



Congo, Democratic Republic of the

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Much of the Democratic Republic of the Congo (formerly Zaire) continued to be ruled by President Laurent Desire Kabila, whose Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997. Kabila continued to rule by decree, despite creating and personally selecting members of a Constituent and Legislative Assembly, and the Government continued to operate without a constitution. The State continued to be highly centralized formally, although in practice the country's dilapidated transportation and communications infrastructure impaired central government control. The Government recognized two progovernment political parties and a splinter group of a prominent opposition party; however, it banned all other opposition parties. The "People's Power Committees" (CPP's) continued to monitor the activities of citizens in neighborhoods, schools, and workplaces. War broke out in 1998 between the Government and rebel forces. The Lusaka Accords, which were signed on July 10, 1999, provided for a political dialog among the Government, rebel factions, the unarmed opposition, and elements of civil society; however, the Government repeatedly frustrated attempts to begin initial talks during the year. The judiciary continued to be subject to executive influence and corruption.

As the war grew into an increasing stalemate, government forces controlled less than half of the country. Several rebel groups, the Congolese Rally for Democracy based in Goma (RCD/Goma), the Movement for the Liberation of the Congo (MLC), and the Congolese Rally for Democracy based in Bunia (RCD/ML) controlled the remaining territory, with the active military support of the Rwandan and Ugandan Governments. The RCD/Goma remained dominated by members of the Tutsi ethnic minority and continued to be supported by the Government of Rwanda; the RCD/ML commanded fewer troops and, like the largely non-Tutsi MLC, was supported by the Government of Uganda. War broke out in August 1998, when Kabila tried to expel Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis as well as the Governments of Burundi, Rwanda, and Uganda all relied on the Rwandan military presence for protection against hostile armed groups operating from the eastern part of the country. These groups included: The Interahamwe militia of Hutus, mostly from Rwanda, which took part in the 1994 genocide of Tutsis in Rwanda and who fought the Tutsi-dominated Government of Rwanda; Hutu members of the former Rwandan armed forces, which also took part in the 1994 genocide of Tutsis in Rwanda, and which also fought the Government of Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which fought the influx of perceived Rwandan immigrants; the Alliance of Democratic Forces (ADF), made up of Ugandan expatriates and supported by the Government of Sudan, which fought the Government of Uganda; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government of Burundi. In the ensuing war, elements of the armed forces of Rwanda and Uganda operated inside the country in support of the RCD or the MLC; elements of the armed forces of Angola, Namibia, and Zimbabwe operated inside the country in support of the Government; and the Mai Mai and Hutu armed groups operated inside the country on the side of the Government, often as guerrillas operating inside territory held by antigovernment forces. Elements of the armed forces of Burundi operated inside the country against armed groups of Hutus from Burundi who used the country as a base. Libya was among those countries supplying arms and logistical support to the Kabila Government, but did not conduct combat operations in the country. North Korea had advisers in the country who trained government troops. The front that separated government from antigovernment forces generally was stable, except in the province of Equateur, where government and rebel MLC troops fought running engagements along the Ubangi River. The cease-fire agreement, negotiated as part of the Lusaka Accords, was violated by all parties, especially in the north and east where the Government launched a major military offensive along the Ubangi River. In October the Congolese Armed Forces (FAC) launched an offensive on the rebel-occupied territories in northern Katanga Province; however, the offensive was pushed back by Rwandan and RCD forces, who captured the town of Pweto.

The Government's security forces consist of a national police force under the Ministry of Interior, the National Security Council (CNS), the National Intelligence Agency (ANR), and the FAC, which includes an Office for the

Military Detection of Subversive Activities (DEMIAP). The Presidential Guard was integrated into forces of the 7th Military District to form the Forces d'Intervention Rapide (FIC) during the year. The immigration service, Direction General de Migration (DGM), the Autodefense Forces (FAP), and CPP's also functioned as security forces. In 1999 Kabila gave Mai Mai leaders commissions in the FAC and coordinated operations with the Mai Mai and Hutu militias. The People's Defense Committees (CPD's), which are armed elements of the CPP's and operated outside the formal structure of the State, had not yet been armed in some areas by year's end. The police force, reorganized in 1997, handles basic criminal cases. The CNS shares responsibility for internal and external security with the ANR, including border security matters. The FAC retains some residual police functions. Military police have jurisdiction over armed forces personnel. The security forces committed numerous, serious human rights abuses.

Most sectors of the economy continued to decline. Production and incomes continued to fall, and the modern sector virtually has disappeared. Physical infrastructure was in serious disrepair, financial institutions have collapsed, and public education and health have deteriorated. Annual per capita national income remained at less than \$100. Subsistence activities, a large informal sector, and widespread barter characterized much of the economy; the insolvent public sector could not provide even basic public services. External economic assistance remained limited, and the State's revenues from diamond exports, its leading source of foreign exchange, declined. Public sector employees, including most soldiers, routinely went months without pay, which caused widespread hardship and contributed to tensions within the armed forces; however, unlike in 1999, there were no strikes. Rebel-held areas increasingly were integrated financially and administratively with the economies of Rwanda and Uganda. The Governments of Rwanda and Uganda established commercial agreements, maintained cadres in key income-collecting agencies, levied and collected taxes and customs duties, and systematically extracted hard currency from the regions they controlled.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government peacefully. Security forces were responsible for numerous extrajudicial killings, disappearances, torture, beatings, rape, and other abuses. In general security forces committed these abuses with impunity, although a special military tribunal tried and executed some security force members for various human rights abuses. Prison conditions remained harsh and life threatening. Security forces increasingly used arbitrary arrest and detention throughout the year. Prolonged pretrial detention remained a problem, and citizens often were denied fair public trials. The special military tribunal tried civilians for political offenses, frequently with total disregard for due process protections, and sentenced civilians to death; however, no civilians were executed during the year. The judiciary remained subject to executive influence and continued to suffer from a lack of resources, inefficiency, and corruption. It largely was ineffective as either a deterrent to human rights abuses or a corrective force. Security forces violated citizens' rights to privacy. Forcible conscription of adults and children continued, although children were conscripted to a lesser extent than in the previous year. Government security forces continued to use excessive force and committed violations of international law in the war. Government aircraft routinely bombed civilian populated areas in rebel-held territory. Although a large number of private newspapers often published criticism of the Government, the Government continued to restrict freedom of speech and of the press by harassing, arresting, detaining, and torturing newspaper editors and journalists and seizing individual issues of publications, as well as by increasing its restrictions on private radio broadcasting. Harassment of journalists, human rights activists, and opposition politicians increased during the year. The Government severely restricted freedom of assembly and association. Government forces committed some abuses against religious entities. The Government continued to restrict freedom of movement and continued to require exit visas. The war resulted in a massive increase in internally displaced persons (IDP's). The Government continued to ban political party activity and used security services to stop political demonstrations, resulting in numerous arrests and detentions. It also harassed, imprisoned, and tortured members of opposition parties and harassed human rights nongovernmental organizations (NGO's). Violence against women was a problem and rarely was punished. Discrimination against women was widespread and common. Female genital mutilation (FGM) persisted among isolated populations in the north. Child prostitution was a problem. Discrimination against indigenous Pygmies and ethnic minorities was a problem. Serious governmental and societal violence and discrimination against members of the Tutsi ethnic minority continued; however, the Government protected many Tutsis who were at risk and facilitated the departure of approximately 3,000 to neighboring countries. On occasion tension between the Hema and Lendu flared into violence that resulted in hundreds of deaths. The Government restricted worker rights. The Government arrested labor leaders during public sector strikes and allowed private employers to refuse to recognize unions. There were reports of forced conscription, including of children, and there were reports of forced child labor. Child labor, including use of child soldiers, remained a problem. Mob violence resulted in killings and injuries.

There were numerous credible reports that Mai Mai groups fighting on the side of the Government committed serious abuses, including many killings, torture, and the arbitrary arrest and detention of civilians.

During the year, antigovernment forces committed serious abuses against civilians living in territories under their control, including deliberate, large-scale killings, disappearances, torture, rape, extortion, robbery, dismemberment, arbitrary arrests and detention, harassment of human rights workers and journalists, and

forcible recruitment of child soldiers. In particular RCD/Goma and Rwandan units committed mass killings generally in reprisal for Mai Mai attacks against RCD or Rwandan forces. There also were numerous and widespread unconfirmed reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses. The Rwandan army allegedly recruited these groups in order ostensibly to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Rebel organizations severely restricted freedom of speech, assembly, association, and religion in areas they held. There were reports of attacks against local and international NGO's in rebel-held areas. There also were many deaths due to interethnic mob violence in areas held by antigovernment forces.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Members of the security forces committed extrajudicial killings, and the Government misused the judicial system to try, sentence, and execute numerous persons without due process. The Government also materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed unarmed as well as armed persons in areas held by antigovernment forces. An international humanitarian NGO estimated that as many as 1.7 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.g.).

On January 5, FAC soldiers shot and killed William Mbulu in the Lingwala district of Kinshasa for no apparent reason. On January 14, in the Limete district of Kinshasa near Kuaka, a soldier in the Presidential Guard known by the name of Pipiyu killed a policeman who intervened on behalf of a civilian being harassed by the soldier. On the morning of January 28, in the Masina district of Kinshasa near Mizola, a FAC soldier shot and killed Addy Lisasi in a building near the railroad tracks. On May 21, in the village of Kimpaka, near Kinshasa, soldiers killed "Ya Rolly" Ngimbi after he refused to give them money. The soldiers then raped and killed his wife, and stole money and valuables from the household before leaving. On May 25, near the village of Kimbiolongo, there were unconfirmed reports that FAC soldiers killed Nsiala Nkia Mbiyavanga for unknown reasons. The soldiers then beat his parents severely, raped his 13-year-old sister Mirielle, and stole numerous items from their home (see Section 1.c.). On May 25, there were unconfirmed reports that Mukoko died from injuries inflicted during a severe beating by FAC soldiers. The soldiers later allegedly tortured his family members when they sought justice from village authorities (see Section 1.c.). On May 31, Mpadi Mamikamona Moko, a veterinarian at the MULENDA MBO farm outside of Kinshasa and a resident of the Masina district of Kinshasa, was beaten to death and thrown into the Ndjili river by men dressed in military uniforms. On the evening of July 22, in the Mont-Ngafula district of Kinshasa, two armed men believed to be soldiers broke into the home of Irengé Kako, an employee of the Central Bank of the Congo. The men stole money from Kako and then shot him twice in the head, killing him. On September 8, government soldiers shot and killed 47 men and 4 women in a house in Dongo; 2 persons survived by jumping out of a window. The soldiers reportedly killed the persons while retreating from a rebel attack.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner arrested in 1998 but released on March 24 (see Sections 1.b., 1.d., and 1.e.). On November 24, there were reports that government officials executed Masasu and 35 suspected collaborators at a FAC military court near Pweto, allegedly for plotting a coup against President Kabila during the year. There also were widespread rumors that the Government executed hundreds of suspected Masasu collaborators with Kivusian origins in Kinshasa.

On December 7, a group of armed police attacked the car of Jean-Claude Masangu as he was returning home. The police shot and killed Masangu's bodyguard; Masangu and his chauffeur escaped without harm. The local press declared that the police were attempting to kill Masangu; however, at year's end, the intent of the attack remained unknown. On December 11, a military court tried, convicted of manslaughter, sentenced to death, and executed two of the policemen.

Throughout the year, government military tribunals continued to sentence to death many civilians after military trials that were often perfunctory, and many of these civilians were executed (see Section 1.e.). Members of the security forces repeatedly killed civilians, particularly in areas that they were preparing to abandon to advancing antigovernment forces. The military justice system, which was revised in 1997, prosecuted FAC members for individual incidents ranging from armed robbery to rape to murder, and sentenced to death and executed at least 17 FAC members during the year (see Section 1.e.).

Harsh prison conditions and abuse led to an undetermined number of deaths in prisons. Many prisoners died of illness or starvation (see Section 1.c.). It was reported that, since Kabila took power in 1997, both

extrajudicial killings and deaths due to torture and neglect have become common at a secret detention center known as "Alfa," which was run directly by the Office of the President. On January 21, in Inongo, Bandundu Province, Iyela Mokolo died in detention from injuries he sustained while being tortured (see Section 1.c.).

No action is known to have been taken against the members of the security forces responsible for the following 1999 killings: University student Remy Lushima Nyamangombe in January 1999; a person in the Sebastian bar in Kinshasa in February 1999; public transportation driver Kalle in April 1999; a minibus driver in April 1999; Colonel Ndoma Moteke who was tortured in May 1999; a 12-year-old boy in July 1999; Charles Bokeleale in July 1999; student Kamba Kanyinda in November 1999; and Simon Makoko in November 1999.

The Government did not prosecute any state officials or other persons in connection with the mass extrajudicial killings of Tutsis in 1998.

There were reports that landmines continued to be used, particularly in the eastern half of the country, despite agreements not to do so in the Lusaka Accords. Government forces, rebel groups, and the armed forces of Rwanda, Uganda, Zimbabwe, and Chad allegedly used landmines; however, it is impossible to know which groups laid landmines.

In July a Belgian judge issued an arrest warrant against Congolese Foreign Minister Yerodia Abdoulaye after a number of Tutsis in Belgium claimed that Yerodia's radio broadcasts in August 1998 incited the populace to murder Tutsis randomly. A similar case was filed against Kabila in September.

There were widespread reports throughout the year of killings and other human rights abuses by both progovernment and antigovernment forces. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those areas affected by active combat, primarily in the eastern areas of the country. Independent observers often found access difficult due to hazardous security conditions as well as frequent impediments imposed by authorities (see Section 4). Both progovernment and antigovernment forces extensively used propaganda disseminated via local media, including charges leveled at opposing forces, further complicating efforts to obtain accurate information (see Section 2.a.).

Progovernment Mai Mai guerilla units killed many civilians, sometimes after torturing them, in areas where they operated. In August there were reports that Mai Mai killed dozens of civilians fleeing from Shabunda. Hutu militia units fighting on the side of the Government, and reportedly supported materially by the Government, also killed many noncombatants. Information about killings by Mai Mai, Interahamwe, and Hutu militia units remained very incomplete, and many such killings may not have been reported.

Mob violence resulted in killings, but the Government did not incite directly lethal mob violence during the year. However, following the October death of Archbishop Emmanuel Kataliko of Bukavu due to a heart attack, the Kabila Government claimed that Tutsis had poisoned the Archbishop, a charge the Catholic Church denied (see Section 2.c.). The government statement contributed to demonstrations in the occupied territories that were suppressed by RCD/Goma rebel authorities (see Section 2.b.). At least one child was killed by gunfire during the incident.

Throughout the year in the Ituri district in Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting continued between members of the Lendu and Hema tribes, which reportedly killed thousands of persons and displaced tens of thousands of others (see Section 5). This fighting reportedly arose from a dispute about land use and also reportedly was manipulated by Ugandan troops who charged the tribes fees in order to provide protection to their members. Specific incidences of violence were difficult to verify due to the general unrest in the region. There were reports during the year that intertribal fighting between December 28 and 31, 1999, in the area of Blukwa in the Walendu Pitsi collective, left 300 persons dead, the majority Hema, according to credible sources. There were unverified reports of up to 40 Lendu killed at Lita, near Katoto, in late August, and between 20 to 25 Lendu killed at Nyangaray. According to credible sources, clashes occurred in August and September in Linga, Ngongo, Kobu, and Bunia.

In July a group believed to be Interahamwe attacked an internally displaced persons (IDP) camp in North Kivu Province (see Section 2.d.). Approximately 50 persons were killed, including some who were burned alive inside their homes. On September 5, Interahamwe reportedly attacked settlements near Goma; six persons were killed and nine were wounded. On September 6, Interahamwe reportedly attacked a team of civilian conservationists in the Gahuzu-Biega National Park near Bukavu; 10 persons were killed, including a journalist and 2 park guides, and a number of others were injured. Progovernment forces routinely bombed civilian populations in air raids against towns held by antigovernment forces, which resulted in heavy civilian casualties (see Section 1.g.).

