

CONGO

(DEMOCRATIC REPUBLIC OF THE)

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Head of state and government: Laurent-Désiré Kabila

Capital: Kinshasa

Population: 46.7 million

Official languages: French, Kikongo, Kiswahili, Lingala, Tshiluba

Death penalty: retentionist

The war, which started in August 1998 and involved the forces of at least eight countries and numerous armed groups, continued. Fighting escalated as did unlawful killings and other human rights abuses by combatants. Thousands of unarmed civilians, mainly in the east of the country, were unlawfully killed. Several hundred thousand people fled to neighbouring countries and as many as one million were internally displaced. Ill-treatment and torture, including rape, were widespread. The government and its armed opponents persecuted their critics and clamped down on the rights to freedom of expression and association. Some 200 people were sentenced to death by a government military court; as many as 100 of them were executed.

Background

The armed opposition — composed of the Rassemblement congolais pour la démocratie (RCD), Congolese Rally for Democracy, and the Mouvement pour la libération du Congo (MLC), Movement for the Liberation of Congo — continued to be supported by forces of the governments of Burundi, Rwanda and Uganda. Democratic Republic of the Congo (DRC) government forces continued to be supported by those of the governments of Angola, Namibia, Zimbabwe and reportedly Sudan. Chad withdrew its forces after signing a peace agreement with the DRC government and Uganda in April. The two other parties to the agreement, which was mediated by Libya, did not implement it.

By the end of the year, the armed opposition and allied foreign forces had captured most of eastern, northern and central DRC from forces loyal to the government. A number of Congolese armed groups known as mayi-mayi, as well as others including Rwandese interahamwe militia and former Rwandese government forces, continued to attack opposition forces and their foreign backers in eastern DRC after forces loyal to the government were routed. In September, President Laurent-Désiré Kabila appointed several mayi-mayi commanders to senior military posts.

RCD factions and their allies carried out widespread unlawful killings and other human rights abuses against unarmed civilians suspected of supporting the

government and local armed groups. Their armed opponents also committed abuses.

Early in the year the RCD split into two factions; one supported by Uganda and the other by Rwanda. Disagreements over control of captured territory and the war strategy culminated in several days of fighting in August in the capital of Orientale province. In December, the RCD factions and the MLC announced that they had agreed to form a common front against the government.

All forces involved in the fighting obtained extensive arms and recruited thousands of combatants, including children as young as 10.

Most people in the DRC were victims of either direct attacks by combatants or of hunger and disease. Services such as education and health collapsed. Most ordinary Congolese lost their livelihoods and most government employees were rarely paid, if at all. Whereas foreign forces on both sides of the conflict were reportedly paid, Congolese combatants were generally not paid, and became increasingly undisciplined, living on extortion and looting from already impoverished civilians and humanitarian organizations.

Government-controlled areas

Unlawful killings

Although extrajudicial executions by government forces were far less widespread than in late 1998, many unarmed civilians were killed as a result of direct or indiscriminate attacks. Some of the victims were reportedly killed by government forces who suspected them of supporting armed opposition groups and their allies. Many civilians were reportedly killed when government aircraft indiscriminately bombed areas in which there were high concentrations of unarmed civilians.

✉ In January government soldiers reportedly killed several hundred unarmed civilians in the northwestern towns of Zongo and Libenge, which were under attack by MLC and Ugandan troops.

✉ From May onwards, dozens of unarmed civilians were reportedly killed when the air forces of the DRC, Zimbabwean and Sudanese governments bombed the towns of Goma, Uvira and Kisangani.

Political prisoners

At the start of 1999 more than 1,000 people were being held for their known or suspected opposition to the government. The majority of the detainees, including members of opposition political parties, journalists, human rights defenders and members of the Tutsi ethnic group, had not used or advocated violence and were considered prisoners of conscience. Most of them were released during the year.

Members of the opposition

As many as 200 members of opposition political parties were detained for periods ranging from a few days to several months because they had failed to abide by a 1997 presidential decree banning opposition political party activity. Most of those

detained were members of the Parti lumumbiste unifi (PALU), United Lumumbist Party, and of the Union pour la démocratie et le progrès social (UDPS), Union for Democracy and Social Progress.

At least 76 members of PALU were arrested during July and held in detention centres around Kinshasa. Seventy-two of them, including 70-year-old Albert Mputucieli, 67-year-old Louis Nkwese, and Alexandre Tata, were held until mid-December when the government released most political prisoners.

