

DEMOCRATIC REPUBLIC OF CONGO ASSESSMENT

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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up-to-date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

2.1 Covering an area of 2,344,885 sq km (905,365 sq mi), the Democratic Republic of Congo (formerly Zaire) is, after Sudan, the largest country of sub-Saharan Africa. The country shares borders with the Republic of Congo to the north west, the Central African Republic and Sudan to the north, Uganda, Rwanda, Burundi and Tanzania to the east and Zambia and Angola to the south.

There is a short coastline at the outlet of the River Congo. Lying across the Equator, the DRC has an equatorial climate in the whole of the central region. Rainfall is plentiful in all seasons. The only arid region is an extremely small area on the bank of the lower Congo [1].

2.2 The DRC has an estimated population of around 52 million (2000) with an annual growth rate of 3.4% [3d]. About 80% of the DRC's inhabitants reside in rural areas. The average density of population is low and the population is unevenly distributed. Kinshasa, the capital city, is the principal urban centre. Politically, the country is divided into 11 administrative provinces: Bandundu, Bas-Congo, Equateur, Kasai Occidental, Kasai Oriental, Katanga, Kivu-Maniema, North Kivu, Province Oriental, South Kivu and Kinshasa [1]. The provincial capital cities are: Bandundu, Bukavu, Goma, Kanaga, Kindu, Kisangani, Lubumbashi, Matadi, Mbandaka and Mbuji-Mayi [3d].

2.3 The capital city, Kinshasa, is divided into industrial, residential and commercial zones. Kinshasa is the most important consumer centre of the country and is the core of its industrial and commercial activity. The city serves as the headquarters of major public corporations and of privately owned industrial and commercial companies including the head offices of the principal banks. Kinshasa is also the administrative centre of the country and houses the national government - the office of the president and the executive and legislative councils. Since 1982, the urban administration has consisted of a governor and two vice-governors, appointed by the president. They head the city council, consisting of 24 zone commissioners who are also appointed by the president, from among the councillors elected in each zone [6].

2.4 More than 200 languages and dialects are spoken in the DRC. The national official language is French which is the language of education, business, administration and international communications. Four national languages are widely used throughout the country - Swahili, Tshiluba, Lingala and Kikongo. These four languages are used in local trading and radio broadcasting. Lingala is the official language of the military and is widely spoken in Kinshasa where it is used in popular music [6].

2.5 The country is richly endowed with natural resources and an abundance of mineral reserves, in particular, copper and cobalt in Shaba, diamonds in Kasai and offshore petroleum production. Agriculture and forestry employ over 60% of the population. Food can be easily grown but cannot be easily transported to the main population centres due to poor road and rail infrastructure. Congo river traffic is the most significant means of transport but the journey between Kinshasa and Kisangani can take several weeks. Poor transport and communications infrastructure has proved a major handicap to the DRC's economic development [6]. The road network is wholly inadequate for a country the size of the DRC. Of the estimated 145,000 km of roads, of which some 68,000 km are main roads, only 2,500 km are surfaced. Most of the road network is in a very poor state of repair. Telecommunications facilities in the DRC are operated by the state telecommunications concern, the Office Congolais des Postes et des Telecommunications (OCPT), and are among the worst in Africa. International lines, apart from those to Brussels and Paris, are erratic [1].

2.6 Despite its natural riches, the economic history of the country has been one of decline, especially since the 1990s. Production and incomes have fallen steadily as the financial institutions have virtually collapsed. Many parts of the country have reverted to a barter system. The economy is characterised by subsistence activities, a large informal sector and widespread bartering. The public sector cannot provide basic public services [3a].

2.7 In government-held territory, the economy is dominated by subsistence agriculture, a large informal sector and widespread barter. Most sectors of the economy are in decline. The physical infrastructure of the country is in serious disrepair. Financial institutions are weak and public health and education have deteriorated. Restrictions during most of 2002 on commercial travel on the Congo River adversely affected the economy, however, in April 2002 commercial traffic resumed on the Congo River between territory held by the Government and territory held by the MLC rebel group. External economic assistance is limited. Government revenues from diamond exports, its leading source of foreign exchange, increased slightly in 2002. Public sector employees, including most soldiers, receive very low salaries and sometimes have not been paid for months which has caused widespread hardship [3b].

2.8 In areas not in government control, the economy is dominated by subsistence agriculture, a large informal sector, widespread barter, and non-regulated mineral exploitation. Areas controlled by rebel factions continue to be integrated financially and economically with the Rwandan and Ugandan economies. RCD-G soldiers have frequently obstructed trade and impeded commercial travel on the River Congo. The largely non-functional and insolvent public sector does not provide even basic services although the rebel factions continue to levy taxes on the local population. Public sector employees and soldiers are generally not paid for their services which has caused widespread hardship. Most of the Rwandan and Ugandan troops left the DRC in October 2002 but the economy in areas in rebel control has not been integrated with the economy in government-controlled areas [3b].

3. HISTORY

Belgian Colonial Rule

3.1 Belgian interest in the area now comprising the Democratic Republic of Congo, dates from 1876, when the Association Internationale du Congo, under the control of King Leopold II of Belgium, began to establish a chain of trading stations along the River Congo. Economic exploitation rapidly expanded with the increasing demand for wild rubber, following the development of rubber tyres. The methods used in the collection of rubber frequently involved the inflicting of atrocities on the indigenous population. As a result of British and American diplomatic pressure, the administration of the territory was transferred from King Leopold to the Belgian Government in 1908. The Congo then became a Belgian colony [1].

3.2 As African political activity was not encouraged, radical Africans organised in "cultural associations", which included the Alliance des Ba-Kongo (ABAKO), led by Joseph Kasavubu. Following a violent demonstration organised by ABAKO in January 1959, the Belgian Government, alarmed at the prospect of involvement in a prolonged colonial war, adopted a policy of quickly granting the country independence. Belgium favoured the creation of a unitary state based on the centralised pattern of the colonial system. ABAKO and most other Congolese political groups were ethnically-based and, with the exception of Patrice Lumumba's Mouvement Nationale Congolais (MNC), preferred a federal structure. The constitutional arrangements that eventually emerged represented a compromise, affirming the unitary character of the state but allowing each province to have its own government and legislature and equal representation in a national senate [1].

Independence from Belgium

3.3 The independence of the Republic of the Congo was proclaimed on 30 June 1960. Kasavubu became president and Lumumba became prime minister. Five days later, the armed forces mutinied. Their demands were partly satisfied by the replacement of the Belgian chief of staff by Colonel (later Marshal) Joseph-Desire Mobutu who was aligned with Lumumba's MNC. Belgian troops intervened to protect their nationals and at the same time the provinces of Katanga and South Kasai resolved to secede. Disagreement over Lumumba's response to the secession led to his dismissal by Kasavubu in September 1960. This was challenged by Lumumba who asked the legislature to remove Kasavubu. The political deadlock was resolved by the intervention of the armed forces. In September 1960, Colonel Mobutu assumed control of the country and restored power to Kasavubu in February 1961. A few days later, Lumumba was murdered. Following negotiations between Kasavubu and the MNC, a new government was formed in August 1961. A new constitution came into force in August 1964, establishing a presidential system of government and a federal structure [1].

3.4 The movement for the secession of Katanga had collapsed in January 1963, when its leader, Moise Tshombe, went into exile. In July 1964, Kasavubu invited Tshombe to become the interim Prime Minister, pending legislative elections. In August 1964, the country was renamed the Democratic Republic of Congo. In March and April 1965, the Tshombe Government organised legislative elections. The coalition, led by Tshombe, the Convention Nationale Congolaise, won 122 out of the 167 seats of the legislature. An opposition bloc soon emerged called the Front Democratique Congolais and a political deadlock ensued. At this point, the army led by Mobutu assumed full executive powers and on 24 November 1965, he declared himself the head of the Second Republic [1].

The Mobutu Regime

3.5 Moving swiftly to consolidate his power, Mobutu imposed a five-year ban on party politics and in 1966 founded the Mouvement Populaire de la Revolution (MPR) to facilitate the concentration of power in the hands of the president who became the sole legislator and the head of government. In June 1966, a new constitution was approved establishing a presidential regime. The constitution allowed for a maximum of two officially approved political parties but the claims of existing political groups to official recognition were ignored. The constitution was amended to make the government, legislature, judiciary, institutions of the MPR and all citizens party members. By 1970, Mobutu had eliminated all potential opposition. In October 1971, the country was renamed the Republic of Zaire. In 1972, President Mobutu took the name Mobutu Sese Seko Kuku Ngbendu Wa Za Banga [1].

3.6 It was not until April 1990 that external and internal pressure obliged Mobutu to introduce political pluralism and declare an end to the one-party state although he retained a hold on his personal power. Nearly 400 political parties emerged following the announcement of 24 April 1990, notably the Union des Federalistes et Republicains Independants (UFERI), led by Nguza Karl-i-Bond, and the Parti Democrate et Social Christien (PDSC), as well as the UDPS. The Union Sacre de l'Opposition Radicale (USOR) organisation comprised 130 parties at July 1991 [1].

3.7 A Sovereign National Conference (CNS) on a revised constitution, which was previously opened in 1991 and in abeyance during the political crises of the following months, was re-opened in 1992 under the chairmanship of Archbishop Monsengwo to act as an interim legislature. It was consistently at loggerheads with Mobutu in his attempt to retain power. A number of governments were formed in response to the various political and economic crises which beset the country over the following years. In September 1991, a number of violent demonstrations of civil unrest took place, with heavy casualties. These reflected the general frustration with the political situation and massive inflation. In 1991, the "government of crisis" headed by the leading UDPS opposition figure, Etienne Tshisekedi, was followed by another headed by Karl-I-Bond (UFERI). In December 1992, the CNS was succeeded by a High Council of the Republic (HCR) which acted as a parliament. During 1993, power struggles between Mobutu

and the HCR led to the establishment of two competing governments, headed respectively by Tshisekedi and Faustin Birindwa [1].

3.8 In January 1994 the HCR was reconstituted as a transitional legislature (HCR-PT) which endorsed the organisation of a constitutional referendum and presidential and legislative elections and elected Leon Kengo Wa Dondo as prime minister in June of that year. Although its proposals to draw up an electoral timetable were delayed beyond the intended date of July 1995, it was announced that elections would be held in mid-1997, to be preceded by a constitutional referendum [1].

3.9 In August 1996, Mobutu left the country for cancer treatment in Switzerland and remained there for four months. Although he remained nominally in control, his prolonged absence led to a significant decline in his authority. The caretaker government of Kengo wa Dondo was left to confront a rapid escalation of violence in the east. What initially appeared to be a regional movement seeking to protect the Tutsi population in South Kivu soon gathered momentum and emerged as a national rebellion with the support of Rwanda seeking to overthrow the Mobutu regime. Tutsi rebels were joined by other dissidents to form the Alliance des forces democratiques pour le liberation du Congo-Zaire (AFDL) led by Laurent Kabila. By November 1996, AFDL forces occupied a substantial area of the east of the country [1].

3.10 Mobutu returned to Kinshasa in December 1996 and ordered the formation of a crisis government still headed by Kengo wa Dondo but including some opposition members. It excluded the UDPS which prompted the faction headed by Tshisekedi to mount a campaign of civil disobedience and, in January 1997, to declare its support for the AFDL. In the ensuing three months, further territory fell to AFDL troops with little opposition from government forces. On 8 April, Mobutu declared a national state of emergency, dismissing the government and appointing General Likulia Bolongo as the head of a further government of national salvation [1].

3.11 Following inconclusive peace talks between Mobutu and Kabila mediated by President Mandela, Mobutu refused to resign and Kabila reiterated his intention to seize Kinshasa by force. On 16 May 1997, Mobutu and his entourage left Kinshasa travelling to Togo and then to Morocco. Many of his family and supporters fled to the neighbouring Republic of Congo. Mobutu died in Morocco in September 1997 [1].

The Laurent Kabila Regime

3.12 On 17 May 1997, power was seized by the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL), under the leadership of Laurent Kabila, who declared himself the president of the country. The AFDL force was said to be assisted by other countries such as Rwanda, Zambia, Zimbabwe and Angola. In May 1997, the country was renamed the Democratic Republic of the Congo and a transitional government was appointed with Kabila as its head holding executive, legislative and military power. The new government announced on 23 May 1997 was dominated by AFDL members but also included members of the UDPS and the Front Patriotique and avoided a potentially unpopular large preponderance of ethnic Tutsis. Following several demonstrations on 26 May, Kabila issued a decree banning all political parties and public demonstrations. To consolidate his power, on 28 May Kabila issued a constitutional decree, which accorded him legislative and executive power as well as control over the army and the Treasury. This constitutional decree would remain in force until a new constitution was adopted. On 29 May 1997, at a formal ceremony attended by foreign heads of state, Kabila was sworn in as President of the DRC [1].

3.13 On 28 July 1998, Kabila issued a decree expelling Rwandan members of the armed forces from the country. A rebellion against the Kabila regime began in August 1998 as a result. The rebellion, assisted by the Rwandan Government, was launched in North and South Kivu when a group calling itself the Rassemblement Congolais pour la Democratie (RCD) announced its intention to oust Kabila. The rebels were a disparate group of disaffected ex-Kabila civilian and military and opposition figures from outside and inside the country. The first political leader emerged as Ernest Wamba dia Wamba, a former lecturer at Dar-es-Salaam University [1].

3.14 The RCD rebels, assisted by Rwandan and Ugandan forces captured a large area comprising most of the east of the country. Their initial attempt, however, to take Kinshasa was stalled after military support to Kabila was provided by Zimbabwe, Namibia and Angola and later Chad. Internal disagreements later emerged within the RCD which subsequently led the RCD being split into two factions: one headed by Ernest Wamba dia Wamba (RCD-ML), and the other by Dr Emile Ilunga (RCD-Goma). In November 1998, a new rebel group emerged called the Mouvement pour la Liberation du Congo (MLC) led by Jean-Pierre Bemba. The MLC based itself in the Equateur Province and has large numbers of former Zairean soldiers in its ranks. The MLC developed close ties with the Ugandan Government [2]. In 2001, the RCD-ML rebel group merged with Jean-Pierre Bemba's MLC rebel group to form the Congo Liberation Front (CLF). Later in 2001, however, the CLF was disbanded and the RCD-ML and MLC became independent rebel groups again. The current leader of RCD-ML is Mbusa Nyamwisi and the current leader of RCD-Goma is Adolphe Onosumba [3a].

3.15 International diplomatic efforts to promote a ceasefire and a negotiated settlement which would also meet the security concerns of neighbouring countries resulted in a ceasefire agreement which was signed by all belligerent countries on 10 July 1999. The rebel groups - MLC and RCD - signed up to the ceasefire agreement in August 1999. The ceasefire agreement, called the Lusaka Peace Accord, sets out arrangements for an end to the fighting and the start of an inter-Congolese dialogue [2].

3.16 The UN Security Council commenced a debate about the conflict in the DRC in late January 2000. The presidents of all the countries involved in the conflict participated and all re-affirmed their commitment to the Lusaka Peace Accord. The UN Secretary-General, Kofi Annan, recommended to the Security Council that the UN Organisation Mission in the DRC (MONUC) be increased in size to 500 military observers, supported by some 5,000 combat troops with powers of enforcement and the possibility of more troops being added if the Lusaka accord was respected by its signatories. This proposal was approved by the Security Council on 24 February 2000 and the mandate of the force was extended to the end of August 2000 [1].

3.17 On 16 January 2001, Laurent Kabila was assassinated in the Presidential Palace in Kinshasa, reportedly by one of his soldiers, during or after a meeting with some of his generals [13]. A government public announcement was made on 18 January confirming that Laurent Kabila had been assassinated. The country's airports and borders were temporarily closed for security reasons but were soon re-opened. There were no reports of widespread civil unrest [15a]. Laurent Kabila's funeral took place a few days later which was attended by foreign leaders and thousands of Congolese people. He was buried in a mausoleum outside the old parliament building in Kinshasa [15b].