On two occasions during the year in May and June, Rwandan and Ugandan forces fought in Kisangani, resulting in hundreds of civilian deaths, thousands of wounded, and 60,000 displaced persons (see Section 2.d.). The most severe of these clashes occurred from June 5 to 11, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources claim that Rwandan and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations report that approximately 700 Congolese civilians were killed during the fighting; many died as a result of lack of medical attention since transportation to hospitals during the fighting often was unavailable. Many displaced persons remained for several months at a camp outside of the city because they feared to return (see Section 2.d.). There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani.

During the year, antigovernment forces committed repeated mass killings. In particular RCD/Goma and Rwandan units committed mass killings generally in reprisal for Mai Mai attacks against RCD or Rwandan forces. Some of the many reports of such killings were credible, particularly attacks, murders, and looting committed against members and facilities of the Catholic Church (see Section 2.c.). Investigations of many reported killings often were difficult, and details of reported abuses sometimes emerged long after the events occurred. There have been no known serious attempts by any of the combatants in the conflict to investigate incidences in which their troops allegedly committed numerous murders, rapes, lootings, and other abuses in areas under their control.

During the year, there were numerous credible reports that RCD forces, participating with or supported by the Rwandan Patriotic Army (RPA), beat, tortured, and then buried alive 15 women at Mwenga in December 1999. However, the Rwandan Government denied these charges and claims that 3 women, not 15, only were beaten severely by civilians who accused the women of witchcraft. According to the Rwandan Government, the women were rescued from mob justice by RCD troops but later died from their injuries. In December 1999, the RCD/RPA arrested Frank Kasereke, the RCD commander, but he escaped from jail on February 5 along with 32 other detainees.

On January 29, in Bunia, a Rwandan soldier reportedly summarily executed a Congolese rebel soldier based on the suspicion that the Congolese soldier was passing information to an opposing rebel group (see Section 1.e.).

On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them (see Section 1.c.), and then killed 30 persons.

On February 12, RCD/Goma rebels killed Kitoko, chief of the Lulonga-Fizi, and Tchalanga, chief of the Ziralo, in Kalele, South Kivu Province.

On February 16, a Banyamulenge militia attacked a Catholic mission in the Kilibu area of South Kivu Province (see Section 2.c.). Two priests fled, but militiamen captured a third priest, Father Pepin Beta; the militiamen forced the priest to kneel, and then shot and killed him.

From March 6 to 8, RPA forces reportedly made repeated attacks on the village of Kilambo in Masisi, North Kivu Province, and allegedly executed numerous persons suspected of collaborating with the Interahamwe. Among others, the RPA reportedly killed two men known as Kapalata and Mamboleo, Samuel Kanyomo, a woman named Suzana, and her three children.

On March 10, RCD soldiers killed Lwina Samuel, the chief of the Office of Environmental Protection in Rutshuru, North Kivu Province, for refusing to allow soldiers to steal his belongings. RCD soldiers later killed Lwina Bwangi, Samuel's 17-year-old son, after he identified his father's killers.

On March 24, RCD soldiers shot and killed Thomas Kumbuka in the village of Kishondja in Masisi, North Kivu Province, after they allegedly mistook him for an Interahamwe militiaman.

On April 10, Muulwa, a farmer from the village of Habula in Walikale territory, North Kivu Province, was killed by RCD soldiers who had entered the village to investigate whether the residents were harboring Interahamwe soldiers. On April 16, following a Mai Mai attack on the RCD/Goma camp at Mulume Munene in South Kivu Province, RCD soldiers attacked the village of Izege. Soldiers reportedly warned villagers to leave their homes, then set the homes on fire, and killed four persons; soldiers burned hundreds of homes and animals.

On May 14 and 15, in response to the apparent Mai Mai slaying of RCD commander Ruzagura during an ambush on his motorcade, RCD/Goma forces killed hundreds of civilians in and around the town of Katogota in South Kivu Province. According to some reports, RCD soldiers killed as many as 300 villagers by slitting their

throats.

On June 23, in Walikale, RPA Captain Alexis Rugira and other RPA soldiers killed Baligizi Mufungizi, stole his bicycle, and robbed him. Captain Rugira, Lieutenant Gapfunsi, S/Major Rutabana, and two privates were arrested and were in pretrial detention awaiting prosecution by the military tribunal at year's end.

Between August 18 and 24, following a period of intense fighting between Mai Mai and RCD forces in the Shabunda region of South Kivu Province, the RCD carried out a punitive campaign against the villages between the towns of Lulingu and Nzovu. Soldiers sent by RCD Commandant Macumu burned the villages; more than 300 villagers were burned alive and 3,000 homes were destroyed.

On August 29, Bukavu students demonstrated to protest the arrest of four civil society members (see Sections 1.d and 2.b.). In their effort to disperse the demonstrations, RCD soldiers fired into the air and reportedly shot and killed one student.

On August 30, RCD/Goma vice military police commandant Tshisekedi ordered subordinates to arrest his younger brother, Mbuyi Tshibwabwa, and Nyamulinduka Ndelo Zagabe, whom he suspected of stealing his sewing machine. Military police repeatedly beat the two men with hammers, shovels, and clubs until they eventually died (see Section 1.c.). There was no known action taken against Tshisekedi by year's end.

On September 1, RPA Captain Peter Kabanda and other RPA soldiers allegedly killed 67 unarmed civilians in Masisi, North Kivu Province. The captain and the other RPA soldiers were arrested for acting contrary to operational orders and for failing to differentiate between the enemy and unarmed civilians. The soldiers were in detention awaiting prosecution for murder before the military tribunal at year's end.

On November 1, a group of suspected Interahamwe soldiers armed with guns, machetes, and clubs attacked the village of Kehero, near Goma, North Kivu Province, allegedly in revenge for an October 10 killing by RCD forces of their leader known as Rwenderi. The alleged Interahamwe killed nine persons on suspicion that they had collaborated with the RCD forces.

On November 8, Ugandan soldiers allegedly shot and killed nine persons at a wedding party in the village of Kikere, near Butembo, North Kivu Province; the soldiers believed the village to be sympathetic to the Mai Mai. The attack reportedly followed violent clashes between Ugandan and Mai Mai forces in the surrounding area. The soldiers also allegedly set fire to houses in the village; 11 persons burned to death in the houses.

There also were reports of killings by Banyamulenge militias and Burundian military forces. On July 19, in the Fizi district of South Kivu Province, Banyamulenge and Burundian soldiers killed an estimated 150 persons in the town of Lubamba by slitting their throats. The local population sought refuge in the nearby town of Dine.

Although unconfirmed, there were widespread and numerous reports throughout the occupied territories of a Rwanda-supported Hutu militia posing as Interahamwe and operating as an instrument of terror against civilians. Rwandan authorities reportedly coordinated attacks by this group on civilian and church targets and then blamed the attacks on the Interahamwe. Rwandan authorities allegedly used the insecurity brought on by this Hutu militia to further justify its military presence in the country.

By year's end, it was more difficult to identify the armed groups responsible for attacks. On June 19, approximately 50 unidentified soldiers attacked and pillaged a Catholic church and convent, a hospital, and homes in the town of Kabare, South Kivu Province (see Section 2.c.); 3 civilians were killed. The RCD blamed the attack on the Interahamwe, but local humanitarian groups disputed this claim because of the number of RPA soldiers in the area.

During the night of July 9 and 10, an unidentified militia attacked an encampment of displaced persons at Sake, in the Masisi territory of North Kivu Province (see Section 2.d.). Official estimates indicated that the assailants killed as many as 40 persons and wounded a number of others; 20 were treated at Goma General Hospital. In addition 48 homes were burned and 2 pharmacies were looted.

There were numerous reported killings along the road from Uvira to Bukavu in South Kivu Province; many were aimed at looting and theft. Observers believe that Mai Mai, Interahamwe, FDD, Banyamulenge, or RPA combatants could have been responsible for the attacks, with or without the knowledge or consent of their commanders. The climate of insecurity in the occupied territories and particularly in the Kivu Provinces forced many local residents to abandon their homes and created food shortages as armed bands kept farmers from working in their fields.

b. Disappearance

There were many reported cases of disappearance, most as a result of the war. Government forces reportedly were responsible for the disappearance of many persons. Throughout the year, government security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody. Typical accounts described unidentified assailants who abducted, threatened, and often beat their victims before releasing them. Journalists and opposition members claimed that they were targets of such actions.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner who had been arrested in 1998 but released on March 24 (see Sections 1.a, 1.d., and 1.e.). Masasu reportedly was detained in undisclosed locations in Kinshasa for at least 3 weeks. On November 24, there were reports that government officials executed Masasu and 35 suspected collaborators. The Government has denied these reports. The persons reportedly executed remained unaccounted for at year's end.

In the 1999 disappearance cases of Commandant Jean Nkumu Wangala, Bernard Ntandou, Jean Mpalabouna, Justin Djuambe Tegi, Michel Gbetoro, and Belmonde Ma Gloire Coffi, human rights NGO La Voix des Sans Voix (VSV) reported that Belmonde Ma Gloire Coffi had been executed and that Jean Nkumu Wangala fled the country. VSV believed that the others also had fled, but did not have evidence to prove this belief.

There have been no developments in the December 1998 case of Donnat N'Kola Shamuyi, an investigator for the human rights NGO Collectif pour le Development des Droits de l'Homme, who disappeared while working in Tshikapa in Western Kasai Province.

The bodies of many persons killed in the war were burned, dumped in rivers, or buried in mass graves that remain unopened. Neither side is known to have kept or released records of the identities of the persons whom its forces killed.

Antigovernment and rebel forces reportedly were responsible for the disappearance of many persons. There were reports that antigovernment forces repeatedly failed to acknowledge detaining persons.

On April 2, RCD security forces arrested Christian Ngongo Kasumba at the border post of Bunagana. Kasumba was returning from a business trip to Nairobi, Kenya, via Kampala, Uganda; he has not been seen since his arrest. Efforts to locate him have been unsuccessful; an RCD commandant named Karim reportedly was responsible for Kasumba's arrest and detention.

On May 15, Rwandan soldiers reportedly arrested Ainakafota, the director of the Bolongo-Bas office of Friends of Nelson Mandela for Human Rights (ANMDH) in Orientale Province, and two other staff members of the human rights NGO, on suspicions of spying (see Section 4). The ANMDH and family members have not been able to locate Ainakafota or the staff members since their arrests; inquiries to Rwandan officials concerning their whereabouts have produced no results.

Reportedly persons whom rebel, Rwandan, or Ugandan forces allegedly detained sometimes were transferred to Rwanda or Uganda. Persons reported missing in 1998, including 22 Franciscan friars from Sola in Katanga Province and 3 university professors from Bukavu in South Kivu Province, still were unaccounted for at year's end.

Ugandan and Rwandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

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

The law forbids torture; however, security forces and prison officials used torture, and often beat prisoners in the process of arresting or interrogating them. The Government has not responded to charges of inmate abuse and repeated beatings by its security force and prison officials. Members of the security forces also raped, robbed, and extorted money from civilians; some abusers were prosecuted. Incidents of physical abuse by security forces occurred during the arrest or detention of political opponents, journalists, businessmen, and others (see Sections 1.d. and 2.a.).

On January 1, Albert Angbana Mate, a Mobutu government official, was arrested in Mbandaka by the ANR for predicting that rebels soon would capture the government-held town of Bikoro (see Section 1.d.). Angbana was

transferred to the ANR facility in Kinshasa (Lemera), where security agents reportedly subjected him to severe torture.

On January 9, 7th Military District soldiers forcibly entered the home of Christophe Kalonji Ntambwe in Kinshasa's Barumbu commune, ransacked the home, and arrested Kalonji. The soldiers reportedly were working as agents of Joseph Mbuyi Lusambo, who wished to expropriate land owned by Kalonji. On January 13, the soldiers returned to Kalonji's home, searched his files, and destroyed furniture. When Kalonji's wife, Muawuka Kena Bantu, visited him at the 7th Military District holding facility, she was detained from January 13 to 15, and stripped. During their detention, soldiers commanded by Major Jose Mopia Agaga beat both Kalonji and his wife, who was 5 months pregnant. Kalonji was released on February 8.

On January 13, security forces arrested, detained, and tortured for 5 days Union for Democracy and Social Progress (UDPS) activist Crispin Ipondo Banda, reportedly for distributing brochures on the Lusaka Accords published by the NGO LINELIT. Police held Banda at the Inspection Provinciale de la Police de Kinshasa before transferring him to another ANR facility. He was accused of committing offenses against President Kabila but all charges subsequently were dropped, and he was freed on February 2. On February 29, rapid intervention police arrested seven members of the UDPS in Kinshasa, near the home of UDPS president Etienne Tshisekedi, and detained them at a jail in the Kasavubu district of Kinshasa where security agents reportedly lashed the detainees with whips until their release the following morning (see Section 1.d.).

On January 21, in Inongo, Bandundu Province, Iyela Mokolo died in detention from injuries he had sustained while being tortured (see Section 1.a.). He had been detained in December 1999 on accusations of illegal possession of weapons and poaching.

There were many recorded instances of torture, harassment, and theft committed against the residents of villages that surround Dingi-Dingi, the location of a FAC airfield that was under construction during the year. On February 19, FAC soldiers beat Makengo Mbila Mbua, a resident of the village of Kinsala, and stole his money, chickens, and sacks of corn. On February 20, FAC soldiers lashed Godet Hiemba, a resident of Ingidi village, 50 times with a whip and confiscated his belongings because he did not respond properly to the Commandant of the Presidential Protection Unit (PPU) at the airfield. The same day, soldiers lashed Mawete Mbiyavanga 10 times with a whip and confiscated all of the food and money that she had in her possession. Also on February 20, FAC soldiers beat Manianga after he prevented the Commandant of the PPU from sexually exploiting Manianga's daughter. The soldiers also confiscated his belongings and money.

On the night of March 10, security forces reportedly abducted and detained five Congolese refugees from Angola's enclave of Cabinda. The refugees were registered with U.N. High Commissioner for Refugees (UNHCR) in Angola and reportedly were associated with an Angolan independence movement. Security officials released three of the detainees; however, two remained in detention at a Conseil de Securite d'Etat facility in Kinshasa at year's end. Security forces reportedly beat and tortured the two who remained in detention, Macario Romao Lembe and Vosso Fuila. One of the detainees reportedly is in poor health as a result of torture.

In March a police commandant severely beat the president of the Front for the Survival of Democracy (FSD) after he inquired at the police station about the arrests of FSD supporters who gathered for a FSD demonstration on March 16 (see Section 2.b.).

On March 20, police officers publicly raped a young girl in the town of Pusuku, Bandundu Province, after villagers intervened on behalf of a young man named Kituku who had an altercation with another officer (see Section 1.d.). There was no known action taken against the officers.

On April 7, government security forces under the command of Faustin Numbi arrested and tortured Freddy Lomboto wa Lomboto, the second vice president of the opposition party FONUS (Forces Novatrices pour l'Union et la Solidarite or New Forces for Unity and Social Progress). Lomboto's interrogators smashed his fingers with metal bars and beat him until he lost control of his bodily functions in order to extract information regarding the party and its president, Joseph Olenghankoy. The Government released him after 4 days of questioning and further abuse; however, on June 9, Commandant Numbi's soldiers returned to Lomboto's house and interrogated his wife when they could not find him; she later fled.

On April 30, members of the Special Presidential Security Group allegedly beat Koyagialo Ahonzima Wasana for ignoring government restrictions on movement within the vicinity of the Marble Palace, President Kabila's residence (see Section 2.d.).

On May 25, near the village of Kimbiolongo, FAC soldiers killed Nsiala Nkia Mbiyavanga for unknown reasons

(see Section 1.a.). The soldiers then beat his parents severely, raped his 13-year-old sister Mirielle, and stole numerous items from their home.

On May 25, there were unconfirmed reports that a man known as Mukoko died from injuries inflicted during a severe beating by FAC soldiers (see Section 1.a.). The soldiers later allegedly tortured his family members when they sought justice from village authorities.

On October 11, security agents abducted seven UDPS members from a street corner in Kinshasa (see Section 1.d.). They reportedly continued to be detained at Camp Kokolo at year's end and were subjected to daily beatings by security agents.

