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DEMOCRATIC REPUBLIC OF THE CONGO

Much of the Democratic Republic of Congo (formerly Zaire) continued to be ruled by President Laurent Desire Kabila, whose Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL) overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997. The State continued to be highly centralized formally--although in practice the country's dilapidated transportation and communications infrastructure impaired central Government control--and Kabila continued to rule by decree, unconstrained by a constitution or a legislature. Kabila continued to ban political party activity, and replaced the ADFL with Libyan-trained " People's Power Committees" (CPP's) that monitored the activities of citizens in neighborhoods, schools and workplaces. The July 10 Lusaka Accords provided for a political dialog among the Government, rebel factions, the unarmed opposition, and elements of civil society; however, little was accomplished toward this end during the year. The judiciary continued to be subject to executive influence and corruption.

By year's end, the Government had lost control of more than half the country's territory to armed antigovernment organizations, the Congolese Rally for Democracy (RCD), and the Movement for the Liberation of the Congo (MLC). The RCD remained dominated by members of the Tutsi ethnic minority but split in May into two factions: One that continued to be headquartered in Goma and to command most RCD forces and continued to be supported by the Government of Rwanda; and a new faction based in Kisangani that 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 out of 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 who

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 of up 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, Chad (whose forces withdrew from the country during the year), 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 guerillas 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. A small detachment of Libyan troops was present in the capital for a few months but did not conduct any combat operations. Antigovernment forces generally continued to win territory from progovernment forces during the year despite sporadic fighting among rival rebel organizations. A cease-fire agreement negotiated in Lusaka in July was violated by all parties especially in the north and east, but fighting was generally less intense than during the first half of the year.

The Government's security forces consist of a national police force under the Ministry of Interior, a National Security Council (CNS), the National Intelligence Agency (ANR), and the Congolese Armed Forces (FAC), which includes an Office for the Military Detection of Subversive Activities (DEMIAP). There is also a Presidential Guard, which has its own Investigative Branch (DGGP). The immigration service (DGM) and the recently organized Autodefense Forces (FAP) and CPP's also function as security forces. During the year, Kabila gave Mai Mai leaders commissions in the FAC and coordinated operations with the Mai Mai and Hutu militias; the Government also formed People's Defense Committees (CPD's), which were armed elements of the new CPP's and operated outside the formal structure of the State, but which were not yet armed in some areas at 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 continue 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 fell from an estimated \$115 in 1998 to less than \$100 in 1999. 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 a number of 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 and reportedly have levied and collected taxes and customs duties.

The Kabila Government's human rights record remained poor. 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 and executed civilians, frequently with total disregard for process protections. The judiciary remained subject to executive influence and continued to suffer from a lack of resources, inefficiency, and corruption. It was largely 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 that started in August 1998. On at least three occasions, government aircraft 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 and arresting newspaper editors and journalists and seizing individual issues of publications, as well as by continuing to increase its restrictions on private radio broadcasting. The Government severely restricted freedom of assembly and association. The Government continued to restrict freedom of movement; it required exit visas and imposed curfews even in cities not immediately threatened by the war. 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 and imprisoned members of opposition parties and harassed human rights nongovernmental organizations (NGO's). Violence against women is a problem and rarely was punished. Female genital mutilation (FGM) persists among isolated populations in the north. Discrimination against indigenous pygmies and ethnic minorities is 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 permitted 1,341 to leave the country. The Government arrested labor leaders during public sector strikes and allowed private employers to refuse to recognize unions. Child labor including use of child soldiers remained a common problem. There were credible reports of beatings, rapes, and extrajudicial killings of Tutsis; however, societal abuses of Tutsis in government-controlled areas were far fewer than in 1998 because by the start of the year surviving Tutsis generally either had left the government-controlled part of the country or were in hiding, places of refuge, or government custody.

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

There were many reports, some of which were confirmed, that some antigovernment forces, in particular Rwandan army and RCD-Goma units, committed serious abuses against civilians living in territories under their control, including deliberate large-scale killings, disappearances, torture, rape, extortion, robbery, arbitrary arrests and detention, harassment of human rights workers and journalists, and forcible recruitment of child soldiers. Rebel organizations severely restricted freedom of speech, assembly and

association in areas they held. There were also many deaths due to interethnic mob violence in areas held by antigovernment forces. However, reports from such areas often were difficult to investigate.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

The widespread extrajudicial killings of Tutsis and suspected Tutsis that occurred in government-controlled areas after the start of the war in 1998 did not continue during the year; by the start of the year, surviving Tutsis generally either had left the government-controlled part of the country or were in hiding, places of refuge, or government custody. One Tutsi girl died of an illness while in government custody, but it was credibly reported that her death was not due to government negligence or abuse. The Government also materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed unarmed as well as armed Tutsis in areas held by antigovernment forces. However, government officials no longer instigated mob violence against unarmed Tutsis, and there were no further reports of mass extrajudicial killings of Tutsis by the security forces.

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.

On the night of January 6 in Kinshasa, members of the Presidential Guard under the command of an officer named Kabengele beat and killed university student Remy Lushima Nyamangombe, whom they accused of being a member of the armed rebellion. After stealing Lushima's personal belongings, presidential security agents then beat the student to death. No action is known to have been taken against the members of the Presidential Guard who committed this abuse.

On February 14, in the Ndjili district of Kinshasa, an FAC soldier shot and killed a civilian in the Sebastien Bar after bumping into his table.

On April 17 in Kinshasa, unidentified soldiers shot and killed a public transportation driver known only as Kalle. The soldiers flagged down his vehicle and ordered him to drive them to Kinshasa's international airport. When Kalle explained he was taking a woman in labor to the hospital, the soldiers shot him, leaving the pregnant woman alone in the vehicle.

On April 17, security force members charged with protecting a presidential motorcade shot and killed a minibus driver. They shot the driver three times in the head as he was attempting to move his vehicle out of the way of the coming motorcade.

In May Col. Ndoma Moteke died at the Gombel Polyclinique, in the commune of Lemba, of injuries suffered when members of government security forces tortured and beat him at the Groupe Litho-Moboti building (GLM) detention facility on May 20 (see Section 1.c.).

In the early hours of July 16 in Ndjili, uniformed soldiers from an unidentified unit shot and killed an unarmed 12-year-old boy in his own home. The soldiers shot the boy and his father, whom they wounded in the shoulder, when he opened the door of his house in response to their request.

On July 7 in Kinshasa, uniformed soldiers shot and killed Charles Bokeleale, then stole his vehicle.

On November 15 in Kinshasa, FAC soldiers enforcing a night time curfew at a roadblock shot at a taxi that veered around their barricade and killed Kamba Kanyinda, a student who was riding in the taxi (see Section 2.d.). On November 17 students from Kanyinda's school took to the streets to protest his killing.

On November 24 in Kinshasa, 23-year-old Simon Makoko died of injuries inflicted by soldiers the previous night. Makoko was in the home of Leon Lumingu when, at about midnight, soldiers broke in, accused the household of making too much noise during the nighttime curfew, and whipped Makoko when he refused to comply with an order to go outside and sit on the ground.

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, revised in 1997, prosecuted FAC members for individual incidents ranging from armed robbery to rape to murder, and sentenced to death and executed more than 50 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.). On October 11, Sangu Matembi, an activist of the United Lumumbist Party (PALU), died in Makala Central Prison; in a press release, PALU reported that he died after being deprived of food and medical care since his arrest in July. 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" that was run directly by the Office of the President (see Section 1.d.).

The Government continued to fail to prosecute any state officials or other persons in connection with the mass extrajudicial killings of Tutsis in 1998.

There was widespread reporting throughout the year of killings and other human rights abuses by both pro and antigovernment forces. Verification of these reports is extremely difficult, particularly those emanating from remote areas and those affected by active combat primarily in eastern Congo. Independent observers often find access difficult due to hazardous security conditions as well as frequent impediments imposed by authorities. Both pro and antigovernment forces extensively use propaganda disseminated via local media, including charges leveled at opposing forces, further complicating efforts to obtain accurate information regarding events and acts in the Congolese interior.

Progovernment Mai Mai guerilla units reportedly killed many civilians, sometimes after torturing them, in areas where they operated. In January in the Kamituga area of South

Kivu Province, Mai Mai leader Silvestre Louetcha reportedly executed 32 women who had supported the Mwami (traditional ruler) of Kamituga in resisting Mai Mai demands for forced labor; before killing these women, the Mai Mai reportedly accused them of witchcraft, then cut off their breasts and forced them to eat their own breasts (see Sections 1.c. and 5). There were also reports that Mai Mai units killed persons by crucifying them. Hutu militia units fighting on the side of the Government also killed many noncombatants. It was reported that in August in South Kivu Province alone, Interahamwe militia killed a police officer at Luhwindja and that the Forces for the Defense of Democracy, a Burundian Hutu nongovernmental armed group based in the country, killed six Tutsi herders while conducting an interethnic cattle raid at Kiliba (see Section 5). Information about killings by Mai Mai and Hutu militia units remained very incomplete, and many such killings may not have been reported.

Mob violence resulted in killings; however, the Government did not incite lethal mob violence during the year, unlike 1998.

In December in the Ituri District of Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, a large but unknown number of persons were killed in fighting between members of the Lendu and Hema tribes that reportedly displaced tens of thousands of persons. This fighting, which continued and was worsening at year's end, reportedly arose from a dispute about land use. (see Section 5).

During the year, antigovernment forces, particularly RCD-Goma and Rwandan units, committed repeated mass killings, generally in reprisal for Mai Mai attacks against RCD or Rwandan forces. Some of the many reports of such killings were verified; however, investigations of such reported killings often were difficult, and details of reported abuses sometimes emerged long after the events.

On December 31, 1998, and January 1, RCD and reportedly also Rwandan units killed a large number of civilians in the area of Makobola, 9 miles south of Uvira in South Kivu Province. The attack was in retaliation for losses that the rebels recently had suffered during a fight with Mai Mai fighters on December 30. Red Cross volunteers, Catholic priests, and Protestant pastors and their families were among those killed.

From January 1-3, in Walungu in South Kivu Province, following a fight with government troops, RCD-Goma rebels reportedly killed 12 civilians, looted homes, and stole livestock.

On January 5, in Mwenga in South Kivu Province, RCD-Goma rebels reportedly killed two local chiefs.

During the months of January and February, antigovernment forces reportedly killed some 45 civilians in North and South Kivu Provinces. Eight bodies were discovered along the Nshesa River, near Walungu. On February 11, Rwandan and Ugandan soldiers entered the town of Loashi in North Kivu Province and reportedly attempted to force local inhabitants to lead them to Interahamwe arms stashes. When the inhabitants fled, some soldiers reportedly opened fire, killing 10 persons.

During the same months, antigovernment forces killed 16 noncombatants in 9 separate incidents; those reportedly killed included villagers, shepherds, travelers, and merchants.

On February 24, rebels reportedly attacked a civilian convoy of seven vehicles escorted by nine government soldiers. Rebels reportedly killed at least seven civilians, including a mother and her two children, who died when their vehicle caught fire.

