

**The Republic of Congo
(Brazzaville)**

Country Assessment

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I. Scope of the 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.

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 The Republic of Congo, commonly known as Congo-Brazzaville after its capital, is located in Central Africa. The Congo river forms its southern border with the larger Congo, the Democratic Republic. To the north is the Central African Republic, with Cameroon on the north western border. To the west is Gabon, with a small stretch of the country meeting the Atlantic Ocean. Consisting of 342,000 square kilometres (132,047 square miles), the population of Congo-Brazzaville is 2,864,000 according to a UN estimate in mid 1999. The main ethnic groups are the Vili on the coast, the Kongo concentrated in Brazzaville and Téké, Mbochi and Sanga in the centre and the north. **[2a]**. Approximately half of the population are Christians, with a vast majority of the remainder following traditional religions, those who follow messianic religions and those who follow no religion at all. **[1b]**.

2.2 For further information on geography, refer to Europa, South of the Sahara 2002, source **[2a]**.

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3. Economy

3.1 The economy suffered badly during the 1997-1999 civil conflicts. Heavy fighting in the capital caused much destruction and looting, with 800,000 people, approximately a third of the population, fleeing their homes. However, oil is Congo-Brazzaville's major export industry and as it is stationed off shore and at Pointe Noire, was largely untouched by the wars. **[2a]**. Oil, timber and foreign aid remain the country's main sources of foreign exchange. Gross Domestic Product per capita (GDP) is \$700, but the benefits of the oil exports are not widely distributed with approximately 70 percent of the population of Brazzaville and Pointe Noire living in poverty. **[1a]**.

3.2 For further information on the economy, refer to Europa, South of the Sahara 2002, source **[2a]**.

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4. History

4.1 Pascal Lissouba was elected president of the Republic of Congo in 1992 after defeating Sassou-Nguesso in the first presidential elections in the country. The presidency of Lissouba was marked by a lack of political consensus and of power struggles between Lissouba and the opposition, consisting of Bernard Kolelas and former president, Denis Sassou-Nguesso. These events spilled over into Civil War, initially in 1993/4 and again in 1997. The 1997 War was triggered by Lissouba's attempt to neutralise the militia of his political rival, Sassou-Nguesso. Kolelas, initially acting as a mediator, was appointed Prime Minister by Lissouba in September 1997. By effectively

aligning himself with Lissouba, Kolelas' impartiality was undermined. The Civil War continued until Sassou-Nguesso's forces captured Brazzaville and Pointe Noire, the country's major seaport, in October 1997 with the assistance of Angolan forces. On 25 October 1997 he was sworn in as President. Lissouba and Kolelas fled the country following the coup and sought sanctuary in the West, Lissouba in the UK and Kolelas in the USA. Violence erupted once more in 1998 as militia loyal to Lissouba and Kolelas attempted to overthrow Sassou-Nguesso. [2a]. However, through military operations, grants of amnesty and cease-fire treaties, calm was restored in 1999. [1a].

Civil conflicts 1993 – 1999

4.2 A brief, but bloody civil war in 1993 saw the then President, Pascal Lissouba maintain the post he won from Sassou-Nguesso in the 1992 elections. A dispute over the results of the legislative elections resulted in Kolelas's supporters clashing with Lissouba's. The fighting cost 2,000 people their lives in the latter half of 1993. A cease-fire was signed in January 1994, but skirmishes continued. [2a].

4.3 Despite an agreement between the three main political players – Lissouba, Kolelas and Sassou-Nguesso – in December 1994, to end hostilities between each others supporters, May 1997 saw the start of more inter militia fighting. This was escalated by Lissouba's attempts to disarm Sassou-Nguesso's militia in June of that year, developing into a bloody civil war. Brazzaville was divided into 3 parts one controlled by each of the men. The fighting was polarised between Sassou-Nguesso and Lissouba, with Kolelas' faction unaligned to either of the parties. The President Bongo of Gabon and an UN-OAU (Organisation for African Unity) representative acted as mediators in the dispute. In June French troops arrived to ensure the safe extraction of civilians before leaving themselves, despite requests from the mediators not to go. By August 1997, the fighting had intensified and spread northwards. Lissouba announced a new government of National Unity in September, appointing Kolelas as Prime Minister, effectively undermining Kolelas' impartiality. By the time Sassou-Nguesso's forces and his Angolan allies had won control of Brazzaville and Pointe Noire, it was estimated that 10,000 people had died in the fighting and 800,000 were displaced. Brazzaville was extensively looted and damaged. Kolelas and Lissouba fled, initially to Burkina Faso, then on to the United States and the United Kingdom respectively. [2a].

4.4 Clashes continued throughout 1998 between the Ninja militia, loyal to Kolelas and Sassou-Nguesso's Government forces, particularly in the Pool region, the stronghold of the Ninja militia. In December 1998, the violence erupted into a full scale battle for Brazzaville. The Government forces, aided again by Angolan Government troops launched offensives against the Ninja's. Sassou-Nguesso appointed a new Council of Ministers and charged them with bringing peace to the South. In January 1999, the Cocoyes, militia loyal to Lissouba also engaged the Government forces in Niari, around the town of Dolisie. By the time the battle for the town ended in March 1999, it was largely destroyed. A similar fate befell Brazzaville, after the initial fighting in December 1998 which resulted in approximately 8,000 people fleeing to the

Democratic Republic of Congo (DRC). The battle for the city again intensified in February 1999 leading to a further 10,000 fleeing to the DRC. But by March the rebels were forced to withdraw to the Pool region. Refugees began returning to their homes, to Dolisie in April and to Brazzaville in August. The government offered an amnesty to any militia fighter prepared to renounce violence and surrender their arms. It also engaged in initial dialogue with the exiled opposition, though further discussion was dependent on a cessation of factional violence. In September 1999 the Government announced that it was in control of all of the urban areas in Pool. **[2a]**.

4.5 For further information on history, refer to Europa Yearbook, source **[2a]**.

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5. State Structures

Constitution

5.1 President Sassou-Nguesso replaced the 1992 Constitution with the “Fundamental Act” in 1997. The Fundamental Act helped concentrate power into the president’s hands. As well as placing the president as Commander in Chief of the armed forces, he could also appoint all government members and all the senior military posts. **[1a]**. Following the civil war, a Forum for Unity and National Reconciliation was established with 1,420 delegates. Most political parties were represented, but ERDDUN refused to participate. Four former ministers from the Lissouba government voluntarily returned from exile. The Forum immediately set about two main tasks, the first approving a flexible 3 year transitional period before presidential and legislative elections could be held, and the second, electing an 75 member National Transitional Council (Conseil National de Transition) NTC. The NTC was established in the absence of a legislative assembly. An additional measure that the Forum undertook was to recommend that members of the previous Lissouba regime be charged with war crime and in November 1999 arrest warrants were issued for Kolelas, Yhombi-Opango and former Present Lissouba. **[2a]**. In March 2001, a draft constitution was put before the NTC, which contained opposition leaders returned from exile, and on 12 April 2001 it was sanctioned. **[22]**. The draft constitution also won overwhelming approval in a national referendum on 20 January 2002. 84.26 percent of vote’s cast were in favour of the proposed constitution with just 11.29 percent voting against it. Despite calls by opposition parties for people to boycott the vote, 78 percent of the 1.6 million eligible voters participated in the referendum. **[3a]**.

5.2 Under the terms of the new constitution, the post of president is increased from 5 to 7 years term, renewable once. The president also appoints and dismisses ministers. The post of Prime Minister is completely removed. **[6a]**. Presidential candidates must be between the ages of 40 and 70 and have been a permanent resident in the country for at least 24 months. Additionally, 3 doctors appointed by the Constitutional Court must proclaim the candidates as healthy. **[19]**. With regard to the legislature, a new bicameral (two tier) assembly was established comprising of a lower house, a 137 seat House of

Representatives, and an a upper house, the Senate, which consists of 66 seats. [5h]. The House of Representatives members are directly elected for a 5 year period and the Senate members are indirectly elected for a 6 year term (one third of members, each 2 years). [22]. The assembly does not have the power to remove the president, and the President does not have the power to remove the legislature. [5b].

Citizenship and Nationality

5.3 Under the new constitution, Article 13 states that citizenship is guaranteed by law. Congolese people have the right to change their nationality or obtain a second one. [19].

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Political System

5.4 The Republic of Congo is a republic in which the head of government is a President, the legislature consists of a bicameral parliament of a House of Representatives and a Senate. [1a]. The president is elected by universal suffrage every 7 years. [19]. For further details, see Constitution section above.

5.5 Following the civil conflict of 1999, the country engaged in a period of dialogue with the rebel factions, mediated by President Bongo of Gabon. In September 1999 prominent members of the opposition including 4 former cabinet members returned from exile voluntarily and in October 1999 12 former senior military officers imprisoned for supporting Lissouba were released and to be reintegrated into the army. An amnesty for fighters was announced, provided they surrender their arms. The signing of peace agreements in late 1999 opened the way for the initiation of the electoral process. [2a].

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Constitutional Referendum

5.6 On 20 January 2002 the country went to the polls to vote in a referendum on the proposed new constitution. This was accepted with 86.4 percent of those who voted in favour [6a]. However, three of Brazzaville's most influential Non Governmental Organisations (NGO's) have rejected the outcome, stating that the process was flawed. The Observatoire Congolais des Droit d'Homme (OCDH) claimed that the government manipulated the vote, by summoning those who did not vote, to vote "yes". The Congolese League for Electoral Systems (LICOSE) claimed that voters did not use indelible ink, whilst others who were not enrolled to vote were permitted to do so. According to the Association for Human Rights and Prison Issues (ADHUC), some polling stations were in peoples homes and soldiers were stationed in voting booths. It was even reported that blind people were guided to votes "yes". [38a].

Presidential Elections

5.7 With the new constitution in place, the way was set for presidential elections, which were held on 10 March 2002. On 19 February 2002, the European Union announced that it was to send 44 election monitors to The Republic of Congo. **[3b]**. Initially 12 candidates entered the race, but 2 were disqualified by the Supreme Court on 10 February 2002. Six of the remaining candidates threatened to pull out of the race unless the electoral law was modified. **[3b]**. On 6 March 2002, two candidates, Martin Mberi and General Anselme Makoumbou carried out their threats and pulled out of the presidential race. They cited a lack of transparency in the electoral process as their reason. **[10]**. Furthermore, on 10 March 2002, two days before the presidential elections, Andre Milongo also announced that he was withdrawing from the race. **[6b]**. Milongo was considered to be the only credible opposition to the incumbent Sassou-Nguesso. **[6c]**. In the event, the elections passed off peacefully. **[6d]**.

5.8 The results were as follows **[11]**:

Candidate	Percentage Votes Received
Denis Sassou-Nguesso - FDU (Forcés Démocratiques Unies – United Democratic Forces)	89.41%
Kignomba Kia Mbougou - UPADS (Union Panafricaine Pour la Démocratie Sociale – Pan-African Union for Social Democracy)	2.76%
Angèle Bandou (Le Parti Africain des Pauvres – African Party of the Poor)	2.32%
Jean Félix Demba Telo (Independent)	1.68%
Luc Adamo Mateta (Convention pour la Démocratie et la Republique – Convention for Democracy and the Republic)	1.59%
Come Mankasse (Union de Congolais des Républicains – Congolese Union of Republicans)	1.25%
Bonaventure Mizidy (Parti Républicain et Libéral – Republican and Liberal Party)	1.00%

5.9 Even before the election results were issued, opposition groups claimed that the election was fixed. **[6c]**. However, Joaquim Miranda, head of the European Union (EU) observer team commented that despite “a significant number of irregularities, essentially of an administrative nature, throughout the country” these were “for the most part resolved by the authorities in a spirit of enabling the majority of people to vote”. Mr Miranda also praised the peaceful conditions that surrounded the elections. However, the Economist Intelligence

Unit was more critical in its appraisal, particularly in reference to the government's failure to establish an independent electoral authority. They said that; "The government's refusal to establish an independent election body to oversee the voting certainly suggests that President Sassou-Nguesso was determined to stay in power by fair means or foul" [4b]. The Supreme Court later confirmed the election result. [4h]. However, in the absence of any effective opposition, the result was never really in any doubt. [6c][4f]. It was this lack of opposition during the presidential election, which drew criticism from the EU. Seemingly censuring opposition groups, Brussels stated that it "deplores the low level of participation by opposition parties throughout the electoral process and the withdrawal of several of several candidates in the days preceding the poll". [4f].

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Legislative elections

5.10 Despite the fighting in the Pool regions, the Government insisted that the first round of the legislative elections scheduled for 26 May 2002 should go ahead, and official campaigning started on 10 May 2002. [17a]. In March 2002, a number of opposition parties, with the notable exceptions of Pan-African Union for Social Democracy (UPADS) and the Congolese Movement for Democracy and Integral Development (MCDDI), formed a new coalition to contest the upcoming legislative and local elections. This new umbrella of opposition groups was called Convention pour la Démocratie et le Salut/Convention for Democracy and Salvation (CODESA). CODESA was to be led by Andre Milongo. [10b]. CODESA initially called on the Government to postpone the elections until the security situation in the Pool region had been resolved. [28]. Although they boycotted the Presidential elections, CODESA did participate in the legislative elections. [17a].