On October 18, national police arrested military court officials Ambroise Kusa and Ndaba (see Section 1.d.). Kusa and Ndaba reportedly were detained at Makala prison and were beaten and tortured. They were released on October 25.

On November 16, police reportedly beat 10 students who intervened on behalf of two students arrested while carrying their lunches on the campus of the Institut Pedagogique National (IPN) in Kinshasa, because the police wanted the food. Several students were arrested (see Section 1.d.). On November 17, approximately 800 students demonstrated to protest the incident; allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Sections 2.a. and 2.b.). The commander of the police detachment reportedly was arrested following the incident.

On November 26, a group of armed government soldiers assaulted and shot in the leg Athanese Matenda Kyelu, the manager of the Chamber of Commerce, at his house in the Ngaliema district of Kinshasa. The soldiers searched and robbed the house (see Section 1.f.). Matenda received treatment at Ngaliema Hospital.

On at least two occasions, members of the security forces beat taxicab and minibus passengers who were unable to pay bribes at roadblocks (see Section 2.d.).

Security forces harassed, beat, and tortured journalists, including foreign journalists, during the year (see Section 2.a.). For example, on January 3, security forces arrested Freddy Loseke Lisumbu, editor of the newspaper *Le Libre Afrique* (see Sections 1.d. and 2.a.). Security agents allegedly subjected Loseke to torture; he reportedly was in ill health at year's end but was denied medical attention. In May a military court sentenced Loseke to 3 years in prison (see Section 1.e).

On February 26, police arrested, detained, and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of the human rights NGO *Justice Sans Frontiere* (see Sections 1.d. and 2.a.). Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks; Phukuta was accused of having insulted the President. Security force agents reportedly tortured Phukuta, and the beatings left permanent scars. Police released Phukuta shortly after his arrest but have continued to threaten his life.

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The January case of human rights activists Christophe Bintu and Bienvenu Kasole; the January case of newspaper publisher Thierry Kyalumba; the February case of Toussaint Muhavu Shankulu; the February case of Luyinumu Lelo Koko and Jonas Ndoko; the February case of Professor Tshibangu Kalala; the March case of two female money changers; the March case of a journalist; the April case of Lambert Edimba; the May case of eight members of the opposition *Parti Lumumbist Unifie* (PALU) party; the May case of Christian Badibangi, president of the opposition party *Union Socialiste Congolaise*; the May case of Colonel Ndoma Moteke; the June case of journalists for the daily newspaper *Tempete des Tropiques*; the June case of the owner of a dugout canoe known as Motinga; the July case of Jean Marie Kashils of the *Agence Congolaise de Presse and Bienvenu Tshiela* of *Kasai Horizon Radio Television*; the July case of Professor Kambaj Wa Kambaji; the September case of human rights NGO activist Wetemwani Katembo Merikas; the September case of Francois Mpoyi Mukandu, the legal advisor of the governor of Eastern Kasai Province, Marcel Mpuanga Mindu, who also was an attorney, and Ditutu bin Bwebwe, a court clerk; and the October case of Pascal Kusehuka, secretary general of the PALU opposition party for Bandundu Province.

Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police (see Section 5). There were credible reports that the FAC sexually exploited homeless girls.

There were numerous reports that nongovernmental armed groups fighting on the side of the Government, and reportedly materially supported by the Government, tortured, raped, and otherwise physically abused many

persons during the year. Mai Mai guerillas reportedly killed persons by torture, including by mutilation and crucifixion (see Section 1.a.).

Unlike in the previous year, there were no reports that mobs beat persons.

There were reports that Interahamwe militia in South Kivu Province often raped women.

There also were numerous reports of torture by antigovernment forces in the occupied territories.

During the year, there were numerous credible reports that RCD forces, participating with or supported by the RPA, beat, tortured, and then buried alive 15 women at Mwenga in December 1999 (see Section 1.a.). However, the Rwandan Government denied these charges and claims that 3 women, not 15, only were beaten severely by civilians who accused the women of witchcraft.

There were reports that Rwandan and Ugandan soldiers allegedly raped women during extensive fighting in Kisangani in May and June (see Section 1.a.). Rwandan troops and RCD rebels also reportedly engaged in the rape of women in public and often in the presence of their families and in-laws. A woman raped in this manner generally is forced out of the village, leaving her husband and children behind (see Section 5). In June an RCD/Goma soldier, described only as a Munyamulenge, stopped a young girl, Fitina, on the road between Baraka and Mboko and raped her. After he raped her, the soldier discharged his weapon into her vagina. According to a number of credible human rights organizations, marauding bands of armed men in the occupied territories often put victims of rape through further painful humiliations by inserting rocks, sharp sticks, and hot peppers into their vaginas.

On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them, and then killed 30 persons (see Section 1.a.).

On March 25, security agents for the rebel group RCD/ML arrested Kule Thatha, coordinator for the human rights NGO Fondation Yira pour les Droits de l'Homme in North Kivu Province. He was detained in the town of Beni, where security forces tortured him for having criticized the RCD/Goma. He was released on June 15.

On July 12, the Goma provincial police detachment, which is a part of the RCD/Goma rebel government, arrested and tortured Jules Saruti for stealing. Police Commandant Charles Lumbu-Lumbu and officer Emmanuel Sikuli burned Saruti's tongue with a cigarette, tied him to a pole, stuffed his mouth with toilet rags, and beat him. Saruti was hospitalized for his injuries following his August release.

On July 29, RCD/ML security forces detained two of their senior officials, Deputy Director of Mining Michel Rudatenguha and Brigade Commander Mukalayi, on suspicion of conspiring to overthrow the leader of the RCD/ML rebel movement, Professor Wamba dia Wamba (see Section 1.d.). The officials were allies of the deputy leader of the RCD/ML movement, Tibasima Mbogemu Ateenyi, who was then in conflict with Wamba. RCD/ML forces loyal to Wamba at the military training camp at Rwampara tortured the men while they were detained. It was not known whether the men had been released by year's end. Other RCD/ML soldiers who were suspected of disloyalty also were tortured.

On August 30, RCD/Goma vice military police commandant Tshisekedi ordered subordinates to arrest his younger brother, Mbuyi Tshibwabwa, and Nyamulinduka Ndelo Zagabe, whom he suspected of stealing his sewing machine. Military police repeatedly beat the two men with hammers, shovels, and clubs until they eventually died (see Section 1.a.). There was no known action taken against Tshisekedi.

On October 9, RCD rebels reportedly publicly arrested, detained, and beat 13 human rights activists who attended a meeting of a human rights umbrella group in Bukavu (see Sections 1.d., 2.b., and 4).

There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani (see Section 1.a.).

There were numerous reports of killings and torture of prisoners by some antigovernment forces. A number of prisoners reportedly died of suffocation after guards detained them in overcrowded shipping containers. Guards reportedly sealed the prisoners inside overcrowded containers without ventilation, then denied them all food and water, causing death by dehydration, suffocation, and exhaustion. This treatment reportedly was reserved for suspected Interahamwe or Mai Mai collaborators.

The Kabila Government operated 220 known prisons and other places of detention, and in all such facilities,

conditions remained harsh and life threatening; there reportedly were many other secret or informal detention centers (see Section 1.d.). During the year, the Government continued to make limited efforts to improve conditions at Kinshasa's main prison, the Makala National Penitentiary and Reeducation Center. The Government provided food at some prisons, but not in sufficient quantities to ensure adequate nutrition for all inmates. Prison conditions remained a threat to prisoners' lives. Living conditions were harsh and unsanitary, and prisoners were treated poorly. The penal system suffered from severe shortages of funds, medical facilities, food, and trained personnel.

Overcrowding and corruption in the prisons were widespread. Prisoners reportedly were beaten to death, tortured, deprived of food and water, or starved to death (see Section 1.a.). Prisoners are wholly dependent on the personal resources of family or friends for their survival. Guards have been known to steal food brought to prisoners. Inmates at Makala prison in Kinshasa sleep on the floor without bedding and have no access to sanitation, potable water, or adequate health care. There were reports of guards forcing 55 or 60 prisoners into a small cell with room only to stand. No water or food is given to these prisoners. There are no toilets, forcing prisoners to urinate and defecate on the floor. Tuberculosis, red diarrhea, and other infectious diseases are common and widespread.

According to credible reports, prison guards demand bribes to allow family members to bring food to prisoners. Prisoners also pay bribes to receive better treatment. On February 29, three NGO activists who were arrested in Bukavu had to pay bribes in order to be moved from a closet where they had spent the first night in detention. Guards have shown reluctance to release prisoners due to fear of losing part of their incomes.

Although authorities do not target women for abuse, prison guards rape female inmates. In general women and juveniles are detained separately from men.

The Government exacerbated the overcrowding of civilian prisons by incarcerating many soldiers who declined to fight for the Kabila Government in the war. In July President Kabila pardoned and ordered the release of approximately 500 former Zairian Armed Forces (FAZ) troops held at Makala prison; however, there were reports that these soldiers immediately were reenlisted in Kabila's military and sent to fight against the rebels. At year's end, it was unknown how many soldiers, if any, continued to be detained in civilian prisons.

In June the Government released 93 Rwandan prisoners of war (POW's) in accordance with the Lusaka Accords (see Section 1.g.).

The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison (see Section 1.e.); however, the International Committee of the Red Cross (ICRC) was denied access to some regular detention facilities. The Government did not allow these organizations to visit the numerous unpublicized and unofficial detention sites scattered throughout the country where most newly arrested detainees are held, questioned, and sometimes subjected to abuse. The ICRC was denied access to these sites; however, the ICRC visited facilities where the Government holds Tutsis for their own protection. The ICRC is the only international NGO allowed to visit POW's.

In the previous year, it was reported that RCD/Goma forces frequently used the private residences of Rwandan or rebel military commanders for incarcerations; it was not known whether such detentions occurred during the year. Reports from former detainees indicate a systematic pattern of beatings, undernourishment, and deliberate killings in these houses.

d. Arbitrary Arrest, Detention, or Exile

Despite legal provisions governing arrest and detention procedures, the security forces were responsible for numerous cases of arbitrary arrest and detention.

Under the law, serious offenses (those punishable by more than 6 months' imprisonment) do not require a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status is empowered to authorize arrest. This status also is vested in senior officers of the security services. The law requires security forces to bring detainees to the police within 24 hours. The law also requires that detainees be charged within 24 hours and be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods.

In practice these provisions were violated systematically. Security forces, especially those carrying out the orders of any official who could claim authority, used arbitrary arrest to intimidate outspoken opponents and

journalists. Charges rarely were filed, and the political motivation for such detentions often was obscure. When the authorities did press charges, the claims that they filed sometimes were contrived or recitations of archaic colonial regulations.

Detention without charge has been a frequent problem under the Kabila administration. During the year, a number of human rights and religious organization leaders continued to indicate that it increasingly was difficult to monitor arrests and detentions or investigate reports of arbitrary arrest and detention due to increases in the number of arrests and detentions, in the number of security agencies involved, and in the number of detention facilities. There were many secret or unofficial detention centers in Kinshasa, some of which reportedly were run by the Office of the President (see Section 1.a.); there were several reports of secret jails on the premises of the presidential palace.

The Government no longer followed a policy of arresting and detaining members of the Tutsi ethnic group without charge and merely on the basis of their ethnicity. Approximately 1,516 Congolese Tutsis arrested in 1998 after the start of the war were allowed to depart between August 1999 and February for refugee camps in Cameroon and Benin and eventual resettlement abroad. On May 26, 156 Rwandans were repatriated by the ICRC from Lubumbashi to Rwanda. In June 1999, the ICRC repatriated detained Tutsis whom the Government regarded as Rwandan, Ugandan, or Burundian nationals, and who were willing to depart the country; however, approximately 300 Tutsis chose to remain in detention due to difficulties in repatriating them to neighboring countries, notably Uganda and Burundi. Terms of detention became increasingly liberal during the year and included substantial freedom of movement by year's end. Government detention of Tutsis became protective rather than punitive. Many Tutsis increasingly felt safer in government custody than elsewhere in the government-controlled part of the country (see Sections 1.c., 1.f., and 5). In July Human Rights Minister She Okitundu opened the Institut National de Securite Sociale (INSS) protection facility to the foreign diplomatic corps, media, and international organizations.

On January 1, Albert Angbana Mate, a Mobutu government official, was arrested in Mbandaka by the ANR for predicting that rebels would soon capture the government-held town of Bikoro. Agbana was transferred to the ANR facility in Kinshasa (Lemera), where security agents reportedly subjected him to severe torture (see Section 1.c.).

On the morning of January 2, security officials arrested Jose Malika, advisor to the Economics Minister, at his home in the Binza district of Kinshasa. The security officials questioned Malika at Camp Kokolo without revealing the charges for his detention; his personal property, including his car, were confiscated.

On the evening of January 6, four police officials arrested Professor Balanda Mikueni, former president of the Supreme Court, at his home in the Kintambo district of Kinshasa. The police entered the house without an arrest warrant and reportedly threatened to beat Balanda's son. Balanda was detained at a holding prison at Kin Maziere and then moved to an unknown location before being released on January 20. Security officials confiscated his house; it was returned by year's end.

On January 13, police arrested and tortured Crispin Ipondo Banda, a member of the opposition party UDPS, for talking about the Lusaka peace accords with a group of friends (see Section 1.c.). The police initially detained him at their facilities in the Kalamu district of Kinshasa, but subsequently transferred him to the Provincial Inspection Center of Kinshasa.

On January 14, ANR agents arrested Kayembe Kasuku, a member of the human rights NGO Lawyers Without Borders. Kayembe was the defense counsel for two Lebanese citizens who were tried by the military courts on charges of smuggling money. He also was responsible for the seizure of a vessel in the port of Matadi that reportedly was carrying goods destined for a Kinshasa merchant. Security agents detained Kayembe at the ANR holding facility at Ma Campagne. He reportedly was stripped and beaten for several hours for having insulted the President; jailers threw water mixed with cement and sand on him during the beating. On January 16, he was released and flown to South Africa for medical treatment for multiple injuries. It was unknown whether any charges were filed against Kayembe, and there was no known action taken against the security agents.

On January 24, ANR agents arrested four missionaries, Jean Denis Lokulo, Jean Robert Bompanda, Henri Bofala, and Jean Andiswa, from Equateur Province, and detained them at the Lemera holding facility on the suspicion that they were rebel informants (see Section 2.c.). The missionaries were released on February 22.

On February 5, security agents at Ndjili airport arrested Belgian development workers Pieter Vermaerke and Jesse Cnudde as they were about to board a flight to Brussels following a 1-week visit to Kinshasa. They were arrested when inspectors found reports on local prison conditions and development policies in their bags. Police detained them at an interrogation facility in the Ngaliema section of Kinshasa; they were released on

February 19.

On February 7, police arrested Time Missine and Betshi Pitchal in Matadi, Bas Congo Province, for possessing literature distributed by a human rights NGO. The women were sent to Kinshasa and released on February 15. It was unknown whether any charges were filed against Missine or Pitchal.

On February 17, ANR agents arrested four members of the PALU opposition political party for engaging in political activities (see Section 3). They were released on February 25.

On February 26, police arrested, detained, and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of the human rights NGO *Justice Sans Frontiere*. Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks; Phukuta was accused of having insulted the President. Security force agents reportedly tortured Phukuta, and the beatings left permanent scars. Police released Phukuta shortly after his arrest but have continued to threaten his life (see Sections 1.c. and 2.a.).

On February 29, rapid intervention police arrested seven members of the political party UDPS in Kinshasa, near the home of UDPS president Etienne Tshisekedi, and detained them at a jail in the Kasavubu district of Kinshasa where security agents reportedly lashed the detainees with whips until their release the following morning (see Section 1.c.). Police provided no explanation for their arrest. On October 11, security agents abducted seven other UDPS members from a street corner in Kinshasa. They reportedly continued to be detained at Camp Kokolo at year's end and were subjected to daily beatings (see Section 1.c.).

On March 8, security agents from the DGM detained Joseph Olenghankoy, president of the opposition party FONUS, as he was departing Kinshasa for Brazzaville, Republic of the Congo. The security agents confiscated his documents and prevented him from leaving the country (see Section 2.d.).

