



***Report on roving attaché mission to Kinshasa,  
Democratic Republic of Congo***

***Entry procedures and the situation of the political opposition etc.  
in Kinshasa***

***19 - 22 August 2001***

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## Background to the mission and terms of reference

On 12 June 2001 the Danish Refugee Board deferred consideration of a number of asylum cases involving Congolese nationals, in order for further information to be obtained on entry arrangements in Kinshasa. More specifically, the Board wanted details of the risk that rejected asylum seekers from the Democratic Republic of the Congo (DRC) who are escorted by foreign officials to Kinshasa's Ndjili airport will be detained upon arrival. On 18 June 2001 the Danish Immigration Service announced that, following a fact-finding mission to Cairo (Egypt), Khartoum (Sudan) and Nairobi (Kenya), it would go on to visit Kinshasa (DRC) and look into the matter. The mission to Kinshasa was carried out from 19 to 22 August 2001.

The Immigration Service carried out a roving attaché mission to Kinshasa in September 1999, the findings of which are published in *the report on the roving attaché mission to Bujumbura, Burundi, and Kinshasa, Democratic Republic of the Congo, from 8 to 18 September 1999* (Copenhagen, October 1999). That report gives various information on entry arrangements in the DRC (pages 30 to 32), in the light of which the Refugee Board called for the report to be brought up to date.

For the 1999 mission to the DRC, the Immigration Service received assistance from the Swedish Embassy in Kinshasa, which arranged the delegation's meetings and helped with a number of practical matters. With that in mind, as Denmark has no permanent representation in Kinshasa, the Swedish Embassy was contacted again ahead of the mission in August 2001, when it once more offered its assistance and arranged the delegation's meeting, etc. in Kinshasa.

In Kinshasa, meetings were held with a number of western embassies and local human rights organisations. The embassies consulted all represent countries with experience of expulsion of rejected asylum seekers to Kinshasa's Ndjili airport. The human rights organisations consulted have worked with western embassies in Kinshasa and some of them have been involved in monitoring expulsions to that airport.

The information on entry arrangements and human rights contained in this report relates to

conditions in Kinshasa only.

## Introduction

The political situation in the DRC has changed somewhat since September 1999, when the Immigration Service last visited Kinshasa (as mentioned earlier). The country's President, Laurent-Desiré Kabila, was killed in a military coup on 16 January 2001 and his son, Joseph Kabila, installed as the new President shortly afterwards. Several sources considered the son keener than his father to reach a peace agreement with the rebels in the east of the DRC and their foreign allies.

The 1999 Lusaka agreement thus still stands and the "inter-Congolese dialogue", a national dialogue between the government, the opposition and the rebel forces, holds out fresh hope for a peaceful solution to the DRC's political disputes and armed conflicts. Various sources pointed out that these factors have helped bring a measure of *détente* in relations between the opposition and the government, which has in turn brought an improvement in the human rights situation in Kinshasa, including for the opposition. A few sources did not share that view, however, believing the situation unchanged.

## **1. Entry arrangements for rejected asylum seekers**

According to source A (a representative from a western embassy in Kinshasa), in that embassy's experience, the authorities in the DRC would rather not accept enforced expulsion of rejected asylum seekers. The authorities strongly oppose having Congolese nationals escorted back to Kinshasa by foreign police officers after living abroad. In addition, the authorities are very anxious that those expelled should bring all their belongings back with them from abroad and not have to leave them behind in the country in which they were living. The representative added that the DRC authorities have threatened that any foreign police officers escorting, say, a rejected asylum seeker back to the DRC will be arrested upon arrival in the country. There are no difficulties with voluntary repatriation, provided the returnee holds a normal travel document, i.e. a valid passport.

