



Country Reports on Human Rights Practices - [2007](#)

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The Democratic Republic of the Congo (DRC) is a nominally centralized republic with a population of approximately 60 million. The president and the lower house of parliament (National Assembly) are popularly elected; the members of the upper house (the Senate) are chosen by provincial assemblies. Under a constitution formally promulgated in February 2006, presidential and National Assembly elections held in June 2006 and a presidential runoff in October 2006 were judged by international observers to be credible, despite some irregularities and unproven allegations of fraud made by the losing presidential candidate. Voters elected Joseph Kabila, who had headed a transitional government since 2003 as president. Internal conflict had an extremely negative effect on human rights during the year, particularly in the area of conflict, the east.

At year's end government control of many areas of the country remained weak, particularly in North and South Kivu provinces. Civilian authorities generally did not maintain effective control of the security forces.

In all areas of the country the government's human rights record remained poor, and security forces acted with impunity during the year, committing numerous serious abuses, including unlawful killings, disappearances, torture, and rape, and engaged in arbitrary arrests and detention. Harsh and life-threatening conditions in prison and detention facilities, prolonged pretrial detention, lack of an independent and effective judiciary, and arbitrary interference with privacy, family, and home also remained serious problems. Security forces recruited and retained child soldiers and compelled forced labor by adults and children. Members of the security forces also continued to abuse and threaten journalists, contributing to a decline in freedom of the press. Government corruption remained pervasive. Security forces at times harassed local human rights advocates and UN human rights investigators. Discrimination against women and ethnic minorities, trafficking in persons, child labor, and lack of protection of workers' rights continued to be pervasive throughout the country.

Armed groups continued to commit numerous, serious abuses--some of which may have constituted war crimes--including unlawful killings, disappearances, and torture. They also recruited and retained child soldiers, compelled forced labor, committed widespread crimes of sexual violence and other possible war crimes.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed politically motivated killings; however, government security forces committed numerous unlawful killings with impunity.

In the east, security forces summarily executed civilians and killed civilians during clashes with illegal armed groups (see section 1.g.).

Security forces arbitrarily and summarily killed civilians, often for failing to surrender their possessions, submit to rape, or perform personal services. For example, on February 22, a soldier of the Congolese armed forces (FARDC) 11th Integrated Brigade in Kabamba, South Kivu Province, shot and killed a civilian who refused to carry the soldier's personal belongings. Military authorities arrested the soldier and transferred him to a military jail. At year's end there was no information on whether he had been prosecuted.

On April 28, a navy corporal shot and killed a university student in Goma, North Kivu Province, when the student refused to give the corporal his mobile phone. Military authorities took no action against the corporal, but transferred him to another duty station, allegedly for his safety.

During the year there were reports of death in prisons resulting from physical abuse by members of security forces. According to the UN Human Rights Office (UNHRO), the Office of the Military Prosecutor allegedly subjected two murder suspects to torture and ill-treatment by FARDC soldiers at Uvira Central Prison in South Kivu Province, resulting in the October 25 death of a civilian detainee. The victim had been arrested on September 25 on suspicion of involvement in the killing of a lieutenant in the 109th Brigade four days earlier.

On October 16, the local police's Mobile Intervention Group (GMI) abducted an inmate at Buluwo Prison in Katanga Province who was alleged to have been involved in the October 15 prison mutiny and subjected him to cruel, inhuman, and degrading treatment until he died. Military authorities took no action against the GMI officers.

On January 31 and February 1, security forces in Bas-Congo Province used excessive force against demonstrators of the ethnic separatist group Bundu dia Kongo (BDK), who were protesting the conduct of gubernatorial elections in the province. Demonstrators blocked streets and engaged in other unlawful acts. A report by the UN Mission in the Congo (MONUC) concluded that at least 105 persons were killed, including six police and four soldiers, and more than 100 were injured. It also stated that both sides were to blame. The minister of interior removed several high-ranking provincial security officials, but by year's end military authorities had not initiated judicial proceedings against any security force personnel accused in the incident. The National Assembly conducted its own investigation but did not release its findings. On May 29, the Boma Military Tribunal sentenced five BDK members to three to five years in prison for involvement in the January events. In July a military tribunal acquitted six of eight other BDK members on similar charges.

From March 21 to 23, in the final incident in a series of armed confrontations in Kinshasa, forces loyal to President Kabila and those of Movement for the Liberation of the Congo (MLC) leader and former vice president Jean-Pierre Bemba killed approximately 300 persons, including many civilians, according to the multidisciplinary investigative team headed by the UNHRO. During the fighting, soldiers from both forces looted homes, schools, and businesses. The team also determined that pro-Kabila forces used excessive force and engaged in summary executions. In addition the team concluded that members of the FARDC and the Republican Guard (GR), an elite armed force under the control of the president, arrested over 200 persons, mostly from Equateur Province (Bemba's province of origin), and subjected a significant number of them to cruel, inhuman, and degrading treatment. The UN called on the government to investigate the incident fully through the use of an independent investigative body and take action against those responsible. The government did not initiate any investigations or prosecutions against any FARDC or GR soldiers for roles in the killings or detentions. However, the chief military prosecutor established a commission to look into the legality of the detentions. By year's end authorities had released only five of the detainees, and they did so on medical grounds.

Military authorities sentenced one of several FARDC soldiers involved in the January 2006 killing of 13 civilians in Kagaba, Ituri District (Orientale Province), to life in prison. Military authorities did not punish any of the other soldiers involved.

A FARDC commandant who killed an unidentified local businessman in Katanga Province in June 2006 fled the jurisdiction in 2007 and had not been arrested or charged by year's end.

Military authorities took no action against FARDC soldiers who killed a civilian from whom they were trying to extort money in North Kivu Province in July 2006.

In March the Bunia military tribunal convicted 14 soldiers of the FARDC 1st Brigade of war crimes in the August 2006 mass killing of over 30 civilians at Bavi, Ituri District. The tribunal sentenced 13 of the soldiers to hard labor for life, and one to six months in prison; it convicted four others in absentia. The court also ordered the 14 to pay \$315,000 (157.5 million francs) plus interest to the families of the victims. The court ordered the government to pay if the defendants did not. In July an appeals court reduced the life sentences of eight of those convicted to 10 to 15 years for cooperating with military investigators.

During the year a military court commuted a December 2006 death sentence to life in prison for a FARDC soldier who killed two election workers in October 2006.

FARDC Colonel Simba Hussein, sentenced to death for killing a civilian who refused to change his tire in 2005, remained in the army at the same rank in Lubumbashi during the year.

On June 28, a Katanga Province military court acquitted several FARDC soldiers and three employees of Anvil Mining, an Australian firm, of involvement in the 2004 massacre of several dozen residents of Kilwa. The UNHCHR issued a public statement expressing concern that the court had concluded the killings were the accidental results of fighting, "despite the presence at the trial of substantial eyewitness testimony and material evidence pointing to the commission of serious and deliberate human rights violations." On December 21, the Military Court of Appeal in Lubumbashi denied an appeal request by relatives of the victims.

Security forces killed suspects during apprehension, or while holding them in custody. On January 6, the police chief in Sota, Ituri District and one of his assistants subjected a detainee to cruel and inhuman treatment which resulted in his death. Police arrested the assistant, who remained in detention at year's end. The police chief fled the jurisdiction to

escape arrest.

A FARDC commander in Dii, Ituri District, whose actions resulted in the death of a detained murder suspect in January 2006, remained free at year's end.

During the year military authorities sentenced to prison a FARDC soldier who beat an elderly man in March 2006 and forced him to walk 32 miles until he died in Beni, North Kivu Province. The soldier subsequently escaped.

According to the locally based African Association for the Defense of Human Rights (ASADHO), prison authorities took no action during the year against guards at the Penitentiary and Rehabilitation Center of Kinshasa (CPRK) who killed five prisoners and wounded several others during a prison riot in September 2006.

On July 27, a policeman in Mabikwa, Maniema Province severely beat a man when his family attempted to impede his arrest on a legal warrant. He later died of his injuries. The policeman went into hiding, and there was no information available regarding measures, if any, taken against him.

Military authorities identified three FARDC soldiers who accidentally killed a civilian in Panzi, South Kivu Province, while attempting to intimidate him in June 2006, but they had yet to apprehend them by year's end.

No action was taken against security forces that killed a minor during mob violence at a polling station in Bumba, Equateur Province, in October 2006.

There was at least one report of a civilian mob killing a security forces member who had allegedly committed crimes.

On June 28, civilians in Bukavu, South Kivu Province, burned to death a soldier named Muhindo whom they believed guilty of killing a civilian during a robbery the previous day. There was no information on whether action was taken against the civilians responsible for the killing.

There were no reports of authorities taking action in any of the cases in which civilians killed police officers in 2006.

b. Disappearance

There were reports of politically motivated disappearances by government forces. There were few if any reports that the government made efforts to investigate disappearances and abductions, including those in which security force members were accused of involvement.

According to the Kinshasa-based nongovernmental organization (NGO) Voice for the Voiceless (VSV), three armed men in civilian clothes abducted three lawyers in Kinshasa in July. Witnesses later alleged the three lawyers were detained by the National Intelligence Agency (ANR). No information about their whereabouts was available by year's end.

At year's end, Dr. Faustin Sosso, a former medical advisor to former vice president Bemba, remained missing.

Armed groups operating outside government control kidnapped numerous persons, often for forced labor, military service, or sexual services. Many of the victims disappeared (see section 1.g.).

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

The law does not criminalize torture, and during the year there were many credible reports that security services tortured civilians, particularly detainees and prisoners, and employed other types of cruel, inhuman, and degrading punishment. There were relatively few reports of government authorities taking action against members of security forces responsible for these acts. In August the UN's independent expert on human rights in the DRC recommended that the Congolese legislature criminalize torture.

According to MONUC, 62 cases of torture by police and militias were reported to authorities in North Kivu Province in the first six months of the year. For example, on January 23, ANR agents arrested a civilian in Beni for stealing iron roofing from his employer's business. The agents beat the victim with sticks, including on his genitals. There were no reports of government authorities taking action against the ANR agents allegedly responsible.

MONUC reported that on February 4, police officers in Mbuji Mayi, Kasai Oriental Province, arrested a man on suspicion of theft. Police detained him in a holding cell for three days and tortured him daily. The police commander heated a bottle filled with sand over a fire and then placed it on different parts of his body. He was released due to his poor health on February 13. There were no reports of government authorities taking action against the officers allegedly responsible.

On November 1 the GMI from the Bakwa Bowa police station in Kasai Oriental Province arrested and tortured seven men for illegal possession of weapons and for being members of a gang. They beat the seven with a table leg and a motorbike chain and ordered them to provide the names of gang members from their village when they protested their innocence. One victim died of his injuries on November 2. At year's end, authorities had taken no action against the GMI officials.

There were reports that members of the security services tortured and abused civilians to settle personal disputes. For example, an unnamed FARDC general in Kinshasa, who had allegedly given \$2,000 (1 million francs) to a civilian to start a business selling beer, arrested the civilian on April 30 when the civilian reported 430 crates of beer missing. The general ordered the civilian detained at a military camp and whipped 50 strokes each day during 45 days of detention. Military authorities transferred jurisdiction to a military court, which ordered the man to pay the general \$500 (250,000 francs). Military authorities took no action against the general for his actions.