On March 16, security agents prevented a planned demonstration by the FSD in the Ndjili district of Kinshasa (see Section 2.b.). Immediately prior to the event, police arrested some FSD members who gathered for the demonstration; all were released the same evening or the following morning. The police commandant severely beat the president of the FSD, Eugene Diomi, when he arrived at the precinct in Ndjili to inquire about the arrests. Police also arrested a woman whom they wrongly thought to be Diomi's wife; she later was released. On November 15, security forces arrested Diomi after he questioned whether the aggression against the country began in 1998 when Rwanda invaded or in 1996 when the AFDL took over the country with the help of Rwanda. He was released from Makala prison on December 7.

On March 20, in the town of Pusuku, Bandundu Province, an altercation between a police officer named Masango and a young man named Kituku escalated after villagers intervened to assist Kituku. The police officer initially fled; however, federal police from the Mungindu station returned to the town the same evening and destroyed Kituku's home. The police arrested any persons who approached the house and forced them to pay bribes to secure their release.

On April 22, police arrested Francois Lumumba, President of MNC-L, during a party meeting at his home (see Section 2.b.). He was detained without formal charges at the Palais du Peuple in Kinshasa until May 3.

On May 1, security forces arrested Raphael Ghenda, the Secretary General of the CPP's. The Government released Ghenda several days later, but provided no explanation for his arrest or detention.

On May 5, police arrested four tax authority employees, Blaise Banzwa Kabo, Albano Mopipi, Andre Yoba Mbesi, and Kakale Makala, and detained them for 10 days for "endangering state security" (see Section 6.a.).

On May 25, security forces arrested Kinshasa University students Placide Nkoso and Jean-Pierre Mofila Mboma for involvement in a student demonstration on May 17 (see Section 2.b.). Both were detained on the charge of suspected collaboration with MLC rebel leader Jean-Pierre Bemba. Both Mofila and Nkoso remained in detention at Makala prison at year's end (see Section 2.a. and 2.b.). It was unknown at year's end whether the students had been charged. On July 18, security force agents arrested a Kinshasa University student known only as Kosso, in connection with a student demonstration on July 17 (see Section 2.b.). Kosso remained in jail at year's end.

On May 29, the National Intelligence Agency (ANR) arrested Felicien Malanda and Georges Nazimbika, leaders of the National Council of Development NGO's (CHONGD), and detained them until June 27 without formal charges.

On June 3, ANR agents arrested Felicien Malanda Nsumba, executive secretary of CNONGD, and detained him at the Binza-Macampagne facility in Kinshasa. He was released later in June but received no explanation for his arrest.

On June 3, police arrested Jeannot Bemba Saolona, Minister of Economy and Industry and father of MLC rebel leader Jean-Pierre Bemba, Badimanyi Mulumba, Minister of State for Planning, and Frederic Kibassa-Maliba, Minister of Mines; President Kabila released the three on July 5. On June 10, government authorities arrested Victor Mpoyo, Minister of State for Petroleum Affairs. Bemba was accused of misappropriating hard currency; however, no specific charges were given for the other arrests.

On the night of June 10, in the Masina district of Kinshasa, there were unconfirmed reports that soldiers forcibly entered the home of Reverend Placide Tshisumpa Tshiakatumba, president of the International Society for Human Rights (ISHR). Under the pretense of searching for "suspicious" documents, the soldiers allegedly systematically searched Tshisumpa's belongings and stole jewelry, money, and a camera. The soldiers reportedly then blindfolded and bound Tshisumpa, abducted him in their jeep, and drove him around Kinshasa until 3 a.m. (see Section 1.f.).

On June 23, security police arrested Jonas Mukamba Nzemba, former governor of Eastern Kasai Province and head of an Mbuji Mayi diamond company, and 33 guests at his home. Mukamba was released on December 7; the others were released in small groups prior to Mukamba's release.

On July 7, security forces arrested Transportation Minister Odette Babandoa on charges that she took bribes and favored her husband's business interests (see Section 2.a.). She was released on July 8. On July 13, Babandoa was arrested again but was released on July 21.

On July 22, security forces arrested and detained for 4 days Eddy Kapend, Aide de Camp to President Kabila, for embarrassing the President.

On July 22, security agents arrested Catherine Nzuzi, leader of the major faction of the MPR. She was charged with treason after she complained in a radio broadcast of harassment by Kabila's security organizations (see Section 2.a.). On September 18, Nzuzi was allowed to return home, but she remained under house arrest and faced possible trial before a military court. In November authorities again detained Nzuzi in Makala prison; however, she was released on December 7. In 1999 she was arrested and detained for 5 hours on charges of violating a decree prohibiting political activity.

On July 27, army troops arrested Faustin Kamala, Deogratias Bihaira, and Thomas Kataala at their home. They reportedly were being held incommunicado by the ANR in the Ngaliema section of Kinshasa at year's end.

On October 18 and 19, national police arrested military court officials Mwakobila Itonge, Ambroise Kusa, and Ndaba allegedly for possessing information regarding government abuses. Mwakobila reportedly was detained at the Kin-Masiere Prison. Kusa and Ndaba reportedly were detained at Makala prison and were beaten and tortured (see Section 1.c.). All three were released on October 25.

On October 31, security forces rearrested Commandant Anselme Masasu Nindaga, a political prisoner who was released on March 24 (see Section 1.e.). Masasu reportedly was detained in undisclosed locations in Kinshasa for at least 3 weeks. On November 24, there were reports, including from human rights NGO Association Africaine de Defense des Droits de l'Homme (ASADHO), that government officials had tried at a FAC military court near Pweto, sentenced to death, and executed Masasu and 35 suspected collaborators, allegedly for plotting a coup against President Kabila during the year (see Section 1.a.).

On November 16, police arrested two students who were carrying their lunches on the campus of the Institut Pedagogique National (IPN) in Kinshasa, because the police wanted the food. Police reportedly arrested several students and beat 10 students who intervened on the behalf of the arrested students (see Section 1.c.). On November 17, approximately 800 students demonstrated to protest the incident; allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Sections 2.a. and 2.b.). The commander of the police detachment reportedly was arrested following the incident.

On December 5, intelligence officers arrested Steve Mbikay, Secretary General of the Solidarity Union, as he left a union meeting; he was suspected of instigating popular discontent at the Customs Authority (see Section 6.a.). He continued to be detained without charges by the ANR in Gombe at year's end.

During the year, government security forces arrested and detained more than 10 journalists compared to 80 in

1999; few of them were tried. The decrease in arrests and detentions during the year was attributed to efforts by Leonard She Okitundu, former Minister of Human Rights and current Minister of Foreign Affairs, and the U.N. Human Rights Commission. At least five journalists remained incarcerated at year's end. The Government also detained foreign journalists (see Section 2.a.).

On January 5, a human rights NGO announced that Laurent Kantu Lumpungu, president of L'Association des Cadres Penitentiaires du Congo, was released from prison on December 29, 1999. He had been arrested in May 1999 after making critical remarks about prison conditions.

In October 1999, ANR security forces arrested Charles M. Mfwamba Mukendi, the director of Centre d'Etude et de Formation Populaire Kasayi (CEFOP), for reportedly publishing a report that outlined government human rights abuses in the province. He was released on January 6; it was unknown if the charges against him were dropped. Personal items confiscated during his arrest reportedly were not returned.

In November 1999, security forces arrested Cleophas Kamitatu, president of a newly formed opposition group, Community of the Pluralist Democratic Opposition (CODEP), after he criticized the Government in a foreign radio broadcast. However, he was charged with malfeasance in connection with prior service as ambassador to Japan. Kamitatu reportedly signed over the deed of a provincial house in return for a promise of release. On June 12, Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds; he remained in detention at year's end (see Sections 2.a. and 2.b.).

At year's end, two human rights workers had been arrested by the Kabila Government. They were Laurent Kantu Lupungu, president of the Association des Cadres Penitentiaires du Congo (ACPC); and Denis Ilounga Kabeya, member of Friends of Nelson Mandela (ANMDH), who was jailed in Mbuji Mayi.

There were no developments in the 1999 arrests and detentions of Tabu Kalaia, president of the Katangan provincial branch of the opposition UDPS party; Professor Kambaj wa Kambaji; Wetemwani Katembo Merikas, an activist with the youth-oriented human rights NGO Cojeski; Innocent Kyuma; and the seven UDPS activists, all of whom remained in detention at year's end.

On November 27, the Government released 509 prisoners from Makala prison in honor of the President's birthday (see Section 1.e.).

Pretrial detention often was prolonged. In October it was reported credibly that the total number of prisoners at Makala prison was over 2,400, almost 90 percent of whom were awaiting trial. In February a presidential decree offered amnesty to those arrested and imprisoned for endangering the security of the State and related charges. During the year, over 800 prisoners were freed; however, most were soldiers whom the Government reenlisted and sent to the front to fight the rebel forces.

The Government also held prisoners of war (POW's). In June the Government released 93 Rwandan POW's in accordance with the Lusaka Accords, and in return the Government of Rwanda released 35 Zimbabwean and 11 Namibian prisoners. The Government claimed that it no longer detained any POW's at year's end.

There were many reported arbitrary arrests by antigovernment forces in the occupied territories, and antigovernment forces reportedly detained persons repeatedly (see Section 1.b.). Many of those whom antigovernment forces detained reportedly were Hutus. In March rebel security agents harassed a number of religious and civil society leaders who traveled to Kinshasa to take part in the National Consultations. Over 40 delegates from the occupied territories, many of them associated with human rights NGO's, were subjected to harassment, delays, and detention (see Sections 3 and 4).

On April 22, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August (see Section 2.d.). Rwandan authorities released Bahati following international pressure.

On May 15, RCD/ML forces arrested Sylvain Mudimbi Masudi, external relations director of the human rights NGO Friends of Nelson Mandela (ANMDH), in Beni, North Kivu Province. Masudi was returning from the 56th session of the Commission on Human Rights in Geneva. RCD officials imprisoned Mudimbi in a crowded cell with Mai Mai combatants for 2 days; on May 17, he was expelled from the country along the Ugandan border (see Section 4).

On July 29, RCD/ML security forces detained two of their senior officials, Deputy Director of Mining Michel Rudatenguha and Brigade Commander Mukalayi, on suspicion of conspiring to overthrow the leader of the RCD/ML rebel movement, Professor Wamba dia Wamba (see Section 1.c.).

On August 29, RCD/Goma security forces arrested 4 civil society members, Paulin Bapolisi Bahuga, Gervais Chiralwirhwa Nkunuzimwami, Aloys Muzalia Wakyebwa, and Regine Mutijima in Bukavu ostensibly in connection with a grenade attack on an outdoor festival that killed 8 persons and wounded approximately 100 (see Section 1.a.). The four reportedly had blamed Rwandan soldiers for the bombing. They were all active members of South Kivu Province civil society and the first three were employed at the teacher training school in Bukavu. President Kabila recently had nominated three of the four, without their knowledge or consent, to the National Constituent Assembly, as part of the delegation representing the occupied territories. The four were taken to Kisangani for questioning. Despite international calls to release the civil society workers, the four were detained until September 30.

On October 9, RCD rebels reportedly publicly beat, arrested, and detained 13 human rights activists who attended a meeting of a human rights umbrella group in Bukavu, at Camp Saio (see Sections 1.c. and 2.b.).

On October 29, RCD forces reportedly arrested Jean-Paul Ramazani Kulimushi, director of the Congolese National Radio-Television (RTNC), in Goma (see Section 2.a.). He was detained in solitary confinement in the "Mean Dog" cellblock at year's end.

In April 1999, members of the Presidential Guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi (see Section 5). Biteo told the guardsmen that he was visiting the hospital to see the burned child of a cousin, Mirimo Mulongo. Members of the Presidential Guard then arrested Mulongo, and both Biteo and Mulongo were taken to the GLM detention facility in the Gombe area of Kinshasa. Both were denied visitors and still were believed to be in detention at year's end.

Government soldiers captured by antigovernment forces reportedly were held by the RCD/Goma or MLC, which reportedly did not permit the ICRC to visit them.

The law prohibits forced exile, and the Government did not use it in practice; however, the Government did release approximately 3,000 Congolese Tutsis from detention on the condition that they leave the country through internationally sponsored relocation programs. These Tutsis freely chose to leave the country rather than remain in government detention; however, another 300 Congolese Tutsis, Rwandans, Burundians, and Ugandans remained in the country due to difficulties in arranging their repatriation to neighboring countries, particularly Uganda and Burundi. These persons chose to remain under government protection rather than face possible reprisals abroad.

e. Denial of Fair Public Trial

The Transitional Act of the Mobutu regime and Kabila's Decree Law No. 3 provide for the independence of the judiciary; however, in practice the judiciary was not independent of the executive branch, which manipulated it during the year. The Kabila administration continued to refuse to establish mechanisms to ensure the independence of the judiciary; a judicial reform decree, reportedly awaiting presidential approval since 1997, still had not been promulgated. The judiciary also was ineffective and suffered from corruption. For example, on October 18 and 19, national police arrested military court officials Mwakobila Itonge, Ambroise Kusa, and Ndaba allegedly for possessing information regarding government abuses (see Section 1.d.). All three were released on October 25.

The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, largely was dysfunctional; during the year, military tribunals that have been organized since August 1997 tried nearly all cases and sentenced civilians as well as military personnel to death after summary trials. Defendants before these tribunals had no automatic right to appeal to a higher court, and many apparently lacked counsel.

Death sentences and executions resulting from summary military trials became increasingly frequent as the year progressed. Approximately 200 individuals have been executed by military courts as of year's end, including at least several dozen soldiers executed during the year in relation to a coup plot against the President (see Sections 1.a., 1.b., and 1.d.); however, during the year, no civilians were known to have been executed following a death sentence handed down by the military court. Government military tribunals repeatedly sentenced civilians to death for nonviolent offenses, including mismanagement of public funds and violations of government restrictions on private economic activity, such as private distribution of state-monopolized and state-rationed gasoline. During her visit to the country in October, Kabila assured U.N. High Commissioner for Human Rights Mary Robinson that the military no longer would try civilian cases; however, similar promises have been made previously. Military tribunals also convicted and ordered the execution of military persons charged with armed robbery, murder, inciting mutiny, espionage, and looting while in a state of mutiny. Persons convicted by military tribunals sometimes were executed publicly in ceremonies held in stadiums and presided over by senior government officials, such as provincial governors; however, it was

unknown whether any public executions occurred during the year.

Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings; however, the Government did not respect these rights in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, and except those cases adjudicated by the special military tribunals, whose jurisdiction appears ill defined. The law provides for court-appointed counsel at state expense in capital cases, in all proceedings before the Supreme Court, and in other cases when requested by the court. The Kabila administration still had not stated a position on providing counsel by year's end, and had provided it only at its discretion.

Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently, and who also were trained poorly. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

On January 15, security agents arrested Oscar Mudiayi Wa Mudiayi and Bernard Tshishimbi, both former employees of the Petroleum Ministry, and brought them before a military court for allegedly selling petroleum illegally. They were detained in Makala prison, where they remained until March 10.

On January 28, eight soldiers were executed after a military court found them guilty of attempting to incite a mutiny in a battalion attached to the Special Rapid Intervention Brigade.

On February 2, nine soldiers were executed, including four from the Presidential Guard, on accusations of murder and armed robbery.

In May a military court sentenced Freddy Loseke Lisumbu, editor of the newspaper *Le Libre Afrique*, to 3 years in prison (see Section 2.a.).

On June 12, Cleophas Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds; he remained in detention at year's end (see Sections 1.d. and 2.b.). In November 1999, security forces had arrested Kamitatu, president of CODEP, after he criticized the Government in a foreign radio broadcast (see Sections 1.d. and 2.a.).

On February 19, President Kabila decreed a general amnesty for all prisoners detained for crimes against the security of the State. Although several hundred prisoners reportedly were freed as a result of the decree, hundreds more reportedly remain in detention (see Section 1.c.).

On March 10, the Government released 55 political prisoners, and on March 24, released 89 political prisoners, including AFDL co-founder Anselme Masasu (see Sections 1.a. and 1.d.) and former Bas Congo Province governor Fuka Unzola and five associates, all of whom were convicted and sentenced to long prison terms in 1998. The majority of those released in March were soldiers who were retrained and sent to the front.

