27] (pages 18 - 19).**

6.56 A 2003 Belgian CEDOCA report on the Bundu dia Kongo reports that, on 22 July 2002, in Kinzao-Mvute, about a hundred Bundu dia Kongo members, wishing to commemorate the 40th anniversary of the creation of Bas-Congo Province, started to walk from their old temple to a new one, which was about 1 km away. On the way, they were stopped by the security forces and prevented from continuing their journey. Some of the members were arrested and badly beaten by the security forces. Also, on 22 July 2002, a meeting held in a temple in Tshela by BDK members was disrupted by units of the Congolese armed forces. Soldiers surrounded the temple and asked the 55 men, women and children in the temple to go outside and climb into military vehicles located outside the temple. As soon as all the BDK members had left the temple, it was burnt down. The members were taken to the premises of the Bas-Fleuve district Commissioner. Once the leaders of the group were identified - Ne Mambi Mbumba and Ne Nandi Kandi - soldiers searched their homes to ascertain whether these individuals had arms caches. None were found. After their homes were searched, both of these men were subsequently threatened and attacked by the soldiers. All 55 members of the group were interrogated by the security forces, but by 26 July 2002 all had been released from the Tshela central prison, apart from Ne Mbambi Mbumba and Ne Nandi Kandi **[27] (pages 38 - 39).**

6.57 A 2003 Belgian CEDOCA report on the Bundu dia Kongo reports that many BDK members were arrested during the events of July 2002 in the Bas-Congo Province. Of these, only 40 people were transferred to the CPRK prison in Kinshasa to await being put on trial. All the others arrested, which included all the women, were released from detention within two weeks, by paying for their release or by bribing a police officer or by escaping. The trial of BDK members took place at the Court of State Security. The trial began on 12 December 2002 but was postponed. The Court of State Security had not convicted or acquitted any of the BDK members who were in the CPRK by the time President Kabila granted an amnesty to them in April 2003 **[27] (pages 42, 45).**

Return to Contents

Former Soldiers of FAZ

6.58 According to a Belgian CEDOCA 2002 Fact-Finding Mission Report on the DRC, the security situation in the DRC for former FAZ soldiers has improved since Joseph Kabila became president in January 2001. According to the CEDOCA report, in 2002, many former FAZ soldiers were serving in the current Congolese army. In 2002, all the key positions in the FAC high command were occupied by former FAZ soldiers and an estimated 20,000 to 25,000 former FAZ soldiers were living in Kinshasa **[24] (pages 23 - 24).**

Return to Contents

Persons Closely Associated with the Mobutu Regime

6.59 A Belgian CEDOCA 2002 Fact-Finding Mission Report on the DRC reports that

after Laurent Kabila took power in May 1997 from Mobutu, many high-ranking officials of the former Mobutu regime were arrested and imprisoned in the CPRK Prison in Kinshasa. Many managed to avoid being arrested by leaving the country. They were accused of pillaging the country of its wealth for their own enrichment at the expense of the Congolese people. A special government department - the Office for Ill-Gotten Gains (OBMA) - was set up with the aim of redistributing the confiscated wealth, the bulk of which went to the officials of OBMA. The security situation improved for persons closely associated with the Mobutu regime when Joseph Kabila came to power in January 2001, and even more so, after the Sun City Peace Accord was signed in April 2002. A large number of persons closely associated with the Mobutu regime have now returned to the DRC **[24] (page 23)**.

6.60 According to a CNN Online news report dated 23 November 2003, close relatives of Mobutu returned to the DRC from exile in 2003. Manda Mobutu, son of former Congolese president Mobutu, returned to the DRC in November 2003 from exile in France, with his sister, Yanga. Manda Mobutu returned to the DRC to prepare his political party for the elections due to take place in 2005. Manda's half-brother, Nzanga Mobutu, returned to the DRC from exile in August 2003 **[23]**. According to a news report by the "Independent" (UK) newspaper dated 28 November 2003, the Mobutu sons returned to the DRC with President Joseph Kabila's blessing. Leon Kengo wa Dondo, a former prime minister under the Mobutu regime and other persons associated with the Mobutu regime have also returned to the DRC **[20]**.

6.61 A Belgian CEDOCA 2002 Fact-Finding Mission Report on the DRC reports that distant relatives of Mobutu living in Kinshasa have not encountered any problems by the fact they are associated with Mobutu. Negotiations took place in 2002 between Kinshasa and Rabat to repatriate the remains of Mobutu. Fangbi, Mobutu's maternal uncle, has discussed the subject with President Joseph Kabila. According to the CEDOCA report, persons who were closely associated with the MPR during the Mobutu regime are not at risk of persecution by the security forces and can therefore return to the country if they are abroad **[24] (page 23)**.

Return to Contents

Students Involved in the December 2001 University Demonstrations

6.62 According to a Reuters news report dated 14 December 2001, two students were reportedly killed at the University of Lubumbashi on 8 December 2001 when police opened fire on a demonstration involving university students. The demonstrators were protesting about increases in student fees. A concession was made to the students by the Government after the demonstration. The protest was the catalyst for similar protests at the University of Kinshasa a week later **[21]**.

6.63 According to a "La Voix des Sans Voix" press release dated 16 December 2001, students at the University of Kinshasa (UNIKIN) began a peaceful march on 12 December 2001, as a protest about increases in student fees. The Secretary General of the Education Authority, Professor Makolo Muswaswa, intervened by asking the students to stop the march and invited them to negotiations between the student committee and other partners. The students disowned the student committee, accusing them of corruption, when the committee attempted to calm the demonstrators. The

students continued their march and clashed with police in the process. On 13 December 2001, the students blocked the main access roads to UNIKIN. The Minister for National Education, Professor Kutumisa Kiota, and his equivalent at the Ministry of Interior, Mira Ndjoku, accompanied by other senior figures, went to UNIKIN to try and negotiate with the students. The authorities were met by the students in a UNIKIN lecture theatre where the students presented their demands. The delegation from the authorities then invited the students to present their proposals to the Government. The students became more angry as they had not received an immediate answer to their demands. Some of the students then attacked the government ministers. The police then intervened to protect the ministers. Several police officers were injured in the violent clashes with the students. The Government alleged that three police officers were killed by the students [32].

6.64 The January 2002 Amnesty International report "DRC - Alarming Increase in Arbitrary Arrests and Detentions" reports that more than 400 students were reportedly arrested and detained after the 13 December 2001 violent clashes at the University of Kinshasa. The students who were arrested were taken to the police headquarters known as the Inspection de police de Kinshasa (IPK) on 14 December. Many were beaten and whipped with military belts, forced to use earth and sand as toothpaste until their gums bled, and they were also made to walk around the courtyard of the IPK on their knees. Almost all of the students were released the following day [11a] (pages 1 - 2).

