



Congo, Democratic Republic of the

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During the first half of the year, the Democratic Republic of the Congo remained divided into territory controlled by the Government and territories controlled by several rebel factions, Ugandan troops, ethnically based militias, and other armed groups. President Joseph Kabila, who came to power in 2001 after the assassination of his father Laurent Desire Kabila, continued to rule by decree in the territory under government control. However, on June 30, the Government, major rebel groups, and members of the unarmed political opposition and civil society formed a national Transitional Government, in accordance with a new Transitional Constitution adopted on April 2. The Transitional Government is intended to prepare the country for elections in approximately 2 years. However, at year's end, territory held by former rebels was not yet under effective central government control, and the authority of the Transitional Government was limited. The former belligerents had not yet integrated key institutions such as the army, the police, and local administrations, and the condition of transportation and communications infrastructure remained poor. In addition, none of the main militias fighting for control of Ituri district in Orientale province were included in the Transitional Government. A series of cease-fire agreements were signed throughout the year, and although the presence of the U.N. mission MONUC has helped limit violence, the agreements were regularly violated. The law provides for an independent judiciary; however, in practice, in territory under central government control, it was underfunded, inefficient, ineffective, and subject to corruption and executive influence.

In territory under central government control, the Transitional Government's security forces consisted of a national police force and an immigration service, both under the Ministry of Interior; the National Intelligence Agency (ANR) and the Special Group for Presidential Security (GSSP), both reporting directly to the President; and the Armed Forces, which were integrated at headquarters level only by year's end. The Office for the Military Detection of Anti-Patriotic Activities (DEMIAP), the military's intelligence service, was technically disbanded but continued to operate under the new chief of military intelligence, who was the former chief of DEMIAP. The ANR was responsible for internal and external security, including border security matters. The Armed Forces retained some residual police functions. Military police had jurisdiction over armed forces personnel, but also had domestic security responsibilities, including the patrolling of urban areas. Security forces were poorly trained, poorly paid, and often undisciplined. Civilian authorities did not maintain effective control of the security forces, and there were frequent instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous human rights abuses.

The economy was dominated by subsistence agriculture, a large informal sector, and widespread barter; most sectors of the economy remained moribund. Production and incomes remained low, and the World Bank estimated that 80 percent of the population lived on less than 50 cents (185 francs) a day; however, gross domestic product (GDP) grew by approximately 5 percent during the year, and inflation remained below 20 percent. Infrastructure was in serious disrepair, financial institutions remained weak, and public education and health services continued to deteriorate. Restrictions during the first half of the year on commercial travel on the Congo River negatively affected the economy; however, commercial traffic resumed, albeit slowly, in July. Areas formerly controlled by rebel factions continued to be integrated financially and economically with the economies of Rwanda and Uganda; however, commercial air traffic and cellular phone service established during the year began to re-link the country. The petroleum and mining sectors supplied the Government the majority of its revenue through tax receipts and fiscal contributions. Government expenditures continued to far outstrip revenue. 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.

In areas under central government control, the Government's human rights record remained poor; although there were some improvements, serious problems remained. Citizens did not have the right to change their government peacefully. Security forces committed unlawful killings, torture, beatings, acts of rape, extortion, and other abuses, largely with impunity. Prison conditions in hundreds of local detention facilities, both legal and illegal, remained

harsh and life threatening; however, conditions in some of the larger, centralized prisons improved. Arbitrary arrest and prolonged pre-trial detention remained problems. The Military Order Court (COM), a special military tribunal, tried some civilians for political offenses; however, President Kabila disbanded the COM in April. Security forces violated citizens' rights to privacy and looted homes. The Government supplied and coordinated operations with Mai Mai and other militia groups, who committed numerous, serious abuses, including killings, rape, torture, the kidnapping of civilians, and the recruitment of children as combatants.

The Government restricted freedoms of speech, the press, and assembly; it restricted freedoms of association and movement but did so less often than in the previous year. The war continued to result in large numbers of internally displaced persons (IDPs); however, most IDP movements were in conflict areas not under central government control. Violence and discrimination against women were problems. Female genital mutilation (FGM) persisted among isolated populations in the north. Discrimination against indigenous Pygmies continued. Unlike in previous years, there were no reports of violence or discrimination against members of the Tutsi ethnic minority. The Government restricted worker rights. Child labor, the use of child soldiers by the Armed Forces, child prostitution, and trafficking remained problems.

There were numerous reports that Mai-Mai groups and Hutu militias, some of whom received government support, committed serious abuses, including killings, rapes, torture, and kidnappings of civilians, in the east.

Rebel factions backed by the governments of Rwanda and Uganda, ethnic militias, and other armed groups continued to operate in more than half of the country during the year. There were continued, unconfirmed reports that Rwanda Defense Force (RDF) military advisors remained integrated with the Congolese Rally for Democracy (RCD/G) and Union of Congolese Patriots (UPC) forces. Approximately 5,000 Uganda People's Defense Forces (UPDF) troops remained in Ituri until early May. The largest rebel groups were the Rwandan-backed RCD/G, the Movement for the Liberation of Congo (MLC), and the Congolese Rally for Democracy based in Beni-Butembo (RCD/ML). The RCD/National (RCD/N), which was backed by the MLC, continued to operate.

In the Ituri district of Province Orientale, numerous tribally-based armed groups continued to fight for control of territory and resources during the year: The Lendu and Ngiti-dominated Front for the National Integration/Patriotic Force of Resistance in Ituri (FNI/FRPI), led by Floribert Njabu; the Hema-dominated UPC, led by Tomas Lubanga and supported by the governments of Uganda and Rwanda; the Hema-dominated Party for the Safeguarding of the Congo (PUSIC), which split from the UPC early in the year and was led by Chief Kawa Mandra; the mixed People's Army of Congo (FAPC), led by General Jerome Bakonde; and the Alur and Lugbara-dominated Popular Force for Democracy in Congo (FPDC) led by Thomas Unen Chen. In addition, there were numerous loosely affiliated Lendu militia groups. In June, a French-led multinational force, known as Artemis, or the Interim Emergency Multinational Force (IEMNF), was deployed with a U.N. mandate to protect civilians in Bunia. On September 1, the Ituri Brigade of the U.N. Observer Mission in Congo (MONUC), a U.N. force peacekeeping force, replaced IEMNF forces.

In North and South Kivu, a number of Hutu militia and Mai Mai groups operated. In South Kivu, there were also incursions by two Hutu rebel groups from Burundi, the Palipehutu/National Liberation Force (FNL) and the National Council for the Defense of Democracy/Forces for the Defense of Democracy (CNDD/FDD).

In areas controlled by Hutu militias, Mai Mai, ethnically based militias, or other armed groups, there were no organized security services; those with weapons controlled the population and extorted money, goods, and services. Civilian authorities of the rebel factions did not maintain effective control over their respective troops. Rebel soldiers and security services received orders from their civilian authorities and foreign governments, and acted independently. Rebel troops and their security services, and members of other armed groups committed numerous, serious human rights abuses.

The human rights record in areas not under central government control remained extremely poor, and rebel authorities continued to commit numerous, serious abuses, particularly in the east, including North and South Kivu and the Ituri district of Orientale province. 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 numerous, serious abuses with impunity against civilians, including deliberate large-scale killings, the burning of villages, disappearances, torture, rape, dismemberment, mutilation, looting, extortion, and robbery. Prison conditions, particularly in underground prisons, were harsh and life-threatening. Arbitrary arrest and detention continued to be problems. The judiciary continued to be controlled and manipulated by the ruling authorities and subject to corruption. Rebel groups severely restricted freedoms of speech, assembly, association and movement in areas under their control, and respect for religious freedom remained poor. There were attacks against local and international nongovernmental organizations (NGOs) in rebel-held areas, and some NGO personnel and MONUC peacekeepers were killed. Rape and violence against women and children were severe problems and occurred with impunity. Discrimination against women and indigenous Pygmies were problems. The forcible recruitment of soldiers, including children, continued to be a serious problem. Combatants

abducted women and children and forced them to perform labor, military services, and sexual services. Trafficking and child prostitution were problems. Ethnically based mob violence resulted in thousands of deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

In areas under government control, there were no reports of political killings; however, security forces committed other unlawful killings with impunity. The Government also materially supported Mai Mai and Hutu groups, some of whom were believed to be responsible for killing civilians (see Section 1.g.).

During the year, local NGOs reported that 69 persons died at Makala, including some who had been beaten severely in the custody of the Provincial Inspection of Kinshasa (IPK) and the Rapid Intervention Police (PIR), who were responsible for transferring them. Most of the remaining detainees died from poor prison conditions, malnourishment, mistreatment, and illness (see Section 1.c.).

The use of excessive force by security forces while dispersing demonstrations resulted in at least one death (see Section 2.b.).

Unlike in the previous year, there were no reports that persons died as a result of torture. No known action was taken against those responsible for torture-related deaths reported in 2002.

There reportedly was no action taken against the members of the security forces responsible for numerous killings in 2002 or 2001.

Unlike in the previous year, there were no reports that guards at parastatal mining concessions in Katanga province killed individuals for trespassing.

There were reports that unidentified armed men in police or military uniforms robbed, looted, and killed civilians during the year. For example, on August 26, men in uniform believed to be deserters from the military or the police killed Reverend Don Kavenadiambuku during an attack on his vehicle in Kavuya, Bas Congo. No action was taken against any of the perpetrators by year's end.

In territory not under central government control, landmines caused deaths and injuries (see Section 1.g.).

In areas not under central government control, rebel forces, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including summary executions, civilian massacres, acts of cannibalism, torture, looting and burning of houses, attacks on civilian areas, the forcible recruitment and use of child soldiers, and rape. Fighting between ethnically based Hema and Lendu militias and members of ethnic groups resulted in thousands of civilian deaths (see Section 1.g.).

In May, Amnesty International (AI) reported that Commander Jerome of the FAPC executed at least two persons, and tortured and detained several others in metal containers outside Aru in Ituri, following a failed coup attempt among the FAPC.

On May 25, an RCD/G soldier shot and killed Charles Katambayi, a member of the Association of Judicial Defenders, in Uvira. The next day, an RCD/G military officer located the soldier allegedly responsible for the killing and summarily executed him.

Rebels and other armed forces used excessive force against demonstrators, which resulted in deaths (see Section 2.b.).

There were reports that mobs killed suspected child sorcerers (see Section 5). There were no developments in 2001 cases of persons involved in such killings.