The Government continued to hold some political prisoners. Observers believe that there were nine political prisoners at year's end, including Kambale Mututulo, former Minister of Parastatals; Luis Hamuli, former employee of the Information Ministry; and Mubake Mumeme, former Deputy Chief of Staff for the President. The precise number of political prisoners could not be ascertained due to restrictions on access to prisons by independent monitors (see Section 1.c.). Persons whom the Government incarcerated during the year for political offenses, including violations of Kabila's ban on political activity, mostly were detained without being tried (see Section 1.d.). The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison. The Government does not allow these organizations to visit the numerous other detention facilities scattered throughout the country. It is in these facilities where most recently arrested detainees are held, questioned, and sometimes subjected to abuse.

In the territories occupied by the various rebel factions, particularly the RCD/Goma, the system of justice remained essentially nonfunctional. Judges seldom were paid their salaries. There were credible reports of judges accepting bribes in return for favorable decisions. RCD/Goma officials and others with influence reportedly used the judicial system to arrest individuals on false charges to extract money and property from these individuals. Credible sources claim that higher RCD/Goma authorities reprimanded judges who refused to participate in such schemes. There also were documented cases of indiscriminate military justice in which individuals suspected of treason were executed without a trial. For example, on January 29, in Bunia, a

Rwandan soldier reportedly summarily executed a Congolese rebel soldier based on the suspicion that the Congolese soldier was passing information to an opposing rebel group (see Section 1.a.).

Officially, the RCD/Goma established measures to investigate and punish rebel soldiers guilty of committing atrocities against civilian populations. However, the initiative remains largely ignored and ineffective, and there were no reports that RCD/Goma tried, convicted, or punished any of its troops for committing atrocities.

Persons reportedly incarcerated by antigovernment forces for political reasons generally were reported to be detained without being formally tried (see Section 1.d.).

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

Security forces routinely ignored legal provisions for the inviolability of the home, the family, and private correspondence. Security force officials often harassed and robbed persons. Government security forces routinely kept under surveillance the headquarters of opposition parties and the movements of leading opposition political figures (see Section 2.b.).

The security forces repeatedly raided private businesses, including newspapers, banks, and law firms, seized documents and other property, and arrested and detained employees whom they accused of collaborating with antigovernment forces (see Sections 1.d. and 2.a.). Security forces routinely ignored requirements for search warrants, entering and searching at will.

When unable to locate a specific individual, authorities routinely arrested or beat the closest family member (see Sections 1.c. and 1.d.). For example, in July 1999, military personnel held hostage the wife and sister of Innocent Kyuma until Kyuma appeared. He was arrested on July 9, 1999, without a warrant and for no apparent reason; his release still had not been reported by year's end (see Section 1.d.).

Security agents forced their way into private homes without search or arrest warrants, often beating the inhabitants and stealing money and goods. There were reports that security forces raped women during these raids. The police often raided opposition party leaders' residences, made arrests, and seized files (see Sections 1.c. and 1.d.). For example, on November 26, a group of armed government soldiers searched and robbed the house of Athanese Matenda Kyelu, the manager of the Chamber of Commerce, in the Ngaliema district of Kinshasa (see Section 1.c.).

On January 9, 7th Military District soldiers forcibly entered the home of Christophe Kalonji Ntambwe in Kinshasa's Barumbu commune, ransacked the home, and arrested Kalonji (see Section 1.d.). The soldiers reportedly were working as agents of Joseph Mbuyi Lusambo, who wished to expropriate land owned by Kalonji. On January 13, the soldiers returned to Kalonji's home, searched his files, and destroyed furniture.

On January 29, a group of soldiers ransacked the home of Christophe Gbenye, president of the political party Congolese National Movement/Lumumba (MNC/L), for 2 hours while Gbenye was absent. The soldiers were searching for weapons; however, the soldiers confiscated much of Gbenye's personal property before leaving.

On May 2, a group of soldiers ransacked the home of Somwe a Somwe, situated in the Selembao district of Kinshasa.

On the night of June 10, in the Masina district of Kinshasa, there were unconfirmed reports that soldiers forcibly entered the home of Reverend Placide Tshisumpa Tshiakatumba, the president of the International Society for Human Rights (ISHR). Under the pretense of searching for "suspicious" documents, the soldiers searched Tshisumpa's belongings and stole jewelry, money, and a camera. The soldiers blindfolded and bound Tshisumpa, threw him in their jeep, and drove him around for several hours.

ANR security agents monitored mail passing through private express delivery companies as well as through the largely dysfunctional state mail service. The Government widely was believed to monitor telephone communications.

There were credible reports that government forces used forced conscription, and that many of those forced to enlist were children (see Sections 5, 6.c., and 6.d.). On June 9, President Kabila issued a decree to reduce the Government's use of child soldiers and curtail forcible conscription of children during the year; however, the decree was not implemented by year's end. There was no general demobilization of child soldiers during the year, and many children already in the armed forces continued to serve in them. In addition government military commanders allegedly used child soldiers to inflate the ranks of troops under their command in order

to acquire additional food and pay, which the commanders would confiscate. Commanders reportedly often concealed child soldiers during visits by human rights NGO's and other monitoring groups (see Section 5). There were credible reports that the FAC forcibly conscripted homeless boys.

Some Mai Mai and Hutu militia units fighting on the side of the Government routinely seized private property and looted homes to supply themselves. Mai Mai and other progovernment groups also regularly recruited children from the areas in which they operated.

Antigovernment forces subjected civilians to arbitrary interference with privacy, family, home, and correspondence of civilians in the areas that their forces dominated (see Sections 1.a. and 1.c.).

In the provinces of North and South Kivu, RCD rebels and other antigovernment groups regularly recruited children from the areas in which they operated. In 1999 rebel forces stated that they would reduce their use of child soldiers, and the problem reportedly continued to diminish during the year; however, there were no reports that they generally demobilized child soldiers, and many child soldiers reportedly continued to serve in rebel armed forces.

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

Throughout the year, war continued with external intervention on both sides. The war began in August 1998, when Kabila tried to expel from the country Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis and the Governments of Rwanda, Uganda, and Burundi relied on these Rwandan forces for protection from hostile nongovernmental armed groups operating out of the eastern part of the country. These groups included: The Interahamwe militia of ethnic Hutus, mostly from Rwanda, which fought the Tutsi-dominated Government of Rwanda, and Hutu members of the former Rwandan armed forces, two groups whose members are believed to be responsible for the 1994 genocide of Tutsis in Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces that is growing in both popularity and numbers; the Alliance of Democratic Forces (ADF), consisting of Ugandan expatriates and supported by the Government of Sudan; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government in Bujumbura. Kabila's attempt to expel the Rwandan armed forces was frustrated by the outbreak in August 1998 of a rebellion, led by the RCD. The RCD/Goma was dominated by members of the Tutsi ethnic minority, but from the outset depended heavily on troops, material, and direction from the Government of Rwanda, and, to a lesser extent, the Government of Uganda. Military intervention by Angola, Chad, Namibia, and Zimbabwe resulted in the defeat of an RCD drive on Kinshasa in August 1998, but antigovernment forces advanced elsewhere. In 1999 the rebels split into three factions: A Rwandan-supported faction of the RCD based in Goma; a Ugandan-supported faction of the RCD based in Bunia; and the Ugandan-supported Movement for the Liberation of the Congo, which unlike the original RCD was not dominated by ethnic Tutsis. Nevertheless, antigovernment forces advanced and controlled most of the country's territory, including its eastern and northern regions; however, during the year, the military situation largely stabilized except in Equateur Province. Elements of the armed forces of Rwanda and Uganda continued to operate inside the country in support of rebels, and elements of the armed forces of Burundi operated inside the country against armed groups of Hutus from Burundi. Elements of the armed forces of Angola, Namibia, and Zimbabwe continued to operate inside the country in support of the Government throughout the year, but Chadian forces withdrew from the country in May 1999. Nongovernmental armed groups such as the Interahamwe, former Rwandan Hutu military, and Mai Mai continued to operate inside the country on the side of the Government, often as guerrillas inside territory held by antigovernment forces. Cease-fire accords signed in July and August 1999 between progovernment and antigovernment forces only briefly reduced the intensity of the war. During the year, all sides violated the cease-fire, although the level of fighting generally was limited. All sides repeatedly used excessive force and committed numerous abuses. An international humanitarian NGO estimated that as many as 1.7 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.a.).

Government and progovernment forces routinely used excessive force by bombing civilian populations in air raids against towns held by antigovernment forces. The crude bombs used, their manner of delivery (rolled out of an aircraft through an open hatch), and the fact that the raids were carried out at night over populated areas, nearly always resulted in heavy civilian casualties and little or no damage to antigovernment forces; however, it is uncertain how many civilians were killed in these attacks. According to a report by the U.N. Special Rapporteur on the Situation of Human Rights in the Democratic Republic of the Congo, not only the Government's armed forces but also elements of the armed forces of other countries, including Zimbabwe, conducted such bombings.

Government security forces continued to use child soldiers but reduced their overall forcible recruitment of child soldiers during the year (see Sections 1.f. and 5).

There were reports that Mai Mai and Hutu guerrillas fighting on the side of the Government killed and tortured noncombatants (see Sections 1.a. and 1.c.).

There were many reports, at least some of them credible, that elements of the Rwandan armed forces and the Goma faction of the RCD repeatedly committed mass killings of noncombatants, usually in reprisal for attacks in the same area on RCD forces by Mai Mai or Hutu groups (see Section 1.a). In addition Rwandan soldiers and RCD rebels reportedly engaged in dismembering their victims with machete blows while they still were alive. Rwandan troops and RCD rebels also reportedly engaged in the raping of women in public and often in the presence of their families and in-laws (see Section 1.c.). Rebel forces reportedly continued to use child soldiers (see Sections 1.f. and 6.c.).

On two occasions during the year, Rwandan and Ugandan forces fought open battles in the streets of Kisangani, resulting in hundreds of civilian deaths, as well as thousands of wounded and displaced persons (see Sections 1.a. and 2.d.).

The Government also held POW's. An exchange of POW's was called for in the Lusaka Accords. In June the Government released 93 Rwandan POW's, and in return the Government of Rwanda released 35 Zimbabwean and 11 Namibian POW's.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Statutes provide for freedom of speech and of the press, and remain in effect; however, the Government increasingly restricted these rights in practice.

The CPP's that Kabila formed in 1999 monitored persons' speech, association, and movement, in residential areas, workplaces, and schools, and reported speeches critical of the Government to security forces. Although the CPP's were not part of the formal structure of the State, they clearly acted as agencies of the Government.

Incidents of harassment, intimidation, and detention of journalists continued to occur, and violations of press freedom were more common, particularly in the last few months of the year. During the year, government security forces arrested and detained more than 10 journalists compared to 80 in 1999; few of them were tried. The decrease in arrests and detentions during the year was attributed to efforts by Leonard She Okitundu, former Minister of Human Rights and current Minister of Foreign Affairs, and the U.N. Human Rights Commission. At least five journalists remained incarcerated at year's end. Other journalists were subjected to harassment, beatings, and torture. Police seized radio stations, shut down newspapers, and set fire to publishing houses. The Government shut down radio and television stations and disrupted the operations of newspapers. State authorities arrested, questioned, harassed, and expelled foreign journalists and banned the transmission of some international radio broadcasts.

Almost 400 newspapers were licensed to publish, and a number of them appeared regularly in Kinshasa. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Of the Kinshasa-based newspapers, eight were dailies; the rest of the newspapers that appeared regularly were published between one and three times a week. Most private news publications relied on external financing, often from political parties and individual politicians. News publications tended to emphasize editorial commentary and analysis rather than factual descriptions of events; many were highly critical of the Government. There were no overtly government-controlled newspapers; however, at least two newspapers, L'Avenir and L'Observateur, were supported respectively by the Office of the President and the Ministry of Foreign Affairs. Le Forum and Le Palmars have close ties to the security services. Of these, only Le Palmars and l'Avenir were published daily.

A 1996 press law regulates the newspaper industry. Publishers must continue to deposit copies of their publications with the Information Ministry; however, there is no longer a formal censorship regime. Criminal libel laws exist but were not used against journalists. In most cases where journalists were charged formally, state authorities charged them with "endangering the State" through the publication or broadcast of political news, or news of the war. Charges often were brought under the 1996 press law; however, the Government had not published the law in 4 years, and many of the judges, as well as the journalists on trial, are unfamiliar with it. Government officials criticized or implicated in fraudulent practices by the press at times encouraged police to arrest the journalists responsible for such stories.

In November 1999, security forces arrested Cleophas Kamitatu, president of CODEP, after he criticized the Government in a foreign radio broadcast (see Section 1.d.). On June 12, Kamitatu was sentenced to 4 years

of "forced labor" for misappropriating state funds; however, he remained in detention at year's end (see Sections 1.d. and 2.b.).

On January 3, security forces arrested and tortured Freddy Loseke Lisumbu, editor of the newspaper *Le Libre Afrique*, after he reportedly wrote two articles that claimed that elements in Kinshasa were planning a coup against President Kabila (see Sections 1.c. and 1.d.). Security forces reportedly kept Loseke incommunicado at Makala prison; family members were not allowed to visit him, and guards reportedly stole and ate the food that family members brought for him. Security agents allegedly subjected Loseke to torture (see Section 1.c.); he reportedly was in ill health at year's end but was denied medical attention. In May a military court sentenced Loseke to 3 years in prison for publishing an article about a general who allegedly was plotting to assassinate President Kabila (see Section 1.e.).

On January 8, presidential guards arrested Mossi Mwassi, a journalist, allegedly for speaking English. He was charged with libel and infringing on public security, but was released on January 11.

On January 10, ANR agents summoned to an unknown location Father Fabien Kenta, director of the private Catholic radio station *Radio Elikya*. Security agents said that the radio station had broadcast anti-Kabila messages under the guise of human rights information and ordered Kenta not to broadcast anti-Kabila messages.

On February 26, police arrested and severely beat Zuzi Phukuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of the human rights NGO *Justice Sans Frontiere*. Phukuta reportedly was riding in a public van with a number of students who shouted anti-Kabila remarks. The students fled when police surrounded the vehicle after it stopped in traffic; however, the police found Phukuta inside the vehicle and severely beat him before placing him under detention (see Sections 1.c. and 1.d.). Police accused Phukuta of having insulted the President; security forces reportedly tortured Phukuta and left permanent physical scars. Police reportedly continue to threaten his life, although he was released shortly after his arrest (see Section 4).

On March 13, police arrested journalist Nyembo Kimunyi because of an article he wrote in the weekly newspaper *La Tribune* that claimed Kabila's deceased brother had engaged in human rights abuses as head of the ANR in Lubumbashi. The article reportedly stated that the ANR in Lubumbashi is known for "terror, extortion, and retaliation." The ANR released Kimunyi in July; it was unknown whether any charges were filed against him.

On April 24, police arrested two journalists, Jean Bruno Kadima and Jose Ntumba Moukanda, the director of publications and a reporter for the weekly newspaper *Umoja* respectively (see Section 1.d.). Security forces gave no reason for the arrest, nor were any charges made against the pair. They were released on May 3.

On June 12, security forces arrested Aime Kakese of the newspaper *La Carousel* after he refused to provide police with the address of a journalist that they were seeking. A military court sentenced Kakese to 2 years in prison; however, he was released in December.

On June 12, security forces arrested Richard Nsamba, editor of *Le Messenger African*, for publishing articles unfavorable to Charles Okoto, the former governor of Eastern Kasai Province and current head of the parastatal MIBA. He was convicted by a military court, but he was released in September after serving a brief sentence.

Also in June, security forces arrested Jean-Pierre Ekanga of the newspaper *La Tribune de la Nation* for allegedly providing inaccurate information on the newspaper's relationship with Nicolas Katako, husband of Transportation Minister Odette Babandoa. Katako was jailed for collaborating with journalists; Ekanga was sentenced to 2 years in prison but was released in December.

On July 22, security agents arrested Catherine Nzuzi, leader of the major faction of the MPR (see Section 1.d.). She was charged with treason after she complained in a radio broadcast of harassment by Kabila's security organizations.