In early March, according to a report by the Rome-based Missionary News Agency (MISNA), RCD-Goma rebels killed more than 100 noncombatants in a series of killings near Kamituga in South Kivu Province; no independent reports of this were known to have emerged during the year.

There were credible reports that between March 19 and March 21 Rwandan soldiers killed many civilians, more than 250 according to one report, in Burhinyi and Ngweshe in South Kivu Province, apparently in retaliation for a Mai Mai attack.

It was reported that in April antigovernment forces including RCD units killed at least 20 persons, most of whom were women and children, in the villages of Gasiza and Nyabubuye in South Kivu Province.

On May 7, Father Paul Juakali, a priest in Kalembe, near Goma, reportedly was ambushed and killed by RCD rebels who previously accused him of spreading false information about life in rebel-occupied territories.

During the night of July 27, Rwandan and RCD-Goma troops reportedly burned alive 41 civilians in the town of Kasala in Katanga Province, by locking them in 5 separate houses, then setting the houses on fire.

From August 14 to 16, disputes among antigovernment forces led to fighting in Kisangani between Rwandan and Ugandan troops. During the clashes, rebels, Rwandans, and Ugandans reportedly killed approximately 50 civilians. It was reported that Rwandan and RCD-Goma rebels also attempted to kill archbishop Monsengwo of Kisangani, who fled his home dressed as a servant.

Between September 4 and 10, RCD-Goma rebels reportedly launched retaliatory attacks against civilians in South Kivu Province, leaving an undetermined number dead.

On September 24 near Rutshuru in North Kivu Province, elements of the Rwandan army reportedly killed 19 civilians.

In mid-September, on the banks of Lake Mukamba, Rwandan troops reportedly executed an undisclosed number of Congolese tribal chiefs from the Dimbelenge area of western Kasai Province. The chiefs were called together by Rwandan military authorities, who accused them of sabotaging the Rwandan advance towards Kananga and Mbuji-Mayi. After executing several chiefs, the Rwandans reportedly shot villagers who came running toward the sounds of gunfire, killing an unknown number.

In early November, in the Mwenga area of South Kivu, RCD-Goma rebels tortured and buried alive 15 women whom they suspected of supporting local Mai Mai guerillas, according to several reports. At year's end, NGO's were investigating these reports.

On November 22, at the Kalonge Parish near Bukavu in South Kivu Province, Rwandan and RCD-Goma units shot and killed an abbot and other persons attending a Catholic

mass, according to a missionary news agency report.

The Government publicly alleged that antigovernment forces massacred civilians at Ngweshe in South Kivu Province on February 15, at Kongolo in Northern Katanga Province in August, in Kibumbu, near Kalungwe in South Kivu Province on October 23, and at Nonge, an unknown location on an unknown date; however, no independent reports to support any of these allegations are known to exist.

b. Disappearance

There were many reported cases of disappearance, most as a result of the war. Government and antigovernment 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 February 9, security force members rearrested Commandant Jean Nkumu Wangala, former chief of police in Matadi during the Mobutu era, whom a military court had acquitted of charges of treason on January 12. He has not been heard from since, although authorities told his wife that he had escaped from state custody.

In April two refugees from the neighboring Republic of Congo disappeared from ANR detention facilities in Kinshasa. Both Congolese--Bernard Ntandou, former police commander of the Point Noire military district, and Jean Mpalabouna, a follower of B. Kolelas--were affiliated with organizations involved in armed opposition to the Government of the Republic of Congo. On May 25, two representatives from a human rights NGO visited the ANR prison in an attempt to determine their whereabouts. ANR security agents refused to answer any questions and threatened them with arrest (see Section 4).

On June 6, security agents forced their way into a private residence in the Limete neighborhood of Kinshasa and abducted Justin Djuambe Tegi and Michel Gbetoro. Neither has been seen since, and both are presumed to have disappeared. No motive is known for the abduction.

In November, an RCD leader publicly alleged that Zimbabwean troops aligned with the Government kidnapped and held as hostages 17 missionaries of the Church of Jesus Christ on Earth of the Prophet Simon Kimbangu; however, no other reports of this were known to have emerged, and no other abuses by Zimbabwean forces were reported.

Belmonde Ma Gloire Coffi, the owner of the newspaper, Le Point Congo and a citizen of Benin, was last seen on September 3, 1998, and is believed to have disappeared. He reportedly drove into town after editing the latest edition of Le Point. There has been no reported trace of either him or his vehicle (see Section 2.a.).

In February the Democracy and Human Rights Committee (CDDH), an NGO, reported that in December 1998 CDDH investigator Donnat N'Kola Shambuyi disappeared in Tshikapa in Western Kasai Province.

The bodies of many persons killed extrajudicially 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 extrajudicially.

Rebel forces reportedly were responsible for the disappearance of many persons. There were reports that antigovernment forces repeatedly failed to acknowledge detaining persons. Persons whom rebel, Rwandan, or Ugandan forces allegedly detained in 1998 reportedly have been transferred to Rwanda or Uganda and remained unaccounted for at year's end. These missing persons included 22 Franciscan friars from Sola in Katanga Province and 3 university professors from Bukuvu in South Kivu Province.

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.

Authorities of the Kabila administration have 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 (see Section 1.a.). Incidents of physical abuse by security forces occurred during the arrest or detention of political opponents, journalists, and businessmen (see Sections 1.d. and 2.a.).

On January 12, soldiers of the 50th Brigade who were raiding the Bethany Catholic Center to arrest Tutsis who were hiding there beat human rights activists Christophe Bintu and Bienvenu Kasole, who were visiting the center. Kasole lost a tooth and suffered from bleeding during a subsequent 6-day detention, but military authorities refused him medical attention. Guards forced Bintu and Kalole to sleep on the ground and denied them food and visitors (see Sections 1.d. and 4).

Following his arrest on January 12 on charges of divulging state secrets, security forces at the Committee of State Security prison and at the Kokolo detention center repeatedly beat newspaper publisher Thierry Kyalumba with a belt and buckle during pretrial interrogations (see Sections 1.e. and 2.a.).

On February 16, two military officers known only as Gisha and Chubaka who worked on the staff of Joseph Kabila, the son of President Kabila and chief of staff of the Congolese army, entered the Kinshasa home of Toussaint Muhavu Shankulu without a warrant and tortured him inside his own house. They then took Muhavu to an underground cell at the Tshatshi military camp, where they abused him until he signed a document giving up the equivalent of \$700 dollars to a man known as Benoit, on whose behalf Gisha and Chubaka reportedly were acting. When Muhavu lodged a complaint against Gisha and Chubaka, the two attempted to find Mr. Muhavu, who was then in hiding, by abducting and torturing a neighbor and personal friend of Muhavu. Other members of Joseph Kabila's staff then kidnaped Muhavu's wife in an attempt to force Muhavu out of hiding. Senior officers at Camp Tshatshi prevailed upon Muhavu not to press charges against Gisha and Chubaka.

On February 20, military personnel beat with sticks Luyinumu Lelo Koko and Jonas

Ndoko in a wooded area outside Kinshasa after arresting them for breaking a curfew 3 hours before the curfew started (see Section 1.d.).

In February guards beat and tortured professor Tshibangu Kalala during a 2-week detention following his arrest by ANR agents for describing to students poor economic conditions in Katanga Province (see Sections 1.d. and 2.a.).

On March 10, at the police station in the Kin-Maziere building in the Gombe district of Kinshasa, police stripped two female money changers and beat them with a wire whip after interrogating them about changing money at a different exchange rate from that set by the central bank (see Section 1.d.).

On March 22, presidential security personnel lashed a detained journalist 100 times with a whip, reportedly saying that they did so because the journalist possessed "Tutsi facial features" (see Section 1.d.).

On April 29, at the ANR detention center at Binza ma Campagne, ANR agents severely beat Lambert Edimba, whom ANR agents had arrested for associating with members of various opposition political parties (see Section 1.d.).

Between May 17 and May 26, at the headquarters of the Investigative Branch of the Presidential Guard in the Gombe neighborhood of Kinshasa, guards daily beat with a whip eight members of the opposition PALU party and forced them to eat mud; after 10 days of detention, one PALU member was urinating blood and three others were unable to stand or walk (see Section 1.d.).

During May 20-23, DEMIAP police repeatedly beat on the feet Christian Badibangi, the president of the opposition party Union Socialist Congolaise, while detaining him in a cell measuring 3 square yards with approximately 60 other prisoners without food, water, ventilation, or sanitation facilities (see Section 1.d.).

On May 20, guards at the GLM detention facility in Kinshasa tortured and beat Colonel Ndoma Moteke, an army officer under the Mobutu regime, who died of the resulting injuries at a medical clinic in the Righini area of Kinshasa a few days later (see Section 1.a.).

On June 23, members of the security forces publicly beat three journalists working for the Kinshasa daily newspaper *Tempete des Tropiques*, after arresting them at the newspaper's offices and before taking them away in a vehicle (see Sections 1.d. and 2.a.).

On June 29, naval personnel tortured the owner of a dugout canoe, known only as Motinga, from the Limete commune of Kinshasa. Motinga reportedly complained of a lack of space to dock his canoe. According to a human rights group, the ranking naval commander, identified only as Jean Louis, ordered his men to beat Motinga until he lost consciousness.

On July 26, security forces in the town of Mbuji Mayi whipped Jean Marie Kashils, of the *Agence Congolaise de Presse*, and Bienvenu Tshiela of *Kasai Horizon Radio Television*, while briefly detaining them on orders from the deputy governor of Eastern Kasai Province, Kalala Kaniki (see Sections 1.d. and 2.c.).

Following his arrest on July 29, security forces in Lumbumbashi tortured professor Kambaj Wa Kambaji and denied him access to his doctor and his family. Security forces also mistreated him during an August 19 aircraft flight to Kinshasa (see Sections 1.d. and 2.a.).

In September police at the GLM detention facility in Kinshasa's Gombe neighborhood beat human rights NGO activist Wetemwani Katembo Merikas an average of four times a day during a 4-day detention. A colleague bringing meals for Katembo said that prison guards stole the food and ate it in front of prison visitors (see Sections 1.d. and 4).

On and after September 10, ANR agents in Mbuji Mayi in Eastern Kasai Province tortured Francois Mpoyi Mukandu, the legal adviser of the governor of the province, and Marcel Mpuanga Mindu, who was also an attorney. ANR agents reportedly tortured and beat Mpoyi so severely that he could not walk and he was taken to a hospital. ANR agents also beat Ditutu bin Bwebwe, a court clerk whom the head of the bar association in Mbuji Mayi sent to the ANR to serve a summons on Tshiamuang Tshombe, the ANR's chief investigator in Mbuji Mayi, in connection with the detention of Mpoyi and Mpuanga (see Section 1.d.).

In early October, according to domestic media reports, Pascal Kusehuka, secretary general of the PALU opposition party for Bandundu Province, stated that a group of men including the son and the nephew of Marc Katshunga, the governor of Bandundu Province, dragged him naked through the streets of Kikwit after arresting him and accusing him of political activity.