The authorities in the representative's home country used to expel rejected asylum seekers to the DRC up until 1997, moreover, but no expulsions had been carried out since September 1997. The position between the authorities in the representative's home country and the authorities in the DRC was said to be that no enforced expulsions to the DRC could be undertaken. That approach had been explained by the authorities as being a matter of dignity for those expelled. As an alternative to a unilateral expulsion procedure, the representative suggested that foreign authorities could try to reach a readmission arrangement with the relevant authorities, i.e. the *Direction Générale de Migration* (DGM), in the DRC. In the representative's view, that might be possible, as the government is very interested in improving its and the country's image abroad. Clearly, however, some arbitrariness on the authorities' part was to be expected, but the representative believed a rejected asylum seeker would generally stand a good chance of being able to enter the country without any difficulty, provided a readmission arrangement had been reached with the authorities.

The above source added that Congolese nationals re-entering the country after living abroad in Europe, say, do not automatically risk having their belongings confiscated at the airport, although there are instances of airport officials taking action of that kind. The situation has nevertheless improved since Joseph Kabila came to power early in 2001. As regards the risk of ill-treatment of anyone who might be detained on political grounds upon arrival, the source reported that there is a

risk of this, but detainees would normally be released after a day or two. The source denied that such people would risk serious ill-treatment or torture in detention.

According to source B (two representatives from a western embassy in Kinshasa), the authorities in their home country suspended expulsions of rejected Congolese asylum seekers to the DRC on 16 January 2001, following the coup in which President Kabila was killed. The embassy regularly reports back on conditions in the DRC and in early May 2001 the go-ahead was given in its home country for a resumption of expulsions, as it was again considered safe to carry them out to Kinshasa. The point was made that the authorities in the expelling country have a readmission arrangement with the DRC authorities, including agreement that the DGM will be notified in advance of impending expulsions, which is done about ten days beforehand. The agreement is not set down in writing, but was described as a "mutual understanding". The representatives added that no precise figures are available on the number of expulsions carried out, as there is a considerable difference between numbers expellable and numbers actually expelled. However, they said that about ten expulsions a week are planned, although by no means all of them are carried out. A number of expulsions are cancelled on account of difficulties in preparing and implementing them. The representatives explained that it is virtually impossible to expel anyone unwilling to cooperate with the expelling authority and the escorts on the journey home.

The embassy representatives reported that the readmission arrangement between their home country authorities and the DRC includes forcible expulsion of rejected asylum seekers. They added that embassy representatives are not always present at Ndjili airport when those expelled from the embassy's home country arrive. All expulsions are, however, agreed with the DGM in advance and arranged in cooperation between the DGM and the expelling country.

The representatives made the point that it is better if the expelling authority does all it can to keep a low profile upon arrival in Kinshasa. The embassy works with local human rights organisations – the *Association Africaine de Défense des Droits de l'Homme* (ASADHO), the *Ligue Nationale pour les Élections Libres et Transparentes* (LINELIT) and *La Voix des Sans-Voix pour les Droits de l'Homme* (VSV) – in monitoring expellees' reception at Ndjili airport. They are escorted to

Kinshasa by very experienced police officers, since expulsions can involve considerable difficulties. The representatives pointed out that it is the police escorts, rather than expellees themselves, who are in danger of ill-treatment upon arrival in Kinshasa. Police escorts therefore do not leave the aircraft while in Kinshasa, as they would risk arrest. There are instances, moreover, of other countries' police officers experiencing serious problems with the airport authorities.

Despite this state of affairs, the two embassy representatives reported that it is possible to cooperate with the DGM in Kinshasa if a good relationship can be established with that authority. They somewhat regretted the need to reach a readmission arrangement with the DGM, as maintaining a good relationship could at times prove labour-intensive. However, the two representatives cautioned against, for instance, allowing an official delegation from the DRC to visit the expelling country in order to consolidate relations between the relevant authorities in the two countries. They had learned from their own experience that such a visit may in fact end up causing difficulties for further cooperation.

As to whether those expelled have met with any problems upon arrival in Kinshasa, the representatives were not aware of any particularly serious difficulties having been experienced. There were the usual problems, that is to say the DGM holds expellees for further questioning for a day or two, for more detailed checking of their identity, after which they are released and free to go home. As a rule, the authorities will inform expellees' relatives that they have now arrived in the country and can be fetched from the airport. It was pointed out that, by way of travel documents, expellees will normally hold a *laissez-passer* issued by the expelling authority, which may make it hard for the authorities to establish their identity straight away.