The authorities' failure to take action against many individuals accused of torture and other abuses committed in 2006 contributed to an atmosphere of impunity. For example, military authorities filed no charges against GR Lieutenant Mukalayi who reportedly tortured a man in Kinshasa in March 2006 for allegedly insulting the head of state, or against GR troops who allegedly arrested and tortured 84 fishermen in Equateur Province in August 2006. By year's end authorities had not filed charges against Lieutenant Colonel Dieudonne Mutupeke of the 109th Brigade, who beat a man in September 2006 in Kahorohoro, South Kivu Province.

On several occasions during the year police beat and arrested journalists who wrote or broadcast material they did not like.

Unlike in 2006, there were no reports of police or soldiers abusing, robbing, or raping homeless children.

There were continuing reports of rape of civilians by members of the security forces. A November MONUC report stated that reports of "arbitrary execution, rape, torture, and cruel, inhumane, and degrading treatment by FARDC and the Congolese National Police" were increasing. According to the report, courts sentenced 13 FARDC officers who were responsible for executions, rape, and other crimes in Ituri District between August and November 2006. Otherwise, there had been "very little progress in combating impunity." Human rights observers described rape and brutality against women and girls as "rampant," particularly in South Kivu Province (see section 1.g.).

On May 17, FARDC soldiers of the 6th Integrated Brigade looted several houses near Jiba, Ituri District, raped four women, and forced 10 villagers to carry looted goods to their camp near Bule. They released the villagers several days later. Military authorities arrested two soldiers in connection with one of the rapes, but took no action against the soldiers for looting or forced labor.

On September 14, Congolese National Police (PNC) officers in Yanonge, Orientale Province, allegedly raped eight women, including three minors and a pregnant woman. The officers allegedly acted on orders of their commander. At year's end, no action had been taken against the officers or the commander.

On November 23, five FARDC soldiers allegedly gang raped a woman in Bongondjo, Equateur Province. The perpetrators have yet to be arrested or disciplined.

Although authorities jailed members of the naval and police forces who committed mass rape in Waka, Equateur Province, in March 2006, most subsequently escaped, and their whereabouts were unknown at year's end. According to MONUC, military authorities tried two of the police officers in November on charges of rape, torture, cruel and inhuman treatment, arbitrary arrest, and looting. The tribunal reached verdicts in December. The tribunal, on MONUC's advice, delayed pronouncing its verdicts until victims of the atrocities could be present. According to MONUC, logistical steps were being taken at year's end to make this happen.

In February MONUC investigators accused police officers of raping more than 30 women in Kara, Equateur Province in December 2006. Police authorities took no action against the officers during the year. ASADHO reported that police arrested, but released without charge, police officers who raped 60 women and girls in Belongo, Equateur Province, in August 2006.

Prison and Detention Center Conditions

Conditions in most large prisons remained harsh and life threatening.

During the year an unknown but sizable number of prisoners died due to neglect. For example, on October 2 the PNC in Lodja, Kasai Oriental Province, arbitrarily arrested and illegally detained a 64-year-old man in a holding cell at the Office of the Military Prosecutor for allegedly receiving stolen goods. He remained in custody for 14 days and was not granted bail for treatment despite deteriorating health. He died on October 16. At year's end the case was under investigation by the Office of the Public Prosecutor.

The penal system continued to suffer from severe underfunding, and most prisons suffered from overcrowding, poor maintenance, and a lack of sanitation facilities. Health care and medical attention remained inadequate and infectious diseases rampant. In rare cases prison doctors provided care; however, they often lacked medicines and supplies. In August the UN's independent expert on human rights in the DRC recommended that the parliament adopt a law to reform the prison system. However, as of year's end, neither the government nor the parliament had responded.

Larger prisons sometimes had separate facilities for women and juveniles, but others generally did not. Male prisoners raped other prisoners, including men, women, and children. Prison officials held pretrial detainees together with convicted prisoners and treated both groups the same. They generally held individuals detained on state security grounds in special sections. Government security services often clandestinely transferred such prisoners to secret prisons. Civilian and military prisons and detention facilities held soldiers and civilians alike.

In June foreign diplomats visited Bukavu prison in South Kivu Province. The prison, built in 1923, had no food budget, no medicine, no vehicle, and no money for salaries. The prison director lived with his family in a cell and had not been paid in more than two years.

In July foreign diplomats visited the CPRK, which had a capacity of 1,500 but held 4,057 detainees and prisoners. The women's wing housed 127 women and children who shared four toilets. The women suffered from frequent skin and vaginal infections and typhoid.

According to the director of CPRK, fewer than 100 of the country's 213 prisons functioned; while there were no reports of the government officially closing prisons in 2007, dozens of prisons that had not functioned in previous years remained closed. Most prisons were dilapidated or seriously neglected. Prisoners routinely escaped from prisons in all provinces. Observers noted that conditions in the dilapidated prisons were so bad that escape was easy, and starving and abused prisoners sometimes risked their lives to escape. In Katanga Province's Kalemie prison, built in 1928, eighty-year-old prison walls reportedly could be penetrated in several hours using only a spoon. In some cases security personnel who were detained or convicted for serious crimes were released from prison by military associates or by bribing unpaid guards.

In all prisons except CPRK, the government had not provided food for many years—prisoners' friends and families provided the only available food and necessities. Malnutrition was widespread. Some prisoners starved to death. Prisoners with no one to provide them with food often experienced malnutrition. Prison staff often forced family members to pay bribes to bring food to prisoners. In addition temporary holding cells in some prisons could be extremely small for the number of prisoners they held. Many had no windows, lights, electricity, running water, or toilet facilities.

On August 1, 114 prisoners in Uvira, South Kivu Province, escaped after not having eaten for more than three days. Guards, who had not eaten for several days themselves, were reportedly too weak to chase the prisoners. Only seven prisoners were recaptured.

Even harsher conditions prevailed in small detention centers, which were overcrowded, had no toilets, mattresses, or medical care, and which provided detainees with insufficient amounts of light, air, and water. Originally intended to house short-term detainees, they were often used for lengthy stays. They generally operated without dedicated funding and with minimal regulation or oversight. Detention center authorities often arbitrarily beat or tortured detainees. Guards frequently extorted bribes from family members and NGOs to visit detainees or provide food and other necessities.

Despite a pre-2007 presidential decision to close illegal jails operated by the military or other security forces, there were no reports of illegal jails being closed during the year. According to MONUC, the security services, particularly the intelligence services and the GR, continued to operate numerous illegal detention facilities characterized by harsh and life threatening conditions. Authorities routinely denied family members, friends, and lawyers access to these illegal facilities.

During the year the UNHRO confirmed cases it described as torture in detention centers run by security services. On October 2, two ANR agents in Bishile, Katanga Province, arbitrarily arrested, detained, and subjected a civilian accused of facilitating prostitution to cruel, inhuman, and degrading treatment. The victim was admitted to the local hospital in critical condition. Authorities had taken no action against the ANR agents at year's end.

The law provides that minors may be detained only as a last resort; however, in part due to the absence of juvenile justice or education centers, authorities commonly detained minors. Many children endured pretrial detention without seeing a judge, lawyer, or social worker; for orphaned children, pretrial detention often continued for months or years.

Armed groups outside central government control sometimes detained civilians, often for ransom, but little information was available concerning the conditions of detention.

On October 27, a *mwame* (local chief) and other traditional leaders of the Bafulero ethnic group organized the arbitrary arrest of 57 civilians in Luvungi, South Kivu Province, for allegedly practicing witchcraft. Acting with the complicity of

elements from the FARDC 12th Integrated Brigade, they transferred the 57 civilians to the residence of the mwame in Lamera, where they subjected them to ill-treatment and detained them in very inhumane conditions for four days while awaiting the results of tests for witchcraft. They released the 57 civilians on October 31 following the intervention of the UNHRO. Authorities took no action against the mwame, other traditional leaders, or FARDC soldiers involved in the incident.

In general the government allowed the International Committee of the Red Cross, MONUC, and some NGOs access to all official detention facilities; however, it did not allow these organizations access to illegal detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention; however, government security forces arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus

The security forces consist of the PNC, which operates under the Ministry of Interior and has primary responsibility for law enforcement and public order. The PNC includes the Rapid Intervention Police (PIR) and the Integrated Police Unit. The ANR, overseen by the president's national security advisor, is responsible for internal and external security. Other agencies include the military intelligence service of the Ministry of Defense; the Directorate General of Migration (DGM), responsible for border control; the GR, which reports directly to the presidency; and the FARDC, which is part of the Ministry of Defense and generally responsible for external security, but which also exercises an internal security role.

Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The government prosecuted and disciplined relatively few security forces personnel for abusing civilians. Impunity in the security forces remained a severe, widespread problem. Investigating misconduct or abuses by the security forces is the responsibility of the military justice system. There were a total of 265 investigators, 232 prosecutors, and 125 judges in the military system. However, they were poorly trained, and they had little or no resources for investigations, and limited--if any--access to law codes.

According to an August UN independent expert's report on the human rights situation in the country during the first six months of the year, "86 percent of human rights violations were committed by the army and police," raising "doubts" about the ability and commitment of the government to uphold human rights and ensure security. The independent expert recommended the government undertake fundamental and effective security sector reform and develop mechanisms to effectively reduce impunity and end widespread sexual violence. The independent expert also recommended that the government vet (through a confirmation process) members of the security forces in order to restore public confidence in government institutions, and suspend security forces members accused of human rights violations.

In an October report entitled *Torture and Killings by State Security Agents Still Endemic*, Amnesty International documented serious human rights abuses by government security forces. Amnesty International recommended that the government address detention-related violations by establishing an independent national monitoring mechanism for all detention centers; address impunity by establishing an independent body with powers to suspend security forces members suspected of serious abuses, pending judicial investigation; and strengthen the accountability of the security forces by prioritizing police reform, establishing an ombudsperson to investigate complaints against security forces, and better defining and limiting the roles and powers of the security forces, particularly the GR and ANR.

During the year the government continued to cooperate with MONUC and international donors on police training programs. According to a needs assessment of the police force conducted in Kinshasa during the year by an international NGO, 58 percent of police officers questioned indicated they had never received training in human rights.

Arrest and Detention

Under the law, arrests for offenses punishable by more than six months imprisonment require warrants. Detainees must appear before a magistrate within 48 hours. Authorities must inform those arrested of their rights and the reason for their arrest, and may not arrest a family member instead of the individual being sought. They may not arrest individuals for non-felony offenses, such as debt and civil offenses. Authorities must allow arrested individuals to contact their families and consult with attorneys. In practice security officials routinely violated all these requirements.

Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. Authorities rarely pressed charges in a timely manner and often created contrived or overly vague charges. No functioning bail system existed, and detainees had little access to legal counsel if unable to pay. Authorities often held suspects in incommunicado detention and refused to acknowledge their detention.

In October FARDC soldiers in Kamina, Katanga Province, arbitrarily arrested and illegally detained the wives of five

FARDC soldiers, as well as another soldier, for 36 days for allegedly killing a three-year-old child by witchcraft.