The Joseph Kabila Regime

3.18 Laurent Kabila's son, Joseph Kabila, was sworn in as President of the DRC on 26 January 2001 in a formal ceremony. The Supreme Court of the DRC confirmed Joseph Kabila as the fourth president of the DRC since the country's independence in 1960 [16]. The new president visited heads of states in various countries in order to consolidate his legitimacy both internationally and within the DRC [15c].

3.19 In April 2001, President Joseph Kabila dissolved his late father's cabinet and appointed a new government. Congolese opposition parties urged Kabila to allow political activity and Tshisekedi returned to Kinshasa after a 16-month absence on 23 April. President Joseph Kabila ended some restrictions on political activity in May 2001 [1].

3.20 In spite of a four-month investigation carried out in early 2001 by a specially established Commission of Inquiry and a lengthy trial, the exact circumstances of former President Kabila's assassination remain contentious. The Commission of Inquiry's report alleged that one of Laurent Kabila's bodyguards, Lieutenant Rachidi Muzele, fired the shots which killed him. The report asserted that the RCD-G rebel group was responsible for planning the assassination with the support of the Rwandan and Ugandan governments and that the assassination was part of a larger coup attempt [11b][14]. Both the Rwandan and Ugandan Governments and the RCD dismissed the claims that they were behind the assassination [14][15e]. Arrests began immediately after the assassination and included other presidential bodyguards, members of the armed forces, members of the security services and at least 45 civilians [11b].

3.21 Many soldiers and civilians were arrested in connection with the assassination, including the late President Laurent Kabila's aide-de-camp, Colonel Eddy Kapend and General Nawej Yav, a close associate of Colonel Kapend [15d]. In March 2002, a military tribunal formally charged Colonel Kapend and General Nawej Yav with conspiracy and the murder of the late Laurent Kabila [21a]. The Military Court trial was put on hold for a few months but was resumed later in 2002. The chief prosecutor of the trial called for the death penalty for more than one hundred of the accused and sentences ranging from two to fifteen years imprisonment for the rest. The trial in Kinshasa's central prison was initially opened to the public but was subsequently conducted in private [17].

3.22 In October 2001, the Inter-Congolese Dialogue was convened in Addis Ababa but negotiations were suspended one week later after the DRC Government withdrew in protest at the absence of the allied Mai-Mai delegation. The Inter-Congolese Dialogue was reconvened in Sun City, South Africa in February 2002 and lasted until April 2002 [2]. President Mbeki of South Africa officially opened the talks. President Kabila attended the talks but none of the countries involved in the conflict - Rwanda, Uganda, Angola, Zimbabwe and Namibia - sent their highest ranking officials [19].

3.23 The purpose of the ICD was to bring together the DRC Government, civil society groups, opposition political groups and rebel groups to work out a peace plan to end the current conflict and discuss the future of the DRC. An agreement was made in April 2002 between the DRC Government and the rebel group MLC. RCD-Goma did not agree to the peace agreement. Some of the main political parties that had representatives at the talks did not sign up to the peace agreement. These included the UDPS led by Etienne Tshisekedi, PALU led by Antoine Gizenga, FONUS led by Joseph Olenghankoy, MNC-L led by Francois Lumumba and the G4 group of four parties led by Mbwebwe Kabamba [18a].

3.24 The peace agreement allows the current president, Joseph Kabila, to retain his post during a transition period until elections are held. The new post of prime minister - will be filled by the MLC leader, Jean-Pierre Bemba. Also, under the terms of the peace agreement - an assembly, a senate, a senior army council and a new national army will be created. The national army will comprise of government, MLC and RCD forces and will have the president as its supreme commander. The rebel forces RCD-ML, RCD-National and the Mayi-Mayi militia force will also be involved in establishing this new national army. A working group will be established to develop a transitional constitution for the country [18a].

3.25 RCD-Goma has joined the UDPS and four other political parties to form an alliance. This is in response to the peace deal made between the DRC Government and the MLC. The member organisations of the alliance are against the peace deal made at Sun City. The new alliance is called the Alliance for the Protection of the Inter-Congolese Dialogue (ASD). The other four political parties in the alliance are the Rafael Katebe Katoto Dynamic for a Neutral Transition, the American-based Rally for a New Society, MNC-L and the Lumumbist Progressive Movement **[15g]**.

3.26 In March 2002, supporters of President Kabila set up a new political party called the People's Party for Reconstruction and Democracy (PPRD). It had 253 founding members, including those government ministers closest to President Kabila. Senior PPRD figures include Leonard She Okitundu, the Foreign Minister, Mashako Mamba, the Health Minister, Kikaya Bin Karubi, the Information Minister and Vital Kamerhe, the Government's chief negotiator at the recent peace talks in Sun City, South Africa **[15f]**.

3.27 On 30 July 2002, a peace agreement brokered by South African President Thabo Mbeki and UN Secretary General Kofi Annan, was signed in Pretoria in South Africa by Congolese President Kabila and Rwandan President Kagame. Under the terms of the peace agreement, the DRC Government promised to disarm and arrest thousands of Hutu rebels and send them to Rwanda within 30 days. Some of these Hutu rebels are part of the Interahamwe militia force and some of them are former Rwandan soldiers. In return, the Rwandan Government will withdraw 30,000 of its troops who are based in eastern DRC within 15 days. The whole withdrawal process is intended to be completed within 45 days. The Hutu rebels did not recognise the agreement as they claim they were not consulted **[15h][20]**.

3.28 The Panel of Experts on the Illegal Exploitation of Natural Resources and other forms of Wealth of the DRC presented its final report to the UN Security Council in October 2002. Drawing on extensive documentary evidence and witness statements, the panel described the networks through which the Rwandan, Ugandan, Zimbabwean and Congolese authorities had been growing rich at the expense of the Congolese people. The report asserted that various foreign actors worked to keep local authorities weak and local peoples in conflict in order to make it easier for them to extract wealth from the area. It also concluded that Rwanda was not in the DRC to protect its security, as it frequently claimed but rather to "secure property". It named not just individual officers but also various corporations, some international, some national, involved in illegally exploiting the DRC's wealth. It called for sanctions against the individuals and corporations if they failed, after a brief grace period, to halt their activities **[5]**.

3.29 Some 360 delegates from all parties to the conflict in the DRC signed a power-sharing peace deal on 2 April 2003 in Sun City, South Africa. At the final session of talks, the DRC Government, rebel movements, opposition political parties and representatives of civil society agreed to set up a transitional government to oversee democratic elections due to take place in 2005. Joseph Kabila will retain his current position as President of the DRC and will be the head of the transitional government but will be supported by four vice-presidents from rebel groups and the civilian opposition. It was also agreed that rebel fighters should be merged into a new national army. The meeting in South Africa was the final session of the Inter-Congolese Dialogue peace process **[18e][23]**

4. STATE STRUCTURES

Part I

Part II

4. STATE STRUCTURES

THE CONSTITUTION

4.1 The DRC does not currently have a written constitution in force. The Laurent Kabila regime came to power in May 1997 and abolished the previous constitution and all institutions of the state except the judiciary. A constitutional decree declared the institutions of the country to be the president, the government and the courts and tribunals. All power was to be vested in the head of state, pending the adoption of a new constitution. In October 1997, President Laurent Kabila appointed a 42-member Constitutional Commission, which was to draft a new constitution. The draft constitution was referred to a 300-member Constituent Assembly in March 1998, which was to review the document and submit it to a national referendum. The Assembly, however, was unable to convene, owing to the outbreak of the current conflict **[1]**.

THE POLITICAL SYSTEM

4.2 The DRC is a republic with a president as the head of state. The president exercises legislative power by decree following consultation with the Cabinet. The president is the chief of the executive and of the armed forces and has the authority to issue currency. The president also has the power to appoint and dismiss members of the government, ambassadors, provincial governors, senior army officers, senior civil servants and magistrates **[2]**.

4.3 The country is not a democracy despite its name as citizens do not have the right to change their government in free and fair democratic elections. On 26 January 2001, the Government installed Laurent Kabila's son, Joseph Kabila, as President of the DRC. Joseph Kabila rules by decree and the Government continues to operate without a constitution. Political parties are allowed to exist and registered political parties can engage in political activities although some political activists have been subject to arrest and detention. Political parties have to be registered with the Government to be officially recognised **[3a]**.

4.4 The state is highly centralised. The national government generally appoints provincial governors but once in the provinces they have considerable autonomy due in part to poor communications and transport infrastructure. Territorial administrators are also appointed by the Government. Provincial government resources, both financial and logistical, almost exclusively come from the Government. Unlike in previous years, when a disproportionate number of government positions were held by persons from the Shaba Province, President Kabila's government is more geographically and ethnically diverse **[3b]**.

4.5 In areas not under government control, citizens do not have the right to change their government peacefully. In RCD-G territory, rebel authorities, often in consultation with the Rwandan Government have appointed local officials. The rebel groups tend to be dominated by members of one ethnic group, often a minority group, in the areas under their control. Rebel forces continue to severely limit political freedom **[3b]**.

4.6 There are no official restrictions on the participation of women or minorities in politics. Three cabinet ministers and 1 of 12 vice ministers are women and women hold 18 out of the 300 seats in the country's parliament, including the Speaker's Chair. Pygmies are not represented in the political process. There are no Muslims represented in senior positions in the Government or in political parties **[3b]**.

THE JUDICIARY

4.7 The law provides for an independent judiciary but in practice the judiciary is not independent of the Government and is ineffective and corrupt. The Government has failed to establish mechanisms to ensure the independence of the judiciary. A judicial reform decree, reportedly awaiting presidential approval since 1997, has not been promulgated. The civil judiciary, including the lower courts, appellate courts, the Supreme Court and the Court of State Security are largely dysfunctional **[3a]**.

4.8 Military courts, which are headed by a military judge and follow the military code inherited from Belgium, tries military and civilian defendants as directed by the Government. Military courts try most high profile cases with charges related to state security. There is no appeal process. The Government claims that its frequent use of military courts rather civilian courts was a result of the current conflict. The courts are required to file charges within 48 hours of the arrest, however, long delays often occur. The military courts are located in all military installations and in most urban areas. The Government has permitted, and in some cases has provided legal counsel, however, lawyers sometimes are not granted free or unmonitored access to defendants. Sentencing guidelines are also inherited from Belgian military law, however, in practice military courts have broad discretion to go outside of those sentencing guidelines. In many cases, trials are open to the public at the discretion of the military judge **[3b]**.

4.9 In the rebel-held areas, particularly in the area controlled by RCD-Goma, the system of justice is essentially dysfunctional. Judges and other public servants are not paid their salaries. There have been credible reports of judges accepting bribes in return for favourable decisions. RCD-Goma officials and others with influence reportedly use the judicial system to arrest individuals in false charges to extract money and property from these individuals. There have also been documented cases of indiscriminate military justice in which persons suspected of treason were executed without a trial **[3a]**.

MILITARY SERVICE

4.10 There is no compulsory military service scheme in the Democratic Republic of Congo. Recruitment into the armed forces is voluntary. A soldier has no legal right to refuse to fight on moral or conscientious grounds. Such an act is considered as desertion or high treason **[22d]**. Desertion in peacetime and in wartime is dealt with under the Code of Military Justice. The punishment of penal servitude under the Code can mean imprisonment as well as forced labour in a camp **[9]**.

4.11 In peacetime, desertion is punishable by two months to ten years' penal servitude; up to life-long penal servitude or even the death penalty in wartime, during a state of emergency, or during a police operation to maintain public order. If two soldiers desert

together, this is considered as desertion with conspiracy and may be punished by two to twenty years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime. Desertion abroad is punishable by six months to ten years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime. In aggravating circumstances, such as desertion during active service, desertion with the taking of arms or desertion with conspiracy, the punishment may be from three to ten years' penal servitude. Desertion and fighting with another armed group is punishable by ten to twenty years' penal servitude in peacetime and execution in wartime [9].

INTERNAL SECURITY

4.12 The Government's security forces consist of a national police force under the Ministry of Interior, the National Intelligence Agency (ANR), the Rapid Intervention Forces (PIR), the Special Group for Presidential Security (GSSP) and the Congolese Armed Forces (FAC), which includes an Office for the Military Detection of Anti-Patriotic Activities (DEMIAP). The immigration service, Direction Generale de Migration (DGM), also functions as a security force. The National Security Council (CNS) was replaced by the Committee for State Security (CSE), which as of June 2002, acted as a co-ordinating body for national security rather than a security force. The People's Self-Defence Forces (FAP) and the People's Power Committees (CPP), created by former president Laurent Kabila, continued to decline in significance in 2002. The police force handles basic criminal cases. The ANR has responsibility for internal and external security, including border security matters. The FAC has retained some residual police functions. The military police has jurisdiction over armed forces personnel, but also has domestic security responsibilities, including the patrolling of urban areas. The members of the security forces are poorly trained and poorly paid and often undisciplined. Civilian authorities generally maintain effective control of the security forces but there have been frequent instances in which elements of the security forces have acted independently of government authority. The security forces have committed numerous, serious human rights abuses [3b].

LEGAL RIGHTS/DETENTION

4.13 Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a public trial, the presumption of innocence and legal counsel at all stages of proceedings, however, the Government does not respect these rights in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery and smuggling, all of which are adjudicated in theory by the Court of State Security, and except those cases adjudicated by the special military tribunals, whose jurisdiction is 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. In practice, the Government does not fully respect these provisions [3a].

4.14 In government-held territory, despite legal provisions governing arrest and detention procedures, the security forces have been responsible for numerous cases of arbitrary arrest and detention. Under the law, serious offences (those punishable by more than six months) do not require a warrant for a suspect's arrest. Only a law enforcement officer with judicial police officer status is empowered to authorise arrest. This status is also vested in senior officers of the security services. The law instructs security forces to bring detainees to the police within 24 hours and be brought before a magistrate within 48 hours, who may authorise provisional detention for varying periods. In practice, these provisions have been violated systematically. The security forces continue to arbitrarily arrest and detain citizens. Charges are rarely filed and the legal basis for such detentions are often obscure [3b].

4.15 The security forces use the pretext of state security to arbitrarily arrest individuals linked to groups considered to be a threat by the Government. Groups particularly targeted include the opposition political party, the Union for Democracy and Social Progress (UDPS), which in April 2002 formed an alliance with RCD-G and briefly discussed forming an armed wing; associates of Katebe Katoto, who reportedly attempted to buy the support of government troops and police in Katanga and in April 2002 formed an alliance with the RCD-G; individuals allegedly connected to the assassination of former president Laurent Kabila and some former FAZ soldiers and civilians associated with the MLC. Individuals arrested and detained in the name of state security have frequently been held without legal charge, presentation of evidence, access to a lawyer or due process. The security services frequently exhibit the attitude of guilty until proven innocent and have showed great reluctance to release individuals detained illegally, even after protests from NGOs and the international community. In several of the cases in which individuals were arrested or detained for allegedly threatening state security, evidence suggested the arrest was made to settle a personal score for a government official or member of the security services [3b].

4.16 In areas not in government control, rebel forces and foreign troops have been responsible for a systematic pattern of arbitrary arrests and detentions. RCD-G and RDF forces frequently shuffled prisoners among different cities under their control or transported them to Rwanda, which prevented family members or NGOs from monitoring them. RCD-G and RDF forces frequently detained persons under extremely harsh conditions in the private residences of Rwandan or rebel military commanders [3b].

PRISONS AND PRISON CONDITIONS

4.17 The Government operates several hundred legal places of detention in the territory under its control. In major cities, the Government typically operates a large central prison facility and numerous, small, local detention facilities in police stations, court buildings, military bases and neighbourhoods of larger cities. Small local prisons are generally intended for short-term pre-trial detentions, however, in practice they are used for lengthy detentions without due process. Women and juveniles are generally detained separately from men. Pre-trial detainees are not separated from convicted prisoners. Some soldiers are detained in civilian prisons **[3b]**.