Some persons suffered physical abuse from both sides of the war. On March 8, RCD members reportedly raided the Goma home of Dieudonne Mirimo Mulongo and, finding Mirimo gone, physically abused his wife while interrogating her about the whereabouts of her husband. Soon thereafter, Mirimo and his wife fled to Kinshasa, where government security forces arrested and detained him and reportedly beat him while interrogating him about his brother-in-law, whom they suspected of being a Tutsi (see Section 5).

There were numerous reports that nongovernmental armed groups fighting on the side of 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.). There were reports that Interahamwe militia in South Kivu Province often raped women, especially in villages near Kahuzi Biega Forest.

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 overcrowded containers with prisoners, sealed the prisoners inside without ventilation, then the cut off all food and water, causing death by dehydration, suffocation, and exhaustion. This treatment reportedly was reserved for suspected Interahamwe or Mai Mai collaborators.

Mobs sometimes beat persons, including mostly suspected thieves but also suspected Tutsis. In April a mob of students at the University of Lubumbashi severely beat and destroyed the vehicle of a foreigner employed by the government of an ethnically largely European country that some government propaganda had portrayed as supporting the RCD (see Section 5).

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 made limited efforts to improve the harsh 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 are widespread. Prisoners reportedly were beaten to death, tortured, deprived of food and water, or died of starvation (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 rampant. Although authorities do not target women for abuse, prison guards rape female inmates.

The Government exacerbated the overcrowding of civilian prisons by incarcerating in them many soldiers who declined to fight for the Kabila Government in the war. In March it was credibly reported that of 2,509 persons incarcerated at Makala Prison, 1,854 were soldiers, almost all of whom were awaiting trial for refusing to fight in the war.

The use of unpublicized and unofficial detention sites by the civil and military authorities circumvented humanitarian groups' access to many prisoners and detainees. The International Committee for the Red Cross (ICRC) was denied access to these sites, and to regular detention facilities, including some facilities where the Government incarcerated Tutsi civilians and the "Alfa" prison facility in Kinshasa run by the Office of the President (see Sections 1.a. and 5).

It was reported that RCD-Goma forces frequently used the private residences of Rwandan or rebel military commanders for purposes of incarceration. 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 instructs security forces to bring detainees to the police within 24 hours. The law also provides that detainees must 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 leaders of human rights and religious organizations indicated that increases not only in the number of arrests and detentions but also in the number of security agencies arresting and detaining persons and in the number of detention centers made it increasingly difficult to monitor arrests and detentions or investigate reports of arbitrary arrest and detention. 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.

Throughout the year the Government continued to arrest and detain members of the Tutsi ethnic group without charge and merely on the basis of their ethnicity. On January 12, soldiers of the 50th Brigade raided the Bethany Catholic Center and arrested about 50 Tutsis who took refuge there, and whom the Government subsequently incarcerated. Hundreds of Tutsis arrested in 1998 after the start of the war remained detained during the year, at locations including Kokolo military camp, the National Social Security Institute west of Kinshasa, and Lubumbashi in Katanga Province. However, the Government released many Tutsis on condition that they leave the country through ICRC relocation programs. In June the ICRC repatriated detained Tutsis whom the Government regarded as Rwandan, Ugandan, or Burundian nationals, and who were willing to depart the Congo; starting in October, the ICRC evacuated detained Tutsi citizens to other countries. About 3,000 persons who claimed to be Tutsis in hiding presented themselves for detention in Kinshasa during the year, mostly after the Government announced that Tutsis could be relocated to foreign countries. Many Tutsis remained in detention because of their ethnicity at year's end. However, due in part to intervention by the international community, at some detention sites Tutsis' terms of detention became increasingly liberal during the year and included substantial freedom of movement by year's end. Government detention of at least some Tutsis became increasingly protective rather than punitive and many Tutsis increasingly felt safer in government custody than elsewhere in the government-controlled part of the country; throughout the year, Government officials and state media continued to publish and broadcast anti-Tutsi propaganda, the Government directed its security forces and encouraged the CPP's and CPD's to search for and detain Tutsis, and outside their special detention centers even suspected Tutsis were harassed and beaten (see Sections 1.c., 1.f. and 5).

Between December 31, 1998, and January 29, police in Kinshasa arrested four members of the Solidarity labor union, apparently in connection with a strike by Finance Ministry employees, and subsequently detained them at Makala Prison (see Section 6.a.); they later were released.

On January 1, ANR agents detained Adrien Phongong Kunda, the secretary general of the Union for Democracy and Social Progress (UDPS) political party, for 9 hours at the ANR facility in Gombe. He was charged with breaking a ban on political activity by

distributing a New Year's message to party members. On January 16, he was arrested again and interrogated about the activities of the UDPS. He was released 9 days later. On the night of January 5, police in Kinshasa arrested and then released Louis Botimbili, who was visiting the capital, on charges of being a suspicious character who did not register his presence with the commune. He was called back to the police station on January 7 for being a member of the human rights NGO Friends of Nelson Mandela. He was released on January 9, after the intervention of several human rights NGO's.

On January 8, ANR agents in Kinshasa arrested the 74-year-old father of former FAZ general Kpama Baramoto for having an international telephone conversation with his son. Baramoto suffered from hypertension, but was refused treatment by ANR guards. He was released after a few days.

On January 8, soldiers in Mawanga in Bandundu Province arrested former government minister Hypolite N'sema Mambakila, detained him for a week at Kenge and Kikwit, and then transported him to Kinshasa. He was charged with breaking the ban on political activity and organizing a band of rebels near the border with Angola. He was freed on February 26.

On January 12, soldiers of the 50th Brigade who were raiding the Bethany Catholic Center to detain Tutsis arrested human rights activists Christophe Bintu and Bienvenu Kasole, who were visiting the center. Soldiers beat Bintu and Kasole. Kasole lost a tooth in detention and suffered from bleeding, but military authorities refused him medical attention. They also were forced to sleep on the ground and were denied food and visitors. Bintu and Kasole were released on January 18 (see Section 4).

On January 16, five police officers in Kinshasa arrested UDPS political counselor Jean Joseph Mukendi wa Mulumba on suspicion of carrying out political initiatives in defiance of a Kabila decree banning all political party activities. He was held in confinement until January 21, when he was released as a result of poor health.

On January 16, police arrested the following opposition political party members on the charge of conducting political activities: Adrien Phongo Kunda (UDPS), Cleophas Kamitatu Masamba (PDSC), and Charles Bofassa Djema (MPR). On January 21, police arrested Nyembo Shabani (UDPS) and Denis Bazinga (of a faction of the UDPS) on the same charge. All were released by January 25.

On January 21, police in Kinshasa arrested UDPS spokesman Joseph Kapika Ndji Kanku on charges of violating the ban on political activities by hosting party events at his house. He was freed on January 25 but was rearrested on February 3 and brought to the ANR holding facility at Lemera, where he was charged with criticizing the law banning political party activity in an interview with a foreign radio station. ANR guards reportedly threatened his life and subjected him to cruel and humiliating treatment. Kapika was released in December.

On January 26, and again on February 4 and February 5, security forces arrested newspaper editor Andre Ipakala; following the third arrest, they held him for 3 days without charge (see Sections 2.a. and 2.d.).

Between January 28 and February 13, ANR agents in Kinshasa and Mbuji Mayi arrested

11 employees of a cellular telephone company, a manager and 10 workers who had formed a bargaining group, and subsequently detained them in Makala Prison (see Section 6.a.).

On February 1, five members of the PALU opposition political party were arrested for hoisting the party flag in defiance of the presidential ban on all political activity. One was released on February 10. The other four, Lexis Mikwinzi, Kasongo Mumoshi, and Luzolo and Mpyo Doingo Moise, were released in December.

On February 3, ANR agents raided the offices of the daily newspaper *Le Potentiel*, arrested five journalists, and detained them for a day, without producing a warrant either for the search or for the arrests; the journalists were released the following day (see Section 2.a.).

On February 5, DEMIAP agents detained Floribert Chebeya Bahizire, president of the human rights NGO, *Voix des Sans-Voix* (VSV), and two other VSV colleagues, and reportedly threatened to kill them before releasing them later the same day. Security forces then ordered Chebeya, one of the Congo's most prominent human rights advocates, to present himself daily to police authorities in the Gombe district of Kinshasa (see Section 4).

On February 9, police in Kinshasa arrested Theo Ibwala for wearing a T-shirt promoting the UDPS political party. Ibwala was held for 3 days, during which he suffered several epileptic fits and was refused treatment. Ibwala was never charged. Police forced him to change into a "Support President Kabila" T-shirt before allowing him to leave.

On February 16, members of the security forces briefly detained three members of the Front for the Pursuit of Democracy (FSD), including FSD president Eugene Diomi Ngongala, as they left a foreign embassy, allegedly for visiting a foreign embassy without prior government permission (see Section 2.b.).

On February 16, presidential security agents detained VSV activist Justin Chiba Sengey. He was released after 7 hours, and told to tell his colleagues to stay clear of any matters concerning military security.

On February 20, military personnel arrested Luyinumu Lelo Koko and Jonas Ndoko in the Ndjili neighborhood outside Kinshasa. While the arrests were made at 8 p.m. for allegedly breaking a curfew, the actual curfew did not begin until 11 p.m. Soldiers took the pair to a wooded area and beat them with sticks (see Section 1.c.). Soldiers also stole the equivalent of \$2 (10 francs) from Ndoko.

On February 24, ANR and CNS agents arrested Mabanza Meti, acting managing director of the Citibank office in Kinshasa in connection with an alleged international funds transfer on behalf of a rebel leader. Authorities detained two other Citibank employees in connection with the same alleged transfer on February 6. At least one bank employee was held incommunicado for several days. All three bank employees were released on March 3, without being charged formally.

On February 27, authorities lured Brigitte Sakina Lundula to the ANR station at Binza ma Campagne with the promise of a ministerial post. On her arrival, Sakina was arrested and

accused of being an RCD rebel agent. She was released on May 22 without being charged.

In February ANR agents arrested Professor Tshibangu Kalala in Kinshasa and detained him for 2 weeks without charges (see Sections 1.c. and 2.a.).

On March 5, soldiers in Kinshasa acting under the orders of a military tribunal raided the offices of Mitchell and Associates, an international law firm that represented foreign investors, seized the firm's files, and arrested two partners in the firm, Lambert Djunga and Pierre Risasi Nsimbwa. The two lawyers were charged with high treason and acquitted in November. Their detention and indictment is believed to have been related to the role their firm played in the South African Government's seizure of a shipment of tin ore from the country.

On March 10, police arrested two female money changers, detained them at the police station in the Kin-Maziere building in the Gombe district of Kinshasa, and accused them of changing money at a different exchange rate from that set by the central bank. After an interrogation by Major Muanza, the pair were ordered to pay a fine equivalent to \$200, which the police took without issuing a receipt. After a second interrogation by another police officer, the women were stripped and whipped with a wire cable before being released (see Section 1.c.).