6.65 According to a "Le Phare" Kinshasa newspaper article dated 22 February 2002, eight of the students were kept in detention on 14 December 2001. The names of the students were Basile Muyeye Mukoj, Martin Tshibuabua Kasonga, Fernand Katanku Muange, Adelard Mbomba Lopenda, Serge Mayamba Masaka, Sylvain Kitumba Muambila, Papy Niango Iziamey and Rolly Mbo Motema. These eight students were transferred to the CPRK prison on 22 December 2001, after the Prosecution Service before the Court of Appeal in Matete accused them of "murder, possession of war weapons and rebellion". An investigation carried out by the Prosecution Service, however, found that there was no substance to the charges made against the eight detained students. As a consequence of this, the eight students were released on 21 February 2002 [31].

Return to Contents

Refugees in the DRC

6.66 The US State Dept 2003 Human Rights Report on the DRC reports that the law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 UN Convention Relating to the Status of Refugees or its 1967 Protocol. During 2003, the Government granted refugee and asylum to persons and there were no reports of persons being returned to a country where they feared persecution. The Government also provided temporary protection to persons who did qualify for asylum or refugee status. The Government co-operated with the United Nations High Commissioner for Refugees and other international agencies in 2003 [3b] (page 16).

6.67 The US State Dept 2003 Human Rights Report on the DRC states that:

"Refugees were accepted into the country from Angola and the Republic of Congo

during the year. According to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), by August 2003, approximately 286,770 refugees from neighbouring countries, including Angola (144,684), Sudan (69,486), Burundi (19,925), the Republic of the Congo (6,988), and Rwanda (27,136) resided in the country." **[3b] (page 16).**

Return to Contents

Members of the Armee de Victoire (Army of Victory) Church

6.68 According to a Belgian CEDOCA 2003 report on the Army of Victory Church, the Church is the main branch of the World Mission for Message of Life (MMMV) organisation, which was founded by Archbishop Fernando Kutino in 1984. The MMMV has five main areas of activities involving:

- The Army of Victory Church
- Evangelisation work both in the DRC and abroad
- The Victory School (trains members for ministerial work)
- Community work
- Radio Tele Message de vie (RTMV), which is MMMV's radio/television station **[28] (pages 6, 9).**

6.69 A Belgian CEDOCA 2003 report on the Army of Victory Church reports that the Church was founded in 1989 and has its headquarters in Kinshasa. The Church had between 10,000 and 15,000 supporters in 2003. Membership cards are issued to the Church's members. The Church has seven parishes and 26 "prayer units". The leader of the Church is Archbishop Fernando Kutino, who is assisted by 14 bishops. There are 12 "church elders" who have a spiritual function, deacons, who deal with the practical management needs of the Church, and "church shepherds" who are responsible for the prayer units. The Church's emblem is a circle with a sword and a cross forming the "A" for "Army" and the "V" for "Victory" and a flame in the middle. The swords symbolise the word of God fighting against the forces of evil. The flame represents the fire that is the holy spirit. RTMV is located at the same place as the HQ of MMMV and its function is to educate and instruct people about the MMMV and its message **[28] (pages 7, 10-12, 17).**

6.70 A Belgian CEDOCA 2003 report on the Army of Victory Church reports that, on 30 May 2003, Archbishop Kutino launched a political/religious movement called "Save the Congo". It was created as a means to express people's frustrations over the failure of politicians to establish a democratic system of government and improve conditions for the Congolese people. Leaders of the movement have denounced the problems that affect Congolese society such as corruption and human rights abuses. Government officials have viewed the movement with suspicion and some have severely criticised it **[28] (pages 26 - 27).**

6.71 A Belgian CEDOCA 2003 report on the Army of Victory Church reports that on 10 June 2003 police officers in plain clothes raided the Church's premises where the MMMV radio station is based. The police officers assaulted Archbishop Kutino, who was having a meeting with members of the "Save the Congo" movement, which was set up

by him. The police officers ransacked the premises and some of the people who had been at the meeting, including Kutino, were taken away by the police. The police maintain that they entered the premises to separate two groups of antangonists but did not identify these antangonists. Later in the day, uniformed police officers confiscated RMTV's radio and television transmitters, which effectively put an end to RMTV broadcasts. Kutino eventually left the DRC for France and applied for asylum there later in June 2003 **[28] (pages 22 - 25)**.

6.72 The Army of Victory Church resumed its activities in December 2003, according to a "Journalist in Danger" (JED) press release dated 16 December 2003, which reports that:

"The Army of Victory Church resumed its activities during the week of 1 December [2003]. It had been prohibited from operating by the governor of Kinshasa on the grounds that it did not have the legal status necessary to do so. The document confirming that status was delivered to the church on 5 December by the justice minister."

The RTMV also resumed broadcasting on 14 December 2003. The RTMV operated with new transmitting equipment as the equipment confiscated by the police in June 2003 had not been returned. RTMV spokesperson Dede Kubiala told JED that those in charge of the RTMV had decided to resume broadcasting as no official decree prohibited them from doing so **[17]**.

Return to Contents

Persons Suspected of Involvement in the Assassination of Laurent Kabila

6.73 According to the December 2002 Amnesty International report "DRC - From Assassination to State Murder?", after the assassination of Laurent Kabila in January 2001, the Government set up a Commission of Inquiry into the assassination. The Commission of Inquiry asserted that the RCD-Goma rebel group was responsible for planning the assassination with the support of the Rwandan and Ugandan governments but the circumstances of the assassination remain unclear. Arrests of persons suspected of being involved in the assassination began immediately after the assassination and included presidential bodyguards, Colonel Eddy Kapend, members of the armed forces and security forces and at least 45 civilians. Most of the arrests took place between January and March 2001. The Commission of Inquiry, set up by the Government to investigate the assassination, enjoyed unlimited powers to detain suspects without charge or trial. The majority of those arrested came from eastern DRC, in particular the provinces of North Kivu and South Kivu **[11b] (pages 1 - 2)**.

6.74 The December 2002 Amnesty International report, "DRC - From Assassination to State Murder?" reports that a number of female defendants were arrested solely because they were related to some of the suspects. These women included Anne-Marie Masumbuko Mwali and Rosette Kamwanya Beya, who were arrested in March 2001 and who are both married to a former member of the Congolese armed forces, Major Janvier Bora Kamwanya Uzima. Major Bora had himself been arrested on 20 January 2001 and was detained at an unofficial detention centre known as the GLM but he

managed to escape from the GLM and fled the country in February 2001. Anne-Marie Masumbuko Mwali was reportedly detained in an unofficial detention centre before her transfer to the CPRK Prison in Kinshasa. Honorine Fonokoko, the wife of Laurent Kabila's alleged assassin, Lieutenant Muzele, has also been on trial **[11b] (pages 2 - 3)**.