5.11 In the aftermath of the Presidential election, another coalition of opposition parties called "Plural Opposition", consisting of UPADS, CNDD (National Rally for Democracy and Development) and the PCR (Congolese Renewal Party) amongst others, who boycotted the Presidential election said that they would participate in the legislative and local elections. The party claims that they boycotted the Presidential election as transparency was not guaranteed. However, they could deploy representatives to the constituencies in which they had candidates in the upcoming legislative and local elections. [3c].

5.12 Nevertheless, in May 2002 Lissouba, Kolelas and Yhombi-Opango issued a joint request to their militants to boycott the legislative polls. The three leaders of UPADS, MCDDI and RDD (Rally for Democracy and Development) respectively, stated that the level of transparency had not been met by the poll organisers. However, RDD representatives in Congo reneged on this decision. CODESA vice president and Chairman of the opposition RDD party, Saturin Okabe stated that the leaders in exile had lost touch with the grassroots people on the ground. Members of the MCDDI followed the RDD example, with the then Minister for Mines and Environment rejecting the call for a boycott. [5k][17a].

5.13 1,199 candidates vied for 137 seats. Some represented one of the 141 political parties involved in the election, 230 were standing as independent candidates. The Congolese Labour Party (PCT) submitted 103 candidates, more than any other party. The MCDDI fielded 54, second only to the PCT. 47 candidates represented Andre Milongo's CODESA. [5w]. Accusations of disorganisation and a lack of suitable equipment dogged the elections. [10c]. Voters were finding that, despite being registered for the presidential elections earlier in the year, their names were not on the voter register for this election. [16e]. Other voters had lost their Identity Cards, passports or driving licences, one of which were needed to cast their ballot. [6g]. In some polling stations in Pointe Noire, the second largest city, voting was delayed as the ballot papers and accessories didn't arrive on time. [10c]. The government put the turn out for the first round at no more than 20 percent. [4l].

5.14 The National Electoral Commission (CONEL) barred some candidates from running. It was reported that these disqualification's did tend to favour the PCT, Sassou-Nguesso's party. However, some Presidential allies were also disqualified, most notably his brother, Maurice Nguesso, his finance minister, Mathias Dzon, and his aide Antoinette Olouo. [4k]. Dzon and Maurice Nguesso were accused of distributing false documents to allow their supporters to vote, insulting a public officer and of making death threats. [6f][16k]. Maurice Nguesso was also accused of destroying election material in the Talangai district of Brazzaville. Voting could not go ahead in Gamboma, Brazzaville on the scheduled day due to the problems attributed to Dzon. [16k]. Olouo was accused of stuffing ballot boxes. [6f]. Many of those accused of cheating were banned from running for office in the future, however, Dzon only received a warning about his behaviour. [23]. Despite a request from the government for the European Union to monitor these elections, no observer team was sent. [4j].

5.15 Voting in 12 constituencies were flawed and had to be re-run later in the week. [6f].

5.16 Despite candidates needing more than 50 percent of the vote to win, 55 of the 137 seats were decided in the first round on 26 May 2002. 29 of these were won by the government. Under the terms of the constitution, those seats without a candidate with 50 percent of the vote after the first round, would require a second round. Andre Milongo, thought to be the only significant challenger to Sassou-Nguesso in the March 2002 presidential election before he pulled out, won his seat of the Boko district in the first round with 59.65 percent of the vote. [4i]. The second round took place on 23 June 2002, which completed the parliamentary elections. After the attack on the capital a week earlier by rebel Ninja's, the second round turnout was low. [16d]. In areas where fighting had occurred such as Ouenze and Mougali, officials stated that the turnout was as low as 15 percent. [4j].

5.17 Despite operations continuing against the Ninja's, the first round voting itself passed off relatively peacefully, although incidents of violence did occur, mainly in Brazzaville. Evidence of electoral malpractice was also apparent

during the first round. In Tanlangai, a northern suburb of Brazzaville, 100 youths smashed voting booths and took ballot boxes, and also an election official was arrested in the same area. He was found with a box full of ballot papers. [16e][10d].

5.18 The second round took place amidst tightened security after the 14 June attacks on Brazzaville by the Ninja's. The situation was calm and voting passed off peacefully. [4j]. CONEL tightened the registration criteria and only accepted passports, driving licences or National Identity Cards as forms of identity. In previous elections, including the first round, constituents could use their special Voter Cards to be allowed to cast their vote. It is believed that this also accounted for the drop in turn out. [6g]. Some voters commented that the government had not produced such cards in 7 years – in which time many people had turned 18 and were thus eligible to vote, but didn't have a National Identity Card. Others were reported as saying that due to the numerous civil conflicts, many people had lost much of their belongings, including their National Identity Cards. [4j].

5.19 Visits to three polling stations in separate district indicated that candidate representatives were able to observe the process and voters could cast their ballots in secret. However, ballot boxes in only one of the three locations were locked. [4j].

5.20 The results are as follows [16c];

Party	Number of seats
FDU (of which were PCT)	83 (53)
CODESA (of which were UDR-M)	8 (6)
UPADS	4
Others	34

5.21 Notable casualties in the elections were the former Mayor of Pointe Noire, Thystere Tchicaya and the Minister for Petroleum Affairs, Taty Loutard. [10d]. Thystere Tchicaya, of the Rassemblement pour la démocratie at le progrès Social (RDPS) party, was elected speaker of the House of Representatives on 10 August 2002. The RDPS is allied to the Sassou-Nguesso's PCT. [5c].

5.22 No voting was held in 8 constituencies in the Pool due to the security situation, therefore, only 129 seats have so far been taken. [5f]. These 8 include Mindouli, Kinkala, Mayama, Kimba, Kindamba, Vindza and Goma Tse Tse constituencies. [5x]. Despite this, Sassou-Nguesso, with the help of his allies, gained a controlling majority in the Lower House. Kolelas' Mouvement Congolais pour la Démocratie et la Développement Intégral (MCDDI) party failed to win any seats. [16c].

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Local, Regional and Municipal elections

5.23 Local elections were due to take place on the 23 June 2002, but were postponed by a week, to 30 June 2002. The Interior Ministry cited technical difficulties as the reason. **[5d]**. Approximately 8,000 candidates contested 1,000 local and municipal council seats. These councillors will then in turn, elect the 66 Senators for the Upper House. **[5e]**.

5.24 Initially the opposition CODESA coalition urged its supporters to boycott the election, stating that there was generalised and massive fraud, falsification of results and the transformation of CONEL into an arbiter of disputes. **[5f]**. However, on the day before the elections, Andre Milongo, leader of the UDR-M, the largest party in CODESA, stated that this was not the moment to withdraw from the electoral process, and urged his supporters to participate. **[5e]**. Other CODESA parties maintained their boycott. **[5g]**.

5.25 Voting at some polling stations was delayed due to a lack of voting materials. At one Brazzaville constituency, ballot boxes, voting booths and voting slips were among materials still arriving at polling stations on the morning of the election. **[5g]**.

5.26 Of the 828 seats available, the results were as follows **[36b]**;

Party	Number of seats
PCT	333
UPADS	67
RDPS	23
UDR-M	16
MDCCI	4
Others (1 seat each)*	385

*The other parties or associations which entered candidates obtained 1 seat in some districts.

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Senatorial Elections

5.27 The democratic transition was completed on 11 July 2002 with the election of 66 Senators for the Upper House. The Senators are not elected by the people directly, but by the Local, Regional and Municipal councillors who themselves were voted into position during the previous month. **[5h]**.

Party	Number of seats
PCT (member of FDU)	56
CODESA	1
Independent	1
Others	2

[5i].

5.28 6 seats remain vacant, representing the areas of Pool where voting in the Legislative and Local elections didn't take place due to security reasons. The CODESA seat will be taken up by Jean Pierre Engouale of the Party for the Reconstruction of Congo (PRDC) for the Western Cuvette (Basin) region. The landslide for the ruling party meant that Sassou-Nguesso controlled both the Senate and the House of Representatives. **[5i]**.

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Judiciary

5.29 The judiciary is overburdened and subject to influence from political spheres. During the course of the civil war, much of the legal infrastructure was destroyed. Few case decisions and judicial records managed to survive the civil war. This is also the case for legal texts and other such documents. Throughout 2001, the Ministry of Justice continued the process of rehabilitation, though at a slow pace. The newly refurbished Law Library and Information Centre was opened in 2001, which the public have access too. **[1a]**.

5.30 MSF Mission Chief Phillippe Cachet described the judicial system as confusing and there are no sessions for the suspects to be accused. He added that that the court system is only partially in place and that sessions are irregular. **[38b]**.

5.31 The judicial system comprises of Cour Suprême (Supreme Court), Haute Cour de la Justice (High Court) and the Conseil Supérieur de la Magistrature (Supreme Council of Magistrates). **[2a]**. The three-tier formal court system of local courts, courts of appeal, and the supreme court was generally considered to be politically independent until the civil war. **[37]**. Local courts and traditional courts also operate. In rural areas, traditional courts tend to deal with domestic issues, property disputes and probate matters. **[1a]**.

5.32 Cases are heard in a public court, and the defence has access to the prosecution's evidence, which they are able to counter. Defendants are presumed to be innocent and have the right of appeal. However, due to the limited resources, the judicial system is overburdened and cannot guarantee fair and timely trials. Some cases do not even reach the court stage. **[1a]**.

5.33 The government announced plans to introduce military tribunals for soldiers who had committed human rights abuses in the 1993/4, 1997 and 1998/9 civil wars. **[1a]**. These tribunals were initiated during 2002, but they are not held in public. **[1d]**.

5.34 Amnesty laws were in place for any acts committed during the three civil wars of the 1990's. However, this amnesty does not cover the political "authors" behind the fighting. **[1a]**.

5.35 OCDH, and other NGO's have urged the Congolese government to ratify the Rome Statue of the International Criminal Court (ICC), which the country signed on 17 July 1998. The NGO's comment that if the government is serious about ending the reign of impunity and bringing those perpetrators of crimes committed during the recent wars to justice, then it must ratify the ICC. **[4y]**.

5.36 The rehabilitation of the judiciary continued in 2002, but at a slow pace. **[1d]**. Retraining of magistrates and administrative staff has begun as well as reconstruction of the judicial infrastructure. **[42b]**. However, Medecins Sans Frontiers (MSF) announced in late February 2003 that it would help victims of rape take private legal action as the State's criminal courts in the country had not sat in more than four years. **[17d]**. However, this appears to be tempered by the UN article on MSF activities, stating that no rape case judgement had been rendered to date. **[4ab]**.

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Legal Rights/Detention

5.37 The Fundamental Act, in force until it was superseded by the 2002 Constitution, forbade arbitrary arrest and detention. **[1a]**. This right was reaffirmed in the new constitution, under Article 9. **[19]**. However security forces frequently ignored this law. The Code of Penal Procedure states that arrests should be made openly and that a warrant should be issued prior to apprehension, and that a lawyer be present during initial questioning. Further, detainees must be brought before a judge within 3 days and charged or released within 4 months. Again, the Government often violated these rules. Detainees are usually informed about the charges levelled against them, and lawyers and family members do usually have access to them. **[1a]**.

5.38 A bail system is in place, known as a "caution". However, due to widespread poverty, many cannot afford to pay the caution deposit. **[1a]**.

5.39 Amnesty International (AI) reported that arbitrary arrests, detention and mistreatment of suspected criminals in custody still occurs in the Republic of Congo. AI state that Congolese political leaders play down these human rights offences because the victims are alleged criminals, not political prisoners. **[9c]**.

5.40 Following a major multi-sectoral human rights conference in Brazzaville at the end of January 2003, activists called for the government to bring outdated laws in line with international conventions. Participants in the conference included human rights NGO's and lawyers as well as officials from the prison service and the justice ministry. Other recommendations that were made included teaching human rights in schools and working to increase the understanding of human rights in public bodies, particularly the police. **[4ac]**.

Amnesty Law

5.41 Calls for an amnesty law, similar to the one introduced after the 1999 civil war, were rejected by President Sassou-Nguesso. However, the President did state that the security of any militia who laid down his arms would be guaranteed. [10i]. As part of the peace agreements at the end of 1999, the government announced an amnesty for former fighters. The National Transitional Council legislated for this in November of that year for those fighters who surrendered their weapons before mid January 2000. This amnesty did not include the opposition leaders in exile, Lissouba and Kolelas, who were later tried and convicted of war crimes in absentia. [2a].

The Death Penalty

5.42 The Republic of Congo does have the death penalty in force for crimes against the state and other serious offences such as murder. However, Amnesty International has classified the country as abolitionist in practise, as they have not carried out an execution in over 10 years and is believed to have made an undertaking not to carry out executions. [9a].