4.18 Conditions in most of the large, central prisons are harsh but are no longer life-threatening as they have been in previous years. The penal system continues to suffer from severe shortages of funds and trained personnel. The Government has made efforts to improve the management and conditions of prison facilities, particularly at Kinshasa's main central prison, the Makala National Penitentiary and Re-education Centre (CPRK). In August 2002, the Government conducted a workshop to train administrators at Makala Prison and Rusuru Prison. During 2002, the International Committee of the Red Cross (ICRC) worked with the Government to rehabilitate some showers and toilets in Makala Prison and other NGOs provided prisoners with mattresses and straw mats. Although health care and medical attention remain inadequate, a prison doctor is available and there have been fewer reported cases of widespread infectious diseases **[3b]**.

4.19 In Makala Prison, the Government provides inadequate food and prisoners remain dependent on the personal resources of family or friends, however, families are allowed to bring food and other necessities to prisoners during regular visiting hours 3 days a week. Guards demand bribes and steal food from prisoners. Some prisoners bribe guards to receive better treatment or to get out of work assignments. Local NGOs have reported that 146 persons died at Makala Prison in 2002, 24 of whom died after being transferred to the prison from the custody of the Provincial Inspection of Kinshasa (IPK) and the PIR, where they were beaten severely. Most of the remaining detainees died from malnourishment and illness **[3b]**.

4.20 Conditions in the small, local prisons remain harsh and life-threatening. There are usually no toilets, mattresses or medical care. Light, air and water are often insufficient. Prisons guards often beat or torture detainees. Such prisons generally operate without a budget with minimal government regulation or oversight. Local prison authorities or influential individuals frequently bar visitors or severely mistreat particular detainees. Prison guards frequently require bribes from family members or NGOs to visit or provide a detainee with food and other necessities **[3b]**.

4.21 Prison conditions in areas outside of government control are extremely harsh and life-threatening. Most detention facilities are not designed for the purpose, and detainees are often kept in overcrowded rooms with little or no light or ventilation. Detainees typically sleep on cement or dirt floors without bedding and have no access to sanitation, potable water, toilets or adequate health care. Tuberculosis, red diarrhoea and other infectious diseases are widespread. Little or no food is provided to detainees and guards demand bribes to allow family members or friends to bring food to prisoners. Prisoners are frequently subjected to torture, beatings and other abuse with no medical attention. There have been numerous credible reports that rebel forces and foreign troops have beaten or tortured prisoners and then released them to their families just in time for them to die. Human rights NGOs, family members and lawyers are systematically denied access to detention facilities in rebel-controlled areas **[3b]**.

4.22 The security services, especially the ANR and DEMIAP operate numerous illegal detention facilities despite the March 2001 presidential decree to close all such facilities. The GLM detention centre, however, remains closed. Conditions in these detention facilities are harsh and life-threatening. Prisoners are systematically abused, beaten and tortured. Detention facilities lack adequate food and water, toilets, mattresses and medical care. Family members, friends and lawyers are routinely denied access to prisoners. The ICRC and many NGOs were permitted access to all official detention facilities in 2002 but were not allowed to visit the illegal detention facilities maintained by the security services **[3b]**.

4.23 The prison population of the CPRK is comprised of those who have been sentenced and those held on remand, both civil and military. Initially intended to hold more or less 1,000 civilian inmates, the prison held an estimated 2,285 prisoners in December 2001. Out of some 15 wings, CPRK has 10 wings in working order as well as an administrative building, and medical centre and premises that accommodate employees **[12]**.

4.24 Official visits to the detainees, with the exception of those in Wing 1, are allowed every Wednesday, Friday and Sunday, between 1000 and 1600. Family members are allowed to leave food on any non-visiting day, although they will not be allowed more than ten minutes contact with the prisoner. With regard to Wing 1, visits are only allowed every Sunday between 1200 and 1500. Family members are allowed to leave food on any other day but may not come into contact with those held on Wing 1 for more than two minutes **[12]**.

4.25 Many inmates of the CPRK suffer from acute malnutrition due to a lack of an adequate and balanced diet. Some weakened

detainees, whose families cannot afford the cost of providing food, have lost a lot of weight and appear skeletal. Meals, generally consisting of 300 grams of mixed beans, with some paltry grains of corn are served once a day in the afternoon or later in the evening. For the vulnerable, particularly the sick, dying, children etc, a measure of corn gruel is also provided in the morning with dry bread [12].

4.26 The medical dispensary of CPRK, although staffed with a small team of around six male nurses, does not have pharmaceutical products available. For every type of illness, the only medical prescription available is paracetamol. Family members are obliged to obtain medicines for their relatives who are inmates. In cases where a patient's state of health is such that they require hospitalisation outside the CPRK, the family of the inmate is required to pay for the food for the sick, for the police who stand guard and the cost of medical treatment. Sick inmates are forbidden from leaving their cells during the permitted visiting days and are kept on wings 2,4 and 5 to hide their emaciated state from visitors. Cases of death through illness and starvation occur regularly. The coffins for the deceased are made by the prisoners themselves in woodworking workshops in the prison [12].

4.27 Half of the cells in operational wings are equipped with beds and mattresses, except in those wings which accommodate dangerous inmates, where there is the possibility that these inmates may use the beds as aids to facilitate escape from the prison. The overcrowding of some wings means that some categories of prisoners are left without beds and are obliged to sleep on mats, cardboard or even the ground. In most cases this applies to criminals, armed robbers, those sentenced to capital punishment and others who have broken the law. These prisoners have used, on occasion, their beds as ladders to help them escape through the air vents above their cells. Water normally flows in every sanitation bloc on the wings and in the showers. Electric lighting is available and the toilets are functional. Hard labour, chores, physical punishment and other physical torture is not practised in the CPRK. Inmates who show a bad attitude are punished by being forbidden to leave their cell and are guarded for several days in a holding cell set aside for this purpose [12].

4.28 Women and babies are kept in Wing 9, whereas adolescents and children are kept in Wing 10. The costs for these groups are partially shared by charitable institutions and religious orders. This aid greatly improves the living conditions for these young and vulnerable people [12].

4.29 The persons who were arrested on suspicion of being involved in the assassination of former president Laurent Kabila were held on remand in Wing 1 of the CPRK. Wing 1 is isolated from the other wings by a main entrance which is separated from the entrances to the other wings by a sheet metal fence. These prisoners were held under a strong guard of heavily armed Zimbabwean soldiers [12].

4.30 The prisoners of Wing 1 were subject to a very strict prison regime which included the prohibition for prisoners to leave the wing outside of visiting hours. Visitors who were allowed access into Wing 1 on the only visiting day were split into groups of ten and were only allowed contact with the person they were visiting after a thorough search. Visitors were only allowed a half-hour chat. Relatives of the prisoners were allowed to leave food on any non-visiting day but were not allowed more than 10 minutes contact with the prisoner. Lawyers were prohibited from entering the wing. Cutlery, canned foods, bottles, hard dried fruits and sharp metallic objects were not allowed on the wing. In case of illness, the inmates were cared for in the CPRK medical centre and, if need be, were taken to a hospital under a heavy guard of Zimbabwean soldiers. Before they left the hospital, prisoners were handcuffed, their hands and feet were tied and their faces were covered [12].

4.31 Located in Kintambo Commune, the prisons of DEMIAP/Central District consists of two jails, called "Ouagadougou" and "Memling". Memling Prison accommodates important persons, notably public figures, senior military figures and other high-ranking figures of the country. The inmates of this prison spend the night on the foam rubber mattresses or sleeping bags they could bring with them from their homes. They are permitted to wash and make their ablution in as much time as required in the sanitation bloc, where hygiene conditions are more or less acceptable. The prison has air conditioning and electric lighting. Food brought by family members, who are prohibited from entering the DEMIAP compound, is left with the guards. Prison guards will take the food to the inmate but normally expect a bribe from the inmate's family for this service [12].

4.32 In Ouagadougou Prison, the inmates are kept in degrading conditions. The inmates sleep on the ground, in narrow, overcrowded cells, which are not aerated or lit. Visits are prohibited. Family members remain without news of their relatives held in detention in the prison throughout the term of their imprisonment. A very meagre diet is provided for the military guards and the other prison staff. It consists of only a hundred grams of rice and a small piece of chinchard (salted fish) which is sometimes also served to the inmates. There is a medical centre which is sometimes open to accommodate sick inmates or mothers with babies but does not have any medication. Torture and other cruel, degrading treatment are reportedly used by DEMIAP as well as the other military police forces, in order to force confessions out of their detainees. Iron bars, batons, thin cords, metal chains, cattle prods, mechanical clips and other slicing and cutting instruments are reportedly used as objects of torture. Cases of death by torture have also been reported [12].

4.33 In Katanga Province, there are seven known main prisons: Buluwo, Kasapa, Likasai, Dilala, Kamina, Kaliemi and Kongolo. Of these, the first five are under the remit of the DRC Government and the rebel forces run the last two. The largest prison in the list is Kasapa Prison [12].

4.34 Kasapa Prison was built with a capacity of around 600 inmates split between 15 male dormitories, two cellblocks and a women's area. In 2002, it accommodated 1,544 inmates, of which 473 were military detainees and the rest were civilians. Since January 2001, conditions in the prisons have significantly deteriorated. This followed a huge influx of temporary military inmates. The general state of health of the inmates is poor due to poor hygiene conditions, dehydration and malnutrition caused by gastrointestinal illnesses and a poor diet. There is an insufficient number of toilets and many are unusable or destroyed. Medical facilities are inadequate to deal with the number of inmates. Due to the lack of food and poor conditions, many inmates die of illness. Those who die are buried in such secrecy that members of their family are not informed and cannot attend the burial. Detainees are deprived of contact with the external world, with the result that they do not know the laws that could be exercised on their behalf before the courts against arbitrary detention **[12]**.

MEDICAL SERVICES

4.35 Prior to the conflict that started in 1998, available health data showed that the existing infrastructure was already failing to deliver quality, affordable medical care to the majority of the country's population. The conflict has made this situation even worse. Hospitals, clinics and health posts have been destroyed, medication cannot be delivered and routine vaccination programmes have been disrupted. Many people struggle to pay for health services and some cannot pay at all. One of the main problems with the health system is its infrastructure. The lack of investment has resulted in hospitals, clinics and health posts falling into an increasingly dilapidated state. Many lack essential medical equipment, sanitation and even clean water. This is the case in the major towns as well as in the more remote rural areas. The hospitals and health centres are often places where disease is spread **[7]**.

4.36 In the west of the country, state salaries when paid for the few well-qualified medical practitioners are so low (4,700 Congolese Francs or US\$14 per month) that they charge their patients for treatment. To earn extra income, many doctors also work in unregulated private health institutions alongside their jobs in the state health service. The increase in poverty has meant that a large percentage of people cannot afford essential medicines. Many people have resorted to treating themselves **[7]**.

4.37 A wide range of medical treatment is available in Kinshasa. There are few diseases (even chronic ones) or operations that cannot be dealt with in the country as long as the patient has the financial means **[10]**.

4.38 In general, there is no medical treatment or care available in hospitals and clinics for people suffering from AIDS in the DRC. There are no specialised hospitals or centres for the treatment of AIDS but some hospitals in Kinshasa admit AIDS sufferers for the treatment of secondary infections. Despite the lack of medical care for AIDS sufferers in hospitals and clinics, drugs imported from Europe, can be bought from private individuals. The treatment is based on the tri-therapy of the combination of three of the following anti-retroviral drugs: Retrivir, AZT, DDI, Zerit and Stavidine **[22b]**.

4.39 Medical treatment for people suffering from diabetes is available in Kinshasa. The city's general hospital has facilities to care for diabetes. There are also medical centres run by the Salvation Army, the University Clinic of Kinshasa, Ngaliema Clinic and approximately 24 centres located throughout Kinshasa. Insulin, the drug needed by many diabetics, is available in the DRC but is very expensive. Hospitals outside Kinshasa are less equipped to provide medical treatment for diabetics **[22a]**.

4.40 A trade in medicines and medical equipment has been organised in Kinshasa with the risks that this involves (poor quality or non-sterilised material, out-of-date medicines, etc.) for persons with little financial means. The most disadvantaged Kinshasans (citizens of Kinshasa) cannot pay the sums necessary for treatment and are excluded from the public health system, which has resulted in the resurgence of diseases that had almost disappeared. These poorest patients can sometimes have the benefit of being taken care of at low cost, or even free of charge, by the health care facilities run by the religious communities (the Catholic Church and the Church of Christ in the Congo in particular) or by non-governmental organisations **[10]**.

4.41 The Salvation Army has a Health Department that administers several health establishments throughout the country, in particular in Bas-Congo, in the Eastern Province, in Eastern Kasai and in Kinshasa. In the capital, it has nine medical establishments, among which there is a hospital and a surgery centre, an ophthalmic clinic and a maternity centre (the Bomoï Maternity Centre in Ndjili which deals with about 3,000 births a year). According to the Head of the Health Department, the aim of the Salvation Army - which employs 250 people in the health sector (including four full-time doctors, five part-time doctors, two dental surgeons and 155 nurses) - is to provide quality treatment at the lowest rates. Thus, according to their own estimates, the Salvation Army in Kinshasa takes care of more than 200,000 patients a year, 3,000 of which are suffering from tuberculosis and 1,500 from diabetes **[10]**.

4.42 For cultural reasons, Congolese people do not as a rule consult psychiatric specialists. If a person exhibits mood or personality disorder problems, his relations will firstly believe that he is the victim of a spell and that someone is trying to harm the

family. Sorcery or prayers are used to cure the person's mental illness. It is only as a last recourse that a psychiatrist is consulted [10].

4.43 In Kinshasa, there is also a small centre specialising in neuropsychiatry, the Kakuambi Centre. Some other hospitals, clinics and medical centres offer, along with general medicine, some beds for psychiatric and psychological treatment. Public facilities that treat mental illnesses are few and far between and those that exist are dilapidated. Kinshasa's principal psychiatric unit is the Neuro/Psycho/Pathological Centre (CNPP). This public facility is connected with the University of Kinshasa. It contains three departments: psychiatry, neurology and paedopsychiatry. The CNPP is in a dilapidated state and has no more than 40-50 patients. The hospital provides the initial consultation, diagnosis and therapy free of charge. The rest is chargeable to the patients and their families [10].

4.44 The most widespread mental illnesses in the Democratic Republic of Congo are those of infectious origin, schizophrenia and illnesses connected with drug addiction. Mental illnesses can generally be treated in Kinshasa. This is particularly the case with depression, war trauma, post-traumatic stress syndrome and schizophrenia. Competent doctors practice on the spot and medicines are normally available. According to the Director of the CNPP, all the medicines on the list of the World Health Organisation are available in Kinshasa except preparations with a heroine base [10].

THE EDUCATION SYSTEM

4.45 Primary education begins at age 6 and ends at 12 years and secondary education begins at age 12 and ends at 18 [1]. Primary school education is not compulsory, free or universal. In public schools, parents are formally required to pay a small fee but parents often informally are expected to pay teachers' salaries. Extremely poor economic circumstances often hamper parents' ability to afford these added expenses and many children are not able to attend school. Most schools only function in areas where parents have formed co-operatives. There have been reports of economic circumstances forcing children to hunt or fish for their family's livelihood instead of attending school. In both the government-controlled and rebel-controlled areas, poverty brought on by the current conflict, has led to greatly reduced educational opportunities for girls. Parents under severe economic hardship no longer can afford to educate their sons and daughters. In areas under the control of RCD-G, there have been numerous reports that girls have dropped out of school due to threats of rape and sexual violence by soldiers targeting schools [3b]. The country has 4 universities, situated in Kinshasa, Kinshasa/Limete, Kisangani and Lumbumbashi [1].

