



COUNTRY OF ORIGIN INFORMATION REPORT

DEMOCRATIC REPUBLIC OF THE CONGO

27 JANUARY 2009

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 16 November 2008. The 'Latest News' section contains further brief information on events and reports accessed from 15 December 2008 to 22 January 2009. The report was issued on 27 January 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk. Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

Latest News

EVENTS IN DEMOCRATIC REPUBLIC OF THE CONGO, FROM 15 DECEMBER 2008 TO 22 JANUARY 2009

- 20 January Hundreds of Rwandan troops have entered eastern DRC to back a DRC operation against Rwandan Hutu rebels
'IRIN', Hundreds of Rwandan troops to help disarm Hutu rebels
20 January 2009
<http://www.irinnews.org/Report.aspx?ReportId=82473>
Date accessed 21 January 2009
- 15 January Seeking to avoid a war crimes trial, ex-DRC vice-president Jean-Pierre Bemba disowned members of his militia group accused of atrocities in the Central African Republic.
'News 24', Bemba washes hands of militia
15 January 2009
http://www.news24.com/News24/Africa/News/0,,2-11-1447_2453716,00.html
Date accessed 21 January 2009
- 14 January A rebel splinter group in the DRC, the CNDP, stated its intent to back joint Rwandan and DRC government operations against Rwandan Hutu insurgents in the Kivus.
'IRIN', Tables turn as rebel faction declares support for army
<http://www.irinnews.org/Report.aspx?ReportId=82361>
Date accessed 21 January 2009
- 9 January Thousands of civilians have been displaced by suspected Lord's Resistance Army rebels in north-eastern DRC.
'IRIN', Thousands displaced by latest LRA attack
<http://www.irinnews.org/report.aspx?ReportId=82285>
9 January 2009
Date accessed 21 January 2009
- 30 December Tens of thousands of civilians have fled villages in north-east DRC after 189 people were killed in attacks blamed on the LRA.
'IRIN', Deadly LRA attacks prompt exodus in northeastern DRC
<http://www.irinnews.org/Report.aspx?ReportId=82140>
Date accessed 21 January 2009
- 16 December UNHCR is very concerned about reports that rebels are pressurising displaced villagers to return home.
'allAfrica', Rebels reportedly pressurising displaced villagers to return home
16 December 2008
<http://allafrica.com/stories/200812160872.html>
Date accessed 18 December 2008

Background Information

1. GEOGRAPHY

- 1.01 “The Democratic Republic of the Congo (formerly Zaire) lies in central Africa, bordered by the Republic of the Congo to the north-west, by the Central African Republic and Sudan to the north, by Uganda, Rwanda, Burundi and Tanzania to the east and by Zambia and Angola to the south. There is a short coastline at the outlet of the River Congo. The climate is tropical, with an average temperature of 27°C (80°F) and an annual rainfall of 150cm—200cm (59ins—97ins).” (Europa World Online, 20 February 2008) **[1a] (Location, Climate, Language, Religion, Flag, Capital)** The capital is Kinshasa, and other major towns are Lubumbashi, Mbuji-Mayi, Kolwezi, Kisangani, Kananga, Likasi, Boma, Bukavu, Kikwit, Matadi and Mbandaka. **[1b] (Area, Population and Density)**
- 1.02 Europa World online recorded on 20 February 2008 that a constitutional amendment in February 2006 increased the previous 11 provinces to 26. There are: “Bas-Uele, Équateur, Haut-Lomami, Haut-Katanga, Haut-Uele, Ituri, Kasai, Kasai Oriental, Kongo Central, Kwango, Kwilu, Lomami, Lualaba, Lulua, Mai-Ndombe, Maniema, Mongala, Nord-Kivu, Nord-Ubangi, Sankuru, Sud-Kivu, Sud-Ubangi, Tanganyika, Tshopo, Tshuapa and Kinshasa (city).” **[1b] (Area, Population and Density)**
- 1.03 Europa World online also stated that French is the official language, and more than 400 Sudanese and Bantu dialects are spoken. **[1a]** The Country Profile of 2 January 2008 by the Foreign and Commonwealth Office added that in the DRC there are “Over 200 African ethnic groups of which the majority are Bantu; the four largest tribes - Mongo, Luba, and Kongo (all Bantu), and the Mangbtu-Azande (Hamitic) make up about 45% of the population.” **[22g]** The CIA World Factbook (updated 12 February 2008) estimated the population at 65,751,512 in 2007. **[13]**
- 1.04 The US Department of State’s (USSD) Background Note, October 2008, also stated the religions are “Roman Catholic 50%, Protestant 20%, other sects and traditional beliefs 10%, Kimbanguist 10%, Muslim 10%.” **[3k] (People)**

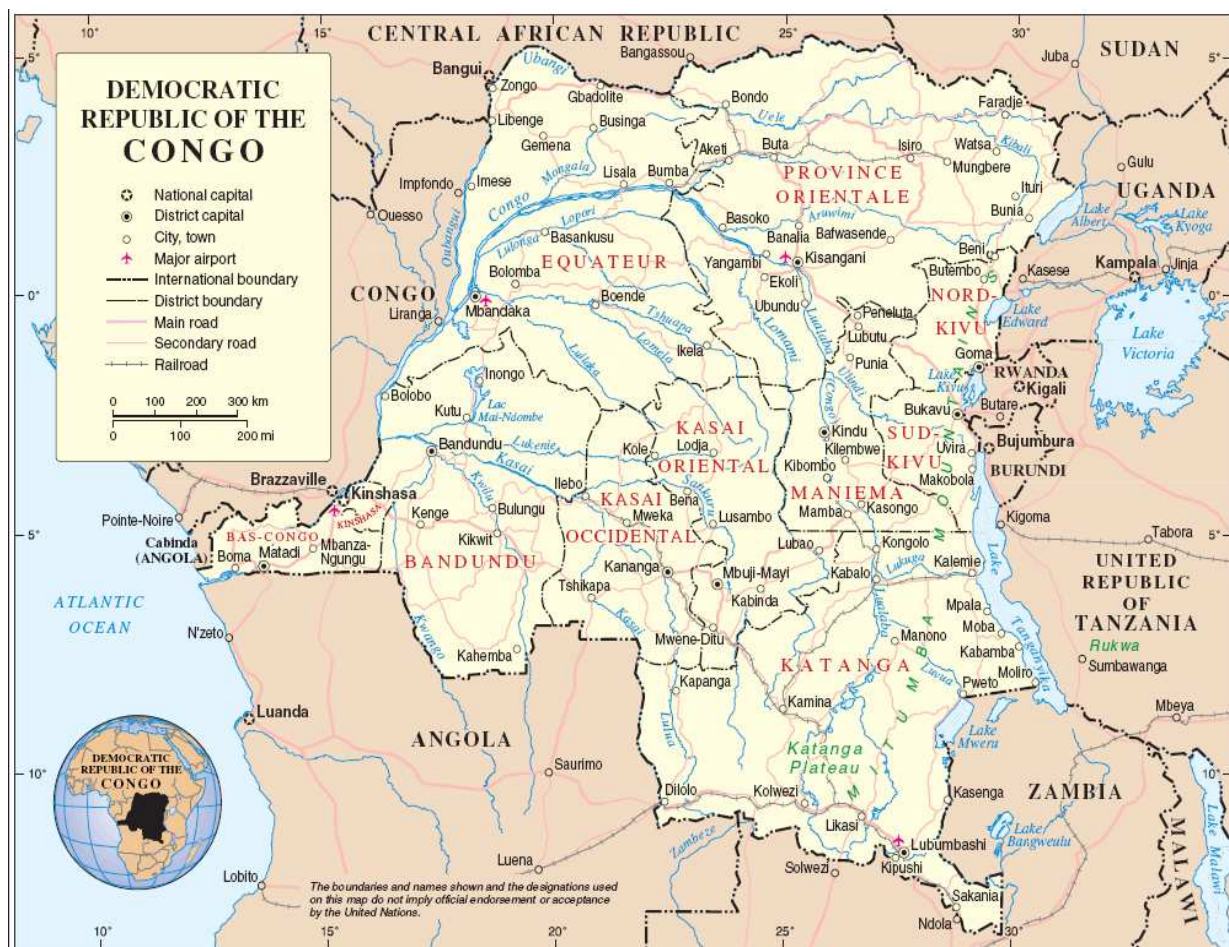
See also; [Section 21 on Freedom of Religion](#) [Section 22 on Ethnic issues](#)

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MAP

1.05



Maps of the DRC can also be accessed via sources [55a] (UN Cartographic Section) [56b] (UN Mission in the Congo) and [57a] (Relief Web, map filter) .

MAP – EASTERN DEMOCRATIC REPUBLIC OF CONGO

1.06



Map No. 4061 UNITED NATIONS
June 1998

Department of Public Information
Cartographic Section

2. ECONOMY

- 2.01 The Country Profile of 17 March 2008 by the Foreign and Commonwealth Office (FCO) stated:

“DRC is potentially one of the richest countries in Africa, with rich mineral resources, timber (75% of the country is forested) and extensive energy resources in HEP (hydroelectric power). It is however one of the poorest. Real GDP per capita fell from \$380 in 1960 to \$115 by 2004. The tense political situation, corruption and smuggling, as highlighted by the UN Panel on the Illegal Exploitation of Mineral Resources of October 2003, have resulted in a shortage of development capital that has stifled the development of the mining and other sectors. The DRC signed up to the Extractive Industries Transparency Initiative (EITI) in 2005 and is a member of the Kimberley Process”. [22g] (Economy)

- 2.02 The US Department of State’s Background Note on the DRC of October 2008, stated that per capita annual income stood at around \$300 in 2007. [3k] (Economy)

- 2.03 On 2 July 2007 Radio Okapi reported that the governor of the Central Bank of Congo had announced that there would be a launch of new Congolese franc notes which could happen around the end of the year. At the same time, coins of 25, 50 and 100 Congolese francs would also be released. The governor said that the new notes would replace those mutilated and others considered improper for circulation, and that the intervening time would be used to sensitise members of the public about the importance of protecting the Congolese franc. [64ap]

- 2.04 The Economist Intelligence Unit (EIU) Country Profile for 2008 noted that:

“The government and IMF agreed a staff monitored programme for the year in March 2007, and its implementation appeared good enough to earn the DRC a new PRGF (Poverty Reduction and Growth Facility) and thus move it further towards the cancellation of a large part of its external debt under the IMF-World Bank’s heavily indebted poor countries (HIPC) debt initiative and multilateral debt relief initiative (MDRI). However, in early 2008 an agreement by the government to guarantee a US\$9bn loan...has changed everything: the IMF argued that it could not sanction such a massive new debt.” [30h]

- 2.05 The USSD Background Note also reported that:

“In recent years, the Congolese Government has approved a new investment code and a new mining code and designed a new commercial court. The goal of these initiatives was to attract investment by promising fair and transparent treatment to private business... The World Bank also is supporting efforts to restructure the D.R.C.’s large parastatal sector, including Gecamines, and to rehabilitate the D.R.C.’s neglected infrastructure, including the Inga Dam hydroelectric system.” [3k]

- 2.06 The World Bank’s ‘Doing Business 2008’ report which grades economies according to the ease in which they allow companies to set up and operate lists the DRC 154 of the 181 countries rated. [65r, 94] In addition, the bank also

reported that it was also bottom of 181 countries for the ease of doing business. [17d]

2.07 The USSD Background Note also reported that:

“For decades, corruption and misguided policy have created a dual economy in the D.R.C. Individuals and businesses in the formal sector operated with high costs under arbitrarily enforced laws. As a consequence, the informal sector now dominates the economy. In 2002, with the population of the D.R.C. estimated at 56 million, only 230,000 Congolese working in private enterprise in the formal sector were enrolled in the social security system.” [3k] (Economy)

2.08 On 29 August 2007 Xinhua reported that according to the Governor of Orientale Province the government of DRC will start sharing 40 per cent of national revenues with the provinces in January 2008 instead of September 2007 as agreed earlier. According to the Governor it was decided to postpone the date as the programme was not in the 2007 budget, and the 2008 budget and the law on decentralisation had not been promulgated. According to the Governor of Kinshasa the government will continue the policy of distributing 20 per cent of national revenues to the provinces meanwhile. [62y]

CONTROL OF NATURAL RESOURCES

2.09 War Resisters International, in an editorial dated December 2006, noted that the military, local militias and rebels are all involved in the extraction and smuggling of mineral and other natural resources. Illicit profits continued to fund the activities of these groups with cash from mining and logging one of the main reasons for the continuing violence and destabilisation of the country. [9b] IRIN News reported on 14 May 2008 that interested groups involved in the fighting in the east of the country wish the dangerous and chaotic situation to continue so that they can continue making vast amounts of money. [18h]

2.10 War Resisters International continued:

“A three-year investigation by a Panel of Experts, convened by the United Nations Security Council in 2000, found that sophisticated networks of high-level political, military and business persons in cahoots with various rebel groups were intentionally fuelling the conflict in order to retain their control over the country’s natural resources. In a series of controversial reports, the Panel exposed the vicious cycle of resource-driven conflict that has taken hold of Congo.

“‘There’s a worldwide profit interest that the present plundering mechanism stays in place. There are an enormous number of people siphoning off Congo’s resources. It’s all laid out in reports every one can read on the Internet. There’s the Congo government elite, all kinds of European and North American firms, a huge number of African firms, and especially the elites from neighbouring countries. It’s a very vast and complex network profiting from the war and its exploitation’.” [9b]

2.11 The government began a review of mining and logging contracts, specifically looking at competitiveness and transparency to yield as much future revenue for the government, however, for various reasons, the outcome of the reviews have been delayed on a number of occasions. (Agence France Presse, 5 April

2007) [65bs] (BBC News, 11 June 2007) [15cv] On 19 June 2007 Reuters reported that whilst mining companies in the DRC apparently backed the new government review of concession contracts, most were concerned at the lack of information about the process. [21bn]

- 2.12 allAfrica.com reported on 24 July 2007 that a meeting had taken place on 23 July between DRC deputies and senators and representatives of civil society to discuss the role that members of parliament must play in the control of the DRC's mining resources. Speakers included the vice president of the National Assembly, the chair of the economic and financial commission, and the directors of the Ministries of Mines and Hydrocarbons. All agreed that the Congolese population does not profit from the natural resource potential, and unanimously recognised that there is an unquestionable absence of political will on the part of the Prime Minister for the transparent management of these resources, as many are controlled with difficulty by the state. Senator Mabi said that of 207 mining companies in the province of Katanga, only 20 were registered with the Ministry of the Economy. The vice president of the National Assembly stated that several facts were to be regretted, such as lack of transparency in the building of markets and the traceability of the money generated by these enterprises. [74ca]
- 2.13 Reuters reported on 3 July 2007 that the DRC planned an audit of its oil sector for the first time in ten years to ensure that the state was receiving a fair share of revenues. The head of the newly-created oil ministry said that the review would look mainly at whether there should be a renegotiation of the money the country's sole production partner, Perenco, deducts from profits it shares with the government to cover production costs. He went on to say that the DRC was negotiating with several independent auditing firms to evaluate both the declared charges and declared production figures, and that he hoped the process would begin in the coming months. [21bs]

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3. HISTORY

HISTORY TO 1997

- 3.01 The Country Profile of 17 March 2008 by the Foreign and Commonwealth Office (FCO) recorded:

“DRC (formerly Zaire) gained independence from Belgium in June 1960. Following a period of political instability, General Mobutu, the Chief of the Army, came to power in an army coup in 1965 and remained largely unchallenged throughout the 1970s and 1980s. President Mobutu presided over endemic corruption and reputedly built up a large personal fortune. Moves towards democratisation in the early 1990s did not succeed in removing him from power. But an already-fragile state was further weakened by the aftermath of the Rwandan genocide of 1994, when in October 1996 dissident groups, led by Laurent Kabila and strongly supported by Rwanda and Uganda, rose in revolt. They entered Kinshasa on 17 May 1997. Laurent Kabila declared himself President. Mobutu fled to Morocco where he subsequently died.” [22g] (History)

THE LAURENT KABILA REGIME 1997

- 3.02 The US State Department (USSD) Country Background Note of October 2008 recorded that:

“Kabila’s Army Chief and the Secretary-General of the AFDL [Alliance des Forces Democratiques pour la Liberation du Congo-Zaire - Kabila’s military and political group] were Rwandan, and RPA [Rwandan Patriotic Army] units continued to operate tangentially with the D.R.C.’s military, which was renamed the Forces Armées Congolaises (FAC). Over the next year, relations between Kabila and his foreign backers deteriorated. In July 1998, Kabila ordered all foreign troops to leave the D.R.C. Most refused to leave. On August 2, fighting erupted throughout the D.R.C. as Rwandan troops in the D.R.C. ‘mutinied,’ and fresh Rwandan and Ugandan troops entered the D.R.C.... The Rwandan campaign was thwarted at the last minute when Angolan, Zimbabwean, and Namibian troops intervened on behalf of the D.R.C. Government. The Rwandans and the RCD [Rassemblement congolais pour la démocratie] withdrew to eastern D.R.C., where they established de facto control over portions of eastern D.R.C. and continued to fight the Congolese Army and its foreign allies.” [3k] (History)

- 3.03 The same source continued:

“In February 1999, Uganda backed the formation of a rebel group called the Mouvement pour la Liberation du Congo (MLC), which drew support from among ex-Mobutuists and ex-FAZ soldiers in Equateur province (Mobutu’s home province). Together, Uganda and the MLC established control over the northern third of the D.R.C.