On March 5, a commission of inquiry comprised of human rights NGOs and the Human Rights Ministry found that nine illegal diamond miners died on February 21 when an artisanal mine caved in at a facility managed by the

Minière de Bakwanga (MIBA) in Eastern Kasai province. Illegal miners who escaped the mine reported that local security guards blocked their exit.

b. Disappearance

There were no reports of politically motivated disappearances. However, on February 23, approximately 30 prisoners disappeared from the DEMIAP's Ouagadougou detention center in Kinshasa. Although 16 of the prisoners were found after having been transferred without notice to the Buluwo Prison in Katanga and the Minister of Human Rights asked about their whereabouts, the remaining 14 prisoners remained missing at year's end. There were persistent, unconfirmed reports that the prisoners were executed.

In areas not under central government control, there were numerous cases of disappearances and kidnappings (see Section 1.g.).

There continued to be reports that various armed groups abducted women and children from the villages they raided to perform labor, military services, and sexual services (see Sections 1.g. and 6.c.). Many of the victims have since disappeared.

There were no developments in any of the numerous cases of disappearance in 2002 and 2001, nor has any action been taken against the perpetrators.

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

The law prohibits torture; however, in territory under government control, security forces and prison officials often beat and tortured both detainees, while arresting or interrogating them, and prisoners. There were also unconfirmed reports that members of the security services tortured or abused civilians to settle personal scores for themselves or other members of the Government. Some members of the security forces raped civilians.

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

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

There was no known action taken against members of the security forces responsible for torture or abuse in 2002 and 2001.

There continued to be unconfirmed reports that soldiers and police harassed street children in Kinshasa. Unlike in the previous year, there were no credible reports that members of the police and military raped homeless girls (see Section 5).

In areas not under government control, rebel groups, including Mai Mai Forces and Hutu militias, tortured, raped, and otherwise physically abused numerous persons during the year; rebel groups beat and abused political figures, journalists, community leaders, and human rights advocates while arresting or detaining them (see Sections 1.g., 2.a., and 2.b.). For example, on May 28, RCD/G intelligence officers beat and detained Joseph Nkinzu; he was not charged with a crime and was released after 2 days. Numerous cases of abuse were unreported because these groups, particularly the RCD/G, denied access to NGOs.

No known action was taken against responsible members of the RCD/G or RDF in the 2002 or 2001 cases of torture, beatings, or rape.

The RCD/G violently dispersed demonstrations (see Section 2.b.).

Armed groups kidnapped, raped, and tortured numerous women (see Section 1.g.).

The conditions in most of the large, central prisons were harsh, and at times life threatening. The penal system continued to suffer from severe shortages of funds and trained personnel; however, the Government continued to make efforts to respond to NGO complaints about prison conditions, particularly at Makala. Health care and medical attention remained inadequate, and widespread infectious diseases were a problem; however, a prison doctor was available. There continued to be fewer reported cases of infectious disease. The government-provided food remained inadequate, and the Government did not provide any food to prisoners at Makala for several weeks during September. Prisoners were dependent on the personal resources of family or friends, and families were

allowed to bring food and other necessities to prisoners during regular visiting hours 3 days a week. Local NGOs reported that in a few cases, family members were forced to pay bribes to bring food to prisoners. Makala remained overcrowded.

On August 16, 45 prisoners convicted for the assassination of former President Laurent Kabila began a hunger strike to protest prison conditions and to demand that they benefit from a presidential amnesty granted to many other prisoners in March. After 1 week, their detention conditions were improved slightly, and they were allowed to see family members for brief periods.

Conditions in small detention facilities (legal and illegal) also remained harsh and life threatening and resulted in an undetermined number of deaths, particularly from communicable diseases such as tuberculosis. These facilities were generally intended for short-term pre-trial detentions; however, in practice they were often used for lengthy detentions. Authorities often arbitrarily beat or tortured detainees. There usually were 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 regulation or oversight. Local prison authorities or influential individuals frequently barred visitors or severely mistreated particular detainees. Petty corruption was common, and prison guards frequently required bribes from family members and NGOs to visit or provide a detainee with food and other necessities.

The security services, particularly the ANR and the DEMIAP, continued to operate numerous illegal detention facilities, despite the 2001 presidential decree to close all such facilities. For example, there were reports that on September 19, 16 military cadets were detained incommunicado in an illegal jail on Ndolo military base in Kinshasa. They were released in October.

Conditions in these facilities also remained harsh and life threatening. Detainees systematically were abused, beaten, and tortured. Facilities lacked adequate food and water, toilets, mattresses, and medical care, and authorities routinely denied access to family members, friends, and lawyers.

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

Unlike in the previous year, there were no prisoners of war (POWs) held in official detention centers.

Numerous persons died in prison due to mistreatment and neglect during the year. For example, Commander Jean-Calvin Kandolo, who was sentenced in connection with the assassination of former President Kabila in 2001, died on August 9 as a result of poor health conditions at the Buluwo prison in Likasi, Katanga. He was seriously ill for at least 2 months before he was hospitalized on July 20 in Likasi.

The Government allowed the International Committee of the Red Cross (ICRC) and many NGOs access to all official detention facilities; however, the ICRC and other NGOs did not have access to the illegal detention facilities maintained by security forces, where many detainees were held, questioned, and frequently subjected to abuse.

Prison conditions in areas outside of government control were extremely harsh and life threatening. Most detention facilities were not designed for detaining persons, and detainees often were kept in overcrowded rooms with little or no light or ventilation. For example, the RCD/G maintained underground prisons in Kavumu and Chibingu outside Bukavu, South Kivu, and the UPC maintained several underground prisons in and around Bunia. They ranged in size from approximately 2 feet wide by 4 feet by 2 feet deep for 1 person to 15 feet by 15 feet by 5 feet deep for 15 to 20 persons. Detainees typically slept on cement or dirt floors without bedding and had no access to sanitation, potable water, toilets, or adequate medical care. Tuberculosis, red diarrhea, and other infectious diseases were widespread. Little or no food was provided to detainees, and guards demanded bribes to allow family members or friends to bring food to prisoners. Prisoners frequently were subjected to torture, beatings, and other abuse with no medical attention. Unlike in previous years, there were no reports that rebel forces released prisoners to their families just in time to die.

Unlike in previous years, there were no confirmed reports that RCD/G forces detained persons in metal freight containers or in the private residences of military commanders. Unlike in the previous year, there were no reports that RDF forces detained persons in metal freight containers prior to the RDF's official withdrawal from the DRC.

In some cases, MONUC human rights officers, accompanied by MONUC military escorts, were allowed access to prisons in areas not under government control.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, in government-controlled territory, security forces arbitrarily arrested and detained persons, including journalists (see Section 2.a.).

In territories not under central government control, the police force was ineffective and corrupt, and impunity remained a problem. The police force handled basic criminal cases. Some members of the police, military, and security forces robbed and extorted money from civilians. The Government prosecuted and disciplined some abusers; however, others acted with impunity.

In September, in an effort to reduce a rising crime rate, the Government provided police in Kinshasa with new jeeps for night patrols.

In May, the Government sent approximately 500 police officers to Bunia; however, they were ineffective and unable to prevent a massacre of 350 persons. In addition, the officers were accused of supporting certain armed militias in the region and reportedly failed to intervene to prevent abuses committed by the militias. MONUC asked that the officers return to Kinshasa, and they returned several days later.

Under the law, police officers investigating offenses punishable by more than 6 months imprisonment are not required to obtain 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 authorize arrests. The law requires that detainees be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods. In practice, these provisions were violated systematically.

Police often detained persons without filing charges. When authorities did press charges, the claims were rarely filed in a timely manner and were often contrived or overly vague. 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.

Security forces used the pretext of state security to arbitrarily arrest individuals linked to groups considered a threat by the Government, particularly the opposition political party UDPS. Individuals arrested and detained in the name of state security frequently were held without legal charge, presentation of evidence, access to a lawyer, or due process. For example, on February 14, the ANR arrested journalist Bamporiki Chamira and his wife in Kinshasa on accusations of "subversive activities." Chamira, who had been arrested in 2002 for publishing an article critical of the Government, was placed in incommunicado detention, and security forces subsequently arrested Chamira's son and two other family members. Chamira and his son remained in detention at year's end; his daughter and son-in-law escaped unharmed.

On March 18, 11 UDPS members were arrested during a meeting in Kinshasa. They were held at the Inter-Arm Headquarters, a state military prison, and released on April 28.

On March 24, armed men in uniform arrested Bernard Nseka Makinu, President of the Association of the Bakongo, in Kinshasa; he was released on April 13.

On April 16, eight persons were arrested in Lubumbashi by order of the COM prosecutor for possessing a joint press statement issued by local human rights groups on April 15 severely criticizing the continued operation of the court. When two human rights activists, Prince Kumwamba Nsapu of the African Association for the Defense of Human Rights (ASADHO) and Gregoire Mulamba Tshisakamba of the Center for Human Rights and Humanitarian Law (CDH), went to the COM headquarters to seek information about the eight detainees, they were also arrested. The 10 were accused of "inciting rebellion." Kumwamba and Mulamba were released on April 19 and were acquitted on April 22. The other eight were released without charge on April 17.

On January 26, NGO lawyer Willy Wengahuman and rights activist N'Sii Luanda, both arrested by COM order in 2002, were released without being charged or tried for an offense. According to NGOs, Justin Nindaga, who was arrested by police in January 2002, remained in detention and had not appeared before a judge by year's end.

UDPS Economic Advisor Jean-Baptiste Mulumba, who was arrested in May 2002 by ANR officers in Katanga, was released on May 10 as part of the April general amnesty (see Section 1.e.).

Pre-trial detention was systematically prolonged. Human rights NGOs reported that less than 20 percent of the

inmates at Makala had been charged or sentenced. Many prisoners released under an April amnesty likely served time without a fair trial or due process (see Section 1.e.).

Prisoners were often held in detention after their sentences had expired (see Section 2.a.). In a few instances, when these cases were brought to the attention of the Government, prisoners were released. For example, in September, 28 Rwandan Hutu soldiers and a civilian who had been detained for approximately 5 years were released from Makala after a July visit to the facility by the Human Rights Minister.

In areas not under central 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, they operated outside of the central government's criminal justice system. RCD/G forces frequently shuffled prisoners among different cities under their control, which prevented family members or NGOs from monitoring them. Unlike in the previous year, there were no reports that detainees were transferred to Rwanda.

There were no reported developments in any of the 2002 or 2001 cases of arbitrary arrest and detention by RCD/G forces.