CONGOLESE NATIONALITY LAW

4.46 Congolese nationality is governed by the provisions of Decree 197 which modified the Nationality Law 81-002 of 1981. Congolese nationality may be acquired through naturalisation, application or adoption. Foreign residents or immigrants may obtain Congolese nationality provided that they meet the legal requirements [22c].

4.47 Article 5 of Decree No 197 defines entitlement to Congolese nationality by filial descent when a child has a father who is Congolese and/or a child has a mother who is Congolese [22c].

4.48 Article 7 of Decree No 197 also stipulates that a new-born child in the DRC is Congolese but a minor is not regarded as Congolese if he/she is descended from a foreigner [22c].

4.49 Article 4 of Decree No 7 stipulates that with effect from 30 June 1960, any person whose ancestor is or was a member of one of the ethnic groups established on DRC territory, as defined on 1 August 1885, and modified by subsequent conventions, is regarded as Congolese. Tutsis, or persons whose ancestors were members of the Tutsi ethnic group, as defined on 1 August 1885, are Congolese as is the case for any member of an ethnic group who fulfils the terms of Article 4 [22c].

5A. HUMAN RIGHTS ISSUES

Overview of Human Rights in the Government-Held Area

5.1 The Government controls mainly the west and south west of the country (Bas-Congo, Kinshasa, Bandundu, part of Kasai Oriental, part of Kasai Occidental, part of Equateur and most of Katanga). This area as a whole covers roughly one half of the country - the other half is in the control of rebel forces. The Government's human rights record is poor although there have been improvements in some areas. Citizens do not have the right to change their government peacefully. The security forces have been

responsible for unlawful killings, torture, beatings, rape, extortion and other abuses. In general, the security forces have committed these abuses with impunity **[3b]**.

5.2 The security forces continue to arbitrarily arrest and detain citizens. The judiciary is underfunded, inefficient and corrupt. It is largely ineffective as a deterrent to human rights abuses or as a corrective force. The security forces violate citizens right to privacy. There were no reports in 2002 that the Government forcibly conscripted adults and children in government-controlled territory. There were fewer reports in 2002 that government forces used excessive force and committed violations of international law in the war, however, the Government continues to supply and co-ordinate operations with Mai Mai and Hutu militias who have committed numerous, serious abuses **[3b]**.

5.3 The security forces continue to harass, arbitrarily detain and arrest journalists, human rights activists and opposition politicians. The Government restricts freedom of assembly and association for some groups and uses excessive force to disperse demonstrations. The Government restricts the activities of some political parties. The Government partially restricts freedom of movement and continues to require exit visas for its citizens. Discrimination against pygmies and societal violence and discrimination against the Tutsi ethnic minority continued in 2002, however, the Government continues to protect Tutsis in government-controlled territory who are at risk **[3b]**.

Overview of Human Rights in the Areas Held by the Rebel Groups

5.4 The rebel forces control mainly the north and north east part of the DRC including Kisangani and part of central DRC (most of Equateur, Orientale, part of Kasai Oriental, part of Kasai Occidental, part of Katanga and all of Kivu Nord and Kivu Sud). This area as a whole covers roughly one half of the country - the other half is in the control of government forces. Significant numbers of Rwandan (RDF) and Ugandan (UPDF) troops remained in the country for most of 2002. Between 17 September and 5 October 2002, RDF troops completely withdrew from the country. Between 1,000 and 1,500 UPDF troops remained in the country at the end of 2002 **[3b]**.

5.5 The largest rebel groups are the Congolese Rally for Democracy based in Goma (RCD-G) supported by the Rwandan Government; the MLC, supported by the Ugandan Government, and the RCD-ML which is also supported by the Ugandan Government. The RCD-G remains dominated by members of the Tutsi ethnic minority. Adolphe Onusumba is the current RCD-G president. The MLC remains dominated by former Mobutu supporters from Equateur Province. Jean-Pierre Bemba is the current president. The current president of the RCD-ML is Mbusa Nyamwisi. Two smaller rebel factions emerged in 2002 - RCD/National (RCD-N), led by Roger Lumbala which is supported by the Ugandan Government and the MLC; and RCD/Originale (RCD/O), led by Felix Mumbere which is supported by the Ugandan Government. In the Ituri region of the north east, two tribally-based armed groups emerged in 2002. These were the Lendu-dominated Patriotic Army of the Congo (APC), supported by the RCD/ML, and the Hema-dominated UPC, led by Tomas Lubanga and supported by the Rwandan and Ugandan Governments **[3b]**.

5.6 In areas under rebel control, the security forces are dominated by the military of each group. Although the RCD-G, MLC and RCD-ML maintain police forces, there is little distinction between the jurisdiction of the police and the military and in practice the police are subordinate to military command. The security services and soldiers of the rebel factions are poorly trained and generally unpaid. The security services routinely extort money, goods and services from the local population. In areas controlled by Hutu militias, Mai Mai, ethnically-based militia, or other armed groups, there is no organised security services; those with weapons control the local population and extort money, goods and services. Rebel soldiers and security services sometimes obey orders from their civilian authorities and sometimes received orders directly and sometimes acted independently. Rebel soldiers and security services and members of other armed groups have committed numerous, serious human rights abuses **[3b]**.

5.7 The human rights record in areas not under government control is very poor and rebel authorities have committed numerous, serious abuses, particularly in the eastern part of the country and in the Ituri area. Rebel forces, foreign troops, Mai Mai forces, Hutu militias and other armed groups have committed numerous, serious abuses with impunity against civilians, including deliberate large-scale killings, cannibalism, burning of entire villages, disappearances, torture, rape, dismemberment, mutilation, extortion, robbery, arbitrary arrests and detention, harassment of human rights workers and journalists and forcible recruitment of child soldiers. Rebel security forces have used excessive force, restricted freedom of speech, assembly and association in areas in their control. Respect for religious freedom is poor. Violence against women and rape are serious problems and have occurred with impunity. Combatants have abducted women and children and forced them to perform labour, military service and sexual services. Ethnically-based mob violence has resulted in thousands of deaths. Rebel and foreign troops targeted churches and religious leaders in the areas under their control and committed numerous abuses in 2002, including arbitrary killings, beatings and the violent dispersal of religious services **[3b]**.

5.8 From 14 to 15 May 2002, RCD-G troops used excessive, indiscriminate lethal force against civilians in Kisangani in reprisal for an aborted mutiny attempt by RCD-G dissidents. In the original mutiny attempt, members of the population killed seven persons they accused of being Rwandan. RCD-G loyalist troops under the command of Gabriel Amisi, Bernard Biamungu and Laurent Nkunda put down the mutiny and then killed more than 150 civilians and numerous RCD-G members suspected of being mutineers

or sympathisers. On 14 May, RCD-G loyalists rounded up and summarily executed dozens of RCD-G police and military, who were hacked to death with machetes, decapitated, tortured, dismembered, or shot to death. RCD-G forces threw many of the corpses into the Tshopo River and buried other victims in mass graves. An unconfirmed number of civilians were abducted or disappeared, including young women taken to the airport and raped by RCD-G troops [3b].

5.9 Rebel and foreign troops, particularly the RCD-G and RDF, have raped women with impunity. From January 2002 to March 2002, RCD-G, RDF and Burundian soldiers frequently raped young girls in rural schools throughout the territory of Fizi in South Kivu. Local human rights organisations documented 248 cases of rape, 69 unwanted pregnancies and 418 girls who dropped out of school after they received threats of sexual violence. Most of the girls, who faced societal rejection as rape victims and because of likely exposure to HIV/AIDS, received no medical care or trauma counselling for what they had suffered [3b].

5.10 In 2002, RCD-G and RDF, Mai Mai and Interahamwe forces kidnapped numerous women and girls during raids on rural areas and forced them to provide labour or sexual services. Many of the victims were forced to stay with the troops from several days to several months and were subjected to gang rape or acts of sexual torture. Once released, many of the victims were ostracised by family members or their local communities, faced unwanted pregnancies, or had contracted the HIV/AIDS virus from soldiers who abused them [3b].

5.11 From 24 to 29 October 2002, in Mabassa and Mangina in the Ituri region, RCD-N and MLC troops systematically killed, abducted, raped, tortured and looted the civilian population, some of whom were forced to commit cannibalistic acts. According to the United Nations, 117 persons were killed, 65 adults and children were raped and 82 persons remained missing at the end of 2002. In some cases, victims were killed in front of their families, who were forced to eat their body parts. Thousands of persons fled, including numerous pygmies, who the rebels reportedly targeted for cannibalism [3b].

Freedom of Speech and the Media

5.12 The law allows for freedom of speech and the press but the Government restricts these rights in practice. Incidents of harassment, intimidation and detention of journalists continue to occur but violations of press freedom were less common in 2002 than in previous years. During 2002, security forces arrested or detained illegally nine journalists compared with twenty-five in 2001. Other journalists were reportedly harassed and in some cases, beaten or tortured by members of the security services. Despite government restrictions and harassment of some journalists, a large number of private newspapers operate freely and publish criticism of the Government without interference [3b].

5.13 During 2002, the Ministries of Human Rights and Communication and Press maintained good relations with the private media and in some cases interceded with the security services on behalf of journalists subjected to abuse. In a letter dated 9 August 2002 to all public prosecutors, including the Military Order Court, Minister of Justice Ngele Audi asked government officials to instruct their personnel to halt arrests of journalists and other members of the media. The Ministry of Justice held a seminar from 24-26 August 2002 with the goal of improving relations between the security services, the military and journalists [3b].

5.14 According to the Government, 97 newspapers have completed the mandatory licensing process and are authorised to publish in the country. In 2002, approximately 40 publications appeared regularly in Kinshasa; 9 were dailies and the others were published once or twice a week. There is also an active private press in Lubumbashi and some private newspapers are published in other provincial cities. Many private news publications rely on external financing, often from political parties and individual politicians. News publications tend to emphasise editorial commentary and analysis rather than factual descriptions of events. Many newspapers are highly critical of the Government [3b].

5.15 A 1996 press law regulates the newspaper industry. Publishers are required to deposit copies of their publications with the Ministry of Communication and Press after publication. Criminal libel laws exist and were used to successfully prosecute journalists at least once during 2002, however, it was widely believed that the Minister of Security and Public Order manipulated the court to secure the convictions and sentences in that case. In two other cases, libel charges against were dropped, reportedly after the journalists had been intimidated by their detention [3b].

5.16 Due to limited literacy and the high costs of newspapers and television, radio is the important medium of public information. There are 18 private radio stations in Kinshasa. Two radio stations are state-owned and 16 are private or religious. There are 16 television stations. Two TV stations are state-owned and fourteen are private or religious. Opposition political parties are unable to gain access to state-owned radio and private radio is markedly less critical of the Government than private newspapers. The Government has threatened to shut down radio stations that have not paid their licensing fees but the Government has not taken any actions against these radio stations [3b].

5.17 In areas not in government control, rebel groups severely restrict freedom of speech and press. Most local radio stations are controlled by the rebel authorities. Rebel forces harass and arrest journalists. Radio Maendeleo, the only independent Congolese-run radio station in Bukavu, operated in most of 2002 but in October, RCD-G soldiers occupied the station and blocked its news broadcasting [3b].

Freedom of Religion

5.18 The Government generally respects freedom of religion in practice provided that worshipers do not disturb public order and contradict commonly-held morals. There is no state religion. Approximately 55% of the population are Roman Catholic, 25% are Protestant and 2.5% are Muslim. The remainder largely practice traditional indigenous religions. Minority religious groups include, among others, Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints (Mormons). In 1971, new national laws officially recognised the Roman Catholic Church, the Protestant Church and the Kimbanguist Church. The Muslim and Jewish faiths and the Greek Orthodox Church were granted official recognition in 1972. Ethnic and political differences are generally not linked to religious differences **[3c]**.

5.19 Most of the non-Christian Congolese population adhere to either traditional religions or syncretic sects. Traditional religions include such concepts as monotheism, animism, vitalism, spirit and ancestor worship, witchcraft, and sorcery and vary widely among the different ethnic groups. Syncretic sects often merge Christianity with traditional beliefs and rituals. The most popular of these sects is Kimbanguism. Kimbanguism, officially "the church of Christ on Earth by the prophet Simon Kimbangu", now has around 3 million members, primarily among the Bakongo ethnic group of Bas-Congo and Kinshasa. In 1969, it was the first independent African church to be admitted to the World Council of Churches **[3c]**.

5.20 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 organisation are simple and are generally not subject to abuse. Exemption from taxation is among the benefits granted to religious organisations. A 1971 law regulating religious organisations grants civil servants the power to recognise, suspend recognition of, or 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 the Jehovah's Witnesses religion. This suspension was subsequently reversed by a court. Although the law restricts the process of recognition, officially recognised religions are free to establish places of worship and train clergy. In practice, members of religious groups that are not officially recognised are also free to worship freely. Many recognised churches have external ties and foreign missionaries generally are allowed to proselytise **[3c]**.

5.21 The Government promotes interfaith understanding by supporting and consulting with the country's major religious groups - Catholic, Protestant, Orthodox and Kimbanguist. The Consortium of Traditional Religious Leaders serves as a forum for religious leaders to gather and discuss issues of concern. It also advises and counsels the Government while presenting a common moral and religious front **[3c]**.

5.22 In the rebel-controlled areas, respect for religious freedom is poor. There have been credible reports that RCD-Goma and Rwandan troops have deliberately targeted churches and religious leaders in the towns and villages under their control. Such actions are believed to be part of an attempt to intimidate the population and retaliate for the growing role of churches as the only safe places for community discussion and peaceful activism against the presence of Rwandan and RCD-Goma forces in the country. The abuses of religious freedom have taken the form of arbitrary killings and disappearances of pastors, priests and laymen; public threats against the lives of religious leaders; pillaging and destruction of church property and the use of armed soldiers to disperse religious services forcibly **[3c]**.

Freedom of Assembly

5.23 In areas under government control, there is no legal protection for freedom of assembly and the Government restricts this right in practice. The Government considers the right to assemble and associate subordinate to the maintenance of public order. The Government requires all organisers of public events to apply for permits obtained from city governments. According to the law, organisers automatically have permission to hold a public event unless the city government in question denies permission in writing within 5 days of receiving the original notification. Some NGOs have reported that in practice, the city administration sometimes denies permission for the public event after the 5-day period by backdating the correspondence **[3b]**.

Opposition Political Activity

5.24 The law provides no explicit protection for freedom of political association and the Government restricts this right in practice. A May 2001 law on political activity allows anyone to form a political party by registering the party with the Minister of Interior. NGOs and religious groups are also permitted to form freely provided they register with the Minister of Justice and file copies of their internal regulations and descriptions of the organisational structure. According to the Government, more than one hundred political parties have registered under the May 2001 law. Some established political parties, notably the UDPS, have refused to register under this law on the grounds that they have already registered under the Mobutu regime and that they view the current regime to be illegitimate. The Government has responded to this by treating the UDPS as an illegal organisation and have arrested or dispersed UDPS members who have attempted to hold public functions. In 2002, there were no reports that the security forces maintained surveillance of the headquarters of opposition political parties and the movement of political leaders. There were also no reports in 2002 of government raids on opposition party leaders' residences. In general, the Government did not harass political parties in 2002, with the exception of the UDPS **[3b]**.

5.25 Any political party that has registered with the Government and has paid the official fee legally exists. The relaxation in political restrictions since May 2001 has allowed many political parties to form and to be official recognised but most political parties have little political significance. Most political parties have a small membership and no formal organisational structure. They are often family-based or a loose collection of like-minded persons. Posts are not allocated on merit but on the basis of family relationships or clan affiliations. The only political parties that have any political significance are the larger established political parties such as the UDPS, PALU, FONUS, MNC-L, the MPR and the PDSC [22g][24].