“At this stage, the D.R.C. was divided de facto into three segments, one controlled by Laurent Kabila, one controlled by Rwanda, and one controlled by Uganda – and the parties had reached military deadlock . In July 1999, a cease-fire was proposed in Lusaka, Zambia, which all parties signed by the

end of August. The Lusaka Accord called for a cease-fire, the deployment of a UN peacekeeping operation, MONUC, the withdrawal of foreign troops, and the launching of an 'Inter-Congolese Dialogue' to form a transitional government leading to elections. The parties to the Lusaka Accord failed to fully implement its provisions in 1999 and 2000. Laurant Kabila drew increasing international criticism for blocking full deployment of UN troops, hindering progress toward an Inter-Congolese Dialogue, and suppressing internal political activity." [3k] (History)

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THE JOSEPH KABILA REGIME 2001

- 3.04 The Foreign and Commonwealth Office (FCO) Country profile of 2 January 2008 recorded that:

"In January 2001 President Kabila was assassinated by one of his bodyguards. His son, Joseph Kabila, took over as the new head of State on 26 January 2001 and proved more amenable to negotiations. Foreign forces gradually departed, and a protracted Inter-Congolese Dialogue led to an agreement between the belligerents and members of the political opposition on the formation of a transitional national government (TNG). This was agreed by the parties on 2 April 2003 in Sun City (South Africa). The TNG was promulgated on 30 June 2003, formally ending a war that had cost an estimated four million lives." [22g] (History)

[See also Section 6.01 on Political system; Section 6.05 on Government; Section 11.01 on Military service; Section 12.06 on Disarmament of foreign armed groups Section 17.01 on Political affiliation; Section 5.01 on The Constitution Section 6.01 on Political System Section 6.05 on Government Section 7 on Human Rights Issues Section 8.01 on the general security situation Section 8.19 on Security Situation – Eastern DRC Section 8.34 on Ituri Section 8.49 on Katanga – possible secession attempt Section 11.01 on Military Service Section 22.01 on Human Rights Issues – Ethnic Groups](#)

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4. RECENT DEVELOPMENTS

January 2008

A peace conference took place in Goma with the aim of bringing peace to the eastern DRC, involving representatives from the government, various rebel and militia groups, refugees, and civil society. A peace accord was eventually signed on 23 January 2008. Clashes took place shortly after the signing of the accord between troops loyal to Nkunda and the Pareco Mai Mai. [57db]

February 2008

In spite of signing up to a ceasefire agreement on 23 January, dissidents loyal to General Laurent Nkunda continued to engage in violent clashes. "UN investigators reported that Tutsi dissidents... killed at least 30 Hutu civilians as the 23 January peace settlement was being agreed by leaders of Nkunda's National Congress for the Defence of the People (CNDP)." General Nkunda subsequently suspended "...participation in planned follow-up meetings of the cease-fire in protest over UN reports which implicate his forces in massacres of Hutu civilians in January 2008." (International Institute for Strategic Studies, 4 March 2008) [41c]

In late February and early March 2008, followers of the Bundu Dia Kongo (BDK) clashed with police in Bas Congo province. The clashes followed weeks of low-level violence between BDK members, non members and the police. There were reports that dozens of BDK members had been killed in the clashes. (MONUC, 1 March 2008) [56cy] (IOL, 5 March 2008) [86ag] Towards the end of March 2008 the government withdrew the BDK's charitable status – in some media reports this was reported as the organisation having been banned. (Agence France Presse, 29 March 2008) [65a] (Jeuneafrique.com, 22 March 2008) [50a]

March 2008

On 4 March 2008, General Nkunda's "...National Congress for the Defence of the People (CNDP), announced it would rejoin the ceasefire commission. The group had suspended its involvement on 22 February in protest at a UN report which implicated the group in the massacre of Hutu civilians in January. The decision follows talks between the CNDP and special envoys from the USA and European Union in which guarantees that an independent inquiry into the massacres would be carried out in the 'near future'." (International Institute for Strategic Studies, 4 March 2008) [41c]

May/June 2008

Topix reported on 9 June 2008 that the UN refugee agency was helping to promote dialogue to ward off disputes over land in the eastern DRC province of South Kivu. [155a]

July 2008

HRW reported on 29 July 2008 that horrendous violence continued to plague the east. The new Congo Advocacy Coalition was created to focus attention on the protection of civilians there. The international community was called on to further pressure armed groups and the Congolese government to realise their promises to protect civilians. [5ae]

August 2008

The BBC reported on 1 August 2008 that Government forces and rebel troops were re-arming and recruiting for the eastern conflict. The situation was increasingly tense despite the January peace deal. On 13 August 2008, the BBC reported that the UN had found that Indian peacekeeping troops may have engaged in abuse and exploitation whilst serving in DRC. IRIN reported on 28 August 2008 rising tensions between communities in a Katanga mining town. [15ed] [15ee] [18gk]

September 2008

On 1 September 2008 allAfrica reported the top UN official in the DRC as saying that calm had returned to Rutshuru in North Kivu following recent clashes between Government forces and armed groups. The following day UN troops fired shots to disperse demonstrators angered by a call from MONUC to hand back positions gained from forces loyal to a renegade general in eastern Nord Kivu. The BBC reported on 8 September 2008 that the DRC army and the UN were militarily trying to contain the activities of Joseph Kony, rebel leader of the Lord's Resistance Army. On 25 September Radio Okapi reported that Prime Minister Gizenga had resigned. [74ds] [15ef] [157a]

October 2008

The UN News Service reported on 1 October that about 1,200 Congolese had sheltered in southern Sudan, seeking to escape attacks by Lord's Resistance Army members. Then on 3 October 2008 the UN envoy in the DRC asked for additional peacekeepers to prevent a return to major conflict. Many people died and hundreds were affected by an acute outbreak of diarrhoea in North Kivu, IRIN reported on 6 October. The BBC reported that forces loyal to Laurent Nkunda captured an army base, Rumangabo, in eastern DRC. On 23 October, BBC News reported that tens of thousands of people have fled their homes in north east DRC on the Ugandan border after the Lord's Resistance Army (LRA) fighters raided 16 villages. The UN says about 200,000 people are displaced by recent fighting in the east and maintains it has credible reports that refugee camps in the east sheltering 50,000 people have been destroyed. [71h] [71g] [18gl] [95ee] [15ei] [15ej]

November 2008

The BBC reported on 4 November 2008 that MONUC troops had been caught up in renewed clashes when fighting broke out between the CNDP and the Mai Mai just north of Rutshuru, around 50 miles north of Goma. MONUC reported on 7 November that the Ugandan authorities had repatriated 19 Rwandan nationals who had been fighting alongside Nkunda's forces. The

BBC reported on 7 November that gunfire had erupted just north of Goma, and that thousands of refugees in nearby Kibati had fled towards Goma. On 13 November a BBC report claimed increasing evidence that foreign forces were being drawn into the DRC conflict. They reported that eyewitnesses had seen Angolan and Zimbabwean troops; journalists reported some of Nkunda's troops were in the pay of the Rwandan army. Rebels have withdrawn from some of their positions in the east following talks between Laurent Nkunda and UN envoy Olusegun Obasanjo, the BBC reported on 19 November. They also reported on 20 November that fighting broke out near Kiwanja between troops of the CNDP and Mai-Mai forces. There were more than 5,000 reported rape cases in North Kivu during the first six months of 2008. The actual figure was likely to be far higher due to trauma and stigma, IRIN reported on 19 November. Evidence gathered by *'The Daily Telegraph'* contradicts Rwanda's official denial of any role in the DRC war. The Mai-Mai, however, accused MONUC troops of fighting alongside the CNDP in the incident. [15ek] [56dc] [15el] [15em] [65fd] [56dd] [165a]

December 2008 (until 14th)

The UN Envoy endeavouring to resolve the conflict in east DRC has expressed satisfaction at progress of talks between the Congolese Government and a leading rebel group, but some issues remain to be resolved, allAfrica reported on 10 December. [74dc]

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5. Constitution

- 5.01 The Country Background Note of October 2008 by the US State Department (USSD) stated,

“A transitional constitution was adopted on April 2, 2003; a new constitution was promulgated February 2006. Extensive executive, legislative, and military powers are vested in the president. The legislature does not have the power to overturn the government through a vote of no confidence. The judiciary is nominally independent; the president has the power to dismiss and appoint judges. The president is head of a 35-member cabinet of ministers.” [3k] (Government)

- 5.02 The text of the proposed Constitution approved in May 2005, and the current transitional constitution of June 2003 were published by the Institute for Security Studies. [27a] [27d]

- 5.03 On 3 October 2007 AFP reported that some 300 delegates from around the DRC had begun a three-day forum on the decentralisation of power, ahead of legislative measures. The Prime Minister urged participants to contribute to the draft law the government was due to submit to the National Assembly, which would give greater autonomy to the provinces of the DRC. The DRC's new constitution gives the federal government responsibility for foreign affairs, the military, and the economy and overall budget, but the provinces take responsibility for much of their own infrastructure, along with mines and forestry. [65cy]

- 5.04 A new flag was also unveiled which has a star on the left corner, and a red ribbon with yellow borders running diagonally across a sky blue background. [23b]

- 5.05 The turnout to vote for the constitution varied around the country. IRIN reported on 21 December 2005 that in Kinshasa 50.40 per cent were in favour with 49.55 per cent opposed on a 88.52 per cent count of the vote, reflecting the high concentration of opposition politicians who had called for a boycott of the vote. Voter turn-out was weak in Kasai Oriental and Kasai Occidental provinces, both UDPS strongholds. In the east of the country there was strong support for the constitution. In South Kivu for instance the ‘yes’ vote was 97 per cent compared with 2.33 per cent against. [18dk]

- 5.06 MONUC reported on 14 January 2008 that “on the 11 January the DRC National Assembly had adopted the decentralisation law, which defined the functioning of the new DRC territorial entities, or provinces. The law which would now be examined by the senate defined the organisation and working of the territorial and administrative decentralised entities, and their respective villages, towns, districts and territories, and laid down the rules governing the reports of the territorial decentralised entities to the state and the provinces, and determined human and financial resources to be distributed to its entities.” [56cx]

See also [Section 6.01 Political System: Section 6.22 Elections](#);

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6. POLITICAL SYSTEM

- 6.01 The US Department of State's Country Background Note of October 2008 stated that the country is currently a "highly centralized [republic] with executive power vested in the president". [3k] (Government)

See also [Section 5 on the Constitution](#)

- 6.02 Details of the transition institutions were published by the UN Mission to the Congo Documents (MONUC) Documents Library on 19 July 2004. [56c] (Institutions de la Transition en RDC)

- 6.03 MONUC reported on 5 October 2007 that the UN Development Programme's Project of Assistance to the Electoral Cycle in the DRC (PACE) project, which will support and assist the DRC electoral cycle from 2007 to 2011, was launched in Kinshasa the previous day. Initially the US\$151 million project will assist and support the organisation and holding of the DRC local elections, envisaged for 2008. The DRC envisages the creation of a National Independent Electoral Commission (CENI) which will replace the IEC is mandated by the new DRC constitution to organise future elections. [56cn]

- 6.04 MONUC reported on 14 January 2008 that "on the 11 January the DRC National Assembly had adopted the decentralisation law, which defined the functioning of the new DRC territorial entities, or provinces. The law which would now be examined by the senate defined the organisation and working of the territorial and administrative decentralised entities, and their respective villages, towns, districts and territories, and laid down the rules governing the reports of the territorial decentralised entities to the state and the provinces, and determined human and financial resources to be distributed to its entities. Instead of the current eleven DRC provinces, the country would be divided into 26 provinces, including the city-province and capital Kinshasa, in accordance with the Congolese constitution, and this division should come into effect in the 36 months following the enactment of the law. Under the new law, the provinces would keep 40 per cent of the income that they generate, and adjustment was planned to maintain a balance between the poorer regions and the others. Every decentralised territorial entity "has a separate budget, distinct of the budgets of the state and provinces", and is allowed "to have exceptional resources", but doesn't have the right to "resort to an outside loan". But the text of the law states that "autonomous management does not translate into independence". Under the new law, the state will be in charge of affairs such as foreign trade, the army, the currency, and the national budget, while the provinces will have the responsibility for provincial and local public functioning, as well as the development of mining and forest programmes, and will have part responsibility for roads" [56cx]

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GOVERNMENT

- 6.05 Following the parliamentary elections the parliament was inaugurated on 22 September 2006, replacing the transitional parliament created in 2002 as reported by IRIN. On 28 September the political coalition, the Alliance of the

Presidential Majority (AMP), led by President Kabila claimed a majority in the parliament. The AMP claimed that the grouping with more than 30 parties would have a large majority of 299 out of 500 deputies elected. Besides PALU and Udemo, three other groups with a total of nineteen seats had also pledged their support. [18cs] [18db] [21q] [65ag]

- 6.06 On 26 November 2007 Reuters reported that Joseph Kabila had reshuffled his cabinet, cutting the numbers down to 45 ministers, ministers of state, and deputy ministers. [21da] BBC Monitoring reported that the number of state ministers had been reduced from six to three, although all the former ministers of state remained in the government. The report also said that in a search for efficiency in government's actions, the minister of state for agriculture, and the minister of state for the interior, would assist the prime minister as the coordinators of two new commissions in charge of handling social, economic and cultural policies. In a search for a regional balance, each province was represented by at least two ministers. [95dw] AFP pointed out in its report that the justice ministry, which includes human rights, was now headed by a former official in the regime of the country's late dictator Mobutu, and that the ex-finance minister in the transitional government, and then coordinator for Kabila's electoral alliance, had been put in charge of the economy. The report also stated that the new government includes five women. [65et]

See: Annex H for a full list of government members

- 6.07 On 1 February 2007, MONUC reported that opposition MP José Malika from the Union of the Nation coalition raised a motion in the National Assembly plenary session calling for "proceedings according to law against all MP's and politico-administrative officials holding dual nationality". [56at]
- 6.08 On 4 March 2007 it was reported by BBC News that the party led by Mr. Ngoy, Unafec, had removed him as president of the party. [15ch]
- 6.09 On 22 February 2007 Agence France Presse reported that the Prime Minister, Antoine Gizenga, presented his government's programme to the National Assembly. He said that major themes would include "strengthening peace and the nation", reconstruction and building the economy. He also spoke of battling poverty and of the "restoration of the family and moral values". He also stated that particular emphasis should be put on "the battle against corruption and political immorality". Gizenga said that working on those areas would allow the government to make progress on the five priorities named by President Kabila: infrastructure, employment, education, water and electricity, and health. He also said that the government planned to use the open-market approach, including privatisations. He also spoke of modernising the police and judicial system, reforming the armed forces and heavily investing in social and education programmes. The government is counting on 14.35 billion dollars over five years to finance its programme. More than half would come from international financial backers. "We intend to change our society from the top down, the time has come for the republic's administrators to no longer be above the law" Gizenga said. [65bn]
- 6.10 On 15 March 2007 MONUC reported that the DRC National Assembly had met for its first ordinary session, which was attended by representatives from MONUC and the international community. [56bh]

- 6.11 On 2 April 2007 allAfrica.com reported that the DRC senate would fully adopt their internal rules on 4 April, following the holding of a plenary session on 29 March 2007, in which the majority of the 125 articles of the internal rules were adopted. According to a senate spokesperson, the chamber was in the process of “modifying and correcting some articles of the internal rules”, which related to the creation of a conciliation commission in the senate. The spokesman continued “a plenary session will be held on 4 April 2007, to adopt all the internal rules of the senate for the next five years. The internal rules will then be given to the Supreme Court for verification, in order that they conform to the constitution of the third republic”. He added that the work of the Supreme Court could take up to 15 days. Following the Supreme Court’s decision, the vote will then be held on the definitive office of the Senate. [74av]
- 6.12 On 14 April 2007 MONUC and the Independent on Line reported that the MLC had suspended participation in the lower house of parliament, citing security concerns. Members of the MLC had complained of harassment and intimidation by security forces since government troops routed Bemba’s soldiers on 22 – 23 March 2007. The National Executive Secretary of the party said the decision followed the looting by a dozen members of the Republican Guard of the home of an MLC parliamentarian on 12 April 2007, which he said was part of a “targeted and programmed operation” against MLC members. [56bp] [86l]