The law prohibits exile, and there were no reports that the Government used forced exile. In August, Banyamulenge civil society representative Enock Sebinezwa, who fled the country in fear for his life in June 2002, returned to Kinshasa.

In February, the UPC expelled Belgian Catholic priest Reverend Marc Denecker for offering "illegal hospitality" to internally displaced persons (IDPs). Denecker, the parish priest of Bunia, had severely criticized human rights violations committed against the population.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice, in government-controlled territory, the judiciary continued to be ineffective and corrupt. The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, continued to be largely dysfunctional. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings; however, these rights were often not respected in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, except those cases adjudicated by the special military tribunals, whose jurisdiction is ill-defined. The law provided for court-appointed counsel at state expense in capital cases in all proceedings before the Supreme Court, and in other cases when requested by the court. In practice, the Government often did not respect fully these provisions.

Military courts, headed by a military judge and following the military code inherited from Belgium, tried military and civilian defendants as directed by the Government. The courts are required to file charges within 48 hours of the arrest; however, long delays often occurred. The military courts, which were located in all military installations and in most urban areas, have no appeal process. The Government permitted, and in some cases provided, legal counsel; however, lawyers sometimes were not granted free or unmonitored access to defendants. Sentencing guidelines also were inherited from Belgian military law; however, in practice military courts had broad discretion to go outside of those sentencing guidelines. In many cases, trials were open to the public at the discretion of the military judge.

The COM, which AI has described as "a notoriously unfair military tribunal routinely used by the Congolese authorities as a means of suppressing dissent and imprisoning real or perceived opponents, including politicians, journalists, and human rights defenders," handed down sentences on January 7 for those charged in the assassination of Laurent Kabila. The verdicts included: 45 acquittals, 26 death sentences, approximately 30 life sentences, and approximately 30 sentences ranging from 6 months to 20 years. COM verdicts cannot be appealed.

On April 24, following protests by national and international organizations, President Kabila closed the COM by presidential decree. In addition, the President granted amnesty for political crimes, crimes of opinion, and for members of political-religious movements, including UDPS members and Bundu dia Kongo followers, and 70

prisoners were released. Many persons had their sentences commuted. Amnesty was not granted to anyone sentenced in connection with the assassination of Laurent Kabila.

The death sentences of civilians and ex-Armed Forces of Zaire (FAZ) soldiers convicted in 2001 of coup plotting had not been carried out by year's end.

There were no reports of political prisoners.

In the areas not under government control, the system of justice essentially remained nonfunctional. Judges and other public servants were not paid their salaries, and corruption was rampant. RCD/G officials and others with influence reportedly used the judicial system to arrest individuals on false charges and to extract money and property from these individuals. There also were reports of indiscriminate military justice in which persons, including children, were executed without a trial (see Sections 1.a. and 5). Persons incarcerated by rebel forces for political reasons generally were detained without being tried formally.

In response to international pressure, the RCD/G and MLC authorities conducted trials following massacres committed by their armies during 2002; however, these trials were widely and sharply criticized by NGOs and human rights observers and raised questions about the legitimacy and credibility of the trials. In the case of the May 2002 Kisangani massacre committed by the RCD/G, six of the nine defendants were acquitted of involvement; two escaped and only one defendant was still in prison at year's end. The military judicial authorities who handled the inquiry overlooked reprisals that their soldiers took against the civilian population. On August 19, President Kabila promoted the two RCD/G officers charged with leading the massacres, Laurent Nkunda and Gabriel Amisi (also known as Tango Fort), to Brigadier-General.

In February, the MLC organized a trial of the presumed perpetrators of massive human rights violations committed between October 2002 and December 2002 in the Mambasa region of North Kivu (see Section 1.g.). Twenty-seven defendants were tried for extortion, rape, assassination, looting, and disobeying orders. Although a corporal and a lieutenant were sentenced to life imprisonment for murder, most defendants received sentences that did not reflect the seriousness of the crimes committed. For example, 16 defendants received sentences ranging from 6 months to 3 years for crimes of desertion, disobedience, or rape. MLC Lieutenant-Colonel Freddy Ngalimo, who was in charge of the military operation, was found guilty of permitting insubordination by troops under his control, and was sentenced to 3 years' imprisonment. Seven others received "internal sanctions" for lack of discipline (see Section 1.g.).

On July 21, four of six persons held for political reasons and accused of involvement in a March 2002 grenade attack on a Catholic procession in Goma were released. In September, one of the remaining detainees was provisionally released after paying a \$300 (100,000 Congolese francs) deposit required by the Goma military court.

The courts in Bunia have been closed since 1998. In November, the President named new magistrates; however, they had not begun working by year's end.

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

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

Unlike in previous years, there were no reports that security forces raided private businesses and arrested employees accused of collaborating with rebel forces or attacking state security.

Police often looted the homes of the persons they arrested; occupants frequently were beaten and abused.

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

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

In areas not under central government control, rebel forces, and other armed groups routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (see Section 1.g.). RCD/G soldiers conducted house-to-house searches, arrested suspected dissidents, and beat those who resisted. All armed groups seized livestock, and household goods. Mai Mai forces and Hutu militias routinely seized private property and looted homes to supply themselves.

Armed groups continued to recruit children from the areas in which they operated despite claims that they had stopped the practice (see Section 5).

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

War broke out in 1998 between the Government and rebel forces backed by the Governments of Rwanda and Uganda. Following initial gains by the rebels, the Governments of Zimbabwe and Angola sent troops to support the Government, bringing the war to a stalemate. The Lusaka Accords, signed in July 1999, provided for a cease-fire and disengagement of troops, the deployment of a U.N. peace observation mission, the withdrawal of foreign troops, and an internal political dialogue leading to the formation of a transitional government. By July 2001, all parties generally complied with the disengagement plan outlined in the Lusaka Accords and withdrew to new defensive positions. In late 2001 and throughout 2002, U.N. International Facilitator Ketumile Masire convened the Inter-Congolese Dialogue (ICD), which included representatives of the Government, armed groups, political opposition, and civil society. The ICD culminated in a December 2002 agreement to form a transitional government, which was codified in the April transitional constitution. The Transitional Government was officially established in July. By mid-year, all foreign troops had formally withdrawn from the country, although the Governments of Rwanda and Uganda continued to support armed groups operating in the country, and there continued to be credible reports that Rwandan soldiers and officers remained in the country.

There were few reports that the Government violated humanitarian law in the ongoing war in territory under its control. The cease-fire was generally respected along the disengagement line between government and rebel or foreign-held territory, despite continued fighting in areas behind rebel lines in the East. Unlike in the previous year, were there no reports of the use of excessive force by government against Mai Mai.

No known action was taken against Government or Mai Mai troops who committed abuses against civilians in 2002.

In areas not under government control, rebel forces, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including civilian massacres, the looting and burning of houses, attacks on civilian areas, the forcible recruitment of child soldiers, and the rape of women and girls (see Section 5). Unlike in the previous year, there were no confirmed reports of aerial bombardments. At times, verification of these reports was difficult, due to geographical remoteness, hazardous security conditions, and impediments imposed by the rebel authorities (see Section 2.d.); however, the presence of MONUC allowed international observers to gather more information than in previous years.

There were numerous credible reports that armed groups burned and destroyed entire villages, frequently killing, abducting, torturing, or raping some of the inhabitants, especially in rural areas of North and South Kivu provinces, Maniema province, and the Ituri district of Orientale province.

There have been no known credible attempts by any of the combatants in the conflict to investigate incidents in which their troops allegedly committed killings, rapes, pillaging, and other abuses in areas under their control. There were also no developments in the cases of ethnic massacres and killings reported in 2001 or 2002.

RCD/G forces committed numerous mass killing in areas under their control, often in reprisal for alleged Mai Mai attacks or civilian-Mai Mai cooperation. During the year, there were credible reports that the Government of Rwanda continued to provide material support for RCD/G forces and the Union of Congolese Patriots (UPC) forces in the Kivus.

In January, in South Kivu, RCD/G troops led by Commander Utchumbe (alias Makofi) summarily executed dozens of civilians suspected of links with the Mai Mai.

On March 6, fighting between Ugandan soldiers and the UPC rebels in Bunia resulted in numerous civilian deaths

of approximately 200 were injured.

In South Kivu, during early April, fighting between the Mai Mai group Mundundu 40 and RCD/G troops in the area of Bukavu resulted in serious human rights violations against civilians, including summary executions, looting, kidnapping, rape, and limits on freedom of movement. RCD/G troops in Walikale reportedly mounted human heads on sticks and committed mass rapings of women and young girls and other abuses (see Section 5). Between April 7 and 14, RCD/G troops attacked numerous villages in Walungu territory and reportedly killed at least 55 persons, systematically raped women and girls, and looted churches, schools, health centers, and stores.

In Maniema province, April clashes between the RCD/G and Mai Mai groups led to numerous human rights violations, including deaths, arbitrary arrests, and kidnappings.

In North Kivu, on July 10 and 12, Hutu militiamen killed seven civilians outside of Goma.

Local NGOs reported that between September 15 and 21, Mai Mai forces executed 17 persons in Bukama, outside Kindu.

In early January, a MONUC team investigated a joint campaign by the RCD/N and MLC to capture Mambasa, North Kivu, which took place between October 2002 and December 2002 (see Section 1.e.). The campaign, "erase the blackboard," was led by Colonel Freddy Ngalimo (Grand Mopao), who reportedly described the operation as a "vaccination operation" involving the looting of each house and the raping of every female. During the military operation along the Beni-Mambasa axis, the soldiers systematically looted, raped, and executed the populations of entire villages. The U.N. confirmed 117 cases of arbitrary execution and 65 rapes, and local Red Cross officials reported that 185 victims were buried between October and December 2002. Many were executed in Mambasa, where two corpses were exposed to the population as a warning. Several of the victims were subjected to mutilation and in some cases were forced to eat their own flesh. Nande and Pygmy populations were targeted for mutilation and cannibalism, and in some cases, sexual organs were removed and hung around the necks of the soldiers as amulets. In one case, the body of an executed Pygmy was mutilated, with the heart taken out and sucked by the soldiers before family members.

Violations of humanitarian law were commonplace and peacekeepers and humanitarian workers were threatened, harassed, and killed in a number of cases. For example, on January 15, the Hema UPC attacked a feeding center for malnourished children at a church in Nioka. They arrested and beat the priests, looted the parish, and destroyed a food-storage warehouse.