On October 24, PNC officers in Manjakela, Maniema Province, arbitrarily arrested a woman accused of witchcraft and illegally detained her for 18 days. During her detention, she was allegedly taken out of her cell and raped on several occasions.

Government security forces used the pretext of state security to arbitrarily arrest individuals and frequently held those arrested on such grounds without charging them, presenting them with evidence, allowing them access to a lawyer, or following other aspects of due process.

Security personnel detained perceived opponents and critics of the government during the year.

On April 30, a Kinshasa military court acquitted opposition politician and former vice president Bemba ally Marie-Therese Nlandu and nine codefendants on charges of insurrection and possession of weapons of war related to their alleged role in the burning of the Supreme Court building in November 2006. Several of the defendants claimed that police tortured them during detention. After her acquittal, Nlandu left the country and was living abroad at year's end. Military authorities subsequently relieved the judge who acquitted her and her codefendants. In July military prosecutors filed an appeal of Nlandu's acquittal at the High Military Court in Kinshasa. The court had not set a date to hear the case by year's end.

Authorities throughout the country at times arrested or beat a relative or associate of a person they sought to arrest.

For example, in Buta, Orientale Province, on January 27, the district police inspector arrested the wife of a judicial investigator, alleging that the investigator was inciting the population against the police. The inspector released the investigator's wife after three days of detention and took the investigator into custody. The inspector released the investigator after having him tortured and after the investigator's family paid a large sum of money.

Military authorities have not charged ANR agents in Lubumbashi who arrested and beat two civilians in August 2006 in place of their employer.

During the year government security forces arbitrarily arrested and temporarily detained three union leaders (see section 6.b.).

Prolonged pretrial detention, often ranging from months to years, was a problem. A 2006 MONUC report found that 70 to 80 percent of persons detained nationwide were in pretrial detention. Trial delays were due to factors such as judicial inefficiency, corruption, financial constraints, and staff shortages. Prison officials often held individuals long after their sentences had expired due to disorganization, judicial inefficiency, or corruption.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; in practice judges, who were poorly compensated, remained subject to influence and coercion by officials and other influential individuals.

For example, General Jean-Claude Kifwa, Commander of the 9th Military Region and a cousin of President Kabila, and his security detail attempted to arrest three military magistrates in Kisangani, Orientale Province, on September 30. They allegedly arrested the magistrates for objecting to two pending cases being tried in the military, instead of the civilian, court system (the magistrates had said they did not believe the military court system had jurisdiction). One of the magistrates escaped, but soldiers stripped and severely beat the other two in front of their families and took them to the Katele military camp, where they were again beaten. The following day, Kifwa's security detail put the two magistrates on public display during a military parade organized by Kifwa. When released, the victims were admitted to the hospital in serious condition, where they remained for 10 days. Three delegations from Kinshasa--two military delegations and one composed of the justice and human rights ministers--investigated the case, but none had released a report by year's end, and Kifwa and his security detail retained their positions. All three magistrates had resumed work.

Judicial corruption remained pervasive, particularly among magistrates.

The civilian judicial system, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, failed to dispense justice consistently and was widely disparaged as ineffective and corrupt.

The 2006 constitution vests responsibility for the judicial branch with a Supreme Council for the Judiciary in order to provide judicial independence. However, the parliament had yet to adopt legislation necessary to implement this provision.

Military courts, which had broad discretion in sentencing and provided no appeal to civilian courts, tried military as well as civilian defendants during the year. The military code of justice, in place prior to the adoption of the present constitution,

continued to remain in force. It prescribed trial by military courts of all cases involving state security and firearms, whether the defendants were military or civilian. In August the UN's resident expert on human rights recommended that the government establish a clearer separation between civilian and military jurisdictions.

Trial Procedures

Although the government permitted, and in some cases provided, legal counsel, lawyers often did not have free access to defendants. The public could attend trials only at the discretion of the presiding judge. Juries are not used. Defendants have the right to appeal in most cases except those involving national security, armed robbery, and smuggling, which the Court of State Security generally adjudicates. Defendants have the right to confront and question witnesses against them and can present evidence and witnesses in their own defense. The law requires that defendants have access to government-held evidence, but this was not always observed in practice. There were no reports of women or specific ethnic groups being denied categorically these rights.

Political Prisoners and Detainees

There were reports of political prisoners and detainees but no reliable estimates of the number. The government sometimes permitted access to political prisoners by international human rights organizations.

Local and international NGOs reported the abduction by government security forces, particularly the GR, of numerous persons allegedly associated with former vice president Bemba or persons from Equateur, his province of origin, following March 21-23 fighting in Kinshasa between pro-Kabila forces and Bemba's guard forces.

Opposition politicians alleged that approximately 400 suspected supporters or sympathizers of Bemba were held without trial in jails and prisons in Kinshasa following the fighting in March. The UNHRO estimated security forces detained 200 persons following the events of March 21-23. According to ASADHO, there were currently 175 detainees, including six children under 15. MONUC confirmed that minors were among the detainees. MONUC and Human Rights Watch (HRW) gained access to these detainees. A multidisciplinary investigative team headed by UNHRO released a report on the abuses during the events of March 21-23 (see section 1.a.).

Fernando Kutino and two colleagues, whom a military tribunal sentenced to 20 years in prison in 2006, remained incarcerated at the end of 2007.

Jeanette Abidje returned home to Bukavu after being jailed in Kinshasa for 12 months beginning in February 2006 for claiming her child was the result of a rape by President Kabila.

Civil Judicial Procedures

Civil courts exist for lawsuits and other disputes, but the public widely viewed them as corrupt. The party willing to pay the highest bribe was generally believed to receive decisions in its favor. Most individuals could not afford the often prohibitive fees associated with filing a civil case. No civil court exists to address human rights violations.

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

The law prohibits arbitrary interference with privacy, family, home, or correspondence; however, security forces routinely ignored these provisions. Soldiers, demobilized soldiers, deserters, and police continued to harass and rob civilians. Security forces routinely ignored legal requirements and entered and searched homes or vehicles without warrants. In general those responsible for such acts remained unidentified and unpunished. Security forces sometimes looted homes, businesses, and schools.

On January 11 and 12, soldiers of the FARDC 1st Integrated Brigade mutinied in Bunia, Ituri District, after hearing false reports of the misappropriation of year-end bonuses. They looted the Bankoko neighborhood of Bunia. In July military authorities sentenced 17 FARDC soldiers to 10 to 20 years' imprisonment and ordered them to pay a total of \$98,000 (49 million francs) to the victims.

On September 4, nine armed men in FARDC uniforms allegedly broke into two houses in Mbuji Mayi, Kasai Oriental Province, threatened the residents with death, and took away their money and many of their belongings.

On September 4, four PNC officers operated an illegal road block in Mbuji Mayi, Kasai Oriental Province, and extorted local residents while threatening them with death.

FARDC naval forces in Equateur Province regularly engaged in illegal taxation and harassment of traders along the Congo River. They set up checkpoints to collect "taxes," often arresting individuals who could not pay the demanded bribes, and

stole whatever food and money they could from them.

FARDC soldiers who occupied a primary school in Mbau, North Kivu Province in March 2006 left it during the year when ordered into combat operations. Military authorities took no action against the soldiers for the occupation.

Authorities at times arrested or beat a relative or associate of a person they sought to arrest. For example, on August 28, the local ANR arbitrarily arrested and illegally detained a woman in place of her husband in the town of Ikila, Bandundu Province.

On October 23, two FARDC soldiers arbitrarily arrested and illegally detained a woman along with her two-month-old baby in place of her husband in Kafumbe, Katanga Province.

Authorities took no action against a police officer who ordered the 2005 beating by Lubumbashi police of Mimi Mbayo in place of her husband. Mbayo fled Lubumbashi, and her whereabouts were unknown at year's end.

Military authorities took no action against officers who beat a woman after unsuccessfully searching for her husband in Uvira, South Kivu Province in April 2006.

Armed groups operating outside government control in the east routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (see section 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Internal conflict continued in rural and mineral-rich parts of the east, particularly in North Kivu Province, and, to a lesser degree, South Kivu Province and the Ituri District. During the year the government increased the level of its forces in North Kivu Province, drawing many units previously deployed in South Kivu Province and Ituri District. In December the FARDC launched an offensive in North Kivu Province against the forces of renegade General Laurent Nkunda, but was routed comprehensively.

Military preparations during the year, and the fighting itself, led to further depredations against civilians by several members of security forces and armed groups, led to further recruitment of child soldiers, and temporarily halted humanitarian aid to many of the province's displaced persons. More than 17,000 peacekeeping soldiers of MONUC continued to provide logistical support and training to the FARDC. In December the UN Security Council extended MONUC's mandate until December 31, 2008, and asked MONUC "to attach the highest priority to addressing the crisis" in North and South Kivu provinces and urged it to protect civilians.

Security forces and armed groups continued to kill, abduct, torture, and rape civilians, and burn and destroy villages. All parties continued to use mass rape and sexual violence with impunity, often as weapons of war, and to humiliate and punish individuals, victims, families, and communities. Doctors without Borders treated 2,400 victims of sexual violence from January to October in North Kivu Province alone, and there were 4,500 reported rape cases in South Kivu Province in the first six months of the year; many other victims of rapes in the east did not report attacks. Rapes, on occasion committed against a single woman by large numbers of armed men, sometimes resulted in vaginal fistula, a rupture of vaginal tissue that left victims unable to control bodily functions and liable to ostracism.

There were sporadic reports of death or injury from landmines laid during the 1998-2003 war.

Security forces and armed groups continued to recruit and maintain child soldiers in their ranks. According to a UN independent expert's report in August, there was continued recruitment and use of children in security forces and by armed groups during the first six months of the year. Perpetrators included government security forces, FARDC forces allied with renegade General Nkunda and not under central command authority, Mai Mai militia, and the Democratic Forces for the Liberation of Rwanda (FDLR), composed primarily of Hutus from neighboring Rwanda, including many who perpetrated the 1994 Rwandan genocide.

Fighting between the FARDC and armed groups continued to cause population displacements, and limit humanitarian access to conflict areas. According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), fighting between armed groups and the FARDC during the year displaced more than 30,000 civilians in South Kivu Province and approximately 470,000 civilians in North Kivu Province during the year.

At times, verification of reported abuses in the east was difficult due to geographical remoteness and hazardous security conditions; however, MONUC's presence allowed observers to gather more information than would have otherwise been possible.

Abuses by Government Security Forces

Government security forces arrested, illegally detained, raped, tortured, and summarily executed or otherwise killed civilians and looted villages during military actions against armed groups during the year. The government conducted some trials for abuses committed in the context of internal conflicts in the east. In general, however, the trials were flawed, and sentences were not always enforced. For example, FARDC soldiers who killed three children during clashes with the FDLR in Nyamilima, North Kivu Province, in June 2006 remained in the ranks of the FARDC in the province.

During the year, following publication of a July 2006 MONUC special report on human rights abuses committed by FARDC and Mai Mai militia in 2005, military authorities demoted several FARDC officers and sentenced the leader of an unnamed FARDC battalion to life in prison.

