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REPORTERS SANS FRONTIERES
ZAIRE 1995

Population: 42.48 million

Area: 905,564 square miles

Form of government: Institutional confusion due to conflicting laws

Per capita GDP: 220 dollars

Illiteracy: 26%

School attendance: 37.9%

Languages: French (official), Lingala, Swahili

Will the situation in Zaire finally explode in 1995? More than ever, the country is split between rival authorities: under the constitution, the legal head of government is Etienne Tshisekedi, but real power is in the hands of prime minister Kengo wa Dondo, a former opposition politician who moved over to the government camp. And then long-standing dictator Mobutu Sese Seko is still hovering in the background of political, economic and military affairs... This general confusion,

cleverly orchestrated by Marshal Mobutu, greatly benefits the administrative mafia, the army and local businessmen, who are enjoying something of a free-for-all. In these circumstances, news is a luxury for the vast majority of Zaireans.

The press has mixed feelings about the first six months of the Kengo wa Dondo government. On the one hand, the new prime minister has shown a degree of goodwill, allowing Reporters Sans Frontières to set up two independent radio stations in Bukavu and Goma for Rwandan refugees, for instance. In August he started negotiations to improve the status of journalists and the press, and in September he made it easier for foreign reporters to obtain visas to enter Zaire. On the other hand, the media are still kept under surveillance. Only a few weeks after the new government was formed, the information minister officially received a delegation of nine journalists who had been dismissed by the head of the state broadcasting authority *OZRT*, Stéphane Kintutu Oleantwa. He refused, however, to order that they should be given their jobs back. Worse still, the Cabinet threatened publishers, journalists and printers that "the government has instructed the justice minister to take all relevant steps to ensure that the author, publisher or printer of a press crime is brought to court for trial and, where appropriate, sentenced according to the laws of the republic". Another disappointment is that state broadcasting has remained under direct government control. To drive home the point, a detachment of the infamous Special Presidential Division has been posted permanently outside the *OZRT* building.

As if legal and military pressure were not enough, the government does not hesitate to have open recourse to violence. Two journalists, Pierre Kabeya and Adolphe Kavula, were killed and their bodies mutilated because they wanted to break the law of silence. Official investigations have come to nothing. It seems probable that the murders will remain a mystery - like the disappearance five years ago of Elvis Asana, of the daily *Elima*, who went missing while investigating a massacre of students in Lubumbashi.

There were just as many arbitrary arrests in 1994 as in previous years, although people are usually detained for only a short time. Open assaults and threats, however, do seem to be decreasing - apparently because the government, anxious not to tarnish its image on the world stage, has found a more subtle way of keeping journalists quiet. Under the heading of "political message", most publications will sell space where the buyer - often a local politician - can publish whatever news he wants. This is happening with the growing connivance of journalists, who often agree to write up these "messages" in the form of fake interviews.

Another new factor in this enormous country is the virtual disappearance of all internal means of communication. The telephone system does not work, the postal service is highly unreliable and roads are no longer safe. And although some Kinshasa newspapers still reach other major cities like Kisangani and Lubumbashi, regional newspapers are not available in the capital. Moreover, of the 30 titles available in Zaire in 1992, only six are still publishing.

The new cellular phone network that is eventually supposed to replace the traditional system is prohibitively expensive and therefore only concerns a tiny minority of users. Radio phones, which enable companies to keep in touch with their regional offices, have taken off in a big way, but their

development is being closely monitored by military intelligence, especially in the Kasai region. Buying and importing a radio phone is easy; the problems begin when you want to use one in Zaire. A permit from the National Intelligence and Protection Service (SNIP) is required, as well as the approval of the communications ministry.

An official of the Association of Zairean Journalists commented: "The central government has deliberately created and maintained this situation [the restriction of internal communication] to prevent people outside Kinshasa from knowing what is going on in the capital and other regions."

Gradually, sub-Saharan Africa's biggest country is slipping into the shadows. Violence and corruption are rife, and a general atmosphere of denunciation and incitement to hatred reigns. "What if the Balubas were hunted everywhere?" ran the headline in the government daily *Salongo* in early September. The Balubas, inhabitants of the Kansai region, have for the past three years been the victims of a violent ethnic cleansing campaign in Shaba province. And they are not alone. On 8 November TV presenter Ntumba Matolu called on Zaireans to drive out the "Lebanese" - a general term for any traders of North African or Middle Eastern origin. Such threats have to be taken seriously in a country that is now home to the people running *Radio Libre des Mille Collines* and other Rwandan extremist stations which proved their influence during the genocide of the Tutsis.

Murders and disappearances

On the morning of 9 June 1994 Pierre Kabeya, a legal columnist with the weekly *Kin-Matin* and a supreme court clerk and bailiff, was found dead near the Loano military camp in Kinshasa's Kintambo district.

The previous day, at around 5pm, he had submitted an article to *Kin-Matin* about the review of a trial concerning the student massacres at Lubumbashi: students considered close to the opposition were killed by a Kinshasa commando in May 1990. The journalist was probably on his way home after having dinner with his sister when he was kidnapped, tortured and killed. His body had stab wounds, both his legs had been broken and his eyes torn out. A copy of *Kin-Matin* had been left nearby, suggesting that Kabeya was killed because of his work as a journalist. One of his colleagues commented: "A clerk does not make laws, but a journalist gives his opinion." Despite the suspicious circumstances of the death, no official inquiry, including one carried out by the supreme court, has reached any conclusions.