The two representatives added that it is very important for those expelled to be well-dressed, well-groomed and in good shape generally upon arrival in Kinshasa. The country in question does not allow them to take all their belongings back with them to the DRC, but rather requires that these be sold off before expulsion. This applies to larger items of property, which by their nature cannot be carried on a passenger aircraft. Up until a few years ago, however, those expelled were able to take back some belongings, such as a radio, but it turned out that such items nearly always went



missing upon arrival, amid the tumult at Ndjili airport, as can happen for that matter when anyone arrives there.

The embassy representatives explained lastly that they do not carry out any subsequent monitoring of those expelled, after they have entered the DRC, on the grounds that there are no serious difficulties upon entry or afterwards and monitoring would take up a great deal of resources. The representatives knew of no cases at all involving any serious problem over the last year. They added that the administrative courts in their home country have conducted a thorough review of a number of expulsion cases concerning the DRC, without ever finding there to have been serious problems in any such case.

Catherine Brosseron, Vice-Consul at the French Embassy in Kinshasa, had no reports of any Congolese expelled from France experiencing human rights problems upon arrival in Kinshasa. The Congolese expelled from France had all committed criminal offences there. No rejected asylum seekers had been expelled, as they all disappeared before they could be. Those expulsions carried out were of criminals and had nearly always been fraught, both during the flight, with problems on board the aircraft, and in transit in another country. Until recently, expulsions were carried out via Cameroon, but Cameroon would no longer allow those forcibly expelled to pass through the country, expellees having often vanished in transit there. A decision had now been taken to have those expelled from France pass through another African country, although that route had not as yet been tried out. Only one person had been expelled from France to Kinshasa in 2001: a criminal, escorted by four French police officers.

Brosseron added that it is a French legal requirement for the French state to have concluded a readmission agreement with the country to which an expulsion is to be carried out. The agreement between France and the DRC is thus an intergovernmental agreement and not just an agreement between authorities in the two countries.

Erik Backman, Minister, Chargé d'Affaires *ad interim* at the Swedish Embassy, reported that no Congolese nationals had been expelled from Sweden during his time in charge in Kinshasa, i.e.

since October 2000. He could not say whether there had been difficulties with any earlier expulsions.

Jean-Joseph Mukendi wa Mulumba, Supreme Court barrister, Executive Secretary of the *Institut des Droits de l'Homme* (IDH) and political adviser to the leader of the prominent opposition *Union pour la Démocratie et le Progrès Social* (UDPS), explained that only a limited number of rejected Congolese asylum seekers have been expelled from Europe since the beginning of the civil war in the DRC. He had not heard of any serious problems regarding those expulsions carried out over the last year. No human rights organisations in the DRC had reported any difficulties for expellees. He nevertheless advised that anyone to be expelled should be provided with a passport issued at a Congolese embassy, lest they be suspected by the authorities of belonging to, say, a rebel group in the DRC.

Mukendi wa Mulumba added that any readmission arrangement with the DGM does not give a cast-iron guarantee that expellees will not meet with any difficulties upon arrival in Kinshasa. There can be no certainty that the DGM will honour such an agreement and there is thus a risk of losing credibility by reaching an agreement which may not hold. He would therefore advise the expelling authority against contacting the DGM in advance of any expulsion. Consideration could, however, be given to arranging for a local human rights organisation to monitor the arrival at Ndjili airport.