See Security Situation – General 8.01

- 6.13 On 17 April 2007 DRC opposition parliamentarians called on President Joseph Kabila to clearly declare his position with regard to their security in order to ease political tensions in the country. A spokesman for the main opposition party the MLC claimed that the meeting held by presidents of parliamentary commissions and groups did not come up with solutions to guarantee the security of the opposition parliamentarians. He denounced the accommodating attitude regarding attacks on opposition members of parliament and the occupation of the MLC national headquarters by elements of the presidential guard (GSSP) and the national police (PNC). He went on to say that when a member of parliament was arrested and detained by the security forces without due process, the security agents involved must be sanctioned; adding that the GSSP and PNC elements must leave the MLC party headquarters in order for the opposition to function properly. [56bq]
- 6.14 On 24 April 2007 the Independent on Line reported that opposition groups of the MLC, Christian Democrats, and the Order of Democratic Republicans met in separate rooms in the parliament building to discuss a possible return to parliament. The meetings were held three days after the government ended its occupation of the MLC headquarters. The following day MONUC reported that the Christian Democrat MPs had returned to parliament the previous day ending the 11-day boycott brought on by alleged government intimidation. They said that they had received guarantees of “freedom of expression and safety”. The other two parties said that they would make a decision on the matter the following day. On 25 April Agence France Presse reported that the MLC had returned to parliament. A party spokesman said “the MLC lawmakers received assurances from the head of state that he would personally seek adequate solutions to the problems and concerns of the opposition”. [56br] [65bv] [86m]

- 6.15 On 26 April 2007 Radio France Internationale reported that the meeting between the President and the delegation representing the opposition MPs would not take place that day nor the next because of a cabinet meeting, but that the principle of holding the meeting remained. [82d]
- 6.16 On 7 May 2007 MONUC reported that the lists of candidates for the Senate's permanent office had been posted. Out of 21 senator candidates who were competing for the seven seats, three were running for presidency of the Senate. The party of President Kabila, the AMP had put forward candidates for every seat. The opposition led by Jean-Pierre Bemba had failed to name any candidates; however, one of its members, a woman, was running as an independent candidate for the second vice-president post. In addition to the AMP and 12 independent candidates, there was one candidate from PALU and another from the "Front Social des Independants Republicains" (FSIR). The election was planned for 11 May 2007. [56bw]
- 6.17 On 15 May 2007 Xinhua reported that Leon Kengo wa Dondo had been elected senate speaker and that the inauguration of the entire office of the senate which had taken place on 11 May 2007 had been the last step in the process of establishing all the institutions resulting from the elections of 2006. It also reported that the new senate speaker had been a close associate of the late President Mobutu. He had gained 55 votes in the election for speaker, against the 49 cast for his challenger from the Alliance for a Presidential Majority (AMP). [62a]
- 6.18 Xinhua reported on 30 May 2007 that provincial assembly speakers in the DRC had affirmed their opposition to the decision of the DRC's interior minister Denis Kalume, prohibiting them from retaining 40 per cent of revenues generated in their provinces. A statement issued by the nine speakers of the provincial assemblies, who were elected through an indirect vote in January 2007, said "We are calling for the enforcement, without further delays, of the provision for retention at source of up to 40 per cent of revenues generated in the provinces". Kimasi Matuiku, speaker of the provincial assembly of Lower-Congo stated, "at this level, it is provided that provincial revenues are not deposited in the accounts. This only affects revenues which are considered national, of which 60 per cent goes to the central government, with the remaining 40 per cent being retained by the provincial administration. According to the constitution, the sharing of revenues is supposed to be done at source". The speakers also called for the administrative autonomy of the provinces, refusing at the same time the hiring of staff on decisions made by the interior minister. [62t]
- 6.19 The DRC had been placed 47 out of 48 African nations in the 2008 annual Ibrahim Index of African Governance published by the Mo Ibrahim Foundation. The foundation was created by Mo Ibrahim a wealthy Sudanese businessman, with the index drawn up by experts at the Kennedy School of Government at Harvard University in the US. The foundation ranks 48 countries against 58 individual measures. It uses those measures to rank countries on five factors: safety and security; rule of law; transparency and corruption; participation and human rights; sustainable economic opportunity; and human development. The figures were based on those for 2006, the last year for which figures are available. [83aa] [158a]

- 6.20 The Africa Research Bulletin reported on 31 October 2007 that the DRC Transport Minister had been sacked on 5 October, after an Anotov-26 cargo plane crashed just after take off from N'Djili airport, in which six homes were destroyed either by the crash or by the fire afterwards. The sacked Transport Minister Rémy Kuseyo said that the aircraft should have been prevented from taking off by a three-week-old ban on the use of Antonov planes because of recent crashes. He said that his dismissal was unjust. [2e]
- 6.21 On 15 November 2007 the BBC reported that 24 out of 35 local MPs had voted to oust the governor of South Kivu for failing to protect the state from violence. They also said that he had also badly managed finances and had little respect for local authorities [15ea] Commenting on the matter the following day IRIN reported that under the constitution, a governor subjected to a no-confidence motion is supposed to hand his resignation to the national president within 24 hours and dissolve his provincial government. A political scientist at Lubumbashi and Kinshasa universities stated “since the governor refuses to bend, the dispute can only be resolved in the courts. But in the time that takes, the insecurity is likely to get worse”. A spokesman for the governor said that the governor had formally called on the Supreme Court of Justice in Kinshasa and the court of appeal in Bukavu, to throw out the no-confidence ruling. He added that the assembly had given no notice of the motion’s debate nor offered the governor a chance to defend himself. [18ge]

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ELECTIONS

- 6.22 On 1 February 2007 Agence France Presse reported that clashes had taken place in Bas Congo between police and supporters of the Bundu dia Congo sect. They were protesting against the results of the governors’ elections where a candidate of President Joseph Kabila’s coalition won, despite the opposition being the majority in the province. It was reported at that time that 58 people had been killed.[65bc] The following day the BBC reported that at least 90 people had been killed in the rioting which took place in three towns, Matadi, Mwanda, and Boma, during which a police station was raided and inmates freed from a prison. The report also stated that 20 civilians were killed by the Congolese army when they re-took control of Boma. According to the UN at least four policemen were killed. [15cg] On the 7 February 2007 the Mail&Guardianonline reported that the United Nations estimated that the total number of lives lost as being 134, although the official toll according to the Interior Ministry was 87 dead, including 10 from the security services. It also reported that a UN team had been sent to investigate the clashes. The report also stated that the opposition Congo Liberation Movement (MLC) had filed official complaints about the result in Bas Congo as well as the capital Kinshasa. An organisation called Solidarity with the Victims and for Peace (SOVIP) published the names of 25 people it claimed had been killed in Boma, 19 people who had been killed in Matadi, and 15 people who had been killed in Moanda [sic]. It also published the names of 15 of those it claimed had been injured in Boma, and 12 men who had been arrested in Matadi. [105d] [121d]
- 6.23 On 8 February 2007, allafrica.com reported that the Bas-Congo Appeal Court had reached a verdict in relation to the contested election for governor, and had demanded that the Independent Electoral Commission (IEC) organise a

- second round of elections for the positions of governor and vice governor of the province. The exact date will be fixed by the IEC. [74ah]
- 6.24 On 16 February 2007 Agence France Presse reported that the DRC Supreme Court had upheld the election of the governor of Bas-Congo. "The Supreme court of Justice proclaims Simon Mbatshi Batshia elected in the first round", chief justice Tshimbamba Ntoka ruled after a public hearing. [65bk]
- 6.25 On 14 February 2007, a report from Radio Okapi stated that at its plenary session on 12 February, the National Assembly had decided that deputies with dual citizenship should regularise their situation. They have a grace period after which an inquiry commission would be set up to decide their fate. [95be]
- 6.26 Afriquenligne reported on 19 July 2007 that the National Assembly had challenged the judgement of the Supreme Court by raising a number of irregularities, particularly in the partial and unilateral process of recounting the votes. The National Assembly also cited as irregularities the partial cancellation of results in a district, and not taking into account this material error. These irregularities forced parliament to reject the decision of the Supreme Court on the principle of separation of powers sanctioned by the Constitution in article 151. However, the Constitution says that "decisions of the Supreme Court of Justice cannot be appealed except by a third party in administrative matters". To avoid a constitutional crisis, the National Assembly abided by the decision of the Supreme Court and agreed to invalidate the election of the 18 MPs, but asked President Joseph Kabila to urgently convene a constitutional meeting to draw all the conclusions from the faulty operations of the justice system. [127a hard copy only]
- 6.27 On 31 October 2007 the Africa Research Bulletin reported that the new United Nations Development Programme (UNDP) PACE project which would support and assist the Congolese electoral cycle from 2007 to 2011 had been launched on 4 October. Initially the project aimed to assist and support the organisation and holding of the local elections, envisaged for 2008. The report went on to say that the DRC envisaged the holding of elections and the creation of a National Independent Electoral Commission (CENI), which would replace the IEC, as mandated in the new DRC constitution to organise future elections. The report also stated that the PACE project's first goal was to assist the CENI to complete the identification and registration of voters, and to hold the forthcoming elections. [2e hard copy only]
- 6.28 MONUC reported on the 7 December 2007 that on that day, a one day plea for equal man-woman representation within the National Independent Electoral Commission (CENI), initiated by the Permanent Dialogue Framework of the Congolese Woman (CAFCO), was held in the Palais de Peuple in Kinshasa. The aim was that members of parliament respected the equality man-woman law in the bill on the CENI. They were addressed by the Special Representative of the UN Secretary General for the DRC, William Swing, who encouraged CAFCO in their plea which "is justified and completely legitimate" and on which female representation in the future local elections depends. Mr. Swing recalled that it is the will of the UN to encourage the active participation of women in decision making, referring to Security Council Resolution 1325 on "Women, peace and Security". He went on to congratulate the country in devoting article 14 of the Constitution in this regard, but deplored the application of this law which "was not effective through the electoral law",

because of article 13 which stipulates that “the non realisation of man woman equality during the next elections is not a reason for inadmissibility of a list”. [56cs]

See also [Section 8.49 on Katanga](#); [Section 17.05 on Freedom of association and assembly](#); [17.09 on Opposition groups and political activists](#); [Section 18.01 on Freedom of speech and media](#); [Section 26.01 on Children – Basic information](#); [Section 33.06 on Official documents](#).

6.29 The USSD Background Note of October 2008 stated:

“On July 30, 2006 the D.R.C. held its first free, democratic, multi-party elections in more than 40 years. The D.R.C.'s 25 million registered voters were charged with electing a president (from a field of 33 candidates) and 500 deputies to the National Assembly (out of a total of 9,709 candidates). Despite technical and logistical difficulties, coupled with isolated incidents of violence and intimidation, the elections were held in a largely calm and orderly fashion. Voter turnout nationwide was high, particularly in the eastern provinces, compared to the December 2005 constitutional referendum.

“The Independent Electoral Commission (CEI) on August 20, 2006 announced official provisional results from the July 30 presidential elections. According to CEI figures, incumbent Joseph Kabila won 44.81% of the votes cast versus Vice President Jean-Pierre Bemba's 20.3%. As no candidate won a majority of votes in the first round and in accordance with the country's electoral law, the top two recipients, Kabila and Bemba faced off in a second round of balloting. Threats to the D.R.C.'s transitional process were marked by military clashes in Kinshasa just hours after provisional election results were announced. This crisis was exclusively confined to central Kinshasa in the Gombe area and was essentially a clash between Vice President Bemba and President Kabila's militias. The runoff presidential elections were held on October 29, 2006. On November 27, 2006 the Congolese Supreme Court declared President Kabila the winner over Vice President Bemba by a margin of 58% to 42%. Kabila was inaugurated on December 6, 2006.

“Voters in July 2006 also chose from among 9,709 legislative candidates to fill 500 seats in the National Assembly, representing 169 electoral districts. Approximately one-third of these districts elected one deputy by a simple majority. The rest were multiple-seat districts, ranging from two representatives to a maximum of 17 (in one of Kinshasa's voting districts). In these areas, deputies were chosen by proportional representation using open party lists. To select the winners in multiple-seat districts, all valid votes cast were first divided according to political party. Next, an ‘electoral quotient’ was determined by dividing the number of votes cast by the number of representatives to be elected. Finally, the number of votes a party received was divided by this ‘electoral quotient’ to determine how many seats the party will win. The candidates ultimately elected are those who received the highest number of votes within their particular party lists. National Assembly deputies will also serve five-year terms and there is no restriction on the number of times they can be re-elected.” [3k]

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Human rights

7. INTRODUCTION

- 7.01 Amnesty International's (AI) 2008 annual report drew attention to the continuing serious abuses of human rights in the DRC, noting that:

“Political and military tensions in the DRC resulted in major outbreaks of violence in the capital, Kinshasa, and Bas-Congo province. Unlawful killings, arbitrary arrests and detentions, torture and other cruel, inhuman and degrading treatment by the security forces and by armed groups were common across the country, in many cases directed at perceived political opponents. Rape by security force members and armed group fighters continued at high levels.” [11x] (Overview)

- 7.02 The AI report continued, “Acts of torture and ill-treatment were routinely committed by government security services and armed groups... Detainees were held incommunicado, sometimes in secret detention sites. In Kinshasa, the Republican Guard (presidential guard) and Special Services police division arbitrarily detained, tortured and ill-treated numerous perceived opponents of the government.” [11x] (p3-4)

- 7.03 The HRW World Report 2008, commenting on events in 2007, stated:

“Despite widespread optimism following the 2006 elections, violence against civilians, political repression, and impunity has continued... All sides in the conflict commit atrocities against civilians, especially women, and a further 350,000 people joined the hundreds of thousands already displaced. In western Congo, soldiers and police killed more than 100 persons protesting corruption in the Bas Congo provincial elections. In March [2007] the soldiers and bodyguards of opposition leader Senator Jean-Pierre Bemba clashed with government soldiers in the heart of Kinshasa, leaving hundreds of civilians dead. Law enforcement officials arbitrarily detained over 300 people linked to the opposition, including journalists and members of civil society, and brutally tortured some of them. Few military or civilian authorities were held accountable for past crimes. Warlords and militia leaders continue to be awarded top army positions instead of facing justice for their abuses.” [5ad] (overview)

- 7.04 The US State Department Report on Human Rights Practices in 2007, published on 11 March 2008 (USSD 2007), reported that:

“In all areas of the country the government's human rights record remained poor, and security forces acted with impunity during the year, committing numerous serious abuses, including unlawful killings, disappearances, torture, and rape, and engaged in arbitrary arrests and detention. Harsh and life-threatening conditions in prison and detention facilities, prolonged pre-trial detention, lack of an independent and effective judiciary, and arbitrary interference with privacy, family, and home also remained serious problems. Security forces recruited and retained child soldiers and compelled forced labor by adults and children. Members of the security forces also continued to abuse and threaten journalists, contributing to a decline in freedom of the

press. Government corruption remained pervasive. Security forces at times harassed local human rights advocates and UN human rights investigators. Discrimination against women and ethnic minorities, trafficking in persons, child labor, and lack of protection of workers' rights continued to be pervasive throughout the country.” [3k] (Overview)

- 7.05 AI, HRW, ICG and other observers also referred to the failure of the various factions to put aside their differences in the interests of national unity and to the lack of political will to make progress with setting up integrated state structures. [5k] (Overview) [11f] (Overview) [30a] (p9) [39a] (Overview) [39c] (Overview) [39d] (p3) The HRW World Report 2008 stated that during 2007 the political agreement to integrate combatants loyal to General Laurent Nkunda, and other factions involved in the war, had failed. [5ad] (Overview)
- 7.06 The South African Press Association and allAfrica.com reported on 16 May 2007 that the UN's top human rights official, Louise Arbour, had called for the listing of serious abuses committed in the DRC between 1993 and 2003, before taking them to the International Criminal Court. “In the second phase, this list could be presented to the government and people of the DRC, who could decide on which options to take ... to compensate the victims,” she said. She went on to say that President Joseph Kabila had welcomed the initiative and pledged to tackle the issue of impunity. [74bc] [83p]
- 7.07 However, the 2008 Human Rights Watch report noted that even where individuals were identified as having been responsible for grave violations against human rights, the judicial system such that most escaped with near total impunity. “Only a handful were arrested and prosecuted while dozens of others were promoted to senior positions in the army or the government. In one exceptional case the Ituri warlord Chief Kahwa Mandro was tried on charges of war crimes and crimes against humanity, but he was acquitted after an appeals process marred by irregularities. The judicial process continued to be characterized by political interference and corruption.” [5ad] (p1-2)