The FARDC continued to commit arbitrary killings in the east. For example, on September 30, two FARDC corporals of the 24th Integrated Battalion allegedly arbitrarily executed two civilians in the area of a market northeast of Beni, North Kivu Province. According to the UNHRO, the soldiers had forced the men to carry their personal belongings and then shot them when they showed signs of fatigue before arriving at their destination. The Office of the Military Prosecutor identified the men, but had taken no action by year's end.

On November 10 a FARDC soldier of the 7th Integrated Brigade allegedly shot and killed a civilian in Kabaya, North Kivu Province, following an argument. Military authorities arrested the soldier but had yet to transfer him to the Office of the Military Prosecutor in Goma by year's end.

The FARDC also continued to subject civilians to physical abuse and arbitrary arrest in the east. For example, on October 9, 25 FARDC soldiers of the 67th Brigade subjected 92 civilians in the village of Kahese, Katanga Province, to cruel, inhuman, and degrading treatment as well as extortion during an official mission to arrest suspected Mai Mai militia members. The victims lodged a formal complaint with the Office of the Military Prosecutor in Kalemie, which had taken no action by year's end.

According to the UNHRO, the ANR arbitrarily arrested and illegally detained four individuals on November 23 and 24 in Goma, North Kivu Province, for allegedly collaborating with renegade General Nkunda's National Congress for the Defense of the Congolese People. They did not allow any of them to receive visits from lawyers or family members. Their status at year's end was unknown.

Rape by members of security forces remained a serious problem, and perpetrators enjoyed almost total impunity. Soldiers of the FARDC 1st Integrated Brigade who mutinied and looted on January 11 and 12 in Bunia, Ituri District, also raped as many as nine women, including four young girls. Although military authorities sentenced the soldiers to prison in July for looting and indiscipline, they did not charge them with rape due to insufficient evidence.

FARDC soldiers of the 2nd Integrated Brigade in Vuyinga, North Kivu Province, committed a series of rapes during the first week of April. An unspecified number of soldiers raped an 18-year-old woman, a 13-year-old girl, and another minor on successive days. Military authorities had arrested only one of the soldiers by year's end. Authorities allegedly released him after having him beaten by other soldiers. Military authorities did not bring charges against soldiers accused of perpetrating sexual violence in Uvira, South Kivu Province, in 2006. Their commander said they had deserted and could not be found.

None of the 42 FARDC soldiers convicted in 2006 by a military court in Mbandaka, Equateur Province, of murders and rapes committed in 2005, which the court judged to be crimes against humanity, remained in custody. All the soldiers were arrested, but many escaped several days later. The remainder disappeared in the aftermath of an explosion of an Mbandaka munitions depot in June.

During the year MONUC estimated that FARDC forces in the east continued to use approximately 200 children as soldiers and porters.

Abuses by FARDC Mixed Brigades

Many human rights violations were committed by "mixed brigades," created when renegade General Nkunda, based in North Kivu Province, agreed in January to "mix" his troops with pro-government troops. The five mixed brigades numbered approximately 12,000 soldiers, fewer than half of whom were thought to be loyal to Nkunda. The agreement progressively disintegrated during the year until its definitive collapse in August, resulting in increased fighting and abuses by all parties in North Kivu Province, as well as increasing ethnic tensions there. Nkunda, a former officer of the Rwanda-backed Congolese Rally for Democracy rebel group, and later a FARDC general, remained subject to a 2005 Congolese arrest warrant for alleged war crimes and crimes against humanity committed since 2002.

FARDC mixed brigades in North Kivu Province, notably Bravo Brigade, based in Rutshuru territory, and Charlie Brigade, based in Masisi territory, killed civilians during the year. During the year MONUC discovered a number of mass graves in these areas. The government took no action against any of the soldiers in the mixed brigades responsible for these killings.

Elements of the Bravo Brigade executed at least 15 civilians, including children and older women, during an attack against suspected FDLR members and collaborators around Buramba, North Kivu Province, on March 12. Victims' relatives denied accusations that the victims fought for the FDLR.

According to MONUC, five soldiers of the Charlie Mixed Brigade summarily executed four civilians in Rubaya on April 27.

According to MONUC, elements of the Bravo Mixed Brigade arbitrarily executed five civilians in Rudehe, North Kivu Province on May 17. They accused the civilians of collaborating with the FDLR.

On June 19, elements of the Charlie Mixed Brigade killed three civilians in a church in Nyabyashwa. Two days later soldiers from the same brigade killed two civilians near Nyabyashwa, alleging they had collaborated with the FDLR.

A UNHRO team investigating mass graves discovered near Rubare, North Kivu Province, verified the presence of at least 21 bodies at three different sites previously occupied by the Bravo Mixed Brigade. The team found each of the 21 bodies with their hands tied. The team informed military justice authorities of their findings and submitted photographic evidence, but the authorities had taken no action by year's end.

Some mixed brigade commanders recruited or tolerated the use of children as soldiers during the year. More than 200 children remained in five mixed FARDC brigades at the time of the brigades' disintegration in August, and their circumstances following August were unknown. Children who were part of the FARDC mixed brigades were deployed with their units, some of which were subsequently involved in active combat against the FDLR in North Kivu Province.

Mixed brigade commanders Colonel Faustin of Delta Brigade and deputy commander Colonel Baudouin of Charlie Brigade, as well as former Ituri District militia leader Bosco Ntaganda, were uncooperative in releasing children under their command in North Kivu Province. Bravo commander Colonel Sultani Makenga and Lieutenant Colonel Mulomba forcibly recruited child soldiers. According to HRW, on March 22 Makenga attempted to prevent child protection workers from removing eight children from a military camp in Kitchanga, North Kivu Province. He allegedly dragged six children from the protection workers' vehicle and beat the other two. Three of the six later escaped to UN peacekeepers. The status of the other three children remained unknown at the end of the year.

FARDC mixed brigades harassed and extorted money from civilians.

Harassment of civilians by elements of Bravo Mixed Brigade during the year caused population displacements. They reportedly beat, taxed, and held civilians hostage for information about the FDLR. They also committed acts of pillage, harassment, intimidation, and arbitrary arrests. They denied displaced persons access to their farms to retrieve food.

The FARDC made no credible attempts to investigate or address human rights abuses committed by mixed brigade soldiers in 2006 before their previous units became part of the FARDC.

Abuses by Armed Groups Outside Central Government Control

Illegal armed groups committed numerous serious abuses, especially in rural areas of North and South Kivu provinces during the year. Such groups killed, raped, and tortured civilians, often as retribution for alleged collaboration with government forces.

According to the UN Human Rights Council's special rapporteur on violence against women, armed groups committed the majority of rapes in the east. They committed gang rapes, and often raped victims in front of their families, using extreme violence, threats, and beatings.

Armed groups maintained and recruited child soldiers, including by force, and sometimes threatened and harassed humanitarian workers.

According to the July 18 report of the UN Security Council Group of Experts on the DRC, government security forces and armed groups in South Kivu Province extorted portions of miners' income and imposed illegal taxes on producers of minerals, including tin, gold, tantalum, and tungsten. The report singled out the FARDC's 11th Integrated Brigade, members of the FDLR, and local self defense groups (Mai Mai), as the worst offenders. In North Kivu Province the report cited the FARDC 85th Brigade, made up of nonintegrated Mai Mai troops.

Many armed groups abducted men, women, and children and compelled them to transport looted goods for long distances without pay. On occasion, armed groups also forced civilians to mine. Armed groups forced women and children to provide household labor or sexual services for periods ranging from several days to several months.

Armed groups in parts of the east sometimes detained civilians, often for ransom. They continued to loot, extort, and

illegally tax civilians in areas they occupied.

There were no credible attempts by armed groups to investigate abuses allegedly committed by their fighters.

Forces of Renegade General Laurent Nkunda

Forces loyal to renegade General Nkunda, believed to number approximately 4,000 combatants, continued to commit serious abuses in North Kivu Province following the disintegration of the mixed brigades. A mid-November UNHRO investigation of an alleged mass killing by pro-Nkunda forces in Lushebere, North Kivu Province, confirmed that armed, Kinyarwanda-speaking men in military camouflage killed six civilians, including a nine-month-old baby, and injured at least four others on the night of November 9.

The UNHRO reported that pro-Nkunda forces raped 12 women of the villages of Kirambi and Kitagoma in North Kivu Province's Rutshuru territory in early November, during which the soldiers also looted Kirambi Hospital.

HRW and the UN Group of Experts on the DRC accused forces loyal to Nkunda of having recruited and used children as combatants. In 2007 pro-Nkunda troops reportedly recruited an unknown number of Congolese children for soldiering from refugee camps in Rwanda. In December MONUC accused Nkunda's forces of forcibly recruiting several hundred children, including some demobilized (former) child soldiers, from schools in North Kivu Province for use as soldiers.

The Democratic Forces for the Liberation of Rwanda (FDLR)

The FDLR continued to be led by individuals responsible for fomenting and implementing the Rwandan genocide. Between 6,000 and 8,000 FDLR fighters remained in the provinces of North and South Kivu. According to MONUC, a few hundred opted to voluntarily demobilize and return to Rwanda during the year.

FDLR fighters continued to commit abuses against civilians, including killings, abductions, and rapes.

In a series of attacks between January and April, FDLR militia killed 10 of the 75 villagers they abducted in South Kivu Province.

On May 26 and 27, FDLR and Rasta militia killed at least 29 villagers near Kanyola, South Kivu Province, injured 27, and kidnapped at least 18. Militia members used machetes, sticks, knives, and hammers to kill victims in their beds, leaving notes claiming the killings were in reprisal for recent campaigns against the FDLR by the FARDC. FARDC soldiers later recovered eight kidnap victims and located the remains of four others.

In July the FARDC rescued 40 civilians who had been kidnapped by the FDLR.

The FDLR took no credible action to investigate or address past human rights abuses by its members.

Ituri District Militia Groups

Militias in the Ituri District of Orientale Province, including the Front for National Integration (FNI), the Congolese Revolutionary Movement (MRC), and the Front for Patriotic Resistance in Ituri (FRPI), signed a ceasefire agreement with the government in October 2006 that included promises of amnesty and FARDC commissions for their leaders, many of whom have been widely accused of crimes against humanity. As a consequence, reports of more serious abuses by Ituri militias decreased in 2007.

In October the Congolese government transferred Germain Katanga, a former leader of the FRPI, to the International Criminal Court (ICC) on various charges of war crimes and crimes against humanity, including killings, using child soldiers, and forcing women into sexual slavery.

Former Ituri militia leader Thomas Lubanga, whom the DRC surrendered to the ICC in March 2006, remained in custody at The Hague at the end of the year on charges of enlisting and conscripting child soldiers. His trial was scheduled to begin on March 31, 2008.

By year's end all seven former MLC militia members convicted by a military court in April 2006 for crimes against humanity, including a 2003 massacre, had escaped from jail, and their whereabouts were unknown.

In March the Bunia Military Tribunal convicted seven FNI and FRPI fighters for the murder of two MONUC military observers in 2003 in Mongwalu. The court sentenced four to life imprisonment, two to 10 to 20 years of hard labor, and exonerated one. Two other fighters accused of the killings remained at large. Angenonga Ufoyuru, alias Kwisha, one of

those sentenced to life, was convicted in absentia because he had escaped from the Bunia Prison on January 13. Military officials recaptured him October 6, and on November 12 the Bunia Military Tribunal confirmed the sentence.