On May 11, during fighting in Bunia, unidentified persons killed two volunteers from the local Red Cross Society.

In mid-May, unidentified forces killed, dismembered, and mutilated two unarmed MONUC military in Mongbwalu, in an area that was controlled by the FNI, north of Bunia.

On July 24, an alliance of members of the Burundian rebel group CNDD/FDD, former Armed Forces of Rwanda (ex-FAR), and Mai Mai militia in southeastern South Kivu killed 11 civilians working with the Water Committee of Baraka. Six of the 11 were killed at Atamba, and 5 were killed while being taken to Kafulo, where an armed group led by Commander Ngoga was based.

In the Ituri district, landmines resulted in deaths and injuries. For example, in January, Antoinette Manyosi lost her leg when she stepped on a landmine in Bunia. On March 6, Marie Dwagani lost her foot when she stepped on a landmine while fleeing fighting in Bunia.

On April 26, in Komanda, south of Bunia, a MONUC military observer was killed and another injured in a landmine accident on a road that previously had been used by MONUC patrols.

On August 16, a joint reconnaissance convoy of MONUC and a French NGO were involved in a landmine accident on the Beni-Komanda road, and two persons were injured.

In recent years, in the Ituri district of Orientale province, a series of loose alliances involving almost all of the region's ethnic groups has formed, effectively dividing them into two camps, one pro-Hema, the other pro-Lendu. Fighting between ethnically based militias, and members of the Lendu and Hema ethnic groups resulted in thousands of civilian deaths and the displacement of more than 500,000 persons. In part to exploit the region's resources, Uganda and Rwanda armed different groups in the Hema-Lendu conflict and manipulated ethnic

tensions resulting from long-standing land disputes and colonial favoritism to the Hema. There have been reports that the Rwandan and Ugandan governments supplied and trained Hema militias led by Thomas Lubanga, while the pro-government RCD-ML supported Lendu combatants. According to Human Rights Watch (HRW), between July 2002 and July, combatants in Ituri killed approximately 5,000 civilians, and there were numerous cases of massacres.

For example, between January and March, during military operations, the Hema UPC killed at least 250 persons and abducted 30 women from the Lendu village of Lipr, near Bunia. The victims were either shot during the attacks or executed with machetes over a period of days following the attacks. In addition, the UPC burnt several villages and over the course of several attacks on the town of Bambu, looted the offices of Kilo Moto, the largest gold-mining company in the region, the hospital, schools, an orphanage, and religious structures.

There were reports that Lendu militias killed, some by execution, at least 345 unarmed civilians, mostly Hema, between February 7 and March 4 in Kakhwa village, 25 miles outside of Bunia; Bogoro; and Mandro.

On April 3, Lendu militias, using primarily child combatants, committed numerous atrocities in Drodro, Ituri District. The abuses included: 408 summary executions, including many women and children; 150 stores and numerous homes looted; massacres using edged weapons, machetes, axes, firearms; and the burning to death of persons. It is likely that the number of fatalities was higher than stated because the U.N. High Commission for Human Rights (UNHCHR) was not able to carry out a complete investigation.

Fierce fighting occurred between May 6, when the UPDF left Bunia, and May 17, when MONUC brokered a cease-fire between the Hema UPC; FAPC and PUSIC militias; and the FRPI/FNI. This fighting resulted in numerous civilian deaths and the displacement of thousands, including 2,000 IDPs who took refuge at the MONUC terminal. Reports indicated that more than half the population of Bunia fled the city. MONUC confirmed 438 cases of arbitrary killing, 150 by the UPC, 291 by Lendu and Ngiti combatants, and the remaining by unidentified perpetrators.

On May 10, Lendu militia members in Bunia tracked down 2 Hema priests and 16 Hema IDPs, including 4 children, who had taken refuge in the Nyakasanza church compound, sorted them by ethnicity, and killed them.

On May 16, Hema UPC soldiers in Bunia killed 12 civilians, mostly women and children, at the Lembabo Health Center.

Between May 31 and June 1, in the Drodro area, fighting between Hema and Lendu forces led to at least 350 casualties, including 37 persons whose throats had been cut or who had been hacked with machetes at the town hospital.

On May 31, Lendu militiamen attacked the predominantly Hema town of Tchomia near Lake Albert and massacred approximately 300 unarmed civilians, including patients at Tchomia hospital.

Between June 8 and 15, the Hema UPC committed numerous human rights violations in and around Bunia. Reports indicated that approximately 40 persons were kidnapped. An undetermined number were subsequently killed at a former Ugandan military camp at Simbiliabo and at the former UPC Governor's residence. In addition, on June 11, Hema UPC killed 14 IDPs from Medu at the former governor's residence and their bodies were disposed of in a latrine.

On June 16 and July 15, Lendu militiamen killed 150 civilians, mutilated others, abducted 80 civilians, burned 250 homes, and looted a hospital in Nkora in Ituri and in Tchomia.

During July and August, there were at least three attacks by armed militias against the population in Fataki, a mixed Hema/Lendu area 75 miles northeast of Bunia. On July 19, the Lendu FNI attacked Fataki and killed approximately 50 persons; 50 persons disappeared. On July 31, another smaller massacre occurred. Between August 5 and 8, armed militias reportedly killed 30 villagers (mostly Hema, but also some Lendu) and injured more than 100. After the August attacks, much of the local population (Hema and Lendu) fled the area to Bunia, Drodro, or Uganda. Credible sources reported that persons who tried to return to Fataki were executed, and that entire villages in the area were looted and burned, including hospitals, convents, and churches. Credible sources also reported that there was cooperation between the Lendu FNI and the FAPC, and that in the Fataki attacks, many persons recognized their assailants as child soldiers from their own villages and families.

On August 5, the Lendu FNI killed nine civilians, primarily women and children, in Nyanda, 13 miles north of Bunia.

According to witnesses, the attackers came from neighboring villages and were followed by civilians carrying weapons. The attackers fled when the U.N.-mandated Artemis force sent a helicopter to the village.

On October 6, Lendu militia hacked to death and shot and killed at least 65 Hema, mostly women and children, in the village of Katshele, northeast of Bunia.

During the year, there were no reports of any action taken against members of Ituri armed groups responsible for killings and other abuses in Ituri. In addition, there were no developments in the cases of ethnic massacres and killings reported in 2002 or 2001.

Foreign rebels also killed civilians during the year. On August 24, members of the Burundian rebel group the National Liberation Forces (FNL) killed 13 persons in Rusabagi, in South Kivu province. There were also reports that FNL troops committed numerous rapes of women and men.

On October 6, members of the Burundian rebel group the CNDD/FDD killed 16 civilians in Ndunda, north of Uvira.

Rebel groups raped women with impunity; a June 2002 HRW report and the Special Rapporteur of the Human Rights Situation in the Democratic Republic of the Congo, M. Iulia Motoc, charged that armed groups used rape as a tool of war (see Section 5). Between October 2002 and February 21, in the Uvira area, a women's association recorded 5,000 cases of rape, corresponding to an average of 40 per day.

Peacekeeping forces in eastern parts of the country killed and injured a number of individuals during the year. In all reported cases, MONUC and IEMNF forces were challenged by armed militia members before opening fire.

On August 19, three militiamen killed a man they were holding hostage after being intercepted by a MONUC patrol team outside Kasehe, in North Kivu. The patrol team killed one militiaman after being fired upon.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the Government restricted these rights in practice. During the year, there were approximately 50 reported abuses where members of the media were detained, threatened, or abused by government officials. Few journalists were formally charged or tried in court.

The Government arrested, detained, beat, harassed, and intimidated journalists, opposition politicians, and individuals critical of the Government or President Kabila's political party, the People's Party for Reconstruction and Development (PPRD). For example, on March 18, the ANR arrested Jean-Pierre Muteba, Secretary General of the New Labor Union Momentum, at the Grand Hotel in Kinshasa. He had been critical of the Government's management of the mineral parastatal Gecamines, and was to participate in a workshop on the exploitation of natural resources and conflict in the country. He was released on March 31.

According to the Government, 104 newspapers completed the mandatory licensing process and were authorized to publish in the country. Approximately 48 publications appeared regularly in Kinshasa; 8 were dailies and the others were published less frequently. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Many private news publications relied on external financing, often from political parties and individual politicians. News publications tended to emphasize editorial commentary and analysis rather than factual descriptions of events; many were highly critical of the Government. There was no official newspaper; however, the Government published the Daily Bulletin, which included decrees and official statements.

Due to limited literacy and the high costs of newspapers and television, radio remained the most important medium of public information. During the year, the number of private radio stations in Kinshasa increased from 18 to 25, of which 2 were state-owned and 23 were private or religious. The number of television stations increased from 16 to 22, of which 2 were state-owned and 20 were private or religious. Opposition parties were unable to gain access to state-owned radio, although state radio and television gave extensive coverage to the activities of ex-rebels and opposition figures participating in transition institutions. Private radio was markedly less critical of the Government than private newspapers. The Government threatened to shut down radio stations that had not paid their licensing fees; however, some stations did not pay the fee, and the Government took no action against them. MONUC's nationwide radio station, Radio Okapi, continued to broadcast national and local news and provide information on MONUC's mandate, activities, and demobilization and disarmament programs.

According to HRW, on July 12, police arrested, beat, and detained overnight Roger Salomon Lulemba bin Kiabululu, correspondent of the weekly L'Eveil, in Tshikapa, Western Kasai, reportedly for trying to contact officials at the town hall outside of normal business hours. The same day, police detained radio journalist Gustave Mpinganayi, representing the Radio Kilimandjaro, for 4 hours in Kamonia. According to HRW, earlier that day, Mpinganayi had reported on a dispute between two diamond traders.

On August 29, national police in Kinshasa arrested Guy Kasongo Kilembwe, editor of the satirical newspaper Pot-Pourri, following the publication of an article accusing a member of parliament of embezzlement of funds. He spent 2 days in police custody at the Kinshasa/Gombe Public Prosecutor's Office jail, was transferred to Makala on August 31, and was released on September 4 without being charged with a crime. His release was secured after he paid \$100 (36,929 francs) and promised to appear before the public prosecutor twice a week.

On March 6, Raymond Kabala, publications director of Alerte Plus, was released from Makala, 2 weeks after completing a 7-month prison sentence for "harmful accusations" and "falsification of a public document." Kabala was held for an extra 14 days reportedly because of a misunderstanding by the prison authorities.