On March 14, ANR agents arrested four persons at the Kinshasa airport as they returned from a conference about the war in the country that was held in South Africa, and in which the Government had refused to participate. Those arrested were: Modeste Mutinga, editor of *Le Potentiel* newspaper; Andre Ipakala, editor of *La Reference Plus* newspaper; Marie-Ange Lukiana, president of the National Womens' Union; and a political party representative named Kabamba. Mutinga, Ipakala, and Lukiana were detained for about week, and Hamuli for about 2 weeks, without being charged (see Sections 2.b. and 2.d.).

On March 16 and again on April 5, ANR agents arrested a missionary for " suspicious behavior" for using a cell phone near an ANR facility. The missionary worked in a building across the street from an ANR facility and used a cell phone to summon his driver. The missionary was released for the second time on April 19.

On March 22, police detained a journalist after his driver parked his vehicle close to a police roadblock. The journalist and driver were taken before presidential security personnel who whipped the journalist (see Section 1.c.).

On April 16, ANR agents at Ndjili Airport arrested former Minister of Posts, Telephone and Telegraph Kinkela vi Kin'sy, who subsequently was detained at Makala Prison for about 1 month. The ANR agents reportedly accused Kinkela of trying to flee the country, but Kinkela reportedly stated that he was at the airport to meet a friend who was traveling (see Section 2.d.).

On March 29, police Major Bruce Kifua arrested Simon Tshamala for being a " rebel sympathizer." He was incarcerated for 4 days without food or water and released on April 2. No charges were filed.

On April 6, ANR security forces arrested Baudouin Hamuli Kabarhuza, executive secretary of the NGO umbrella group, National Council of Nongovernmental

Organizations for Development (CNONGD). He was charged with leaving Congo in order to meet with both Mobutists and rebels in South Africa. He was released on April 14.

On April 8, members of the security forces arrested the vice president of the local chapter of the UDPS opposition party while he was conversing on the street with a colleague. He remained in detention until April 14. No charges were filed.

On April 10, presidential security agents arrested two electric company workers for allegedly speaking ill of President Kabila on a city bus. The two, Kennedy Mukendi and Don King Mabusu, were placed in an airless overcrowded cell with 11 other prisoners and released the following day.

On April 26, ANR agents arrested Andre Bamwe Kabasu, Thierry Tshiamumayi Kabunda, and Daniel Faustin Kalala Mashika after reportedly intercepting a letter addressed to a rebel leader. The letter, allegedly written by the president of the Congolese Socialist Union president, claimed that the three men would be willing to receive the rebels, should the town of Tshikapa fall. The three were detained for a week, then released after ANR authorities determined the letter to be false.

On April 29, ANR agents arrested Lambert Edimba for associating with members of various opposition political parties. They took Edimba to the ANR detention facility at Binza ma Campagne, where they confiscated a tape recorder and several video cassettes. ANR agents severely beat him before confining him to a cell. Edimba was released on May 8 (see Sections 1.c. and 2.a.).

On May 2, rapid intervention police arrested Emmanuel Cole, president of the NGO, Bill Clinton Foundation. He was charged with illegally operating an NGO and conspiracy against the security of the State. He was released on May 11.

On May 8, police arrested Stephane Kitutu O'leontwa, president of the Congo Press Union, in an effort to locate the author of an article that was published in a newspaper for which Kitutu had never written. Kitutu was released 4 days later (see Section 2.a.).

On May 12, ANR agents in Kinshasa arrested four members of the opposition UDPS party: Professor Alidor Mwamba Mtita, a journalist and member of the national committee of the UPDS; Raymond Kabala, administrative secretary of the UPDS national committee; Odile Kalala, a national committee member and an employee of Catholic Relief Services; and Mpoyi Placide, a U.N. agency employee. They were arrested at Mpoyi's home and held incommunicado for 8 days. On May 19, they were transferred from an ANR facility to Kokolo, a military camp also used to detain Tutsis. Mitita and Kabala were released in December, without having been charged; the others reportedly remained in detention at year's end.

On May 17, eight members of the opposition PALU party were rounded up in Kinshasa and arrested. The eight were taken to the headquarters of the presidential guard investigative branch in the Gombe neighborhood of Kinshasa. Authorities accused the eight PALU members of attempting to overthrow Kabila and being in league with the rebellion, and kept them in a small dark airless cell. Guards administered daily beatings with a whip. One detainee urinated blood, while three others were unable to stand or walk.

The eight detainees then were thrown into mud and told to eat it. Authorities freed the eight after 10 days in detention but kept them under surveillance throughout the year (see Section 1.c.).

On May 20, DEMIAP police arrested the president of the opposition party Union Socialist Congolaise, Christian Badibangi, along with approximately 40 supporters. They remained in jail at the DEMIAP holding facility in Kinshasa commonly called " L'inter" until July 5, when they were released. Badibangi was charged with being in contact with the armed rebellion and training rebel forces in Angola. For the first 2 days he was repeatedly beaten on the feet. He was placed in a cell measuring 3 square yards with approximately 60 other prisoners, who were held without food or water. Ventilation was cut off, and prisoners were wedged in so tightly that they could not sit. There were no toilet facilities. This holding cell is called " Ouagadougou" and is allegedly a holding cell for dangerous criminals. No one is allowed access to this area, and the Kabila Government refuses to allow NGO representatives to visit it. Badibangi developed permanent health problems as a result of his incarceration. As of September, the Government continued to refuse to grant him an exit visa to seek medical attention overseas.

On May 20, Major Bruce Kifua, son of National Police Inspector General Celestin Kifua, and his police bodyguards stopped the driver of a sports car for passing them. The driver was taken to Kifua's office, where he was lashed 50 times with a whip. His vehicle, watch, cellular phone, personal jewelry, and money worth about \$150 were confiscated. He then was delivered to the police. Police authorities returned his confiscated vehicle, but not his other belongings. No action was taken against Kifua.

On May 25, security forces arrested two journalists of a Kinshasa-based newspaper, Le Soft, on charges of " undermining the Government," in connection with the publication an article describing mismanagement of the central bank. Both journalists were released on June 4 (see Section 2.a.).

On May 27, security agents arrested a medical doctor named Elongo, who worked with SEMBUAC, a domestic NGO. He was accused of being an infiltrated rebel and was detained at an ANR facility in Kinshasa's Gombe neighborhood for nearly a week.

On May 29, security forces arrested Laurent Kantu Lumpungu, president of L'Association des Cadres Penitentiaires du Congo, a human rights NGO, after he criticized the summary executions carried out by orders of military courts. Security forces detained Kantu at various locations between May and August, without giving him a court hearing. On August 26, a state-controlled television station broadcast a documentary on Kantu, entitled " A Smuggler Unlike the Others," and alleged that Kantu was in possession of subversive documents at the time of his arrest. He was not charged or tried, and remained in detention at year's end (see Section 4).

In June security forces arrested Beyeye Djema, formerly a supporter of President Mobutu, and accused him of keeping a pistol at his house; he was released in December.

In June security forces arrested Tabu Kalaia, president of the Katangan provincial branch of the opposition UDPS party; he subsequently was detained at the ANR detention facility in Lubumbashi. He remained in detention at year's end.

On June 3, security agents arrested Kazadi Ntumba Mulongo, editor of the Kinshasa newspaper Top Media, and detained him for about a week without charges; security agents accused Ntumba of publishing articles too critical of the Government (see Section 2.a.).

On June 10, security forces in Kinshasa arrested three UDPS party members, Raoul Nsolwa, Tchete Katala, and Tchaba Fils, as well as five associates. The eight were detained until June 23 at various facilities around Kinshasa, on charges of using bad language towards two soldiers.

On June 14, police in Kinshasa jailed 12 members of the opposition UDPS party for allegedly booing the passing motorcade of President Kabila. The police released nine of the detainees over a period of several weeks. However, three remained in detention until December (see Section 2.b.).

On June 23, members of the security forces raided the Kinshasa office of Tempete des Tropiques, a daily newspaper, and arrested three journalists. The journalists were beaten publicly before being loaded into a vehicle and taken away; they were released later the same day (see Sections 1.c. and 2.a.).

On June 28, security agents arrested a reporter for the Kinshasa daily newspaper, Le Potentiel, after learning that he intended to write a story detailing animosity between the President's chief of staff and the Minister of Finance. The reporter was released the following day (see Section 2.a.).

On July 2, police detained Bertin Lukhanda, a member of the human rights NGO Haki za Binadamu, which specializes in protecting the rights of prisoners. Security agents interrogated Lukhanda concerning the activities of his organization before releasing him the following day (see Section 4).

Between July 16 and August 27, security agents rounded up and arrested approximately 154 activists of the opposition PALU party. The Government charged the PALU members with illegally engaging in political activity and dispersed them among various holding facilities in Kinshasa. It is believed that most were arrested for exhibiting the party flag and other emblems of PALU, although the Government filed no formal charges against them (see Sections 2.b. and 3).

On July 19, according to a public statement by the PALU opposition party, members of the security forces arrested and detained PALU member Sangu Matembi on charges of political activity; Matembi reportedly died in Makala Prison on October 11 due to lack of food and medical care (see Section 1.a.).

On the night of July 24-25, members of the security forces arrested Christophe Lutundula, president of the Movement for Solidarity, Democracy and Development (MSDD), an opposition party, at his home. Security forces detained Lutundula for 46 days without bringing charges against him, after he made comments critical of the country's political institutions (see Section 2.a.).

On July 26, ANR agents arrested Honore Kaputu and Timothee Dikueza, both members of the domestic human rights after they attempted to mail a VSV newsletter to the NGO's

leader in Germany (see Sections 1.f. and 4). Both detainees were released a few days later without being charged.

On July 26, security forces in the town of Mbuji Mayi arrested, briefly detained, and whipped two journalists for criticizing the deputy governor of Eastern Kasai Province (see Sections 1.c. and 2.a.). On July 29, 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 (see Section 5). Security forces in Lubumbashi tortured professor Kambaji in detention and denied him access to his doctor and his family. He was flown to Kinshasa on August 19 and mistreated aboard the aircraft. At year's end, Professor Kambaji remained in detention at an ANR facility in Kinshasa (see Sections 1.c. and 1.d.).

In early August, DEMIAP personnel again arrested Christian Badibangi, president of the Union Socialiste Congolaise, who had been detained from May 21 until July 20. He was released a few days later with no charges pressed and no explanation given; his repeated detentions appeared to be an attempt to curb his political activities (see Section 2.b.).

On August 2, the rapid intervention police arrested three union leaders while dispersing striking civil service workers who were protesting low pay and nonpayment of salaries (see Sections 2.b. and 6.a).

On August 13, police in Kinshasa arrested an attorney named Ntamirira, who was attached to the appeals court of Kinshasa/Gombe. Police gave no reason for the arrest. Ntamirira was transferred from a police jail to an ANR holding facility despite health problems, and he was allowed no visitors. Police released Ntamirira on August 18.

On August 24, police in Kinshasa arrested two members of the free speech NGO, Journalistes en Danger, Mwamba wa Ba Mulamba Morro and Achille Kadima, and detained them for 4 days in a private house in the Kintambo neighborhood of Kinshasa, after they wrote an article implicating the Director General of Taxation in corruption (see Sections 2.a. and 4).