Adolphe Kavula, editor of *Nsemo*, was found seriously injured in a forest near Kasangulu, Bas-Zaire province, on 12 November. The journalist, a member of the national committee of the opposition Union for Democracy and Social Progress, had gone missing after being kidnapped near his home by an armed commando on 28 October. He died of his injuries shortly after being admitted to the Ngaliema clinic in Kinshasa, without being able to tell what had happened to him. The killing was probably linked to the publication of the story behind the seizure of 30 tonnes of banknotes at an airport - an affair in which the army was implicated.

Arrests, imprisonment and torture

Belgian journalist and film maker Thierry Michel was arrested at the offices of the Brussels-Wallonia Centre in Kinshasa by the SNIP on 3 March. He was kept in solitary confinement for more than 30 hours, allowed no contact with the outside world, and interrogated several times. The next day he was deported from Zaire for "suspicious activities and giving intelligence to a foreign power". Thierry Michel had made a hard-hitting documentary about Marshal Mobutu's government called "Zaire, the Cycle of the Snake".

Lumu Nseyia was held illegally at SNIP headquarters from 15 to 18 March. She was blamed for "discourteous" remarks made on the radio by her husband, Kalala Mbengu, known as Kalao, a columnist with the daily *Les Trompettes des Tropiques* who has been living in exile since his release from jail in 1993. The *BBC*, *Voice of America* and *Radio France Internationale* had broadcast his comments.

During May Alain Mushabah of *La Tempête des Tropiques* was arrested by the SNIP and detained for several days.

In early June four journalists from *Point Zaire*, Nestor Mazangu, Pascal Mukumbi, Nzonzila Ndozwau and Michel wa Tshimbi, were arrested on the orders of the state prosecutor at Kinshasa appeal court. The authorities had not appreciated a report on the hijacking of 350 tonnes of rice and frozen fish by the leader of the ruling People's Revolutionary Movement.

Wilfried Owandjikoy, editor of *La Tempête des Tropiques*, was kidnapped by armed men on 22 June. He was taken to army headquarters and brutally interrogated before being released ten hours later. An article published in his newspaper referring to "political cliques" and "state terrorism" was probably behind the incident.

The editor of *La Référence Plus*, Ipakala Abeyi Mobito, his wife and two of his reporters, Valère Bisweku and Kazadi Mbayo, were kidnapped on 24 June on their way back from doing a feature in Kinkole. They were stopped 40 miles outside Kinshasa by the civil guard, acting on the orders of Colonel Nzingo, known as Zing-Zong and younger brother of General Baramoto, the civil guard's commander. The four were taken to Kimbomango military centre and detained for several hours until the centre commandant demanded their release. All their belongings were given back to them except their money.

Attacks and physical violence

At about 4pm on 21 February members of the civil guard burst into the offices of the newspaper *L'Analyse*, cut telephone lines, immobilised the guards and took away all the newspaper's files, equipment and supplies.

Tshomba Shako, a photographer with *La Référence Plus*, was assaulted by soldiers in early July. He was arrested, forced to board a Jeep with no licence plates and later dumped near the Kinshasa military zone. His camera and other belongings were stolen.

On 9 July Joseph Ngouala, a Congolese journalist and Brazzaville correspondent for the French news agency *AFP*, was violently attacked by refugees during a visit to Goma.

Threats and harassment

Journalist Jean Belly Mubikayi received death threats over two controversial reports that appeared in *Les Palmarès*. The first, published on 22 December 1993, said that a provincial governor deserved an "exemplary punishment" and the second, dated 15 March 1994, alleged that an official had received more than 200,000 dollars from the national Olympic committee. The journalist was obliged to go into hiding from December 1993 until April 1994.

On 27 April three armed men burst into the offices of *Umoja* looking for one of the newspaper's journalists, who was fortunately away that day.

At about 10 am on 29 April the owner and editor of the opposition newspaper *Umoja*, Léon Mukanda Lunyama, narrowly escaped a fourth kidnap attempt by a commando believed to be led by an officer of the Special Presidential Division. He had already received several threatening letters and phone calls. The harassment was the result of a series of articles in *Umoja* criticising the "Mobutu system". In the spring, when he was due to take part in the annual conference of the International Federation of Newspaper Publishers, Léon Mukanda Lunyama was prevented from catching a plane by members of the Military Action and Intelligence Service. No official reason was given why he could not leave the country. The editor of *Umoja* has been living in virtual hiding ever since.

Bosenge Yema of *L'Essor Africain* was threatened with arrest by Colonel Chovu, prosecutor of the Zairean armed forces, in early May. The army was unhappy about a report accusing Major Kabe Boyi, nephew of the head of state's wife, of involvement in the murder of Lieutenant Ikomo.