On September 1, police arrested journalist Frank Baku of the daily newspaper *La Reference Plus* after Baku criticized the country's judicial system. Baku was released in October.

On November 8, ANR agents arrested and detained Kinyongo Saleh, editor of the newspaper *La Vision*, at a facility in Kinshasa. Family members were not permitted to visit Kinyongo, and he remained in detention at year's end.

On November 12, security forces arrested Feu d'or Bosange Ifonge, a music reporter for the newspaper L'Alarme, for selling copies of the newspaper with an article that claimed that the city of Mbandaka in Equateur Province was burning.

On November 17, FAC forces allegedly briefly detained a journalist covering the student protest at the Institut Pedagogique National (IPN) in Kinshasa and confiscated her recordings (see Sections 1.c., 1.d., and 2.b.).

In November 1999, security forces arrested and detained Honsek Hokwoy, the editor of the newspaper La Solidarite, after Honsek claimed in print that Finance Minister Mawampanga Mwana Nanga had been arrested. He was released on February 4.

In November 1999, security forces arrested and detained for 66 days without trial Kazadi Djodjo Mbayo, director of the publication La Palme d'Or; he was released on January 15. Kazadi reportedly was arrested for "having committed an outrage against the Chief of State and inciting revolt." As a condition of his release, Kazadi reportedly promised never to write another article about the President that could be deemed derogatory; he also promised to inform the ANR of any other derogatory information.

In December 1999, security forces arrested and detained a newspaper street vendor, Gaspard Baila, after the front page of the Pot-Pourri satirical newspaper he was selling criticized fraud and embezzlement within the Government. Security forces reportedly subjected Baila to physical abuse. He was released on January 12.

Security forces continued to detain Albert Bosange Yema, a journalist employed by L'Alarme, who was arrested in 1999 after he reportedly wrote an erroneous article on the capture of Lake Mukamba by the rebels. However, he had escaped from prison and was living in exile at year's end.

The Government also harassed foreign journalists and academics by searching their luggage for professional notes, preventing their departure from the country, and detaining them for questioning. On September 15, immigration authorities arrested foreign journalist Francois Grignon after searching his luggage at the airport and uncovering interview notes. Grignon had been researching a report for the International Crisis Group (ICG). On September 22, security agents arrested foreign journalist Nicholas Long on suspicion that he was working with Grignon. Long was released within a few hours; Grignon spent 1 week in detention before authorities allowed him to leave the country. On September 27, immigration police detained foreign journalists Richard Dowden and Koert Lindyer after searching their luggage and uncovering notes, which were believed to have contained information on interviews with government officials and foreign diplomats. Both were released within a few days and departed the country.

Government security forces sometimes seized individual issues of various newspapers or printing equipment. During the year, security forces continued occasionally to seize newspapers from street vendors to prevent circulation of articles deemed damaging to the Government.

On November 30, the ANR warned independent newspapers in Kinshasa not to publish stories about the army or the security services.

Due to limited literacy and the higher costs of newspapers and television, radio remained the most important medium of public information. At year's end, six radio stations operated in Kinshasa. During the year, the Government nationalized one radio and television station, RTKM, which was owned by Ngongo Ngongo Lowowo, a former Information Minister under Mobutu. In 1997 the Government lifted the Mobutu regime's ban on news programming on private radio; however, two radio stations continued to be state-owned and government-controlled. Opposition parties were unable to gain access to state-owned radio, and private radio was markedly less critical of the Government than private newspapers. During the year, the Government closed down private radio stations because they broadcast news unfavorable to the Government or commentary critical of the Government.

Eight television stations broadcast in the Kinshasa area, two of which are state-controlled and two of which are religious. The status of these stations remains unclear after the Ministry of Communication announced in September that it would nationalize three broadcast corporations, including RTKM and two television stations owned by Jean-Pierre Bemba: "Antenne A" and "Canal Kin." The Ministry also ordered seven privately owned radio stations and three privately owned television stations to cease broadcasts. Communication Minister Dominique Sakombi invoked a 1996 broadcast law to legitimize the closings. Credible sources claim that the move also had financial motivations, as Sakombi ordered each of the stations that were shut down to pay the Communication Ministry a tax equivalent to 18 percent of each station's advertising revenue; the Ministry of Finance normally collects such taxes. However, by October most broadcast stations that the Government closed had resumed broadcasting. The Government motive for the shutdowns and reopenings remained

unclear. Opposition parties remained unable to gain access to state-controlled television. Other methods of silencing the broadcast media have included burning down radio stations and expelling journalists from their homes; however, no such incidents occurred during the year.

The Government continued to restrict severely foreign broadcasts during the year. In 1999 then Information Minister Didier Mumengi ordered privately owned radio and television stations to cease transmitting foreign broadcasts. The order was aimed at Elikya, a Catholic radio station that transmits Radio Vatican, and Raga FM, which broadcasts the Voice of America (VOA), the British Broadcasting Corporation (BBC) world service, and Deutsche Welle. However, Kinshasa still receives Radio France Internationale, which is transmitted from nearby Brazzaville.

At year's end, there were two domestic Internet service providers. Because of technical difficulties and high costs, the Internet is not used widely.

Some antigovernment forces, including the RCD/Goma, reportedly restricted freedom of speech and of the press; at year's end, there reportedly were no independent media in areas controlled by the RCD/Goma.

Antigovernment forces reportedly arrested journalists. For example on October 29, RCD forces allegedly arrested Jean-Paul Ramazani Kulimushi, director of the RTNC, in Goma. Ramazani Kulimushi reportedly broadcast a commentary critical of the conduct of certain RCD soldiers. He was detained in solitary confinement in the "Mean Dog" cellblock at year's end.

In 1999 RCD/Goma security forces in Bukavu in South Kivu Province seized the radio transmitter and other equipment from the private radio station Radio Maendeleo, effectively taking it off the air. Despite wide appeals, RCD authorities refused to return the confiscated equipment.

Academic freedom continued to be endangered as professors exercised self-censorship or modified their lectures to suit the views of their patrons in the Government. Faculty members complained that members of the Government took a strong interest in activities at their universities. The regime monitored university classrooms through student and teacher members of the CPP's (see Section 2.b.). During the year, the CPP's remained active on university campuses in Kinshasa and Lubumbashi, employing a cadre of both students and faculty. Several students were arrested after CPP members reported them for questioning the Government. Some students went into hiding after security forces suspected that they were in contact with foreigners. Security officials arrested several students for organizing strikes at Kinshasa University (see Sections 1.d. and 2.b.). In July 1999, security forces in Lubumbashi arrested Professor Kambaj wa Kambaji because of the professor's critical analysis of the use of ethnic hate radio in Congolese politics. Professor Kambaji and two colleagues, Richard Tshivuadi and Tabu Kalala, were released from an ANR facility in Kinshasa on April 6.

b. Freedom of Peaceful Assembly and Association

There is no legal protection for freedom of assembly, and the Government continued to restrict this right severely. The Government considers the rights to assemble and associate subordinate to the maintenance of "public order." The Government requires all organizers to apply for permits, which are granted or rejected at the Government's discretion. Public activities generally are dispersed by government security services. However, the Government sanctioned pro-Kabila demonstrations, including demonstrations against foreign embassies and the offices of the U.N., which included rock throwing and threats.

On January 7, military security officials arrested seven members of the opposition political party PALU when they attempted to hold a meeting in the commune of Lemba. Authorities filed no formal charges, and the matter never was presented to a civil court for arbitration. The seven were released on January 11.

On March 16, security agents prevented a planned demonstration by the FSD in the Ndjili district of Kinshasa. Immediately prior to the event, police arrested some FSD members who had gathered for the demonstration (see Section 1.d.); all were released that evening or the following morning. The police commandant severely beat the president of the FSD, Eugene Diomi, when he arrived at the precinct in Ndjili to inquire about the arrests.

On May 17, police dispersed a demonstration by Kinshasa University students to demand that the University repair restrooms that had not functioned properly for almost a year. On May 25, security agents arrested student Placide Nkoso, allegedly for organizing the demonstration (see Section 1.d.). Police also arrested another student, Jean-Pierre Mofila Mboma, and detained both students for collaborating with MLC rebels (see Section 1.d.). On July 18, there were unconfirmed reports that security force agents arrested a Kinshasa University student known only as Kosso, in connection with a student demonstration on July 17 (see Section

1.d.); the protest also was directed against poor sanitation. Kosso remained in detention at year's end.

On July 19, security forces arrested 10 members of the UDPS opposition party who had gathered at the home of a party member. They remained in detention pending trial at year's end; two members reportedly are in poor health.

On November 17, approximately 800 students at the Institut Pedagogique National (IPN) in Kinshasa reportedly demonstrated to protest the arrest and beating of 10 classmates the previous night. The incident reportedly started on November 16 when police arrested two students carrying their lunches on campus, because the police wanted the food. Police beat 10 students who intervened on the others' behalf, and several students were arrested. Allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings (see Section 2.a.). The commander of the police detachment reportedly was arrested following the incident.

On April 6, two UDPS party members, who were arrested for attending an "illegal" political meeting in May 1999, were released from detention. The two activists, Professor Alidor Muamba Ntita and Raymond Kabala, were detained without charges.

Freedom of assembly sometimes was respected in rebel-held areas in the country. On January 31 in Bukavu, and on February 7 in Goma, citywide strikes ("villes mortes") were held to protest the occupation of the cities by rebels and Rwandan and Ugandan forces. The Bukavu strike was enforced strictly by organizers who threatened those who tried to go to work.

On July 19, approximately 4,000 Banyamulenge reportedly demonstrated in Bukavu and Uvira against the presence of RCD/Goma and Rwandan troops in the Kivu Provinces (see Section 1.g.).

On August 29, RCD/Goma soldiers arrested and detained for a month four South Kivu Province civil society members in connection with the bombing of an outdoor festival in Bukavu, after the four reportedly blamed Rwandan and RCD soldiers for the bombing (see Section 1.d.). On August 29, Bukavu students demonstrated to protest their arrest. In their effort to disperse the demonstrations, RCD soldiers fired into the air and reportedly shot and killed one student (see Section 1.a.). RCD forces arrested several students but released them the following day (see Section 1.d.).

The law provides no protection for freedom of association, and the Government severely restricted this right. Upon assuming power in 1997, the Government suspended political party activities but not political parties themselves. In 1999 President Kabila issued a decree that partially lifted the ban on political party activities; however, the decree allows the Interior Minister to ban parties arbitrarily, and requires that legally recognized parties have members from all provinces, a requirement that could not be satisfied under war conditions. Moreover, in practice the Government continued to ban any political activity by opposition groups beyond small administrative meetings. On April 29, the Interior Minister stated that no political party was authorized to operate unless it conformed to the decree and that no non-profit organization was authorized to operate unless it conformed to Decree No. 195.

In July 1999, Kabila issued a presidential decree that legalized the CPP's and proclaimed that all political activity must pass through the CPP's, which he leads. This decree was criticized widely.

Individuals from opposition parties served in Kabila's Government, but in their individual capacities (see Section 3). Political party offices generally remained open, and parties continued internal administrative functions. At different times and for different periods, the headquarters of various political parties were under surveillance, padlocked, or patrolled by soldiers (see Section 3). The Government effectively prevented public political gatherings and even arrested opposition activists engaged in small private meetings (see Section 1.d.). The effects of the restrictions on political parties varied widely throughout the country, and they were enforced less strictly in some provinces.

The law allows anyone to form a new political party by registering with the Minister of Interior; however, in practice no political parties were registered during the year. The President's January 1999 decree required that all political parties, including existing parties, register. Two progovernment parties and a splinter group completed the registration process but were not registered by year's end. The splinter group was a dissident faction of the UDPS. The Government recognized and registered the group in September in an attempt to diminish the stature and political potential of the original UDPS and its leader, Etienne Tshisekedi. The move came shortly after Tshisekedi's party filed a legal claim against President Kabila in a Belgian court. The UDPS already had filed a similar claim against then-Foreign Minister Yerodia Abdoulaye, which concluded in July with the issuance of an international arrest warrant for Yerodia on charges of inciting racial hatred and genocide

(see Section 1.a.).

On January 16, policemen surrounded the home of Joseph Olenghankoy, president of the FONUS opposition party, in the Ngaliema neighborhood of Kinshasa, to disrupt a ceremony in which Olenghankoy intended to deliver a New Year's Message. Police arrested Mukendi Kadima, who was attending the ceremony, after they searched him and discovered a business card belonging to the leader of the Human Rights NGO, La Voix des Sans Voix (VSV). Mukendi was detained for 2 days and questioned by police. Under pressure from the VSV and family members, police released Mukendi on January 18.

On February 14, police and ANR agents in Matadi stopped five members of Bundi Dia Kongo (BDK) and told them that the provincial governor wished to see them. The police drove them to the train station and sent them to Kinshasa where they were arrested and detained by the ANR. The five were detained without formal charges until March 7; however, police claimed that they were conspiring to incite an anti-Kabila revolt in the Bas Congo Province.

On February 29, police arrested 10 members of the UDPS opposition political party, who reportedly were standing outside the home of party president Etienne Tshisekedi, when they became involved in a confrontation with two women who reportedly provoked them by singing pro-Kabila songs. Police released them on March 1 without filing any formal charges.

On April 8, police arrested 12 members of the National Alliance for Development and Reconstruction (ANADER) in the Lemba district of Kinshasa. They were charged with conducting political activities outlawed under Decree No. 194, which governs political activity. Police released them on April 10.

On June 5, security agents at Ndjili airport in Kinshasa prevented leaders of opposition parties and civil society from traveling to Cotonou, Benin, to attend preparatory meetings for the Congolese National Dialogue (see Section 2.d.).

In November 1999, security forces arrested Cleophas Kamitatu Massamba after he founded a political organization of former Mobutuists and criticized the Government in a radio broadcast. On June 12, Kamitatu was sentenced to 4 years of "forced labor" for misappropriating state funds. The Kabila Government claimed Kamitatu inappropriately had sold the Congolese Embassy building without government authorization while he was ambassador to Japan several years earlier. He remained in prison at year's end.

NGO's are required to register with the Minister of Justice and file copies of internal regulations and descriptions of organizational structure. In 1999 President Kabila promulgated a decree that restricted the activities of NGO's, including religious organizations, by establishing requirements for their activities. However, some existing organizations were exempt, and the decree was not enforced during the year.

Security forces arrested individuals visiting foreign embassies, as well as persons who had contact with NGO's or citizens living in other countries (see Sections 1.d., 1.f., and 4).

Antigovernment forces seriously restricted freedom of assembly and association in the areas that they controlled. In March 1999, RCD/Goma authorities refused to let women march in Bukavu in celebration of International Woman's Day and to protest the war. In March the women planned to stay at home in what they called "A Day Without Women" in order to protest fathers and husbands dying in the war. On March 6, RCD/Goma security agents raided the offices of a women's group, Reseau des Femmes Pour La Defense de Droits et de la Paix (see Section 4). Security agents claimed that the women were plotting genocide and threatened to shoot them. Several women lost their jobs after the incident after RCD/Goma authorities coerced employers to dismiss them.

Following the death of Archbishop Kataliko on October 3, RCD/Goma security forces used gunfire to disperse a demonstration on October 4 in Bukavu following news of the Archbishop's death. RCD soldiers reportedly killed a child in the shooting.

On October 9, RCD rebels reportedly dispersed a meeting of a human rights umbrella group in Bukavu, and publicly beat, arrested, and detained 13 human rights activists who attended the meeting at Camp Saio (see Sections 1.c., 1.d., and 4).

c. Freedom of Religion

Although there is no constitution currently in effect, the Government generally respected freedom of religion in

practice, provided that worshipers neither disturbed public order nor contradicted commonly held morals; however, government forces committed some abuses.

A 1971 law regulating religious organizations grants civil servants the power to establish and dissolve religious groups. There have been no reports of the Government suspending or dissolving a religious group since 1990, when the Government suspended its recognition of Jehovah's Witnesses; that suspension subsequently was reversed by a court. Although this law restricts the process for official recognition, officially recognized religions are free to establish places of worship and to train clergy. In practice religious groups that are not recognized also worship freely.