In September the police arrested Wetemwani Katembo Merikas, an activist with the youth-oriented human rights NGO Cojeski. Police accused Katembo of being a rebel infiltrator charged with starting a clandestine political party. Security agents took Katembo to the GLM detention facility in Kinshasa's Gombe neighborhood, where he was held in a dark cell for 4 days. During his incarceration, police handcuffed and beat Katembo an average of four times a day (see Sections 1.c. and 4). In early September, security forces again arrested Cleophas Kamitatu, who had been detained in January, and had subsequently become president of a newly-formed opposition group, Community of the Pluralist Democratic Opposition (CODEP). He was arrested soon after he criticized the Government in a foreign radio broadcast, but 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, and a court ruled that he be placed under house arrest; however, he remained in detention at year's end (see Sections 2.a. and 2.b.).

In the predawn hours of September 7, security forces raided the offices of the Biaka Press and arrested two writers and the printer of *Alerte Ndule*, a periodical dedicated to music.

Security officials apparently sought writers of the newspaper L'Alarme and did not distinguish between the names. The three were released three days after their arrest (see Section 2.a.).

On September 10, ANR agents in Mbuji Mayi in Eastern Kasai Province arrested Francois Mpoyi Mukandu, the legal adviser of the governor of the province. No charges were made public. ANR agents reportedly tortured and beat Mpoyi so severely that he could not walk, and he was taken to a hospital. On the same day and in the same city, a second attorney, Marcel Mpuanga Mindu, also was arrested by the ANR and tortured. The head of the bar association in Mbuji Mayi then complained to the Minister of Justice about these abuses and dispatched the court clerk to give Mbuji Mayi ANR chief investigator Tshiamuang Tshombe a summons to appear in court. Tshiamuang ordered police to arrest the court clerk on bogus charges of breaking into his house. The clerk, Ditutu bin Bwebwe, was taken to an ANR holding facility where he was beaten. Ditutu was released after 9 days. The two attorneys were released in November (see Section 1.c.).

On September 10, ANR security police arrested prominent soccer player Eugene Kabongo Ngoy upon his return to Kinshasa from Lusaka, Zambia. The arrest came after Kabongo was seen in the lobby of a Lusaka hotel greeting a number of persons believed to be rebels.

On September 14, security forces briefly detained Catherine Nzuzi, president of former president Mobutu's Popular Movement of the Revolution (MPR) party, in connection with a mass for the late president that she organized on the second anniversary of his death (see Section 2.c.). In mid-September, security forces arrested Albert Bosange Yema, a journalist employed by L'Alarme, a Kinshasa-based daily newspaper, who reportedly wrote an erroneous article on the capture of Lake Mukamba by the rebels (see Section 2.a.).

During the week preceding September 28, security forces arrested and detained 18 PALU opposition party members, according to a PALU press release issued on that date.

In early October, according to media interviews with Pascal Kusehuka, secretary general of the PALU opposition party for the Bandundu Province, a group of men including the son and nephew of provincial governor Marc Katshunga, acting on orders from Katshunga, arrested Kusehuka, accused him of political activity, and tortured him (see Section 1.c.). Kusehuka reportedly was released later the same month without being charged formally.

On October 2, DEMIAP officials in Kinshasa arrested the publisher of the weekly newspaper Avant Guard on charges of compromising state security, and detained her for 2 days, reportedly in connection with a military tribunal judge's effort to learn the names of the authors of some open letters that were published anonymously in Avant Guard (see Section 2.a.).

In November security forces arrested Djojo Kazadi Mpayo, editor of the Kinshasa newspaper, Palme d'Or, after that newspaper published a story that predicted that natives of the Kivu Provinces (apparently an allusion to RCD rebels) would soon take President Kabila to court (see Section 2.a.).

On December 11, two unidentified men blindfolded and abducted University of Kinshasa student leader Alain Shekomba Okende. They reportedly tied him up, took him to an unknown location, and interrogated him about suspected ties to the media and to foreign embassies and intelligence services. It was reported that shortly after Shekomba's release on December 13, the ANR summoned him and other student leaders to the ANR facility in Kin-Maziere, where they detained but subsequently released him and another student leader, Ntumba Kapajika.

On December 10, the Government freed 156 political detainees, including all 90 PALU activists then detained in Malaka Prison and 4 prominent UDPS members, including party spokesman Joseph Kapika and two UDPS members arrested on May 12, Professor Alidor Mwamba Mtita and Raymond Kabala. However, seven UDPS activists reportedly remained in detention at year's end.

On November 7, 1998, police arrested Thiery Itangaza Mubango and held him in detention until January 8, for attempting to make a long distance telephone call to a foreign business executive whose business he represented in the country. He was held at the ANR facility in the Gombe neighborhood of Kinshasa. He was arrested without a warrant and never charged.

Pretrial detention often was prolonged. In March it was credibly reported that of 2,509 persons incarcerated at Makala Prison, only 276 had been tried and convicted; almost 90 percent of the inmates were awaiting trial. Two-thirds of Makala's 655 civilian inmates were awaiting trial.

The Government also held prisoners of war, reportedly including about 96 members of the Rwandan armed forces and a few members of the Burundian armed forces. They reportedly were guarded by members of the Zimbabwean armed forces. Although the Lusaka Accords called for an exchange of prisoners, none took place during the year.

Antigovernment forces reportedly detained persons repeatedly (see Section 1.b.). Many of those whom antigovernment forces detained reportedly were Hutus. The Rwandan and Ugandan armed forces held some Zimbabwean and Namibian prisoners of war, and allowed the ICRC to visit them. However, government soldiers captured by antigovernment forces reportedly were held by the RCD or MLC, which reportedly did not permit the ICRC to visit them.

The law prohibits forced exile, and the Government did not practice it formally; however, the Government released 1,341 Tutsis from detention on the condition that they leave the country through internationally-sponsored relocation programs. These Tutsis chose freely to leave the country rather than remain in government detention. In February the Government moved approximately 200 at-risk Tutsis from Camp Kokolo to the National Social Security Institute (INSS) center, in the western suburbs of Kinshasa, where their comfort and security were improved greatly and where the ICRC had continued access. They remained at the INSS center until June, when the ICRC repatriated Rwandans, Ugandans, and Burundians who were willing to depart the Congo. The remaining at-risk individuals remained at the INSS until late October. In Lubumbashi some 270 at-risk individuals were detained during the same period and also were repatriated to Burundi, Rwanda, or Uganda by the ICRC or evacuated to Belgium or Benin.

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 could and did manipulate it. The Kabila administration continued not 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 is ineffective and suffers from corruption.

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

Between January and early August at least 183 individuals were tried and convicted by military courts. By April the military tribunals in Kinshasa and Matadi had sentenced 52 persons to death; by year's end, they were believed to have sentenced more than 100 persons to death. Fourteen of the condemned were executed publicly on May 13 at a police facility in Kinshasa. On May 25, 23 others were executed at Camp Tshatshi, in Kinshasa. Death sentences and executions resulting from summary military trials became increasingly frequent as the year progressed. According to a domestic human rights NGO, between August 23 and November 23 alone, military tribunals sentenced 278 persons to death, of whom 142 already were executed by late November. 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. Military tribunals also convicted and ordered the execution of 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.

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 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 has not stated a position on providing counsel, and has provided it only at its discretion.

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

On March 30, a military tribunal convicted Thierry Kyalumba, publisher of the Kinshasa

newspaper, Vision, of divulging state secrets and sentenced him to 4 years in prison for writing an article describing a Ugandan purchase of missiles destined for rebel forces. He was beaten repeatedly during pretrial interrogations. He escaped from a prison hospital in May, and is believed to have left the country (see Sections 1.c. and 2.a.).

On June 18, a military tribunal in Katanga province sentenced two journalists to 8 months in prison for "slander and lies" for publishing an article that alleged that the governor of Katanga favored antigovernment insurgents. President Kabila granted clemency to the journalists on September 27 (see Section 2.a.).

On June 16, the Government released Joseph Olenghankoy, head of the political party Innovative Forces for Unity and Solidarity (FONUS), whom a military tribunal in May 1998 had convicted and sentenced to 15 years' imprisonment on charges of violating the ban on political activity.

At year's end the Government continued to hold some political prisoners, including ADFL co-founder Anselme Masasu and former Bas Congo Province governor Fuka Unzola and five associates, all of whom were convicted and sentenced to long prison terms in 1998. However, television reporter Joseph Mbakulu Pambu was tried and acquitted in December. The total 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 and many were released in December (see Section 1.d.).

Similarly, 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. Members of the security 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, seizing 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. In February the Government seized two foreign-owned diamond mines near Tschikapa in Western Kisai Province, and subsequently operated them. When unable to locate a specific individual, authorities routinely arrested or beat the closest family member (see Sections 1.c. and 1.d.). On July 9, soldiers entered and searched the home of Innocent Kyuma without a warrant, seeking to arrest him for unknown reasons. After stealing money, they arrested Kyuma's pregnant wife and his sister. Military personnel held the two hostage until Kyuma appeared, and then arrested him. His release had not been reported by year's end. In March security agents forced their way into the

homes of two Kinshasa families, ostensibly searching for Tutsis in hiding (see Sections 1.d. and 5). In one house, they arrested the son, since the father was not at home. In both homes they looted belongings and threatened to kill the inhabitants. On July 9, the same soldiers raided the office of a businessman named Kisaka for unknown reasons. The soldiers reportedly whipped the office staff as well as clients in their search for Kisaka. Upon learning that he was traveling, the soldiers arrested his secretary and stole her minibus. Later that night the same soldiers arrested Kisaka's younger sister Judith. ANR agents detained Kisaka's secretary for almost 1 week, and his sister for almost 2 weeks.

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.). On January 11, security forces invaded the residence of UDPS opposition party member Jean Joseph Mukendi wa Mulumba. They claimed to be searching for Tutsis in hiding (see Sections 1.d. and 5).

On April 17, elements of the 50th brigade cordoned off sections of the Masina neighborhood of Kinshasa, ostensibly to search for rebels in hiding. However, the raid likely was in retaliation for an unfavorable reception residents recently gave to President Kabila's passing motorcade. In the course of searching the neighborhood's homes without warrants, soldiers arrested 72 individuals on charges ranging from a lack of documentation to being in possession of suspicious objects such as cellular telephones. All were released from police custody the same day.

On February 8, the CDDH publicly reported that soldiers in Tshikapa in Western Kisai Province, then a government-controlled area, had recently committed several acts of robbery, looting, and rape, including a violent robbery of parish priests.

ANR security agents monitored mail passing through private express delivery companies as well as through the largely dysfunctional state mail service. On July 26, ANR agents arrested two members of the domestic NGO VSV, after intercepting and reading the contents of their private correspondence. The ANR agents were assigned to the mail room of the international package delivery company Express Mail International, and intercepted a newsletter NGO activists Honore Kaputu and Timothe Dikueza attempted to send to a colleague in Germany. The ANR agents arrested the pair when they appeared at the package delivery company to inquire about the delay in delivery (see Section 1.d.).

