

# Republic of Congo

<b>Response to Information Request Number:</b>	COG01002.OGC
<b>Date:</b>	14 November 2000
<b>Subject:</b>	Republic of Congo (Brazzaville): Information on the human rights situation and the <i>Ninja</i> militia
<b>From:</b>	INS Resource Information Center, Washington, DC
<b>Keywords:</b>	Republic of Congo / Brazzaville / Armed conflicts / Armed resistance movements / Ethnic conflict / Internal strife / Law of War / Military alliances / Military occupation / Opposition leaders / Political opposition / Political violence / Security forces

## Query:

Please provide information regarding the organization, alliances, and activities, including human rights violations, committed by *Ninja* militia in Congo-Brazzaville?

## Response:

For a brief chronological overview of human rights violations attributed to the *Ninja* militia in Congo-Brazzaville please see the chronology on pages 7 through 10 of this response.

**Summary:** There are numerous credible reports of grave human rights violations committed by *Ninja* militia forces loyal to former Congolese Prime Minister Bernard Kolelas, including hostage-taking, torture, and extrajudicial executions. These violations have occurred in a conflict in which all the major armed groups-linked to the Congolese government, to Kolelas, and to former-President Pascal Lissouba-appear to have committed grave human rights abuses. Amnesty International has accused government and opposition leaders of ordering or condoning "human rights abuses to eliminate or intimidate known or suspected supporters of their opponents" (AI, Mar. 1999, p. 12). A Congolese government report accused Kolelas of major human rights violations and a court sentenced him to death in absentia. However, the objectivity of the report has been questioned since it excluded violations committed by government forces, while the capacity of a judiciary--"overburdened, underfinanced, and subject to corruption and political influence," according to the State Department (U.S. DOS, *Country Reports 1998*, Apr. 1999, p. 102)-to ensure a fair trial to political opponents has also been called into question.

**Background:** For a large part of the period following its independence from France in 1960, the Republic of Congo was embroiled in political crises and violent conflict linked to ethnic divisions and power struggles among the country's political elite. From 1964 to 1991 the country was a one-party state ruled according to Marxist-Leninist principles. The current president, Dennis Sassou Nguesso, seized power in 1979 and governed the country until 1992.

From early 1990 the government began moving toward a multi-party political system, which culminated in presidential elections in which Pascal Lissouba defeated Bernard Kolelas and Sassou Nguesso and acceded to the presidency. Disputed legislative elections in 1993 led to violent conflict between militias, representing party political and

ethnic interests and formed to support the three major political leaders. During the 1993-94 civil war, Sassou's *Cobra* militia and Kolelas's *Ninjas* were allied against Lissouba's *Cocoyes* in a conflict in which some 2,000 people were killed and tens of thousands displaced before an agreement was signed in December 1994 to end hostilities. However, agreements to disarm militias and integrate them into the security forces were only partially implemented; disputes concerning the elections continued and violence increased in the run-up to 1997 elections.

In June 1997, when President Lissouba, fearing a coup d'etat, sent *Cocoyes* to arrest Sassou and disarm his *Cobras*, fighting spread throughout the capital-Brazzaville was divided into three zones each controlled by one of the militias. According to Amnesty International, "Civilians and members of the security forces suspected, usually on the of their ethnic origin, of supporting rival leaders were killed, detained or driven from their homes. . . By August, fighting had spread to northern Congo" (AI, Mar. 1999, p. 8). In September 1997 President Lissouba appointed Bernard Kolelas as Prime Minister, while Sassou refused to take up five ministerial posts offered to his party. In October, supported by Angolan troops, Sassou's forces took control of Brazzaville and on 17 October 1997 Sassou declared himself president.