On January 29, 1999, President Kabila promulgated a decree that restricts the activities of NGO's, including religious organizations, by establishing requirements for them; however, existing religious organizations were exempt, and the decree subsequently was not enforced.

In July the progovernment press printed articles critical of religious organizations.

Although the Government required foreign religious groups to obtain the approval of the President through the Minister of Justice, foreign religious groups generally operate without restriction once they receive approval from the Government. Many recognized churches have external ties, and foreign missionaries are allowed to proselytize. The Government generally did not interfere with foreign missionaries. However, foreign missionaries have not been exempt from general human rights abuses by security forces.

While the Government is tolerant in matters of religion, some abuses occurred in government-controlled areas as a result of the war. These abuses, usually the ransacking of churches and the pilfering of church property, generally were the result of a lack of discipline among government troops.

A government order in July 1999 prohibiting private radio stations from transmitting foreign radio broadcasts effectively targeted a Catholic radio station that was compelled to cease broadcasting programs of foreign origin (see Section 2.a.). The target was not religious broadcasts; rather it was foreign programs critical of the Government. Catholic radio stations did not broadcast foreign radio transmissions during the year.

On January 10, ANR agents summoned Father Fabien Kenta, director of the private Catholic radio station Radio Elikya to an unknown location. Security agents said that the radio station had broadcast anti-Kabila messages under the guise of human rights information and ordered Kenta not to broadcast anti-Kabila messages.

In areas of the country under the military occupation of Rwanda, Uganda, and their respective rebel clients, religious freedom deteriorated. Numerous human rights groups reported significant abuses in these areas by the occupying troops of Rwanda and Uganda, as well as various rebel factions, which targeted Catholic clergy. Abuses reportedly took the form of attacks on missions, killings of priests, the rape of nuns, and the burning of churches. Credible reports indicate that occupying troops and their rebel allies deliberately targeted Catholic churches as a means of both intimidating the local population and in revenge for the Church's perceived role in the 1994 genocide in Rwanda.

On February 11, RCD/Goma rebel forces operating in eastern areas of the country prevented the Archbishop of Bukavu, Emmanuel Kataliko, from returning to his diocese (see Section 2.d.). Rebels alleged that the Archbishop's Christmas message urged harassment of Tutsis in the East. A number of sources in the occupied territories indicate that the decision to exile Kataliko in the town of Bunia was made by officials of the Government of Rwanda. Archbishop Kataliko was allowed to return to Bukavu in September; however, on October 3, the Archbishop died of a heart attack while in Rome.

On February 16, a Banyamulenge militia attacked a Catholic mission in the Kilibu area of South Kivu Province (see Section 2.c.). Two priests fled, but militiamen captured a third priest, Father Pepin Beta, whom they forced to kneel, and then shot and killed (see Section 1.a.).

On June 18 and 19, approximately 50 soldiers attacked and pillaged a Catholic church and convent in the town of Kabare, South Kivu Province; 3 civilians were killed (see Section 1.a.). The RCD blamed the attack on the Interahamwe, but local humanitarian groups disputed this claim because of the number of RPA soldiers in the area.

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

Although the law allows for freedom of movement, the Government, and in particular the security forces acting independently, continued to restrict this freedom; the Government increased its restrictions after the war began. The war also brought new restrictions on internal travel within the government-controlled and rebel-controlled zones and made movement between the two zones difficult and dangerous.

Even before the war, security forces throughout the country established and manned many roadblocks at which they demanded that travelers produce documents and bribes. There were many more such roadblocks than could be justified by public safety considerations; both their numbers and the conduct of the security force members manning them indicated that their main function was to extort money and goods from travelers to supplement their below-subsistence level official wages. This made internal travel costlier, more time consuming, and more dangerous, since violence, including shootings, was not uncommon at these roadblocks.

In Kinshasa police and soldiers commonly erected roadblocks in order to extract bribes from taxibus drivers and passengers. On January 18, in the Gombe district of Kinshasa, there were unconfirmed reports that security forces forced passengers who allegedly were riding in excess of the capacity of a taxibus to pay bribes. Security forces allegedly severely beat one passenger, 30-year-old Mawete Pindi. Reportedly there was no investigation nor action taken in this case by year's end. In January FAC soldiers and police erected roadblocks in various districts of Kinshasa in order to extort money from each minibus passenger who crossed the roadblock. On the evening of January 20, soldiers under the command of Commandant Mvunzi beat a passenger, known as Ndule, for not having enough money to pay the fee. Reportedly there was no investigation nor action taken in this case by year's end.

On April 30, members of the Special Presidential Security Group allegedly beat Koyagialo Ahonzima Wasana for ignoring government restrictions on movement within the vicinity of the Marble Palace, President Kabila's residence (see Section 1.c.).

The Government required exit visas for all foreign travel. No data on the refusal rate for exit visa applications was available; however, there were several known cases in which a political leader was denied an exit visa during the year. Security forces occasionally hindered foreign travel by citizens, including journalists (see Section 2.a.).

In January immigration officials prevented FONUS opposition leader Joseph Olenghankoy from traveling abroad. The Government gave no explanation for its actions. On March 8, immigration security agents again detained Olenghankoy as he attempted to depart Kinshasa for Brazzaville, Republic of the Congo. Immigration officials confiscated all of his documents and prevented him from leaving the country.

On February 16, immigration officials confiscated the passport and airline ticket of Christophe Lutundula Apala, a member of the Mouvement Solarite pour la Democratie et le Developpement (MSDD), a think tank, as he prepared to board a plane to attend an international conference on democratic transitions in Benin. He departed on February 18 after La Francophonie and other organizations petitioned the Government to permit his departure.

In June President Kabila and government authorities prevented the departure of a number of opposition and civil society leaders, including Joseph Olenghankoy (president of FONUS), Francois Lumumba (president of the MNC/L), and Catherine Nzuzi wa Mbombo (president of the MPR) who were invited to participate in a preparatory meeting of the Inter-Congolese Dialogue in Benin, as authorized by the Lusaka Accords (see Section 3). The Government already had expressed its intention not to participate in the U.N.-sponsored forum, which had been organized by Inter-Congolese Dialogue facilitator and former Botswana Prime Minister Sir Ketumile Masire. The Government successfully prevented initial efforts to launch the forum by preventing civil society and opposition groups from participating and confiscating all travel documents of intended participants. By year's end, the Government still had not returned the travel documents of these individuals.

The Government also prevented the departure of foreign journalists. Airport immigration officials searched luggage, confiscated notes, and detained the journalists for questioning (see Section 2.a.).

The Government lifted Kinshasa's nighttime curfew in December 1999. No new curfew was imposed during the year.

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

Freedom of movement in the rebel-controlled territories was restricted severely during the year as a result of

fighting between the rebels, Rwandan and Ugandan forces, the Mai Mai, and the Interahamwe. Travel across the war front often was inconvenient and sometimes impossible.

In the eastern portion of the country, rebel forces prevented travel and harassed travelers. On February 11, RCD/Goma rebel forces operating in eastern areas of the country prevented the Archbishop of Bukavu from returning to his diocese (see Section 2.c.). RCD/Goma officials allowed Archbishop Kataliko to return to Bukavu in September, following visits and direct appeals to the RCD/Goma by high level foreign government and Catholic Church officials; however, the Archbishop died of a heart attack less than 3 weeks later while in Rome.

Rebel and Rwandan authorities used threats and intimidation to prevent several dozen Congolese who had traveled from the occupied territories from returning after attending the National Consultations. This action resulted in civil society members from the occupied territories being stranded in Kinshasa for weeks, and sometimes months, after the National Consultations. On April 22, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations, and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August. Rwandan authorities freed Bahati following international pressure (see Section 1.d.).

An international human rights NGO estimates that there are approximately 1.5 million IDP's in the country. Approximately 60,000 persons were displaced during fighting between Rwandan and Ugandan forces in Kisangani in May and June (see Section 1.a.). There are many camps for IDP's, especially in the eastern half of the country. Persons at these camps were subjected to attacks by government and rebel groups. For example, in July a group believed to be Interahamwe attacked an IDP camp in North Kivu Province. Approximately 50 persons were killed, including some who were burned alive inside their homes (see Section 1.a.). During the night of July 9 and 10, an unidentified militia attacked an encampment of displaced persons at Sake, in the Masisi territory of North Kivu Province (see Section 1.a.).

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum. Refugees were accepted into the country from the Republic of the Congo during the year, and approximately 330,000 refugees from neighboring countries, including Rwanda, Burundi, Angola, Uganda, and Sudan, live in the country.

Unlike in the previous year, there were no known reports of the forced repatriation of refugees during the year.

According to international human rights NGO's, approximately 300,000 Congolese refugees lived in neighboring countries during the year, including approximately 100,000 in the Republic of the Congo and 9,000 in the Central African Republic. In the last months of the year, thousands of refugees fled to Zambia from the increased fighting in Katanga Province.

The Government's cooperation with the U.N. High Commissioner for Refugees (UNHCR) and other international agencies fluctuated wildly. The Government consistently denied humanitarian access to NGO workers in areas controlled by the Government (see Section 4). The Minister of Interior personally had to sign travel authorizations for foreign aid workers, which created delays in travel. The Ministry of Human Rights and in particular Human Rights Minister She Okitundu played an active role in organizing the protection and voluntary departure of Tutsis who were not incarcerated before their departure from the country. Since the start of the war, the Government has stopped its former practice of involuntarily repatriating Hutus to Rwanda.

UNHCR cooperated with NGO's and antigovernment forces in voluntarily repatriating Rwandan Hutus to Rwanda. There was no independent confirmation of news reports from May 1999 that antigovernment forces were repatriating Rwandan Hutus involuntarily; there were no known reports of such forced repatriation during the year.

Antigovernment forces also imposed travel restrictions on NGO's (see Section 4).

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

Citizens do not have the right to change their government peacefully. Citizens have not been able to change their government through free elections since independence in 1960.

In his May 1997 inaugural address, President Kabila promised a constitution and elections by 1999; however, the 1998 outbreak of war effectively prevented the holding of national elections. The President used the pretext of war to suppress the activities of political opposition parties and continued to rule by decree. The war

also provided a reason for security forces to arrest persons at will on charges of subversion or being in league with the rebellion (see Sections 1.d. and 1.e.).

The Government did not pursue the ratification of the proposed constitution drafted in 1998; after it was disseminated in 1998 to the press, many leaders of political parties, NGO's, and religious organizations criticized it as insufficiently democratic.

The cease-fire accords signed in July and August 1999 at Lusaka, Zambia, between the Government, progovernment, and antigovernment forces called for an open national dialog among all political parties and civil society groups. However, the Government repeatedly used its power to stifle any meaningful dialog. In March church groups attempted to hold a National Consultation, an initiative that the Government seized to carry out its own agenda; it filled meetings with its own supporters. Despite the Government's effort to control the National Consultation, the body did not accept the Government's agenda. In April the delegates presented President Kabila with a list of recommendations. The delegates urged the Government to release political prisoners, open the political process, abolish the CPP's, and free jailed journalists. The Government ignored these recommendations and instead turned to the guidance provided by its own delegates, which in essence urged the President to ignore key provisions of the Lusaka Accords. The Government subsequently reaffirmed during the year its commitment to participate in a national dialog under the control of a neutral facilitator; however, it continued to obstruct and frustrate facilitator Sir Ketumile Masire. Throughout the year, the Government attempted to divert the national dialog by using a variety of political maneuvers designed as substitutes for real political discussion and sought to create a forum that the Government intended to control. The Government created the Constituent and Legislative Assembly to draft a new constitution, prepare a national budget, and approve decrees and motions handed down by the President. The Government also appointed members of the Assembly based on past services to President Kabila and loyalty to the Kabila regime.

In June President Kabila and government authorities prevented the departure of a number of opposition and civil society leaders, including Joseph Olenghankoy (president of FONUS), Francois Lumumba (president of the MNC/L), and Catherine Nzuzi wa Mbombo (president of the MPR) who were invited to participate in a preparatory meeting of the Inter-Congolese Dialogue in Benin, as authorized by the Lusaka Accords (see Section 2.d.).

Although the Government did not ban political parties, it continued to impose severe restrictions on their activities, and to enforce these restrictions with numerous arrests and detentions (see Sections 1.d. and 2.b.). On occasion authorities tortured opposition activists, including UDPS activist Crispin Ipondo Banda and FONUS second vice president Freddy Lomboto wa Lomboto (see Section 1.c.). In practice the Government continued to restrict operations of political parties to internal administrative functions only. At various times, government security forces put opposition political party members under surveillance, and police also raided party headquarters and homes (see Section 1.f.). Authorities at times denied exit visas to opposition political leaders (see Section 2.d.).

Hundreds of political activists were arrested for engaging in political activity and detained for prolonged periods (see Sections 1.d. and 2.b.). For example, on February 17, ANR agents arrested four members of the PALU opposition political party for engaging in political activities (see Section 1.d.). They were released on February 25.

The State continued to be highly centralized in many ways. The central government executive, in Kinshasa, generally appointed governors, but once in the provinces they had considerable autonomy, due in part to poor communications and transportation infrastructure. Territorial administrators also were appointed from Kinshasa. Provincial government resources, both financial and logistical, have come almost exclusively from Kinshasa since Kabila took control of the Government.

A disproportionate number of officials in Kabila's Government were from the President's home province of Katanga and from his Muluba tribe (see Section 5).

There are no official restrictions on the participation of women or minorities in politics; however, in practice women and minorities are underrepresented in government and politics, and there are few women or Muslims in senior positions in the Government or in political parties. There were six female ministers and vice ministers in the Cabinet at year's end. There were no known Muslim ministers in the Cabinet.

The rebel movements established civil administrations in the areas controlled by antigovernment forces, including appointment of provincial governors and issuance of visas for foreigners to travel into their areas. Rebel authorities reportedly began training police forces but appointed local officials rather than holding local elections.

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

The Government showed increased hostility to effective human rights organizations, both domestic or international, operating in the country. Local human rights NGO's continued to investigate and publish their findings on human rights cases, but these activities took place in the context of significant government harassment. Such harassment led to a decrease in reporting of human rights violations. There reportedly were several attacks against local and international human rights NGO's during the year.

The main domestic human rights organizations operating in the country include Comite Droits de l'Homme Maintenant, a national network of human rights organizations; VSV, an active Kinshasa-based organization; Groupe Jeremie and Groupe Amos, two Christian-inspired groups that focus on human rights and democracy problems; Comites des Observateurs des Droits de l'Homme, a human rights monitoring group; Toges Noires, an international association of lawyers and judges involved with human rights; and Associations de Defense des Droits de l'Homme. In addition numerous groups are active that are involved with development and with specific problems such as voter education and women's rights.

Local human rights activists were subjected to frequent harassment, arrest, and detention by security forces (see Sections 1.c., 1.d., and 1.f.). The legality of such arrests often was unclear, as was the authority of the security forces members who affected the arrests and detentions. Security agents and police arrested, and on some occasions, beat or tortured, a number of persons for being members of human rights NGO's or for possessing literature distributed by human rights NGO's, including Kayembe Kasuku, a member of Lawyer's Without Borders; Time Missine; Betsi Pitcal; Zuzi Phukuta Dieudonne, a reporter for the newspaper Palme d'Or and president of Justice Sans Frontiere; and Reverend Placide Tshisumpa Tshiakatumba, president of the International Society for Human Rights (ISHR) (see Section 1.d.). Unlike in the previous year, VSV staff was not subjected to government harassment.

The Government often obstructed the travel of MONUC personnel throughout the country. The Government consistently denied humanitarian access to NGO workers in areas controlled by the Government (see Section 2.d.).

U.N. Special Rapporteur for Human Rights in the Democratic Republic of the Congo, Roberto Garreton, visited the country in August. After reviewing the prevailing human rights situation, the U.N. Rapporteur called for the release of political prisoners and the end of capital punishment in the country. He expressed concern at the abuses of and absence of due process in government military tribunals, as well as at a wide variety of serious abuses in both government-controlled and RCD-controlled territory.

Human rights groups and members of political, religious, and other nongovernmental organizations in the parts of the country held by antigovernment forces frequently were harassed and detained on suspicion of helping the Government (see Sections 1.c. and 1.d.).