On December 31, 2002, soldiers from the DEMIAP arrested Kadima Mukombe, a journalist at Radio Kilimandjaro in Tshikapa, Kasai Occidentale province, for "insulting the army." According to Reporters Without Borders, he received at least 50 lashes during the time of his arrest. He escaped from Tshikapa Central Prison on January 29.

Police in Kinshasa seized newspapers on at least one occasion during the year.

On March 1, the Province Director shut down Radiotelevision Amazone (RTA), a private broadcasting company based in Mbuji Mayi, for broadcasting a contentious report in February about a mining accident in which several illegal miners died on February 21 (see Section 1.a.). RTA was reopened on March 25.

On June 10, police raided the offices of a church-run radio and television station, Radiotélévision Message de vie (RTMV). Police physically threatened the director, Fernando Kutino, and RTMV journalists and confiscating their broadcast equipment and transmitters. Kutino had reportedly gained a substantial popular following in the weeks prior to the incident. On November 7, the ban was lifted.

During the year, Journaliste en danger (JED) criticized the Government for imposing what it deemed excessive taxation and licensing fees for media organizations.

The Press Law criminalizes media offenses such as criticism of authorities; it also regulates the newspaper industry and requires publishers to deposit copies of their publications with the Ministry of Communication and Press after publication. Authorities generally charged journalists who were arrested by security services with "endangering the State" or "insulting the military" through the publication or broadcast of political news or news of the war. In a few instances, charges were brought under the Press Law, which NGOs have criticized and asked the Government to revise.

On July 11, a court in Likasi, southern Katanga province, convicted in absentia Donatien Nyembo Kimuni, a reporter for the private weekly La Tribune, on a charge of defamation and sentenced him to 5 years in prison. The charge resulted from the publication of an article alleging that a public mining company provided poor working conditions for its employees. At year's end, Kimuni remained in hiding.

The Ministry of Human Rights and the Ministry of Communication and Press continued to operate throughout the year and intervened on behalf of journalists who were facing prosecution and held workshops on occasion during the year.

The Government did not restrict access to the Internet during the year; however, because of high costs, the Internet was not used widely.

Academic freedom continued to be restricted. The perceived threat of government harassment and intimidation resulted in self-censorship and the modification of lectures by professors; however, there were no reports of students or professors being overtly censored.

In areas not under government control, rebel groups continued to severely restrict freedom of speech and of the press; however, some independent media organizations, primarily the Catholic Church-sponsored news agency MISNA and MONUC-operated Radio Okapi, were allowed to operate. Rebel authorities controlled most local radio stations. Radio Maendeleo, the only independent Congolese-run radio station in Bukavu, was allowed to resume

operations in July; it had been closed by an RCD/G decree in December 2002 for allegedly violating its mandate by broadcasting stories with political content.

Rebel forces continued to harass, intimidate, beat, and arrest local journalists. For example, on May 2, local RCD/G soldiers in Kindu beat Dieudonne Bulongo Muzaliwa, a journalist with the National Radio-Television (RTNC), after he conducted an interview with the commander of MONUC forces in which he asked if he thought certain members of the RCD/G who traveled to Kinshasa would be mistaken for Rwandans. After he was admitted to a hospital for treatment, the RTNC reportedly fired him.

During April and May, Ben Kabamba, director of a Catholic radio station in Bukavu, and Joseph Nkinzu, director of an Anglican community radio station in Bukavu, received anonymous threats on several occasions for broadcasting news deemed unfavorable to the RCD/G. On May 28, RCD/G intelligence officers arrested Nkinzu and beat him with a torn-up tire after he broadcast commentary about the RCD/G's decision to withdraw from ongoing discussions related to the inter-Congolese dialogue. He was not charged with a crime and was released after 2 days.

In early August, RCD/G members threatened Alimasi Mayanga, director of RTNC/Kisangani, for removing several programs that focused on the RCD/G from the station's programming schedule without receiving the provincial governor's permission. On August 5, he was summoned by Floribert Asiane, Vice-Governor of Orientale province, and ordered to resume broadcast of these programs, which he did.

Rebel forces continued to harass, intimidate, and arrest foreign and Radio Okapi journalists. During the first half of the year, there were unconfirmed reports that the RCD/G continued to threaten and otherwise intimidate Radio Okapi journalists, particularly when they reported human rights abuses; and in early May, a high-ranking member of RCD/G threatened to kill a Radio Okapi journalist. During the second half of the year, the situation for some Radio Okapi journalists improved, but others continued to face serious restrictions. For example, in September, a Mai Mai military official prevented a local Radio Okapi journalist from conducting interviews outside Bunyakiri, South Kivu, because she had failed to request advance permission.

In September, a British television crew reporting on the mining of columbite-tantalite, or coltan, had their equipment confiscated and were detained overnight by RCD/G officials. Their equipment was returned to them, and they were released the next day.

There were no known credible actions taken by any armed groups against their members who beat or otherwise abused journalists or persons critical of their groups in 2002 or 2001.

b. Freedom of Peaceful Assembly and Association

The Transitional Constitution provides for freedom of peaceful assembly; however, the Transitional Government restricted this right in practice. The Government considered the right to assemble to be subordinate to the maintenance of "public order," and continued to require all organizers to inform the local city government before holding a public event. According to the law, organizers automatically have permission to hold an event unless the city government denies permission in writing within 5 days of receiving the original notification. Some NGOs reported that in practice, the city administration sometimes denied permission for an event, mostly on the grounds of preserving public order, after the 5-day period by backdating the correspondence. Government security services often dispersed unregistered protests, marches, or meetings.

During the year, the Government occasionally harassed opposition parties during private meetings (see Section 1.d.).

During the year, police occasionally arrested peaceful demonstrators. For example, on September 8, police arrested and jailed nine persons in Lubumbashi who were marching to the provincial governor's office to protest school fees. They were released on September 10 by order of the Human Rights Minister.

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

On August 15, police severely beat José Mukenge, a member of the opposition party UDPS, during police efforts to

disperse a UDPS rally. Mukenge later died as a result of injuries sustained in the beating. There was no action taken against those responsible.

On August 27, police arrested UDPS members Faustin Niati and Alpha Modimbi in connection with a funeral procession for José Mukenge, and beat them at the Lufungula police camp; they were released later that day.

On September 25, 9 policemen escorted UDPS Secretary General Norbert Luyeye to the mayor's office after a press conference in Kinshasa; he was released the same day.

No action was taken against security forces responsible for using excessive force during demonstrations in 2002 or 2001.

The Transitional Constitution provides for freedom of association; however, in practice, the Government sometimes restricted this right. On September 29, the Transitional Government issued a decree authorizing all parties, including former military organizations now operating as political parties, to function legally. Prior to the decree, some parties such as the UDPS and the MLC had refused to register under the previous law on the grounds that the former government was illegitimate. The former Government treated the UDPS as an illegal organization for part of the year, and frequently arrested or dispersed young UDPS supporters deemed to be violent who attempted to hold public functions.

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

In areas not under central government control, rebel forces and foreign troops continued to restrict severely freedom of assembly and association. Groups critical of the authorities, especially in RCD/G controlled territory, were subject to severe repression (see Sections 1.g. and 2.a.). On May 10, RCD/G agents in Bukavu fired upon, beat, and arrested activists who intended to welcome a delegation from Kinshasa; 38 persons were injured. On May 13, 3-year-old Marie-Vinciane Bazibuhe died from injuries she sustained after she was hit by a stray bullet. At least seven persons were arrested and detained for periods of 2 to 7 days. This delegation, dubbed the "caravan of peace," never arrived, because the RCD/G did not let the delegation's plane land at the airport.

Unlike in previous years, there were no confirmed reports that rebels forcibly dispersed religious services.

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

c. Freedom of Religion

The Transitional Constitution does not specifically provide for freedom of religion; however, the Government generally respected freedom of religion in practice, provided that worshipers did not disturb public order or contradict commonly held morals. There were occasional reports that government forces committed abuses in government-controlled areas against religious figures. There were reports of abuses by rebel groups in territories not controlled by the Government.

Some abuses against churches or clergy occurred in government-controlled areas as a result of a lack of discipline of individual government soldiers, some of whom were reportedly deserters. There were no indications that these abuses, usually the harassing of priests at checkpoints or the theft of church property, were linked to any religious or politically motivated policy.

The law provides for the establishment and operation of religious institutions. Requirements for the establishment of a religious organization were simple and generally were not subject to abuse. The law grants civil servants the power to establish and dissolve religious groups; however, during the year, there were no reports that the Government suspended or dissolved a religious group. Bundu Dia Kongo, an ethnically based spiritual and political movement that called for the violent overthrow of the Government and the establishment of an "ethnically pure" kingdom for the Bakongo tribe, remained outlawed at year's end. Officially recognized religions were free to establish places of worship and to train clergy. In practice, religious groups that were not recognized also worshipped freely.

While the Government generally did not interfere with foreign missionaries, they were not exempt from general restrictions by security forces, such as restrictions on freedom of movement imposed on all persons by security

force members who erected and manned roadblocks, at which they often solicited bribes.

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

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

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

The law provides for freedom of movement; however, the Government at times restricted this right in areas under its control. There were fewer reports of such restrictions during the year. Resolutions adopted as part of the Inter-Congolese Dialogue process in 2001 and the Transition Constitution affirmed the right to free movement of persons and goods in the country, and the Government generally honored this stated commitment during the year. Unlike in previous years, it was not necessary to obtain a routine written document from the Ministry of Interior for travel within government-controlled territory. Movement between areas under central government control and areas not under central government control continued to be hazardous and sometimes impossible, except by U.N. flights and U.N.-accompanied river convoys. Commercial flights between former government-controlled territory and former rebel-held areas resumed after the Transitional Government took office.

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

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

Unlike in the previous year, the Government did not require exit visas for all foreign travel. Noncitizens, including missionaries, reportedly were required to obtain exit permits before leaving the country for employment purposes. The Government allowed opposition members and journalists to leave the country; however, there were reports that journalists had difficulty in obtaining visas and permits to travel abroad.

According to the U.N. High Commission for Refugees (UNHCR), by August, approximately 300,000 Congolese refugees lived in neighboring countries, including the Republic of the Congo, Tanzania and Uganda.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government granted refugee and asylum status, and unlike in the previous year, there were no reports of the forced return of persons to a country where they feared persecution. The Government also provided temporary protection to certain individuals who do not qualify as refugees or asylees. The Government cooperated with the UNHCR and other international agencies during the year; the Government generally allowed humanitarian workers free access to affected populations in areas under its control.