5.26 The security services generally disperse unregistered protests, marches or meetings. During 2002, opposition political parties held private meetings without government harassment but the Government prevented some public political activities such as marches and press conferences, which require government permission, from taking place. Public activities are generally dispersed by the security forces. Security forces have forcibly dispersed political party press conferences and rallies on several occasions in 2002, usually on the grounds that the party had not registered with the Ministry of Interior after the promulgation of the May 2001 law on political activities or had not notified city authorities of the event [3b].

5.27 The political scene has been somewhat polarised since the signing of the Sun City Peace Accord in April 2002. On one side are the political parties that signed the peace accord and on the other side are the political parties that did not sign the peace accord such as the UDPS. The political parties that did not sign the peace accord formed an "Alliance to Save the Dialogue" (ASD). The UDPS is the main driving force in this alliance. The Government responded to this by interrupting UDPS meetings, arresting, intimidating and harassing UDPS activists in 2002. Political activists belonging to other political parties that did not sign the peace accord, such as FONUS, PALU and the MNC-L, did not suffer from similar human rights abuses in 2002 [24].

5.28 In areas not under government control, rebel forces have severely restricted freedom of assembly and political association. Groups critical of the authorities, especially in RCD-G territory have been subject to severe repression. The only political party allowed to operate openly in RCD-G territory is the UDPS, which in April 2002 joined the Alliance to Save the Dialogue (ASD) with Rwanda and the RCD-G. There have been numerous reports that RCD-G have forced citizens in Goma, Kisangani and Uvira to assemble and cheer for UDPS president Etienne Tshisekedi when he toured through the eastern part of the country in June 2002 [3b].

Employment Rights

5.29 In areas under government control, the law permits all workers, except magistrates and military personnel, to form without prior authorisation and to join trade unions. The National Union of Congolese Workers (UNTC) is the largest labour federation. The country's other large labour confederations are the Democratic Confederation of Labour (CDT) and the Congo Trade Union Confederation (CSC). There are almost one hundred other independent unions which are registered with the Labour Ministry. Some of the independent unions are affiliated with political parties or associated with a single industry or geographical area, however, they also have ties to larger trade unions, such as the UNTC, which has more diverse membership. Since the vast majority of the country's economy is in the informal economy, only a small percentage of the country's workers are organised. There have been no reports in 2002 of the security forces arresting or detaining labour leaders and activists [3b].

5.30 The collapse of the formal economy, which is exacerbated by the current conflict, has resulted in a decline in the influence of trade unions, a tendency of employers to ignore existing labour regulations and a decrease in wages as jobs increasingly become scarce. The Labour Code prohibits discrimination against unions although this regulation was not enforced effectively by the Ministry of Labour. The law also requires employers to reinstate workers dismissed for union activities. In the public sector, the Government has set wages by decree. Public sector unions have only acted in an informal advisory capacity [3b].

5.31 In areas under government control, the law provides for the right to bargain collectively. The professional unions and the Congolese Business Federation have signed a co-operative agreement in 1997, however, while collective bargaining still exist in theory, continuing inflation has encouraged a return to the use of pay rates individually arranged between employers and employees [3b].

5.32 The law recognises the right to strike, however, legal strikes rarely occur because the law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures. Labour unions are not able to effectively defend the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers but this prohibition is not enforced [3b].

5.33 Most citizens are engaged in subsistence agriculture or commerce outside the formal wage sector. The minimum wage, adjusted by government decree in 1990, has been rendered irrelevant by rapid inflation. The average wage does not provide for a decent standard of living for a worker and family. Most workers rely on extended family and informal economic activity to survive. The low salaries of police officers, soldiers and other public officials and the non-payment of salaries encourage many of these officials to extract bribes from the public. The maximum working week (excluding voluntary overtime) is 48 hours. One 24-hour rest period is required every 7 days [3a].

5.34 In July 2002, the Government passed a new minimum wage law, which provided public and private sector workers with a minimum daily wage of US\$0.86 (335 Congolese francs), however, in October 2002, the Government announced that due to fiscal constraints, public salaries would not be raised to comply with the minimum wage. Some public sector ministry workers subsequently went on an extended strike **[3b]**.

5.35 In areas not in government control, rebel authorities have not addressed employment issues or health and safety standards. There are few jobs available in the formal sector. Employees of parastatals controlled by the RCD-G are unpaid. Most citizens in rebel-controlled areas are engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage does not provide a decent standard of living for a worker and family. Due to extended pillaging, extortion by armed groups and instability forcing families to flee their homes and crops, poverty and economic hardship generally are more severe in area held by rebels than in areas in government control. Most citizens relied on informal economic activity, humanitarian aid and scavenging in the forests. Salary arrears for police, soldiers and other public officials has encouraged extortion and theft from the population **[3b]**.

People Trafficking

5.36 In areas under government control, there are no specific laws that prohibit trafficking in persons and trafficking in persons is practiced. The Government has few programmes in place to prevent this practice. The Government co-ordinates with other countries on trafficking issues and has attended some regional meetings on trafficking in persons, however, government efforts to combat trafficking are limited by a lack of resources and information and because much of the country's trafficking problem has occurred in areas controlled by the rebel forces. The Government has not vigorously investigated or prosecuted trafficking cases. The Government has no resources for training, however, it permits training of officials by the French Government and by NGOs. The Government does not co-ordinate with other countries on trafficking issues and has no funding for protection services **[3b]**.

5.37 In areas under rebel control, there have been reports that the RCD-G, Rwandan soldiers, Mai Mai, Hutu militias, MLC and other armed groups have kidnapped men, women and children and forced them to provide menial labour or sexual services for members of the armed groups. Many of the victims have been held for periods of several days to several months. Specific information has been difficult to obtain because the people concerned fear possible reprisals from the perpetrators and because of the attached social stigma **[3b]**.

Freedom of Movement

5.38 In areas under government control, the law allows for freedom of movement but the Government restricts freedom of movement in practice. A written permit issued by the Government's Ministry of Interior is required for travel within the government-controlled area. Travel between the government-held and rebel-held areas is hazardous and sometimes impossible, except by UN flights and UN-accompanied river convoys. Commercial flights between government-controlled territory and RCD-ML territory resumed during 2002 but were interrupted by new fighting in August 2002. The Government requires exit visas for all foreign travel. Members of political parties and journalists are allowed to leave the country and there have been no reports that the Government refused to issue passports to leaders of opposition political parties in 2002. **[3b]**.

5.39 In Kinshasa, the police and soldiers erect roadblocks for night-time security checks and to protect government installations. In general, military police manning the road blocks are better organised and more professional than in previous years and there were fewer instances in 2002 of taxibus drivers and passengers being harassed or forced to pay bribes. Underpaid traffic police officers continue to routinely harass citizens and demand bribes in the course of pulling vehicles over for traffic violations **[3b]**.

5.40 The risk of rape restricts the freedom of movement at night for women in many neighbourhoods. Some people have started neighbourhood watch programmes but women in Kinshasa and Lubumbashi do not leave their homes at night due to fear of attack **[3a]**.

5.41 The British ambassador to the DRC stated in November 2002 that he has not seen any evidence to indicate that failed asylum seekers are persecuted on arrival in Kinshasa. He also stated that the French, Belgian and Dutch Governments return failed Congolese asylum seekers to the DRC without any problems. The only formal requirement needed to allow the returns of failed asylum seekers are valid travel documents **[22f]**.

5.42 In areas under rebel control, freedom of movement is severely restricted, partially as a result of fighting between the rebel forces, Rwandan and Ugandan troops, Mai Mai and Hutu militias. Rebel soldiers and foreign troops have frequently prevented travel and harassed travellers. Several cities have been cut off from the surrounding country side by soldiers and armed groups, who control all road and river access into and out of the cities. Soldiers have established roadblocks and have routinely harassed and extorted civilians who have attempted to enter these cities to buy or sell food or to visit family members. Rebel forces also frequently impose travel restrictions on NGOs although in some cases they have permitted NGOs and civil society groups to conferences in foreign countries or government-controlled territory **[3b]**.

5.43 The law includes provisions to grant refugee status and asylum in accordance with the provisions of the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum to refugees and co-operates with

the United Nations High Commissioner for Refugees and other international agencies. According to the US Committee for Refugees, approximately 305,000 refugees from neighbouring countries, including 180,000 from Angola, 70,000 from Sudan, 20,000 from the Central African Republic, 20,000 from Burundi, 10,000 from Uganda and 2,000 from Rwanda live in the country. According to the United Nations, approximately 355,000 Congolese refugees live in neighbouring countries, including approximately 80,000 in the Republic of Congo and 120,000 in Tanzania. In September 2002, the Government agreed to allow the voluntary repatriation of 4,000 former soldiers from the Republic of Congo. Approximately 10,000 Congolese Tutsis who had been living in refugee camps in Rwanda were repatriated to the DRC during 2002 [3b].

Use of Torture and other Cruel or Degrading Punishment

5.44 In areas controlled by the Government, the security forces have committed numerous unlawful killings with impunity and in some cases have beaten or tortured detainees to death. The Government has also materially supported Mai Mai and Hutu groups, some of whom are believed to be responsible for killing civilians. During 2002, there were no reported cases of disappearances in government-controlled territory. The security forces, however, regularly hold alleged suspects in detention for varying periods of time before acknowledging that they were in custody or allowing the detainees to have contact with family or friends [3b].

5.45 In the areas under government control, the law forbids torture but in practice security forces and prison officials use torture and often beat prisoners in the process of arresting or interrogating them. The Government has not responded to charges of inmate abuse and repeated beatings by its security forces and prison officials. Some members of the police, military and security forces have also raped, robbed and extorted money from civilians. Security forces have harassed, beat and possibly tortured some journalists. Police and security forces have used excessive force to dispersed demonstrations. The Government has prosecuted and disciplined some of the abusers, however, others have acted with impunity [3b].

5.46 In areas not in government control, rebel forces, foreign troops, Mai Mai forces, Hutu militia and other armed groups have committed numerous abuses, including civilian massacres, acts of cannibalism, looting and burning of houses, attacks and aerial bombings of civilian areas, forced recruitment of child soldiers and rape. RCD-G and Rwandan forces have been responsible for numerous cases of beatings and torture that have resulted in death. Rebel and foreign forces have beaten, tortured and abused political figures, journalists and community leaders while arresting or detaining them. Many of these cases of torture and abuses are unreported because these groups, particularly the RCD-G and the Rwandan forces have denied access to NGOs [3b].

VB. HUMAN RIGHTS: SPECIFIC GROUPS

Women

5.47 Many women suffer from domestic violence and rape but there are no known government or NGO statistics to verify this. The police rarely intervene in domestic disputes and the press rarely report incidences of violence against women. Press reports of rape generally appear only if it occurred in conjunction with another crime or if NGOs had reported on the subject. Girls who have been raped often find it difficult to get married and married women who have been raped are often rejected by their husbands. It is commonplace for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim [3b].

5.48 Women are relegated to a secondary role in society. They constitute the majority of primary agricultural labourers and small-scale traders and almost exclusively are responsible for child rearing. In the non-traditional sector, women commonly receive less pay for comparable work. Only rarely do women occupy positions of authority or high responsibility. Women also tend to receive less education than men [3b].

5.49 The law discriminates against women in many areas of life. Women are required by law to obtain their spouse's permission before engaging in routine legal transactions, such as selling real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a widow to inherit her husband's property, to control her own property and to receive a property settlement in the event of a divorce, however, in practice women are often denied these rights, which in some cases is consistent with traditional law. Widows are commonly stripped of all possessions as well as their dependent children by the deceased husband's family. Human rights groups and church organisations are working to combat this custom but there is generally no government intervention or legal recourse available. In addition, women do not often realise that they can improve their legal claims by obtaining official documents that declare them to be legally married to a man. Women are also denied custody of their children in divorce cases but they retain the right to visit them. Polygyny is practiced although it is illegal. Father/child relationships resulting from polygynous unions are legally recognised but only the first wife is legally recognised as a spouse [3b].

Children

5.50 The number of orphans and street children increased in 2002. Street children in Kinshasa are subject to harassment by soldiers and the police, including the rape of homeless girls. On several occasions in 2002, government forces rounded up children living on the street and transferred them to group facilities outside the city. In some of these cases, the children were not placed in adequate facilities. The Government, however, has allowed international NGOs to monitor the facilities and has worked with these NGOs to transfer children to adequate facilities. The public generally have supported the police as the Kinshasa population are distrustful of street children who often have committed theft and other crimes **[3b]**.

5.51 The Juvenile Code includes a statute prohibiting prostitution by children under the age of 14; however, child prostitution is common in Kinshasa and in other parts of the country. There were reports during 2001 that girls as young as 8 years of age were forced into prostitution to provide income for their families **[3a]**.

5.52 The Government has stopped recruiting soldiers and has co-operated with UNICEF in demobilising child soldiers. Rebel forces, particularly the RCD-G, however, continue to recruit child soldiers, sometimes forcibly. There have been reports that RCD-G forces have arrested boys and young men for being Mai Mai sympathisers and then forced them to train and serve with RCD-G or with the Rwandan army. Credible reports indicate that rebel forces forcibly conscript boys as young as ten years of age and that RCD-G forces have established recruitment quotas for its field commanders and senior party leadership **[3b]**.

5.53 Female genital mutilation (FGM) is not a widespread practice in the DRC but it is practiced on young girls among isolated groups in the north. The Government has severely criticised the practice and has issued a presidential decree creating the National Committee to Fight Harmful Traditional Practices/Female Genital Mutilation. The Committee held a conference in May 2002 under the auspices of the Health Ministry and has developed a network of community leaders, women representatives and health professionals dedicated to the prevention and treatment of FGM **[3b]**.

5.54 In areas under government control, the legal minimum age for full-time employment without parental consent is 18 years of age. Employers may legally hire minors between the ages of 14 and 18 with the consent of a parent or guardian but those under 16 may work a maximum of 4 hours per day. The employment of children of all ages is common in the informal sector and in subsistence agriculture, which were the dominant portions of the economy. Such employment often is the only way a child or family could obtain money or food. Larger enterprises generally do not exploit child labour. Neither the Ministry of Labour, which is responsible for enforcement of the child labour laws nor the labour unions, effectively enforce them **[3b]**.

Ethnic Groups

5.55 The Congolese people are made up of around 200 separate ethnic groups. These ethnic groups generally are concentrated regionally and speak distinct primary languages. There is no majority ethnic group - some of the largest ethnic groups are the Luba, Kongo and Anamongo. The various ethnic groups speak many different languages but only four indigenous languages have official status - Kiswahili, Lingala, Kikongo and Tshiluba. French is the language of government, commerce and education **[3b]**.

5.56 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. In large cities, however, intermarriage across ethnic and regional divides is common **[3b]**.

5.57 President Joseph Kabila's cabinet and office staff is geographically and ethnically diverse but a significant amount of political influence remains in the hands of individuals (both inside and outside the Government) from the Luba Katangan ethnic group of the president's father, former president Laurent Kabila. Katangans in the FAC are substantially more likely to be promoted and to be paid more than persons from other regions. The leadership and armed forces of the rebel MLC continue to be dominated by Congolese from the Equateur Province. The RCD-G leadership continues to be dominated by Tutsis **[3b]**.

5.58 Immigration and settlement in the eastern part of the country by the Banyarwanda people, who are Twas, Tutsis and Hutus of Rwandan origin, occurred at different periods and for a variety of reasons. There is historical evidence that Rwandan agricultural colonies were established in the islands of Lake Kivu in the 18th century. In addition to this, a group of ethnic Tutsis claim to have settled during the 17th century in the hills they named "Mulenge" between Lakes Kivu and Tanganyika or between Bukavu and Uvira in South Kivu Province. Accordingly, they called themselves Banyamulenge. Congolese Tutsis are often described as Banyamulenge or "Rwandans" by Congolese from other ethnic groups **[8]**.