6.75 The December 2002 Amnesty International report, "DRC - From Assassination to State Murder?" reports that the assassination suspects were kept in Wing 1 of the CPRK. Initially, the defendants were held incommunicado. They were kept under constant armed guard by soldiers of the Zimbabwe Defence Forces, a small contingent which was permanently stationed in the CPRK. Detainees were forbidden to speak to each other. To go to the toilet, detainees were forced to sit on the floor in a row, one in front of the other, and relieve themselves in that position, all the while under armed guard. They were then made to pick up their own excrement with their own hands **[11b] (page 3)**.

6.76 According to a report on prisons in the DRC published by the Irish Refugee Documentation Centre in May 2002, Wing 1 of the CPRK was completely isolated from the other wings by a main entrance, which was separated from the entrances to the other wings by a metal fence. Prisoners in Wing 1 were prohibited from leaving the wing outside visiting hours. Visitors who were allowed access into Wing 1 on the only visiting day were split into groups of ten and were only allowed contact with the person they were visiting after a thorough search. Visitors were only allowed a half-hour chat. Relatives of the prisoners were allowed to leave food on any non-visiting day but were not allowed more than 10 minutes contact with the prisoner. Lawyers were prohibited from entering the wing. Cutlery, canned foods, bottles, hard dried fruits and sharp metallic objects were not allowed on the wing. In case of illness, the inmates were cared for in the CPRK medical centre and, if need be, were taken to a hospital under a heavy guard of Zimbabwean soldiers. Before they left the hospital, prisoners were handcuffed, their hands and feet were tied and their faces were covered **[12] (pages 4 - 5)**.

6.77 The December 2002 Amnesty International report, "DRC - From Assassination to State Murder?" reports that following a visit by the International Committee of the Red Cross in April 2001, conditions in Wing 1 improved. Detainees were allowed one five-minute visit from a relative each week and, for the first time, they were given water to wash in. The detainees subsequently were allowed more regular visits and relatives have been allowed to bring them food. During a visit to Kinshasa in October 2001, Amnesty International delegates sought but were refused permission by the DRC authorities to visit the detainees in Wing 1 **[11b] (page 3)**.

6.78 The December 2002 Amnesty International report, "DRC - From Assassination to State Murder?" reports that the trial of the suspected assassins and accomplices began on 15 March 2002. It was conducted before the Military Order Court in a room at the CPRK normally reserved for prison visits. Almost all of the defendants were charged with capital crimes including the assassination of the head of state, treason and plotting against the regime. None of the defendants were given time to prepare their defence - most were notified of the start date of their trial only two or three days in advance and they were only allowed to meet their lawyers for the first time on the opening day of the trial itself. Initially, independent journalists, human rights activists and other members of the public were allowed to attend hearings of the court. The Military Order Court, however, announced that from 2 May 2002 onwards, court sessions would be held in

private. This was the case until 16 September 2002, when the Military Order Court allowed the public access to the court hearings again **[11b] (pages 3 - 4)**.

6.79 The December 2002 Amnesty International report, "DRC - From Assassination to State Murder?" reports that when the trial began, there was a total of some 119 defendants but this number subsequently grew to 135 as further suspects were arrested or added to the charge sheet in the course of the trial. Some defendants were tried in their absence, including Major Janvier Bora Kamwanya Uzima, who escaped from the GLM detention centre in February 2001. Laurent Kabila's alleged assassin, the late Lieutenant Muzele, was also listed as one of the accused. The Government announced in September 2002 that the moratorium on the death penalty, which had nominally been in place for three years, had been lifted. This would allow the Military Order Court to sentence any of the 135 accused with the death penalty if it wished to do so. In October 2002, the prosecution wound up its case by requesting the death penalty against 115 of the 135 accused **[11b] (page 4)**.

6.80 According to a United Nations IRIN report dated 28 January 2003, on 7 January 2003, the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila. Thirty of the accused were sentenced to death, including Colonel Eddy Kapend. Twenty of those sentenced to death were in prison in the DRC at the time they were sentenced, while others tried in absentia, were outside the country. Twenty-seven others were sentenced to life in prison, forty-one were acquitted while the remainder received sentences ranging from two to twenty years of imprisonment. After the sentences were passed, security was tightened at the CPRK Prison, where those of the accused who have been sentenced to imprisonment or death are being kept. The wives of the men who were sentenced to death were not allowed to visit their husbands and were prevented from bringing them food and medicines. According to the Director of the CPRK, Dido Kitungwa, the security measures were taken to prevent those of the accused sentenced to death from escaping but also stated that family members would be allowed to visit them at some point in the future **[18c]**.

6.81 According to a United Nations IRIN report dated 18 August 2003, 95 of the persons convicted for the assassination of Laurent Kabila, who were in prison, began a hunger strike in August 2003 to demand that a general amnesty be extended to them and to protest about prison conditions. The Government stated that the amnesty declared by President Joseph Kabila on 15 March 2003 was only intended to allow members of the rebel forces to take part in the transitional government institutions and did not apply to anyone alleged to have been associated with the Laurent Kabila assassination **[18h]**.

Return to Contents

6.C Human Rights - Other Issues

Official Documents Issued in the DRC

6.82 According to information obtained from the British Embassy in Kinshasa in February 2003, official documents issued in the DRC can be easily forged and genuine documents can be easily obtained by bribing the relevant official. Due to the prevalence of corruption, poor administrative records and the lack of a standard format for many

official documents, it is very difficult to ascertain whether official documents issued in the DRC are genuine [22g]. According to a Belgian CEDOCA 2002 Fact-Finding Mission Report on the DRC, genuine official documents can easily be obtained by bribery, and so even if a document has been proven to be genuine, the information contained in it may be false. The documents most frequently falsified are travel documents, generally used to travel to Europe and sold by the producers of these forged documents for a large sum of money [24] (page 48).

Birth, Marriage and Death Certificates

6.83 According to information obtained from the British Embassy in Kinshasa in February 2003, it is a legal requirement to register births, marriages and deaths [22g]. According to information obtained from the British Embassy in Kinshasa in March 2002, it is very difficult to ascertain whether birth, marriage and death certificates are genuine as there is no national registry office where copies of birth, marriage, and death certificates are kept. Local authorities issue these documents but do not keep copies for their records [22e].

National Identity Cards

6.84 According to information obtained from the British Embassy in Kinshasa in February 2003, Congolese citizens are required by law to possess valid identification documents and to carry these documents at all times. National identity cards were issued during the Mobutu regime. After 1997, when the Mobutu regime ended, these identity cards ceased to be officially recognised although they were never formally abrogated. Since 1997, there has been no new law or regulation specifying the official format for identity cards. The only extant decree is that of the Mobutu regime. In practice, old Zairean identity cards tend to be confiscated by the authorities when produced but no replacements are offered. There is no central issuing authority for identity cards. Each Commune or local authority is responsible for producing and issuing identity cards to its residents. These identity cards are produced in different formats as there is no government regulation that states what format these cards should be produced in [22g].