Refugees were accepted into the country from Angola and the Republic of the 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 neighboring countries, including Angola (144,684), Sudan (69,486), Burundi (19,392), Uganda (18,925), the Republic of the Congo (6,988), and Rwanda (27,136) resided in the country.

In January and February, 13 of the 19 FDLR/ALIR officials detained by the Government in Kinshasa in October 2002 voluntarily repatriated to Rwanda. There was no further information on the other six at year's end.

In areas not under government control, freedom of movement was severely restricted during the year, partially as a result of fighting between rebel forces, Ugandan troops, Mai Mai, and Hutu militias. Rebel soldiers frequently

prevented travel and harassed travelers. Several cities were cut off from the surrounding countryside by soldiers and armed groups, who controlled all road and river access into and out of the cities. Soldiers established roadblocks and routinely harassed and extorted civilians who attempted to enter or exit these cities to buy or sell food, or to visit family members. Such travel restrictions contributed to widespread hunger and economic hardship.

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

As of November, the OCHA estimated that there were 3.4 million IDPs in the country, which represents an increase of approximately 700,000 IDPs from December 2002. According to U.N. estimates, the majority of IDPs were reportedly in the eastern portion of the country, mostly concentrated in the Ituri area. In November, the OCHA reported that there were between 500,000 and 600,000 IDPs in the Ituri region. Many of the IDPs received no assistance because of ongoing fighting and the denial of access to NGOs, and many were forced to relocate numerous times to escape fighting (see Section 1.g.). For example, in rural areas of North and South Kivu, 80 percent of families had been displaced repeatedly since the start of the war.

From mid-2002 until mid-year, in the Ituri district of Orientale province, an area dominated by Ugandan-supported forces, fighting continued between members of the Lendu and Hema ethnic groups and their respective allied tribes, which reportedly resulted in 500,000 IDPs (see Section 5).

In late May, IDPs reported that militias attacked and fired upon them with guns as they attempted to flee Bunia. On May 27, in Bunia, the UPC said on a Radio Candip broadcast that displaced persons gathered at MONUC's base would be regarded as enemies, and a military team would be put in place to dislodge them from the camp; however, no action was taken against the IDPs. In addition, during May, militias established checkpoints along the road from Bunia to Beni where IDPs were required to pay for "travel permits" and show identity papers. There were reports that persons were targeted for attacks at these checkpoints based on language, place of birth, physical characteristics, and ethnicity.

On several occasions, the RCD/G and the UPC militia denied access to humanitarian organizations or obstructed their ability to deliver humanitarian relief supplies. For example, the RCD/G systematically refused to allow the U.N. and humanitarian agencies to provide relief supplies to Shabunda and other areas under Mai Mai control.

On May 24, Hema UPC militiamen looted the Bunia hospital and stole or destroyed 300,000 doses of vaccines intended for children of the Ituri district. They also pillaged the depot of the World Health Organization. UPC leader Thomas Lubanga informed MONUC that a few looters had been arrested, and some of the stolen material was returned.

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

Citizens did not have the right to change their government peacefully and have not been able to change their government through free elections since independence in 1960. President Joseph Kabila continued to be president of the country under the Transitional Government. Under the Transitional Constitution, four vice presidents were sworn into office in July, two from the main former rebel groups, one from the political opposition, and one from the President's political family. The bicameral parliament as established under the Transitional Constitution, includes members from these groups, and representatives of civil society and smaller rebel groups. Five independent commissions were created in accordance with the Transitional Constitution, including an electoral commission and truth and reconciliation commission. While the sharing of posts among the groups participating in the Transition Government is intended as a check on presidential authority, in practice these transition institutions had not yet begun to function fully by year's end. Former rebel-held areas had not been brought under effective central government authority by year's end. The Transition Constitution calls for elections to be held within 2 years of the installation of the Transitional Government, whose ministers were formally appointed June 30. This period may be extended for two additional 6-month periods, with the approval of Parliament.

The law allows legally registered political parties to operate freely; however, the Government continued to arrest political activists and to block some activities, including marches and press conferences, particularly of parties who had not registered under the terms of the law (see Section 2.b.).

The State continued to be highly centralized in many ways. Under the Transition Constitution, the President has the authority to appoint governors throughout the country; however, by year's end, this authority had not been exercised, and the issue of who should appoint governors had been referred to the Supreme Court. The Government also can appoint territorial administrators.

On August 25, the Transitional Parliament inaugurated an anti-corruption bureau. The Transition Constitution provides for the creation of five citizen commissions: An Observatory for Human Rights, a Truth and Reconciliation Commission, a High Authority for Media, an Ethics and Anti-corruption Commission, and the Independent Electoral Commission; however, none of these institutions were operating at year's end.

On August 28, President Kabila submitted to Parliament a declaration of his wealth, in accordance with the Transitional Constitution, which requires that executive members of the Transitional Government submit written declarations of their assets, which all parties to the Transitional Government agreed to do to combat government corruption.

There were no official restrictions on the participation of women or minorities in politics. Six of 36 cabinet ministers and 2 of 24 vice ministers were women, and women held 42 of the 614 seats in Parliament, including 5 of the 120 Senators. Pygmies were not represented in the political process.

In areas not under central government control, citizens did not have the right to change their government peacefully. In RCD/G-controlled territory, rebel authorities appointed local officials. Each rebel group tended to be dominated by members of one ethnic group, often a minority ethnic group in the areas under their control. Rebel forces and foreign troops continued to severely limit political freedom (see Section 2.b.). During the first half of the year, the only political party allowed to operate openly in RCD/G-held territory was the UDPS, which signed a political alliance with the RCD/G in 2002. In September, unknown attackers fired on the Goma residence of an official from the pro-Kabila People's Party for Reconstruction and Development (PPRD) was fired upon by unknown attackers; RCD/G security forces were slow to respond. However, by year's end, political parties had begun to operate in these areas.

On April 13, the Ituri Pacification Commission adopted a series of interim measures to end hostilities and provide a provisional administration in the Ituri District, and in May it established the Ituri Interim Administration, led by Petronille Vaweka.

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

In areas under central government control, numerous domestic and international human rights NGOs continued to investigate and publish their findings on human rights cases. Unlike in the previous year, there were no reports that security forces harassed domestic NGO workers. The Human Rights Ministry worked with NGOs during the year and was responsive to their requests and recommendations.

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

The Government cooperated with international governmental organizations 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. 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).

In June, the U.N. Security Council mission to Central Africa found "gross and widespread violations of human rights that have accompanied the fighting in the eastern Democratic Republic of the Congo, including murder, rape, and the destruction of property, the large-scale displacement of civilians from their homes, the use of child soldiers, the illegal exploitation of natural resources, and even the reported incidence of cannibalism."

U.N. Special Rapporteur Motoc visited the country at least 3 times during the year and reported that the "uncontrolled presence of armed militias has resulted in massive human rights violations, summary executions, forced disappearances, abduction, torture, and obstruction of humanitarian aid." The U.N. High Commissioner for Human Rights visited the country from January 12 to 15 and submitted his report to the U.N. Security Council in February. He found that the "widespread violations of human rights continue to be perpetrated...with impunity," and that "prevailing human rights situation in the Democratic Republic of the Congo [is] alarming and a threat to the fragile peace process." In addition, Motoc said there were indications that genocide may have occurred in the Ituri

district. She noted a collegial and cooperative spirit in the Transitional Government but added that 10 requests to the Transitional Government for emergency action had received no response.

On October 30, a U.N. report established that revenues from gold and diamond plundering by militias and certain domestic and foreign companies enabled political and military actors to fund their military activities, including the purchase of arms, which significantly contributed to the extension of the war and serious human rights abuses. The report indicated that the volume of illegally exploited minerals decreased somewhat under the militias following the official withdrawal of Ugandan and Rwandan forces.

The Government continued to cooperate with the International Criminal Tribunal for Rwanda (ICTR), and senior members of the Government continued to request an ongoing presence in the country. ICTR investigators operated freely in government-held areas of the country, seeking a number of genocide indictees they believed might be living in the country.

In areas not under government control, there were fewer domestic and international human rights NGOs than in government-controlled territory; those that did operate were subjected to frequent harassment and abuse.

Domestic human rights organizations operating in areas outside government control included Heirs of Justice and Solidarity Exchange for Integral Development (SEDI), The Christian Network of Human Rights and Civic Education Organizations (RODHECIC), in South Kivu; Promotion and Support for Women's Initiatives (PAIF), in the Kivus; Action for the Relaunch of the Congo (ARC); and Lotus Group, Friends of Nelson Mandela, and Justice and Liberation, in Kisangani.

Armed groups in Bunia did not always respect humanitarian workers or peacekeepers, and a number of humanitarian workers were killed (see Section 1.g.).

Rebel groups and militias frequently harassed, arrested, and tortured domestic NGO workers in an attempt to obstruct their reporting. According to a July report by HRW, intimidation of human rights activists by rebels and armed groups increased during the first half of the year. For example, in February, MLC authorities arrested David Aliana, a member of the NGO Les Amis de Nelson Mandela in Buta, Orientale province, for "betrayal of public security," after he informed MONUC of human rights violations committed by MLC soldiers. There were no reports that he had been released by year's end.

On February 5, UPC authorities raided the Bunia-based Justice Plus after its president, Maitre Honore Musoko, conducted an interview on international radio about human rights abuses in Ituri. UPC authorities also raided the office of a company owned by Musoko, arrested two workers, and seized satellite phone and computer equipment. The two were released after brief detentions, and other members of Justice Plus went into hiding. Musoko remained outside the country at year's end.

On May 19, an RCD/G officer in Bukavu harassed and threatened Pascal Kabangu Kibembi, the executive secretary of Heritiers de la Justice.

On June 24, RCD/G raided SEDI's office in Uvira, and on June 27, RCD/G arrested Donatien Kisangani Mukatamwina, a SEDI member, at the Kavumvira border crossing to Burundi. He was detained for 13 days without charge and released.

Rebel forces frequently imposed travel restrictions on human rights NGOs and journalists (see Section 2.d.).

International NGOs active in areas not under government control included the ICRC and the International Human Rights Law Group. Various armed groups permitted international humanitarian and human rights NGOs access to conflict areas. Unlike in previous years, rebel groups cooperated with international investigative bodies, such as the U.N. Special Rapporteur, the UNHCHR, and MONUC. They also allowed international NGOs, such as AI and HRW, to conduct investigations and publish reports.