5.59 Since the start of the current conflict in 1998, Tutsis have been subjected to serious human rights abuses, both in Kinshasa and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime **[3b]**. By 2001, the Government no longer followed a policy of arresting and detaining members of the Tutsi ethnic group without charge and merely on the basis of their ethnicity. Approximately 300 Tutsis who voluntarily entered a government protection site at the National Social Security Institute in Kinshasa remained there at the end of 2001 awaiting resettlement or reintegration into the community **[3a]**. Human rights abuses committed against Tutsis significantly decreased during 2002 but human rights groups have complained that discrimination against persons perceived to be of Tutsi ethnicity and their supporters has continued **[3b]**.

5.60 During 2002 in the Ituri district in Orientale Province, fighting between members of the Lendu and Hema ethnic groups resulted in thousands of civilian deaths and the displacement of more than 500,000 persons. UPDF and rebel factions have armed both groups and manipulated ethnic tensions resulting from long-standing land disputes and colonial favouritism to the Hema, to exploit the region's resources. There have been reports that the Rwandan Government has supplied and trained Hema militias led by Thomas Lubanga, while the RCD-ML has supported Lendu combatants **[3b]**.

Homosexuals

5.61 Homosexuality is a taboo subject in the DRC and is disapproved of in Congolese society. It is not a subject that is openly discussed. Homosexual activity is not illegal in the DRC **[24]**. Police arrests of homosexuals may be made when the person concerned has acted without due regard to propriety or acted against public morals but this applies to heterosexuals as well. Male homosexuals are not treated any differently to female homosexuals by the law. Homosexuality in the DRC has traditionally been regarded as a crime against nature and homosexuals could be punished in accordance with local tradition. This might have included being ostracised or segregated **[22c]**. There is no evidence to indicate that practicing homosexuals are at risk of persecution by the security forces or the civilian population. Homosexual activity that is conducted in private and is discreet is tolerated **[24]**.

Human Rights Groups

5.62 In areas under government control, numerous domestic and international human rights NGOs continue to investigate and publish their findings on human rights cases. The Government's Human Rights Ministry has attempted to stop abuses against NGO workers, however, the security services continue to harass some domestic NGO workers **[3b]**.

5.63 The main domestic human rights organisations operating in the country include Comite Droits de l'Homme Maintenant, a national network of human rights organisations; la Voix des Sans Voix (VSV), an active Kinshasa-based organisation; Group Jeremie and Groupe Amos, two Christian-inspired group that have focused on human rights and democracy issues; CODHO, a human rights monitoring group; Toges Noires, an international association of lawyers and judges involved with human rights and Association Africaine de Defence des Droits de l'homme (ASADHO) **[3b]**.

5.64 International human rights organisations operating in Kinshasa include the International Human Rights Law Group, the International Foundation for Elections Systems, Search for Common Ground, Avocats Sans Frontiers-Belgium and the National Democratic Institute. Representatives of other international human rights and democracy NGOs, such as Human Rights Watch Africa and the National Endowment for Democracy, visited the country during 2002 **[3b]**.

5.65 In areas not in government control, there are fewer domestic and international human rights NGOs than in government-controlled territory. The NGOs that are active in rebel-held areas have been subject to harassment, arrests and torture by rebel forces in an attempt to obstruct their reporting. Domestic human rights organisations operating in rebel-held areas include SEDI, a human rights NGO monitoring violations in South Kivu; PAIF, a woman-led NGO monitoring violence against women in the Kivus; RODHECIC, a human rights NGO network active in South Kivu; ARC, a human rights NGO focusing on abuses against religious groups and women and Groupe Lotus, Amis de Nelson Mandela and Justice and Liberation. These NGOs monitor human rights abuses in Kisangani **[3b]**.

Members of Bundu dia Kongo

5.66 The Bundu dia Kongo (Kingdom of Kongo) is a political-religious group centred in the Bas-Congo province (west of Kinshasa) which has campaigned for the independence of the Bas-Congo region from the rest of the DRC. Its adherents have to renounce western and eastern religions. It seeks the restoration of the ancient Kongo Kingdom with its pre-colonial boundaries, which encompass parts of today's Angola, Republic of Congo and Gabon. The centre of the kingdom was located in Bas-Congo Province and in neighbouring Bandundu Province in the DRC. Bundu dia Kongo adherents have protested in the past against former presidents Mobutu and Laurent Kabila. These protests have occasionally ended in the deaths of the groups' adherents, who have themselves sometimes been armed **[18b]**.

5.67 A Bundu dia Kongo demonstration took place in Bas-Congo on 22 July 2002. Bundu dia Kongo adherents believe that all the government and military leadership positions in the region are filled by people outside the region and held the demonstration to protest about this. It was broken up by the security forces who shot dead 14 demonstrators. Provincial authorities suspect Bundu dia Kongo adherents of having set fire to the public prosecutor's office during the night of 7/8 July 2002, completely destroying the building. The leader of Bundu dia Kongo, Bernard Mizele Nsemi, has been accused in a court case of initiating an operation that ended in the deaths of several of his followers and police officers **[18b]**.

Former Soldiers of FAZ and FAC

5.68 Many former Forces Armees Zairoises (FAZ) soldiers fled to Brazzaville in May 1997 in the Republic of Congo (ROC) following the fall of the Mobutu regime. Soldiers who refused to join the newly-formed Forces Armees Congolaises (FAC) set up by former president Laurent Kabila joined them in August 1998. More combatants fled in November 2000 following a failed internal uprising in the FAC forces, and in January 2001, following the assassination of Laurent Kabila. Others have abandoned their fighting positions in northwestern Equateur Province to seek refuge in northern ROC **[18c]**.

5.69 The security situation in the DRC for former FAZ soldiers has improved since Joseph Kabila became president. Many former FAZ soldiers are now serving in the current Congolese army. All the key positions in the FAC high command are occupied by former FAZ soldiers. In 2002, an estimated 20,000 to 25,000 former FAZ soldiers were living in Kinshasa. Former FAZ soldiers who are still living abroad, who are not suspected of collaboration with the rebel forces by the security forces, are not at risk of persecution and can therefore return to the DRC **[24]**.

5.70 The DRC Government has created a committee to oversee the repatriation of more than 4,000 soldiers from the Forces Armees Zairoises (FAZ), the Forces Armees Congolaises (FAC) and their families in exile in the neighbouring Republic of Congo. The International Organisation for Migration (IOM) announced in September 2002 that it would organise the first returns of small groups of ex-FAZ/FAC members and dependents. Upon arrival in Kinshasa, all returns would benefit from reintegration support provided by the programme, which is jointly funded by the IOM and the UN Development Programme (UNDP) **[18c]**.

5.71 A joint technical committee, made up of officials from both governments, IOM and UNDP, will evaluate each case and guarantee - in writing and before the repatriation takes place - that each person returning voluntarily to the DRC is free to return and will not face any problems with the security forces, IOM reported. The repatriation programme will not just apply to ex-FAZ/FAC soldiers but also to former soldiers of Mobutu's Division Speciale Presidentielle or Presidential Guard **[18c]**.

Persons Closely Associated with the Mobutu Regime

5.72 After Laurent Kabila took power in May 1997 from Mobutu, many high-ranking officials of the former Mobutu regime were arrested and imprisoned in the CPRK Prison in Kinshasa. Many managed to avoid being arrested by leaving the country. They were accused of pillaging the country of its wealth for their own enrichment at the expense of the Congolese people. A special government department - the Office for Ill-Gotten Gains (OBMA) - was set up with the aim of redistributing the confiscated wealth, the bulk of which went to the officials of OBMA. The security situation improved for persons closely associated with the Mobutu regime when Joseph Kabila came to power in January 2001, and even more so, after the Sun City Peace Accord was signed in April 2002. A large number of persons closely associated with the Mobutu regime have now returned to the DRC **[24]**.

5.73 None of Mobutu's close relations live in Kinshasa. His two sisters, Bobby Ladadwe and Kossia live in Rabat in Morocco and his two sons Manda and Nzanga live in the paternal residence in Paris. Distant relatives of Mobutu living in Kinshasa have not encountered any problems by the fact they are associated with Mobutu. Negotiations took place in 2002 between Kinshasa and Rabat to repatriate the remains of Mobutu. Fangbi, Mobutu's maternal uncle, has discussed the subject with President Joseph Kabila. If persons closely associated with the Mobutu regime are not suspected of collaboration with the rebel forces by the security forces, they are not at risk of persecution, and can therefore return to the country if they are abroad. Persons who were closely associated with the MPR during the Mobutu regime are not at risk of persecution and can therefore return to the country if they are abroad **[24]**.

Students Involved in the December 2001 University Demonstrations

5.74 Two students were reportedly killed at the University of Lubumbashi on 8 December 2001 when police opened fire on a demonstration involving university students. The demonstrators were protesting about increases in student fees. A concession was made to the students by the Government after the demonstration. The protest was the catalyst for similar protests at the University of Kinshasa a week later **[21b]**.

5.75 Violent incidents took place at the University of Kinshasa on 13 December 2001 when police clashed with students demonstrating about increases in student fees. Tensions between the police and students began on 12 December when police first clashed with students demonstrating to demand a lowering of student fees. Government ministers were reported to have negotiated with the students and a tentative agreement was reached. The ministers were assaulted by students as they tried to leave the university as were police officers sent in to ensure their safety. About 3,000 students clashed with 40 armed police officers. Three policemen were reportedly stabbed to death by the students. More than 400 students were reportedly arrested and detained at the police headquarters known as the Inspection de police de Kinshasa (IPK) on 14 December. Many were subjected to beatings and whippings with military belts and were forced to use earth and sand as toothpaste until their gums bled. They were also made to walk around the paved courtyard of the IPK on their knees. Almost all of the students were released the following day. Eight of the students, who were accused of being the ringleaders, were kept in detention **[11a][21b]**.

Persons Suspected of Involvement in the Assassination of Laurent Kabila

5.76 After the assassination of Laurent Kabila in January 2001, the Government set up a Commission of Inquiry into the assassination. The Commission of Inquiry asserted that the RCD-G rebel group was responsible for planning the assassination with the support of the Rwandan and Ugandan governments but the circumstances of the assassination remain unclear **[11b]**.

5.77 Arrests of persons suspected of being involved in the assassination began immediately after the assassination and included other presidential bodyguards, Colonel Eddy Kapend, members of the armed forces, members of the security forces and at least 45 civilians. Most of the arrests took place between January and March 2001. The Commission of Inquiry, set up by the Government to investigate the assassination, enjoyed unlimited powers to detain suspects without charge or trial. The majority of those arrested came from eastern DRC, in particular the provinces of North Kivu and South Kivu **[11b]**.

5.78 A number of female defendants were arrested solely because they were related to some of the suspects. These women include Anne-Marie Masumbuko Mwali and Rosette Kamwanya Beya, who were arrested in March 2001 and who are both married to a former member of the Congolese armed forces, Major Janvier Bora Kamwanya Uzima. Major Bora had himself been arrested on 20 January 2001 and detained at an unofficial detention centre known as the GLM but he managed to escape from the GLM and fled the country in February 2001. Anne-Marie Masumbuko Mwali was reportedly detained in an unofficial detention centre before her transfer to the CPRK Prison in Kinshasa. Honorine Fonokoko, the wife of Laurent Kabila's alleged assassin, Lieutenant Muzele, has also been on trial **[11b]**.

5.79 The assassination suspects were kept in Wing 1 (pavillon 1) of the CPRK. Initially, the defendants were held incommunicado, with no visits allowed from relatives or lawyers. They were kept under constant armed guard by soldiers of the Zimbabwe Defence Forces, a small contingent which was permanently stationed in the CPRK. Detainees were forbidden to speak to each other. To go to the toilet, detainees were forced to sit on the floor in a row, one in front of the other, and relieve themselves in that position, all the while under armed guard. They were then made to pick up their own excrement with their own hands. Following a visit by the International Committee of the Red Cross in April 2001, conditions in Wing 1 improved. Detainees were allowed one five-minute visit from a relative each week and, for the first time, they were given water to wash in. The detainees subsequently were allowed more regular visits and relatives have been allowed to bring them food. During a visit to Kinshasa in October 2001, Amnesty International delegates sought but were refused permission by the DRC authorities to visit the detainees in Wing 1 **[11b]**.

5.80 The trial of the suspected assassins and accomplices began on 15 March 2002. It was conducted before the Military Order Court in a room at the CPRK normally reserved for prison visits. Almost all of the defendants were charged with capital crimes including the assassination of the head of state, treason and plotting against the regime. None of the defendants were given time to prepare their defence - most were notified of the start date of their trial only two or three days in advance and they were only allowed to meet their lawyers for the first time on the opening day of the trial itself **[11b]**.

5.81 Initially, independent journalists, human rights activists and other members of the public were allowed to attend hearings of the court. The Military Order Court, however, announced that from 2 May 2001 onwards court sessions would be held in private. On 16 September 2001, the public were once again granted access to the court hearings **[11b]**.

5.82 When the trial began, there was a total of some 119 defendants but this number subsequently grew to 135 as further suspects were arrested or added to the charge sheet in the course of the trial. Some defendants were tried in their absence, including Major Janvier Bora Kamwanya Uzima, who escaped from the GLM detention centre in February 2001. Laurent Kabila's alleged assassin, the late Lieutenant Muzele, was also listed as one of the accused. The Government announced in September 2002 that the moratorium on the death penalty, which had nominally been in place for three years, had been lifted. This would allow the Military Order Court to sentence any of the 135 accused with the death penalty if it wished to do so. In October 2002, the prosecution wound up its case by requesting the death penalty against 115 of the 135 accused. **[11b]**.

5.83 On 7 January 2003, the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila. Thirty of the accused were sentenced to death, including Colonel Eddy Kapend. Twenty of those sentenced to death are in prison, while others, tried in absentia, are outside the country. Twenty-seven others were sentenced to life in prison, forty-one were acquitted while the remainder received sentences ranging from two to twenty years of imprisonment. After the sentences were passed, security was tightened at the CPRK Prison, where those of the accused who have been sentenced to imprisonment or death are being kept. The wives of the men who were sentenced to death have not been allowed to visit their husbands and have been prevented from bringing them food and medicines. According to the Director of the CPRK, Dido Kitungwa, the security measures were taken to prevent those of the accused sentenced to death from escaping but also stated that family members would be allowed to visit them at some point in the future **[18d]**.

VI. MISCELLANEOUS ISSUES

Official Documents Issued in the DRC

6.1 Official documents issued in the DRC can be easily forged and genuine documents can be easily obtained by bribing the

relevant official. Due to the prevalence of corruption, poor administrative records and the lack of a standard format for many official documents, it is very difficult to ascertain whether official documents issued in the DRC are genuine [22g]. Genuine official documents can easily be obtained by bribery, and so even if a document has been proven to be genuine, the information contained in it may be false. The documents most frequently falsified are travel documents, generally used to travel to Europe and sold by the producers of these forged documents for a large sum of money [24].

Birth, Marriage and Death Certificates

6.2 It is a legal requirement to register birth, marriages and deaths [22g]. It is very difficult to ascertain whether birth, marriage and death certificates are genuine as that there is no national registry office where copies of birth, marriage, and death certificates are kept. Local authorities issue these documents but do not keep copies for their records [22e].

National Identity Cards

6.3 Congolese citizens are required by law to possess valid identification documents and to carry these documents at all times. National identity cards were issued during the Mobutu regime. After 1997, when the Mobutu regime ended, these identity cards ceased to be officially recognised although they were never formally abrogated. Since 1997, there has been no new law or regulation specifying the official format for identity cards. The only extant decree is that of the Mobutu regime. In practice, old Zairean identity cards tend to be confiscated by the authorities when produced but no replacements are offered. There is no central issuing authority for identity cards. Each Commune or local authority is responsible for producing and issuing identity cards to its residents. These identity cards are produced in different formats as there is no government regulation that states what format these cards should be produced in [22g].