Arrest, Search and Bail Warrants

6.85 According to information obtained from the British Embassy in Kinshasa in February 2003, arrest and search warrants are issued by prosecuting magistrates. Bail warrants are issued by court judges to whom the request for bail was submitted. In the case of search warrants, the subject of the search has to sign the form. In each case, the subject of the warrant is shown but not given the warrant. It is therefore not legally possible for a person, subject to an arrest, to obtain the relevant arrest warrant from a police officer [22g].

Newspaper Articles

6.86 According to information obtained from the British Embassy in Kinshasa in February 2003, only a few newspapers are regularly, daily or weekly, published in the DRC. Most newspapers published in the DRC are published on an irregular basis. Some are only published a few times a year. None of these newspapers have effective editorial control although the managing editor, who usually is the owner, may attempt to

keep any reports more or less consistent with his views. The regular newspapers employ one or two full-time journalists and rely heavily on contributions from part-time journalists and the general public. Even the most serious newspapers consistently fail to check any facts submitted by journalists/contributors. The result is that genuine newspaper reports are often factually wrong [22g].

6.87 According to a Belgian CEDOCA 2002 Fact-Finding Mission Report on the DRC, journalists are not paid well or not paid at all. This leaves them susceptible to offers of payment from people wanting to have articles published about them. These articles will be published in genuine newspaper editions, but as they are not checked for factual accuracy, may well contain false information [24] (pages 18 - 19). The poor standard of journalism and news reporting by many Congolese newspapers in the DRC has been acknowledged by press and journalists' associations. The "Reporters Without Borders" 2003 Annual Report on the DRC states that:

"In the course of the year [2002], several press and journalists' associations deplored the insults, defamation, unfounded rumour and inaccurate reporting that too often appeared in the Congolese press." [7] (page 1).

"Letters of Support" from Opposition Political Parties

6.88 According to information obtained from the British Embassy in Kinshasa in February 2003, there is no standard practice or format regarding "letters of support" produced by opposition political parties. The vast majority of political parties have a small membership and are no more than a loose collection of like-minded persons, with no formal organisational structure. In these circumstances, it is easy for members of these political parties to obtain "letters of support" signed by anyone generally recognised as an official of the party [22g].

Return to Contents

Treatment of Failed Asylum Seekers Returned to the DRC

6.89 The British ambassador to the DRC, stated in a letter of November 2002 that he had not seen any evidence since becoming the ambassador to the DRC in 2000, to indicate that returned failed asylum seekers are persecuted on arrival in Kinshasa. He also stated that the French, Belgian and Dutch governments regularly return failed Congolese asylum seekers to the DRC. Failed asylum seekers must have valid travel documents acceptable to the DRC immigration authorities before they can be returned to the DRC [22f].

6.90 The Belgian and Dutch governments have also not seen any evidence to indicate that returned failed asylum seekers are persecuted. A letter from the Belgian Embassy in London of July 2003 states that the Belgian Government enforces the returns of failed Congolese asylum seekers to the DRC. Both the Belgian Embassy in Kinshasa and the Belgian Immigration Department monitor the treatment of returned failed asylum seekers to the DRC from Belgium and have not seen any evidence to indicate that returned failed asylum seekers are at risk of persecution [25]. A letter from the Dutch Embassy in London of July 2003 states that the Dutch Government enforces the returns of failed Congolese asylum seekers to the DRC, and that the Dutch Embassy in

Kinshasa has not seen any evidence to indicate that returned failed asylum seekers are at risk of persecution. The Dutch Government, however, does not monitor the treatment of returned failed asylum seekers to the DRC as a matter of policy [26].

Return to Contents

ANNEXES

ANNEX A

CHRONOLOGY OF MAJOR EVENTS

1885

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

1908

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

1959

The Belgian Government announced a timetable leading to independence.

1960

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

1964

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

1965

Mobutu again intervened following the political deadlock which ensued from elections. He assumed full executive powers and declared himself the President of the "Second Republic". The legislature was suspended and a five-year ban on party politics was imposed. During this period, power was progressively concentrated in the office of the President. By 1970, no senior politicians remained as potential rivals to Mobutu.

1970

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

1977

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

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

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

1978

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

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

1982/3

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

1984

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

1987

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

1990

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

1991

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

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

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

1992

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

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

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

1993

In January, the HCR declared Mobutu to be guilty of treason and threatened impeachment proceedings unless he recognised the transitional government. Civil disorder again broke out in a brief general strike and campaign of civil disobedience organised by the USOR which resulted in five deaths.

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

1994

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

immediately rejected Mobutu's proposal for the selection of a new Prime Minister.

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

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

1995

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

1996

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

In August, Mobutu left the country for cancer treatment in Switzerland. The hiatus created by his absence and ill-health proved to be a decisive factor in bringing his rule to an end. What appeared at first to be a regional movement to protect Tusis soon gathered momentum and emerged as a national rebellion aiming to overthrow the Mobutu regime. The rebels were joined by dissidents of diverse ethnic origin to form the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL), led by Laurent-Desire Kabila. Despite attempts by the government to control the situation, the rebel forces continued to make progress in taking over a large area of the east, including the towns of Goma and Bukavu, by the end of the year.

1997

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

On 8 April, Mobutu declared a state of emergency, dismissed the government headed by Tshisekedi, who had replaced Kengo Wa Dondo a few days previously, and appointed General Likulia Bolongo as Prime Minister. Following inconclusive peace talks with Kabila mediated by the South African president, Nelson Mandela, Mobutu refused to submit to international pressure and the realities of the situation and resign.

On 16 May, however, he left Zaire, having accepted a proposal to transfer interim power to the speaker of the HCR-PT, Monsignor Monsengwo Pasinya. He took refuge with his family and entourage in Morocco, where his health continued to deteriorate and where he died in September.

On 17 May, AFDL troops entered Kinshasa and Kabila declared himself President of the Democratic Republic of the Congo. He announced that there would be presidential and parliamentary elections in April 1999 and a programme of national regeneration would be pursued meanwhile. Kabila also issued a constitutional decree to remain in force until the adoption of a new constitution which allowed him legislative and executive power and control over the armed forces and treasury. A government was formed which, while dominated by AFDL members, also included UDPS and other party members.

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

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

In August, a military court was established by decree.

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

1998

In February, Tshisekedi was arrested and banished to his native village allegedly because of his continued involvement in subversive political activity in defiance of the ban imposed in May 1997. He was freed in July and returned to Kinshasa. It was reported that government control had been restored in the east, however, clashes reportedly continued and a statement issued by the citizens of Kivu province expressed indignation at the arrest of traditional chiefs and university lecturers.

In April, the government banned the country's main human rights group AZADHO and took action against other groups. The draft constitution was submitted to the president.

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

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

who were by then being aided by Zimbabwe, Angola and Namibia, and subsequently by Chad.