Several UDPS leaders in Lubumbashi were arrested because they were linked to documents criticizing the government. Professor Kambaji wa Kambaji, a lecturer in sociology at the University of Lubumbashi, was arrested on 30 July. Tabu Kalala Mwin Dilemb, President of the UDPS for the province of Katanga, and Tshiwadi Shamuyi, were arrested in August. All three were still being held in the central prison in Kinshasa at the end of the year.

Journalists

Dozens of journalists were arrested, intimidated or harassed, often for writing or publishing articles critical of the government or its policies. Most journalists arrested during 1998 and 1999 were released. However, several remained in custody, some after they had been sentenced to prison terms by the Military Order Court.

Mbakulu Pambu Diambu, a journalist with a private television station and President of the local division of the Union de la presse du Congo, Congolese Press Union, was still held at the end of 1999; he had not been formally charged with any offence. Mbakulu Pambu Diambu had been arrested by the Agence nationale de renseignements (ANR), National Intelligence Agency, in Matadi at the end of November 1998 because he hosted a television program on which representatives of the armed opposition appeared.

Thierry Kyalumba, editor of the newspaper *La Vision*, was sentenced to four years' imprisonment by the Military Order Court for divulging state secrets. He had been arrested in January after his newspaper published an article refuting a government claim that an armed opposition leader was dead. He was repeatedly beaten in custody. He escaped in May while recovering from an operation for appendicitis and left the country.

Human rights defenders

Human rights defenders were targeted by the authorities for demanding respect for the rights of ordinary Congolese citizens.

Sister Antoinette Fari, a Roman Catholic nun and veteran prison humanitarian worker, was arrested by the ANR in Lubumbashi on 5 November. A day earlier, she had been questioned by the ANR for two hours about her work with prisoners at Buluo prison. She was transferred to Kinshasa before being conditionally released on 7 December.

Union and student leaders

Trade unionists and student leaders were subjected to human rights violations for demanding that the government pay salary arrears to government

employees or allowances to students.

Celestin Mayala, Malu Tshisongo and at least seven other trade union leaders accused of organizing a workers' strike were arrested on 3 August by members of the Rapid Intervention Police in Kinshasa. They were held at the headquarters of the Kinshasa Provincial Police, where they were reportedly beaten before their release two days later without charge.

Persecution of Tutsi

The government and its supporters continued persecuting members of the Tutsi ethnic group and others who had family or other links with them. They were accused of supporting the RCD and their allies. Several dozen who had been in hiding since late 1998 were arrested and joined hundreds of others arrested soon after the armed conflict started. The government claimed that the Tutsi were being held for their own protection. During the second half of the year, the government succumbed to international pressure and released most of the Tutsi detainees. Several hundred were taken to Rwanda while others were taken to Benin and Cameroon on the understanding that those fulfilling US immigration regulations would be allowed temporary residence in the USA. However, the vetting process had not started by the end of the year.

Torture and ill-treatment

Many people were threatened with or subjected to violence, including torture, at the time of their arrest by members of the security forces. There were reports that women were raped and men had their genitals beaten and pulled in custody. Conditions in detention centres, particularly those run by the security forces, often amounted to cruel, inhuman or degrading treatment.

Clovis Kadda, a journalist, was arrested on 22 September and taken to Kinshasa military headquarters for questioning. After the authorities established that he was a relative of an armed opposition commander, he was severely beaten by members of the security forces, four of whom reportedly administered 57 lashes. He was released the following day and went into hiding. Clovis Kadda was still suffering from his injuries at the end of the year.

Military Order Court

The government increasingly used the Military Order Court as a weapon against its opponents. Although the Court was set up in August 1997 to try soldiers accused of military offences, it also tried civilians accused of political and economic offences. Trials by the Court were fundamentally unfair and contravened international law and standards. The decree setting up the Court specifically denies defendants the right to appeal to a higher jurisdiction. Those convicted could only appeal to the President for clemency, but in some cases the execution of those sentenced to death took place so soon after the trial that it was doubtful that President Kabila had been able to consider appeals for clemency. Opposition political leaders and journalists critical of the government or its policies were among those convicted and sentenced to prison terms by the Court on political charges. In many cases defendants

had no access to legal counsel and, when they did, lawyers did not have sufficient time to examine the evidence, interview witnesses and adequately prepare a defence.

Death penalty

As many as 100 civilians and soldiers were executed, virtually all of them in the first half of the year. The victims had been sentenced to death by the Military Order Court which had found them guilty of criminal offences including armed robbery and murder. Some of them were soldiers convicted of cowardice, desertion or other military offences. In a letter to the UN Secretary-General and in a meeting with AI in July, the Minister for Human Rights said that his government was making plans to abolish the death penalty. However, the Minister said that abolition would occur sooner if the government received material assistance to reform and equip the judiciary and the penal system.