Two representatives from an international organisation in Kinshasa took the view that the Congolese authorities, i.e. the DGM, should be contacted in some way in advance of any expulsion of a rejected asylum seeker. Their organisation had been in touch with the DGM about expulsion cases on a number of occasions. On the scope for expulsions other than by prior agreement with the authorities, the representatives reported that the authorities usually give a negative response to the country expelling anyone, owing to the indignity involved in the entire expulsion process. Expellees may first have been detained for some while in the country in which they sought asylum and some had told the international organisation's two representatives that they were "treated like animals" in the course of expulsion. The two representatives explained that most expellees with

whom their organisation has come into contact report having received grossly humiliating treatment, including being handcuffed and subjected to racist behaviour by the expelling country's authorities. They added that, under such circumstances, there is a risk of those about to be expelled suffering violence, as they will normally resist expulsion. The two representatives would not class such abuses as torture, however, regarding this as an exaggeration. Their information on the matter came from people themselves expelled to Kinshasa by authorities abroad.

The two representatives went on to explain that those repatriated to Kinshasa also risk rough treatment upon arrival. However, they did not consider the Congolese airport authorities' treatment of returnees to be as harsh and heavy-handed as that meted out to expellees by the expelling country's authorities. Most returnees further complained to the two representatives' organisation that they had been living for a long while in the country in which they sought asylum, but were not allowed to bring their belongings back to the DRC with them. They therefore returned home empty-handed and had to start life afresh in a country which they had left years ago. The two representatives realised that some of the Congolese repatriated had been living abroad illegally, but still deplored the way in which they had been treated by the authorities in the countries where they had sought asylum.

The two representatives added that their organisation usually contacts the DGM about reports of rejected asylum seekers being expelled from foreign countries. The DGM sometimes, however, withholds details of expellees' position, including of any questioning upon their return. The representatives found this deplorable, explaining that their organisation has an agreement with the government enabling the organisation to monitor the human rights situation in the DRC. They were therefore dissatisfied with the DGM's response to the organisation's enquiries. They went on to report that, on returning, expellees are sometimes detained for days and may suffer heavy-handed treatment, although this cannot be described as torture. Whether there has been any improvement in conditions for rejected asylum seekers sent back was unclear to the two representatives, as the DGM had not shown any real willingness to cooperate with their organisation.

When asked whether it would be advisable for a foreign authority to reach agreement with the

DGM in advance of an expulsion under escort to Kinshasa, the two representatives replied that, provided the agreement in question complied with international standards, their organisation would support such a move.

A further comment made was that the attitude taken by the DGM and other authorities towards repatriated Congolese who have sought asylum abroad may be to suspect them of having tarnished the DRC's image during their time abroad. They may as a result face harassment by the authorities, which is commonplace. Another point to be borne in mind is that anyone politically active in the DRC in the past who has sought asylum abroad on that account, but now been repatriated, may fall under suspicion of being critical of the country's present regime.

On the recommendation of the Swedish Chargé d'Affaires in Kinshasa, Erik Backman, the delegation consulted Floribert Chebeya Bahizire, head of *La Voix des Sans-Voix pour les Droits de l'Homme* (VSV), who considered the security situation for those expelled to Kinshasa to be the same as in 1995, when VSV last produced a report on it. In 1995 there had been examples of expellees disappearing on their way home from the airport. VSV therefore tried to be present at Ndjili airport for the arrival of Congolese expelled from foreign countries and offered to escort them home from the airport. They were often expelled in batches of from five to twenty people. VSV representatives could frequently see both soldiers and police in the airport area, but they would merely attempt to extract money from the expellees, who were regarded as well-off after having been to Europe.

Expellees sometimes faced harassment and threats, but Chebeya Bahizire made the point that it has never been successive governments' deliberate policy to detain or harass Congolese expellees. It is just a case of officials taking it upon themselves to cause trouble for expellees at the airport. That is to some extent still the situation now and he repeated that, in spite of claims to the contrary, there are no instances of the government or the authorities having been responsible for harassment of expellees arriving at Kinshasa's airport. In those cases in which expellees have met with trouble at the airport, individual military and/or police officers have been responsible for the abuses. He avowed that people repatriated to Kinshasa from abroad who reported serious harassment upon

arrival, including conscription for service at the front, were not telling the truth.

Chebeya Bahizire was aware that there are exile groups and organisations in Europe which utterly reject his and VSV's information, but maintained that those groups and organisations merely base their assertions on asylum seekers' and expellees' own statements, whereas his organisation checks its facts. He conceded that there are instances of some harassment and hence insecurity for expellees at the airport, but emphasised once again that this is entirely attributable to individual officials.