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

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

Later in the year and in early 1999, reports of mass movements of refugees displaced by the war and of atrocities committed by both sides were issued. Kinshasa remained generally calm, although suffering the economic effects of the war. Diplomatic efforts to end the fighting were inconclusive.

1999

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

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

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

In August/September, the UN Special Rapporteur visited the country. He expressed concern at human rights issues on both the government and rebel sides and made recommendations.

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

2000

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

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

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

Transitional parliament set up by President Kabila.

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

2001

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

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

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

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

In October, the Government, opposition political parties, armed groups and members of civil society met in Addis Ababa to start the Inter-Congolese Dialogue (ICD). The aim of the ICD is to resolve the conflict between rebel forces and the Government and to agree the setting up of an interim government until free democratic elections are held. The DRC Government pulled out of the talks which were subsequently re-scheduled to take place in South Africa.

In December, violent clashes take place between university students and the police.

2002

On 17 January, on the DRC's joint border with Rwanda and Uganda, the Nyirangongo volcano erupted. The eruption caused a lot of destruction in the nearby RCD-Goma stronghold of Goma. Up to 500,000 people were forced to leave the town although most of these people returned. There were impressive efforts to repair the damage to Goma by local residents but much of the town's infrastructure remained severely damaged.

In February, the Inter-Congolese Dialogue starts again in Sun City in South Africa, which led to a peace deal in April between the Government and most of the rebel forces but RCD-Goma did not sign up to the agreement.

On 15 March, the trial of the 135 persons suspected of involvement in the assassination of Laurent Kabila began. It was conducted by the Military Order Court in the CPRK Prison in Kinshasa. Almost all of the defendants were charged with capital crimes. In October, the prosecution wound up its case by requesting the death penalty against 115 of the 135 accused.

On 30 July, a peace agreement was signed in Pretoria in South Africa by Congolese

President Kabila and Rwandan President Kagame. Under the terms of the peace agreement, the DRC Government promised to disarm and arrest thousands of Hutu rebels and send them to Rwanda within 30 days. In return, the Rwandan Government would withdraw 30,000 of its troops who were based in eastern DRC within 15 days. The whole withdrawal process was intended to be completed within 45 days. The Hutu rebels did not recognise the agreement as they claim they were not consulted.

In September 2002, the Government announced that the moratorium on the death penalty, which had nominally been in place for three years, had been lifted.

By the end of the year, most of the foreign troops based in the DRC had left the country.

2003

On 7 January, the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila. The Military Court was abolished in April.

On 2 April, delegates from all parties to the conflict in the DRC signed a power-sharing peace deal in Sun City, South Africa. The DRC Government, rebel movements, opposition political parties and representatives of civil society agreed to set up a transitional government to oversee democratic elections due to take place in 2005.

By June, all Ugandan soldiers had left the DRC.

The new transitional government was set up on 30 June 2003 and comprises the President, four vice-presidents, 36 ministers and 25 deputy ministers from the previous administration, the Mayi-Mayi militia, the rebel forces, the unarmed political opposition and civil society. Joseph Kabila remains the President of the DRC while the transitional government is in operation. The setting up of the transitional government effectively ended the conflict between the various rebel forces and the DRC Government.

A new National Assembly and Senate of the transitional government was opened on 22 August 2003 in Kinshasa by President Joseph Kabila. The National Assembly is made up of 500 members from the numerous parties to the Inter-Congolese Dialogue, namely the former government, the unarmed political opposition, civil society and former rebel groups. The Senate is made up of 120 members from the various parties to the national power-sharing accord.

In August, Mzanga Mobutu (one of former president Mobutu's sons) returned to the DRC after being in exile abroad.

An agreement was reached in August 2003 on establishing a unified armed forces command. It is envisaged that the process of integration will be complete when elections are held in 2005. Former rebel commanders have been appointed to run the army and navy. The post of overall armed forces chief of staff is retained by Lieutenant General Liwanga Maata, who served under the previous administration.

In November, Manda Mobutu (one of former president Mobutu's sons) and his sister, Yanga Mobutu, returned to the DRC, having been in exile abroad.

2004

On 28 March 2004, an attempted coup was reported to have taken place in Kinshasa, allegedly by former soldiers of Mobutu's army. Military bases and a military airport were attacked. Government forces fought and overcame the attackers and a number of arrests were made.

Return to Contents

ANNEX B

PROMINENT PEOPLE PAST AND PRESENT [1][2][11b][20]

Jean-Pierre Bemba

Leader of the Movement for the Liberation of Congo (MLC). Son of business magnate Bemba Saolona. The Bemba family, which was closely associated with Mobutu before his fall, has wide-ranging business interests. In June 2003, Bemba became one of the vice-presidents in the new transitional government.

Emile Ilunga

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

Joseph Kabila

Son of former DRC president Laurent Kabila and current President of the DRC. He was appointed as the President of the DRC in January 2001 after the assassination of his father. In June 2003, he became the head of the new transitional government.

Laurent Desire Kabila

Former president of the DRC. Born in Belgian Congo (now known as the DRC) in 1939. He studied in Europe and returned to the Congo in 1960, the year the Congo became an independent country. He was a supporter of Patrice Lumumba and was forced into exile in 1962 and decided to become involved in an armed struggle against Mobutu. His troops were defeated and in 1965, he went into exile again. He became the leader of AFDL forces which toppled the Mobutu regime in May 1997 after a prolonged military campaign. He declared himself the President of the DRC in May 1997 and remained the president until his assassination in January 2001.

Colonel Eddy Kapend

Former head of the former president's special presidential staff and aide-de-camp to the late Laurent Kabila. He was arrested as a key suspect by the security forces after former president Laurent Kabila was assassinated in January 2001. Kapend was formally charged in March 2002 with conspiracy and the murder of the late Laurent Kabila. In January 2003, Kapend was sentenced to death by the Military Order Court.

Nguza Karl-i-Bond

Lunda ethnic origin. Minister in Mobutist governments in the 1970s. Sentenced to death in 1977 for alleged treason, the sentence was commuted to life imprisonment. Reinstated to government post in 1979. Leader of FCD in 1982. Leader of UFERI in 1990. He became the state commissioner on in November 1991.

Justine Kasavubu

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

Fernando Kutino

Archbishop Fernando Kutino founded the World Mission for Message of Life (MMMV), religious organisation in 1984. He is also the leader of the Army of Church Victory, which is the main branch of the MMMV, and the "Save the Congo" movement. After the 10 June 2003 raid of the Army of Church Victory by the police, Kutino fled the country and applied for asylum in France.

Roger Lumbala

Current leader of the RCD-National rebel faction of the RCD.

Patrice Lumumba

First Prime Minister after independence was granted in 1960. Leader of the National Congolese Movement (Mouvement national Congolais) which favoured the creation of a federal state. In the post-independence secession of Katanga, Lumumba lost control to Kasavubu who was supported by Mobutu. He was murdered in February 1961. The current Lumumbiste party (PALU) supports similar federalist views.