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Internal Security

5.43 The police, Gendarmerie and Armed Forces comprise the security forces, though the distinction between the role of each is unclear. [1a].

5.44 The police forces should be the first to react to incidences with the Gendarmerie and army supporting if necessary. However, joint operations are common. [1a]. The armed forces are certainly involved in combating the Ninja rebels, with the additional assistance of the Angolan army units stationed in the country. [3d].

5.45 There were reports of security forces summarily executing soldiers responsible for abuses. For example, one soldier shot and killed a superior officer in August 2001. This soldier was then arrested and summarily executed himself. [1a]. Other examples of extrajudicial killings were evident, and these reports continued in 2002. This includes one report that alleged that soldiers were summarily executed for killing a family. There were no reports of police killing suspects who attempted to flee arrest. [1d].

5.46 A survey of 2,000 persons conducted by the police in August and September 2001 indicated that, of the 81 percent who had had contact with police, more than 65 percent were dissatisfied with their treatment. [1a].

5.47 The Police School, which reopened in June 2001, has International Humanitarian Law as a compulsory subject at all levels of training. The International Committee of the Red Cross assists the course instructors with preparing the course and also the ICRC provides a specialised library. [46a]. The newly established Human Rights Commission will also promote human rights within the security forces. [4ad].

Foreign Combatants in the Civil Wars

5.48 During the civil wars of the late 1990's, Sassou-Nguesso enjoyed the support of several of his neighbours. Angola sent forces to fight for him because of UNITA, Angolan rebels, were receiving support from Lissouba and were permitted access to Congolese territory under his regime. UNITA entered the fighting on the side of Lissouba, triggering the Angolan Government's response. Even as late as 1998, there were reports that UNITA were fighting in support of the Ninja's, although an Amnesty International delegation were unable to confirm this. After the wars of 1997 and 1998/9 were won, Angolan troops remain in the Republic of Congo, numbering many hundreds, if not a thousand. Chadian soldiers also fought for Sassou-Nguesso, though their motives are less clear. Former Rwandan Interahamwe militia and Government soldiers from Rwanda (FAR) have fought with the Cobra's. Although most of the FAR fighters reported left the employ of the Cobra militia after 1997, although 60 FAR uniformed soldiers were seen in Dolisie in January 1999. Former soldiers from Mobutu's Zairian army (FAZ) were also involved in fighting in the civil wars, the FAZ, and the Serbian mercenary pilots that it employed, fought for Lissouba. After shells fired from Brazzaville fell on Kinshasa, soldiers from the DRC, the re-named Zaire, moved across to Brazzaville, to engage those responsible. **[34]**.

5.49 Congo and Angola have maintained close military links. In April the Joint Chief of Staff of the Congolese Armed forces, Jacques-Yvon Ndolu, visited Angola, strengthening ties between the two countries. Ndolu stated that Angola was providing technical assistance and training in a number of areas of the Congolese armed forces. **[27]**. On 15 December 2002, defence ministers from both the Republic of Congo and Angola presided over a farewell ceremony, as Angola starting pulling out the last of it's troops. The withdrawal was due to be completed by 20 December 2002. **[12d]**.

5.50 Since the end of the 1998/9 civil war, the French government has sent military advisers over to Congo, to train Sassou-Nguesso's forces. It was reported that during the civil wars, the French (then state owned) oil company, Elf, provided funds to the Cobra's war chest. Lissouba tried unsuccessfully to sue Elf over these allegations. **[34]**.

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Prison and Prison Conditions

5.51 Prison conditions are poor. Overcrowding and limited resources for food and medical care are the main problems. The government does continue to repair prisons, but as with their attempts to improve food and medical facilities, it's efforts are hampered by a lack of funds. **[1a]**.

5.52 Women have been imprisoned with men, as have children with adults. Additionally, pre-trial detainees have been held with convicted criminals. **[1a]**.

5.53 The police perpetrated beatings and extortion on individuals in their custody. In 2000, 17 prisoners who served 16 months in Impfondo prison, in the north of the country, filed a civil action (partie civile) in Point Noire alleging that they were tortured and suffered other inhuman treatment in prison. By August 2001, they filed a complaint to the Belgian National Court. However, there were no known deaths in custody in 2001. **[1a]**.

5.54 5 police officers were dismissed in July 2001 for their involvement in the suffocating of 12 persons in an overcrowded jail, in November 2000. The five were charged and convicted of causing death through negligence. **[1a][9b]**.

5.55 Local and international human rights Non Government Organisations (NGO's) were able to visit prisons throughout the country. As well as the International Committee of the Red Cross (ICRC), numerous local NGO's such as Congolese Observatory for Human Rights (OCDH) the Association for the Human Rights of the Incarcerated (ADHUC) and a Catholic Church organisation visited prisons throughout 2001. **[1a]**. ICRC access to detainees improved in 2002. **[46b]**.

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Military

5.56 In August 2000, the army numbered approximately 8,000 men, the navy, 800 and the air force 1,200. There is also a Gendarmerie of approximately 2,000 men. The budget for the military is 52,000,000,000 CFA (US \$78,668,683). **[2a]**.

5.57 According to the cease-fire agreements following the 1999 civil war, parts of the Cocoyes, Ninja and Cobra militia were to be integrated into the regular armed forces. **[2a]**.

5.58 Conscription does not exist in the Republic of Congo. The minimum age for recruitment into the armed forces is 18. **[39][25]**. According to Radio Congo, a state owned radio station, 21 government troops were dismissed on 2 May 2002. The accused mutinied on 27 and 28 April 2002, leading to the Moukoulou dam power being cut, causing an electricity blackout in the south of the country. The soldiers were demanding payment of their salaries. **[29]**.

5.59 International Humanitarian Law is a compulsory course at all levels of training at the military academy. The ICRC provides technical assistance to these programmes as well as documentation for the library. **[46a]**.

5.60 In 2002 examples of extrajudicial killings were evident. This includes one reports which alleged that soldiers were summarily executed for killing a family. **[1d]**.

Medical Services

5.61 AIDS is the biggest killer of 15-49 year olds in the Republic of Congo, with a 10-12 percent national prevalence. **[4a]**. HIV/AIDS treatment is available in the Republic of Congo but as with many countries in the region, the treatment is basic. **[5a]**. 40 percent of all hospital beds in the Republic of Congo are occupied by HIV/AIDS victims. **[4ae]**.

5.62 The Republic of Congo has the third largest prevalence of HIV/AIDS in central Africa, with 7 percent of the population infected. In 2000, the rate was 14.7 percent for Pointe-Noire, the second city and 5 percent for the capital, Brazzaville. **[4af]**.

5.63 The World Food Programme is supplying food to 17,350 victims and their families to assist them with their dietary requirements. 52.2kgs of rice, 18kg of pulses, 4.5kg of oil and 0.75kg of salt are provided per person, every month. This assists the victim and their families and helps reduce social stigma, as the victim can still be the breadwinner of the family. **[4a]**.

5.64 Also major pharmaceutical companies have an agreement with the government to sell anti-retroviral drugs at a fraction of their market price. Further, the government has agreed to then subsidise this reduced price, making the drugs even cheaper. Currently, instead of costing US\$473 to \$600, they cost US\$28 to \$75. **[5a][35]**. Thanks to a partnership with the German pharmaceutical company, Boehringer Ingelheim, the drug Viramune, which helps prevent transmission of AIDS from mother to child during labour, is available cost free. **[4z]**.

5.65 In 2001 the UN rehabilitated 58 integrated health centres throughout the country. By the end of 2003 they aim to have done the same with a further 180 integrated health centres and 21 district hospitals. **[42b]**.

5.66 An outbreak of Ebola was reported in January 2003 in north west Congo. By early April the Red Cross announced that the outbreak appears to have been contained. However, the disease killed 120 out of the 135 it infected. **[6j]**.

Social Welfare

5.67 There is a state pension scheme in operation. However this has been severely disrupted following the civil wars of the mid and late 1990's. **[2b]**. The pension is payable at the age of 55 (50 if prematurely aged). Other social welfare mechanisms exist, including child allowance, sickness, maternity and widow/er benefits, although these are dependent on various factors. **[26]**.

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Educational System

5.68 Education is free and is compulsory from the ages of 6 to 16. Primary school runs from the ages of 6 to 12. The secondary level comprises of two cycles, the first cycle of 4 years and the second cycle totalling 3 years. **[2b]**. Despite this, the number of females attending secondary school progressively

declines, a trend that continues into University. Adult literacy levels are at 77 percent, but drop to 70 percent in the case of women. Girls are known to exchange sex for better grades. Sometimes this is done voluntarily, though sometimes it is done under pressure. **[1a]**.

5.69 Traditionally the Republic of Congo has had comparatively strong education system, with high enrolment rates. However, the series of civil wars and natural disasters had taken its toll on participation in schools. Enrolment rates have dropped by 19 percent between 1980 and 2000 for elementary schools. Currently, 247,500 children are not enrolled. **[42b]**.

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6. Human Rights

6.A Human Rights Issues

Overview

6.1 A new constitution, approved in a referendum in January 2002, came into force in August 2002. This legislated for the safeguard of human rights. The democratic transition was completed this year, with the election of the President, a two tier parliament and of local, municipal and regional councils. **[2b]**. Despite this, human rights groups remain concerned. The government have been criticised for their handing of the renewed activity of the Ninja militia and allegations of human rights abuses have come from international organisations and from within the country. **[4s][4v]**. Reports have emerged that government soldiers are raping women and are using attack helicopters to attack villages in the Pool region. **[5n][4s][4o]**.

6.2 A further source of friction is the elections themselves, with sections of the opposition claiming that they were not transparent. **[5f]**. Violence and allegations of malpractice were evident during the first round of the legislative elections, and the lack of opposition representation in the presidential poll attracted international criticism. **[4i]**.

6.3 Although the Fundamental Act and the Constitution that replaced it forbid inhuman, degrading treatment and torture, the security forces did use beatings to coerce confessions or as a punishment. Female detainees have been raped. Looting of people's homes and extortion at travel checkpoints has also been reported. No action was taken in 2001 against perpetrators of these crimes. **[1a]**. However, 12 soldiers were dismissed in April 2002 following charges of looting in Brazzaville during an operation to clear the Ninja's from the southern suburbs. **[4q]**. Amnesty International called the dismissals a rare and inadequate measure in curtailing looting by security forces. **[9c]**. In the peace proposal submitted to the President in November 2002, the issue of why a market has been established next to the train station in Brazzaville to sell goods looted by the security forces in the Pool province was raised. The market is in full view of the Ministry of the Interior. **[3e]**.

See Treatment of Civilians caught up in the fighting section 6.75 – 6.88.

Human Rights Commission

6.4 In mid January 2003 the National Assembly adopted a law to create a national human rights commission. The commission is a requirement of the constitution that came into force in August 2002. Justice Minister Jean-Martin Mbemba described the commission as an essential instrument for protecting human rights in Congo. **[4ad]**.

6.5 The commission will have 39 full members and 14 associate members from human rights NGO's, civil society organisations and public institutions. The President will appoint the members of the commission, which will have a president, two vice presidents and administrative/financial officer and a rapporteur. **[4ad]**.

6.6 The commissions will have numerous roles. Firstly it will provide country-wide education for all levels of society into human rights, secondly the commission will promote human rights with elected officials and police authorities. It will also provide human rights reports to the government. **[4ad]**.

6.7 Human rights NGO's have bid a cautious welcome to the commission. Most welcomed the establishment of such a body, but are eager to see how effectively the commission will work and how it will impact on the human rights situation in the country. Opposition parties believe that the new body does not have sufficient powers, as it would only be a civil party in any prosecution cases. This means that it does not have the power to summon those accused of human rights abuses. **[4ad]**.

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Freedom of Speech and the Media

6.8 The 2002 constitution, like the Fundamental Act before it guarantees freedom of speech. **[19][1d]**. In practise, the government respects this. **[1d][8]**. The new Constitution is considered to have liberal provisions regarding press freedom. **[19]**. The Inter Press Service News Agency has described the domestic press as independent and outspoken. This has attracted criticism from the President who claims that it is "exacerbating the conflict in the Pool Region by publishing false stories." **[38c]**.

6.9 In Pointe-Noire, two private television stations have started broadcasting in 2002. **[42b]**.

6.10 According to the US State Department, there are no state owned newspapers. **[1d]**. However, the UN Action Plan for 2003-4, reported that there is. **[42b]**. There are approximately 15-20 private newspapers which circulate weekly in Brazzaville and Pointe Noire. **[1d]**. Newspaper circulation outside of these cities is limited, although it is estimated that they reach two thirds of the population. **[1a]**. Some of these newspapers are critical of the government and some publish open letters from opponents of the Government, including those who are abroad. **[1d]**.