For further information see relevant sections, including:

[Section 6.01 on Political System;](#)

[Section 8.01 on Security situation;](#)

[Section 8.19 on Security situation – Eastern DRC;](#)

[Section 10.20 on Police; Torture](#)

[Section 10.36 on Armed forces; Torture](#)

[Section 11.01 on Military service;](#)

[Section 14.01 on Arrest and detention - Legal Rights;](#)

[Section 16.01 on Death Penalty;](#)

[Section 17.05 on Freedom of association and assembly;](#)

[Section 22 on Ethnic Groups;](#)

[Section 25 on Women;](#)

[Section 26 on Children;](#)

[Section 31 on Internally Displaced Persons](#)

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8. SECURITY SITUATION - GENERAL

- 8.01 The International Institute for Strategic Studies (IISS), Armed Conflict Database, accessed on 11 March 2008, noted the findings of an International Rescue Committee (IRC) report stated "...that 5,400,000 people had died from war-related causes in the DRC since 1998, a figure almost one and half times higher than previous estimates. ...Ethnic violence increased during the year. Population movements following the government offensive in December [2007] were increasingly ethnically based, confirming a warning in September by Human Rights Watch that fighting between the Congolese Army and forces loyal to dissident General Laurent Nkunda was increasing ethnic tensions in eastern DRC." [41b] (p1)
- 8.02 The US State Department Report on Human Rights Practices in 2007, published on 11 March 2008 (USSD 2007), reported that during 2007 "...government control of many areas of the country remained weak, particularly in North and South Kivu provinces." [3k] (Overview) In some areas (mainly the eastern provinces), conflict increased with "army units loyal to dissident General Laurent Nkunda deserted and the Democratic Liberation Forces of Rwanda (FDLR) and Mayi-Mayi militias refusing to demobilise. There were a reported 1,301 conflict-related deaths, though the actual number of fatalities is likely to be far higher." (The International Institute for Strategic Studies, Armed Conflict Database, accessed on 11 March 2008) [41a] (p1)
- 8.03 The USSD 2007 noted that civilian authorities did not maintain effective control, and different sections of Government acted independently or contrary to the interests of the others. It also reported that during the year the Government had made progress in integrating key institutions such as the army and the police. [3k] (Overview) However, there were signs that President Kabila was continuing to bolster his power base by appointing loyal commanders to head the "...armed forces and the national intelligence agency. This was widely perceived as an attempt to remove ex-rebel officers." (The International Institute for Strategic Studies, Armed Conflict Database, accessed on 11 March 2008) [41a]
- 8.04 A number of sources noted the importance of the United Nations peacekeepers, MONUC, to the continuing fragile stability within the country. [3k] [56ax] Serious concern was therefore expressed by Oxfam, when the UN's mandate was due to expire in 2007. Gains in stability made since the 2006 elections were reported to be fragile with the country's fledgling democracy remaining unstable. The aid agency said despite the shift towards democracy, the DRC remained very weak in a number of important areas, specifically human rights, with the reform and effective operation of the army and police essential before any withdrawal should take place. [56ax]
- 8.05 On 15 May 2007 Reliefweb reported the United Nations Security Council had unanimously adopted resolution 1756 (2007) which extended the deployment of MONUC until 31 December 2007. [92p] On 30 January 2008 the UN Security Council passed resolution 1797 authorising MONUC to remain in the DRC to assist the Congolese authorities to organise, prepare and conduct local elections. Provincial elections are expected to be held in the latter half of 2008. (Democratic Republic of the Congo – MONUC) [56cz]

- 8.06 News reports documented the continuing instability caused by raids from rebels groups based within the DRC and neighbouring countries. The situation was particularly problematic in the east of the country, specifically areas bordering Burundi, Rwanda and Uganda, where “negative forces” were responsible for indiscriminate acts of violence. The problem was further complicated by a long running dispute between the DRC and Uganda over the ownership of Rukwanzi Island. However, despite a number of sticking points (specifically the DRC’s unwillingness to allow a joint military force within its borders), the DRC Government engaged with neighbouring countries throughout 2007 in an attempt to find a new approach towards tackling the rebels groups. [95bp] [74be] [74ci]
- 8.07 On 2 March 2007, MONUC reported that a regional parliamentary meeting held in Kinshasa, on the International Conference on the Great Lakes region, (following the meeting held on 15 December 2006), had been held for three days from 26 February to 28 February 2007. The meeting was hailed as “a step forward” by the UN. The parliamentarians considered and debated on their role in contributing to the fast ratification and implementation of the Great Lakes regional pact on security, stability and development, with the support of the respective populations. The respective countries committed themselves to establishing a regional parliament forum in order to encourage dialogue; to contribute to the mobilisation of internal and external resources for the implementation of the programmes and to urge their states to quickly honour their financial contribution to the ordinary budget of the secretariat of the Great Lakes pact. [56be]
- 8.08 On 9 September 2007 the Ugandan publication *The New Vision* reported that the presidents of Uganda and the DRC had met in Tanzania and had agreed to immediately remove troops from the contested Rukwanzi Island on Lake Albert, and that within a month, a joint team of experts from both countries, and members from other countries will demarcate the joint border. [114c] Radio Okapi reported on 22 December 2007 that the island would temporarily be under joint DRC-Uganda administration and a joint police force, but that the administration would be temporary. Its mission would be to protect the population and to maintain public order, and that anyone arrested would be tried in their respective countries. [64bv]
- 8.09 Following Kabila’s presidential win in November 2006, FARDC began pushing for the militias aligned with the two main opposition leaders to disarm and integrate into the national force. [15c] President Kabila decreed that all former vice president’s demobilise “... their militias and replace them with twelve police officers for close protection. With an ultimatum set for March 15, brinkmanship between hard-liners on both sides led to a deadly confrontation on Kinshasa’s main boulevard...” (United States Institute of Peace, February 2008) [47a] (p14) The situation came to a head when demands to demobilise was rejected by both sides and a request for further negotiations was rejected. On 16 March 2007 the BBC reported that the Defence Minister told the BBC that violence would not be used to disarm the guards. [15c] However, on 17 March 2007 the South African Press Association reported that the armies of Jean-Pierre Bemba and Azarias Ruberwa had refused to disband. [83h]
- 8.10 On 21 March 2007 Reuters reported that the previous day the UN had deployed dozens of soldiers and vehicles outside Bemba’s residence amid fears of clashes between his security guards and FARDC soldiers. [21as]

- 8.11 However, the USSD 2007 noted that the situation escalated out of control with a series of armed confrontations between the 21 and 23 March 2007. Armed confrontations between "...forces loyal to President Kabila and those of Movement for the Liberation of the Congo (MLC) leader and former Vice President Jean-Pierre Bemba killed approximately 300 persons, including many civilians, according to the multidisciplinary investigative team headed by the UNHRO. During the fighting, soldiers from both forces looted homes, schools, and businesses. The team also determined that pro-Kabila forces used excessive force and engaged in summary executions." (USSD 2007, 11 March 2008) [3k] (overview)
- 8.12 Reuters reported on 30 March 2007 that following the violence, the government had ordered Bemba's arrest for high treason. However, the MLC leader and his family had taken refuge in the South African embassy. Following intervention from the international community, the DRC government agreed that Bemba could leave the country to receive medical treatment in Portugal. [21cjj] (BBC News, 28 March 2007) [15ec]
- 8.13 The USSD 2007 noted that following the events in March 2007:
- "...an elite armed force under the control of the president, arrested over 200 persons, mostly from Equateur Province (Bemba's province of origin), and subjected a significant number of them to cruel, inhuman, and degrading treatment. The UN called on the government to investigate the incident fully through the use of an independent investigative body and take action against those responsible. The government did not initiate any investigations or prosecutions against any FARDC or GR soldiers for roles in the killings or detentions. However, the chief military prosecutor established a commission to look into the legality of the detentions. By year's end authorities had released only five of the detainees, and they did so on medical grounds." (USSD 2007, 11 March 2008) [3k] (overview)
- 8.14 The International Institute for Strategic Studies (IISS), Armed Conflict Database (accessed on 11 March 2008), noted that:
- "The most significant military development of 2007 came in August, when the mixage process between the FARDC and troops loyal to Nkunda broke down. This effectively ended a tacit agreement and eight-month truce with the FARDC, reached at the beginning of the year, to establish the mixed brigades Alpha, Bravo, Charlie, Delta and Echo. In mid August, reports surfaced that pro-Nkunda elements of the mixed brigades were deserting their positions in North Kivu. On 28 August, fighting broke out in Masisi and Rutshuru between pro-Nkunda troops and remaining FARDC soldiers. MONUC reported that Nkunda had recruited combatants in Rwanda, and that the DRC had reinforced its troops in Masisi Territory, North Kivu. Estimates of Nkunda's troop strength ranged up to 8,000. FARDC deployments in the Kivus increased in September, October and November, and a major military offensive was launched at the beginning of December around Karuba, Shasha, Ngungu, Mushake and Kashanga in Masisi. The FARDC used heavy artillery, armoured vehicles, two tanks (either Type 59s or T-55s) and two helicopter gunships to move against dissident positions." [41a]
- 8.15 In late February and early March 2008, followers of the Bundu Dia Kongo (BDK) clashed with police in Bas Congo province. The clashes followed weeks

of low-level violence between BDK members, non members and the police. (MONUC, 1 March 2008) [56cy] (IOL, 5 March 2008) [86ag]

- 8.16 Sources reported that the violence was concentrated in the towns of Luozi and Sekebanza (MONUC, 1 March 2008) [56cy] (Mail and Guardian Online, 5 March 2008) [105h], with claims by some that upwards of 300 people had been killed during the disturbances. Agence France Presse noted, on 29 March 2008 that according to government figures, only 27 people had been killed. However, UN and NGO sources put the figure at between 100-136 dead. [65a] (BBC Monitoring, 1 April 2008) [95ed] The Mail and Guardian Online reported on 5 March 2008 that UN forces dispatched military and police reinforcements to the province in an effort to calm the situation. [105h]
- 8.17 Agence France Presse noted on 29 March 2008 that the government outlawed the Bundu Dia Congo towards the end of March 2008. [65a] However, Jeuneafrique.com reported on 22 March 2008 that the government had not banned the organisation as such, but had withdrawn the BDK's charitable status. [50a]
- 8.18 The EIU Country Report dated June 2008 reported that:

“Despite the signing of a peace agreement in Goma in January 2008, political-ethnic unrest is likely to continue throughout the forecast period in North and South Kivu, at appalling cost to the local population. The two provinces are a buffer zone between the DRC and Rwanda, and elements of both governments have an interest in continued instability there. Partly as a result of this, and partly for local reasons, the two provinces are populated with opposing ethnic militias that fight intermittently, with and without the assistance of the Congolese and Rwandan armed forces.” [30h] (Overview)

Also see the following sections: [Elections Section](#); [Crime Section](#); [Military service](#); [Arrest and detention - legal rights](#); [Annex B Political organisations](#); [Annex D Armed forces in the DRC](#)

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SECURITY SITUATION – EASTERN DRC

- 8.19 Initial armed clashes in eastern DRC have escalated into all-out war. Several towns and IDP camps were overrun and the Goma, the provincial capital, was under imminent threat with the armed forces (FARDC) fleeing in disarray. Tensions between the DRC and Rwanda have grown in recent months and appear to have escalated into direct exchanges across the border. [54o] (UN Security Council Report – November 2008)
- 8.20 The Country Fact File by the Institute for Security Studies (ISS) commented that:
- “The conflict in the DRC is multidimensional, and the conflict of the last six years has both regional and domestic aspects which have become intermingled. Both Uganda and Rwanda became involved in the DRC following the rupture of their alliance with Kabila and their dissatisfaction with his inability to effectively address their security concerns. Since then they have

cultivated their own interests in the areas which they controlled, and this has perpetuated an ongoing cycle of violence which has also stoked further local conflicts.” [27e] (Security Information)

8.21 The fighting has had a devastating effect on the population in the east, where the infrastructure of transport, commerce, medical and social support was already extremely poor. [3h] (Overview) [11f] (Overview) The International Rescue Committee (IRC) stated recently that around 5.4 million people had died as a result of the war. (IISS, accessed 11 March 2008) [41b] Grave human rights abuses continued to be carried out in the region by government and rebel forces, including the murder and rape of civilians. (USSD 2007, 11 March 2008) [3k]

8.22 Human Rights Watch reported, on 31 January 2008, that:

“The people of the eastern Congo, buffeted by years of war, endured more armed conflict and human rights abuses, including murders, rape, and the recruitment and use of child soldiers, despite political agreements meant to resolve conflicts in the eastern province of North Kivu. Early in the year combatants loyal to the renegade general Laurent Nkunda were integrated into the national army in a process called ‘mixage’. The newly established mixed brigades killed scores of civilians and committed rapes and other abuses in their operations against the Forces for the Liberation of Rwanda (FDLR), a Rwandan rebel group based in eastern Congo. By August the political agreements had collapsed and many of Nkunda's former troops returned to his control; renewed clashes between Nkunda's troops and government soldiers followed.

“Government policy towards the FDLR followed a confused and contradictory course, with the army sometimes supporting and sometimes attacking this group. The FDLR, composed largely of Rwandese combatants, is supposedly committed to overthrowing the current government of Rwanda, but in recent years its members have attacked Congolese civilians more than they have engaged the Rwandan military.

“The shifting configurations of the conflict have variously seen all forces fighting each other. The Congolese government, backed by the international community, tried various measures to end the fighting, but failed to address its underlying causes. Although crimes by all parties constituted violations of international humanitarian law, virtually none has been investigated, let alone prosecuted.” (World Report 2008 – Democratic Republic of Congo) [5ad] (p1)

8.23 Human Rights Watch reported, on 29 July 2008, that:

“Six months since the signing of a peace agreement, horrendous violence continues to plague eastern DRC, a coalition of 64 aid agencies and human rights groups said today. The new Congo Advocacy Coalition¹ was created in July 2008 to focus attention on the protection of civilians as part of the peace process in eastern Congo. It called on the international community to put further pressure on armed groups and the Congolese government to make real their promises to protect civilians.

“The first report from the Congo Advocacy Coalition reveals that at least 150,000 people have been forced to flee from their homes due to ongoing

fighting since the Goma peace agreement was signed on January 23, 2008. United Nations officials reported at least 200 ceasefire violations in under 180 days between January and July. Those newly displaced add to the 1 million people displaced from earlier waves of violence in North and South Kivu. The number of people displaced from their homes in the most affected territories of Rutshuru and Masisi in North Kivu is the highest ever registered.” [5af]

- 8.24 The BBC reported, on 1 August 2008, that, “Government forces and rebel troops are rearming and recruiting for conflict in the east of the Democratic Republic of Congo... US and European officials are warning the situation is increasingly tense despite a January peace deal.” [15ed]
- 8.25 The UN News Service reported, on 29 September 2008, that, “The ...DRC today called for United Nations peacekeepers to be given a clear mandate and the resources necessary to impose peace by force if necessary on a rebel group that is the sole holdout on a disengagement plan in the east of the country.” [71e]
- 8.26 BBC News reported on 9 October 2008 that, “Forces loyal to rebel leader Laurent Nkunda have taken a major army base in eastern DRC, UN peacekeepers have confirmed.... MONUC said rebels seized weapons and supplies after overrunning the strategically important camp of Rumangabo overnight.” [15eg]
- 8.27 ‘*The Independent*’ reported on 27 October 2008 that:
- “Mr Nkunda’s fighters of the CNDP accuse Congo’s army of attacking them... His forces drove government troops out of an army base at Rumangabo, north Kivu province, during intense fighting early yesterday... Mr Nkunda’s fighters briefly overran the army base at Rumangabo earlier this month in an offensive that prompted accusations from Congo’s government that neighbouring Rwanda’s Tutsi-led government had sent troops to help Mr Nkunda’s campaign.” [86ah]

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NORTH/ SOUTH KIVU

- 8.28 “The activities of Rwandan and allied Banyamulenge (Congolese Tutsi) soldiers have been strongly resented by soldiers and militias from other Congolese peoples, as reported by the International Institute for Strategic Studies, DRC Timeline. The problem was especially serious in the Hauts Plateaux region of South Kivu province, where Babembe (Maï-Maï) were set against Banyamulenge, with foreign support for both groups. The Banyamulenge have been in the Democratic Republic of Congo for more than 200 years, but for many Congolese they remain Tutsi from Rwanda and are treated as foreigners. Laurent-Désiré Kabila used the Babembe in his long struggle against Mobutu Sese Seko, but they refused to help him when he incorporated Banyamulenge and members of the Rwandan Patriotic Army into his fighting force. Indications of anti-Tutsi groups forming an alliance against the Tutsi-dominated forces of Laurent-Désiré Kabila and his erstwhile Rwandan allies emerged, inter alia, in the form of, for example, the Alliance for Democratic Resistance (Alliance pour la Résistance Démocratique: ARD),

headed by Leonard Nyangoma, of the Burundian National Council for the Defense of Democracy (Conseil National pour la Défense de la Démocratie:CNDD). Maï-Maï ethnic militias from the Kivu provinces sided largely with Kabila's forces and the various Hutu militias insofar as they all opposed Tutsi influence in the region.