Catherine Nzuzi wa Mbombo

Leader of one faction of the MPR political party and was appointed as Minister of Solidarity and Humanitarian Affairs in June 2003 in the transitional government.

Joseph-Desire Mobutu (Mobutu Sese Seko Kuku Ngbendu Wa Za Banga after 1971)

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

Felix Mumbere

Current leader of the RCD-Originale rebel faction of the RCD**.**

Abdoulaye Yerodia Ndombasi

Appointed one of the vice-presidents of the new transitional government in June 2003.

Arthur Z'Ahidi Ngoma

Appointed one of the vice-presidents of the new transitional government in June 2003.

Mbusa Nyamwisi

Current leader of the RCD-ML rebel group.

Adolphe Yemba Onusumba

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

Azarias Ruberwa

Originally a member of the RCD-Goma rebel group, he was appointed as one of the vice-presidents of the new transitional government in June 2003.

Etienne Wa Mulumba Tshisekedi

UDPS founder member and current leader. During the 1990s, he was at the centre of the political activity following Mobutu's 1990 announcement of a return to a multi-party state, often in conflict with other leading figures, including Mobutu and with members of his own party. In April 1996, divisions with Kibassa-Maliba led to a power struggle for control of the party. During the last days of the Mobutu regime, Tshisekedi continued to be excluded from the government although he again held the premiership briefly in April 1997. In early 1997, his faction of the UDPS declared its support for the AFDL takeover. After they came to power, however, he refused to recognise the new regime and was not offered a post in the new government. After the assassination of Laurent Kabila in January 2001, he refused to recognise the new president, Joseph Kabila, as the legitimate president of the country. In September 2003, he returned to the DRC from self-imposed exile in South Africa intending to prepare for the parliamentary and presidential elections due to take place in 2005.

Ernest Wamba Dia Wamba

Chairman of the RCD from the start of the rebellion in August 1998. He was later ousted by the Goma-based faction of the RCD led by Emile Ilunga and became the head of RCD-ML.

Return to Contents

ANNEX C

GLOSSARY

AFDL

Alliance des forces democratiques pour la liberation du Congo-Zaire. The AFDL was the ruling political party of former president Laurent Kabila on coming to power. Its membership was mainly made up of Tutsis and it comprised of four political parties, all from eastern DRC: the Popular Revolution Party (founded by Kabila), the People's Democratic Alliance, the Revolutionary Movement for the Liberalisation of Zaire and the National Council for Resistance for Democracy. In April 1999, Laurent Kabila dissolved the AFDL but did not replace it with another political party.

ANR

National Intelligence Agency (Agence Nationale de Renseignements). One of the Government's security forces. The ANR shares responsibility for internal and external security with the CNS, including border security matters.

APC

Patriotic Army of the Congo. Armed militia group, dominated by the Lendu ethnic group. Formed in 2002 as a faction of the RCD-ML. Active in the Ituri area.

ASADHO

Formerly AZADHO. Association Africaine de Defence des Droits de l'Homme. One of the DRC's main human rights organisations.

Banyamulenge (Congolese Tutsis)

Congolese Tutsis of Rwandan origin. Established long-term residents of South Kivu but not officially recognised as Congolese nationals by the Government. Formed the basis of the AFDL group which brought Laurent Kabila to power. The RCD rebel group is dominated by Tutsis.

Banyarwanda

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

CODHO

Comite des Observateurs des Droits del'Homme. One of the DRC's main human rights organisations.

Committee for State Security

Replaced the National Security Council. As of June 2002, acts as a co-ordinating body for national security rather than a security force.

DEMIAP

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

DGM

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

DSP

Special Presidential Division. One of the security forces of the former Mobutu regime.

FAC

Forces Armees Congolaises or Congolese armed forces of the present regime.

FAZ

Forces Armees Zairoises or Zaire armed forces of the former Mobutu regime.

GSSP

Special Group for Presidential Security. One of the security forces of the present regime. Responsible for presidential security.

Hema

Ethnic minority who live in the Ituri area of north eastern DRC.

ICRC

International Committee of the Red Cross.

Interahamwe

Rwandan Hutu militia groups who lived in refugee camps in Kivu. Responsible for most of the massacres which took place in Rwanda during the 1994 genocide and involved in the ethnic clashes in Kivu. Controlled many of the refugee camps in the Kivus. Dispersed with the camps but many groups are still in eastern DRC. They have been allied with government forces but have operated independently.

Kadogos

Swahili word for “little ones”. This term is used by Congolese people to describe child soldiers in the army.

La Voix des Sans Voix

One of the DRC’s main human rights organisations.

Lendu

Ethnic minority who live in the Ituri area of north eastern DRC.

Lusaka Peace Accord or Lusaka Ceasefire Agreement

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

Mai-Mai (Mayi Mayi)

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

MLC

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

MONUC

United Nations Organisation Mission in the DRC created in August 1999.

National Integration/Patriotic Force of Resistance

Militia group, active in the Ituri area, dominated by the Lendu and Ngiti ethnic groups. Led by Floribet Njabu.

Party for the Safeguarding of the Congo

Militia group active in the Ituri area, Hema dominated. Led by Chief Kawa Mandra.

People's Army of Congo

Militia group active in the Ituri area. Led by General Jerome Bakonde.

Popular Force for Democracy in Congo

Militia group active in the Ituri area. Dominated by the Alur and Lugbara ethnic groups. Led by Thomas Unen Chen.

Rapid Intervention Forces (PIR)

One of the Government’s security forces.

Rassemblement Congolais pour la Democratie (RCD)

Former rebel group. Formed by rebels in August 1998. Split into two separate groups in 1999: RCD-Goma and RCD-Kisangani (later renamed RCD-ML). The leader of RCD-Goma is Adolphe Onusumba and the leader of RCD-ML is Mbusa Nyamwisi. A faction of the RCD-ML, called the RCD-National (RCD-N) has been formed. The leader of RCD-N is Roger Lumbala. Another RCD faction, called RCD-Originale (RCD-O) has also been formed. The RCD-O leader is Felix Mumbere.

RDF

Rwandan Defence Force (Rwandan army), formerly the RPA (Rwandan Patriotic Army)

RPF

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

SARM

Service d'action et de Renseignements Militaires. SARM was the military security agency of the former Mobutu regime.

SNIP

Service National d'Intelligence et de Protection. SNIP was the civilian security agency of the former Mobutu regime.

UPC

Union of Congolese Patriots. Leader: Thomas Lubanga. Hema-led political party. Promotes the interests of the Hema ethnic group. Formed in 2002. Active in the Ituri area.

UPDF

Ugandan army.

Return to Contents

ANNEX D

LIST OF THE MAIN POLITICAL PARTIES [1][2][4]

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

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

Forces Pour le Salut du Congo (FSC)

Formed in June 2000 by former supporters of former president Mobutu. Leader - Jerome Tshisimbi.