6.11 The most widely accessible media is radio, on which the government maintains a near monopoly. Radio Brazzaville a state owned station, broadcast for approximately 18 hours a day. Radio Congo, also state owned, broadcasts for 24 hours. [1d][42b]. News coverage by these stations tend to reflect government views and positions and offer little in the way of alternative political opinion. [1a]. However, state radio did get better reviews than state television. [8]. Privately owned stations exist. Sassou-Nguesso's own Radio Liberté, established during the 1997 civil war still broadcasts but tends to avoid sensitive topics like HIV/AIDS, corruption and the surging crime rate. [1a][8]. A Christian station voluntarily submits its programs content to the government prior to transmission. Radio France Internationale is available on local FM wavelengths and British Broadcasting Corporation, and Voice of America retransmissions are available. It is also possible to receive programs from neighbouring Kinshasa and Gabon. [1d].

6.12 There are two internet companies in Brazzaville, and two more in Kinshasa, DRC. The government controlled Internet provider folded in autumn 2002. Those who can afford it can access the internet direct through satellite and internet providers in Brazzaville, Pointe-Noire or DRC. There are several internet café's in the Republic of Congo. [1d]. A private news site called Congo Portal News opened in 2001. [42b].

6.13 On 12 January 2003, Parliament passed a law on the creation of a Council for Freedom of Information and Communication. It is tasked with promoting the freedom of expression. [10m].

Journalists

6.14 Richard Ntsana, publisher of the pro-opposition weekly newspaper Le Flambeau, was arrested on 13 January 2001. The reason for his arrest was that on 8 January 2001 Le Flambeau ran an article quoting an open letter from the exiled former President, Pascal Lissouba, in which Mr Lissouba called on the population "to mobilise to defeat the dictator", referring to the incumbent President, Sassou-Nguesso. [7]. On the evening of the arrest, Le Flambeau was suspended as a protective measure to "guarantee public order, social peace and the respect of institutions". [8]. Reports concerning the length of Mr Ntsana's detention range from a few days to over 2 weeks. [8][7].

6.15 Following an article questioning the abilities of a Supreme Court judge, Parfait Ogouya, managing editor of L'Observateur was summoned to Brazzaville Gendarmerie station on 19 February 2001 and questioned for a few hours. [7].

6.16 On 13 November 2001 Bruno Mienahata and Malonga Bouka, respectively managing editor and editor-in-chief of the weekly Le Coq, were also summoned to Brazzaville Gendarmerie following an article which stated that the acting Major of the Gendarmerie accepted bribes from Chadian illegal immigrants to secure their release. [7].

6.17 On 13 May 2002 a Cameroonian national, Joseph Melloh Mindako was arrested for taking pictures near Ouésso without a licence. Mindako said that he was a conservation journalist recording timber extraction and the hunting of endangered species. He also said that he had done work similar to this in other African states. Mindako was moved to Brazzaville's central prison where he spent 48 days. He was then charged with spying, and endangering the security of the state. On 12 August 2002 the High Court sentenced him to 45 days imprisonment. As Mindako had already served 48 days he was released but was expelled from the country and forbidden to return for 5 years. AI considered that he was imprisoned for his journalistic activities and thus was a prisoner of conscience. **[9c]**.

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Freedom of Religion

6.18 Article 18 of the constitution provides for freedom of religion, as did the Fundamental Act before it, and the government generally respects these rights in practise. It is illegal to use religion for political ends. **[19][1b]**.

Religious Groups

6.19 Approximately one half of the population are Christians, of which 90 percent are Roman Catholics. There are a small number of Kimbangu Christians, who although retain many traditional Christian beliefs, incorporate other elements introduced by the founder, Simon Kimbangu. These other elements include recognising Simon Kimbangu as a prophet and ancestor worship. **[1b]**.

6.20 There is a small Muslim community consisting of 25,000 to 50,000 people **[1b]**, 2 percent of the population. **[2a]**.

6.21 The remainder of the population follow animist beliefs, or are of no religious affiliation. Some of these mystical and messianic practises have been associated with political opposition groups. **[1b]**. For example members of the Lari, who make up large numbers of the Ninja rebel group have go into battle wearing religious charms to protect them from bullets. **[16i]**.

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Freedom of Assembly & Association

6.22 Under Article 21 of the Constitution, the state recognises and guarantees the freedom to hold demonstrations and meetings. **[19]**. The government generally respects these rights. Groups wanting to hold demonstrations are required to inform the Ministry of the Interior in advance **[1a]**. In 2001, there was one occasion when permission was withheld for a rally by supporters of the former Prime Minister Kolelas. The rally was due to be held in Bacongo, a southern district of Brazzaville, and stronghold of Kolelas, on 27 July 2001. The reason given for withholding permission was

that the interim Mayor of Baongo needed a higher authority to sanction the rally. [10k]. From the end of 2001 there have been improvements in basic human rights, including the freedom of assembly and association. [42a].

6.23 Individuals are free to form and join political parties. Section 4 of the constitution governs political parties. All parties must respect national unity, territorial integrity and national sovereignty. Parties should also seek to uphold democracy and collective and individual liberties. This should be achieved through non-violent means. Failure to abide by these principles is in breach of the law. [19].

6.24 In 2001, no political parties were banned or suspended and numerous political gatherings and meetings took place. [1a]. UPADS, the party led by former President Lissouba still operates and contested the March 2002 Presidential elections, with Kignomba Kia Mbougou as its candidate. [11]. UPADS also won seats in the legislative and local elections later in 2002. The party formed and lead by Bernard Kolelas, the MCDDI, is also free to participate in the political arena. The MCDDI failed to win any seats in parliament and only managed to win 4 seats in the local elections. [16c][36b][5h]. From their places of exile, Kolelas and Lissouba both called on their respective parties to boycott the legislative elections. This call was rejected by the party leaders in Brazzaville, who decided to contest the election. [5k][17a].

6.25 Many former opposition political figures have returned to Brazzaville and have resumed their political activities. Also, civil servants who served under the previous regime and who supported the opposition groups, were allowed to return to their previous employer. [1a].

Political Activists

6.26 There were no reports of political prisoners in 2001. [1a]. Prior to the start of the electoral process, the UN commented that encouraging signs were evident with regard to freedom of speech. [42a]. Further, there were no reports of politically motivated harassment of political parties during the electoral process.

6.27 In their April 2003 report *A past which haunts the future*, Amnesty International (AI) stated that they received few reports of political prisoners. Although AI did believe that arbitrary arrest, unlawful detention and mistreatment in custody did occur, when such incidents happened, the victims were ordinary criminals with no political connections in “virtually all cases”. [9c].

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Employment Rights

6.28 Workers have the right to form unions and the Government respects this right in practise. Most workers in the formal sector are union members and unions have made efforts to organise workers from the informal sector. [1a].

With the exception of state representatives, the constitution acknowledges the populations right to strike, subject to law. [19].

6.29 Forced, compulsory and bonded labour is illegal, but it does occur. [1a].

People Trafficking

6.30 The law does not specifically prohibit people trafficking and there are reports that people are trafficked to, from and within the country. A study by the International Labour Organisation in Cameroon found that children had been trafficked between the Republic of Congo and other northern and west African countries. [1a].

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Freedom of Movement

6.31 Under Article 16 of the constitution, people are free to move about in the country and generally the Government respects this right. [19][1a]. However, since the restart of Ninja activity in the Pool region in March 2002, the Government has sealed off areas of Pool. The central area of Pool, including Mayama and Kimpello are currently sealed off by Government forces. [13b]. Additionally, people in the towns of Pool were forbidden to leave. When the United Nations flew in supplies to the town of Kindamba on 2 June 2002, the armed forces had just started allowing people to go back out into their fields to search for food. [4n]. The UN reported that repeated attacks by the Ninja and abusive protection by the military meant that free movement of the population in the affected areas was not possible. [4r]. It was estimated that 2,000 people remained in Kindamba under heavy army guard since the Ninja attacked on 31 March 2002. [4o].

6.32 Former Prime Minister Bernard Kolelas has reportedly tried to re-enter the country twice, despite the outstanding charges against him. However, on each occasion it is believed that the Government has intervened and the airlines have refused to fly Mr Kolelas. Other ministers, including the former President, Pascal Lissouba, who were tried and convicted in absentia would not be able to return. [1a].

6.33 A joint river patrol program along the Congo and Ubangui rivers means that travel along the water way as far north as Impfondo is relatively safe [1a].

6.34 The Republic of Congo is a signatory of the 1951 UN Convention Relating to the Status of Refugees. [1a].

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6.B. Human Rights – Specific Groups

Women

6.35 Under the terms of Article 8 of the constitution, women have equal rights to men and the law shall guarantee their advancement and representation in all aspects of political life. [19]. However, women are under represented in the executive, legislative and judicial branches of government. [24]. Nevertheless, this year some improvements have been made. 300 women were among the 1,200 candidates competing in the May/June 2002 legislative elections. [4k]. Additionally, in the cabinet reshuffle in August 2002, the number of female ministers rose from 2 to 5. [5j].

6.36 Speaking in late January 2003, the UN Committee on the Elimination of Discrimination against women asked the government to address laws that were discriminatory to women. Whilst commending the Congolese government for acknowledging serious obstacles to gender equality, the committee cited several laws in the fields of labour, taxation, criminal and family law. The Republic of Congo ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1982. [4ag].

6.37 During the civil conflicts of 1993, 1997 and 1998/9, as many as 60,000 women were raped. In some areas such as Pool, during these civil wars, rape appeared to be used systematically. [42a]. Women also suffered from other forms of violence and it is thought that the physical and psychological impact of this is extremely deep. [24]. Brazzaville newspapers, quoting a UNICEF report, claimed 27,000 women had been raped in the preceding 10 years. [5z].

6.38 During the recent civil conflict in the Pool region, there have been reports that many women are stating that they have been raped by men in uniform. As much of the areas of fighting are sealed off these reports have not been verified, but organisations who work with these women fear that government forces are amongst the culprits. This has attracted much concern from the United Nations High Commissioner Human Rights, Mary Robinson [4m]. On 27 May 2002, a UN spokesperson stated that rapes by the military are frequent. [4r]. The government's own figure have put the number of victims at 3,422 over the past 4 years according to a recent survey [5l].

6.39 In late February 2003 MSF said that it would help victims of rape from Congo's civil conflict to prosecute their attackers through private legal action. The MSF head of mission in Congo, Phillippe Guerin said that the criminal court had not convened in over four years. [17d]. However, this appears to be tempered by the UN article on MSF activities, stating that no rape case judgement had been rendered to date. [4ab]. A study carried out in Brazzaville by MSF between March 2000 and January 2003 showed that more than 600 rapes were committed in the city between these times. Victims included a six month old baby girl and four men. A third of all of the rape victims were aged 13-17, and a quarter between 18-25. Only 2.4 percent of the 445 victims tested positive for HIV, but other infections were passed on, as well as other physical and psychological traumas associated with rape. [17d].

6.40 Domestic violence, such as beatings and rape, against women are widespread, though are rarely reported to the authorities. It is usually handled within the extended family. There are no specific statutes for domestic violence, such charges fall under general law regarding assault. **[1a]**.

6.41 Female Genital Mutilation is not practised indigenously, although it may be more common in migrant communities, particularly those from Mali and Mauatania, where it is more widespread. **[1a]**.

6.42 The purchasing power of women in the Congo is considerably lower than that of men. GDP per capita for men is \$1,297 but only \$706 for women. Similarly, in terms of literacy, the rate for men is 85.7 percent, compared to 71.5 percent for women. Although there is a general downward trend, life expectancy for women is higher than men, at 51.1 years compared to 46.7. **[24]**.

6.43 As the economic downturn still dogs the Republic of Congo and unemployment continues, even women educated to diploma level are finding themselves forced to work in the informal sector to support their families. **[24]**.

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Children

6.44 Education is compulsory from the ages of 6 to 16. **[2b]**. See Educational System section 5.68 – 5.69 for further details.

6.45 According to Human Rights Watch, both the Government and the militias use child soldiers. **[21]**. The Coalition to Stop the use of Child Soldiers claims that 6,000 children are being used by both the government and the militia groups in the country, recruiting males between the age of 15 and 35. **[25]**. Child labour is illegal, but this law is not vigorously enforced. **[1a]**.

6.46 According to MSF, approximately 600 women were raped between March 2000 and January 2003. A third of these rape victims were aged 13-17. Some were younger, the youngest victim being a six-month-old baby. Only 2.4 percent of the 445 victims tested positive for HIV, although other infections were transmitted. Physical and psychological traumas associated with rape were also recorded. **[17d]**.

6.47 The Directorate of Employment and Human Resources in partnership with the United Nation conducted a survey into child labour. 3,155 children were sampled from the main cities of Brazzaville, Pointe Noire, Nkayi, Dolisie and Ouessou. The results found children of 5-16 engaged in sales activities and no longer at school. 40 percent of those surveyed were orphans. **[42b]**.

6.48 The number of street children appears to be growing, particularly after the civil conflicts of the late 1990's. These numbers are swelled by children from the Democratic Republic of Congo (DRC) who cross over the Congo river in search of a better life. UNICEF estimates that at least 20 percent of

the children on Brazzaville's streets are from the DRC, although some NGO's put this figure at 50 percent. [1a].

6.49 Although street children are not actively mistreated by the government nor any vigilante group, they are vulnerable to criminal gangs and to sexual exploitation. [1a].