In January 1998 a forum for national unity and reconciliation was convened and approved a three-year transition period that would lead to presidential and legislative elections in 2001. The forum also concluded that leaders of the previous administration, including President Lissouba and Prime Minister Kolelas, had committed grave human rights violations, including acts of genocide, and should be brought to justice. In June 1998, the Sassou government published a report entitled "The Civil Wars of Congo-Brazzaville" that accused Lissouba, Kolelas, and other members of the ousted government of human rights violations. However, according to Amnesty International, "Serious human rights abuses . . . committed by government forces and militia of President Sassou did not feature in the report" (AI, Mar. 1999, p. 9).

In October 1998 a court "indicted 100 members of Congo's former government with a sweeping list of offenses including assassinations, tortures, rapes, fraud and theft" (CNN, 16 Oct. 1998). Former-President Lissouba was later sentenced to 20 years imprisonment and former-Prime Minister Kolelas was sentenced to death in absentia for their alleged crimes. The U.S. Department of State, however, has stated that the "judiciary continued to be overburdened, underfinanced, and subject to corruption and political influence" (U.S. DOS, *Country Reports 1998*, Apr. 1999, p. 102). Amnesty International concluded: "a number of judicial officials appeared to be partisan in their acknowledgement of human rights abuses which had occurred when former-President Lissouba was in power. The officials were reluctant to admit that forces loyal to President Sassou had also carried out grave abuses of human rights. In most cases they appeared to support the government line that forces loyal to former-President Lissouba and his Prime Minister, Kolelas, had almost exclusive responsibility for the crimes committed in late 1997" (AI, Mar. 1999, p.12).

Armed conflict between the contending forces continued throughout 1998 and into 1999, accompanied by grave human rights violations. Some 10,000 people were killed in the conflict and over 800,000 displaced from their homes by the fighting (UN IRIN, 31 Jan. 2000). Following military advances by government forces, a ceasefire was signed in December 1999 between the Sassou government and *Ninja* and *Cocoye* militia leaders and an amnesty was offered to "all men bearing arms and guilty of war crimes who renounce violence and agree to lay down their arms" (Mikangou, 16 Mar. 2000). National reconciliation talks were to be held before the end of 2000, but the Congolese government was opposed to the participation of Lissouba and Kolelas, "who they blame for the wars that had occurred in the country since 1993" (PANA, 23 Oct. 2000). Kolelas rejected the ceasefire agreement, calling it a "sham" and a "masquerade" (Gouala, 18 Nov. 1999).

**The human rights situation:** Human rights and news reports have documented grave rights violations committed by all three major contending parties in the Republic of Congo--the *Cobras* and regular security forces loyal to President Sassou Nguesso; the *Cocoyes* of

former-President Lissouba; and the *Ninjas* of former-Prime Minister Bernard Kolelas. According to Amnesty International:

The United Nations Commission on Human Rights cited the human rights violations brought to their attention by non-governmental organizations as including "summary or extrajudicial executions; arbitrary arrest and detention; torture and rape; forced or involuntary disappearances; and violations of the freedom of expression, opinion and assembly" and concluded that "these human rights violations are allegedly committed by all parties to the conflict and particularly by members of various armed militias" (UNCHR, 29 Dec. 1999, p. 6).

According to Freedom House, there are "numerous and persistent reports of atrocities against civilians committed by both sides in the conflict. Victims describe persecution by soldiers and their militia allies at army roadblocks and recount being used as human shields by rebel militia forces" (Freedom House, *Freedom in the World*, 1999-2000, p. 2).

**Rights violations attributed to Ninja militia loyal to Bernard Kolelas:** Within this context of human rights violations committed by all the major contending forces in Congo, there is overwhelming evidence that the *Ninja* militias associated with Bernard Kolelas have been linked to multiple, grave human rights violations. According to Amnesty International, "From June 1997, *Ninja* and *Cocoye* combatants reportedly killed hundreds and possibly thousands of unarmed civilians at roadblocks in their Bacongo and Makélékélé strongholds."

"During a temporary ceasefire in July 1997, *Ninja* and *Cocoye* combatants summarily executed members of the security forces and civil servants, as well as many other civilians, passing through their roadblocks."