Chebeya Bahizire added that his organisation has, upon request, taken on monitoring of rejected asylum seekers expelled from a number of European countries, including Germany, the Netherlands and Switzerland. About a month earlier, for instance, a delegation from Switzerland had visited Kinshasa to discuss expulsion issues with VSV. He also suggested that the DGM in Kinshasa be contacted in advance of an expulsion. Where agreement had been reached on an expulsion, he did not believe any kind of harassment, etc. would be met with in the course of expulsions to Kinshasa.

Also on the recommendation of the Swedish Chargé d'Affaires in Kinshasa, the delegation consulted Jérôme Bonso, head of the *Ligue Nationale pour les Élections Libres et Transparentes* (LINELIT), who explained that it has advised a number of western embassies in Kinshasa and on their behalf monitored expulsions from Europe to Ndjili airport. There had in the past been instances of difficulties with such expulsions under the old Kabila regime, but he did not know of any cases of problems for returnees under the new Kabila regime.

To illustrate the kind of assistance supplied to western embassies by LINELIT, Bonso instanced three or four expulsion cases in November and December 2000, when LINELIT had been present at Ndjili airport, at the French Embassy's request, for expulsions from France. There had not been any problem over those expulsions, as both the Congolese authorities and LINELIT had been informed of them in advance. He considered this arrangement very positive, making the entire expulsion procedure open and straightforward.

Bonso pointed out that it may prove difficult to assess entry arrangements and security for anyone expelled to Ndjili airport, as the composition of the airport staff changes daily. Nor does the DGM have full control of the airport security service, which may entail a risk of ill-treatment of expellees upon arrival. In the light of this, he called upon any country which expels people to Kinshasa, apart from cooperating with the DGM, also to work with a local human rights organisation engaging in monitoring of expellees upon arrival at the airport. If such was considered necessary, local human rights organisations would also be able to carry out further monitoring of expellees after their arrival in the DRC.

Bonso added that anyone expelled from Denmark should be given a chance to bring his belongings with him. There were cases in which expellees had not been able to do so, which had sparked off some criticism in the DRC.

## 2. Position of the political opposition, the press and human rights organisations

According to Erik Backman, Chargé d'Affaires at the Swedish Embassy in Kinshasa, there is now hardly any persecution of the political opposition in Kinshasa. All political parties can operate freely, with no significant difference in conditions as between registered and unregistered parties. Representatives of both kinds of parties regularly meet with government ministers.

In Backman's view, the political climate in Kinshasa has taken a considerable turn for the better during the year, with the government's attitude towards the political opposition now dramatically improved. Since Kabila junior came to power in January 2001, there has been no politically motivated imprisonment of opposition politicians. Some journalists have nevertheless been arrested, but held for only a very short while, normally being released after just 24 hours in detention. Backman emphasised that there is no longer any politically motivated persecution, but added that there are still instances of abuses by the police, who in practice continue to enjoy impunity. Such abuses usually take the form of harassment, but in virtually all cases are not politically motivated. About a hundred people are being held in connection with the killing of ex-President Kabila. They still face prosecution, but the case is confined to Kabila's murder.

Source A (a representative from a western embassy in Kinshasa), like Erik Backman, reported there to be no persecution of the political opposition in Kinshasa. The source also pointed out that a number of daily papers to be regarded as radically opposed to the government are published in the DRC. Those newspapers are not closed down, nor have journalists working for them been persecuted by the authorities. In the source's view, since Joseph Kabila came to power in January 2001, the situation for the opposition has improved considerably.

Two representatives from an international organisation in Kinshasa believed some Congolese to have sought asylum abroad for good reasons, e.g. on account of harassment by the authorities. They nevertheless drew a distinction between Kabila senior and Kabila junior, although people who took refuge outside the DRC under the old regime may well also have reason to fear the new one.