In July a military appeals court, citing the 2005 amnesty law, acquitted Yves Kawa Panga Mandro, alias Chief Kawa, a former Ituri militia leader convicted in 2006 for crimes against humanity in 2003. The appeals judge ruled that the prosecution had made a number of errors in the case.

Minor harassment and extortion of civilians by Ituri militia continued to occur. According to the UN Group of Experts in the DRC, the FNI, the FRPI, and the MRC have consistently recruited and used children within their ranks and continued to do so during the year.

Mai Mai

Various Mai Mai, community-based militia groups in the provinces of South Kivu, North Kivu, and Katanga continued to commit abuses against civilians, including killings, abductions, and rapes. According to the UN Group of Experts on the DRC, the use of children as soldiers by Mai Mai in North Kivu Province was endemic.

On March 9, Mai Mai of the Baraka group in Mailo, North Kivu Province, arbitrarily executed 13 civilians in retaliation for arrests of some of their combatants by the FARDC.

On March 29, unidentified Mai Mai near Butuhe, North Kivu Province, abducted, mutilated, and killed a policeman.

On April 9, unidentified Mai Mai burned to death three civilians in an attack on Kivira, North Kivu Province, in retaliation for the arrest and killing of a Mai Mai combatant by the FARDC.

On October 3, a joint team composed of FARDC, UN, and local officials investigating allegations of mass rape perpetrated in Lieke Lesole, Orientale Province, beginning in late July, determined that a Mai Mai group led by Colonel Thomas was responsible for 114 cases of rape committed between July 21 and August 3. Military justice officials had taken no action by year's end.

In August the Kipushi Military Tribunal in Katanga Province began the trial of Katanga Mai Mai leader Gideon for war crimes and crimes against humanity. As of the end of 2007, his trial was still underway.

Clashes between Mai Mai militia and the FARDC led to population displacement in North Kivu Province during the year.

Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU)

MONUC officials said members of ADF/NALU, a Ugandan rebel group active in northern North Kivu Province, engaged in petty theft and extortion throughout the year.

Abuses by UN Peacekeepers

There were no reports of abuses committed by UN soldiers during the year, but there were developments regarding reported abuses from earlier years. UN officials continued to investigate allegations that Indian peacekeepers in Nyabiondo, North Kivu Province, traded food rations and military intelligence for gold in 2005 and 2006 (the commander was returned to India soon after the allegations surfaced). Investigators concluded that Pakistani peacekeepers who faced similar allegations in 2005 did not do so, but found that some offered other forms of assistance to illegal gold smugglers. One officer was returned to Pakistan in June.

An internal investigation in 2007 found no MONUC peacekeepers guilty of patronizing a child prostitution ring in South Kivu Province in August 2006. A court in Bangladesh sentenced two Bangladeshi peacekeepers to short jail sentences for using excessive force against detainees in Ituri District in 2005 following the ambush and murder of nine Bangladeshi peacekeepers.

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. Freedom of the press declined as the result of threats and actions by government officials at several levels during the year.

In August the UN's independent expert on human rights in the DRC noted dozens of cases in which security forces harassed and arbitrarily arrested journalists and other media personnel and recommended that the government increase its dialogue with the media to seek "remedies, when necessary, through the law" and reduce violence against the media.

Generally individuals could privately criticize the government, its officials, and private citizens without being subject to official reprisals. However, on at least one occasion, security forces committed a reprisal in reaction to remarks by a political party member, although the comments did not include criticism of the government. GR soldiers arrested and detained a member of the Union for Democracy and Societal Progress (UDPS) political party in Bukavu on May 17 because of remarks he made about the anniversary of the liberation of Kinshasa by Laurent Kabila's troops during the war. The soldiers reportedly beat and interrogated the party member before releasing him. The GR commander reportedly threatened to kill him if he said anything about the arrest to human rights NGOs or MONUC's Radio Okapi. The victim remained in Bukavu and by year's end had suffered no additional harm.

A large and active private press functioned throughout the country, and the government licensed a large number of daily newspapers to publish. The government required every newspaper to pay a \$500 (250,000 francs) license fee and complete several administrative requirements before publishing. Many journalists lacked professional training, received little if any salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles. Many newspapers remained critical of the government and many others showed bias toward it or supported particular political parties. The government press agency published the *Daily Bulletin* which included news reports, decrees, and official statements.

Radio remained the most important medium of public information due to limited literacy and the relatively high cost of newspapers and television. More than 200 privately-owned radio and television stations operated, in addition to two state-owned radio stations and one state-owned television station, Congolese National Radio-Television (RTNC). The president's family also owned and operated a television station, Digital Congo. Political parties represented in the government could generally gain access to RTNC.

Security forces arrested, harassed, intimidated, and beat journalists because of their reporting. For example, on February 2, a local police chief beat reporter Nelson Thamba of Community Radio Moanda after Thamba asked questions about the recent clashes between the BDK and government security forces. The police chief ignored a court summons in the case, and authorities took no action against him.

On June 17, three men in police uniforms shot and wounded an RTNC broadcast journalist, Anne-Marie Kalanga, and her brother in Kinshasa. No action was taken against the police officers as of year's end. The motivation for the shooting was not known.

On October 22, Minister of State for Higher Education Sylvain Ngabu, a close associate of Prime Minister Antoine Gizenga, invited two television journalists to his Kinshasa office where he ordered five police officers to assault them. The incident occurred after the journalists, news director Heustache Namunanika and cameraman Didier Lofumbwa of private broadcaster Horizon 33, produced a story aired on October 19 on the minister's decision to suspend a local university chancellor. The government took no direct action against Ngabu. However, Kabila and Gizenga removed him from the higher education post in a November ministerial reshuffle, and transferred him to the housing ministry.

During the year foreign journalists representing international media were generally not subject to harassment by security forces, although there was one exception. Members of the reporting team for American television news magazine "60 Minutes" reported that men claiming to be ANR agents harassed them in Bukavu and Goma.

On April 13 a military tribunal in Kinshasa sentenced two FARDC soldiers to death in the killing of journalist Franck Ngyke Kungundu and his wife in Kinshasa in 2005; the tribunal sentenced a third soldier to life imprisonment. This was the first conviction in the death of a journalist in many years.

On August 24, a Kinshasa military tribunal sentenced one army deserter and two civilians to death for the July 2006 murder of journalist Louis Bapuwa Mwamba.

Military authorities took no action against security forces personnel engaged in nonlethal abuse of journalists in 2006, including GR soldiers who assaulted a Radio Okapi journalist in Kisangani (they apologized to Radio Okapi); FARDC Captain Kengo Lengo, who temporarily shut down a Maniema Province radio station in June; GR soldiers who tortured a Kinshasa journalist at a military camp in June 2006 for allegedly possessing an inflammatory photo; and PNC officers who detained two foreign journalists in Kinshasa in October.

Early in the year authorities released without trial Mbaka Bosange, a cameraman arrested for filming police officers fleeing a mob that attacked the Supreme Court building in November 2006.

During the year there were reports of unidentified persons killing two journalists and kidnapping, beating, threatening, and

harassing other journalists. On June 13, unidentified armed men killed editor Serge Maheshe of MONUC's Radio Okapi in Bukavu, South Kivu Province. The motive for the killing remained unknown. He had received threats prior to his death and had had arguments with soldiers at a checkpoint near the governor's office in his neighborhood. In August a military court sentenced to death two FARDC soldiers who confessed to the murder, as well as two of Maheshe's friends who were with him at the time of his death. MONUC, local NGOs, and Maheshe's mother denounced the judgment. In September the alleged gunmen recanted their accusations against Maheshe's friends, claiming the military court had bribed them to make the accusations. All appealed the verdicts and remained in custody at year's end.

On August 9, unidentified armed men killed independent reporter and photographer Patrick Kikuku in Goma, North Kivu Province. The killers stole Kikuku's camera but left his money and his cell phone. The motive for the killing remains unknown. The case remained under investigation at year's end.

On October 20 the minister of information revoked the licenses of 16 private radio stations and 22 television stations for failure to pay registration fees. Some local journalists alleged the action was an attempt to intimidate stations close to the opposition prior to the government's planned distribution of \$2 million (1 billion francs) in state subsidy funds to the country's media outlets; however, they presented no evidence to support this claim. As of year's end, all stations had paid the requested fees and resumed broadcasting, according to Congolese NGO Journaliste en Danger (JED).

The High Media Authority (HAM), a quasigovernmental organization mandated by the earlier transitional constitution, continued to operate in the absence of a successor body. During the year it sanctioned one privately owned media organization, Radio Television Debout Kasai for broadcasting allegedly defamatory comments and threats against Kasai Oriental Governor Ngoyi Kasanji.

During the year authorities closed some broadcast stations. For example, on March 7, the mayor of Butembo, North Kivu Province, ordered police to temporarily shut down the RTNC station for broadcasting a program that raised the issue of insecurity in the city.

On March 17, the provincial military commissioner in Luebo, Kasai Oriental Province, ordered the radio station Organisation pour le Developpement de Luebo in Luebo, Kasai Occidental Province, shut down for allegedly broadcasting "outrageous and hateful speech." The HAM conducted an investigation and authorized the station to reopen on March 22. It resumed broadcasting on May 2.

According to HRW, during March 21 fighting in Kinshasa between forces loyal to President Kabila and those of Senator and former vice president Bemba, soldiers loyal to President Kabila seized and looted facilities housing radio and television stations owned by Bemba, forcing them off the air temporarily. Nearly a dozen journalists and technicians reportedly went into hiding following the incident, along with other Bemba supporters, but most if not all had returned to work by year's end.

Government officials used criminal libel laws to suppress criticism of the government and pursuit of corruption in the private sector by the press. On January 6, a court sentenced the editor of the independent weekly newspaper *Le Moniteur*, Rigobert Kwakala Kash, to 11 months in prison for libel. The newspaper had published three articles alleging that Jacques Mbadu Situ, the transitional governor of Bas-Congo Province, ignored instructions from the Ministry of Interior and misappropriated funds intended for the state payroll. Kwakala served 35 days in jail.

On February 27, a court in Bas-Congo Province sentenced Popol Ntula Vita, a reporter for the weekly *La Cite Africaine*, to three months for defamation and "harmful suppositions" in Bas-Congo Province after he accused four general tax office employees in Boma of embezzling license plate fees. Ntula reportedly went into hiding to avoid arrest while an appeal was filed. His whereabouts were unknown at year's end.

A journalist with radio station Concorde FM charged with defaming a police commander in Kasai Occidental Province in June 2006 served a three-month sentence and then returned to work as a journalist.

Internet Freedom

The government did not restrict access to the Internet or monitor e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Private entrepreneurs made Internet access available at moderate prices through Internet cafes in large cities throughout the country. Poor infrastructure and high prices limited the ability of all but the wealthiest to have Internet access in their homes.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for the freedom of peaceful assembly; however, the government restricted this right in some instances.

The government required organizers of public events to inform local authorities in advance; to deny authorization, authorities must do so in writing within five days of being notified.