The Government was widely believed to monitor telephone communications.

There were credible reports that government forces used forcible conscription, and that many of those forced to enlist were children. The Government stated that it would reduce its use of child soldiers and curtailed forcible conscription of children during the year; however, there was no general demobilization of child soldiers, and many children already in the armed forces continued to serve in them (see Section 5).

Some Mai Mai and Hutu militia units fighting on the side of the Government routinely seized private property and looted homes to supply themselves. On two occasions in September, Burundian Hutu militia units operating out of the country raided and looted villages in Zambia.

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.).

Between January 1 and 3, following fighting in the Mushinga and Kanioka areas, and near the chiefdom of Ngweshe in the Walungu territory, antigovernment forces stole livestock, tore apart homes, and hauled away windows and glass (see Section 1.a.). In October Rwandan soldiers and RCD-Goma rebels reportedly evicted Kisangani university professors from their homes and occupied their houses.

There were credible reports that rebel forces used forcible conscription, and that many of those forced to enlist were children. The problem reportedly diminished during the year and rebel forces stated that they would reduce their use of child soldiers; 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 all 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 believed to be responsible for the 1994 genocide of Tutsis in Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which fought the influx of Rwandan immigrants; the Alliance of Democratic Forces (ADF), made up 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 on August 2 of a rebellion, led by a group that called itself the Congolese Rally for Democracy (RCD). The RCD was dominated by members of the Tutsi ethnic minority, but from the outset depended heavily on troops, materiel, 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 RDC drive on Kinshasa in August 1998, but antigovernment forces advanced elsewhere. During the year, 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 continued to advance and at year's end controlled most of the country's territory, including its eastern and northern regions. During the year, 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 the Chadian forces withdrew from the country in May. 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 guerillas inside territory held by antigovernment forces. Cease-fire accords signed in July between progovernment and antigovernment forces briefly reduced the intensity of the war. By the end of the year, all sides violated the cease-fire, although the level of fighting was generally limited. In this conflict, both sides repeatedly used excessive force and committed numerous abuses.

Progovernment forces on several occasions 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 the 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. On the night of January 10, progovernment forces bombed the city of Kisangani, killing 12 civilians and wounding 26. Two civilians reportedly died as a result of being hit by anti-aircraft fire. In addition to human casualties, the raids also damaged houses, water, and electrical facilities in the communes of Makiso and Tshopo. There were also reports of progovernment air strikes in May. On June 2, government aircraft raided Bukavu and Uvira. During the first week of August progovernment aircraft bombed the towns of Makanza and Bobonga. A large although uncertain number of 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 Congo, not only the government's armed forces but also elements of the armed forces of other countries, including Zimbabwe, conducted such bombings.

However, the widespread killings of Tutsi noncombatants, reportedly including some mass killings, which were the most serious violations of humanitarian law committed by government security forces during 1998, did not continue during the year. Government security forces continued to use child soldiers, but greatly reduced their 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 extrajudicial 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.). Rebel forces reportedly continued to use child soldiers, but reduced their forcible recruitment of child soldiers greatly during the year (see Sections 1.f. and 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

regime.

On June 14, police jailed 14 members of the opposition UDPS party for allegedly having booed the passing motorcade of President Kabila. Among those arrested were Tito Malengi, Nlandu Mavakala, Alain Ngoy, Gauthier Missau, Ibula Mosanzu. The police released nine of the detainees over a period of several weeks. However, three remained in detention until December, when they were released (see Section 1.d.).

Incidents of harassment, intimidation, and detention of journalists were increasingly frequent for the second consecutive year, and violations of press freedom became more common. During the year government security forces arrested and detained more than 80 journalists; few of them were tried. At least three remained incarcerated at year's end. Others were subjected to harassment, beatings, and torture. Police seized radio stations, shut down newspapers, and set fire to publishing houses. State authorities expelled foreign journalists and banned the transmission of some international radio broadcasts.

Almost 400 newspapers were licensed to publish but only a score appeared regularly in Kinshasa. There was also an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Of the Kinshasa-based newspapers, seven 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, the editors of at least two newspapers, L'Avenir and L'Ouragon, worked respectively at the office of the presidency and the Ministry of Justice. Le Forum and Le Palmares have close ties to the security services. Of these, only Le Palmares appeared daily.

The newspaper industry is regulated by a press law enacted in 1996. 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, even though, 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 June 22, 1996, press law. However, the law has not been published by the Government in 5 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. On January 12, the police arrested Thierry Kyalumba, publisher of the Kinshasa newspaper, Vision, for writing an article describing a Ugandan purchase of missiles destined for rebel forces. Security forces repeatedly beat him with a belt and buckle while interrogating him during his subsequent detention at the Committee of State Security prison and the Kokolo military detention facility. On March 30, a military tribunal convicted him of divulging state secrets and sentenced him to 4 years in prison. He escaped from a prison hospital in May, and is believed to have left the country (see Sections 1.c. and 1.e.).

On February 3, ANR agents raided the offices of the Kinshasa newspaper, Le Potentiel, and arrested five journalists, after the pro-opposition daily criticized a statement by the President in which he encouraged the formation of CPP's. The five, director of publication

Moise Musanga, assistant editor Vernon-Clement Kongo, and reporters Emmanuel Katshunga, Godefroid Ngamisata, and St. Theodore Ngangu, were detained for 1 day at the ANR station in the Gombe neighborhood of Kinshasa, where they were made to sing pro-Kabila songs and warned not to "annoy the President" before being released (see Sections 1.d. and 1.f.).

On February 5, police in Kinshasa arrested journalist Andre Ipakala, of the daily newspaper, Reference Plus, and held him for 3 days without charge. In what appears to be a pattern of intimidation, security forces also arrested Ipakala on January 26 and February 4. The latest arrest followed a number of intimidating telephone calls to the newspaper. Authorities reportedly claimed that Ipakala's recent coverage of President Kabila was "too tendentious" (see Section 1.d.).

On May 8, police in Kinshasa arrested Stephane Kitutu O'leontwa, president of the Congo Press Union, because they had been unable to locate the author of an article that appeared in the satirical newspaper Pot-Pourri. Kitutu had never written for Pot-Pourri and was released 4 days later (see Section 1.d.).

On May 25, security forces arrested Kidimbu Mpese, managing editor of the Kinshasa newspaper, Le Soft, and reporter Awazi Kharomon on charges of "undermining the Government," in connection with the publication in Le Soft, 6 weeks earlier, of an article describing mismanagement of the central bank. Both journalists were released on June 4 (see Section 1.d.).

On June 3, security agents arrested Kazadi Ntumba Mulongo, editor of the Kinshasa newspaper Top Media, who also worked as a reporter for a state-owned radio/television station. Security agents accused Ntumba of publishing articles too critical of the Government. He reportedly was released after about a week's detention. No charges were filed against him (see Section 1.d.).

On June 18, a military tribunal in Katanga province sentenced Bella Mako and Ngoy Kikungula, the publisher and editor in chief of a Lubumbashi weekly, Le Lushois, to 8 months in prison for "slander and lies," in connection with an article published in Le Lushois that alleged that the governor of Katanga favored antigovernment insurgents. President Kabila granted clemency to the journalists on September 27, after an appeal by the NGO, Journalists in Danger (see Section 1.e.).

On June 23, members of the security forces raided the Kinshasa office of Tempete des Tropiques, a daily newspaper, and arrested three journalists: managing editor Martin Mukania, editor in chief Dimbuka wa Dimbuka; and reporter Boniface Lopaka. The journalists were beaten publicly before being loaded into a vehicle and taken away (see Sections 1.c. and 1.d.); they were released later the same day.

On June 28, security agents arrested Clin Beya, a reporter for the Kinshasa daily newspaper Le Potentiel, after learning that he intended to write a story describing animosity between the President's chief of staff and the Minister of Finance. He was released the following day, after several other papers published the same story (see Section 1.d.).

On July 26, security forces in the town of Mbuji Mayi arrested, briefly detained, and

whipped Jean Marie Kashils of the Agence Congolaise de Presse, and Bienvenu Tshiela of Kasai Horizon Radio Television. The deputy governor of Eastern Kasai Province, Kalala Kaniki, ordered the arrest, claiming that journalists criticized him in various reports. In 1998 Kanini ordered the whipping of another journalist, Robert Ndaye, for the same reason (see Sections 1.c. and 1.d.).

On August 9, following news coverage of a military tribunal hearing, security agents again raided the offices of Le Potentiel. Unable to find the authors of the article, security agents arrested Modeste Mutinga, the publisher. He was released later in the day.

On August 24, police arrested Achille Kadima Mulamba on the order of employees of the public treasury, after Kadima wrote an article implicating the Director General of Taxation in fraudulent practices. Police held him for 4 days at the Kinshasa/Kitambo police station (see Section 1.d.).

In the predawn hours of September 7, security forces raided the offices of the Biaka Press and arrested two writers of *Alerte Ndule*, a periodical dedicated to music. Security officials apparently sought writers of the daily newspaper *L'Alarme* and did not distinguish between the names. The security agents, who did not identify themselves, arrested *Alerte Ndule* writers Kala Bokangu and Bosange "Feu D'or" Ifonge. Agents also arrested the printer Emile Thomas Dodo Lumingo (see Section 1.d.). Later the same month, security forces arrested *L'Alarme* journalist Albert Bosange Yema, who reportedly wrote an erroneous article on the capture of Lake Mukamba by the rebels (see Section 1.d.).

On October 2, DEMIAP officials ordered Perserverance Ndeghey, the publisher of the weekly newspaper *Avant Guard* to report to a DEMIAP detention center, where he was arrested on charges of compromising state security. Ms. Ndeghey reportedly was arrested by the order of military tribunal judge Col. Alamba Mungako, who sought to learn the names of the authors of some open letters that were published anonymously in *Avant Guard*. When *Avant Guard* journalists failed to provide this information, he reportedly ordered the editor's arrest (see Section 1.d.).

In November security forces arrested Djojo Kazadi Mpayo, editor of the Kinshasa newspaper, *Palme d'Or*, after that newspaper published a story that predicted that natives of the Kivu Provinces (apparently an allusion to RCD rebels) would soon take President Kabila to court (see Section 2.a). *Palme d'Or* also had recently published a photograph of former president Mobutu.

Security forces also arrested other print media journalists during the year (see Section 1.d.).

On February 7, 1998, authorities arrested Albert Bonsange Yema of *L'Alarme* along with his two wives and six of his children. His wives and children were released within a few days. However, Bonsange was transferred to the Makala prison in Kinshasa. A military tribunal convicted him of endangering the security of the State by publishing an article written by members of the political opposition and sentenced him to pay fines worth about \$1,433. Upon his release on February 3, Bonsange required medical attention as a result of mistreatment while in detention. Police continued their harassment of Bonsange following his release; he was arrested again in September.

Government security forces sometimes seized individual issues of various newspapers or printing equipment. During the first quarter of the year, security forces occasionally seized newspapers from street vendors to prevent circulation of articles deemed damaging to the Government. Security forces also occupied the offices of the newspaper, Elima, and prevented the newspaper from going to press.