Mouvement National du Congo-Lumumba (MNC-Lumumba)

Based in Kinshasa. Formed in 1994. Coalition of seven parties, including PALU. Led by Antoine Gizenga; supports the aims of the late Patrice Lumumba.

Mouvement Populaire de la Revolution Liberation du Congo (MPR)

Formed in 1966 by Mobutu. Sole legal political party until November 1990. Advocates national unity and opposes tribalism. Sec Gen - Kithima Bin Ramazani. Leader (vacant)

Parti du Peuple pour la Reconstruction et le Developpement (PPRD)

This is a new political party set up in 2002 by President Kabila's closest political allies.

Union pour la Democratie at le Progres Social (UDPS)

Based in Kinshasa. Formed in 1982. Leader - Etienne Tshisekedi Wa Mulumba. Secretary General - Dr Adrien Phongo Kunda. The UDPS was formed in the early 1980s as an attempt to establish an opposition party within the then Zaire to counter the arbitrary rule of the Mobutu regime.

Return to Contents

ANNEX E

LIST OF THE TRANSITIONAL GOVERNMENT MINISTERS [18g]

The list of the ministers in the transitional government as named by President Joseph Kabila on 30 June 2003 was published in the United Nations IRIN report "DRC: Transitional Government" dated 3 July 2003. The names of the transitional government ministers are as follows:

President: Joseph Kabila

Vice-Presidents:

Jean-Pierre Bemba (MLC), Abdoulaye Yerodia Ndombasi (former government), Arthur Z'Ahidi Ngoma (political opposition), Azarias Ruberwa (RCD-Goma)

Ministers:

Minister of the Interior, Decentralisation and Security: Theophile Mbemba Fundu (former government)

Minister of Foreign Affairs and International Cooperation: Antoine Ghonda Mangalibi (MLC)

Minister of Regional Cooperation: Mbusa Nyamwisi (RCD-ML)

Minister of Defence, Demobilisation and War Veterans: Jean-Pierre Ondekane (RCD-Goma)

Minister of Family and Women's Affairs: Faida Mwangila (RCD-Goma)

Minister of Justice: Kisimba Ngoy (political opposition)

Minister of Human Rights: Marie-Madeleine Kalala (civil society)

Minister of Press and Information: Vital Kamerhe (former government)

Minister of Planning: Alexis Thambwe Mwamba (MLC)

Minister of Budget: Francois Muamba Tshishimbi (RCD-Goma)

Minister of Finance: Mutombo Kiamakosa (former government)

Minister of the Economy: Celestin Mvunabali (RCD-Goma)

Minister of Industry, Small and Medium Enterprises: Pierre Andre Futa (former government)

Minister of Mines: Eugene Diomi Dongala (political opposition)

Minister of Energy: Kalema Lusona (former government)

Minister of External Trade: Roger Lumbala (RCD-N)

Minister of Parastatals: Joseph Mudumbi

Minister of the Civil Service: Bernard Gustave Tabezi (civil society)

Minister of Agriculture: Justin Kangundu (MLC)

Minister of Rural Development: Pardonne Kaliba Munanga (Mayi Mayi)

Minister of Posts and Telecommunications: Gertrude Kitembo (RCD-Goma)

Minister of Scientific Research: Gerard Kamanda wa Kamanda (political opposition)

Minister of Public Works and Infrastructure: Jose Endundo Bononge (MLC)

Minister of Transport: Joseph Olenghankoy (political opposition)

Minister of the Environment: Anselme Enerunga (Mayi Mayi)

Minister of Tourism: Roger Nimy (RCD-N)

Minister of Land Affairs: Venant Tshipasa (political opposition)

Minister of Health: Yagi Sitolo (former government)

Minister of Universities and Higher Education: Emile Ngoy Kasongo (RCD-Goma)

Minister of Primary, Secondary and Professional Education: Elysee Munembwe

Minister of Labour and Social Security: Theo Baruti (RCD-Goma)

Minister of Social Affairs: Ingele Ifoto (political opposition)

Minister of Youth and Sport: Omer Egbake (MLC)

Minister of Humanitarian Affairs and Solidarity: Nzuzi wa Mbombo (political opposition)

Minister of Culture: not named on 30 June 2003 (former government)

Return to Contents

ANNEX F

LIST OF SOURCE MATERIAL

[1] DRC section from "Africa South of the Sahara 2004"- published by Europa Publications in 2004

[2] DRC section from "Europa World Year Book 2003" - published by Europa Publications in 2003

[3] US State Department reports:

(a) 2002 Country Report on Human Rights Practices in the DRC - published in March 2003 (accessed from http://ww.state.gov/g/drl/rls/hrrpt/2002/18177pf.htm on 16 September 2003)

(b) 2003 Country Report on Human Rights Practices in the DRC - published in February 2004 (accessed from http://www.state.govv/g/drl/rls/hrrpt/2003/27721pf.htm on 13 March 2004)

(c) 2003 Annual Report on International Religious Freedom in the DRC - published in December 2003 (accessed from http://www.state.gov/g/drl/rls/irf/2003/23698pf.htm on 13 March 2004)

(d) Country Background Note on the DRC - published in October 2003 (accessed from http://ww.state.gov/r/pa/ei/bgn/2823pf.htm on 13 March 2004)

[4] DRC section from "Political Parties of the World" (5th Edition) - published by John Harper Publishing in 2002

[5] Human Rights Watch reports:

(a) 2003 Country Report on the Democratic Republic of Congo (accessed from http://www.hrw.org/wr2k3/print.cgi?africa3.html on 29 September 2003)

(b)" Democratic Republic of Congo - Ituri: Covered in Blood - Ethnically Targeted Violence in North Eastern DR Congo" - July 2003 (accessed in August 2003 from http://www.hrw.org/reports/2003/ituri0703/)

[6] Extract from Encyclopaedia Britannica on the Democratic Republic of Congo - obtained from http://www.eb.com in 2000

[7] "Reporters Without Borders 2003 Annual Report on the DRC" (accessed from http://www.rsf.org/print.php3?id_article=6412 on 11 September 2003)

[8] Article dated 19 November 1996 by Georges Nzongola-Ntalaga - "Conflict in Eastern Zaire" (accessed from the Internet from the zaire-news listserve on 13 August 2001)

[9] "Refusing to Bear Arms" extract on the DRC published by War Resisters' International - September 1998

[10] Findings of the Analysis Section of the Swiss Federal Office for Refugees on

the Country Situation in the Democratic Republic of Congo - September 2001

[11] Amnesty International reports on the DRC:

(a) "Democratic Republic of Congo - Alarming Increase in Arbitrary Arrests and Detentions" - 8 January 2002 (accessed from http://www.amnesty.org in January 2002)

(b) "DRC - From Assassination to State Murder?" - 12 December 2002 (accessed from http://ww.amnesty.org in December 2002)