“While the CNDD-FDD has now become part of the political establishment in Burundi (thereby relinquishing its rebel status and moving out of the Democratic Republic of Congo), militant Hutu Rwandans have remained as a significant presence in the Democratic Republic of Congo. The disarming of these anti-Tutsi forces (as reconfirmed by the July 2002 Pretoria accord with Rwanda) is proving to be one of the most daunting challenges in the peace process, not least because Rwandan occupation was incredibly unpopular in the Kivus, and Kigali was still perceived by some to be manipulating local conflict in its favour. Such tensions retained considerable potential to derail the national political transition process, as seen during the Bukavu crisis of mid-2004 and a pro-Banyamulenge militia offensive against both pro-Hutu militia and the Congolese army in North Kivu in December 2004.

“Since the elections in 2006, sporadic destabilising attacks by unreconciled militia have continued, with renegade general Laurent Nkunda a particular thorn in Kinshasa's side. Having originally launched his rebellion in 2004, when he and his fighters staged a week-long occupation of Bukavu ostensibly to protect Banyamulenge from alleged attack by anti-Tutsi forces, Nkunda has remained outside the political process despite initial optimism over a peace deal signed in January 2007. Escalating clashes since mid-2007 have displaced hundreds of thousands of Congolese, worsening the humanitarian crisis in North Kivu. A government counter-offensive in December against the rebels initially saw Congolese troops retake territory from the rebels, although they were hit by setbacks within days, with Nkunda's forces again retaking the towns of Mushake and Karube.” (International Institute for Strategic Studies, accessed 11 March 2008) [41c] (Security)

- 8.29 The United Nations reported on 15 April 2008 that its mission in eastern DRC had “made solid progress” in stabilising the situation, “...but the continued presence of armed rebels and militias meant the region will remain the overwhelming focus of its operations for some time...” Two thirds of MONUC's troops are currently based in North and South Kivu with the mission claiming that it “... was making relative progress in restoring State authority to areas formerly controlled by rebels or other irregular armed groups...” [93q] On 7 April 2008, Mr Alan Doss, the Special Representative of the UN Secretary General, explained at the launch of the next phase of the Goma peace accord – the “Amani Programme” or realisation phase – that in spite of the “... many violations of the cease-fire...” most were “...due to banditry than to real military action; none of the violations were likely to affect the peace process...” (MONUC) [56d]
- 8.30 However, a spokesman for the International Committee of the Red Cross stated that the situation in North and South Kivu remained “dangerous” in spite of the progress made at the Goma Peace Conference in January 2008. (Thai Press Reports, 15 April 2008) [154a]
- 8.31 Human Rights Watch reported on 21 July 2008 that:

“The killing and rape of civilians in the eastern province of North Kivu in the Democratic Republic of Congo continues at a horrifying rate despite the signing of a peace accord six months ago... The agreement was supposed to stop such attacks. In a recent mission to the most affected territories of Masisi and Rutshuru in eastern Congo, HRW researchers documented more than 200 killings of civilians and the rape of hundreds of women and girls since January by all armed groups, including Congolese army soldiers.” [5ae]

8.32 Reuters reported on 22 August 2008:

“Despite considerable progress in disarmament, demobilisation and reintegration (DDR) in Ituri district, northeastern DRC, pockets of resistance by militia groups are causing tension in a region recovering from years of civil war... Leaders of these militiamen have established links with rebels from neighbouring Uganda who are supplying them with guns and ammunition, Congolese army officials said.” According to a national army spokesperson, four militia leaders are behind this new resistance. [21dj]

8.33 MONUC reported on 1 September 2008, “Alan Doss, the top UN official in the DRC, says calm has returned to Rutshuru in the country’s volatile North Kivu province following last week’s clashes between Government forces and armed rebel groups.” [93f]

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ITURI (NORTH KIVU)

8.34 Jane’s Security Sentinel (updated 7 January 2008) noted that the violence in Ituri region had arisen between the Ugandan-backed Hema and Kinshasa-backed Lendu militias. The problems in the region were apparently “...stoked by Ugandan intervention in the area and the shifting alliances of the trilateral Uganda-Rwanda-Kinshasa conflict in 2002/03.

“The Ituri Pacification Commission, resulting from the bilateral peace accords signed in Luanda in September 2002, failed to make headway against the chaotic situation around Bunia and the main Hema and Lendu armed factions remained outside the overall political dialogue until May 2004. The conflict subsequently transcended ethnic lines, before a successful drive by the UN peacekeeping mission, known as MONUC, (helped in part by the Congolese army) resulted in the demobilisation of 15,000 combatants in the Ituri region in 2005, making the area MONUC’s most successful sphere of operation.” [151a] (Security)

8.35 The Economist Intelligence Unit (EIU) noted in its 2008 Country Profile that:

“In the other main theatre of conflict in eastern DRC, Ituri district of Orientale province, the main factions signed a peace agreement in late 2006, and hundreds of fighters have entered the government’s disarmament and demobilisation programme. Two Ituri warlords are being held by the ICC on charges of war crimes, although the case against another, Thomas Lubanga, which was the first ICC case to come to trial, was dismissed by the court in July 2008 because of procedural irregularities by the prosecution.” [30h] (p10)

- 8.36 IRIN published on 20 April 2005 a report 'Who's Who in Ituri' giving background on the main parties to the conflict. [18bm] The United Nations Secretary-General's twenty-first report of June 2006 noted that a fundamental cause of ethnic tension in Ituri was land ownership. [54i]
- 8.37 On 21 January 2008 UPI reported that the UN had said that violence against women, including rape, continued to be a problem in Ituri. A report released in November 2007 had said that since 2003, between 30 and 500 persons reported sexual assaults each month. The head of the Office for Gender, Family and Children in Ituri said "the statistics do not give the real picture on the ground". The report went on to say that at least 30 boys, some as young as 14, have been detained on rape charges at the central prison in Bunia. [148a]
- 8.38 As previously mentioned, the UN's handling of the situation in Ituri and its subsequent success in pushing forward the demobilising process resulted in around 15,000 combatants laying down their arms or being integrated into the Congolese army. However, while being MONUC's most successful operation, the process has throughout been tortuously slow with setbacks often following gains. [41c] (Security) [30f] (p12) [EIU, Country Profile] The UN News Service reported on 5 November 2007 that the last three warlords from Ituri, Peter Karim of the FNI, Cobra Matata of the FRPI, and Mathieu Ngudjolo of the MRC, had joined FARDC and had been flown to Kinshasa along with 13 of their officers to begin army training, while the majority of their disarmed fighters – about 300 men – would join the 'brassage' process in Kitona, along with another 44 ex-combatants flown to Kitona on 3 November, [93k] MONUC reported on 16 October 2007 that while most rebel groups had surrendered and entered the 'Brassage' process, a significant number of combatants had not surrendered. [56cr]
- 8.39 However, while the main rebel groups had finally joined the 'brassage' process, allAfrica reported on 21 January 2008 that MONUC had appealed to members of the Ituri Patriotic Resistance Front (FRPI) to surrender to FARDC, whose troops were removing insurgents from their hideouts in the towns of Kamatsy and Tchei, after two days of violent clashes in Bunia between FARDC and the Front had left two soldiers dead and another two wounded, while seven militiamen were captured. [74do]
- 8.40 On 18 October 2007 the BBC reported that Germain Katanga who had led the FRPI in 2003, and had been arrested in 2005, had been flown to the International Criminal Court in The Hague. He was accused of murder, sexual enslavement and forcing children under 15 to fight as soldiers. [15dy] A further report from the same source on 22 October reported that Katanga had appeared before the court. [15dz]
- 8.41 Thousands of Congolese civilians remained displaced by fighting in Ituri between Congolese forces backed by MONUC troops and remnants of various defunct militias, namely the Front nationaliste et integrationiste (FNI), and the Forces de résistance patriotique en Ituri. Some IDPs were able to return to their homes once violence had subsided but other remained displaced. [18ct] [54i] BBC Monitoring reported on 9 November 2007 that according to the UN the threat of violence from rebel remnants was preventing thousands of IDPs from returning home, while harassment from regular troops was adding to their woes. "With dissident groups hiding in the forest, displaced

people dare not return to their villages. At the same time they are being mistreated by the army in the very areas where they are seeking refuge”, a UN spokesman said. He was referring to 2,890 displaced households; some 14,450 people from Lalo, Dhera, and Doi and Du villages in the Djugu district. UN investigators found that the army was forcing civilians to work as porters over long distances, and was exacting “taxes” at roadblocks on market day. [95dr]

- 8.42 In addition to violence perpetrated by rebel groups in Ituri, both the Congolese army (FARDC) and the United Nations peace keeping force (MONUC), were found to have been responsible for a large number of very serious human rights violations, including murder. On 30 July 2007 allAfrica.com reported that MONUC had welcomed the conviction by a court in Bunia of nine FARDC soldiers for killing 31 unarmed civilians last year. The nine defendants were found guilty of war crimes, rape, arson, pillaging and murder. The court handed down lengthy sentences, including life in prison for the leader of the assault on 11 August 2006. Most of the victims had been displaced by the violence in eastern DRC. MONUC stated that although the ruling sent a strong message against impunity in the DRC, much remained to be done, including the prosecution of similar cases. [74ce]
- 8.43 In the previous month, (12 June 2007) Reuters reported that MONUC was investigating allegations that Bangladeshi troops had beaten and killed prisoners in reprisal for the ambush that had killed the nine troops. A UN spokeswoman said that there had been a number of investigations into this case and an earlier probe had found that “excessive force was used against detainees who were reportedly trying to escape”. Still, a new investigation was scheduled on the allegation, reported in the Financial Times, which said that UN peacekeepers captured 30 suspected militia men in February 2005, and that Bangladeshi soldiers detained 15 of them in makeshift cells, and allegedly beat and killed some of them. [21bj]
- 8.44 Foreign armed groups, including Ugandan rebels, the Lord’s Resistance Army, the Sudan People’s Liberation Army (SPLA) and the ex Sudanese rebels the Mbororos, continued to operate within Oriental Province. On 24 January 2008, the SPLA crossed into the DRC and attacked Kengezi base border post. Officials from both countries met to resolve the situation, but demands from the Sudanese that a buffer zone be set up within DRC territory was rejected. Calm was reported to have returned to the Kengezi base area, but tensions remained between FARDC and the Sudanese rebels who remained on DRC territory. (Radio Okapi, 28 January 2008) [64bz] In the Haute Uele district armed groups from the Lord’s Resistance Army and the Mbororos continued to cause problems in the region, The commander of the 9th military region pledged to restore order in what some NGOs described as a deteriorating and worrying situation. (BBC Monitoring, 2 February 2008) [95ec]
- 8.45 In spite of the relative calm in Ituri, occasional skirmishes between the army and the FRPI (Patriotic Resistance Forces in Ituri) were reported to continue. (Inter Press Service, 17 April 2008) [153a] The International Institute for Strategic Studies (accessed 11 March 2008) noted that “...ongoing fighting between government troops and rebel militias had displaced more than 1,000 civilians... The army confirmed the death of three of its soldiers in operations against Patriotic Resistance Forces in Ituri (FRPI) rebels on 25 January in Hero locality.” [41c] However, the Inter Press Service reported the fears of

some officials in Ituri who believe that "... Uganda's political and business establishment are still arming factions in Ituri so as to continue exploiting the region's natural resources." [153a]

8.46 The EIU Country Report dated June 2008 stated:

"The once-troubled district of Ituri is much more peaceful than it was, although conflict breaks out sporadically. In late April [2008] there were clashes between the FARCD and a local militia...resulting in a number of casualties. Earlier this year the FNI leader, Mathieu Ngudjolo, was arrested in Kinshasa and transferred to The Hague, where he appeared before the ICC to answer charges that the FNI had committed atrocities during an attack on an Ituri village in 2003. In March the ICC said that it intended to try Mr Ngudjolo at the same time as Germain Katanga, a commander of the Front de resistance patriotique de l'Ituri, who had been accused of similar crimes." [30h]

8.47 The UN News Service reported on 2 October 2008 that:

"United Nations attack helicopters firing rockets went into action in the eastern Democratic Republic of the Congo today after rebels attempting to advance against the Government opened fire on UN reconnaissance planes. The UN action was the latest in a series of strikes against the rebel Ituri Resistance Front (FRPI) in Ituri province, and comes less than two weeks after peacekeepers from the UN Mission in the DRC (MONUC) sent in combat helicopters against another rebel group in North Kivu province, to the south" [71f]

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GOMA PEACE CONFERENCE – JANUARY 2008

8.48 The United Nations Security Council reported on 2 April 2008 that:

"In order to address the escalating crisis, the Government announced its intention to organize the long-awaited Conference on Peace, Security and Development in the Kivus. With the active engagement of and support from MONUC and international partners, the conference was held in Goma from 6 to 25 January. In all, 1,250 delegates attended, including representatives of Congolese armed groups, local communities, local authorities, political parties and civil society. The work of the conference was conducted in two seminars, one for North Kivu and one for South Kivu. At each seminar four committees were set up to consider issues relating to peace, security, social and humanitarian affairs and development. ...

"A key outcome of the conference was the adoption, on 23 January, of two statements of commitment for North and South Kivu. The statements were signed by all participating Congolese armed groups, including CNDP and Banyamulenge insurgents from South Kivu, represented by the Forces républicaines fédéralistes. ... The statements committed the armed groups to (a) accepting a ceasefire, to be monitored by MONUC; (b) agreeing that all militias should undergo disarmament, demobilization and reintegration or brassage; and (c) facilitating the return of refugees and internally displaced persons. The Government in turn committed itself to presenting to Parliament a measure renewing until January 2008 the amnesty law, which had expired in

2003, and extending it to cover recent acts of war and insurrection. The amnesty would not, however, apply to war crimes, crimes against humanity or genocide.

“The statements of commitment did not address several key issues, including the timeline for disarming the armed groups and modalities for brassage. The signatories agreed to establish a joint technical commission on peace and security to address those issues and to monitor implementation. It was agreed that the commission would comprise representatives of the Government, the armed groups and international partners.