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, 6 radio stations operated in Kinshasa alone. In 1997 the Kabila 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. The Kabila Government has closed down private radio stations because they broadcast news unfavorable to the Government or commentary critical of the Government. In 1998 the Government shut down Radio Amani, a privately owned radio station affiliated with the Catholic Church, because it carried British Broadcasting Company (BBC) news programming and commentary unfavorable to the Government.

On October 24, 1998, security forces arrested Joseph Mbakulu Pambu, a reporter for a private television station in Matadi, for having collaborated with the rebels during their August 1997 drive on Kinshasa. A military tribunal tried and acquitted him of endangering the security of the State.

Other methods of silencing the broadcast media have included burning down radio stations and expelling journalists from their homes. On January 13, a mysterious nighttime fire broke out and destroyed the radio and television studios of Message de Vie, in the Kasa Vubu district of Kinshasa. The station was owned by a Pentecostal minister and opened only recently. Neighbors and observers believe that the blaze was set deliberately. On January 26, soldiers expelled national radio and television journalist Michael Museme Diawe from his home, claiming it had been allocated to a member of the President's staff. Diawe was arrested and suspended previously for statements made on the air.

Eight television stations broadcast in the Kinshasa area, two of which are state-controlled, and two of which are religious; opposition parties remained unable to gain access to state-controlled television.

During the year, the Government prevented foreign broadcasts through domestic transmitters. On July 22, 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 VOA, 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 widely used.

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.

On July 21, RCD 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.

On August 25, RCD-Goma soldiers arrested two journalists from Radio Maendeleo, senior editor Kizio Mushisi and programming chief Omba Kamengele, as they were leaving a meeting of the Regional Council of Nongovernment Development Organizations (CRONGD). Four NGO members also were arrested. Mushisi and Kamengele were taken to the offices of the RCD-Goma's Agence National de Resignement. They were released September 13, along with the four NGO members.

Academic freedom increasingly was 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 an increasing interest in activities at the university. The regime monitored university classrooms through student and teacher members of the newly created CPP's (see Section 2.b.). During the year CPP's were introduced to university campuses in Kinshasa and Lubumbashi, employing a cadre of both students and faculty. Several lecturers were arrested after CPP members denounced them for questioning the Government. In February ANR agents arrested professor Tshibangu Kalala in Kinshasa and detained him for 2 weeks without charges after CPP members criticized the professor for relating to students his impressions of the poor economy and infrastructure of Katanga after he returned from a visit to that province. Guards beat and tortured him during his incarceration (see Sections 1.c. and 1.d.). On July 29, 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 (see Section 5). ANR agents raided his home and seized student essays dealing with hate radio. Security forces in Lubumbashi tortured professor Kambaji in detention and denied him access to his doctor and his family. He was flown to Kinshasa August 19 and mistreated aboard the aircraft. At year's end, Professor Kambaji remained in detention at an ANR facility in Kinshasa (see Sections 1.c. and 1.d.).

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. On August 2, the Kabila Government took over the agenda of a peace rally planned by Kinshasa-based NGO's that it previously had approved. Government military and police personnel, as well as elements of the CPP' dispersed themselves among the crowd and refused to let NGO officials or opposition politicians speak. The government agents turned the event into a Kabila rally, as ministers spoke extolling the virtues of the President.

In August the rapid intervention police dispersed striking civil service workers who assembled before the office of the Ministry of Finance to protest low pay and nonpayment of salaries. Three union leaders were arrested (see Section 6.a.).

On September 9, a planned demonstration by university students during a faculty strike was thwarted by the presence of police and military units that surrounded the campus of

Kinshasa University. The Kabila Government threatened to shut down Kinshasa University and turn out its 28,000 students if the unrest continued; however, a Government promise to increase faculty salaries ended both the strike and student unrest.

The law provides no protection for freedom of association, and the Government severely restricted this right. Upon assuming power in 1997, the Kabila Government suspended political party activities, but not political parties themselves. In January 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.

During the year, President Kabila dissolved the AFDL movement, which he led. In its stead Kabila organized CPP's, based on the Libyan model developed by Muammar Qadhafi; state-funded CPP's in residential neighborhoods, workplaces, and schools not only undertook community development projects but also monitored all activity, including forms of association that they deemed suspicious or a threat to the State. In a July presidential decree legalizing the CPP's, Kabila proclaimed that all political activity must pass through the CPP's, which he leads. This decree was widely criticized. Individuals from opposition parties served in Kabila's Government, but in their individual capacities (see Section 3). Political party offices by and large 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. The Government effectively prevented public political gatherings, although opposition party leaders remained able to conduct small private meetings. The effects of the restrictions on political parties varied widely throughout the country, and they were enforced less strictly in some provinces.

In theory anyone wishing to form a new political party could do so by registering with the Minister of Interior. The President's January decree required all political parties including existing parties to register. However, no political parties were registered during the year.

NGO's are required to register with the Minister of Justice, filing copies of internal regulations and descriptions of organizational structure. During the year, 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 have contacts with NGO's or citizens living in other countries (see Sections 1.d., 1.f., and 4).

There were credible reports that antigovernment forces seriously restricted freedom of assembly and association in the areas that they controlled. However, antigovernment forces permitted some humanitarian NGO's to work in those areas, and such NGO's reported that their working environment improved in some of those areas during the year.

c. Freedom of Religion

Freedom of religion is recognized, and the Government generally respected this right in practice, with the reservation that the expression of this right neither disturb public order nor contradict commonly held morals. The establishment and operation of religious institutions is provided for and regulated through a statutory order on Regulation of Non-profit Associations and Public Utility Institutions. Requirements for the establishment of a religious organization are simple and the process was not abused; exemption from taxation is among the benefits of official recognition as a religious organization. During the year 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 was not enforced during the year. There is no legally established or favored church or religion.

Although the Government required that foreign religious groups 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.

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.

Many recognized churches have external ties, and foreigners are allowed to proselytize. The Government generally did not interfere with foreign missionaries. The Government took no action to limit the ability of members of Jehovah's Witnesses or any other group to practice their faith.

On April 19, security agents arrested Pastor Job Mukendi as he was driving his vehicle in Kinshasa. Security forces took this action after Pastor Mukendi criticized the new presidential decree establishing requirements for the activities of religious organizations. Pastor Mukendi was released the following day.

In January a radio and television studio owned by a Pentecostal pastor burned down under suspicious circumstances. The government's July order that private radio stations cease transmitting foreign radio broadcasts effectively targeted a Catholic radio station; in 1998 the Government shut down a Catholic radio station that transmitted domestic broadcasts (see Section 2.a.).

On September 14, security forces arrested Catherine Nzuzi, president of the major faction of the MPR party, after she organized a Mass for former president Mobutu on the second anniversary of his death. She was detained for 5 hours on charges of violating a decree prohibiting political activity (see Section 1.d.).

In September security forces arrested Reverend Fernando Kuthino after his actions sparked street demonstrations by Muslims; he converted a Muslim on television, then publicly burned notes the convert had taken while studying the Koran. He remained in detention at year's end (see Section 5).

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 even 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 official wages. This made internal travel costlier, more time consuming, and more dangerous, since violence including shootings was not uncommon at these roadblocks.

During the war, the Government has required exit visas for all foreign travel. No data on the refusal rate for exit visa applications was available; 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.

On January 26, airport authorities arrested Andre Ipakala, the editor of the Kinshasa-based daily newspaper *La Reference Plus*. Ipakala, who was traveling to attend conferences in Kenya and Ethiopia, was charged with attempting to smuggle issues of his own newspaper out of the country. He was released the following day after explaining that the issues in question were a week old and already had been disseminated internationally over the Internet (see Section 1.d.).

On March 14, airport security agents arrested four members of a returning Congolese delegation that had traveled to South Africa to discuss the upcoming national dialog. The four were Modeste Mutinga, editor of *Le Potentiel*, Andre Ipakala, editor of *La Reference Plus*, Marie Angue Lukiana, president of the NGO National Women's Union, and a representative of an opposition political party (see Section 1.d.).

On April 16, airport authorities arrested Kinkela vi Kin'si, former Minister of Post, Telephone, and Telegraph. The Kabila Government claims that Kinkela was attempting to flee the country after being ordered to remain at the Ministry to brief his successor. Kinkela maintains that he was at the airport to greet an arriving friend (see Section 1.d.).

The Government refused an exit visa in late June to UDPS President Etienne Tshisekedi. The opposition leader was traveling to Europe to attend a seminar on the crisis in the Congo. The Government claimed that his passport was not in order, since it was issued under the last regime. Police also surrounded his house to prevent his departure.

On September 11 and again on September 12, the Kabila Government denied the exit visa application of prominent journalist Modeste Mutinga Mutuishayi, effectively preventing his travel. Mutinga, the owner/editor of the newspaper *Le Potentiel*, was due to travel to the United Kingdom and Canada to attend a series of conferences on good governance.

Airport and ANR authorities seized his passport, apparently in retaliation for Mutinga's recent hosting of a conference that questioned Kabila's overt favoritism toward his own Muluba tribe. The Kabila Government also refused to permit international travel by Christian Badibangi, head of the opposition party Union Socialiste Congolaise. Badibangi was seeking medical attention overseas following repeated beatings while in detention (see Sections 1.c. and 1.d.).

The Government lifted Kinshasa's night-time curfew in April, but reimposed it in October, although there was no evident immediate military threat to the capital. Security forces enforcing the reimposed curfew killed two persons (see Section 1.a.). The Government again lifted the curfew in December.

There reportedly was substantial freedom of movement within the rebel-controlled territories. However, travel across the war front was often inconvenient and sometimes impossible.

The significant risk of rape, sometimes perpetrated by uniformed men, restricts 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 do not leave their homes at night due to fear of attack.

The law includes provisions to grant refugee status and asylum 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. Tens of thousands of refugees were accepted into the country from the Republic of Congo during the year. Refugees from Uganda and Angola also continued to live in the country.

The Government's cooperation with the U.N. High Commissioner for Refugees (UNHCR) and other international agencies fluctuated widely. 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.

Antigovernment forces cooperated with NGO's in voluntarily repatriating Rwandan Hutus to Rwanda. There was no independent confirmation of news reports in May, that antigovernment forces were repatriating Rwandan Hutus involuntarily.

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 proved a setback for the democratic process as it effectively ruled out holding 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 anyone they chose 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 the press, many leaders of political parties, NGO's and religious organizations criticized it as insufficiently democratic.

To address allegations that President Kabila had no intention of introducing democracy, the Government called for a national dialog to settle questions surrounding the legitimacy of its power. Cease-fire accords signed in July at Lusaka between the progovernment and antigovernment forces called for an open national dialog among all political parties and civil society groups. In October, the Government staged a "national debate," whose agenda was controlled by the Government; nongovernmental entities, anticipating the more open dialog prescribed by the Lusaka Accords, participated very little, and the national debate attracted little press coverage. The Government subsequently reaffirmed its commitment to participate in a national dialog under the control of a neutral facilitator.