Areas under rebel and foreign control

Unlawful killings

Thousands of unarmed civilians were victims of deliberate and arbitrary killings by armed opposition groups and their allies from Burundi, Rwanda and Uganda. Most of the killings occurred during or soon after armed clashes between RCD and allied forces on one side and mayi-mayi and allied armed groups on the other. Most of the victims appeared to be women, children and the elderly who had not been able to flee or had not fled because they did not expect to be targeted by combatants.

☞ Local human rights groups said that as many as 800 unarmed civilians were killed by RCD and allied troops from Burundi and Rwanda at Makobola in South-Kivu province at the beginning of January. The attack was apparently to avenge fellow combatants killed by mayi-mayi. A team sent by the RCD to investigate the massacre claimed that only 23 people had been killed, while at the same time calling for another investigation. No such investigation is known to have occurred.

☞ RCD soldiers publicly killed at least 12 women — some of whom were buried alive after being tortured and raped — accused of witchcraft in Mwenga, South-Kivu, between 15 and 20 October.

In Orientale province, many of the killings were carried out by Ugandan and Ugandan-backed RCD troops. These forces reportedly participated in the killing of hundreds of members of the Lendu ethnic group in the context of intercommunal violence between Lendu and members of the Hema ethnic group in Ituri district.

Armed groups opposing the RCD and its allied foreign forces also deliberately killed and abducted unarmed civilians, including many women.

☞ In October at least four women were killed by mayi-mayi in Walungu, South-Kivu, accused of helping RCD soldiers.

Political prisoners

Dozens of suspected or known critics of the war waged against the government by RCD and allied forces were arrested and detained by the RCD and their allies for periods ranging from a few days to several months. Many were arrested and held in secret or unofficial detention centres, including private houses, on unsubstantiated accusations that they supported the mayi-mayi or the interahamwe militia. Some of those arrested were journalists and human rights defenders targeted for denouncing human rights abuses committed by forces opposing President Kabila.

☞ Raphael Wakenge, a member of the human rights organization *Héritiers de la Justice* was arrested on 27 August by the RCD in Bukavu. His arrest was apparently linked to the arrest two days earlier of journalists Mushizi Nfundiko Kizito and Omba Kamengele, accused of using their radio receiver to listen to sensitive military transmissions. Raphael Wakenge had been producing human rights programs on Radio Maendeleo, where the two journalists worked before the RCD closed it in July. All three were released on 8 September.

Torture and ill-treatment

Many of those arrested by the RCD and their allies were reportedly subjected to beatings, rape and other forms of torture while in custody.

☞ Francine Ngoy, a 22-year-old woman, was arrested in Goma in May and ill-treated in a military detention centre. She was accused of collaborating with President Kabila's government. In November, she was transferred to Gisenyi, in northwestern Rwanda, where she was still held in military custody at the end of the year.

☞ Several prominent people were arrested and tortured in November by the Ugandan-backed RCD faction in Butembo. On 11 December, just 11 days after their release, one of them, *D* sir Lumbu Lumbu, died from a brain haemorrhage believed to have been caused by torture.

International action

Although they resisted pressure from the DRC government to condemn the invasion of its territory by neighbouring countries, the UN, the Organization of African Unity and the European Union called for an end to the armed conflict in the DRC. In April the UN Security Council passed a resolution demanding an end to the conflict and an inquiry into violations of human rights and international humanitarian law as soon as the security situation permitted. These organizations supported mediation between the main parties to the conflict by Zambian President Frederic Chiluba. The mediation culminated in the signing of a cease-fire agreement by the governments of Angola, the DRC, Namibia, Rwanda, Uganda and Zimbabwe in July, and by the armed opposition groups in August. However, fighting continued as the opposing forces accused each other of violating the cease-fire.

In August the UN Security Council authorized the

deployment of military liaison officers to prepare for the deployment of a peacekeeping force. The liaison officers visited the countries involved in the conflict, but the peacekeepers required by the cease-fire agreement had not been deployed by the end of the year. A threat by the European Union to suspend aid to countries continuing the fighting was only implemented to any significant degree against the DRC and Zimbabwe.

AI country reports and visits

Public statements

- Scores of executions in the Democratic Republic of Congo (AI Index: AFR 62/015/99)
- Amnesty International urges peace negotiators to place the protection of DRC human rights defenders on the agenda (AI Index: AFR 62/019/99)

Visits

AI delegates visited Tanzania and Zambia in September and interviewed Congolese refugees. Other AI delegates visited parts of the DRC under government control in August and eastern DRC in November.