6.50 In 1992, 92 percent of births were registered. However, in 2002 that figure had fallen to 44 percent. Registering births is largely economically inaccessible to most people. [42b].

Childcare

6.51 In 2000 an estimated 137,000 children, 11 percent of all Congolese children, were orphans. Most are hungry, poorly clothed and receive no education. Some have to take on the role of head of household and provide for their brothers and sisters. Traditionally, it is only the son or nephew who are recognised as heirs, and thus stand to inherit their parents possessions. Orphans are exposed to exploitation, drugs and HHIV/AIDS. [42b].

6.52 There are few orphanages in the Republic of Congo. A church group has recently opened one as a pilot project with the approval of the government, but it initially only had a capacity of 8 children, which is expected to expand later. [43]. The International Red Cross (IRC) operates three daytime safe havens in Congo, two in Brazzaville and one in Pointe-Noire. IRC also helps reunite these children with their families and assists with education and apprenticeships. [46c].

6.53 The wife of President Sassou-Nguesso has also offered a large piece of land for the construction of an orphanage, to another church group, World Outreach. Additionally, the Ministry of Health has given two vacant building to World Outreach, one for an orphanage and the other for a school for the orphans. [44].

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Ethnic Groups

6.54 Discrimination on the grounds of ethnicity is outlawed by the constitution but in reality it does occur. The formation of political parties along ethnic lines is also prohibited. In 2001 there were no reports that the government or security forces discriminated against members of the southern ethnic groups, or used violence against them. [19][1a]. Since the restart of hostilities in March 2002 there have been reports that men in uniform have perpetrated rapes against civilian women in the Pool region. Also, there have been reports of fighting age men in the Pool being apprehended by the authorities. [4m].

The Bakongo

6.55 The largest ethnic group in the Pool region are the Bakongo, also known as the Kongo. The Lari are the largest sub-group of the Bakongo, [40] and are

generally perceived to support Kolelas, and in the 1999 civil war, the Ninja's. Whilst drawing clear definitions, linking political allegiance to ethnic group is inaccurate, the Ninja's are largely comprised of Lari members. [1c]. The Vili are also a sub-group of the Bakongo and are mainly found on the Atlantic coast and in Brazzaville. [40]. The president's wife, Anoinette Nguesso, is a Vili. [1c]. In the past the Vili have been known to form alliances with the Nibolek, of the Bouenza, Niari and Lekoumou regions. [40]. Former President Lissouba is of the Nzabi tribe, a sub-group of the M'bebe-Nzabi. [41]. In 2002, the security forces arrested "southern" men on suspicion of involvement with the Ninjas. [1d].

The Batéké

6.56 The Batéké are the second largest ethnic group accounting for 21 percent of the population. They are found mainly north of Brazzaville, stretching over the Gabonese border. The Boulangui are the third largest of the main ethnic groups.

The M'Bochi

6.57 The M'Bochi are the largest sub-group of the Boulangui, accounting for 14 percent of the country's population. Former head of state Yhombi-Opango is of the Kouyou sub-group of the Boulangui, and the current President, Sassou-Nguesso is M'Bochi. [40].

Pygmy tribes

6.58 A small number of Pygmies, or Bambenga, live in Congo, comprising just 1.5 percent of the population [2a][13d]. They are marginalised in most areas of society, partly by their geographic isolation, usually living amongst the heavily rainforested areas, and partly due to societal attitudes of the majority Bantu tribes. Historically, the pygmies have been exploited by other more powerful tribes, and this is still evident today. [13d]. Poor access to basic amenities, educational facilities and health care are problems which UNICEF are trying to help address by providing local schools, health centres and funding micro-agricultural projects. [4x].

6.59 Just as former cabinet ministers of the previous government have been allowed to return, so too have former civil servants that are members of ethnic groups who opposed the government been allowed back into their posts. [1a].

6.60 The ethnic divisions that were apparent in the 1997 and 1998/9 civil wars are still widespread in society today. From the de facto division of some urban neighbourhoods to the job market and consumer purchasing, ethnic prevalence has been evident. [1a].

6.61 A director of a local newspaper in southern Pool claims that the country has turned against Bakongo, as no one is denouncing the bombardments of the region. [30b].

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Homosexuals

6.62 Homosexuality is not illegal in the Republic of Congo. [22]. However, societal attitudes may vary. [1a].

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6.C. Human Rights – Other Issues

Rebel Groups: Ninja

6.63 Although Article 172 prohibits the recruitment of militias, the Ninja are still active. The Ninjas are named after the famous Japanese warriors. In the previous conflicts of 1993 and 1998/9 they have been controlled by Bernard Kolelas, the former Prime Minister and Mayor of Brazzaville. However, the attacks launched in March 2002 were instigated by a faction of the Ninja's called Nsiloulou, led by Reverend Frederic Bitsangou (aka Ntoumi). The Ninja's claim that the current conflict was started when the government sent 500 troops to Vindza, Pool region, the area of Ntoumi's headquarters. Ntoumi claims that he sent some of his Ninja's to investigate but these men were fired upon by the government forces. [19][4g]. The Ninja's claim that this was an attempt to arrest Ntoumi. [4q].

“Ninja” rebels launch attacks

6.64 On 29 March 2002, less than three weeks after the presidential elections, a militia group launched a series of attacks around the Pool area [12a] and on 2 April 2002 the same militia killed two passengers during a raid on the Pointe Noire-Brazzaville rail service [4c]. Fighting between the Ninja's and the government army (Forces Armees Congolaise – FAC) escalated to encompass large areas of the Pool province (the province surrounding, but not including, Brazzaville) and even parts of Brazzaville [4d][6e]. On 9 April 2002, a FAC operation in Brazzaville caused tens of thousands of people to flee their homes in the city [4d]. Explosions and shots were heard during the operation, but the government stated that this was just part of a search for illegal arms and that the shots were warning shots [4e]. On 10 April 2002 the UN estimated that at least 65,000 people were displaced from Brazzaville [13a], with a further 15,000 displaced from the interior [4p]. However, on the same date, the Mayor of Brazzaville appealed for calm, after which the situation there stabilised. The government forces removed many of their roadblocks and most international flights to the capital were unaffected by the situation [13a][16h]. 12 soldiers were dismissed in April 2002 following charges of looting in Brazzaville during an operation to clear the Ninja's from the southern suburbs. [4q].

6.65 Despite government claims that the situation was under control and that the army were doing nothing more than routing out bandits, on 20 April 2002, reports emerged that Angolan reinforcements were arriving, and being deployed in the Pool region. [10f]. Much of the Pool region was inaccessible to anyone but the military, raising concerns amongst aid agency's over the welfare of the people there. [4q].

6.66 By 25 April 2002, the Army claimed that it had secured the rail link from Brazzaville to Pointe Noire, the country's main port. Whilst the rail link was in jeopardy, fuel and other goods, became scarce in Brazzaville. [16g][12b].

6.67 However, fighting continued in the Pool region, and as a result, on 15 April 2002, UNICEF stated that there were up to 250,000 internally displaced persons in the country. [15]. On 17 April 2002, other UN sources put the figure at the much lower number of approximately 80,000 [4p]. A French news report stated that by 21 April 2002 the flow of refugees into the capital seemed to have stopped [10f]. The Angolan army, who helped Sassou-Nguesso come to power, are supporting the FAC in their current military operations [16a][18].

6.68 By mid May, the UN estimated that at least 22,000 people were still displaced, but thought the actual figure to be higher. [4g]. Aid agencies, including the UN were limited geographically in where they could operate by the Government, who cited security reasons for the restrictions. [6h]. These agencies were allowed to visit Kinkala, where 4 government displacement camps had been established on 5 April 2002, but closed 9 days later. Previously, no aid agency had been able to reach Kinkala since 9 April. [4g]. When the UN gained access to Kindamba, another town in Pool, on 2 June 2002 they found the situation was not as serious as they feared. UNICEF identified 8 cases of malnutrition in children and noted that people had been eating irregularly and lack proteins found in fish, chicken and red meat. [4n].

Attack on Brazzaville

6.69 By 4 June 2002, the government claimed that it had liberated the Pool region, and that the population were able to go about their business as usual. [5o]. This claim included the town of Vindza, where the Ninja headquarters are located. [16b]. However, on 14 June 2002, the Ninja launched an attack against Brazzaville, focused on the area around the Maya Maya airport. [16i]. It is thought that the primary objective of the Ninja's was to destroy the attack helicopters that the Congolese Government forces have employed against them. Government sources state that they were unsuccessful in their attempt. [14]. Sporadic artillery and small arms fire at 04:00 signalled the start of the offensive. Residents of M'Filou, a northern suburb of Brazzaville where the initial attacks occurred, fled to the south of the capital. Government tanks formed a line around the airport, which is located 6 kilometres north of the city centre. [6i].

6.70 The Ninja's were seen to be topless, wearing charms around their necks, which are to ward off bullets. [16i]. Their attacks were described as determined and heavy shelling was again heard on the 15 June 2002. [10g]. Also on 15 June, a police station in Kinsoundi was attacked and burned by the Ninja's. Despite this, locals reported that the Ninja's said that they were "not against the population but against soldiers". The Ninja allowed people to flee their homes. [17b]. The UN co-ordinator in Brazzaville stated that although many people were leaving their homes, the situation wasn't as bad as the 9 April 2002 situation, because the wards that were effected by this battle were

not as populous as those effected on 9 April. [10g]. 10,000 people were believed to have fled the two days of fighting. [32].

6.71 60 Ninja rebels and 13 Government soldiers were believed to be dead by the evening of 15 June 2002. [10g]. 6 civilians were also thought to have died. [12c]. Some reports put the number of dead at 100. The same date, the airport reopened and thousands of those who fled returned to their homes. However, the army's heavy weapons could still be heard firing some 12 miles to the west of the city as the army pursued the rebels. [16j]. Many people returned to homes to find that they had suffered damage in the fighting, or had been looted. [5p][5q]. The International Committee of the Red Cross (ICRC) evacuated 12 seriously wounded and 5 serious medical cases to Brazzaville's hospitals and moved 19 bodies to the morgue, without hindrance from the authorities. [31].

Fighting in Pool: The current situation

6.72 By 30 July 2002, the UN estimated that 66,000 people were still displaced as a result of the fighting since March 2002. One third of this number were being assisted by the UN and its partner agencies in and around Brazzaville. The remainder were most likely living in Pool. [4u]. This is in addition to the 30,000 Congolese who, by the end of 2001, had sought refuge outside of the country. [33]. The number of displaced people had risen to approximately 150,000 by January 2003. [17e].

6.73 Fighting continued, despite pleas from NGO's to use dialogue to end the hostilities. [4v]. 11 people were killed in clashes between the army and the Ninja's in Mpayaka, Pool region in early August 2002. [5r]. 2 soldiers and a civilian were killed on 1 August 2002 in a suspected Ninja attack on the Pointe Noire – Brazzaville train. [5s]. Another attack on the same train line on 24 August 2002, wounded 30 and killed an unconfirmed number of people. After pillaging what goods the train was carrying, the Ninja's reportedly took hostage a number of soldiers who were acting as escorts. [4w][10h]. The government claimed that the train was bringing in food, medicine and fuel to the capital [13c], but the Ninja's refuted this, claiming it was carrying weapons brought from Europe. [10h]. Train services between the two cities were suspended for over a week, resuming on 3 September 2002, although passenger services remain suspended as they have since the first attacks in April, earlier in the year. [13b]. The Ninja continued to target the rail link, derailing a train again on 30 September 2002, killing 9 soldiers and wounding several others, including civilian stowaways. [17c]. The central area of Pool, including Mayama and Kimpello are still sealed off by Government forces. [13b].

6.74 Also, in August 2002, there were still reports of displaced people fleeing from the Pool region. In that month, 42 families arrived in Djambala, Plateaux region escaping fighting in Mpangala, Pool. Other displaced persons have fled to the Plateaux and Bouenza regions, which border Pool, to the north and west respectively. [5u].

Treatment of Civilians caught up in the fighting

6.75 On 13 May 2002, rape survivors from the 1997 and 1998/9 civil wars were taking their cases to court with the assistance of Medecins Sans Frontieres (MSF). It was reported that over half of the 3,000 rape survivors were children or adolescents. Of the 332 rape victims that have gone through MSF's rehabilitation centres, 178 were minors. MSF claim that 64.3 percent of the rape victims have not pressed charges against their attackers. Victims had difficulty in identifying their attackers, as attacks mainly took place in forests, abandoned houses and jails and they were sometimes raped by more than one person. Rebecca Oba, director of human rights at the Congolese Ministry of Justice, encouraged women to pursue their claims stating that the amnesty for former militia fighters does not provide immunity in the case of rape. Oba added that all that is needed for a case to proceed is for a victim to identify her attacker and to pay the 25,000 CFA (US\$35.70) to file the case. MSF added that the judicial system is confusing and this does not help matters. Also, MSF's then mission chief in Congo, Phillippe Cachet, prioritised the tendency for the judiciary to encourage the alleged rapists' families to come to friendly settlements with the police, as something that must end. **[38b]**.