During the year police occasionally arrested demonstrators. On October 30, PNC officers in Kinshasa broke up a planned march to the National Assembly, which was organized by several parties not represented in parliament and was apparently in violation of advance-notice procedures. According to JED, PNC officers arrested not only march organizers Gaston Dindo and Moise Moni Dela of former vice president Bemba's former electoral platform l'Union pour la Nation, but 11 journalists as well. JED claimed the officers beat the journalists severely for an hour, robbed them, and detained them an additional hour before releasing them.

Security forces often acted against unregistered protests, marches, or meetings. On January 31 and February 1, security forces used excessive force against demonstrators affiliated with the ethnic separatist group BDK in Bas-Congo Province (see section 1.a.)

Military authorities took no action against a FARDC captain who shot into a crowd of protesters in Bukavu in May 2006, killing a child, or against soldiers who killed 13 civilians and injured 20 others during BDK demonstrations in June 2006 in Matadi, Bas-Congo Province.

On August 19, elements of the PIR ordered 100 photojournalists to disperse as they marched to the Ministry of Interior to deliver a statement protesting the killing of colleague Patrick Kikuku. They did so without incident. They claimed they had informed the governor of Kinshasa in writing of the march five days in advance, as required by law, but dispersed without further incident.

Freedom of Association

The constitution provides for freedom of association; in practice the government sometimes restricted this right. Security forces detained numerous members and sympathizers of Bemba's MLC party, particularly following the three-day battle between pro-Kabila and pro-Bemba forces in Kinshasa in March. Soldiers mistreated a member of the UDPS after the member made remarks critical of former president Laurent Kabila during a party meeting.

Amnesty International reported in October that the Directorate of General Intelligence and Police Special Services (DRGS) allegedly engaged in intimidation of opposition politicians and parliamentarians. For example, on March 25, DRGS officers searched the house of an opposition National Assembly deputy, Pitchou Bolenge Yoma, without a warrant. A DRGS officer subsequently threatened Bolenge after he complained to authorities. There were no reports that authorities had taken action against the DRGS officers as of year's end.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice, provided that worshipers did not disturb public order or contradict commonly held morals.

The law provides for the establishment and operation of religious institutions and requires practicing religious groups to register with the government; registration requirements were simple and implemented in a nondiscriminatory manner. In practice unregistered religious groups operated unhindered.

In January police and FARDC soldiers clashed with BDK adherents in fighting that led to more than 100 deaths (see section 2.b.). The BDK called itself a politico-religious movement and claimed to have 100,000 members. The group continued to advocate violence against "illegitimate state authorities" and discrimination against non-Kongo.

Societal Abuses and Discrimination

The country has a very small Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes restricted these rights.

Security forces established barriers and checkpoints on roads, at ports, airports, and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government forced travelers to pass through immigration procedures during domestic travel at airports, ports, and when entering and leaving towns.

Local authorities continued to extort "taxes" and "fees" from boats traveling on many parts of the Congo River. There were also widespread reports of FARDC soldiers extorting fees from persons taking goods to market or traveling between towns.

There were reports of attempts by DGM officials to impose "auxiliary" fines on foreigners not carrying passports during the year.

Security services in North and South Kivu provinces sometimes required travelers to present official travel orders from an employer or government official.

The significant risk of rape by soldiers and armed groups, coupled with government inability to secure eastern territories, effectively restricted freedom of movement by women in many rural areas, particularly in the east.

Passport issuance was irregular and often required payment of significant bribes. The law requires a married woman to have her husband's permission in order to travel outside the country. There were no reports that the government prevented particular groups from acquiring passports.

The law prohibits forced exile, and the government generally did not employ it. However, some supporters of Senator and MLC President Bemba, who left the country under MONUC escort following March 21-23 fighting with pro-Kabila forces which eliminated his militia as a viable military force, claimed that he was effectively in self-imposed exile. He was in principle free to return, but claimed to fear possible prosecution and assassination if he did so.

Apart from the law giving the husband the right to deny his wife the right to travel, the government did not restrict emigration or prohibit the return of citizens who had left the country.

Internally Displaced Persons (IDPs)

As of December 31, the Office of the UN High Commissioner for Refugees (UNHCR) estimated there were approximately 1.3 million IDPs concentrated in the east, of whom 800,000 were in North Kivu Province. UNHCR also estimated during the year that there were 500,000 newly displaced persons in 2007, 470,000 from North Kivu Province and 30,000 from South Kivu Province.

FARDC operations against armed groups outside government control in the eastern provinces led to internal displacement of many persons during the year. Attacks on local populations by armed groups also caused significant displacements.

The government did not provide protection or assistance to IDPs, who were forced to rely exclusively on humanitarian organizations. The government generally allowed domestic and international humanitarian organizations to provide assistance to IDPs. Fighting between the FARDC and armed groups sometimes restricted the ability of humanitarian organizations to assist IDPs.

The government did not attack, target, nor forcibly return or resettle IDPs under dangerous conditions.

No further information was available on FARDC troops allegedly subjecting IDPs to forced labor in Katanga Province mines in 2006.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government had established a rudimentary system for providing protection to refugees. In practice it granted refugee and asylum status to individuals as necessary and provided protection against "refoulement," the return to a country where there is reason to believe individuals feared persecution.

The government provided temporary protection to an undetermined number of individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs.

Government authorities did not provide adequate security to refugees.

The UNHCR received reports that a DRC-based group was recruiting children for forced labor or child soldiering in the DRC from a Rwandan camp for Congolese refugees.

Section 3 Respect for Political Rights: The Right of Citizens

To Change their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through credible presidential, parliamentary, and provincial elections based on universal suffrage. Presidential and parliamentary elections in June 2006, and a presidential runoff in October 2006, were judged to be credible by the Carter Center and the European Union Observer Mission.

Elections and Political Participation

The country's 11 new provincial assemblies chose 108 candidates for five-year terms in the national Senate on January 19. The elections took place peacefully but were marred by allegations of vote-buying.

Military authorities did not prosecute FARDC soldiers who stopped citizens on election day in Aveba and Nizi, Ituri District, physically abused them, and extorted money from them. Although authorities arrested the soldiers in 2006, they later released them from custody without charge.

Political parties were able to operate without restriction or outside interference. Unlike in 2006, the electoral commission did not disallow the registration of any political parties for technical or other reasons; however, there were no reports that any parties attempted to register.

Opposition deputies boycotted the National Assembly from April 13 to 25 to highlight concerns about their members' security following the victory of pro-Kabila forces over former vice president Bemba's militia. Some charged that armed men wearing GR uniforms looted their houses and harassed and threatened them. Otherwise, opposition deputies and senators took an active part in parliamentary deliberations.

A law on the status and rights of the political opposition, which was adopted in late 2007, recognizes opposition parties represented in parliament as well as those outside it and guarantees their right to participate in political activities without fear of retribution.

Women held 42 of 500 seats in the National Assembly and 47 of 690 seats in the provincial assemblies. Five of the 108 senators were women. Among the 45 government ministers and vice ministers, five were women.

No Pygmies were elected to the Senate, National Assembly or provincial assemblies in the 2006-2007 legislative elections.

Government Corruption and Transparency

Corruption remained endemic throughout the government and security forces. The public perceived the government to be widely corrupt at all levels. According to the World Bank's worldwide governance indicators, official corruption was a severe problem.

Weak financial controls and lack of a functioning judicial system encouraged officials to engage in corruption with impunity. Many civil servants, police, and soldiers had not been paid in years, received irregular salaries, or did not earn enough to support their families, all of which encouraged corruption. Reports indicated that the mining sector continued to lose millions of dollars as a result of the corruption of government officials at all levels.

The law requires the president and ministers to disclose their assets. President Kabila, Prime Minister Gizenga, and all ministers and vice-ministers did so during the year.

There continued to be an Ethics and Anti-Corruption Commission, but it had little impact during the year and lacked resources, independence, and credibility. It last convened in November without any significant results or findings.

Government authorities and wealthy individuals at times made use of defamation laws that carry criminal punishments to

discourage media investigation of government corruption (see section 2.a.).

The law does not provide for public access to government-held information. In practice the government did not grant access to government documents for citizens or noncitizens, including foreign media.

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

A wide variety of domestic and international human rights organizations investigated and published findings on human rights cases. The Human Rights Ministry worked with NGOs and MONUC during the year and responded to requests for information. However, security forces harassed, intimidated, or arrested local human rights advocates, NGO workers, and MONUC investigators during the year. In addition prison officials sometimes obstructed NGO access to detainees.

The main Kinshasa-based domestic human rights organizations included ASADHO, VSV, Committee of Human Rights Observers (CODHO), JED, and the Christian Network of Human Rights and Civic Education Organizations. Prominent organizations operating in areas outside Kinshasa included Heirs of Justice in Bukavu, Lotus Group in Kisangani, and Justice Plus in Bunia, Ituri District.

The government's human rights bodies met with domestic NGOs and sometimes responded to their inquiries but took no known actions.

There were reports that NGOs seeking to register had to pay bribes to local officials to avoid lengthy application requirements.

The UN Group of Experts on the DRC expressed "great concern" in their July 18 report about the levels of harassment and threats by FARDC soldiers and armed groups against NGO child protection officials in Ituri District and South and North Kivu provinces.

On August 23, three ANR agents arrested and severely beat a member of a local human rights NGO in the village of Kwasa-Kwasa, Kasai Oriental Province, and also issued threats against human rights activists in the area. Prior to the beating, the NGO member had reportedly protested the arbitrary arrest and ill-treatment of two young men.

On September 22, ANR agents in Kabamba, Kasai Occidental Province, arbitrarily arrested and briefly detained a human rights activist on the grounds that he had organized a meeting without informing them.

On November 29, local authorities arbitrarily arrested and detained the president of the civil society association in Punia, Maniema Province, and a local human rights activist and allegedly subjected them to cruel, inhuman, and degrading treatment, after the association submitted a memorandum to the interior minister denouncing territorial officials for involvement in many cases of arbitrary arrest, illegal detention, and murder.

There were no new developments in the 2006 killing of a local NGO member in the North Kivu Province town of Masisi by the FARDC 813th battalion allied with General Nkunda.

By year's end authorities had yet to take action regarding the killing of human rights activist Pascal Kabungula Kibembi in Bukavu, South Kivu Province. According to a Bukavu-based NGO, a trial was begun some months after the killing but was interrupted in December 2005 and never resumed. NGOs asked that suspects be kept in custody pending the outcome of the trial.

During the second half of the year, the families of the director and president of JED left the country temporarily following anonymous death threats.

In June the president of CODHO claimed he had received two anonymous calls threatening members for having accompanied Amnesty International representatives to Kinshasa's CPRK prison to meet with MLC detainees. The anonymous caller allegedly called the organization's members "supporters of criminals" and said they would be so considered by the security services.

The government generally cooperated with international NGOs that published reports on human rights and humanitarian issues and permitted their investigators access to conflict areas. Unlike in 2006, there were no reports of security forces detaining members of international NGOs.

GR units prevented UN staff, including the UN Group of Experts on the DRC, from moving freely during their investigations in the eastern part of the country during the year.

On July 9, ANR agents subjected two MONUC human rights officers in Uvira, South Kivu Province, to death threats, physical abuse, and expulsion during a joint monitoring visit to ANR holding cells with the Uvira public prosecutor.