Objectively, however, there has been a general improvement in the human rights situation in comparison with that under the old Kabila regime. Political liberalisation has been seen with regard to the opposition and there are grounds for optimism. The two representatives described the national human rights conference held in the DRC earlier in the year as inspiring. The main problem now is firstly the security service, which needs reforming, and secondly the legal system, which is virtually non-existent. The security service largely operates as it sees fit and lacks responsible leadership, with impunity generally posing a serious problem. The point was made that it remains crucially important for Congolese asylum cases to be individually considered in specific detail.

Jérôme Bonso, head of the *Ligue Nationale pour les Élections Libres et Transparentes* (LINELIT), reported that on 17 May 2001 President Kabila announced that the country's political parties could be re-established. This has not, however, brought full political freedom or freedom of speech in the DRC. There are examples of press conferences and political rallies being cancelled by the authorities. In Bonso's view, this shows the government to have been more interested in improving its image in the eyes of the outside world than in supporting genuine improvements in the DRC. There continue to be cases of torture and other serious abuses committed against political opponents. To illustrate such abuses, he produced a list of UDPS members attending a demonstration in Kinshasa on 30 July 2001 who had been arrested, although they were all released shortly afterwards. Virtually all of those arrested had been subjected to torture, according to Bonso, in the form of beating by the police, with some subsequently having been hospitalised. The problem is compounded by the impunity enjoyed by police officers committing such abuses.

Bonso went on to explain that there is no freedom of speech for political parties in the DRC. The security service keeps watch on party leaders and monitors their activities. The UDPS leader, Etienne Tshisekedi, and other leading opposition politicians thus risk suffering abuses, although rank-and-file members do not normally risk abuses at the authorities' hands. The UDPS finds itself particularly singled out as a focus of the authorities' attention.

Bonso added that human rights campaigners may also tend to attract the authorities' attention and



hence risk arrest and abuses. For instance, Golden Misabiko Baholelwa, the head of the *Association Africaine de Défense des Droits de l'Homme* (ASADHO) in Katanga province, was arrested on 5 February 2001.

Bonso had himself in the past experienced problems with the authorities, when his LINELIT made public the Lusaka agreement. He came close to arrest but, having been supported by a number of western embassies, managed to evade its clutches. LINELIT in fact receives financial assistance from the USA, Canada, France, the United Kingdom and the Netherlands.

Floribert Chebeya Bahizire, head of *La Voix des Sans-Voix pour les Droits de l'Homme* (VSV), reported Misabiko Baholelwa currently to be in prison in Kinshasa. He had been arrested in Katanga, but was transferred to Kinshasa. According to Chebeya Bahizire, Misabiko Baholelwa has been imprisoned for publicly condemning the killing of a senior general in the DRC.

Chebeya Bahizire stated that there is general freedom of speech and political freedom in the DRC, but the security services – the *Agence Nationale de Renseignements* (ANR) and the *Détection Militaire des Activités Anti-Patrie* (DEMIAP) – pose a human rights problem. Both have, for instance, recently made threats against VSV on account of its investigation of a torture case. He confirmed that impunity represents a serious human rights problem and is commonplace in the DRC. The human rights situation has generally remained unchanged in the DRC over the last few years, with the behaviour of the ANR and DEMIAP showing there still to be problems.

Chebeya Bahizire knew of just one case which he would class as purely political. It involved the detention of a Congolese national, Kibanacha, who had returned home after attending a conference for Congolese exiles in Stockholm (Sweden) about a year and a half ago. Kibanacha had been arrested upon returning and was still being held in Kinshasa's former Makala prison (now known as the *Centre Pénitentiaire et de Rééducation de Kinshasa* (CPRK)). Chebeya Bahizire had visited Kibanacha in prison, where the prisoner had not been subjected to physical torture. He could nevertheless report that other prisoners have been tortured and there are any number of instances of ill-treatment of inmates of that prison.

Chebeya Bahizire explained that VSV is an independent organisation which regularly issues human rights reports and visits prisons and detention centres, although it is working in a difficult environment, as the security service in some cases interferes with human rights organisations' work. The government tolerates VSV's activities, but there are instances of the authorities harassing the organisation.