6.76 The Government have been criticised by the UN Co-ordinator in Brazzaville for its use of attack helicopters against villages in the Pool region. **[30a]**. The machines that the Government use are Mi-24 helicopters. Each can carry 23mm heavy machine guns and rocket pods. No one knows how many people have been killed or injured in these raids **[4o]**. Mary Robinson, the outgoing UN High Commissioner for Refugees has expressed grave concerns on the issue. Ms Robinson stated that an "unknown number of civilians" are being killed and wounded in these indiscriminate attacks. **[4s]**. Joining the UN in their condemnation of the tactic of using helicopter gunships, the Bishop of Brazzaville claimed that their use is ineffective against the Ninja, but the people most likely to be hit are women and children. **[4o]**.

6.77 Mary Robinson also remarked on other reports of human rights abuses. Ms Robinson commented on reports that dozens of females had been raped and that a number of young men have been abducted from camps for internally displaced persons and who's current whereabouts are unknown. **[4s]**. The camps for internally displaced people in Kinkala were deserted after government forces took 30 men from these camps, who did not return. **[4q]**.

6.78 Again, the UN Co-ordinator, William Paton, stated on 30 May 2002 that women are being raped in Kindamba. The site is protected by Government forces and accommodates 2,000 people, the remaining 14,000 of the towns population were still displaced in May 2002. Mr Paton stated that soldiers were entering the site, taking women out, raping them and then bringing them back later in the day. **[5n]**. The governments own figures estimate that some 3,422 women were raped between 1998 and 2002, according to a survey carried out in the southern regions of Kinkala, Nkayi, Sibiti, Dolisie and Pointe-Noire. **[5l]**. The UN puts the total number of rapes during the three civil wars of the 1990's at 60,000. **[42a]**. When interviewed about the current security situation, President Sassou-Nguesso was asked whether he acknowledged

that government forces committed human rights abuses. Sassou-Nguesso conceded that “it is possible that here and there a few blunders happen”. [10l].

6.79 In May 2002, 5,000 civilians who had fled the Pool region claimed that they had been forced from their homes in Mbanza-Ndounga, Goma Tsé-Tsé and Boko, by the Ninja’s. Those who refused to leave were reportedly killed. [9c].

6.80 Allegations of sexual abuse perpetrated by its staff caused United Nations High Commission for Refugee’s to launch an investigation on 20 May 2002. In addition to these allegations, UNHCR staff were also accused of selling travel documents and refugee cards. [5m].

6.81 In November 2002 the United Nations said that it was assisting 8,000 refugees on the outskirts of Brazzaville after they had fled the Pool region. The displaced people said they were fleeing from the lawless condition in the region that was evident in October. The UN said that there were no severe health problems but the lack of sanitation remained a cause for concern. [4ah].

6.82 In late November 2002, it was reported that government forces extrajudicially killed 9 people from Moutampa in the Mbanza-Ndounga district of Pool. The victims included a 17 year old male. Prior to being shot dead, the victim’s were allegedly severely tortured by the soldiers. [9c].

6.83 On 4 December 2002, a government spokesman claimed that Ninja rebels had killed 17 civilians in the Pool province over the last four days. The incidence occurred in four different locations. This particularly spate of attacks started on 28 November in the village of Mfouati where five people were killed and a baby was set on fire. [17f].

6.84 On the same day, 4 December, Defence Minister General Ndolou took a group of representatives from political parties, NGO’s and journalists, around the town of Kinkala. The army had been accused by some opposition figures of shelling the town. Whilst it was largely deserted, with only 600 of the original 6,000 inhabitants remaining, the residents stated that Kinkala wasn’t shelled, but shelling did occur 12km away, resulting in the deaths of five people. [10n].

6.85 The Internal Human Rights Federation (FIDH) accused the rebels and government forces of committing numerous human rights abuses. In a statement made on 6 December 2002, FIDH claimed that the civilian population had endured summary executions, rapes, looting and had their villages devastated. The human rights body continued to say that no one had been tried for these crimes. [10o]

6.86 The UN reported in January 2003 that 60,000 people had fled their homes in Pool as a result of “bombing, banditry and attacks on villages”. Clashes between the Ninjas and the government forces continued through the

end of 2002. [12e]. This brings the total displaced population to approximately 150,000. The UN is providing aid for approximately 84,000 of these, but the remaining 60,000 are beyond the reach of the aid agencies. [17e].

6.87 At least 10 people were killed in an attack on the village of Yamba in the Bouenza province, on 10 February 2003 according to the authorities. They claim that 40 Ninjas attacked the main police station, killing the police commissioner and approximately 10 civilians. The Ninjas looted shops before fleeing to Loulombo and Kimbedi in the Pool province. [17g]. Other reports put the number of Ninja militia who participated in the attack at just eight. [6k]. The government also blamed the killing of 15 more civilians on 5 January 2003 on the Ninjas. [10p]. Amnesty International reported that over 170 people had been killed in Brazzaville in early 2003. Most of these were unarmed civilians. [9c].

6.88 In light of the recent peace initiative, on 7 April 2003 the government announced an agreement with humanitarian aid agencies, concerning the return of internally displaced people (IDP) to the Pool region. Emilienne Raoul, the Minister for Social Affairs said that the government has agreed to provide transportation for the returnees, who can be assured of their “security and dignity”. Sory Ouane, the interim co-ordinator of the UN aid agencies, said the UN agencies would provide food and non food items, as well as youth training to start the reconstruction of the province. The aid agencies said that a rapid return of displaced people to their homes was necessary, as the conditions in the IDP camps were deteriorating. [4ai].

Demobilisation of militia fighters

6.89 In an effort to sustain peace, the United Nations Development Programme (UNDP), in partnership with the International Organisation for Migration (IOM) runs a program to disarm former militia fighters and provide them with grants to initiate businesses. Since July 2000, \$8 million was targeted at 15,000 former combatants, but only \$3 million was actually donated by the international community. [16f]. Currently, the scheme has stalled for lack of funds, although Sweden, the European Union and the Congolese government have pledged more money for the program. [5t][16f]. The program has reintegrated 7,500 former fighters into civilian life through funds and training to start small businesses. Some 1,800 have been reintegrated, mainly into the army. Additionally, 12,000 small arms were collected and destroyed under the program. [4p]. The IOM gives 250,000 CFA for a weapon, the minimum grant. The more weapons an ex-fighter hands in, the more money he gets. [5t].

6.90 On 6 December 2002 officials announced the end of the IOM project. It had collected 20,000 weapons and reintegrated thousands of militiamen into civilian society. The government has received 4.6 million euros from the World Bank to continue it's own reintegration programme. [12d].

A New Peace Initiative

6.91 The continuation of violence in the Pool province forced the government into the establishment of a buffer zone around Brazzaville in an attempt to prevent Ninja infiltration of the capital city, which borders the Pool province. The zone also prevents fleeing civilians from reaching the city. **[5aa]**.

6.92 In November 2002 a plan was presented to the government to end the hostilities. A committee established at the President's request issued a 10 point peace plan. Amongst these points are replacing the army units in Pool, which are mainly comprised of ill disciplined conscripts, with gendarmes, a withdrawal of all foreign troops, a general amnesty for surrendering Ninjas and full access to Pool for NGO's. **[3e]**. The committee has also offered to act as mediators between Sassou-Nguesso and Pasteur Ntoumi. **[5aa]**.

6.93 On 19 November 2002, President Sassou-Nguesso ordered the military to create a humanitarian corridor to enable Ninja rebels to leave the forests of Pool and pass safely to Brazzaville in order to disarm. The President guaranteed their safety, but added that there is a one month ultimatum to take up his offer or face the consequences. **[10q]**.

6.94 In his end of year speech, made after the expiry of his own one month ultimatum, Sassou-Nguesso repeated his offer to guarantee the safety of any militia men should they surrender. Approximately 95 Ninjas, who had previously been located in Mindouli forest, handed themselves into the authorities during the last days of 2002. **[17h]**. The PanAfrican New agency reported that, by mid February 2003, around 400 militiamen had surrendered themselves in light of the Presidents offer. **[5ab]**.

6.95 It was reported on 31 December 2002 that after three days agitated debate, MP's had created an 11 man commission to meet with the rebels, in order to find a solution to the crisis. The commission will be headed by André Milongo, the leader of the opposition. **[17i]**.

6.96 Despite the on going effort to secure peace through the diplomatic channels, the authorities inaugurated a new army base in Kinkala on 16 February 2003. The based was opened by Chief of Staff Charles Mandjo, with the view to restore the State's authority in Pool. **[5ab]**.

6.97 On 20 January 2003, United Nations aid agencies requested US\$60 million from donors in order to cement the peace process. The UN Children's Fund (UNICEF) stated that democratic institutions had been put in place and it was time to comfort this with international assistance, in order to create the durable peace that the Congolese people deserve. **[17e]**.

6.98 In late January 2003, President Sassou-Nguesso's party, the Parti Congolais Travail (PCT) announced that it was willing to meet with Pasteur Ntoumi, the leader of the Ninjas. A spokesman for the PCT said that Ntoumi will be welcomed in Brazzaville, on condition that he lay down his arms and abandon violence. **[4aj]**.

6.99 A breakthrough in the drive for peace came on 17 March 2003, when both the government and the Ninjas issued a declaration in Brazzaville. The Ninja spokesman agreed to end hostilities, disarm his fighters and enable the State to restore authority in Pool. The government in turn, agreed to guarantee an amnesty offer to rebels, including provisions for integrating ex-combatants into the army. [4ak]. Les Depeches de Brazzaville reported that on 23 March 2003 the Minister for the co-ordination of Government activities, Isidire Mvouba, welcomed a delegation of 100 Ninja militiamen to Brazzaville. The Ninja delegation, lead by Prosper Miyamou, also known as Pistolet, entered the city on foot through the Kinkoula humanitarian corridor from Bouenza province. [36c].

6.100 On 26 March 2003 the government and Ninjas exchanged prisoners as part of the agreement to restore peace to the country. 21 Ninjas and 16 government soldiers as well as two women who had given birth in captivity were exchanged. The process was facilitated by the International Committee of the Red Cross. [4al].

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Humanitarian Situation in southern Congo

6.101 The Food and Agriculture Organisation already assisted the population prior to the current outbreak of fighting. Between 1997 and 2000, (US) \$2.69 million funded 12 emergency projects. Currently, the government spends (US) \$147 million on food imports. [5v]. In September 2002, Jacques Diouf, head of the UN's Food and Agriculture Organisation (FAO) announced the initiation of a major nation-wide food security programme. Pilot projects, to run with the assistance of 34 Vietnamese experts, commenced in September 2002. It is estimated that 32 percent of Congolese suffer from hunger [4aa]. On 14 January 2003, before the announcement of the repatriation of the internally displaced people, the World Food Programme announced that it urgently required 4,000 metric tonnes of food aid to feed 30,000 until mid 2003. [4am].

Human Rights group files complaint against General

6.102 The French based NGO (Non Governmental Organisation) International Federation of Human Rights Leagues (FIDH) have named Congolese General Norbert Dabira, who lives in France, in a judicial complaint. The FIDH accuse him of torture of refugees who had just returned from the Democratic Republic of Congo (DRC) in 1999. When a group of refugees arrived in Brazzaville, 353 were arrested and then disappeared. They are widely believed to have been executed. [4t]. The return of the refugees was supervised by the UNHCR, with the agreement of both the governments of the DRC and the Republic of Congo. [37j]. The procedure also named President Sassou-Nguesso, the Interior Minister Pierre Oba and commander of the Presidential Guard, Blaise Adoua. [4t]. On 8 July 2002, General Dabira was questioned for more than 4 hours by the two French magistrates investigating the case. However, General Dabira was not placed under caution. [5y].

6.103 On 11 September 2002, it was reported that the Congolese government state that these allegation have “no legal grounds” and that General Dabira should not go before Meaux High Court. **[10j]**. Despite this, the French court has requested a written deposition from the President Denis Sassou-Nguesso. Sassou-Nguesso claims that he has not received such a request and so will not be providing a deposition. **[10e]**.

6.104 On another topic regarding the FIDH, a sister organisation, the Observatoire Congolais des Droit d’Homme (OCDH) has accused another human rights NGO, the FCDH, of being a “coalition of human rights NGO’s that have pledged allegiance to the government”. The OCDH also claim that FCDH was established to manipulate national and international opinion against the OCDH and FIDH and to act as an opposition to the OCDH in Congolese society, with a view to discrediting it. The FCDH has denied these allegations of bias, calling them a form of human right violation in themselves. **[36a]**.

6.105 The government filed a petition on 9 December 2002 before the International Court of Justice (ICJ) in an attempt to block the Interior Minister Pierre Oba from being tried for crimes against humanity and torture in France. The petition also said that a warrant instructing police to examine President Denis Sassou-Nguesso as a witness violated the criminal immunity of a foreign head of state. **[4an]**.