No action was taken against a FARDC soldier accused of killing a local provincial child protection official in Masisi, North Kivu Province, in July 2006.

The government cooperated with multilateral organizations and permitted international humanitarian agencies access to conflict areas. A number of senior UN officials visited the country during the year, including Secretary General Ban Ki-Moon, Deputy Secretary-General Asha-Rose Migiro, UN High Commissioner for Human Rights Louise Arbour, UN Special Representative for Children in Armed Conflict Radhika Coomaraswamy, Special Rapporteur on Violence against Women for the UN Human Rights Council Yakin Erturk, Special Rapporteur on the Independence of Judges and Lawyers Leandro Despouy, UNOCHA Under-Secretary-General John Holmes, as well as a delegation of UN Security Council ambassadors.

UN officials freely criticized actions by the government during the year.

Unlike in 2006, no UN peacekeepers were killed during the year.

On February 19, the Bunia military court sentenced four of seven defendants from Mongbwalu, Ituri District, to 10 years to life in prison for the killing of two MONUC military observers in 2003. MONUC claimed an unnamed FARDC commander released the remaining defendant following pressure from an unnamed former Ituri militia chief who was appointed Special Adviser on Investigations to the FARDC Commander in Ituri District.

During the year the government cooperated with the ICC, which continued investigations into war crimes and crimes against humanity committed in the country since July 2002. In October the GDRC transferred Germain Katanga, leader of an illegal armed group in Ituri District, to the ICC on charges of war crimes and crimes against humanity, including killings, the use of child soldiers, and forcing women and girls into sexual slavery.

The government continued to cooperate with the International Criminal Tribunal for Rwanda (ICTR), which operated freely in areas under government control, seeking several individuals indicted for involvement in the 1994 Rwandan genocide that they believed might be in the DRC.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on ethnicity, sex, or religion; however, the government did not enforce these prohibitions effectively, in part because it lacked appropriate institutions.

Women

The law criminalizes rape, but the government did not effectively enforce this law, and rape was common throughout the country and especially pervasive in areas of conflict in the east; however, there were no comprehensive statistics available regarding its prevalence. Legislation enacted in 2006 broadened the definition of rape to include male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law. It also increased penalties for sexual violence, prohibited compromise fines, allowed victims of sexual violence to waive appearance in court, and permitted closed hearings to protect confidentiality. The law neither mentions sexual violence in marriage nor prohibits spousal rape. The minimum penalty prescribed for rape was a prison sentence of five years.

Government security forces, armed groups, and civilians perpetrated widespread and sometimes mass rape against women and girls (see section 1.g.).

Prosecutions for rape and other types of sexual violence remained rare. Both victims and the UN Human Rights Council's special rapporteur on violence against women cited widespread impunity as the main reason for sexual violence. Most victims did not have sufficient confidence in the justice system to pursue formal legal action or feared subjecting themselves to further humiliation and possible reprisal.

Regional NGOs reported some rape statistics during the year. For example, according to the South Kivu Provincial Commission against Sexual Violence, 1,335 cases of rape were reported in the province between January and March. In August a group of South Kivu NGOs told the UN Human Rights Council's special rapporteur on violence against women that more than 4,500 sexual violence cases were recorded in the first six months of the year. NGOs in Equateur reported

1,029 rapes registered by July. The Kasai Occidental NGO Synergy against Violence reported at least one rape per day registered with NGOs in the town of Tshikapa during the first half of the year.

It was common for family members to pressure a rape victim to keep quiet, even to health care professionals, to safeguard the reputations of the victim and her family.

Girls and women who had been raped often found it difficult to find husbands, and married women who were raped were often abandoned by their husbands.

Some families forced rape victims to marry the men who raped them or to forego prosecution in exchange for money or goods from the rapist.

Domestic violence against women occurred throughout the country; however, there were no statistics available regarding its extent. Although the law considers assault a crime, it does not specifically address spousal abuse, and police rarely intervened in domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

The law does not prohibit female genital mutilation (FGM), but there were no reports of FGM being practiced.

The constitution prohibits forced prostitution and bans prostitution of children under age 18. Although no statistics were available regarding its prevalence, adult and child prostitution occurred throughout the country, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There were anecdotal reports that members of the security forces harassed or raped women engaged in prostitution.

Sexual harassment occurred throughout the country; however, no statistics existed regarding its prevalence. The 2006 sexual violence law prohibits sexual harassment, and the minimum penalty prescribed by law is a prison sentence of one to 20 years; however, by year's end judicial authorities had yet to prosecute any cases.

Women did not possess the same rights as men in law and in practice. The law requires a married woman to obtain her husband's consent before engaging in legal transactions, including selling or renting real estate, opening a bank account, and applying for a passport. Under the law women found guilty of adultery may be sentenced to up to one year in prison; adultery by men is subject to legal penalty only if judged to have "an injurious quality."

Women experienced economic discrimination. The law forbids a woman from working at night or accepting employment without her husband's consent. According to the International Labor Organization, women often received less pay in the private sector than men doing the same job and rarely occupied positions of authority or high responsibility.

Children

The government budgeted insufficient amounts for children's welfare and did not make it a priority. In practice primary school education was not compulsory, free, or universal, and very few functioning government-funded schools existed. Public and private schools expected--although did not require--parents to contribute to teachers' salaries. In practice parents funded 80 to 90 percent of school expenses. These expenses, plus the potential loss of income or labor while their children attended class, left many parents unable to enroll their children in school.

According to the UN Children's Fund (UNICEF), approximately 55 percent of boys and 49 percent of girls attended primary school. The rates for secondary school attendance were 18 percent for boys and 15 percent for girls. Rates for girls were lower because many parents preferred to send their sons to school, either for financial or cultural reasons. Fifty-four percent of children reached grade five.

The law prohibits all forms of child abuse. Its extent was unknown and had not been investigated. Although authorities made several arrests related to child abandonment and abuse during the year, no cases had been prosecuted by year's end.

The constitution prohibits parental abandonment of children for alleged sorcery; in practice such allegations led to abandonment and abuse.

Unlike in previous years, there were no reports of children accused of sorcery being killed by parents and relatives or other adults. A court sentenced two adults who drowned a 15-year-old boy for alleged sorcery in September 2006 in Equateur Province to five years in prison and ordered them to pay a fine of \$100 (50,000 francs) during the year. They served two months and were released.

Child abuse was an especially serious problem in the eastern conflict regions (see section 1.g.).

A June 28 Report of the UN secretary-general on children and armed conflict in the DRC concluded that members of Congolese security forces were the main abusers of children's rights. The FARDC was responsible for 50 percent of all abuses documented by the report, and the PNC for 19 percent. Armed groups outside central government control, including Mai Mai militias, the forces of General Nkunda, and the FDLR, were responsible for the remaining 30 percent.

According to the report, the number of cases of child abduction in eastern DRC remained high between June 2006 and May 2007. Abducted children were recruited as soldiers in 30 percent of the cases, raped in 13 percent, and subjected to forced labor in 2 percent. In 17 percent of reported cases, the children abducted were formerly associated with armed groups and were detained by the FARDC in order to gather information about the groups or to extort money from family members. In 38 percent of the cases, the reasons for abduction were not known.

The law prohibits marriage of girls under age 15 and boys under 18; however, marriages of girls as young as 13 took place. Dowry payments greatly contributed to underage marriage. In some cases parents married off a daughter against her will to collect a dowry or to finance a dowry for a son. The sexual violence law criminalizes forced marriage. It subjects parents to up to 12 years' hard labor and a fine of \$185 (92,500 francs) for forcing a child to marry. The penalty doubles when the child is a minor. There were no reports of prosecutions for forced marriage during the year.

Child prostitution occurred throughout the country; however, there were no statistics available regarding its prevalence. According to HRW, police in Kinshasa extorted sexual services from child prostitutes.

According to the June 28 UN secretary-general's report on children and armed conflict, 4,222 children were victims of sexual violence in the eastern part of the country between June 2006 and May 2007. Children represented 33 percent of all victims of sexual violence. Sixty-six percent of perpetrators were from armed groups, 29 percent were civilians, and 4.2 percent were FARDC or PNC soldiers.

The country's estimated 50,000 street children included many accused of sorcery, child refugees, and war orphans, as well as children with established homes and families. UNICEF reported that 60 percent of Kinshasa's more than 14,000 homeless children were abandoned by their families after being accused of sorcery. Many churches in Kinshasa conducted exorcisms of children involving isolation, beating and whipping, starvation, and forced ingestion of purgatives.

The government was ill-equipped to deal with large numbers of homeless youth and children. Many engaged in prostitution without third-party involvement, although some were forced to do so. Citizens generally regarded street children as thugs engaged in petty crime, begging, and prostitution, and approved of actions taken against them. Security forces abused and arbitrarily arrested street children (see sections 1.c. and 1.d.).

There were numerous reports of collusion between police and street children, including street children paying police officers to allow them to sleep in vacant buildings, and others turning over to police a percentage of goods stolen from large markets.

Several NGOs worked actively and effectively with MONUC and UNICEF to promote children's rights throughout the country.

Trafficking in Persons

Several laws prohibited specific acts of trafficking in persons; however, there were credible reports of trafficking, particularly in the east. The laws that could be used by the government to prosecute cases against traffickers included the 2006 law on sexual violence, which prohibits forced prostitution and sexual slavery, as well as legislation prohibiting slavery, rape, and child prostitution. The constitution forbids involuntary servitude and child soldiering; however, existing laws do not prohibit all forms of trafficking.

The country was a source and destination country for men, women, and children trafficked for forced labor and sexual exploitation. According to ASADHO, the two main countries linked to the DRC for trafficking in persons were Somalia and Ethiopia. There were reports of Congolese children prostituted in brothels or by loosely organized networks, some of whom were exploited by FARDC soldiers. Congolese women and children were reportedly trafficked to South Africa for sexual exploitation. No statistical information existed on the extent of adult or child prostitution.

The majority of reported trafficking was conducted in the country's unstable eastern provinces by armed groups outside government control. Indigenous and foreign armed groups, notably the FDLR, and, to a lesser extent, government security forces, continued to abduct and forcibly recruit Congolese men, women, and children to serve as laborers (including in mines), porters, domestics, and sex slaves, although at a much reduced rate from previous years.

Unintegrated government military units and armed groups continued to recruit and maintain child soldiers in their ranks (see section 1.g.).

The international NGO Save the Children reported that during the latter part of the year armed groups in the east recruited children "in record numbers" to serve as soldiers and sex slaves.

The law specifically prohibits and provides penalties of 10 to 20 years' imprisonment for child and forced prostitution, pimping, and trafficking for sexual exploitation. There were no reported investigations or prosecutions of traffickers during the year.

Military authorities took no action against commanders who employed child soldiers. Eight children who were identified by child protection officers in South Kivu Province in the ranks of a FARDC unit led by a Captain Mulenga in March 2006 remained in the unit, and no action was taken against him. Colonel Jean Pierre Biyoyo, the only person convicted by a Congolese court for recruitment of child soldiers, escaped from Bukavu prison in South Kivu Province in June 2006. He reappeared in March in Bukavu as part of a FARDC delegation and had been promoted to Lieutenant Colonel. He served during the year with the mixed brigades in North Kivu Province, reportedly as an aide to General Nkunda, and remained with Nkunda's forces after the mixed brigades disintegrated.