"From late August 1998, after armed clashes resumed in the Pool region, armed groups described as *Ninjas*, but also reportedly including *Cocoyes*, attacked unarmed civilians, as well as government and security officials. In reaction to the extrajudicial execution of three of their colleagues, . . . *Ninja* combatants in Mindouli reportedly killed the local police commissioner and an unspecified number of civilians on 29 August 1998. On 15 September, *Ninja* combatants reportedly killed several unarmed civilians, including the *Sous-préfet* of Goma Tsé-Tsé sub-region" (AI, Mar. 1999, p.15-16)

The Amnesty report goes on to list a number of killings by *Ninja* combatants of unarmed civilians, including a journalist, a trader, a village chief, six employees of the World Food Program, and five employees of the state railway company. "*Ninjas* were reported to possess a list of suspected or known government supporters to kill in the Pool region. Among the victims were non-speakers of the Lari language, spoken by people from the region" (AI, Mar. 1999, p.15-16).

According to another report, "In June 1999 the *Ninja* militia reportedly carried out a series of ambushes on members of the armed forces and civilians, including an attack on a civilian bus carrying returning refugees, in which 60 people were killed" (Newafrica.com, date, p.1). CNN reported on 1 January 1999 that *Ninja* fighters seized two villages and barred 2,000 townspeople from leaving their homes. They cited witnesses who "gave accounts of *Ninja* militiamen torturing their captives" (CNN.com, 1 Jan. 1999). In July 1999 the *Vancouver Sun* reported that "*Ninja* rebels loyal to ousted prime minister Bernard Kolelas attacked the village of Oka in the Plateaux region" and "abducted 53 people" (*Vancouver Sun*, 6 July 1999).

Reports from human rights organizations and news sources also document major violations of human rights by government forces (and by militia loyal to former-president Lissouba). According to Amnesty International, "Hundreds of unarmed civilians and captured combatants were extrajudicially executed by government forces and allied militia." Government forces, "together with allied Angolan and Chadian government forces, reportedly killed hundreds more civilians during an offensive against the "Ninja" armed

opposition group in the Pool region. Despite widespread reports of violence, including the burning of hundreds of homes, the authorities failed to investigate the killings or take any action against the perpetrators" (AI, *Amnesty International Report 1999*, 1999, p.3). And, according to the 1998 U.S. Department of State report on human rights practices in the Congo, "The government's human rights record was characterized by numerous serious abuses. Security forces, which included many undisciplined and poorly trained former members of non-government militias, were responsible for extrajudicial killings including summary executions, disappearances, rapes, beatings and physical abuse of detainees and the civilian population, arbitrary arrests and detentions, and arbitrary searches and widespread looting of private homes" (U.S. DOS, *Country Reports 1998*, Apr. 1999, p. 99).

**Alliances between the Ninja militias and other militia groups:** During the 1993-94 armed conflict, Sassou Nguesso's *Cobra* forces and *Ninjas* loyal to Kolelas were allied against President Lissouba, and "Kolelas' *Ninjas* reportedly received weapons and other military assistance from Sassou" (AI, Mar. 1999, p.7). However, no reports of the two militias being merged have been found among the sources consulted. Attempts were made to incorporate militia members into the regular armed forces following the first civil war of 1993-94, but these efforts had only limited success. The separate militias maintained their identities and the *Cobras*, *Cocoyes*, and *Ninjas* have been active and responsible for serious human rights violations up to the present.

Following the first civil war in Congo-Brazzaville, the belligerents agreed to a ceasefire in January 1994. In December 1994 "the government and opposition formed a coordinating body to oversee the disarmament of militia and the restoration of judicial authority. . . President Lissouba and his opponents, Kolelas and Sassou, signed an agreement to end hostilities." In January 1995 the government of President Lissouba announced the integration of 2,000 disbanded militia into the army. In December 1995 political parties agreed to disarm their militia and integrate 1,200 of them into the security forces. According to Amnesty International, "integration of militia enabled all political parties to have an influence in the security forces, thus adversely affecting morale and discipline. Although as many as 4,000 former militia were reportedly integrated between 1994 and 1996, militia activities continued" (AI, Mar. 1999, p.7).