Chebeya Bahizire added that a large number of western representations in Kinshasa, including the Belgian, Netherlands, French, German, Swedish, Swiss and Canadian Embassies, frequently consult VSV, as did the UN Special Rapporteur on the human rights situation in the DRC, Roberto Garretón, during his latest visit to the country, in July and August 2001.

According to Jean-Joseph Mukendi wa Mulumba, Supreme Court barrister, Executive Secretary of the *Institut des Droits de l'Homme* (IDH) and political adviser to the leader of the opposition UDPS, the government has recently introduced minor political liberalisation in relation to the opposition. He saw the inter-Congolese dialogue as a key factor behind that liberalisation. Provided that dialogue remains on track, there are grounds to hope for real political freedom in the DRC. He pointed out, however, that the *Parti Lumumbiste Unifié* (PALU), *Forces Novatrices pour l'Union et la Solidarité* (FONUS) and UDPS still come up against problems with the authorities. In particular, he mentioned the UN Special Rapporteur's reference to the UDPS and PALU as forming a focus of the authorities' attention. Harassment or suppression of those parties' activities takes various forms. For instance, quite a large number of UDPS members were arrested in July and August 2000, as reported by the UN Special Rapporteur. A lesser number of detained UDPS members were released in January 2001, while others again were arrested in January and February 2001. Such arrests are a frequent occurrence. Mukendi wa Mulumba added that the authorities usually make no distinction between prominent and less prominent members of the UDPS, PALU or FONUS. He also commented that demonstrations are often organised by members of the UDPS youth wing, *Jeunesse de l'Union pour la Démocratie et le Progrès Social* (JUDPS), who find themselves in the same situation as members of its parent party.

Mukendi wa Mulumba explained that once a month the IDH, along with about 50 defence lawyers, visits the *Centre Pénitentiaire et de Rééducation de Kinshasa* (CPRK), Kinshasa's central prison. On those visits, lawyers have an opportunity to interview inmates and in that way the IDH and the lawyers glean information on any politically motivated detention cases. The last time the IDH and the lawyers visited the CPRK was on 3 August 2001, when he himself had been present. There were a total of 30 prisoners belonging to the UDPS, who had been arrested for planning a political demonstration. Five days after the visit, on 8 August 2001, they were all released. The source added that there are political activists arrested almost every other week. Detainees are normally released after two or three weeks, usually once human rights organisations look into their cases. There are, however, instances of inmates being afraid to come forward with their story. Such people risk being held, unbeknown to the outside world, for quite a lengthy period. He also pointed out that the vast majority of detainees had been released in connection with the latest visit to the DRC by the UN Special Rapporteur, Roberto Garretón. There were therefore currently no further reports of any political prisoners in the DRC.

Mukendi wa Mulumba told the delegation lastly that people suspected of belonging to rebel groups in the east of the DRC risk being detained by the authorities. He instanced Faustin Kibanha Kamala from Kivu, in the east of the DRC, who had visited a Congolese rebel leader in Nairobi (Kenya). Upon returning to the DRC, Kibanha Kamala was accused of jeopardising state security and arrested in July 2000. He was not a member of any political party or of any ethnic group focussed on by the authorities and continued to be held in Kinshasa's CPRK prison.

### 3. Position of so-called "Rwandans"

With regard to the position of ethnic groups in the DRC, Jean-Joseph Mukendi wa Mulumba (IDH) explained that people belonging to or merely physically resembling the eastern Tutsi or Hutu communities, usually termed "Rwandans", are in considerable danger of ill-treatment and persecution at the hands of the civilian population in Kinshasa. The relatively few Tutsis still present in Kinshasa (the vast majority having previously been resettled abroad) are now living in one particular district, known as La Colline, where they enjoy some measure of protection. However, the authorities cannot protect that community against any abuses, although nobody in authority attempts to prevent those who wish from leaving the DRC. He emphasised that the authorities do not generally persecute the Tutsi community in Kinshasa.