The Ministry of Justice was responsible for combating trafficking. Law enforcement authorities were rarely able to enforce existing laws due to lack of personnel, training, and funding, and the inaccessibility of eastern areas of the country.

The government's antitrafficking programs were limited and lacking in resources. Following accusations of incompetence and corruption, it disbanded CONADER, the national disarmament agency, which was charged with demobilizing child soldiers, in mid-2007 and transferred its functions to the defense ministry. Authorities cooperated with other governments to return trafficked individuals, and representatives attended regional meetings on trafficking. The government provided training to some police and military personnel on sexual violence and child soldiering. The government did not screen vulnerable population groups to identify trafficking victims. It provided no funding for protection services or for assisting victims of trafficking but permitted NGOs to provide services to them.

The government has demobilized more than 29,000 children from security services and armed groups since the end of the war in 2003; however, most credible sources, including UNICEF and CONADER, estimated that at least 3,000 children had yet to be demobilized, principally from the ranks of armed groups, which sometimes held them as prisoners.

The government, in coordination with MONUC, reached agreements with militias in Ituri District, General Nkunda in North Kivu Province, and Mai Mai in North and South Kivu provinces that included provisions for the demobilization of child soldiers; however, the groups did not generally respect the agreements.

In February and March, nearly four dozen children were removed from Peter Karim's FNI militia, based in Ituri District after his forces surrendered to the FARDC. During a June 14 demobilization, child protection officials identified 31 children among the FNI fighters.

According to the UN Group of Experts on the DRC, the use of children as soldiers by Mai Mai militia in North Kivu Province was endemic. In South Kivu Province in June, child protection NGOs identified 20 children among 60 Mai Mai in Kilba, 19 among 40 Mai Mai in Runingu, and several dozen in Kabumbe. The majority were ex-combatants. Some had joined voluntarily in hopes of receiving demobilization payments.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities; however, the government did not effectively enforce these provisions, and persons with disabilities often found it difficult to obtain employment, education, or government services.

The law does not mandate access to buildings or government services for persons with disabilities. Some schools for persons with disabilities, including the blind, received private funds and limited public funds to provide education and vocational training.

National/Racial/Ethnic Minorities

Members of virtually all of the country's more than 400 ethnic groups practiced societal discrimination on the basis of ethnicity, and discrimination was evident in hiring patterns in some cities. The government took no reported actions to address this problem.

The security forces in Kinshasa sometimes harassed, arbitrarily arrested, or threatened members of ethnic groups from Equateur Province. Security forces in North and South Kivu provinces sometimes harassed, arbitrarily arrested, or threatened members of many different ethnic groups resident there.

On August 3, a mob attacked a UN facility in Moba, Katanga Province, after a local radio station aired false rumors about the return of ethnic Tutsi refugees. Four UN military observers were wounded, and 21 staff members were evacuated from the city.

Indigenous People

The country had a population of between 10,000 and 20,000 Pygmies (Twa, Mbuti and others), believed to be the country's original inhabitants; during the year societal discrimination against them continued. Most Pygmies took no part in the political process and continued to live in remote areas. During the year fighting in North Kivu Province between armed groups and government security forces caused displacement of some Pygmy populations.

On November 24, in the village of Kataki, Katanga Province, three PNC officers allegedly arrested a Pygmy and subjected him to cruel, inhuman, and degrading treatment for no known reason. They reportedly tied him up, blindfolded him, and repeatedly beat him. They later released him and the victim lodged a formal complaint with the Office of the Public Prosecutor.

Incitement to Acts of Discrimination

Unlike in 2006, there were no reports of incitement to acts of discrimination.

Section 6 Worker Rights

a. The Right of Association

The constitution provides all workers--except government officials and members of the security forces--the right to form and join trade unions without prior authorization or excessive requirements. Workers formed unions in practice; however, the Ministry of Labor, which was responsible for ensuring the right of association, conducted no inspections and exercised no oversight during the year. Of an estimated 24 million adults of working age, 128,000 employees in the private sector (0.5 percent) belonged to unions, according to the American Center for International Labor Solidarity (Solidarity Center). No information was available regarding the number of union members in the public sector. The informal sector, including subsistence agriculture, constituted at least 90 percent of the economy.

The law provides for union elections every five years; however, the government did not allow them in the public sector, with the exception of parastatal industries.

The law prohibits discrimination against union employees, although authorities did not enforce this regulation effectively. The law also requires employers to reinstate workers fired for union activities.

The Inter-Union Committee, composed of public and private sector unions, is not legally mandated. However, authorities generally recognized it as a negotiating partner with employers, on labor issues of policy and law.

Private companies often registered bogus unions to create confusion among workers and discourage real ones from organizing. According to the Solidarity Center, many of the nearly 400 unions in the private sector had no membership and had been established by management, particularly in the natural resources sector.

b. The Right to Organize and Bargain Collectively

The law provides for the right of unions to conduct activities without interference and to bargain collectively. However, in practice the government did not always protect these rights.

On May 31, police in Mbuji Mayi, Kasai Oriental Province, violently disrupted an extraordinary session of the general assembly of the provincial branch of the Congolese Press Union. Members initially refused to disperse, asserting they had duly informed local authorities. Police beat several members; one suffered a head injury requiring hospitalization.

On July 26, at the urging of RTNC general manager Emmanuel Kiplongo, the GR arrested three RTNC employees who as union leaders were attempting to organize a general union meeting to advocate for 10 months of back pay. Kiplongo accused them of preparing to destroy the station's installations. The GR released one employee on July 30 with no charges. It released the other two on August 14, after each paid fines of \$120 (60,000 francs).

Authorities took no action against security forces that arrested and detained the head of the union Prosperity in Kinshasa

in January 2006. They released him from jail shortly after his arrest.

Collective bargaining was ineffective in practice. The government set public sector wages by decree, and unions were permitted to act only in an advisory capacity. Most unions in the private sector collected dues from workers but did not succeed in engaging in collective bargaining on their behalf.

The constitution provides for the right to strike, and workers sometimes exercised it. In small and medium-sized businesses, workers could not exercise this right effectively in practice. With an enormous unemployed labor pool, companies and shops could immediately replace any workers attempting to unionize, collectively bargain, or strike, and according to the Solidarity Center, companies and shops did so during the year. The law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures before striking. The law prohibits employers and the government from retaliating against strikers; however, the government did not enforce this law in practice, but unlike in previous years did not jail any striking public sector employees.

Union leaders fired by the MIBA diamond parastatal for attempting to organize a strike in Kasai Oriental Province in 2006 were not rehired.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children; however, although no statistics were available, both were practiced throughout the country.

Government security forces continued to kidnap men, women, and children, including IDPs, and force them to serve as porters and domestic laborers.

According to the UNHRO, FARDC soldiers forced 70 civilians to work on farms near Kondoni, Ituri District, on November 7. Military authorities took no action against the soldiers.

No disciplinary action was known to have been administered to several groups of FARDC soldiers who forced five civilians to perform labor at a military camp in Muhangi, North Kivu Province, in February 2006.

Military authorities took no action against FARDC soldiers who forced civilians in Gethy, Ituri District, to harvest and transport goods in August 2006. Local NGO L'Egalite reported that such actions continued during the year.

Military authorities took no action to punish soldiers throughout Ituri District who abducted civilians for forced labor, including as personal attendants, miners, and crop harvesters and transporters, in August and September 2006.

In the mining sector, middlemen and dealers acquired raw ore from unlicensed miners in exchange for tools, food, and other products. Miners who failed to provide sufficient ore became debt slaves, forced to continue working to pay off arrears. The government did not attempt to regulate this practice.

Armed groups operating outside central government control subjected civilians to forced labor (see section 1.g.).

FDLR members abducted four women and a 14-year-old girl in Walungu territory, South Kivu Province and subjected them to sexual slavery from February to March.

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws to protect children from exploitation in the workplace; however, government agencies did not effectively enforce child labor laws. Child labor remained a problem throughout the country, and there continued to be reports of forced child labor. Although there were no reports of large enterprises using child labor, it was common in the informal sector, particularly in mining and subsistence agriculture, and was often the only way for a child or family to earn money.

Although the minimum age for full-time employment without parental consent is 18 years, employers may legally hire minors between the ages of 15 and 18 with the consent of a parent or guardian. Those under age 16 may work a maximum of four hours per day. All minors are restricted from transporting heavy items.

Security forces and armed groups also used children, including child soldiers, for forced labor in mines.

Children make up as much as 10 percent of the work force in the informal ("artisanal") mining sector. In mining regions of

the provinces of Katanga, Kasai Occidental, Oriental, and North and South Kivu, children performed dangerous mine work, often underground. In many areas of the country, children aged five to 12 years broke rocks to make gravel for a small wage.

From November 13-17, a UNHRO field team in Misisi, South Kivu Province, observed several children working in illegal gold mines for FARDC soldiers of the 115th Battalion.

Prostitution, including forced child prostitution, was practiced throughout the country.

According to a June 18 Save the Children report, 12,000 children in Kasai Oriental Province were employed at 20 unlicensed diamond mining sites. The children excavated, transported, and washed diamonds. At mines near Tumpatu, Kasai Oriental Province, girls around the age of 12 worked as prostitutes. According to the report, preteen children also worked digging tombs at the cemeteries for \$1 to \$2 (500 to 1000 francs) per day and as dishwashers and guards at restaurants for \$.25 to \$.50 (125 to 250 francs) per day.

Parents often used children for dangerous and difficult agricultural labor. Children sent to relatives by parents who could not support them sometimes effectively became the property of those families, who subjected them to physical and sexual abuse and required them to perform household labor.

Government agencies responsible for combating child labor included the Ministry of Labor, the Ministry of Women and Youth, the Ministry of Social Affairs, and the National Committee to Combat Worst Forms of Child Labor. These agencies had no budgets for inspections and conducted no investigations during the year.

e. Acceptable Conditions of Work

Employers in the informal sector often did not respect the minimum wage law of \$1 (500 francs) per day. The average monthly wage did not provide a decent standard of living for a worker and family in the formal economy. Government salaries remained low, ranging from \$50 to \$110 (25,000 to 55,000 francs) per month, and salary arrears were common for both the civil service and public enterprises (parastatals). More than 90 percent of laborers worked in subsistence agriculture or informal commerce.

The law defines different standard work weeks, ranging from 45 to 72 hours, for different jobs. The law also prescribes rest periods and premium pay for overtime, but employers often did not respect these provisions in practice. The law establishes no monitoring or enforcement mechanism, and businesses often ignored these standards in practice.

The law specifies health and safety standards; however, government agencies did not effectively enforce them. No provisions of the law provide workers the right to remove themselves from dangerous work situations without jeopardizing their employment.

According to the Solidarity Center, more than one million miners work in the informal sector nationwide and up to 20 percent of the DRC population may indirectly rely on this so-called artisanal, or small-scale, mining. Many suffered violence from guards and security forces for illegally entering mining concessions.

On April 3, the collapse of an illegal mine on the Kasai Oriental Province concession of the diamond parastatal MIBA killed several diggers.