On March 6, RCD/Goma security agents raided the offices of a women's group, Reseau des Femmes Pour La Defense de Droits et de la Paix (see Section 2.b.). Security agents claimed that the women were plotting genocide and threatened to shoot them. Several women lost their jobs after the incident as RCD/Goma authorities coerced employers to dismiss them.

Rebel security agents, including Rwandan Government and RCD/Goma officials, harassed a number of religious and civil society leaders who traveled to Kinshasa to take part in the National Consultations in March. Over 40 delegates from the occupied territories, many of them associated with human rights NGO's, were subjected to harassment, delays, and detention in February and March (see Sections 1.d. and 3). Following international pressure, all of the delegates were released. On April 22, security forces arrested and detained civil society activist Bruno Bahati when he returned from the National Consultations (see Sections 1.d. and 2.a.).

On May 15, RCD/ML forces arrested and detained Sylvain Mudimbi Masudi, external relations director of the human rights NGO Friends of Nelson Mandela (ANMDH), in Beni, North Kivu Province (see Section 1.d.).

On October 9, RCD rebels reportedly dispersed a meeting of a human rights umbrella group in Bukavu and publicly beat, arrested, and detained 13 human rights activists who attended the meeting at Camp Saio in Bukavu (see Sections 1.c., 1.d., and 2.b.). The rebels also looted the offices of Groupe Jeremie where the meeting occurred.

Antigovernment forces permitted some humanitarian NGO's to work in rebel-held areas, and those NGO's

reported that their working environment improved in some of those areas during the year.

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

The previous constitutions prohibited discrimination based on ethnicity, sex, or religious affiliation; however, the Government did not enforce these prohibitions effectively and continued to act with serious official prejudice against members of the Tutsi ethnic group. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women, Tutsis, Muslims, and the indigenous Pygmy (Batwa) people.

Women

Domestic violence against women, including rape, is common, but there are no known government or NGO statistics on the extent of this violence. The police rarely intervene in domestic disputes. Rape is a crime, but the press rarely reported incidents of violence against women or children. Press reports of rape generally appear only if rape occurs in conjunction with another crime.

Women are relegated to a secondary role in society. They constitute the majority of primary agricultural laborers and small-scale traders and are almost exclusively responsible for child rearing. In the nontraditional sector, women commonly receive less pay for comparable work. Only rarely do they occupy positions of authority or high responsibility. Women also tend to receive less education than men. Women are required by law to obtain their spouse's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. A 1987 revision of the Family Code permits a widow to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce. In practice sometimes consistent with customary law, women are denied these rights. Widows commonly are stripped of all possessions--as well as their dependent children--by the deceased husband's family. Human rights groups and church organizations are working to combat this custom, but there generally is no government intervention or legal recourse available. Women also are denied custody of their children in divorce cases, but they retain the right to visit them. Polygyny is practiced, although it is illegal. Father-child relationships resulting from polygynous unions are recognized legally, but only the first wife is recognized legally as a spouse.

Prostitution is not a crime and there has been an increase in prostitution due to poor economic conditions. Women sometimes are forced into prostitution by their families due to economic necessity. There was no information available as to the extent of prostitution outside of the cities.

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

Children

Government spending on children's programs nearly is nonexistent. Primary school education is not compulsory, free, or universal. Primary school enrollment rates dropped to less than 70 percent during the year. In public schools, parents are required formally to pay a small fee, but parents often are expected informally to pay teachers' salaries. Extremely poor economic circumstances often hamper parents' ability to afford these added expenses, meaning that children may not be able to attend school. Most schools function only in areas where parents have formed cooperatives. The Government's economic policies have resulted in massive unemployment, inflation, and a devaluation of the currency, putting basic education out of reach of many families. There have been reports of economic circumstances forcing children to hunt or fish for their family's livelihood instead of attending school (see Section 6.d.). In both the government- and rebel-controlled areas, poverty brought on by the war has led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer can afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school.

The Juvenile Code includes a statute prohibiting prostitution by children under the age of 14; however, child prostitution is common in Kinshasa and in other parts of the country. There were reports during the year that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Sections 6.c. and 6.d.).

The number of orphans and street children increased during the year. Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police. There were credible reports that the FAC sexually exploited homeless girls.

There are no documented cases in which security agents or others targeted children for specific abuse, although children suffer from the same conditions of generalized social disorder and widespread disregard for human rights that affect society as a whole. These conditions sometimes render parents unable to meet their children's basic human needs.

Some children as young as 10 years of age have been allowed to enlist as soldiers in the FAC. The Government has not taken comprehensive measures to remove child soldiers from its armed forces, although it has stated its intention of demobilizing child soldiers once the war is over. While many child soldiers continued to serve in the armed forces, during the year the Government recruited fewer children into the armed forces; however, the Government continued to encourage the enlistment of children in paramilitary organizations. Commanders reportedly often concealed child soldiers during visits by human rights NGO's and other monitoring groups (see Section 1.f.). There were credible reports that the FAC forcibly conscripted homeless boys to fight. Unlike in the previous year, there were no reports that unemployed youth in Katanga Province were recruited for military service.

Rebel forces reportedly continued to use child soldiers already in service, but greatly reduced recruitment of them during the year (see Sections 1.f. and 6.c.). Credible reports have indicated that rebel forces have conscripted forcibly boys as young as age 10, and there were reports that this practice continued during the year.

Rwandan and Ugandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is not widespread, but it is practiced on young girls among isolated groups in the north. The Government has not addressed the problem.

People with Disabilities

The law does not mandate accessibility to buildings or government services for the disabled. There are some special schools, many with missionary staff, which use private funds and limited public support to provide education and vocational training to blind and physically disabled students.

Physically disabled individuals are subject to discrimination in employment, education, and the provision of other government services. Disabled persons are not required to conform to all civil laws, such as paying taxes.

Indigenous People

There is a population of fewer than 10,000 Pygmies (Batwa), who are believed to have been the country's original human inhabitants, and societal discrimination against them continued. Although they are citizens, most Pygmies continued to live in remote areas and took no part in the political process.

Religious Minorities

Approximately 50 percent of the population are Roman Catholic, 20 percent are Protestant, and 10 percent are Muslim. About 20 percent practice traditional indigenous religions exclusively. Many persons practice elements of both traditional indigenous religions and Christianity or Islam. Unlike in the previous year, there were no known reports of attacks against Muslims nor reports that accusations of witchcraft caused tensions or contributed to violence between Christians and Muslims during the year.

National/Racial/Ethnic Minorities

The last official census was taken in 1984. It is estimated that the population is now 45 to 50 million, and comprises more than 200 separate ethnic groups. These groups generally are concentrated regionally and speak distinct primary languages. There is no majority ethnic group; the four largest ethnic groups are the Mongo, Luba, Kongo, and Angbetu-Azande, who together make up about 45 percent of the population. Four indigenous languages, Kiswahili, Lingala, Kikongo, and Tshiluba have official status. French is the language of government, commerce, and education.

Societal discrimination on the basis of ethnicity is practiced widely by members of virtually all ethnic groups

and is evident in private hiring and buying patterns and in patterns of de facto ethnic segregation in some cities; however, intermarriage across major ethnic and regional divides is common in large cities.

Persons from President Kabila's home province, Katanga, and from his Mulaba tribe, filled a disproportionate number of positions in his Government and in the senior ranks of the civil service, and dominated the FAC officer corps. Katangans in the FAC were substantially more likely both to be promoted and to be paid than persons from other regions. Since the beginning of the war, Tutsis have been absent from the Government, which previously included persons from all regions and major ethnic groups.

Birth on national territory reportedly does not necessarily confer citizenship. The Government continued to refuse to recognize the citizenship claims of longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis. According to some accounts, resentment of their noncitizen status contributed to the participation of many Tutsi residents of the country, first in Kabila's rebellion against Mobutu and then in the RCD rebellion against Kabila.

Since the start of the war in August 1998, ethnic Tutsis have been subjected to serious abuses, both in the capital and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime (see Section 1.a.). During the year, there were no reports of extrajudicial killings of noncombatant Tutsis in government-controlled areas. There were increasing reports of the participation of the Government of Rwanda in arming Hutus and sending them into the Congo in order to terrorize the population. These groups reportedly posed as Interahamwe fighters in order to justify Rwanda's military occupation of areas of the Kivu Provinces. Unlike in the previous year, government officials and state media did not publish anti-Tutsi propaganda. The Government materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed both unarmed and armed Tutsis in areas militarily dominated by antigovernment forces. However, the Government no longer incited mob violence against unarmed Tutsis, and there were no reports of mass extrajudicial killings of Tutsis by the security forces.

However, human rights groups increasingly complained that the killing of and other human rights violations against Congolese civilians by persons perceived to be of Tutsi ethnicity and their supporters presented an increasing problem.

In April 1999, members of the Presidential Guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi. Members of the Presidential Guard then also arrested Biteo's cousin Mirimo Mulongo and both Biteo and Mulongo were taken to the GLM detention facility in the Gombe area of Kinshasa. Both were denied visitors and were believed still to be in detention at year's end (see Section 1.d.).

The longstanding violent conflict between the Tutsi and Hutu ethnic groups continued inside the country; however, unlike in previous years, there were no reports that Congolese Hutu militias continued to recruit from populations of Hutu refugees from Rwanda and Burundi in neighboring countries, including the Republic of the Congo and Zambia.

Unlike in previous years, government officials and state media did not represent the war as part of a larger supranational conflict between Bantus and Nilotics, nor did Nilotic-Bantu rhetoric appear in private publications and broadcasts in the country.

State-owned television and radio and progovernment private newspapers repeatedly published racist statements directed not only against Tutsis and Nilotics, but also against Europeans, in connection with propaganda alleging that countries in Europe, and populations largely of European ethnicity, supported antigovernment forces in the war.

Following the sudden death on October 3 of Emmanuel Kataliko, the Archbishop of Bukavu, who had spent 8 months in rebel-imposed internal exile, the Kabila Government incited the populace by claiming that Tutsis killed Kataliko with poison. These statements, which quickly were circulated and published by independent newspapers, possibly contributed to demonstrations that broke out in Bukavu, which resulted in a child being killed by rebel gunfire.

Throughout the year in the Ituri district in Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting between members of the Lendu and Hema tribes reportedly killed thousands of persons and displaced tens of thousands of persons. This fighting reportedly arose from a dispute over land use (see Section 1.a.). Reportedly Ugandan troops manipulated the fighting by charging the tribes fees in order to provide protection.

Section 6 Worker Rights

a. The Right of Association

Legislation in effect from the Mobutu period permits all workers except magistrates and military personnel to form and join trade unions. The National Union of Congolese Workers (UNTC) remains the largest labor federation. There also are almost 100 other independent unions, which now are registered with the Labor Ministry. Some of the independent unions are affiliated with political parties or associated with a single industry or geographic area; however, they also have ties to larger unions, such as the UNTC, which have more diverse membership. Two other large federations also are active.

The International Confederation of Free Trade Unions (ICFTU) alleged in its Annual Survey of Violations of Trade Union Rights 2000 that the Labor Code does not protect adequately workers against antiunion discrimination and interference by employers into union affairs. The ICFTU also claimed that enforcement of the Labor Code "remains virtually nonexistent."

Government security forces arrested and detained labor leaders and activists. On May 5, police arrested four tax authority employees, Blaise Banzwa Kabo, Albano Mopipi, Andre Yoba Mbesi, and Kakale Makala, and detained them for 10 days for "endangering state security." The four previously had spent a year in prison for protesting the government policy of moving government employees from one service to another.

On November 30, intelligence officers arrested Steve Mbikay, secretary general of the Solidarity Union, as he left a union meeting with ONARTRA, the Government's parastatal transportation company (see Section 1.d.). He continued to be held without charge at year's end.

On July 7, provincial police in Goma arrested union organizers who sent a letter to the management of OFIDA (the customs office) on behalf of workers. Police took Fanchon Sakukombo, Felix Zirahira, Kamitanyi Nyarukemba, Jean Sengusu, Bababebole Kadite, and Alexis Balibonera to the DGS detention center for questioning; they were released on July 13.

Unlike in previous years, police did not arrest any communications workers who attempted to form unions for the purpose of collective bargaining.

The law recognizes the right to strike. However, legal strikes rarely occur since the law requires prior resort to lengthy mandatory arbitration and appeal procedures. Labor unions have not been able to defend effectively the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers, but this prohibition rarely is enforced.

On March 23, civil servants at the offices of Tax Collection, Duties and Customs, and Government Receipts went on strike to protest against low salaries. The strike was short-lived because the Government laid off some employees and reassigned others to the "Portfolio Ministry." The layoffs were conducted along tribal lines and intimidated employees who remained in the offices.

Following a series of strikes in 1999 to protest low salaries and unpaid wages, the Government claimed in October 1999 that it would meet the demands of the strikers. It did so in June by implementing progressively a comprehensive, higher civil service salary scale; however, civil servants still were paid only sporadically during the year.

On January 31 in Bukavu, and on February 7 in Goma, citywide strikes ("villes mortes") were held to protest the occupation of the two cities by antigovernment forces (see Section 2.b.). The Bukavu strike was enforced strictly by organizers who threatened those who tried to go to work.

Unions may affiliate with international bodies. The UNTC participates in the organization of African Trade Union Unity, and the Central Union of Congo is affiliated with the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively, and an agreement between the UNTC and the employers' association formerly provided for wages and prices to be negotiated jointly each year under minimal government supervision. This system broke down in 1991 as a result of the rapid depreciation of the currency. The professional unions and the Congolese Business Federation signed a cooperative agreement in 1997; however, while collective bargaining still exists in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees.

The collapse of the formal economy also has resulted in a decline in the influence of unions, a tendency to ignore existing labor regulations, and a buyer's market for labor. The Labor Code prohibits antiunion discrimination, although this regulation was not enforced effectively by the Ministry of Labor. The law also requires employers to reinstate workers fired for union activities. In the public sector, the Government sets wages by decree; public sector unions act only in an informal advisory capacity.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, the Government forcibly conscripts adults (see Section 1.f.). There also were reports that some Mai Mai guerrillas fighting on the side of the Government in the war demanded forced labor from persons in rural areas.

The law does not specifically prohibit forced and bonded labor by children, and the Government forcibly conscripted children (see Sections 1.g. and 5). In addition there also were reports that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Section 6.d.)

Antigovernment forces also forcibly conscripted adults and children (see Sections 1.f. and 5).

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

The legal minimum age for employment is 18 years. Employers legally may hire minors between the ages of 14 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of 4 hours per day; those between the ages of 16 and 18 may work up to 8 hours. The employment of children of all ages is common in the informal sector and in subsistence agriculture, which are the dominant portions of the economy. Such employment often is the only way a child or family can obtain money for food. Many children have been forced by their parents to leave school and beg in the streets or work in order to provide income to their families. Neither the Ministry of Labor, which is responsible for enforcement, nor the labor unions make an effort to enforce child labor laws. Larger enterprises generally do not exploit child labor.

The availability of education for children is extremely limited in practice (see Section 5).

The law does not specifically prohibit forced and bonded labor by children, and the Government forcibly conscripts children (see Sections 1.g., 5, and 6.c.). In addition there were reports that girls as young as 8 years of age were forced into prostitution to provide income to their families (see Section 6.c.).

The Government did not ratify ILO Convention 182 on the worst forms of child labor by year's end, nor does the law provide any provisions against such labor.

e. Acceptable Conditions of Work

Most citizens are engaged in subsistence agriculture or commerce outside the formal wage sector. The minimum wage, last adjusted by government decree in 1990, subsequently was rendered irrelevant by rapid inflation. The average wage does not provide a decent standard of living for a worker and family. Most workers rely on the extended family and informal economic activity to survive. The maximum legal workweek (excluding voluntary overtime) is 48 hours. One 24-hour rest period is required every 7 days.

The Labor Code specifies health and safety standards. The Ministry of Labor officially is charged with enforcing these standards, but it does not do so effectively. No provisions in the Labor Code permit workers to remove themselves from dangerous work situations without penalty.

f. Trafficking in Persons

There are no specific laws that prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

[End.]