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

The Transitional Constitution prohibits discrimination based on ethnicity, sex, or religious affiliation; however, the Government was unable to enforce these prohibitions effectively. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women and indigenous Pygmies (Batwa).

Women

Domestic violence against women, including rape, was common throughout the country; however, there were no known government or NGO statistics on the extent of this violence. Assault and rape are crimes, but police rarely intervened in domestic disputes and rapists were rarely prosecuted. There were no laws prohibiting spousal abuse or assault. It was commonplace for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim. The press rarely reported incidents of violence against women or children; press reports of rape generally appeared only if it occurred in conjunction with another crime, or if NGOs reported on the subject. Girls who had been raped often found it difficult to get married; married women who were raped were often abandoned by their husbands. For example, in late March, a local NGO reported that eight militia members in Fizi territory, South Kivu, raped a 22-year-old pregnant woman. As a result of these rapes, she miscarried, and her husband abandoned her and her four children.

Gang rapes by members of armed groups, which were common in the east, continued to be violent, sometimes involving props such as tree branches, and resulted in vaginal fistula, a rupture of vaginal tissue that leaves women unable to control bodily functions and vulnerable to enduring ostracism. Vaginal fistula is most often caused by child birth, but doctors in Goma, Bukavu, Shabunda, and several other cities with hospitals witnessed an increase in women seeking vaginal reconstructive operations, which cost approximately \$300 (111,000 francs).

According to the U.N. Special Rapporteur, in areas not controlled by the Government, there was "recurrent sexual violence against women and children in the east... The use of mass rape and sexual violence as weapons of war intended to destroy the structure of the family has harmed Congolese society. Often rejected by their families or infected by sexually transmissible diseases or HIV, women have nowhere to turn for help. The climate of impunity continues unabated" (see Section 1.g.). In addition, armed groups forcibly abducted women and used them as sex slaves (see Section 6.c.).

The law did not prohibit the practice of FGM. FGM was not widespread, but it was practiced on young girls among isolated groups in the north. A 2002 presidential decree created the National Committee to Fight Harmful Traditional Practices/Female Genital Mutilation. The Committee developed a network of community leaders, women representatives, and health professionals dedicated to the prevention and treatment of FGM; however, the Committee lacked adequate resources for prevention and treatment.

The law does not prohibit prostitution except in cases involving children under the age of 14; prostitution, including child prostitution, was a problem and increased during the year due to poor economic conditions. There continued to be reports of women pressured to engage in prostitution by their families out of economic necessity. There was no information available on the extent of prostitution in the country. Security forces encouraged prostitution. In some areas of Kinshasa, prostitutes could be procured in shanties just a few steps from a police station. There were numerous credible reports that policemen were customers.

There were reports that women were trafficked (see Section 6.f.).

Women were relegated to a secondary role in society. They constituted the majority of primary agricultural laborers and small-scale traders, and they almost exclusively were responsible for child rearing. In the nontraditional sector, women commonly received less pay for comparable work. Only rarely did they occupy positions of authority or high responsibility.

Women were required by law to obtain their spouse's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a widow to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce; however, in practice, women often were denied these rights, which in some cases was consistent with traditional law. Widows commonly were stripped of all possessions--as well as their dependent children--by the deceased husband's family. Human rights groups and church organizations worked to combat this custom, but there was little government intervention or legal recourse available. In addition, women often did not realize that they could improve their legal inheritance claims by obtaining official documents that proved their marital status. Women also were denied custody of their children in divorce cases, but they retained the right to visit them. Polygyny was practiced, although it was illegal. Father-child relationships resulting from polygynous unions were recognized legally, but only the first wife was recognized legally as a spouse.

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

Children

Government spending on programs for children's welfare was almost nonexistent. Primary school education was not compulsory, free, or universal. In public schools, parents formally were required to pay a small fee, but parents often informally were expected to pay teachers' salaries. Extremely poor economic circumstances often hampered parents' ability to afford these added expenses and many children were not able to attend school. Most schools functioned only in areas where parents had formed cooperatives. According to UNICEF, the net primary school attendance during the year was 51 percent. In both the government-controlled and rebel-controlled areas, poverty brought on by the war led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer could afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school. In addition, in areas under control of RCD/G soldiers, there were numerous reports that girls dropped out of school due to threats of rape and sexual violence by soldiers targeting the schools (see Section 1.g.).

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

The law prohibits prostitution by children under the age of 14; however, child prostitution was a serious problem. There were reports during the year that girls were forced into prostitution to earn money for their families.

The Armed Forces continued to have child soldiers in their ranks despite commitments to demobilization. By August, only 280 child soldiers had been released, out of a total 1,500 children scheduled for demobilization from 2001. There were no reports that the Government actively recruited children; however, according to Amnesty International, there were numerous reports that it provided military support to armed groups such as the Mai Mai and the RCD-ML, which continued to recruit and use child soldiers.

The Government participated in an international program to prevent children from becoming child soldiers and to combat child labor. The Government continued to collaborate with UNICEF to demobilize child soldiers in the military. During the year, the Government held workshops to facilitate the reintegration of former child soldiers into their home communities as part of its ongoing demobilization program enforced by the National Bureau for Demobilization and Reintegration.

The number of orphans and street children increased during the year. Soldiers and police subjected street children in Kinshasa to harassment. Unlike in the previous year, there were no reports that government forces rounded up children living on the street and transferred them to group facilities outside the city.

According to a November report by the U.N. Special Rapporteur, between 25,000 and 50,000 child refugees, war orphans, and "child sorcerers" roamed the streets throughout the entire country, although some of those who were not orphans returned to their families at day's end. Unsupervised and poor, many engaged in street crime, begging, and prostitution. Child sorcerers were accused of having mystical powers and their families often abandoned them, sometimes because of financial difficulties. In late June, persons accused an 11-year-old boy of sorcery and killed him; no action was taken against those responsible by year's end. On June 24, an 8-year-old boy in Kinshasa was accused of being a witch, tortured, and burned; he died 3 days later as a result of his injuries. No action had been taken against those responsible by year's end.

In territories not under central government control, children committed and were victims of serious crimes. Since 1998, the conflict has resulted in the destruction of 200 schools. In addition, approximately 200 health centers have been closed, resulting in the deaths of hundreds of thousands of children from malnutrition and other preventable diseases.

Armed groups continued to abduct and forcibly recruit children to serve as forced laborers, porters, combatants, "war wives," and sex slaves (see Sections 6.c. and 6.f.). Although most leaders of armed groups publicly opposed the recruitment of child soldiers, and publicly supported demobilization efforts, armed groups increased child recruitment efforts during the year. According to UNICEF, as many as one-third of the country's children may have been forced to take up arms. There were at least 10,000 child soldiers in Ituri alone, many of whom were very young, including a 7-year-old boy who served with PUSIC.

All armed groups in the east, including the North Kivu Local Defense Forces, continued to recruit children. Children made up a large percentage, and in some cases the majority, of soldiers in an armed unit. For example, reliable reports indicated that children accounted for at least 40 percent of UPC, FAPC, FNI/FRPI, and APC forces, and up to 50 percent of Mundundu-40 forces.

Children were voluntarily and forcibly recruited; however, no reliable data was available on the number of children recruited willingly versus forcibly. Although a large number of Ituri's child soldiers enlisted voluntarily, most

"volunteer" children came from families who were victims of killings or village attacks, and had lost some or all of their family and community safety net during the conflict. Many children joined an armed group based on their ethnic origins and their places in shifting military alliances; however, most made calculated decisions about their "best chances for survival" and aligned with whichever group looked most likely to support them.

For example, according to AI, in April, a 12-year-old Hema enlisted in the UPC after Lendu combatants killed his sister and underwent 5 weeks of combat training at Katoto. On May 11, in Bunia, his superiors ordered him to kill a number of civilians who were considered enemies.

There were a number of cases of recruitment targets and campaigns, forced recruitment, and recruitment of former child soldiers who had been demobilized. Many children were abducted from their families and from schools by various armed groups, including young girls who were frequently forced to serve as "war wives" and sex slaves for soldiers. For example, in January, RCD/G officials forcibly abducted children from a local school in Kalehe, North Kivu.

Idjwi Island, located in the middle of Lake Kivu, in South Kivu has been the site of intense child soldier recruitment, some of which was by force, since June. The RCD/G deliberately targeted former child soldiers who had left the army or been officially demobilized. For example, AI reported that a 17-year-old who was originally recruited by the RCD/G in 1998 but later fled the army was in hiding after RCD/G soldiers went several times to his house to forcibly recruit him. Another 16-year-old former soldier was forcibly recruited, at gunpoint, in front of his family.

According to AI, militias often used children they recruited as "cannon fodder". Many children were sent to the front lines of combat to serve as decoys, scouts, and bodyguards, and forced to commit abuses such as rape, killings, and cannibalistic and sexual acts with enemy corpses (see Section 1.g.). In January, a large number of children were killed during armed clashes in Uvira. In February, more than 40 child soldiers were killed in Ituri, in clashes at Lipri and Songolo.

In May and July, the PUSIC sent at least 250 children to Uganda for military training and there were reports that RCD/G sent children to Rwanda for military training.

Children were treated brutally if they failed to obey orders. Some were beaten or placed in detention for falling asleep while on guard duty, failure to obey orders, or desertion. In detention, they were often tortured and otherwise ill-treated. In addition, a number of children who were captured in battle suffered torture and imprisonment. According to a credible source, in April, a 16-year-old UPC combatant was involved in a battle against FNI forces south of Bunia. During the battle, he was captured, severely beaten, and had his front teeth knocked out with a rifle butt. Further beatings resulted in broken ribs and lesions. He was then thrown into a "Mabusu," or underground prison pit, for 3 weeks before he escaped.

Child soldiers have also been victims of extrajudicial executions. For example, on May 25, according to AI, a child soldier was arrested in Uvira, South Kivu by the RCD/G after allegedly killing a soldier while trying to steal his radio. He was not tried, and was executed in public the same day.

Girl soldiers were often assaulted, raped, and infected with HIV/AIDS. In Ituri, girls have been utilized as foot soldiers, domestics, and sex slaves. In some cases, sexual abuse was of a limited duration or was carried out in a sporadic manner, many times with different victimizers. For example, in October and November, the UPC and FNI forcibly abducted girls in Djugu Territory. Credible reports indicated that the UPC beat a woman to death after she tried to prevent her 15-year-old daughter from being forcibly taken. In addition, on November 30, two girls, aged 14 and 15, were reportedly taken by the same unit to be used as sexual slaves. There were also reports that beginning in September girls as young as 14 years were regularly abducted by members of the FNI.