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.). In practice the permitted operations of political parties continued to be restricted to internal administrative functions. At various times government security forces put opposition political party members under surveillance. Police also raided and padlocked party headquarters.

Hundreds of political activists were arrested for engaging in political activity and detained for prolonged periods, although most were released on December 10 (see Sections 1.d. and 2.b.).

The State continued to be highly centralized in many ways. Governors generally were appointed by the central government executive, but once in the provinces they had considerable autonomy, due in part to the poor communications and transportation infrastructure. Territorial administrators were also 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 Kabila's ministers were from the President's home province of Katanga and from his Muluba tribe.

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

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 Kabila Government showed increased hostility to effective human rights organizations, either 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.

The main domestic human rights organizations operating in the country include Comité Droits de l'Homme Mainenant (CODHOM), a national network of human rights organizations; VSV, an active Kinshasa-based organization; Groupe Amos, a Christian-inspired group that focuses on human rights and democracy issues; Toges Noires, an international association of lawyers and judges involved with human rights; and Associations de Defense des Droits de l'Homme (ASADHO). In addition, numerous groups that are involved with development and with specific issues such as voter education and women's rights are active.

Local human rights activists were subjected to frequent harassment, arrest, and detention by security forces (see Section 1.d.). The legality of such arrests was often unclear, as was the authority of the security forces members effecting the arrests and detentions. In December 1998, Donnat N'Kola Shamuyi, an investigator for the human rights NGO CDDH, disappeared while working in Tshiapa in Western Kisai Province (see Section 1.b.).

In November VSV issued a report stating that the Government responded to only 18 percent of VSV's requests for information during the year. During the year, VSV staff received numerous threats from government officials. Security agents detained or questioned VSV members on at least eight occasions between January and July and forced several VSV members into temporary hiding (see Sections 1.c. and 1.d.). In June security forces visited VSV offices to invite VSV activist Floribert Chebeya to witness the release of a detained government minister. When informed that Chebeya was not in the office, soldiers arrested two VSV activists, took them to Kokolo military camp, and interrogated them about what Chebeya knew about the arrested government minister. The minister was not released that day; he apparently only had been used as bait to lure Chebeya.

U.N. Special Rapporteur Roberto Garreton visited the Congo in February, August, and September. 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 Congo. He expressed concern at the abuses of government military tribunals, as well as at a wide variety of serious abuses in both government-controlled and RCD-controlled territory.

During the year there were no further investigations into the massacres of Hutus reportedly committed in the country in 1997 by Rwandan forces and domestic Tutsi militias during the campaign in which they and Kabila's ADFL overthrew the Mobutu government.

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.

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

The previous Constitutions forbade discrimination based on ethnicity, sex, or religious

affiliation, but 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, not because of the act of rape itself.

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 is generally no government intervention or legal recourse. 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 polygamous unions are recognized legally, but only the first wife is recognized legally as a spouse.

Children

Government spending on children's programs is nearly nonexistent. Primary school education is not compulsory, free, or universal. In public schools, parents are required formally to pay a small fee, but parents often are expected informally to pay teachers' salaries. Dire economic circumstances often hamper parents' ability to cover 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.

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 greatly reduced and may have stopped recruiting children into its armed forces. However, the Government increasingly encouraged the enlistment of children in paramilitary organizations. In March the African Association of Human Rights reported that unemployed Katangan youth recruited by the GSSP were "excessively militarized," and that provincial authorities in Katanga were arming unemployed youth through CCP's.

Rebel forces, too, reportedly continued to use child soldiers already in service, but greatly reduced and may have stopped recruiting them during the year. Credible reports have indicated that rebel forces have conscripted forcibly boys as young as age 10, but there were no reports that this practice continued during the year.

Female genital mutilation, which is widely condemned 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.

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. Societal discrimination against them continued. Although 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 are percent Islamic. About 20 percent practice traditional indigenous religions exclusively. However, many persons practice elements of both Christianity or Islam and a traditional indigenous religion. Although relations among religious groups generally were amicable, accusations of witchcraft in a traditionalist rural area and tensions between Christians and Muslims reportedly contributed to some violence during the year.

In January in the Kamituga area of South Kivu Province, Mai Mai leader Sylvestre Louetcha reportedly accused of witchcraft 32 women who supported their traditional ruler in resisting Mai Mai demands for forced labor, then cut off their breasts, forced them to eat their own breasts, and killed them. In November, in the Mwenga area of South Kivu Province, RCD-Goma rebels tortured and buried alive 15 women who were suspected of having performed witchcraft in support of a local Mai Mai force, according to some

accounts of that incident (see Sections 1.a. and 1.c.).

In September Muslims in Kinshasa staged street demonstrations to protest the actions of Protestant Reverend Fernando Kuthino, who converted a Muslim on television, then publicly burned notes the convert had taken while studying the Koran. Security forces suppressed the demonstrations and arrested and detained Reverend Kuthino (see Section 2.a.).

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 widely practiced 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; about 80 percent of army promotions announced in June were granted to Katangans. Since the start 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, extrajudicial killings of noncombattant Tutsis in government-controlled areas largely stopped. However, in Kinshasa and in Katanga Province, Tutsis continued to be held in prolonged detention, from which the Government was willing to release them only on condition that they leave the country (see Sections 1.d. and 2.d.). One Tutsi girl died of an illness while in government custody, but it was credibly reported that her death was not due to government negligence or abuse. Throughout the year, government officials and state media continued to publish anti-Tutsi propaganda, and continued to exhort not only state security forces but also citizens and in particular CCP members to exercise vigilance to uncover Tutsis in hiding and Tutsi infiltrators (see Sections 1.c. and 1.f.).

Consequently, although most surviving Tutsis in government-controlled areas were either in hiding or detained or had left the government-controlled part of the country, many non-Tutsis who physically resembled Tutsis were detained or beaten on suspicion of being Tutsi. The Government also materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed unarmed as well as 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.

On January 12, security forces from the 50th brigade broke into the Bethany Catholic Center, where a number of Tutsis and Rwandan nationals were granted refuge with the consent of the Government. Soldiers forced the Tutsis out of the compound and led them to camp Kokolo, a military installation, where they suffered mistreatment and deprivation until the Government, under international pressure, moved them to a training facility. During the raid soldiers of the 50th brigade looted and vandalized the Catholic Center, stealing food and money from both the Tutsis and the staff.

On April 30, members of the presidential guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi. Biteo was visiting a child in a hospital when agents of the presidential guard, under the command of a Major Batembo, stopped him at the hospital entrance. Despite Biteo's explanation that he was a member of the Batembo tribe from South Kivu, he was beaten severely by presidential guardsmen. 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, who had traveled from Goma with a child suffering from burns. Both Biteo and Mulongo were taken to the GLM detention facility in the Gombe area of Kinshasa. Both were denied visitors and were believed to still be in detention at year's end.

The longstanding violent conflict between the Tutsi and Hutu ethnic groups continued inside the country. Congolese Hutu militias continued to increase their recruitment from populations of Hutu refugees from Rwanda and Burundi in neighboring countries, including the Republic of Congo and Zambia. According to credible reports, these recruitments occurred with the knowledge and consent of the Government, which welcomed the support of these Hutu groups in its fight against the Tutsi-dominated RCD and the Tutsi-dominated Rwandan Government.

Senior government officials and state media continued to represent the war as part of a larger supranational conflict between Bantus and Nilotics. Similar Nilotic-Bantu rhetoric also appeared in private publications and broadcasts in the country.

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

In December 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 many persons and displaced tens of thousands of persons. This fighting, which continued and was worsening at year's end, reportedly arose from a dispute about land use(see Section 1.a.). Local officials, one of whom was a Hema, sold arms to the

Hema, reportedly after using administrative authority to advance Hema interests at the expense of Lendu interests.

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.

Before 1990 the law required all trade unions to affiliate with the National Union of Zairian Workers (UNTZA), the sole recognized labor confederation, which also formed part of Mobutu's Popular Movement of the Revolution (MPR) Party. When political pluralism was permitted in April 1990, the UNTZA disaffiliated itself from the MPR and reorganized under new leadership chosen through elections deemed fair by outside observers. After the ADFL takeover, the union renamed itself the National Union of Congolese Workers (UNTC). Although the UNTC remains the largest labor federation, almost 100 other independent unions are now registered with the Labor Ministry and two other large federations are active. Some are affiliated with political parties or associated with a single industry or geographic area.

Government security forces repeatedly arrested and detained labor leaders and activists.

On January 28, ANR agents in Kinshasa briefly detained an employee of the cellular telephone company Telecel named Kimene and seven of his colleagues, who had formed a bargaining group, the Confederation Democratique du Travail (CDT). On February 13, police in Mbuji Mayi in Eastern Kasai Province arrested Telecel's Mbuji Mayi manager and two employees who were CDT members, and accused all three of "uncivic" behavior and violating a law forbidding transactions in foreign currency. Telecel called all three employees to Kinshasa, then handed them over to police, who detained the company manager until February 15 and the two union members until February 20 (see Section 1.d.).

During the year, police also arrested and detained a number of communications workers who attempted to form unions for the purpose of collective bargaining.

On December 31, 1998, police arrested Toussaint Kilundu Manbongo, an employee of the Direction General des Contributions (DGC) branch of the Finance Ministry and a member of the union, Solidarity. Three other Solidarity union members were arrested the same month: Albano Mopipi on January 17; Anderson Yoba Mbeso on January 18; and Laise Banzwa on January 29. The three were interrogated by ANR agents and transferred to Makala prison (see Section 1.d.). Kilundu and the other three Solidarity union members were released in August. The arrests appeared to be connected to a strike within the Finance Ministry over wages.

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 August 2, civil servants in

Kinshasa staged a strike to protest low salaries and months of unpaid wages. University administrators and health care workers soon followed them. When striking workers gathered before the offices of the Ministry of Finance, rapid intervention police arrested three union leaders (see Sections 1.d. and 2.b.). The police on August 12 also arrested four organizers of the health care workers strike but quickly released them. In October the Government claimed that it would meet the demands of the strikers. It did so by implementing progressively a comprehensive, higher civil service salary scale; however, civil servants were still paid sporadically.

Unions may affiliate with international bodies. The UNTC participates in the organization of African Trade Union unit, 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, which functioned until 1991, broke down as a result of the rapid depreciation of the currency. The professional unions and the Congolese Business Federation signed a cooperative agreement in 1997. While collective bargaining still exists in theory, continuing inflation encouraged a return to 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, and the Government it not known to use it, apart from forcible conscription of adults and children (see Section 1.f.). However, there 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, and tortured and killed persons when a local traditional ruler refused to provide such forced labor (see Sections 1.a. and 1.c.). The law does not specifically prohibit forced and bonded labor by children, and such practices are not known to occur, apart from the forcible conscription of children (see Sections 1.g. and 5).

Antigovernment forces also forcibly conscripted adults and children.

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 is often the only way a child or family can obtain money for food. 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 prohibiting forced or compulsory labor does not specifically mention children, but there were no reports of such practices, apart from forced conscription (see section 6.c.).

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.

Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked in, to, or from the country.

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