Only a small proportion of the non-government affiliated militia forces, however, were integrated into the regular army and it was an attempt by the government in May 1997 to disarm the militia group associated with Sassou-Nguesso, following inter-militia unrest, that led to "fierce conflict along ethnic and political lines involving militia groups and opposing factions within the regular armed forces" and to the second Congolese civil war (Newafrica.com, no date).

Following government military advances and the signing of a ceasefire agreement in December 1999 between the government and militia leaders, some 2,000 *Ninjas* and *Cocoyes* surrendered to authorities, turning in more than 1,600 weapons. However, according to a *Ninja* militia leader, "there are still almost 16,000 *Ninjas* in the Pool region around Brazzaville and several thousand *Cocoyes*" (Mikangou, 16 Mar. 2000).

**The Congo government's accusations against Kolelas and Lissouba:** In mid-1998, the government of President Sassou Nguesso published a report that accused former-president Lissouba and former-prime minister Kolelas of grave human rights violations, including genocide. According to the report, "The Civil Wars of Congo-Brazzaville: November 1993-January 1994, June 5-October 15, 1997," also known as the "White Book," "these indigenous leaders ruined the economy, destroyed civil peace, disorganized public authority, armed militiamen, destroyed the administration, subjugated justice and, finally, attempted to stay in power by force by terrorizing the civilian population." In contrast, according to the report, "General Denis Sassou-Nguesso, who had accepted the voters' verdict and given up power without protest, did not become involved in the tragedy at any time" (The Republic of Congo, June 1998).

However, the report, which comes from a government that has itself been credibly accused

of grave human rights violations and which accuses its political opponents of bearing sole responsibility for the events of 1993-94 and 1997, appears to be something less than the independent and objective assessment of rights violations during this period called for by human rights groups. Responding to a question in the United Kingdom's House of Lords regarding the UK government's reaction to the "White Book," the government representative (Baroness Symons of Vernham Dean) responded that "We have read with interest the white book, handed to the Foreign Office on 30 June 1998 by Mr. Adada. This claims that former President Pascal Lissouba was guilty of genocide during the 1997 civil war in the Republic of Congo. We have seen no independent evidence to that effect" (UK, 3 Sept. 1998). Amnesty International in its 1999 annual report on the Republic of the Congo commented: "Serious human rights abuses, including many deliberate and arbitrary killings, 'disappearances' and torture, committed by government forces and allied militia under President Nguesso, did not feature in the [government's June 1998] report." The human rights organization went on to urge Congolese authorities to "set up an independent and impartial inquiry into human rights abuses that occurred in the recent past and to ensure that the perpetrators were brought to justice" (AI, *Amnesty International Report 1999*, 1999, p.1 & 4).

Finally, according to the State Department's 1999 human rights report, "Although the Cocoyes were formed from a nucleus of former President Lissouba's Presidential Guard and the Ninjas originally were founded by former Prime Minister Kolelas, it was unclear whether Lissouba and Kolelas continued to exercise any meaningful control over rebel military operations. The Ninjas were based largely in the Lari ethnic group" (U.S. DOS, *Country Reports 1999*, Apr. 2000, p. 137). This conclusion would seem to be borne out by the fact that leaders of the *Ninja* militia within the Republic of Congo signed a ceasefire agreement with the Sassou Nguesso government in late 1999 that was denounced by Kolelas.

#### **Chronology of major human rights violations alleged to have been committed by Ninja militia from 1993 - 1999**

**1993:** "Militias loyal to faction leaders held hostages from rival groups and engaged in numerous instances of looting, burning, rape, and physical assault. In the violence, at least 200 and perhaps many more persons died, many homes were destroyed, and tens of thousands of people had to flee their neighborhoods in which other ethnic groups dominated" (U.S. DOS, *Country Reports 1993*, Feb. 1994, p. 63).