Arrest, Search and Bail Warrants

6.4 Arrest and search warrants are issued by prosecuting magistrates. Bail warrants are issued by court judges to whom the request for bail was submitted. In the case of search warrants, the subject of the search has to sign the form. In each case, the subject of the warrant is shown but not given the warrant. It is therefore not legally possible for a person subject to an arrest to obtain the arrest warrant authorising the arrest from a police officer [22g].

Newspaper Articles

6.5 Only a few newspapers are regularly (daily or weekly) published in the DRC. Most newspapers published in the DRC are published on an irregular basis. Some are only published a few times a year. None of these newspapers have effective editorial control although the managing editor (who usually is the proprietor) may attempt to keep any reports more or less consistent with his views. The regular newspapers employ one or two full-time journalists and rely heavily on contributions from part-time journalists and the general public. Even the most serious newspapers consistently fail to check any facts submitted by journalists/contributors. The result is that genuine newspaper reports are often factually wrong [22g].

“Letters of Support” from Opposition Political Parties

6.6 Some asylum seekers from the DRC may produce “letters of support” from political parties they claim to belong to and submit these documents in support of their asylum claims. There is no standard practice or format in the production of such letters. Any political party that has registered with the Government and has paid the official fee legally exists. The vast majority of political parties have a small membership and are no more than a loose collection of like-minded persons. In these circumstances, it is easy for members of these political parties to obtain “letters of support” signed by anyone generally recognised as an official of the party [22g].

ANNEX A: CHRONOLOGY

1885

Congo Free State established under the sovereignty of King Leopold of Belgium.

1908

Following reports of exploitation and abuses, the Belgian Parliament voted to annex the territory, which was then renamed the *Belgian Congo*.

1959

The Belgian Government announced a timetable leading to independence.

1960

The country gained independence from Belgium on 30 June 1960 as the Republic of the Congo. Kasavubu becomes president and Lumumba becomes prime minister. Political and military disagreements ensued and the eastern provinces of Katanga and South Kasai resolved to secede. Later that year, Col Mobutu, as Army Chief of Staff, suspended political institutions and assumed control of the country. Kasavubu was allowed to remain as President. Lumumba was murdered in 1961.

1964

Rebellions in the Kwilu region and in the South Kivu and northern Katanga provinces were eventually defeated with the help of Belgian troops. The political leader of the eastern separatists, Moise Tshombe, became Prime Minister pending legislative elections, and the country was renamed the *Democratic Republic of the Congo*.

1965

Mobutu again intervened following the political deadlock which ensued from elections. He assumed full executive powers and declared himself the President of the "Second Republic". The legislature was suspended and a five-year ban on party politics was imposed. During this period, power was progressively concentrated in the office of the President. By 1970, no senior politicians remained as potential rivals to Mobutu, the main candidates having been either ignored, or appointed to overseas diplomatic posts, subsequently accused of plotting against the President, and dismissed or arrested.

1970

Presidential and legislative elections were held. Mobutu, as sole candidate, was elected President, and members of a national legislative council were elected from a list of candidates presented by Mobutu's political party, the Mouvement Populaire de la Revolution (MPR). The government, legislature and judiciary became institutions of the MPR and all citizens automatically became party members. In 1971, the country was renamed the *Republic of Zaire* as part of the campaign for African authenticity.

1977

An invasion of Shaba province by former Katangese rebels from Angola was repulsed with assistance from France and Morocco (the First Shaba War).

Mobutu created the post of first state commissioner (equivalent to prime minister) and announced a legislative election for 1980. He was then re-elected unopposed for a further term of office.

The commissioner for foreign affairs, Nguza Karl-i-Bond, was dismissed and sentenced to death for alleged treason, later commuted to life imprisonment.

1978

The military establishment was purged when a number of senior officers and civilians were executed after the alleged discovery of a coup plot.

The "Second Shaba War" occurred when several thousand men, originally from Angola, invaded Shaba from Zambia in May. French paratroopers assisted Zairian forces to recapture Kolwezi, a major mining centre. In June a pan-African peacekeeping force was sent to Shaba and remained there for more than a year.

1982/3

Internal opposition groups became active, notably the UDPS, led by Etienne Tshisekedi, which was then banned, and the FCD coalition, headed by Karl-I-Bond. A substantial political opposition movement in Belgium was also formed. In response to a highly critical Amnesty International report, Mobutu offered an amnesty to political exiles.

1984

Mobutu was again re-elected without opposition and continued with political and financial policies to reinforce his personal position. Two UDPS members were imprisoned for insulting the head of state.

1987

Results of regional and municipal elections were annulled due to alleged electoral malpractice. External opposition continued and several UDPS members, including Tshisekedi, returned to Zaire under amnesty terms. Some UDPS members were appointed to government posts.

1990

Mobutu announced various political changes, including the inauguration of the Third Republic, and a transitional government although he retained his hold on power. Legislation permitting the operation of political parties and free trade unions was enacted, and a special commission to draft a new constitution by April 1991 was announced. Tshisekedi was released from house arrest.

1991

The announcement of a timetable for the restoration of multi-party politics led to the proliferation of political parties, notably, UFERI, led by Karl-i-Bond, and the PDSC, which united with the UDPS, to form a coalition, the USOR.

In April, Mobutu announced a national conference to discuss the drafting of a new constitution, which would be subjected to a national referendum. Widespread anti-government demonstrations followed and forty two people were killed, and many others wounded, when security forces opened fire on demonstrators in Mbuji-Mayi, in central Zaire.

In October, following pressure from France, Belgium and the USA in the wake of the riots, the "government of crisis" was formed, headed at first by Tshisekedi, then by Mungal Diaka, leader of the Rassemblement democratique pour la Republique (RDR). When this failed to gain both internal and external acceptance a new government led by Karl-i-Bond was appointed. The national conference resumed in December, only to be suspended by Mobutu in January 1992.

1992

Under pressure at home and abroad, Mobutu reconvened the national conference in April which then became the Sovereign National Conference (CNS), with power to take legislative and executive decisions, with Mobutu remaining as head of state. The CNS was to prepare a draft constitution for a referendum, and a timetable for legislative and presidential elections. Disagreements between Mobutu and the CNS soon arose over its powers.

In August, the CNS appointed Tshisekedi as transitional first state commissioner, who also clashed with Mobutu.

On 6 December, the CNS dissolved itself and was succeeded by a 453-member high council of the republic (HCR), which again clashed with Mobutu over its stated intention to consider a report on allegations of corruption, and in its declaration of Tshisekedi as head of government.

1993

In January, the HCR declared Mobutu to be guilty of treason and threatened impeachment proceedings unless he recognised the transitional government. Civil disorder again broke out in a brief general strike and campaign of civil disobedience organised by the USOR which resulted in five deaths. .

In March, Mobutu convened a "conclave" of political forces to debate the country's future, which appointed Faustin Birindwa, ex-UDPS, as Prime Minister, in a rival government to that of Tshisekedi and the HCR. Instability and political stalemate ensued in the following months, despite the attempted mediation of a UN envoy. In September, an agreement reached between Mobutu representatives and opposition groups over arrangements for a transitional period failed to finalise over the HCR insistence that Tshisekedi should continue as Prime Minister.

1994

In January, an agreement was reached to form a government of national reconciliation. Mobutu then announced the dissolution of the HCR, the dismissal of the Birindwa government, and a contest for the premiership between Tshisekedi and Molomba Lokoji, to be decided by a transitional legislature - the HCR-PT - which convened and immediately rejected Mobutu's proposal for the selection of a new Prime Minister.

In the following months a number of inconclusive political moves occurred but by July a new administration had been established under Leon Kengo Wa Dondo, which sought to introduce a measure of stability. In October an expanded opposition grouping - USURAL - resumed participation in the HCR-PT, and in November a reformist wing of the UDPS, led by Joseph Ruhana Mirindi, agreed to join the government.

Meanwhile, the country's economic difficulties had been compounded in September by the circulation of some 30 tons of counterfeit Zaire currency. Austerity measures were announced but by December the country's financial reserves were virtually exhausted.

1995

The Kengo Wa Dondo Government continued despite opposition frustration at the failure to finalise a timetable for elections. In July, at an anti-government rally organised by PALU, clashes with the security forces resulted in the deaths of nine civilians and one police officer. A further anti-government demonstration in Kinshasa in August organised by USORAL, which passed off peacefully, was attended by an estimated 5000 Tshisekedi supporters.

1996

In April, it was announced that multi-party presidential and legislative elections would take place in May 1997, and regional and municipal elections in June and July of that year, to be preceded by a referendum on a new constitution in December 1996, later put back to February 1997.

In August, Mobutu left the country for treatment in Switzerland of a serious form of cancer. The hiatus created by his absence and ill-health proved to be a decisive factor in bringing his rule to an end as the Kengo Wa Dondo Government proved unable to deal with the outcome of the rapidly escalating situation in the eastern provinces of North and South Kivu. Rwandan Hutu militia who had taken refuge there in 1994 began to try to carve out an area for themselves with the support of local Hutus, and members of the Zaire armed forces (FAZ), killing and expelling local Tutsis and other ethnic groups. The situation was affected by long-standing ethnic friction in the area. In October, Tutsis in South Kivu were ordered to leave the area provoking a backlash in which combined Tutsi forces supported by Rwandan armed forces made rapid advances against the Hutus and FAZ. What appeared at first to be a regional movement soon gathered momentum and emerged as a national rebellion aiming to overthrow the Mobutu regime. The rebels were joined by dissidents of diverse ethnic origin to form the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL), led by Laurent-Desire Kabila, a former Lumumba aide and opponent of the Mobutu regime since the 1960s. Despite attempts by the government to control the situation the rebel forces continued to make progress in taking over a large area of the east, including the towns of Goma and Bukavu, by the end of the year.

1997

In January, following Mobutu's return from abroad and the formation of a crisis government in Kinshasa, a counter-offensive by Zaire troops failed to make any significant gains and the AFDL forces continued to advance, taking the second city, Lubumbashi, by April. Attempts at mediation between the two sides failed, and with control of all the country's main resources Kabila was in a commanding position.

On 8 April, Mobutu declared a state of emergency, dismissed the government headed by Tshisekedi, who had replaced Kengo Wa Dondo a few days previously, and appointed General Likulia Bolongo as Prime Minister. Following inconclusive peace talks with Kabila mediated by the South African president, Nelson Mandela, Mobutu refused to submit to international pressure and the realities of the situation and resign. On 16 May, however, he left Zaire, having accepted a proposal to transfer interim power to the speaker of the HCR-PT, Monsignor Monsengwo Pasinya. He took refuge with his family and entourage in Morocco, where his health continued to deteriorate and where he died in September.

On 17 May, AFDL troops entered Kinshasa and Kabila declared himself President of the Democratic Republic of the Congo. He announced that there would be presidential and parliamentary elections in April 1999 and a programme of national regeneration would be pursued meanwhile. Kabila also issued a constitutional decree to remain in force until the adoption of a new constitution which allowed him legislative and executive power and control over the armed forces and treasury. Of the previously existing institutions, only the judiciary was not disbanded. A government was formed which, while dominated by AFDL members, also included UDPS and other party members.

In June, a number of senior officials from the Mobutu period were arrested. The UDPS leader, Tshisekedi, was detained overnight after addressing a student meeting.

In July, a protest march against the ban on political activity resulted in three civilian deaths following clashes with troops. The Government blocked efforts by UN investigators to enquire into allegations of massacres by AFDL troops in eastern DRC but subsequently allowed them to resume in November.

In August, a military court was established by decree.

In October, the president appointed a 42-member Constitutional Commission (originally due to be appointed in June) to draft a new constitution by March 1998.

In November, Kabila re-affirmed the ban on public political activity until the holding of presidential and legislative elections in 1999. Clashes between rival army factions took place at the end of the month. It was apparent that Kabila had yet to gain control over the eastern provinces where ethnic violence continued between the Tutsi and Bantu groups.

1998

In February, Tshisekedi was arrested and banished to his native village allegedly because of his continued involvement in subversive political activity in defiance of the ban imposed in May 1997. He was freed in July and returned to Kinshasa. It was reported that government control had been restored in the east, however, clashes reportedly continued and a statement issued by the citizens of Kivu province expressed indignation at the arrest of traditional chiefs and university lecturers.

A government in exile was formed in Brussels headed by Leon Kengo wa Dondo.

In April, the government banned the country's main human rights group AZADHO and took action against other groups. The draft constitution was submitted to the president. The draft was accompanied by a list of 250 names of people who would not be allowed to stand for office which was later disowned.

In May, a decree provided for the establishment of a 300-member constituent and legislative assembly to carry out a number of functions, including the preparation of a draft constitutional bill. Restrictions of previous good character and associations with the Mobutu regime were placed on membership.

In August, reports were received of an organised rebellion from the east of the country which was aiming to topple the regime. The rebels, calling themselves the Rassemblement Congolais pour la Democratie (RCD), were assisted by Rwanda and Uganda who were angered by Kabila's failure to contain attacks on their territory by insurgents based in eastern DRC. The rebels captured a number of eastern towns and made a flight to the west to take other assets, including the country's only port, Matadi, and the Inga hydroelectric dam, which were vital to Kinshasa. They reached the outskirts of Kinshasa by late August but then received a number of military setbacks from government forces who were by then being aided by Zimbabwe, Angola and Namibia, and subsequently by Chad.

The rebels continued to make progress in the east and captured more than one-third of the country by the end of the year.

In October, another rebel group, the Movement for the Liberation of Congo (MLC) joined the fighting in northern DRC.

Later in the year and in early 1999, reports of mass movements of refugees displaced by the war and of atrocities committed by both sides were issued. Kinshasa remained generally calm, although suffering the economic effects of the war. The security situation in government areas outside Kinshasa was dependent on the attitude and ability of the local police or army commander. Diplomatic efforts to end the fighting were inconclusive.

1999

In January, government decrees lifted the ban on public political activity and announced arrangements for registering new political parties. These were widely criticised for being too restrictive.

In April, the government stated that the country needed new-style political parties which should be national in character and not reflect narrow interests and stated that elections could only take place on a nationwide basis. The election that was due to take place in April 1999 was postponed.

A peace accord was signed in Lusaka by the governments of the DRC and other countries involved on 10 July and by the MLC rebel group on 1 August. The RCD factions, however, stayed outside the peace accord for several weeks but on 31 August 1999, signed the peace deal. Attention turned to the next steps of setting up arrangements to monitor the ceasefire and to hold a national debate about restoring central administration and to pave the way for elections.

In August/September, the UN Special Rapporteur visited the country. He expressed concern at human rights issues on both the government and rebel sides and made recommendations.

Despite the ceasefire agreement, violations of the ceasefire by both the government forces and the rebel groups were reported.

2000

In January, peace talks were held at the UN Headquarters in New York to discuss the political impasse in the DRC which is protracting the conflict between the rebels and the government forces. President Kabila of the DRC was in attendance as well as representatives of the other African nations involved in the conflict.

Following the peace talks at the UN Headquarters in January, the UN decided to send 5,037 troops to the DRC to support the work of the 500 ceasefire monitors.

Violations of the ceasefire agreement by both the Government forces and the rebel groups continue to be reported. New ceasefire agreement in April fails to bring lasting peace. Serious fighting between Ugandan and Rwandan forces in Kisangani.

Transitional parliament set up by President Kabila.

Peace talks between the warring parties in Lusaka in Zambia in August aimed at ending war completely fails.

2001

On 16 January, President Laurent Kabila was assassinated in Kinshasa. He was given a full state funeral. His son - Joseph Kabila - was sworn in as the new President of the DRC.