“To support the work of the commission, an ad hoc ceasefire monitoring mechanism, chaired by MONUC, became operational on 10 February. As at 15 March, the mechanism had received 108 reports of violations, of which 64 had been verified, 30 had been confirmed as non-violations and 14 remained under investigation. Most violations were reported in North Kivu, involving FARDC, CNDP, the Coalition of Congolese Patriotic Resistance and Mayi-Mayi groups.” [54a] (p2)

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KATANGA

- 8.49 More than 300,000 people were reported to have been displaced in the province as a result of insurgent activities. The Mai-Mai were considered the greatest security threat to Katanga with “... more than nineteen warlords in the northern and central territories command bands – estimated by the UN to total 5,000 to 8,000 – who regularly abuse the local population.” (International Crises Group, 9 January 2006) [39g] (p2) However, a report from the United Nations, published on 19 March 2008, stated that conditions had improved to such an extent that it was now safe for refugees to return to the province in spite of “recent agitation” that the UN would return Banyamulenge. [18gj]
- 8.50 BBC Monitoring reported on 25 July 2007 that the commander of a MONUC Brigade said there were pockets of Mai Mai combatants in North Katanga Province, although the security situation remained relatively calm. At Kongolo the Mai Mai combatants and their dependants numbered some 1000 people, while in other areas of Katanga; they numbered between 200 and 500, except at Mitwaba where a General Maho was reportedly at the head of 500 men. [95ch]
- 8.51 IRIN reported on 2 August 2007 that calm had returned to Moba after demonstrators wounded four UN military observers and destroyed several offices belonging to the UN and NGOs. FARDC troops prevented the crowds from attacking other UN agencies. A spokesperson for the UN said that there were no plans to repatriate the Banyamulenge. The Moba Member of Parliament stated “The news of the repatriation of Banyamulenge refugees did not please the residents as the Banyamulenge had killed a traditional chief of an indigenous group during the war in 1998”. Residents claim that demonstrators were in their thousands, but MONUC estimated the group at less than 1,000. [18fp] A week later on 9 August the UNHCR announced that it was resuming operations in Moba. A spokesman said that repatriation efforts would continue, and that the Congolese authorities “have said they are ready

to receive them". He said that the refugee agency was trying to sensitise the local population and Congolese refugees to avoid similar incidents in future. [74ch]

- 8.52 On 16 August 2007 the BBC reported that the central government Minister for Rural Development, speaking in Kalemie, had warned inhabitants of the province against propagating rumours of the return of Banyamulenge refugees. According to the Minister, the return of Banyamulenge refugees was not on the agenda of the government, and not even on that of the UNHCR. The Minister was heading a government delegation investigating the incidents in Moba. [95cs]
- 8.53 On 27 August 2007 allAfrica reported that the current situation in Kalemie and the rest of Tanganyika District [North Katanga] is relatively calm... However, the underlying tensions and animosity of the native population towards the Banyamulenge remains very real.
- 8.54 On 14 January 2008 AFP reported that two days previously a dozen people, including children, had been injured in clashes between demonstrators in Lubumbashi. A rally had been held in the city centre to back the peace conference taking place in Goma. After speeches by the mayor, who had called the rally, the governor and the president of the provincial assembly, students had wrestled to be heard from the podium, but were blocked by supporters of Gabriel Kyungu the speaker of the provincial assembly. The report said that "under an immense rush by the crowd, the injured included children who were hit by thrown stones or violently shoved aside and were trampled as people thronged the podium". [65ez]
- 8.55 IRIN News reported on 28 August 2008 that, "Human rights and local government officials in DRC's Katanga province have expressed concern about rising tension between different communities in a mining town there. Clashes broke out on the night of 26 August between residents of Kolwezi and people from neighbouring provinces who work in the town's copper, cobalt, tin and manganese mines." [30f] (p12)

See also [Section 6.22 on Elections](#); [Section 17.09 Opposition groups and political activists](#)

KILWA OCTOBER 2004

- 8.56 A report by the International Crisis Group in January 2006, Katanga: The Congo's Forgotten Crises, stated:

"The Kilwa incident offers insight into how close the connection is between politicians, commercial interests and conflict. In the early hours of the morning of 14 October 2004, the lakeside town was attacked and captured by combatants led by Alain Kazadi Mukalay. According to investigations by MONUC and local human rights organisations, Kazadi had ten to 30 accomplices with only a handful of weapons. He held a public meeting and declared that he was the leader of the Revolutionary Movement for the Liberation of Katanga (MRLK), which had the blessing of President Kabila and the nearby FARDC commander, Colonel Ademar Ilunga. He then distributed money to the local population, recruited soldiers and sacked local government offices.

“Two days later, to Kazadi’s surprise, Colonel Ademar Ilunga attacked the insurgents from his base in nearby Pweto. While there was no resistance, the FARDC troops rounded up local civilians, accused them of collaboration, and killed many. A MONUC investigation and local human rights group put the death toll at more than 100.” [39g]

- 8.57 The UN News Service and Reuters on 4 July 2007 reported that the UN High Commissioner for Human Rights had voiced concern of the decision by the military court to acquit all defendants of killings, torture and other abuses that occurred during the events in Kilwa. “I am concerned at the court’s conclusions that the events in Kilwa were the accidental results of fighting, despite the presence at the trial of substantial eye-witness testimony and material evidence pointing to the commission of serious and deliberate human rights violations”, she said of the verdict. “I am pleased that an appellate instance will have the opportunity to revisit these findings” she said, urging the appeals court to “fully and fairly weigh all the evidence before it reaches the appropriate conclusions that justice and the rights of victims demand”. She also condemned the fact that a military court had tried civilians. The DRC Justice Minister said that he had not yet read the decision of the court and could not comment on the Commissioner’s statement. [93i] [21bt]
- 8.58 On 17 July 2007 Agence France Presse reported that four Congolese and international human rights groups had issued a report documenting what they called “serious flaws” and “irregularities” in the trial of nine DRC soldiers for war crimes over the 2004 massacre in Kilwa. The report by two Congolese human rights organisations and the British NGOs Global Witness and Raid, claimed that the trial was plagued by obstructions and political interference, including authorities blocking investigations and witnesses being intimidated. Agence France Presse goes on to say “the report includes extracts of witness testimony and exposes inconsistencies in some defendant’s statements, including the mining company employees”. They went on to say “from the beginning of the six-month-long trial, lawyers and non-government organisations had blasted a series of adjournments as ‘manoeuvring’ aimed at protecting the reputations of Anvil Mining and the interests of people close to President Joseph Kabila in his fiefdom of Katanga”. The groups also called for a swift appeals trial in the case. [65c]
- 8.59 On 18 October 2007 Voice of America reported that the families of the victims believed that their court case was being blocked by powerful politicians. The families were appealing the decision of the court in June 2007. [89g]

See also [Annex D Armed forces in the DRC](#)

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BAS-CONGO

Gubernatorial elections – February 2007

- 8.60 The United States Institute of Peace noted in a report published in February 2008 that: “In late January 2007, members of the religious sect Bundu Dia Kongo (BDK) protesting the appointment of a pro-Kabila governor in Bas-Congo were met with deadly force by the police and the army, resulting in over one hundred civilian deaths.” [47a] (p13) The protestors claimed that despite having a majority in the province, President Kabila’s candidate had been imposed upon the province. (Agence France Presse, 1 February 2007) [65bc]
- 8.61 At a press conference on 15 February 2007 MONUC announced that it had “a total of 260 troops deployed in Muanda and Matadi, to stabilise the province and aid its return to normal socio-economic activity, following the unrest of January 31 and February 1 last”. [56av]
- 8.62 On 1 February MONUC condemned the use of violence following the unrest in Bas-Congo the previous week, and demanded that the elected authorities find an equitable resolution to the situation in the province. [74ag]
- 8.63 On 16 April 2007 Monuc reported that on 17 March the Muanda Military Court in Bas Congo had sentenced six FARDC soldiers to nine months imprisonment for having refused to obey a cease fire order given during the violent clashes in the province the previous month. [56bt]
- 8.64 On 12 April 2007 Human Rights Watch published a statement condemning the FARDC for opening fire on unarmed protestors from the BDK, although it also accused the BDK of violence. The report said that 116 people were killed, 104 of which were killed by the army or police, and 12, including ten members of the security forces were killed by the BDK. The report also condemned the BDK saying that although the majority of the protests against alleged corruption were peaceful, in several cases “the BDK demonstrators, armed with clubs, took part in violent illegal acts. These demonstrators killed ten police officers and police, as well as two civilians, broke into and pillaged government buildings and set up barricades”. The report also criticised the DRC government officials who it said “didn’t consult MONUC... which had the ability to maintain peace and help the civil police” and which “could have stopped the violence”. [5ab]
- 8.65 On 24 May 2007 Reuters reported that opposition lawmakers and human rights campaigners had dismissed a parliamentary report on the violence in Bas-Congo province as a whitewash. The report said that government security forces acted against “an illegal group” which attacked them and committed murder, arson, looting and rape. “The report, as it is written, does not reflect the truth”, said Frank Diongo, an opposition MP who served as the commission’s vice-president before resigning. “It suggested no punishment whatsoever, even though we know there were massacres of civilians”, he added. A spokeswoman for HRW said “this looks to me like a whitewash. Since when does spontaneous firing result in more than 100 dead? This is not a serious response. It seems intended to protect members of the army and the government”. Parliament, dominated by allies of President Joseph Kabila, voted to hold the debate on the parliamentary commission report behind closed doors. During a visit the previous week the UN High Commissioner for

Human Rights criticised this lack of openness in the probe into the Bas-Congo violence. [21be]

- 8.66 Reuters reported on 27 July 2007 that the report from the UN High Commissioner for Human Rights into the violence in Bas-Congo at the end of January 2007 had stated that soldiers and police in the DRC used “excessive and indiscriminate lethal force” to quash clashes in which 105 people were killed. The report called for those who had perpetrated summary executions and other crimes during the government crackdown on opposition protesters to be prosecuted. The UN inquiry found that while “in certain cases the security forces probably fired in legitimate defence, it appears fairly clear that the PNC (National Congolese Police) and FARDC (Armed Forces of the RDC) used excessive force in firing real bullets on BDK sympathisers only armed with sticks and stones”. In her statement the Commissioner deplored “the impunity being enjoyed by security forces” and said that civilians were being tried before military tribunals, in violation of international human rights standards. [21bx]
- 8.67 On 29 May 2007 the Boma Military Tribunal delivered its verdict in the case of seven members of Bundu Dia Kongo charged with rebellion, participating in an insurrectionary movement, murder, criminal conspiracy and theft at the on site hearings in Muanda. Two of the accused persons were acquitted; four were sentenced to three years in prison and the other to five years. The tribunal did not refer to the objections that had been raised at the previous hearing to the competence of the tribunal to try civilians. The defence lawyers have appealed the decision. [56cb]
- 8.68 On 16 February 2007 Agence France Presse reported that the DRC Supreme Court had upheld the election of the governor of Bas-Congo. “The Supreme court of Justice proclaims Simon Mbatshi Batshia elected in the first round”, chief justice Tshimbamba Ntoka ruled after a public hearing. [65bk]

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Events of February/March 2008

- 8.69 In late February and early March 2008, followers of the Bundu Dia Kongo (BDK) clashed with police in Bas Congo province. The clashes followed weeks of low-level violence between BDK members, non members and the police. (MONUC, 1 March 2008) [56cy] (IOL, 5 March 2008) [86ag]
- 8.70 Suggesting a reasons for the clashes, IRIN reported on 6 March 2008 that, “BDK followers reject Kinshasa’s authority over the province and the appointment of outsiders to local government positions and in recent weeks have begun carrying out popular justice through their own improvised tribunals. Three people suspected of being witches were burned alive by BDK members...’ at the end of February ‘...before the government vowed to restore order in the province...’ on 28 February. [105h] However, the BDK’s leader, Ne Mwanda Nsemi, claimed that the government had effectively provoked disturbances in the province so that it could blame the BDK and avoid having to hold talks on the future of Bas Congo. This view was more or less echoed by NGO group ‘Voice of the Voiceless’, based in Kinshasa, who also blamed the government for the violence, claiming that “The government is in the

process of cultivating violence where it did not exist before...” (IRIN, 6 March 2008) [18e]

- 8.71 BBC News reported on 16 March 2008 that a United Nations internal report stated that the violence of February/March may have escalated following the killing of an army captain - allegedly by members of the BDK. “Since then, the Congolese police have started a campaign against this group that includes destroying its churches and many houses believed to belong to its members.” [15e]
- 8.72 Sources reported that the violence was concentrated in the towns of Luozi and Sekebanza (MONUC, 1 March 2008) [56cy] (Mail and Guardian Online, 5 March 2008) [105h], with claims by some that upwards of 300 people had been killed during the disturbances. Agence France Presse noted, on 29 March 2008 that according to government figures, only 27 people had been killed. However, UN and NGO sources put the figure at between 100-136 dead. [65a] (BBC Monitoring, 1 April 2008) [95ed] The Mail and Guardian Online reported on 5 March 2008 that UN forces dispatched military and police reinforcements to the province in an effort to calm the situation. [105h]
- 8.73 IRIN reported on 11 April 2008 that human rights NGO Asadho (African Association for Human Rights) claimed that “...mass graves have been found in the southwestern Bas-Congo Province where security forces recently clashed with followers of...” the BDK. “The most recent of these graves, containing the remains of 20 bodies, was discovered on 31 March in Materne, between Boma and Matadi towns,’ Amigo Gonde, coordinator of...” Asadho told IRIN. “The other two graves – discovered further away and several days earlier – contained some 30 bodies. ... Civilians in the area said a doctor in a rural health clinic, who first spotted one of the graves...” and who alerted the human rights NGO, was reported to have been questioned by the authorities for ‘divulging professional secrets’. The remains, were believed to be those of BDK supporters. [18f]
- 8.74 Agence France Presse noted on 29 March 2008 that the government outlawed the Bundu Dia Congo towards the end of March 2008. [65a] However, Jeuneafrique.com reported on 22 March 2008 that the government had not banned the organisation as such, but had withdrawn the BDK’s charitable status. [50a]

See also [Section 21 for further information about the Bundu Dia Congo](#)

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9. CRIME

- 9.01 On 6 March 2007 the BBC reported that the authorities in the DRC claimed to have dismantled an international network set up to illegally use uranium mined there. The Scientific Research Minister, Sylvanus Mushi, had announced that DR Congo's top nuclear official, Fortunat Lumu, and a colleague had been arrested and were being questioned in connection with the case. The move came amid reports that a large quantity of uranium had gone missing in recent years in the DRC. The DRC daily newspaper Le Phare reported that more than 100 bars of uranium, as well as an unknown quantity of uranium contained in cases had disappeared from the atomic energy centre in Kinshasa, as part of a vast trafficking of the material going back years. However, no evidence was produced to support the newspaper allegations. In 2006 a partnership was signed between Congo's energy centre and the British company Brinkley Mining, aimed at prospecting for uranium deposits in the DRC. [15ci] [15cj]
- 9.02 On 13 March 2007 the BBC reported that the two men arrested in connection with the incident had been released from custody. According to Mushi they were still accused of belonging to the international ring. He claimed that the release of Mr. Lumu would harm the potential success of the investigation which was continuing. He stated that the officials had not informed their superiors about the deal they had made with Brinkley Mining, and that the agreement was therefore void. Mr. Mushi's predecessor, Kamanda wa Kamanda, however, said that if the deal was cancelled, it would open the door to illegal trading. He accused the new scientific research minister of trying to deprive DR Congo of foreign assistance in its attempt to exploit its uranium for civilian purposes. He claimed that the charges were unfounded and that the agreement was legal. "We are talking about the management of sensitive materials. This company was to help us do so transparently" he said. [15ck] [21aq]

10. SECURITY FORCES

10.01 The USSD 2007 report stated, "Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The government prosecuted and disciplined relatively few security forces personnel for abusing civilians. Impunity in the security forces remained a severe, widespread problem." [30h]

See also [Annex D Armed forces in the DRC](#)

10.02 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 noted that there are a number of security agencies. [24a] (p9)

10.03 A situation report issued via the Institute for Security Studies in January 2005 entitled 'Summary Overview of Security Sector Reform Processes in the DRC' detailed plans for the reform and restructuring of civilian and military security forces and stated that police reform was an integral part of SSR [Security Sector Reforms] efforts in the DRC. [27f] (p11)

10.04 The USSD 2007 Human Rights report noted:

"The security forces consist of the PNC, which operates under the Ministry of Interior and has primary responsibility for law enforcement and public order. The PNC [Police Nationale Congolaise] includes the Rapid Intervention Police (PIR) and the Integrated Police Unit. The ANR...is responsible for internal and external security. Other agencies include the military intelligence service of the Ministry of Defense; the Directorate General of Migration (DGM), responsible for border control; the GR, which reports directly to the presidency; and the FARDC, which is part of the Ministry of Defense and generally responsible for external security, but which also exercises an internal security role." [31]

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POLICE

10.05 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 stated that the Congolese National Police (Police Nationale Congolaise) (PNC) was formed on 7 June 1997 to replace the National Guard and the Gendarmerie, and was run by the Police General Inspectorate (l'Inspection Générale de Police). [24a] (p9) The PNC is made up of Communal Police (Police Communale) (PC); Rapid Intervention Police (Police d'Intervention Rapide) (PIR); Internal Police (Police des Polices) (PP); Special Transport Police (Police Speciale de Roulage) (PSR). The uniform of the PNC and the PIR was reported as all blue or all black, and the uniform of the PP and PSR as yellow shirt and blue trousers (often with a yellow line). [24a] (p10)

10.06 The US State Department Report on Human Rights Practices in 2007, published on 11 March 2008 (USSD 2007), reported as follows:

“The security forces consist of the PNC, which operates under the Ministry of Interior and has primary responsibility for law enforcement and public order. The PNC includes the Rapid Intervention Police (PIR) and the Integrated Police Unit. The ANR, overseen by the president's national security advisor, is responsible for internal and external security. Other agencies include the military intelligence service of the Ministry of Defense; the Directorate General of Migration (DGM), responsible for border control; the GR, which reports directly to the presidency; and the FARDC, which is part of the Ministry of Defense and generally responsible for external security, but which also exercises an internal security role.

“Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The government prosecuted and disciplined relatively few security forces personnel for abusing civilians. Impunity in the security forces remained a severe, widespread problem. ...

“According to an August UN independent expert's report on the human rights situation in the country during the first six months of the year, ‘86 percent of human rights violations were committed by the army and police,’ raising ‘doubts’ about the ability and commitment of the government to uphold human rights and ensure security. The independent expert recommended the government undertake fundamental and effective security sector reform and develop mechanisms to effectively reduce impunity and end widespread sexual violence. The independent expert also recommended that the government vet (through a confirmation process) members of the security forces in order to restore public confidence in government institutions, and suspend security forces members accused of human rights violations. ...

“During the year the government continued to cooperate with MONUC and international donors on police training programs. According to a needs assessment of the police force conducted in Kinshasa during the year by an international NGO, 58 percent of police officers questioned indicated they had never received training in human rights.” [3k] (1d)

- 10.07 A report by the International Crisis Group entitled ‘Security Sector Reform in the Congo’ dated 13 February 2006 stated in relation to the police, “The Congo police have never been able to provide basic law and order and have themselves ranked among the top abusers of citizens’ basic human rights.”[39f] (page 4) It continued:

“police reform has gone forward on an ad hoc basis driven by what individual donors are willing to provide rather than on the basis of a long term strategic plan. These reforms have not been without success; for example, when the elections were postponed in June 2005, demonstrations in Kinshasa were handled well for the most part. However there is little co-ordination among the main donors – France, EU, South Africa, Angola and MONUC police – on the training and nature of the force. The bulk of the effort has focused on Kinshasa, and there is virtually no long term plan. A police reform reflection group (groupe de reflexion) was only recently established to improve co-ordination between MONUC, the European Commission, The EU police mission (EUPOL) and bilateral donors.” [39f] (page 6)

- 10.08 On 15 January 2007, Angola Press reported that over 2,700 DR Congo policemen had been trained by the Angolan National Police (PN) since 2004. Since 2004 the PN have organised the Mbakana Training Centre, and trained a police battalion and other units in anti-riot, and anti-terrorism. In Angola, they have held a course for trainers in public order, and trained 80 staff in the motorbike brigade for special anti-terrorism units. [34a]
- 10.09 On 6 September 2007 allAfrica.com reported that the police general commander of the DRC had visited Angola. He said that his visit was aimed at boosting and diversifying police co-operation with Angola, mainly in the area of training. "Angolan police are very advanced in the area of training and the DRC has been benefiting from this experience through various interchange programmes, but we need to increase this co-operation", he said. During his visit he discussed matters relating to the border and illegal immigration with the local Home Minister. [74cu]
- 10.10 The European Information Service announced on 5 July 2007 that following the elections the EU would now be supporting the development of a modern police force capable of maintaining the rule of law in a country still marked by considerable tension. As part of the European Security and Defence Policy (ESDP) a new mission had been launched by EU27, EUPOL DR CONGO, in order "to shore up the government of DR Congo as it put together a viable, multi-ethnic and effective national police force". According to the Head of Mission the job will take at least "ten years or so". The EU Special Representative for the Great Lakes Region said that at present there was no unified police force capable of backing up an effective judicial system because each ministry had developed its own force without coordinating it with the others. [125a]
- 10.11 The new mission will be composed of 39 European experts charged with advising the Follow-up Committee for Police Reform, put in place by the DRC authorities. The mission is funded for a one year mandate but is meant to operate for the long term and to play a key role in defining the reform process. That phase will take two to three years according to the Head of Mission, who added that it will be for the DRC authorities to determine their needs and the shape of the future police force. The new mission will act throughout the DRC but will initially focus on Kinshasa. [125a]
- 10.12 The Economist Intelligence Unit report of September 2007 stated that General John Numbi, previously chief commander of the air force, had been appointed head of the national police force on 13 June 2007. [30c]
- 10.13 MONUC announced at a press conference on 19 November 2007 at the closure of the joint child protection sensitisation campaign with the Congolese National Police (PNC) that the benefit of direct training while participating in workshops organised in 24 townships in Kinshasa, had allowed 3,000 policemen to learn the police's role towards minors. The campaign, initiated by MONUC's Child Protection Division, had as an objective to know and promote the PNC's role in child protection and to demonstrate that the Congolese child can also benefit from protective international standards. The DRC Minister for Women and the Family, who was present at the conference, announced that the government adopted code of protection for children was like a national law containing arrangements for the promotion and protection of children's rights in conformity with international norms, to replace the existing legislation. "With

regard to the protection code, after its adoption by the government in the past week, it will soon go to parliament for adoption. This fundamental instrument which is going to contribute to improving juvenile justice in the DRC requires the implication of all for its application, in order to assure protection of the child in all circumstances”, she said. [56cq]

[See Children Section 26](#)

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ARBITRARY ARREST AND DETENTION

10.14 The USSD 2007 report stated that:

“The law prohibits arbitrary arrest or detention; however, government security forces arbitrarily arrested and detained persons... According to an August UN independent expert’s report on the human rights situation in the country during the first six months of the year, ‘86 per cent of human rights violations were committed by the army and police,’ raising ‘doubts’ about the ability and commitment of the government to uphold human rights and ensure security.” [31]

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TORTURE

10.15 The Office for the High Commissioner for Human Rights in a report summarising the deteriorating human rights situation (2008-2009) in the DRC stated that:

“Serious violations, such as arbitrary executions, rape, torture and cruel, inhuman and degrading treatment are pervasive, committed mostly by the army, police and intelligence services...” [159a]

10.16 A United Nations report (28 February 2008) noted that FARDC also continued to use sexual violence, especially in the east of the country, to intimidate the local population. The report went on to note that “...police who commit these acts amounting to crimes against humanity and war crimes are rarely held to account by the commanding officers.” Some were promoted further aggravating the situation. [100b] (p8 & 22)

10.17 allAfrica.com reported on 29 July 2008 that, “From 21-26 July 2008, MONUC Kisangani led a joint mission with Congolese authorities to Lieke Lesole, in Tshopo district in Province Orientale. The aim was to assist Congolese justice in its investigation into the massive rapes, looting and torture committed in this area in July 2007 by a group of Mai Mai militia.” Seventy two cases of sexual violence were found. An open court will be set up to examine culpability. [74db]

10.18 On 24 October 2007 Amnesty International released a report calling on the government to reform its security troops and prosecute those accused of torture, murder and rape. The report focused on violence in Kinshasa during and after the 2006 elections. The report blamed two government security forces – the special services police (DRGS) and the republican guard (GR) –

for attacks on political opponents of President Kabila. The report details a number of cases where soldiers and civilians had been subjected to arbitrary arrest, torture, and suspected extra judicial executions. The report also accuses the troops of Jean-Pierre Bemba of carrying out similar acts of violence. [11v]

- 10.19 AI in its 2008 report stated, “Acts of torture and ill-treatment were routinely committed by government security services and armed groups, including sustained beatings, stabbings and rapes in custody.” [56am]

See also [Section 15.01 Prison conditions](#)

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ARMED FORCES

- 10.20 There are no accurate figures available for the strength of the DRC armed forces, known as FARDC. The projected strength of a fully-integrated FARDC FARDC with 18 light infantry brigades is 100,000-125,000. In addition, there is a Republican Guard (RG) with a reported strength of 10-15,000, seen as part of the FARDC – however, most elements of the RG are not part of the command structure of the FARDC, and the elite force remains under the President’s control. [27e]

- 10.21 Reuters reported on 27 September 2007 that the DRC hoped that a new biometric identity card scheme backed by the EU could help overhaul its undisciplined armed forces. The report added that the ID card scheme should allow the government to determine the exact size and whereabouts of its armed forces, as a first step to protecting civilians from abuses by the armed forces. “The only sure way of reducing and eventually stopping these abuses of power is to put soldiers in barracks, to make them lead a normal military life” the DRC’s top military commander General Dieudonne Kayembe told Reuters. “With the improvement that will result from this biometric control, we will be able to envisage building barracks”, he said. According to the report each soldier will be issued with an identity card with a microchip containing a digital finger print and information including rank, age, marital status and number of children. The report goes on to say that not everyone is convinced that the system will work. Many question whether the army will be able to maintain the identity card readers in working order in far flung barracks and whether soldiers will lose their cards. According to the Africa director for International Crises Group “the tradition of the army as a force of internal repression, as it was under Mobutu, has survived. When you put on a uniform, it gives you a right to do whatever you want... You need to end this impunity”. [21cm]

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ARBITRARY ARREST AND DETENTION

- 10.22 [See Human rights organisations and activists Section 19.01](#)

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TORTURE

- 10.23 The US State Department Report on Human Rights Practices in 2007, published on 11 March 2008 (USSD 2007), detailed a number of cases of torture and cruel treatment by members of the security forces and armed groups, the report noted:

“The law does not criminalize torture, and during the year there were many credible reports that security services tortured civilians, particularly detainees and prisoners, and employed other types of cruel, inhuman, and degrading punishment. There were relatively few reports of government authorities taking action against members of security forces responsible for these acts. ...

“There were reports that members of the security services tortured and abused civilians to settle personal disputes. ...

“There were continuing reports of rape of civilians by members of the security forces. A November MONUC report stated that reports of “arbitrary execution, rape, torture, and cruel, inhumane, and degrading treatment by FARDC and the Congolese National Police” were increasing.”

The report went on to note that while the authorities took action to prosecute some of those responsible, the overall lack of action “...contributed to an atmosphere of impunity.” [3k] (Section 1c)

- 10.24 Reports by human rights organisations, including Amnesty International (AI) and Human Rights Watch (HRW), also referred to the regular use of torture by members of armed groups, including those officially integrated into the army, against civilians, for the purpose of extortion of money or ‘illegal taxes’. [5L Civil and Political Rights] [11f] (Violence against Women)
- 10.25 Human rights reports also referred to the widespread atrocities committed in the east of the country in the context of the exploitation of gold and other natural resources, and arms smuggling. [5o] [11g] A United Nations report (28 February 2008) noted that FARDC also continued to use sexual violence, especially in the east of the country, to intimidate the local population. The report went on to note that “soldiers... who commit these acts amounting to crimes against humanity and war crimes are rarely held to account by the commanding officers.” Some were promoted further aggravating the situation. [100b] (p8 & 22)

See also; [Section 8.19 on Security Situation – Eastern DRC](#); [Section 25.01 on Women](#);

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EXTRA-JUDICIAL KILLINGS

- 10.26 The USSD 2007 report stated:

“There were no reports that the government or its agents committed politically motivated killings; however, government security forces committed numerous unlawful killings with impunity. In the east, security forces summarily executed civilians and killed civilians during clashes with illegal armed groups. Security forces arbitrarily and summarily killed civilians, often for failing to surrender their possessions, submit to rape, or perform personal services”. [31]

10.27 On 3 August 2007 Reuters reported that police in Kinshasa had arrested two soldiers, one belonging to the Republican Guard, for the murder of a Belgian businessman in his home. [21bz]

10.19 According to a MONUC report of 3 March 2008:

“At least 30 civilians were allegedly killed by CNDP elements in the vicinity of Kalonge, Masisi Territory, North-Kivu Province, between 16 and 20 January 2008; in Kinshasa, Ms Aimee Kabila Mulengela, Laurent Desire Kabila’s daughter was shot dead by two men – one wearing military uniform – at her residence; The Gedeon rial resumed before the Kipushi Military Tribunal, Katanga Province; In Bas-Congo, incidents between BDK members and PNC officers resulted in the death of six civilians and more than thirty injured; FARDC and PNC elements were responsible for a large number of violations of the rights of life and physical integrity, including rape”. [56da]

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11. MILITARY SERVICE

- 11.01 “On 20 August 2003 Kabila announced nominations to the military leadership of the new unified armed forces, which was to incorporate elements of all the former rebel groups and the Mai-Mai militia; former RCD – Goma and MLC commanders were appointed to senior posts, including those of services Chiefs of Staff. (Europa World Online, 20 February 2008) [1c] (Recent History) “As part of the power-sharing agreement between the Government and former rebel factions, a new unified armed forces, which incorporated former rebel combatants and militia, was officially established in December 2003. Under a military co-operation agreement, signed in June 2004, South Africa was to assist in the integration and training of the new armed forces; the Belgian Government was also to support the programme.” (Europa World Online, 21 February 2008) [1f] (Defence)
- 11.02 Europa World, consulted on 14 November 2008, stated, “As assessed at November 2007, the armed forces of the DRC numbered an estimated 134,484 comprising an army of 125,233, a navy of 6,703 and an air force of 2,548.” [1f]
- 11.03 The Economist Intelligence Unit (EIU) Country Profile of 2008 stated:
“After the formation of the transitional government, the country’s armed forces were renamed the Forces armées de la République démocratique du Congo (FARCD), but the task of restructuring the army to incorporate former rebel fighters or demobilise and reintegrate them into society has made slow progress. Historically, the standard of military training has been poor in the Congolese armed forces, and morale low, which undoubtedly contributes to their lack of success on the battlefield.” [30h]
- 11.04 The UN News Service announced on 31 December 2007 that a new military operations centre for the armed forces of the DRC, built by MONUC, had been inaugurated in Goma. At the inauguration ceremony on 29 December, General Mayala of the DRC’s armed forces said that the new centre was “the most modern in the DRC”. [93n]
- See also [Section 8.34 Ituri](#) and [Annex D Armed Forces in the DRC](#)
- 11.05 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated “The organization and the jurisdiction of the military, as well as the modalities of punishment for military desertion, are specified in two Laws on Military of the 18 November 2002: the Law n. 023/2002 and the Law n. 024/2002. It is worth mentioning that Courts of Appeal also exist in military jurisdiction.” [60b]
- 11.06 War Resisters’ International (WRI) in 1998 stated the following:
“Draft evasion and desertion”

Penalties

Desertion is punishable under chapter I; section III of the Code of Military Justice. Penalties given are described as penal servitude (servitude pénale), which may be imprisonment as well as forced labour in a camp.

Desertion in the country is punishable by 2 months to 10 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime, during a state of emergency, or during a police operation to maintain public order (art. 410).

If two desert together, this is considered desertion with conspiracy and may be punished by 2 to 20 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime (art. 411).

Desertion abroad is punishable by 6 months to 10 years' penal servitude in peacetime; up to life-long penal servitude or even the death penalty in wartime (arts. 416-418).

In aggravating circumstances, such as desertion during active service, desertion with the taking of arms or desertion with conspiracy, the punishment may be from 3 to 10 years' penal servitude (art. 417).

Desertion and running over to another armed group is punishable by 10 to 20 years' penal servitude in peacetime, and execution in wartime (art. 419).