**1994:** "The major political parties established private militias, which included police and army personnel who had temporarily deserted their units. These private militias were responsible for the bulk of human rights abuses, but government troops also committed extrajudicial killings, and the police continued to use torture and other brutal measures against detainees . . . Abuses perpetrated by the private militias included extrajudicial killing, kidnapping, torture, and looting, but their frequency decreased significantly after the January 30 signature of the peace accord. Members of groups at both ends of the political spectrum purged ethnic majority neighborhoods of minority ethnic groups through the use of arson, looting, and assassination" (U.S. DOS, *Country Reports 1994*, Feb. 1995, p. 54-55).

**1995:** "Members of the security forces and private militias continued to be implicated in increasing crime against civilians" (U.S. DOS, *Country Reports 1995*, Apr. 1996, p. 61).

**1997:** Once the civil war began, government soldiers and the militias that supported them, as well as the opposition militias against which they fought, engaged in widespread extortion and harassment of civilians. Opposition militias killed, beat, and detained persons because of their ethnicity. Both sides, particularly the Government, targeted densely populated areas with heavy shells and rockets. Soldiers and militias engaged in heavy looting throughout the capital, causing great property damage. As a result of the violence, thousands of persons, most of them civilians, were killed in Brazzaville, and hundreds of thousands were displaced (U.S. DOS, *Country Reports 1997*, Mar. 1998, p. 78).

**From June 1997:** "*Ninja* and *Cocoye* combatants reportedly killed hundreds and possibly thousands of unarmed civilians at roadblocks in their Bacongo and Makélékélé strongholds" (AI, Mar. 1999, p. 15).

July 1997: During a temporary cease-fire, "*Ninja* and *Cocoye* combatants summarily executed members of the security forces and civil servants, as well as many other civilians, passing through their roadblocks" (AI, Mar. 1999, p. 15).

**2 October 1997:** Adrien Wayi, a journalist, was arrested, "blindfolded and taken to one of the houses forming part of Kolelas' headquarters in Bacongo, southern Brazzaville. When in custody, he was severely beaten and tortured in a variety of ways, including having "a hot flat iron placed on his abdomen, tearing the skin on his back using a pair of scissors and removing his nails with a pair of pliers." He was told that he would be killed and thrown into the river. He was released on 14 October 1997 and a year later still had severe headaches from his injuries and could not lie on his back (AI, Mar. 1999, p. 18-19).

**1998:** "Members of the 'Ninja' armed group killed unarmed civilians who refused to support them, particularly before and during clashes with government forces" (AI, *Amnesty International Report* 1999, 1999, p. 3-4).

**From August 1998:** "Members of armed opposition groups, thought to mainly consist of *Ninjas*, carried out a violent campaign in which they arrested and summarily executed a number of government and security officials, and their relatives. During this campaign, the armed combatants destroyed and looted government property" (AI, Mar. 1999, p. 17).

**From late August 1998:** "Armed groups described as *Ninjas*, but also reportedly including *Cocoyes*, attacked unarmed civilians, as well as government and security officials. In reaction to the extrajudicial execution of three of their colleagues, . . . *Ninja* combatants in Mindouli reportedly killed the local police commissioner and unspecified number of civilians on 29 August 1998" (AI, Mar. 1999, p. 15).

**29 August 1998:** Armed combatants thought to be *Ninjas* shot a journalist, Fabien Fortune Bioumbo, and several other people who were traveling from Brazzaville to Mindouli. The victims, including Bivoula, a village chief, and Victor Kimbembe, a trader, were arrested and then shot by the combatants (AI, Mar. 1999, p. 15).

**15 September 1998:** "*Ninja* combatants reportedly killed several unarmed civilians, including the *Sous-préfet* of Goma Tsé-Tsé sub-region" (AI, Mar. 1999, p. 15).