In February, representatives from the six warring countries and the three main rebel groups attended a United Nations Security Council meeting in New York on the DRC in February 2001. In a resolution negotiated with all the parties, the Security Council demanded that rebel forces withdraw an initial 15 km from their current positions by 15 March 2001 and plan for a complete withdrawal by 15 May 2001.

In May, the Commission of Enquiry into the assassination of Laurent Kabila produced its findings in a report which accuses both the Ugandan and Rwandan Governments and the rebel RCD rebel group of plotting the assassination and a coup.

Also in May, a law is passed allowing registered political parties to engage in political activity legally subject to certain conditions.

In October, the Government, opposition political parties, armed groups and members of civil society met in Addis Ababa to start the Inter-Congolese Dialogue (ICD). The aim of the ICD is to resolve the conflict between rebel forces and the Government and to agree the setting up of an interim government until free democratic elections are held. The DRC Government pulled out of the talks which were subsequently re-scheduled to take place in South Africa.

2002

On 17 January, on the DRC's joint border with Rwanda and Uganda, the Nyirangongo volcano erupted. The eruption caused a lot of destruction in the nearby RCD-G stronghold of Goma. Up to 500,000 people were forced to leave the town although most of these people returned. There were impressive efforts to repair the damage to Goma by local residents but much of the town's infrastructure remained severely damaged.

In February, the Inter-Congolese Dialogue starts again in Sun City in South Africa, which led to a peace deal in April between the Government and most of the rebel forces but RCD-Goma did not sign up to the agreement.

On 15 March, the trial of the 135 persons suspected of involvement in the assassination of Laurent Kabila began. It was conducted by the Military Order Court in the CPRK Prison in Kinshasa. Almost all of the defendants were charged with capital crimes. In October, the prosecution wound up its case by requesting the death penalty against 115 of the 135 accused.

On 30 July, a peace agreement was signed in Pretoria in South Africa by Congolese President Kabila and Rwandan President Kagame. Under the terms of the peace agreement, the DRC Government promised to disarm and arrest thousands of Hutu rebels and send them to Rwanda within 30 days. In return, the Rwandan Government will withdraw 30,000 of its troops who are based in eastern DRC within 15 days. The whole withdrawal process is intended to be completed within 45 days. The Hutu rebels have not recognised the agreement as they claim they were not consulted.

In September 2002, the Government announced that the moratorium on the death penalty, which had nominally been in place for three years, had been lifted.

By the end of the year, most of the foreign troops based in the DRC had left the country.

2003

On 7 January, the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila. Thirty of the accused were sentenced to death, including Colonel Eddy Kapend. Twenty of those sentenced to death are in prison, while others, tried in absentia, are outside the country. Twenty-seven others were sentenced to life in prison, forty-one were acquitted while the remainder received sentences ranging from two to twenty years of imprisonment.

On 2 April, delegates from all parties to the conflict in the DRC signed a power-sharing peace deal in Sun City, South Africa. The DRC Government, rebel movements, opposition political parties and representatives of civil society agreed to set up a transitional government to oversee democratic elections due to take place in 2005. President Joseph Kabila is to retain his current position as President of the DRC and will be the head of this transitional government and will be supported by four vice-presidents from rebel groups and the civilian opposition. It was also agreed that rebel fighters should be merged into a new national army.

ANNEX B: PROMINENT PEOPLE PAST AND PRESENT

Jean-Pierre Bemba

Leader of the Movement for the Liberation of Congo (MLC). Son of business magnate Bemba Saolona. The Bemba family, which was closely associated with Mobutu before his fall, has wide-ranging business interests.

Emile Ilunga

Leader of RCD-Goma rebel faction until November 2000 when he was deposed. A long-time political activist from Shaba (Katanga).

Joseph Kabila

Son of Laurent Kabila and current President of the DRC. He was appointed as the President of the DRC in January 2001 after the assassination of his father - Laurent Kabila.

Laurent Desire Kabila

Former President of the DRC. He was the leader of AFDL forces which toppled Mobutu in May 1997 after a prolonged military campaign which started in the east of the country. He became President of the DRC in May 1997 and remained the president until his assassination in January 2001.

Colonel Eddy Kapend

Former head of the former president's special presidential staff and aide-de-camp to the late Laurent Kabila. He was arrested as a key suspect by the security forces after the former president Laurent Kabila was assassinated in January 2001. Kapend was formally charged in March 2002 with conspiracy and the murder of the late Laurent Kabila. In January 2003, Kapend was sentenced to death by the Military Order Court.

Nguza Karl-i-Bond

Lunda ethnic origin. Minister in Mobutist governments in the 1970s. Sentenced to death in 1977 for alleged treason, the sentence was commuted to life imprisonment. Reinstated to government post in 1979. Leader of FCD in 1982. Leader of UFERI in 1990. First state commissioner on 22 November 1991 under Senegal proposals for new constitutional arrangements.

Justine Kasavubu

Appointed ambassador to Belgium by former president Laurent Kabila. She resigned and formed an opposition party in exile in Brussels in June 1998.

Frederic Kibassa-Maliba

Founder member of UDPS and president of USORAL 1994-6. During this period he was involved in a power struggle with Tshisekedi. Appointed Minister of Mines in Kabila government in 1997.

Roger Lumbala

Current leader of the RCD-National rebel faction of the RCD.

Patrice Lumumba

First Prime Minister after independence was granted in 1960. Leader of MNC (Mouvement national Congolais) which favoured the creation of a federal state. In the post-independence secession of Katanga, Lumumba lost control to Kasavubu who was supported by Mobutu. He was murdered in February 1961. The current Lumumbiste party (PALU) support similar federalist views.

Felix Mumbere

Current leader of the RCD-Originaire rebel faction of the RCD.

Mbusa Nyamwisi

Current leader of the RCD-ML rebel group.

Joseph-Desire Mobutu (Mobutu Sese Seko Kuku Ngbendu Wa Za Banga after 1971)

Took control of the country in 1965 and remained President of the DRC until 1997. From 1965 to 1990 opposition activity was banned and power was concentrated in Mobutu's hands and those of his immediate supporters. Eventually, in 1990, amid allegations of corruption, extravagance and human rights abuses, Mobutu announced a return to pluralist politics and promised elections and a constitutional referendum, which never took place. In August 1996, Mobutu left the country for 4 months for cancer treatment. During his absence, the AFDL rebels led by Kabila extended the revolt which had arisen from ethnic tensions in the east and eventually took control of the whole country in May 1997. Mobutu and his family left for Morocco where he died in September 1997.

Adolphe Yemba Onusumba

President of RCD-Goma rebel group since November 2000 replacing Emile Ilunga.

Etienne Wa Mulumba Tshisekedi

UDPS founder member and leader. During the 1990s, he was at the centre of the political activity following Mobutu's 1990 announcement of a return to a multi-party state, often in conflict with other leading figures, including Mobutu and with members of his own party. In April 1996, divisions with Kibassa-Maliba led to a power struggle for control of the party. During the last days of the Mobutu regime Tshisekedi continued to be excluded from the government although he again held the premiership briefly in April 1997. In early 1997, his faction of the UDPS declared its support for the AFDL takeover. After they came to power, however, he refused to recognise the new regime and was not offered a post in the new government.

Ernest Wamba Dia Wamba

Chairman of the RCD from the start of the rebellion in August 1998. He was later ousted by the Goma-based faction of the RCD led by Emile Ilunga and became the head of RCD-ML.

ANNEX C: GLOSSARY

AFDL

Alliance des forces democratiques pour la liberation du Congo-Zaire. Ruling party of former president Laurent Kabila on coming to power. Mainly Tutsi and comprising 4 political parties, all from eastern DRC: PRP (Popular Revolution Party), founded by Kabila in 1967; PDA (Peoples Democratic Alliance led by AFDL Secretary-General, General Bugera, and comprising largely Congolese Tutsis, the Banyamulenge; RMLZ (Revolutionary Movement for the Liberalisation of Zaire) led by Masusu Nindaga, mainly supported by the Bashi in the Bukavu area; and, NCRD (National Council for resistance for Democracy) led by the late Andre Kisase Ngandu, supported by the Luba tribe. In April 1999, Laurent Kabila dissolved the AFDL.

ANR

National Intelligence Agency (Agence Nationale de Renseignements). One of the Government's security forces. The ANR shares responsibility for internal and external security with the CNS, including border security matters.

ASADHO

Formerly AZADHO. Association Africaine de Defence des Droits de l'homme. One of the DRC's main human rights organisations.

Banyamulenge (Congolese Tutsis)

Congolese Tutsis of Rwandan origin. Long-term residents of South Kivu. Formed the basis of the AFDL group which brought Laurent Kabila to power but now compromised by association with Rwandan opposition to the Kabila regime. Tutsis were systematically persecuted by the security forces and Congolese people from other ethnic groups in August 1998 when the RCD rebellion against the Laurent Kabila regime started.

Banyarwanda

Collective name for Congolese people of Rwandan origin, either Hutu, Tutsi or Twa. Those in DRC living mainly in North Kivu but without equal nationality and land ownership rights, a situation which led to violent ethnic conflicts, especially after the influx of Rwandese Hutu refugees in 1994, when thousands were massacred.

CODHO

Comite des Observateurs des Droits del'Homme. One of the DRC's main human rights organisations.

Committee for State Security

Replaced the National Security Council. As of June 2002, acts as a co-ordinating body for national security rather than a security force.

Congolese Liberation Front

Formed in January 2001 following a merger between the MLC and RCD-ML and backed by the Ugandan Government. The leader was Jean-Pierre Bemba. In June 2001, the CLF split back into the MLC and RCD-ML. The CLF was in control of the areas that were in the control of the MLC and RCD-ML.

DEMIAP

Military Detection of Anti-Patriotic Activities. One of the Government's security forces.

DGM

Direction Generale de Migration. Government security force with immigration control responsibilities.

DSP

Special Presidential Division. One of the security forces of the former Mobutu regime.

FAC

Forces Armees Congolaises or Congolese armed forces of the present regime

FAZ

Forces Armees Zairoises or Zaire armed forces of the former Mobutu regime.

GSSP

Special Group for Presidential Security. One of the security forces of the present regime. Responsible for presidential security.

ICRC

International Committee of the Red Cross.

Interhamwe

Rwandan Hutu militia groups who lived in refugee camps in Kivu. Responsible for most of the massacres which took place in Rwanda during the genocide and involved in the ethnic clashes in Kivu. Controlled many of the refugee camps in the Kivus. Dispersed with the camps but many groups are still in eastern DRC and opposing Rwandan military involvement in the country. They are allied with government forces but operate independently.

Kadogos

Swahili word for "little ones". This term is used by Congolese people to describe child soldiers in the army.

La Voix des Sans Voix

One of the DRC's main human rights organisations.

Lusaka Peace Accord or Lusaka Ceasefire Agreement

This ceasefire agreement was signed in Lusaka by representatives of the DRC war combatants - DRC, Namibia, Rwanda, Uganda, Zimbabwe and Angola on 10 July 1999 and by the MLC rebel group on 1 August 1999. On 31 August 1999, the RCD also signed the peace agreement.

Mai-Mai

Militia based in North Kivu, drawing support from local tribes and opposed to Rwandan occupation. They are allied with government forces but operate independently.

MLC

Mouvement de Liberation du Congo. Rebel group which emerged in late 1998 in northern DRC. Operating in Equateur province with Ugandan backing. Leader - Jean-Pierre Bemba.

MONUC

United Nations Organisation Mission in the DRC created in August 1999.

National Security Council (CNS)

The CNS was one of the Government's security forces and shared responsibility for internal and external security with the ANR, including border security matters. Replaced by the Committee for State Security in 2002.

Rapid Intervention Forces (PIR)

One of the Government's security forces.

Rassemblement Congolais pour la Democratie (RCD)

Former rebel group. Formed by rebels in August 1998. Split into two separate groups in 1999: RCD-Goma and RCD-Kisangani (later renamed RCD-ML). The leader of RCD-Goma is Adolphe Onusumba and the leader of RCD-ML is Mbusa Nyamwisi. A faction of the RCD-ML, called the RCD-National (RCD-N) has recently formed. The leader of RCD-N is Roger Lumbala. Another RCD faction, called RCD-Originale (RCD-O) has recently formed. The RCD-O leader is Felix Mumbere.

RDF

Rwandan Defence Force (Rwandan army), formerly the RPA (Rwandan Patriotic Army)

RPF

Rwandan Patriotic Front. Tutsi-dominated movement which forced out the Hutu regime in Rwanda following the 1994 genocide.

SARM

Service d'action et de Renseignements Militaires. SARM was the military security agency of the former Mobutu regime.

SNIP

Service National d'Intelligence et de Protection. SNIP was the civilian security agency of the former Mobutu regime.

UPDF

Ugandan army.

ANNEX D: LIST OF THE MAIN POLITICAL PARTIES [1][2][4]

Forces Novatrices pour l'union et la Solidarite (FONUS)

Based in Kinshasa. Advocates political pluralism. President - Joseph Olenghankoy. Secretary General - John Kwet

Forces Politiques du Conclave (FPC)

Based in Kinshasa. Formed in 1993. Alliance of pro-Mobutu groups. Chairman - Jean Nguza Karl-I-Bond

Forces Pour le Salut du Congo (FSC)

Formed in June 2000 by former supporters of former president Mobutu. Leader - Jerome Tshisimbi.

Mouvement Congolais pour la Democratie

Based in Kinshasa. Formed in 1982. Supports the aims of the late Patrice Lumumba. Sec Gen - Jean-Pierre Makuna wa Katenda

Mouvement National du Congo-Lumumba (MNC-Lumumba)

Based in Kinshasa. Formed in 1994. Coalition of seven parties, including PALU. Led by Antoine Gizenga; supports the aims of the late Patrice Lumumba.

Mouvement Populaire de la Revolution Liberation du Congo (MPR)

Formed in 1966 by Mobutu. Sole legal political party until 1990. Advocates national unity and opposes tribalism. Sec Gen - Kithima Bin Ramazani. Leader (vacant)

Organistes des Progressistes du Congo

Based in Kinshasa.

Parti Democrate et Social Chretien (PDSC)

Formed in 1990. Member party of the Sacred Union of the Radical Opposition (USOR) political umbrella group. President - Andre Bo-Boliko Lokanga. Secretary General - Tuyaba Lewula.

Parti Lumumbiste Unifie (PALU)

Formed in 1964 by Antoine Gizenga (minister in Lumumba's government)

Parti du Peuple pour la Reconstruction et le Developpement (PPRD)[15f]

This is a new political party set up in 2002 by President Kabila's closest political allies.

Union des Federalistes et Republicains Independants (UFERI)

Based in Kinshasa. Formed in 1990. Seeks autonomy for the Katanga province. Dominant party in the USOR. Leader - Kouyoumba Muchuli Mulembe

Union pour la Democratie at le Progres Social (UDPS)

Based in Kinshasa. Formed in 1982. Leader - Etienne Tshisekedi Wa Mulumba. Secretary General - Dr Adrien Phongo Kunda. The UDPS was formed in the early 1980s as an attempt to establish an opposition party within the then Zaire to counter the arbitrary rule of the Mobutu regime.

Union pour la Republique (UPR)

Based in Kinshasa. Formed in 1997 by former members of the MPR. Leader - Charles Ndaywel.

Union Sacree de L'Opposition Radicale (USOR)

Based in Kinshasa. Formed in 1991. Comprised of 130 movements and factions opposed to Mobutu in which the UDPS was the dominant party. A radical internal faction, known as the Union Sacree del'Opposition Rdicale et ses Aliies (USORAL) emerged in 1994 . President - Frederic Kibassa Malaba

Union Sacree Renovee (USR)

Based in Kinshasa. Formed in 1993 by several ministers in former Government of National Salvation. Leader - Kiro Kimate.

ANNEX E: REFERENCES TO SOURCE MATERIAL

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