(c) "2003 Country Report on the Democratic Republic of Congo" - (accessed from http://www.amnesty.org/report2003/cod-summary-eng on 3 April 2004)

(d) "The Death penalty: List of Abolitionist and Retentionist Countries - 1 February 2004" - published in March 2004 (accessed on 30 March 2004 from http://www.amnesty.org/library/ENGACT500052004)

[12] Irish Refugee Documentation Centre report - "Prisons in the Democratic Republic of Congo" - May 2002 (accessed from http:www.ecoi.net/pub/sb47/rdc-cod-prison0502.pdf in June 2002)

[13] "The Times" (UK) Online report - "Kabila's Death Presents Power Struggle Threat" - 17 January 2001 (accessed from http://www.thetimes.co.uk on 17 January 2001)

[14] DRC section from "Citizenship Laws of the World" published by the United States Office of Personnel Management Investigations Service - March 2001 (accessed on 31 March 2004 from www.opm.gov/extra/investigate/IS-01.pdf)

[15] BBC News Online reports:

(a) "Kabila Death Announcement" - 19 January 2001 (accessed on 29 September 2003 from www.news.bbc.co.uk)

(b) "Kabila Murder Suspects Arrested" - 1 March 2001 (accessed on 31 August 2001 from http://www.news.bbc.co.uk)

(c) "New Military Command for DR Congo" - 20 August 2003 (accessed on 27 August 2003 from http://www.news.bbc.co.uk)

(d) "Veteran DRC Opponent Returns" - 29 September 2003 (accessed on 29 September 2003 from http://www.news.bbc.co.uk)

[16] "Washington Post" Online report - "Kabila Sworn in as Congo President" - 26 January 2001 (accessed from http://www.washingtonpost.com on 29 January 2001)

[17] "Journalist in Danger" press release dated 16 December 2003 - "Religious Broadcaster RTMV Returns to the Airwaves After Six Months of Forced Silence" - (accessed via allafrica.com on 18 December 2003)

[18] United Nations Integrated Regional Information Networks (IRIN) news

reports:

(a) “Focus on the Results of the Inter-Congolese Dialogue” - 25 April 2002 (accessed via allafrica.com on 27 April 2002)

(b) “DRC: Police Kill 14 Autonomy Demonstrators in Bas-Congo Province”- 26 July 2002 (accessed from the BBC Worldwide Monitoring Africa website in July 2002)

(c) “Wives Decry Lack of Access to those Condemned to Death in Kabila Trial” - 28 January 2003 (accessed from http://www.irinnews.org on 29 January 2003)

(d) “Parties Sign Peace Deal” - 3 April 2003 (accessed via allafrica.com in April 2003)

(e) “Vice-Presidential Nomination Results in Controversy” - 5 May 2003 (accessed from http://www.irinnews.org on 29 September 2003)

(f) “President Names Transitional Government” - 1 July 2003 (accessed via allafrica.com on 2 July 2003)

(g) "DRC: Transitional Government" - 3 July 2003 (accessed via allafrica.com on 3 July 2003)

(h) “Laurent Kabila Murder Convicts Begin Hunger Strike” - 18 August 2003 (accessed via allafrica.com on 21 August 2003)

(i) “Parliament Launched” - 25 August 2003 (accessed via allafrica.com on 26 August 2003)

(j) “MSF Introduces Anti-Retroviral Treatment in Bukavu” - 2 October 2003 (accessed via allafrica.com on 7 October 2003)

(K) "DRC: Government United and in Control, Minister Says" - 29 March 2004 (accessed via allAfrica.com on 5 April 2004)

(l) "DRC: Government, University of North Carolina Sign Technical Agreement" - 14 April 2004 (accessed via allAfrica.com on 22 April 2004)

[19] DRC section from the Committee to Protect Journalists "Attacks on the Press 2003" report (accessed from http://www.cpj.org/attacks03/africa03/drc.html on 24 March 2004)

[20] "The Independent" UK newspaper report - "The Leopard is back: Mobutu's sons return to reclaim the nation plundered by their father" - dated 28 November 2003 (accessed from news.independent.co.uk on 28 November 2003)

[21] Reuters news reports - “Democratic Republic of Congo: Congo Students Kill Three Police in Campus Riot” - 14 December 2001 (accessed directly from the Reuters news service in December 2001)

[22] Information obtained from the UK Foreign and Commonwealth Office:

(a) Information obtained from the British Embassy in Kinshasa in January 2001

about medical treatment for diabetes in the DRC

(b) Information obtained from the British Embassy in Kinshasa in June 2000 about the nationality status of Zairean citizens at the time the country's name was changed to the Democratic Republic of Congo

(c) Letter from the British Embassy in Kinshasa to the Foreign Office in London dated 15 August 2001 about the status of homosexuals and nationality laws of the DRC

(d) Letter from the British Embassy in Kinshasa to the Home Office dated 11 December 2001 about military service in the Democratic Republic of Congo

(e) Letter from the British Embassy in Kinshasa to the Home Office dated 3 March 2002 about birth, marriage and death certificates issued in the DRC

(f) Letter from the British Embassy in Kinshasa to the Home Office dated 22 November 2002 on the subject of the return of failed asylum seekers to the DRC

(g) Letter from the British Embassy in Kinshasa to the Home Office dated 11 February 2003 about documentation in the DRC.

[23] CNN News Online report - "Son of former dictator returns to Congo" - dated 23 November 2003 (accessed from http://www.cnn.com on 25 November 2003)

[24] English translation of the Belgian CEDOCA 2002 Fact-Finding Mission Report on the DRC (published in French)

[25] Letter from the Belgian Embassy in London to the Home Office dated 22 July 2003 about returned failed asylum seekers to the DRC

[26] Letter from the Dutch Embassy in London to the Home Office dated 21 July 2003 about returned failed asylum seekers to the DRC

[27] English translation of a Belgian CEDOCA 2003 Report on Bundu dia Kongo (printed in French)

[28] English translation of a Belgian CEDOCA 2003 Report on the Army of Church Victory (printed in French)

[29] Newspaper report from the "Daily Trust" (Nigeria) dated 29 March 2004 - "Arrests After DR Congo 'Coup Bid'" (accessed from allAfrica.com on 5 April 2004)

[30] Economist Intelligence Unit 2003 Country Profile Report on the Democratic Republic of Congo (accessed from http://www.eiu.com on 20 April 2004)

[31] English translation of a "Le Phare" (Kinshasa) newspaper article (published in French) - "The Eight UNIKIN Students have finally been Released" - 22 February 2002 (accessed from http://www.le-phare.com in 2002)

[32] English translation of a "La Voix des Sans Voix" press release (published in French) - "Violent Demonstrations at the University of Kinshasa - 16 December

2001 (accessed from http://www.congonline.com/vsv in December 2001)

Return to Contents