**9 October 1998:** *Ninja* combatants burned the police station and prefecture offices in Kinkala (U.S. DOS, *Country Reports* 1998, Apr. 1999, p. 100).

**16 October 1998:** "A court indicted 100 members of Republic of Congo's former government with a sweeping list of offenses including assassinations, tortures, rapes, fraud, and theft" (CNN.com, 16 Oct. 1998).

**26 October 1998:** *Ninjas* in the Pool region killed six employees of the World Food Program who were on a working visit in the region. During October 1998 *Ninjas* killed five employees of the state-owned railway company (AI, Mar. 1999, p. 15).

**14 November 1998:** *Ninja* combatants killed six members of a church-led mediation committee [see above] and as many as 35 other civilians in an attack in Mindouli. (U.S. DOS, *Country Reports* 1998, Apr. 1999, p. 100-101).

**1999:** "Rebel militiamen were responsible for serious abuses, including summary execution, rape and extortion. Rebel militias severed rail and power lines, thereby causing serious food and water shortages in southern towns. Militia commanders prevented

displaced civilians from returning to their homes, prolonging their suffering under conditions of inadequate food and medical care" (U.S. DOS, *Country Reports 1999*, Apr. 2000, p. 129-130).

**1999:** "Rebel militiamen, particularly the "Ninjas" and "Nsiloulou" based in the southern Pool region, also committed summary executions. These militiamen questioned young men among displaced civilians in the local dialect to ascertain their ethnicity and, if they were unable to answer, killed them as suspected government infiltrators. There were credible reports that rebels burned villages suspected of harboring infiltrators or whose inhabitants contemplated returning to government-controlled areas" (U.S. DOS, *Country Reports 1999*, Apr. 2000, p. 130).

**1999:** "There were credible reports that rebel militia groups from the Lari ethnic group and operating in the Pool region repeatedly raped women, looted homes, and killed persons, even among their own ethnic group, and that they also tortured suspected infiltrators from other groups" (U.S. DOS, *Country Reports 1999*, Apr. 2000, p. 131).

**1999:** "For much of the year, rebel 'Ninja' and 'Nsiloulou' militiamen prevented the return to Brazzaville of civilians who had fled the capital in December 1998. Rebels denied the displaced persons access to information about conditions in Brazzaville and punished families or villages of those who sought to return. Throughout the year, insecurity and rebel sabotage of the railway prevented train service between Brazzaville and Pointe Noire" (U.S. DOS, *Country Reports 1999*, Apr. 2000, p. 134).

**1999:** "Deliberate and arbitrary killings of unarmed civilians were also committed by armed opposition groups. In particular, cases of killings and abductions by the Ninjas were reported. As with the government, leaders of armed opposition groups were not known to have taken any measures to prevent further killings of civilians or to instruct those under their command to respect international humanitarian law" (AI, *Amnesty International Report 2000*, 2000, p. 82).

**1 January 1999:** *Ninja* fighters "seized two villages in the Republic of Congo, barring townspeople from leaving their homes." Witnesses "gave accounts of *Ninja* militiamen torturing their captives" (CNN.com, 1 Jan. 1999).

**June 1999:** The *Ninja* militia reportedly carried out a series of ambushes on members of the armed forces and civilians, including an attack on a civilian bus carrying returning refugees, in which 60 people were killed (Newafrica.com, no date, p. 6; Gouala, 5 June 1999).

**23 June 1999:** "The International Federation of Human Rights (FIDH) has accused the Congo-Brazzaville government and rebel militias of killing between 5,000 and 6,000 during the past six months" (Mikangou, 23 June 1999).

**6 July 1999:** "*Ninja* rebels loyal to ousted Prime Minister Bernard Kolelas attacked the village of Oka in the Plateaux region last week. Fifty-three villagers were rounded up and taken to *Ninja* rear bases in the Pool region adjoining Plateaux" (*Vancouver Sun*, 6 July 1999).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee or asylum status.

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