6.106 Investigators in the Congo itself have begun questioning police and army officers over the disappearance of the 353. Authorities in Brazzaville have stated that there will be a thorough investigation and the examining magistrate has said that a number of officers might be charged if there was sufficient evidence. **[17j]**.

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Annex A

A. Chronology of Events

1958,

November – The Republic of Congo becomes autonomous in the French Community.

1960,

15 August – Full independence.

1961,

March – Youlou elected as President.

1963 – After worker and ethnic tensions, Youlou transfers power to a provisional government with Alphonse Massamba-Debat as its leader.

1963,

December - Massamba-Debat elected President.

1964 – Mouvement National de la Revolution (MNR) formed as the sole legitimate political party, on Marxist-Leninist principles.

1968,

August - Massamba-Debat deposed by Captain (later Major) Marien Ngouabi in a military coup. New party, the Parti Congolais du Travail (PCT) also founded on Marxist-Leninist principles replaces MNR.

1970,

January – Country renamed the People's Republic of Congo.

1977,

March – Marien Ngouabi assassinated by pro-Massamba-Debat supporters in an attempted coup. Massamba-Debat subsequently executed.

April – Colonel (later Brigadier-General) Jacques-Joachim Yhombi-Opango appointed Head of State.

1979,

February – Yhombi-Opango steps down in the face of floundering support. Committee appointed by the PCT takes power.

March – Colonel (later General) Denis Sassou-Nguesso, leader of the committee, is appointed as President.

1987,

July – 20 army officers are arrested on charges of undermining state security. A committee established to investigate their activities concludes that it was an attempted coup, implicating Yhombi-Opango. He is imprisoned.

1989,

September – Legislative elections. First time that non-PCT candidates ran.

1990,

August – Yhombi-Opango released.

September – Marxism-Leninism abandoned as official party ideology.

1991,

January – Constitution amendments to allow political parties are endorsed.

– Army instructed to disassociate itself from PCT.

March – Conference of 1,100 delegates founded to consider the future of the country.

April – Conference annul the constitution. National assembly dissolved with other national and regional institutions.

June – A higher Council of the Republic established to oversee the implementation of these schemes.

– Andre Milongo appointed as Prime Minister.

– Country reverts back to its former name, the Republic of Congo.

1992,

January – Army unrest

March – New constitution approved in a referendum.

June/July – National Assembly elections. Union Panafricaine pour la Democratie Sociale (UPADS) won 39 of the 125 seats, Mouvement Congolais pour la Democratie et la Developpement Integral (MCDDI) won 29 and PCT, 18.

July – Senate elections. UPADS again win most seats with 23 out of the 60 available.

August – Pascal Lissouba, leader of the UPADS wins the Presidential elections, defeating Bernard Kolelas in a run off. The incumbent President, Sassou-Nguesso, is beaten into third place.

September – UPADS-PCT pact enables Lissouba to form a government.

- PCT pull out of the pact, citing that they have not received the promised amount of ministerial posts as their reason. PCT later form an alliance with Union pour la Renouveau Democratique (URD), a grouping of 7 opposition parties. With a parliamentary majority, URD and PCT demand the right to form a government.

October – Vote of no confidence in the government.

November – Prime Minister announces the resignation of his government. President Lissouba dissolves parliament and promised new parliamentary elections in 1993.

December – Military intervene, advising both parties to form a transitional government.

1993,

May – First round of the legislative elections, UPADS and it's allies (collectively called the Mouvanse Presidentielle (MP)) wins 62 of the 125 seats, URD-PCT, 49. URD-PCT claim electoral irregularities and boycott the second round.

June – MP wins 69 seats following the second round.

- Lissouba forms government

- Bernard Kolelas, head of the opposition group MCDDI and chairman of URD-PCT, demands new elections and urges his supporters to follow a campaign of civil disobedience. Political and ethnic violence ensues.
- Supreme court rules that electoral irregularities did occur in the first round.

July - State of emergency declared

- Government and opposition negotiate a truce. Agree to a Committee of international adjudicators to examine the results of the first round. Later, the supreme court nullify the results of the second round.

August – State of Emergency repealed.

October – Rescheduled second round. UPADS and its allies secure 65 seats, and their majority. URD-PCT win 57 and agree to take their places in the assembly.

November – Confrontations between the militias and the security forces reignites. By the end of 1993, 2,000 people have died.

1994,

January – Cease-fire reached.

February – Committee of international adjudicators rule that result of 8 constituency's in the first round held in May 1993, were unlawful.

September – 6 opposition parties, including Sassou-Nguesso's PCT, form the Forces Democratiques Unies (FDU). Affiliated to URD.

December – Reconciliation talks between the government and opposition.

1995,

January – 2,000 fighters who supported the opposition to be integrated into the armed forces.

- Government resigns. A new coalition council of ministers appointed, including MCDDI representatives. FDU refuse to participate.

August – Public demonstrations banned.

September – National Assembly pass laws restricting freedom of the Press.

October – Government announce drive to make the armed forces more reflective of the ethnic composition of the country.

December – MP and opposition groups sign peace pact, under which the militias were to disarm and 1,200 are to be integrated into the security forces.

1996,

February – 5 soldiers out of 100 who mutinied over pay and conditions were killed. The 100 men were from former militias integrated into the army. FDU suspend the integration of their men into the armed forces.

March – Government agree to increase the number of militias who can be integrated in the armed forces. FDU resume co-operation with the process.

August – Militias claiming loyalty to the FDU occupy a town in central Congo. FDU changes names to Forces Democratiques et Patriotiques (FDP).

– Yhombi-Opango resigns as Prime Minister. David Charles Ganao, of the Union des Forces Democratiques (UFD) appointed.

October – Senate elections for 23 of the 60 seats. MP wins 12, FDP 10 with 1 independent.

1997,

January – Sassou-Nguesso returns to Congo. First visit since 1995.

- Numerous small-scale mutinies.
- President Lissouba accused of ethnic favouritism, promoting officers from the south, and dismissing officers from the north, many of whom were appointed in Sassou-Nguesso regime.
- February** – 19 opposition parties including the PCT and MCDDI make a series of demands of the government. None are met.
- May** – Inter militia conflict again arises.
- June** – Government attempts to disarm militias associated with Sassou-Nguesso and the FDP rapidly escalate into open conflict between the various militias and the army fractures along factional lines.
- Brazzaville is divided into three zones, one loyal to Lissouba, one to Kolelas and one to Sassou-Nguesso. Soon the conflict involves just Lissouba and Sassou-Nguesso.
- Efforts by Kolelas, President Bongo of Gabon, a UN-OAU joint representative to mediate in the conflict fail.
- with the numerous cease-fires not holding, French troops evacuate foreign nationals from Brazzaville. Despite pleas for them to stay, with their mission complete, the French troops leave.
- August** – The fighting intensifies and escalates to encompass the north.
- September** – Lissouba appoints a government of national unity, assigning Kolelas to lead it. This undermines Kolelas' neutrality as a mediator. Sassou-Nguesso rejects the 5 seats in the Council of Ministers that is offered to him.
- Lissouba forms the Espace Republicain pour la Defense de la Democratie et l' unite Nationale (ERDDUN) out of those organisations still loyal to him.
- October** – Sassou-Nguesso, with assistance from Angolan troops seizes Brazzaville. Later in the month, he is inaugurated as President.
- Lissouba and Kolelas flee the Republic of Congo, subsequently ending up in the UK and USA respectively.
- November** – New transitional government appointed. Outlaws and disarms all party militias.

1998,

- January** – 1,420 delegates were convened to a Forum for Unity and National Reconciliation, including most political parties, but the ERDDUN refuse to participate.
- The Forum approved a 3 year transitional period, 75 member National Transitional Council (NTC) was formed to act as a legislative body. The NTC was elected by the Forum in mid January.
- May** – France normalises relations with Congo, and resumes military assistance.
- November** – Arrest warrants for Lissouba, Kolelas and Yhombi-Opango for genocide and war crimes are issued.
- December** – Fighting in the Pool region around Brazzaville that had been rumbling on throughout 1998 culminated in a battle for Brazzaville between Kolelas' so called "Ninja" militia on one side and the Government forces with Sassou-Nguesso's militia (the "Cobra's") backed by Angolan troops, on the other. 8,000 residents flee to the Democratic Republic of Congo (DRC). Both sides claim victory. Later in the month Government forces, backed by Angolan troops launch offensives in the south against the Ninjas.
- The Republic of Congo and the DRC sign a non-aggression pact.

1999,

January – New Council of Ministers formed. Fighting continues around Brazzaville and in the south west, particularly around the town of Dolisie.

- Heads of state from DRC, Angola and Republic of Congo meet to discuss the conflicts in their countries.

February – An additional 10,000 people are estimated to have fled from south of Brazzaville to the DRC.

March – Rebels withdraw to the Pool region. Residents start to return to the areas south of Brazzaville

April – Residents start to return to Dolisie after government forces secured the town in March.

May – Army secure Kinkala, the capital of Pool.

August – Large scale return of residents to the area south of Brazzaville.

- Army secure the Brazzaville-Pointe Noire railway line.

- Sassou-Nguesso issues an amnesty for any militia prepared to renounce violence and hand in their weapons.

September – 600 Ninja militia take advantage of the amnesty.

- 4 former ministers under Lissouba voluntarily return from exile to Congo.

October – 12 senior officers under Lissouba, released and reintegrated into the armed forces.

- Army claims that it now controls all towns in the Pool region.

November – Government announce that they have agreed a cease-fire with Lissouba's Cocoye militia and Kolelas' Ninja militia. However Lissouba and Kolelas claim this is a fabrication.

December – NTC legislated for an amnesty for combatants. This excludes the leaders in exile, who are still charged with war crimes.

– President Bongo of Gabon appointed as an official mediator between the government and the militias. The result is the signing of a second peace agreement.

- Heads of state from DRC, Angola and Republic of Congo sign an agreement on, amongst other things, border security.

2000,

February – Since the peace agreements were signed, an estimated 2,000 militia men have surrendered. Government acknowledges that it will not be feasible to integrate all militia personnel into the armed forces.

- Estimated that half of the 810,000 displaced people had returned.

May – Kolelas convicted of running a private prison and causing prisoners deaths in the 1997 civil war. Kolelas refutes this and asks for an International investigation.

- Justin Koumba announces that a referendum will be held by early 2001 to determine the type of government the republic will have

July – President Bongo of Gabon announces that thus far, he is satisfied with the implementation of the peace process, but urges continuing dialogue.

August – Escalation of reconciliation talks.

- Freight services restored on the Brazzaville-Pointe Noire rail link.

- Front Patriotique pour la Dialogue la Reconciliation Nationale (FPRDN) established to represent the opposition in exile.

November – Government adopts a draft constitution, stating that there should be a bicameral legislature, an independent judiciary and a maximum of 2 terms of 7 years for the President.

December – Government announce that 12,000 militia and 13,000 weapons had been surrendered thus far. Approximately the same amount of militia and weapons were thought to still be active.

- Government announces that 11 of the 14 urban centres in the Nairi region, remain under rebel control.

- Rassemblement pour la Democratie et la Progres Social (RDPS), formally of ERDDUN, join the coalition government.

2001,

February – Committee established to set up National Reconciliation talks.

March – National Reconciliation talks held on a national and regional basis.

Despite being boycotted by opposition parties who cited security risks for their abstentions, 2,200 representatives from public institutions, civil societies and political parties did attend. A technical committee was established to monitor the dialogue process in the absence of opposition parties.

- A Congolese Human rights group claims mass graves containing bodies of people killed in 1998-1999 have been discovered at Mbanza-Ndounga, Pool. The government refute this claim.

April – National Reconciliation talks continue. Opposition parties, including the FPDRN participate. Lissouba and Kolelas still abstain.

May – Martin Mberi of the UPADS resigns from the government, citing the continued exclusion of Lissouba from the Reconciliation talks and the proposed powers of the President under the draft constitution as his reasons.

- 2 civilians and a soldier died in clashes between government forces and suspected supporters of Kolelas, in Mindouli, 200 kilometres south of Brazzaville.

July – Families of 353 missing people demand a parliamentary enquiry into what happened to them. It was reported that they were arrested in May 1999 on their return from the DRC where they had sought asylum.

- Rocket attack on the home of the Minister of the Presidency, who is responsible for defence. No one is injured.

- Alliance pour la Democratie et la Progres (ADP) is formed by a coalition of opposition parties. Lead by former Prime Minister Andre Milongo. ADP said they will field one candidate for the upcoming Presidential election in 2002.

- PCT and RDPS were expected to form an alliance with 20 other parties to support Sassou-Nguesso in the elections.

December – Lissouba convicted in absentia of treason and embezzlement. Sentenced to 30 years hard labour and a £23 million dollar fine. Yhombi-Opango sentenced to 20 years hard labour after being found guilty of embezzlement,

2002,

20 January – Constitution approved with 84.26% yes vote, in a referendum.

8 March – Andre Milongo withdraws from the Presidential race, stating that the vote has already been rigged.

10 March – Presidential elections held.

14 March – It is announced that the incumbent President, Denis Sassou-Nguesso has won the Presidential elections with 89% of votes cast for him.