On 3 August Modeste Mutinga Mutuishayi, publisher and managing director of the *Le Potentiel* press group, received an anonymous phone call threatening to kidnap him and his family. No reason was given for the threat, which might have been linked to the opinions expressed in his publications.

Obstacles to the domestic free flow of information

After organising ethnic cleansing in Shaba province, governor Gabriel Kyungu wa Kumwaza banned distribution of any newspaper from outside the province edited by a non-member of the Katanga ethnic group - and especially by anyone belonging to the Kasai people. Regional radio and television are the governor's favourite propaganda weapons. "In Kinshasa the *OZRT* is in the hands of Kasais. Here in Katanga we can't tolerate that", he said. The only newspapers the provincial governor allows on open sale are those that support the ethnic cleansing campaign started against the Kasais in 1993. Examples are *Le Katangais* and *Le Lushois*.

On 4 January the weekly *Mukuba*, published in Shaba, was banned by Kyungu wa Kumwaza for publishing "libellous" reports. The newspaper had been investigating cobalt smuggling by the Shaba regional authorities.

A unit of the civil guard confiscated all copies of the Kinshasa newspaper *Le Phare* on 16 April and burned them in the central square at Lemba. Street sellers of the newspaper were detained and kept in solitary confinement for several days.

Administrative, legal and economic pressure

The *OZRT* journalists suspended in 1993 because of their links with the opposition were finally dismissed and are still waiting for the matter to be sorted out. So far all they have received is vague promises. Jean-René Mputu-Biduaya, Mathieu Elonge Osako and Charles Dimandja Wembi, of Zairean television, and radio staff Léonard Mulamba Kalala, Charles Djungu Simba, Michel Museme Diawe, Joseph Kafuka Rujamizi and Simplicie Kalunga wa Kalunga, as well as Sylvestre Ntumba-Mudingayi, who is only "suspended", have still not been given an official explanation for the sacking.

Kin Kiey Mulumba, editor of *Soft*, was taken to court by the government in February for "publishing false information". A report had described networks operating within the national bank to carry out large-scale embezzlement.

During July the government tried to introduce a special procedure to make it easier to prosecute journalists, who naturally protested at the move. In August the government went back on the offensive and set up a committee to reform existing legislation. Journalists called on to take part decided to boycott the committee, which includes members of the SNIP as well as politicians and magistrates.

A Cabinet statement issued on 27 August by information minister Masengabio Nzanu announced that the government had asked the justice minister to make sure that journalists, publishers and printers who had committed press crimes did not go unpunished. To justify the decision, the Cabinet said it had noticed many journalists "infringing professional regulations by writing, printing and distributing untruths that might jeopardise peace, national harmony and public safety". The statement continued: "Is it necessary to recall that any incitement to violence or war and any attack on freedom and individual rights are forbidden and will be dealt with by the law?" These threats made journalists wonder about the prime minister's real motives for respecting press freedom.

In October the information minister urged the editors of *Umoja* and *Le Phare* to reveal their sources for stories about the protests that greeted Kengo wa Dondo when he visited Mbuji-Mayi, a town in the opposition heartland.

Obstacles to the international free flow of information

Alain Shungu Ngongo, a regional correspondent for Reporters Sans Frontières, was stopped by border guards in April as he was trying to take some copies of the organisation's annual report into Zaire. he was freed a few hours later but the reports, described as "subversive", were confiscated. They were eventually returned to him after a senior Zairean official intervened. One of the copies was to be given to the information minister on International Press Freedom Day, 3 May.

In early September Simone Remon, a journalist with the Belgian broadcasting authority, was refused a visa for Zaire. In a recent report, she had been critical of the Mobutu regime. The Zairean prime minister, on an official visit to Belgium, was questioned about the refusal during a press conference in Brussels. He told reporters: "From now on, journalists will have no difficulty in obtaining visas."

Interventions by Reporters Sans Frontières

On 30 March Reporters Sans Frontières expressed strong concern about the arbitrary sacking of journalists at the Zairean broadcasting authority *OZRT*.

On 2 May RSF expressed anxiety about threats made to Léon Mukanda Lunyama, owner and publisher of the opposition newspaper *Umoja*, and to the weekly *Renaissance*. The organisation also protested about the seizure of the April issue of *Le Phare* by the civil guard.

On 6 July RSF was astonished to learn of the murder of Pierre Kabeya of *Kin-Matin*, and asked the authorities to open an inquiry into the circumstances of his death.

On 3 August RSF expressed concern about diminishing press freedom in Zaire after a series of attacks on reporters and photographers.

On 16 November RSF condemned the killing of the editor of *Nsemo*, Adolphe Kavula.

On 8 December RSF called on the 15 members of the United Nations Security Council to adopt a compulsory resolution asking UN member states, and especially Kenya and Zaire, to take all necessary steps to have the exiled Association of Rwandan Journalists banned, as well as the Rwandan newspapers *Amizero* and *Kangura*. The newspapers had resumed publication in Goma, Zaire, and Nairobi, Kenya.

On 21 December RSF called on the secretary-general of UNESCO, Federico Mayor, to draw the attention of the Zaire representative to the renewed activities of extremist Rwandan journalists in the Goma and Bukavu refugee camps.