Mukendi wa Mulumba added, however, that on his last visit to the CPRK prison there were two inmates who had been arrested simply because they physically resembled "Rwandans", i.e. people of Hutu or Tutsi origin from Uganda, Rwanda or Burundi. The detainees were both referred to as "Rwandans". Mukendi wa Mulumba produced a document drawn up by the authorities, giving details of the detainees, which showed the "*motif d'arrestation*" [grounds for arrest] to be "*morphologie tutsi*" [Tutsi physique] for one, arrested on 3 August 1998, and "*morphologie rwandaise*" [Rwandan physique] for the other, arrested on 15 October 2000. He found it very strange that they should be held on grounds not constituting a criminal offence in the DRC, namely ethnic origin.

Apart from those two cases, Mukendi wa Mulumba knew of just one previous case in which someone had been detained, for three years, merely for being classed as a "Rwandan".

## Individuals, authorities and organisations consulted

Source A (a representative from a western embassy in Kinshasa).

Source B (two representatives from a western embassy in Kinshasa).

Backman, Erik, Minister, Chargé d'Affaires *ad interim*, Swedish Embassy, Kinshasa.

Bonso, Jérôme, *Président, Ligue Nationale pour les Élections Libres et Transparentes* (LINELIT) [Head of the National League for Free and Fair Elections], Kinshasa.

Brosseron, Catherine, Vice-Consul, French Embassy, Kinshasa.

Chebeya Bahizire, Floribert, *Président, La Voix des Sans-Voix pour les Droits de l'Homme* [Head of Human Rights Voice of the Voiceless], Kinshasa.

Two representatives from an international organisation in Kinshasa.

Mukendi wa Mulumba, Jean-Joseph, *Avocat près la Cour Suprême de Justice* [Barrister practising at the Supreme Court], *Secrétaire Exécutif, Institut des Droits de l'Homme* (IDH) [Executive Secretary of the Human Rights Institute], Kinshasa.

## **Abbreviations**

ANR – *Agence Nationale de Renseignements* [National Intelligence Agency] (the national intelligence service).

ASADHO – *Association Africaine de Défense des Droits de l'Homme* [African Human Rights Campaigning Association] (a Congolese human rights organisation).

CDDH – *Comité pour la Démocratie et les Droits de l'Homme* [Committee for Democracy and Human Rights] (a Congolese human rights organisation).

CPRK – *Centre Pénitentiaire et de Rééducation de Kinshasa* [Kinshasa Penitentiary and Re-education Centre] (Kinshasa's central prison, formerly known as Makala prison).

DEMIAP – *Détection Militaire des Activités Anti-Patrie* [Military Detection of Unpatriotic Activities] (the military intelligence service).

DGM – *Direction Générale de Migration* [Directorate-General for Migration] (the Congolese immigration authority).

DRC – Democratic Republic of the Congo.

FONUS – *Forces Novatrices pour l'Union et la Solidarité* [Innovative Forces for Union and Solidarity] (an opposition party).

IDH – *Institut des Droits de l'Homme* [Human Rights Institute] (a Congolese human rights organisation).

JUDPS – *Jeunesse de l'Union pour la Démocratie et le Progrès Social* [Youth of the Union for Democracy and Social Progress] (the UDPS youth wing).

LINELIT – *Ligue Nationale pour les Élections Libres et Transparentes* [National League for Free and Fair Elections] (a Congolese human rights organisation).

MPR – *Mouvement Populaire de la Révolution* [People's Revolutionary Movement] (the former governing party in Zaire).

OHCHR – Office of the UN High Commissioner for Human Rights.

PALU – *Parti Lumumbiste Unifié* [United Pro-Lumumba Party] (an opposition party).

UDPS – *Union pour la Démocratie et le Progrès Social* [Union for Democracy and Social Progress] (an opposition party).

UN – United Nations.

VSV – *La Voix des Sans-Voix pour les Droits de l'Homme* [Human Rights Voice of the Voiceless] (a Congolese human rights organisation).

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