29 March – Ninja rebels break the peace and launch armed operations.

2 April – Ninja's attack the Pointe Noire-Brazzaville train. 2 civilians die.

5 April – Ninja's attack areas north west of Brazzaville.

April – 50,000 residents of Brazzaville and 15,000 residents of Pool flee their homes as fighting between rebel militias and government forces resumes.

10 April – Mayor of Brazzaville urges people to return to their homes.

22 May – Government reports that it has recaptured Kimba.

25/26 May – Government reports that it has recaptured the town of Vindza, where the headquarters of the Ninja are believed to be located.

26 May – First round of the Legislative elections take place.

2 June – UN gains access to Kindamba, delivering humanitarian aid.

14 June – Ninja rebels attack Brazzaville. Their objective appears to be the Government forces attack helicopters based at Maya Maya Airport. Fighting continues to 15 June.

23 June – Second round of the Legislative elections take place. Sassou-Nguesso and his allies win a majority.

30 June – Local, municipal and regional elections. The ruling party and its allies win most of the seats.

8 July – General Dabira, now living in France, was questioned for more than 4 hours by the two French magistrates investigating the disappearance of 353 people

11 July – Senators are elected to the Upper House. Again, Sassou-Nguesso and his allies win a majority.

14 August – President Sassou-Nguesso is inaugurated.

18 August – Cabinet reshuffle.

24 August – Pointe Noire – Brazzaville train attacked again. Ninja's are thought to be responsible. No casualties reported, but it is thought that government soldiers have been captured by the Ninja's.

24 September – Sassou-Nguesso claims he has not received a request for a deposition from the French court investigating the disappearance of 353 people in Brazzaville.

29 September – Nine soldiers are killed and numerous others are injured in a mine attack on the Point Noire – Brazzaville train service.

November – Flotation of peace plan.
- Sassou-Nguesso announces humanitarian corridor for surrendering Ninja fighters.

2003

17 March – Announcements by the Ninja's and Government stating that they are committed to peace.

26 March – Prisoner exchange between government and Ninja forces, supervised by the ICRC.

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B. Political Organisations

ACD (Alliance pour la Citoyennete et la Démocratie)

Founded in 2000. President: Godefroy Mavungu

ADP (Alliance pour la Démocratie et la Progres)

Founded in 2001. A coalition of opposition parties led by André Milongo.

CNDD (National Rally for Democracy and Development)

Leader: Former Minister of Works, Lambert Galibali.

CNRS (Convention Nationale pour la Republique et la Solidarite/Convention for the Republic and Solidarity)

Founded December 2001. Leader Martin Mberi.

CODESA (Convention pour la Démocratie et le Salut/Convention for Democracy and Salvation)

Founded in March 2002 as an umbrella group of 16 opposition parties to fight the legislative election in May and June 2002. Leader André Milongo.

Comprises of the CNRS, Congolese Renewal Party, UPDS and the UDR-M, amongst others.

ERDDUN – (Espace Républicain pour la Défense de la Démocratie et l'unité Nationale)

Coalition of opposition parties founded in 1997. Leader Bernard Kolelas.

FDU – (Forcés Démocratiques Unies/United Democratic Forces)

Founded 1994 as an alliance of six political parties, this grew to 24 by 2001.

Supports the incumbent regime of President Sassou-Nguesso. Has the largest share of seats in Parliament and in local assemblies. Leader: Gabriel Oba Apounou.

FURC – (Front uni des Républicains Congolais).

Founded in 1994 on development on a non-ethnic and non-regional basis.

Chair: Raymond Timothée Mackita.

MCDDI – (Mouvement Congolais pour la Démocratie et la Développement Intégral/Congolese Movement for Democracy and Integral Development)

Founded in 1990. President: Bernard Kolelas. Secretary-General: Michel Mampouya. Founding member of URD. Initially opposed the government of President Lissouba and formed a coalition with PCT in 1992. In 1995, however, it joined the ruling (UPADS) coalition government. In July 1994 Kolelas became Mayor of Brazzaville. In 1997 Kolelas, after holding the post

of Prime Minister for a matter of months, fled the country after Sassou-Nguesso came to power.

Mouvement National pour la Liberation du Congo Rénové.

President: Mpika Mpika Niangui (Paul Moulery).

MNLC – Mouvement National pour la Liberation du Congo/National Movement for the Liberation of Congo.

Leader: Buissy Nguari. Formed in January 2002 by former members of the National Resistance Council (CNR).

MURC – (Mouvement pour l'unité et la Reconstruction du Congo).

Founded in 1997 as an alliance of 3 parties. Joined the FDU coalition in 2000.

PCR – (Parti Conglaise du Renouveau/Congolese Renewal Party).

Founded in 1992 by ex PCT member and former Agriculture Minister Grégoire Lefouaba. Formally a part of the Presidential Tendency.

PCT – (Parti Congolais du Travail/Congolese Labour Party)

Founded in 1969. From its inception, the PCT was the sole legal party until 1990. Largest party of the ruling FDU coalition. President: Denis Sassou-Nguesso.

Presidential Tendency

Grouping of parts that formed a coalition government in the 1993 elections. Consisted of UPADS, RDD, UFD, PCR, UDC and the UDPS amongst others.

PRP – Parti du Renouveau et du Progrés.

Leader: Henri Marcel Doumanguele.

PUTP – (Parti pour l'unité, le travail et la Progrés/Party for Unity Work and Progress).

Founded in 1995 by former members of the MCDDI. Leader: Didier Sengha.

RC – (Rassemblement de Citoyens)

Founded in 1998 to promote solidarity and tolerance. Leader: Claude Alphonse Silou.

RDD – (Rassemblement pour la Démocratie et la Développement/Rally for Democracy and Development).

Founded 1990 by Jacques-Joachim Yhombi-Opango. Chairman: Saturnin Okabe. Formed part of the coalition government of Lissouba's UPADS government from mid 1992-1997.

RDPC – (Rassemblement Démocratique et Populaire du Congo)

Leader: Jean-Marie Tassoula.

RDR – (Rassemblement pour la Démocratie et la République).

Founded 1990. Leader: General Raymond Damasse Ngollo.

RDPS – (Rassemblement pour la démocratie at le progrès Social)

Founded in 1990 by Jean-Pierre Thystère-Tchicaya, who retains the leadership. Formally a part of the URD coalition. The RDPS defected from ERDDUN to the FDU in December 2001.

UDC – (Union pour la Démocratie Congolais).

Founded in 1989 by Sylvain Bemba, whilst in exile in Côte d'Ivoire. Aligned to UPADS. Chair: Felix Makosso.

UDPS – (Union pour la Démocratie et la Progrés Social/Union for Democracy and Social Progress).

Founded in 1993. President: Jean Michel Boukamba-Yangouma.

UDR – Union pour la Démocratie et la République/Union for Democracy and the Republic).

Leadership: Jean-Pierre Thystère-Tchicaya (RDPS) and Bernard Kolelas (MCDDI). Founded: Mid1992. Formed as an alliance of 7 parties, the two largest being the RDPS and the MCDDI.

UDR-M (Union pour la démocratie et la Republique-Mouinda/Union for Democracy and the Republic - Mouinda).

Founded in 1992. A supporter of the former UPADS government. Leader: André Milongo.

UFD – (Union des Forcés Démocratique/Union of Democratic Forces).

Chair: Sébastien Eba. A former member of the Presidential Tendency that supported Lissouba's government.

UPADS (Union Panafricaine Pour la Démocratie Sociale/Pan-African Union for Social Democracy).

Founded by Pascal Lissouba. Secretary-General Martin Mberi. Currently an opposition party. Gained 2.8% of the votes in the 2002 Presidential election.

UPRN – (Union Patriotique pour la Réconstruction Nationale/Union for National Reconstruction).

Leadership: Mathais Dzon. Formed in 1993. In September 1994, UPRN joined the FRU.

URN (Union pour le Redressment National)

President: Gabriel Bokilo.

Union Patriotique pour la Démocratie et la Progrés.

Secretary-General: Celestin Nkouma.

Union Patriotique des Forces Ninjas/Patriotic Movement of Ninja Forces.

Found in 1999. The political wing of the Ninja militia, loyal to the former Prime Minister, Bernard Kolelas.

Union pour le Progrés du Peuple Congolais.

Founded 1991.

Militias

Cobra/Forces Démocratique and Patriotique (FDP) – Militia loyal to President Denis Sassou-Nguesso. Strongholds are in the north of the country. Fought along side Denis Sassou-Nguesso in the 1997 and 1998/9 civil wars. Now largely integrated into the army.

Cocoyes/Coyote – Originally formed from the Réserve Ministérielle and Zoulous neighbourhood self defence groups of Mfilou, Brazzaville. Its heartland is in the Niari, Lekoumou and Bouenza regions. Militia loyal to ex-President Pascal Lissouba. Fought for Lissouba in the 1993/4, 1997 and 1998/9 civil conflicts. Formed the military wing of the Conseil National de Résistance during the 1998/9 war. Also formed an alliance with the Ninja's in the same conflict, called the Resistance Self-Defence Forces. It is not thought that the Cocoyes exist as a cohesive fighting force any longer.

Ninja – Militia loyal to former Prime Minister Bernard Kolelas. Opposed to the incumbent government. Fought against Lissouba's Cocoyes in the 1993/4 civil war, but sided with the Cocoyes in the 1997 and 1998/9 civil wars against Sassou-Nguesso. Formed the Resistance Self-Defence Forces with the Ninja's in the 1998/9 war. Initiated military action on 29 March 2002, which still rumbles on in the country. Stronghold is in the Pool province. Divided into the pro-Kolelas faction and the Nsiloulou faction lead by the Reverend Frederic Bitsangou (aka Ntomui). Also known as the FADER (Forces d'auto-défense et la résistance or Self-Defence and Resistance Forces), the armed wing of CNR (Conseil national de résistance).

MARCO – (Mouvement d'action et de résistance du Congo). Considered to be the armed wing of ERDDUN.

Falcons/Foucons – Militia of former Prime Minister Yhombi-Opango.

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Annex C

C. Prominent People

Frederic Bitsangou aka Pasteur Ntoumi

Leader of the Ninja rebel faction that is currently fighting the Government. Stated that he would come to Brazzaville if he were offered the post of General in the armed forces. The Government rejected this proposal. He was based near Vindza, but his current whereabouts is unknown.

Bernard Kolelas

Mayor of Brazzaville in 1994 and Prime Minister in 1997. A Lari, Kolelas' main support, and that of his Ninja militia, comes from the Pool region. The Lari ethnic group comprise a large portion of the Ninja's, but not exclusively so. After defeat in 1997, Kolelas fled to the USA and is now in Abidjan, Côte

d'Ivoire. In May 2000, he was convicted in absentia of running a private prison, mistreating prisoners and causing their deaths. He was sentenced to death and ordered to pay compensation. Kolelas denies the charges.

Pascal Lissouba.

Formed the UPADS party in 1991. President from 1992-1997. Ousted by Sassou-Nguesso after losing the 1997 civil war. Fled to the UK. Cocoyes militia is loyal to him, though whether it still exists as a fighting force is not known. The Cocoyes stronghold, and Lissouba's, was the Niari, Lekoumou and Bouenza regions. Lissouba is of the Nibolek tribe. Lissouba was convicted of treason in absentia in December 2001 and sentenced to a fine of £23 million and 30 years hard labour.

Andre Milongo

Former World Bank official. Appointed Prime Minister on 8 June 1991, a post he held until 2 September 1992. Presidential candidate in the 2002 elections. Although he was considered to be the only credible opposition to Sassou-Nguesso, he pulled out of the race two days before polling day. Leader of the coalition of parties, CODESA of which his UDR-M party belongs.

Pierre Oba

Brigadier-General. Current Minister for the Interior, Security and Territorial Administration.

Denis Sassou-Nguesso

President from March 1979 to August 1992 and October 1997 to the present day. Originally a soldier, Sassou-Nguesso came back to power following his victory over the incumbent President Lissouba and Prime Minister Bernard Kolelas in the 1997 civil war. Assisted by the Cobra's, a militia loyal to him, and numerous foreign sources, most notably Angolan government troops. Sassou-Nguesso is a member of the Mbochi, a subgroup of the Boulangui ethnic group.

Jean-Pierre Thystère Tchicaya

Head of State from 5 to 8 February 1979, former Mayor of Pointe Noire from 1994-97, was twice a cabinet minister from 1971-74 and in 1993. Now speaker in the House of Representatives. President of the RDPS political group.

Jacques-Joachim Yhombi-Opango

Former Chief of Staff. Became Head of State in March 1977. A member of the Kouoyou ethnic group, a sub-group of the Boulangui. Following a collapse in support, he surrendered his powers in February 1979. Detained in 1987 for alleged complicity in plotting a coup. Released in August 1990. Prime Minister from 23 June 1993 until 27 August 1996.

Charles Richard Mondjo

Major-General. Army Chief of Staff.

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