Other girls were subjected to repeated rape over longer periods with one victimizer. These girls were commonly referred to as "war wives," who often served both as fighting elements in active combat and sexual slaves for their commanders.

Rebel groups and militias demobilized some child soldiers with assistance from MONUC, UNICEF, and NGOs; militias often did so when they could no longer feed the children. For example, between March and August, RCD/ML demobilized approximately 80 children at a demobilization center outside Beni, North Kivu. In August, at least 37 children, including 5 girls under the age of 15 were released from the RCD/G Kavumu training camp and demobilized. However, demobilization efforts have been hampered in South Kivu by hostile attitudes of some RCD/G commanders and re-recruitment efforts. For example, AI reported that on July 19, a local human rights activist in Uvira was briefly detained and ordered to refuse to accept any children at the demobilization center,

which his NGO managed.

In August, RCD/G authorities in Uvira, South Kivu announced on the radio that NGOs were no longer allowed to assist in the demobilization of children; however, NGOs were not prevented from assisting.

Child labor was a problem (see Section 6.d.).

Persons with Disabilities

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

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

Indigenous People

There was a population of fewer than 10,000 Pygmies (Batwa), who are believed to have been the country's original inhabitants; societal discrimination against them continued. Although they are citizens, most Pygmies continued to live in remote areas and took no part in the political process. During the 2002 "erase the blackboard" campaign in Orientale province, Pygmies were targeted for cannibalism (see Section 1.g.).

In May, the U.N. Permanent Forum on Indigenous Issues heard testimony from Pygmies about alleged atrocities and discrimination.

There were unconfirmed reports that some tribes used Pygmies as slaves or as part of burial ceremonies.

National/Racial/Ethnic Minorities

There were at least 200 separate ethnic groups, which generally were concentrated regionally and spoke distinct primary languages. There was no majority ethnic group; some of the largest ethnic groups were the Luba, Kongo, and Anamongo. Four indigenous languages, Kiswahili, Lingala, Kikongo, and Tshiluba, had official status. French was the language of government, commerce, and education. Societal discrimination on the basis of ethnicity was practiced widely by members of virtually all ethnic groups and was evident in private hiring and buying patterns and in patterns of de facto ethnic segregation in some cities; however, intermarriage across major ethnic and regional divides was common in large cities.

Unlike in 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 June 30.

President Kabila's cabinet and office staff were geographically and ethnically diverse. However, a significant amount of political influence remained in the hands of individuals (both inside and outside the Government) from Katanga province. Katangans in the Armed Forces were more likely both to be promoted and to be paid than persons from other regions. The leadership of former rebel groups also was geographically and ethnically diverse. However, a significant amount of influence in the MLC continued to be held by members from the Equateur province, and in the RCD/G leadership by Tutsis. A significant number of ethnic groups were represented in the Transition Government.

Birth on national territory did not necessarily confer citizenship. The Government did not recognize the citizenship claims of some longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis from Rwanda. However, in ICD negotiations in Sun City in 2002, the Government and most other parties agreed to take a more inclusive approach to the Banyamulenge; however, by year's end, citizenship had not been granted to them. Citizenship and nationality questions were scheduled to be addressed by the Transition Government.

During the year, in the Ituri district of Orientale province, fighting between members of the Lendu and Hema ethnic groups (and other smaller tribes allied with either the Lendu or the Hema) resulted in hundreds of civilian deaths

and the displacement of more than 500,000 persons (see Sections 1.g. and 2.d.).

There were reports that militias forced members of other ethnic groups to work in labor camps (see Section 6.c.).

On July 30, residents of Bunia stoned to death five Lendu men and a woman of the Nande ethnicity; the motivations behind the stonings remained unknown but may have been prompted by economically driven ethnic strife.

Section 6 Worker Rights

a. The Right of Association

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

The collapse of the formal economy, which was exacerbated by the civil war, resulted in a decline in the influence of trade unions, a tendency of employers to ignore existing labor regulations, and a decrease in wages as jobs increasingly became scarce. The Labor Code prohibits discrimination against unions, although this regulation was not enforced effectively by the Ministry of Labor. The law also requires employers to reinstate workers fired for union activities.

Unlike in the previous year, there were no reports that police forcibly dispersed labor marches.

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

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

b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively; however, collective bargaining was not used in practice. While collective bargaining still existed in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees. In the public sector, the Government set wages by decree; public sector unions acted only in an informal advisory capacity.

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

In areas under government control, civil servants salaries' were current by year's end, although arrears had not been addressed.

There are no export processing zones.

In territories not under central government control, there were no regulations in effect that governed employment or union memberships. Civil servants remained unpaid at year's end.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor; however, in areas not under government control there were reports that Mai Mai groups and Hutu militias abducted men, women, and children and forced them to work in rural areas.

There were unconfirmed reports that some tribes used Pygmies as slaves.

There were reports that government-supported Mai Mai groups used forced labor.

The law does not specifically prohibit forced and bonded labor by children; however, the general law prohibiting forced or bonded labor applies, and forced and bonded labor by children was a problem (see Sections 6.d. and 6.f.).

In areas not under government control, there were numerous reports that rebel groups, Mai Mai, and Hutu militias used forced and bonded labor. Rebel soldiers routinely forced civilians to carry heavy loads for them for long distances, or to transport them without pay on their bicycles, which typically were used as taxis in many eastern cities.

Armed combatants on all sides abducted women and children and forced them to provide household labor or sexual services for periods ranging from several days to several months (see Section 5). Specific information was difficult to obtain because NGO access was hindered and because victims were reluctant to discuss their experiences because of possible reprisal from the perpetrators and the social stigma attached. On December 3, U.N. forces freed at least 34 women and girls who were being used as sex slaves from Lendu militia camps near the town of Djugu, northwest of Bunia; the women and girls, who were between the ages of 12 and 23, were kept in underground prison cells.

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

There were reports of forced labor camps in the provinces of Orientale and South Kivu, especially in the areas of Fataki, Shabunda and Mwenga. Around August 27, Lendu militias reportedly relocated approximately 100 Hema civilians to labor camps near Fataki, following their abduction during fighting in July and August.

Unlike in the previous year, there were no reports that the Rwandan army forced persons to mine coltan.

There were reports that CNDD/FDD soldiers forced villagers to perform labor.

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

Child labor was a problem throughout the country, and the employment of children of all ages was common in the informal sector and in subsistence agriculture, which were the dominant portions of the economy. Such employment often was the only way a child or family could obtain money for food. The legal minimum age for full-time employment without parental consent is 18 years. Employers legally may hire minors between the ages of 14 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of 4 hours per day. Larger enterprises did not exploit child labor. Neither the Ministry of Labor, which was responsible for enforcement, nor labor unions effectively enforced child labor laws.

There continued to be reports that forced child labor occurred (see Sections 5, 6.c., and 6.f.). Some parents forced their children to leave school and beg in the streets, or hunt or fish to earn money for their families.

In areas not under government control, there were numerous credible reports that rebel groups, Mai Mai, and Hutu militias used forced child labor, including the use of girls as sex slaves (see Section 6.c.).

Child soldiers, among other vulnerable children, have been involved in the illegal exploitation of natural resources in Ituri District to the benefit of their militia commanders. For example, there were credible reports that children aged between 10 and 18, many of them associated with the FNI, worked in gold mines in Djugu Territory. Active or former child soldiers, mostly between the ages of 11 and 15, also worked in gold mines in UPC-controlled area of Iga Barriere on behalf of their UPC commanders, who paid them very low wages to dig for them. Credible reports indicate that in the mining areas of Mongbwalu, Iga Barriere, and Centrale, an elevated number of re-recruitments of former child soldiers took place to secure mine labor for the armed groups, including the UPC and FNI. There continued to be reports that children worked in coltan mines, often because of economic necessity.

e. Acceptable Conditions of Work

Most citizens were engaged in subsistence agriculture or commerce outside the formal wage sector. The average

wage did not provide a decent standard of living for a worker and family, and most workers relied on extended family and informal economic activity to survive. Minimum wage laws continued to be suspended at year's end. Civil servant salaries remained very low, ranging between \$4 (1,600 Congolese francs) and \$20 (8,000 Congolese francs) per month, and salary arrears continued to be a problem (see Section 6.b.). However, depending on their position, civil servants, including police and soldiers, frequently supplemented their incomes through extracting bribes and various other practices of corruption.

The maximum legal workweek (excluding voluntary overtime) was 48 hours. One 24-hour rest period was required every 7 days.

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

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

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

f. Trafficking in Persons

There were no specific laws that prohibited trafficking in persons, and trafficking occurred. There were laws prohibiting the corruption or debauchery of minors under the age of 21; however, there was no information available on trafficking-related prosecutions under these laws. Internal trafficking for forced labor and forced sexual exploitation occurred. In addition, child prostitution was common in Kinshasa and other parts of the country (see Section 5). The forcible recruitment and use of child soldiers by rebel groups contributed to trafficking (see Section 5).

There were reports that government officials participated in or facilitated trafficking in humans. For example, in May, Vice President Jean-Pierre Bemba was sentenced in absentia by a Belgian court to 1 year in prison for "people trafficking." He was accused of illegally bringing two domestic servants into Belgium with false papers and identifying them as crew members of an airline managed by the Bemba family in the late 1990s.

The Government had few programs in place to prevent trafficking. The Ministry of Family Affairs and Labor implemented an action plan against sexual exploitation in conjunction with an international organization. In addition, the Government coordinated with other countries on trafficking issues and has attended some regional meetings on trafficking in persons; however, government efforts to combat trafficking were limited by a lack of resources and information, and because much of the country's trafficking problem occurred in areas controlled by rebel groups. The Government has not effectively investigated or prosecuted trafficking cases. The Government had few resources for training; however, it permitted training of officials by foreign governments and NGOs. The Government had no funding available for protection services. Victims were not prosecuted.

In areas not under central government control, there continued to be reports that the RCD/G, Mai Mai, Hutu militias, and other armed groups kidnapped men, women, and children and forced them to provide menial labor and sexual services for members of armed groups (see Section 6.c.). In addition, armed groups abducted children to serve as combatants in areas under their control (see Section 5).

The Government repeatedly has severely criticized the abduction of women and children by armed groups in areas of the country not under government control. In May 2002, the Government filed a case against Rwanda in the World Court, accusing Rwandan soldiers of killing, raping, and kidnapping civilians in the country.