Desertion in front of the enemy will be punished by execution. This also applies to civilians who form part of a military unit (arts. 420-422). [9a]

- 11.07 WRI reported that there was provision for conscription in the 1964 constitution; however, this was not enforced under the Mobutu regime. [9a] A letter from the British Embassy in Kinshasa in December 2001 stated that there was no compulsory military service scheme and recruitment into the Congolese armed forces was on a voluntary basis only. The same letter stated:

“Desertion in peacetime and in wartime is dealt with under ordinance-law No 72/060 of 25 September 1972, articles 409-425 of the Code of Military Justice. In peacetime desertion is punishable by 2 months to 10 years penal servitude; up to life-long penal servitude or even the death penalty in wartime, during a state of emergency, or during a police operation to maintain public order (article 10).... A soldier has no right to refuse to fight on moral or conscientious grounds. Such an act is considered as desertion or high treason and treated as such.” [22c]

See also [Section 7.01 on Human rights introduction](#); [Section 8.19 on Security situation – Eastern DRC](#); [Section 22.01 on Ethnic groups](#); [Section 26.42 on Child soldiers](#); [Annex D Armed forces in the DRC](#)

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12. ABUSES BY NON-GOVERNMENT ARMED FORCES

See also [Section 17.01 Political affiliation](#)

12.01 Many humanitarian and human rights organisations reported on human rights abuses and atrocities committed by armed groups operating in the east of the country. [5] [11b, e, g, I] [39 a-f] [49] [50] [51a, b] [54a-j]

12.02 The USSD 2007 Human Rights report stated:

“Internal conflict continued in rural and mineral-rich parts of the east, particularly in North Kivu Province, and, to a lesser degree, South Kivu Province and the Ituri District. During the year the government increased the level of its forces in North Kivu Province, drawing many units previously deployed in South Kivu Province and Ituri District. ... All parties continued to use mass rape and sexual violence with impunity, often as weapons of war, and to humiliate and punish individuals, victims, families, and communities. ... FDLR [Democratic Forces for the Liberation of Rwanda] fighters continued to commit abuses against civilians, including killings, abductions, and rapes. In a series of attacks between January and April 2007, FDLR militia killed 10 of the 75 villagers they abducted in South Kivu Province.” [3k] (1g)

See also [Section 11.01 on Military service](#); [Section 8.34 on Ituri](#)

12.03 The ISS Country Fact File listed various ex-rebel and other armed groups operating in the country. [27e] (Security Information)

12.04 In 2006, it was reported that Joseph Kony, commander of Uganda’s rebel Lord’s Resistance Army (LRA), which had established bases in the DRC in 2005, had failed in an attempt to find allies in DRC. The MRC rebels in the DRC had refused to co-operate with the LRA. According to an MRC spokesman, the LRA had asked for the troops to merge in exchange for arms and ammunition and for the MRC to have nothing to do with Uganda. According to the MRC spokesman: “We cannot ally with a terrorist group like LRA which has no cause for its war”. (Xinhua, 3 April 2006) [62g]

12.05 VOA News reported on 12 September 2007 that Uganda’s notorious Lord’s Resistance Army lashed out at a senior U.S. official saying Washington would support efforts to eradicate the rebels if peace talks aimed at ending their brutal invasion collapsed. A LRA spokesman said that if Uganda pursues LRA troops now sheltering in eastern Congo, war will return to the region. The rebel group has waged a lengthy war against Ugandan troops, maiming its victims and kidnapping many children who were then forced to become sex slaves, fighters and porters. [89i]

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DISARMAMENT OF FOREIGN ARMED GROUPS

12.06 The USSD 2007 Human Rights Report, published 11 March 2008, reported in connection with the FDLR that, “Between 6,000 and 8,000 FDLR fighters remained in the provinces of North and South Kivu. According to MONUC, a

few hundred opted to voluntarily demobilize and return to Rwanda during the year.” [3k] (1g)

See also; [Section 8.34 on Ituri](#); [8.28 on South Kivu](#); [8.49 on Katanga](#); [Section 26.42 on Child soldiers](#)

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TORTURE

12.07 The Office for the High Commissioner for Human Rights in a report summarising the deteriorating human rights situation (2008-2009) in the DRC stated “Armed groups operating in the country , both foreign and Congolese, although responsible for only six per cent of documented human rights abuses, have perpetrated massacres, arbitrary executions, abductions of villagers, and subjected women to systematic rape, sexual slavery and other forms of sexual violence with full impunity.” [159a]

[See also Police Torture 10.20 above](#)

FORCED CONSCRIPTION

12.08 [See Section 26.42 Child soldiers](#)

13. JUDICIARY

ORGANISATION

- 13.01 The US Department of State Country Background Note of October 2008 stated that “The judiciary is nominally independent; the president has the power to dismiss and appoint judges.” [3k] Whilst in comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR advised that “In DRC, there are 12 Courts of Appeal, 1 in each Province and 2 in Kinshasa.” [60b]
- 13.02 Europa World online (accessed 21 February 2008) added:
“Under the Constitution that entered into effect in February 2006, the judicial system is independent. Members of the judiciary are under the authority of the Conseil Supérieur de la Magistrature. The Cour de Cassation has jurisdiction over legal decisions and the Conseil d'État over administrative decisions. The Cour Constitutionnelle interprets the provisions of the Constitution and ensures the conformity of new legislation. The judicial system also comprises a Haute Cour Militaire, and lower civil and military courts and tribunals. The Conseil Supérieur de la Magistrature has 18 members, including the Presidents and Chief Prosecutors of the main courts. The Cour Constitutionnelle comprises nine members, who are appointed by the President (three nominated by the legislature and three by the Conseil Supérieur de la Magistrature) for a term of nine years. The Head of State appoints and dismisses magistrates, on the proposal of the Conseil Supérieur de la Magistrature.” [1e] (Judicial System)
- 13.03 A report compiled by the Canadian Immigration and Refugee Board in February 2005 stated that the Congolese justice system is based on Belgian law and on tribal law and consists of various courts, including superior courts of law and military courts, and legally recognised tribal courts. The report stated that the tribal courts are often under the control of local chieftains and although they have the advantage of being more accessible to the population – they cover 80 per cent of the country – are often not considered to provide appropriate sentences, and can be discriminatory against women. [43s]
- 13.04 On 17 April 2007 Xinhua reported that the UNHCR was ready to make its contribution towards the improvement of the justice system in the DRC, with a view to strengthening its independence. After discussions with an official in the prime ministers office, a spokesman for the UNHCR commission of independence of judges and lawyers said that during his visit he would assess the situation of the justice system, and gather information on organic laws, before seeking an agreement on the establishment of an institutional framework for the country's justice system. [62p]
- 13.05 On 5 July 2007 the European Information Service announced that it had launched a new mission EUPOL DR CONGO, “to put together a viable, multi-ethnic and effective national police force”. It announced that EUPOL DR CONGO would also have a judicial component to provide support for the reform of the country's judicial system and advise the criminal investigation police in Kinshasa. It went on to say that four European judges would work on setting up a criminal judicial system, independent from the military courts which were still preponderant in many regions of the country. [125a]

INDEPENDENCE

- 13.06 As the US State Department Background Note 2008 stated, the judiciary is nominally independent from the government. [3k] However, a lack of resources and poor salaries has led to high levels of corruption that seriously affects the workings of the judicial system and its impartiality. Political interference was reported to be “widespread”. With some judges earning as little as US\$ 20-30 per month it was easy to understand why many defendants “...with a minimum of influence or affluence...” were able to escape imprisonment. (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) [100b] (p16-17, 22)
- 13.07 The US Department of State Human Rights Report 2007, published on 11 March 2008, reported that, “The law provides for an independent judiciary; in practice judges, who were poorly compensated, remained subject to influence and coercion by officials and other influential individuals. ... The civilian judicial system, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, failed to dispense justice consistently and was widely disparaged as ineffective and corrupt.” [3k] (Section 1e)

FAIR TRIAL

- 13.08 In reference to military courts USSD 2007 stated:
- “Military courts, which had broad discretion in sentencing and provided no appeal to civilian courts, tried military as well as civilian defendants during the year. The military code of justice, in place prior to the adoption of the present constitution, continued to remain in force. It prescribed trial by military courts of all cases involving state security and firearms, whether the defendants were military or civilian. In August [2007] the UN's resident expert on human rights recommended that the government establish a clearer separation between civilian and military jurisdictions.” [3k] (Section 1e)
- 13.09 With regard to civil courts, the USSD 2007 noted the following:
- “Although the government permitted, and in some cases provided, legal counsel, lawyers often did not have free access to defendants. The public could attend trials only at the discretion of the presiding judge. Juries are not used. Defendants have the right to appeal in most cases except those involving national security, armed robbery, and smuggling, which the Court of State Security generally adjudicates. Defendants have the right to confront and question witnesses against them and can present evidence and witnesses in their own defense. The law requires that defendants have access to government-held evidence, but this was not always observed in practice. There were no reports of women or specific ethnic groups being denied categorically these rights.” [3k] (Section 1e)

See also [Section 7.01 on Human rights general issues](#);

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14. ARREST AND DETENTION – LEGAL RIGHTS

14.01 The USSD 2007 report observed

“Under the law, arrests for offenses punishable by more than six months imprisonment require warrants. Detainees must appear before a magistrate within 48 hours. Authorities must inform those arrested of their rights and the reason for their arrest, and may not arrest a family member instead of the individual being sought. They may not arrest individuals for non-felony offenses, such as debt and civil offenses. Authorities must allow arrested individuals to contact their families and consult with attorneys. In practice security officials routinely violated all these requirements.

“Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. Authorities rarely pressed charges in a timely manner and often created contrived or overly vague charges. No functioning bail system existed, and detainees had little access to legal counsel if unable to pay. Authorities often held suspects in incommunicado detention and refused to acknowledge their detention.” [3k] (Section 1d)

14.02 The USSD Background Note of October 2008 stated that the new constitution was promulgated on 18 February 2006. [3k]

14.03 Several reports indicated that although the law provides for a speedy process, access to family and lawyers, and prohibits arbitrary arrest and detention, these provisions were not followed in practice. [3k] (Sections 1d, 1e, 1f) [11f] (Torture and Illegal detention) [55b] [56a] “Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. Authorities rarely pressed charges in a timely manner and often created contrived or overly vague charges. No functioning bail system existed, and detainees had little access to legal counsel if unable to pay. Authorities often held suspects in incommunicado detention and refused to acknowledge their detention.” (US State Department Report on Human Rights Practices - 2007, 11 March 2008) [3k] (Section 1d)

14.04 In contrast, the US State Department (USSD) 2007 Religious Freedom Report stated that there were confirmed incidents where children and elderly persons were driven from their homes or killed after being accused of witchcraft, and that officials often did not charge or prosecute the perpetrators of such offences. [3j] (section 3)

See also; [Section 11.01 on Military service](#); [Section 12.07 on Abuses by non government forces - torture](#); [Section 15.01 on Prison conditions](#);

15. PRISON CONDITIONS

- 15.01 The US State Department noted that “Conditions in most large prisons remained harsh and life threatening” with an “...unknown but sizable number of prisoners [dying] due to neglect.” (US State Department Report on Human Rights Practices, 11 March 2008) [3k] (Section 1c) The negligent allocation of resources by central government accounted for most of the problems experienced throughout the criminal justice system, specifically prisons. Prisons visited for the purpose of a UN report on violence against women (published 28 February 2008) were found to be dilapidated and lacking the most basic of hygiene standards with life threatening deficiencies in the provision of food and healthcare. “During the first six months of 2007, MONUC documented at least 30 deaths of detainees.” (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) [100b] (p21)
- 15.02 The US State Department went on to note that:
- “The penal system continued to suffer from severe under funding, and most prisons suffered from overcrowding, poor maintenance, and a lack of sanitation facilities. Health care and medical attention remained inadequate and infectious diseases rampant. In rare cases prison doctors provided care; however, they often lacked medicines and supplies. In August the UN's independent expert on human rights in the DRC recommended that the parliament adopt a law to reform the prison system.” [3k] (Section 1c)
- 15.03 The United Nations reported that most prisons did not receive a budget from the authorities for food. And as a result, some prisons allowed inmates to leave the prison during the day to search for food with some prisoners failing to return. Serious violent offenders, such as rapists, were reported to have absconded in this manner. (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) [100b] (p19-21) In addition, information from UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), dated June 2002, noted that it was generally possible to bribe one's way out of custody, including military custody. However, it would be more difficult to do so in the case of a high security category, especially in the case of the CPRK [Centre pénitentiaire et de rééducation de Kinshasa] in Kinshasa. (June 2002) [52] (p93) A report from the Foreign and Commonwealth Office in February 2007 noted that security at CPRK continued to be robust with armed police and FARDC troops providing the security. [22i]
- 15.04 “In all prisons except CPRK [Centre pénitentiaire et de rééducation de Kinshasa], the government had not provided food for many years – prisoners' friends and families provided the only available food and necessities. Malnutrition was widespread. Some prisoners starved to death. Prisoners with no one to provide them with food often experienced malnutrition. Prison staff often forced family members to pay bribes to bring food to prisoners.” (US State Department Report on Human Rights Practices, 11 March 2008) [3k] (Section 1c)
- 15.05 The US State Department noted that while “larger prisons sometimes had separate facilities for women and juveniles, ...others generally did not. Male

prisoners raped other prisoners, including men, women, and children.” The United Nations confirmed that pre-trial detainees and convicted persons were often held together. Partially as a consequence of this, the UN noted that there were increasing numbers of rapes taking place in detention with some women being forced into prostitution. (Report on Human Rights Practices, 11 March 2008) [3k] (Section 1c) (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) [100b] (p6 & 21)

- 15.06 Individuals detained on state security grounds were held in special sections. “Government security services often clandestinely transferred such prisoners to secret prisons. Civilian and military prisons and detention facilities held soldiers and civilians alike.” (US State Department Report on Human Rights Practices, 11 March 2008) [3k] (Section 1c)
- 15.07 “The law provides that minors may be detained only as a last resort; however, in part due to the absence of juvenile justice or education centers, authorities commonly detained minors. Many children endured pre-trial detention without seeing a judge, lawyer, or social worker; for orphaned children, pre-trial detention often continued for months or years.” (US State Department Report on Human Rights Practices, 11 March 2008) [3k] (Section 1c) A United Nations report noted that, “Children as old as 8 years of age are kept in prison with their mothers, without access to education, adequate medical care or food. In several localities, there are no separate sections for women or minors.” (Report of the Special Rapporteur on violence against women, its causes and consequences, 28 February 2008) [100b] (p21)
- 15.08 The USSD 2007 report also stated that “In general the government allowed the International Committee of the Red Cross, MONUC, and some NGOs access to all official detention facilities; however, it did not allow these organizations access to illegal detention facilities.” In addition, during the year, some foreign diplomats made prison visits. (US State Department Report on Human Rights Practices, 11 March 2008) [3k] (Section 1c)
- 15.09 A member of the British Embassy staff visited the CPRK prison, Kinshasa, in February 2007, and submitted the following report.

“Security around the prison was visible but not overly so. There was a single police officer controlling vehicle access to the outer CPRK compound with the aid of a rope across the track. Inside the compound, there was another small group of police, armed with AK47s, and other police monitoring the entrance and controlling the queue of people waiting to visit friends and family inside. FARDC troops were not present at the time of the visit, although they sometimes are. The armed police stay in the outer compound to avoid antagonising the prisoners - since the riots in CPRK in October 2006 (in which MONUC think 5 people died, denied by the authorities) the atmosphere inside is reported to still be quite tense.

“Access through the main gates was controlled by a group of prison officials. They handed out yellow squares of cardboard to visitors, who handed in ID - these bits of card must be presented on the exit and the ID checked in order to exit the prison. Bags were being given a cursory search but individual visitors were not. Most members of the public were seemingly able to gain access to the prison without any particular hassle, but it was commented by one visitor

that the only reason she hadn't had to pay a bribe (payable in cash or food) was because a foreign visitor was present". [22i]

The British Embassy member of staff found entering the prison manageable, without needing prior authorisation from any Ministry. MONUC now say that they have no problem entering CPRK on demand - but their access to special police and ANR jails (cachots) is severely restricted.

"Visiting is 10-15:30 on Sundays, Wednesdays and Fridays. Additionally, on Monday, Tuesday, Thursday and Saturday, families and friends are permitted to drop off parcels of food, money and clothes. Such parcels are very important as official rations (supplied pretty regularly) consist of just half a cup of maize broth a day. Some of the prisoners (probably those without contacts inside or outside) surviving on these rations looked malnourished. For those lucky enough to get regular deliveries, the prison represented a sales opportunity, with several rudimentary stalls doing good business in food items, tissues, paper, pens etc". [22i]

"The possibility of trading remains open only to some prisoners, those who have worked their way up the strict hierarchy. New arrivals continued to do most of the harshest duties and have the worst sleeping arrangements. Money, gifts and friendship could buy a place in a more comfortable room and relief from certain duties. Each of the separate buildings - "pavilions" - was controlled by a senior prisoner - the "commandant", who was in charge of access, administration and prison "services". Some pavilions seemed better organised than others - one of the pavilions holding military prisoners was in the process of holding a trial ("justice within justice" - they called it) over an infraction committed by one of their number. The pavilion commandant had a small group of "militaires" who worked directly for him - these were effectively the prison guards despite being prisoners themselves. They controlled access to the pavilions and decided which prisoners had the right to trade, play football or socialise with other inmates. They also had sticks for disciplinary purposes.

"The prison is divided into two halves - one for military prisoners (1,614) and one for civilian prisoners (2,377). Within the civilian half, there was a women's wing containing around 170 prisoners plus small children, and a children's wing, which contained the minors (from a total of 118) not with their mothers. The bulk of the prisoners were in dormitory-style cells and had about 12-15sq ft of bed space in the pavilions witnessed, but the high profile prisoners (including Marie-Therese Nlandu, Fernando Kuthino and Colonel Eddy Kapend) had rooms with individual beds. They shared the cells with between 1 and 3 other people. These de luxe cells come with their own supply of electricity, and had a TV and a fan (although these were personal possessions).

"Sanitary conditions in the prison were poor, a consequence of the 1,500 person capacity prison holding 3,991 people. The prison had a reasonably reliable supply of water brought in from outside and electricity, but the inmates did all their cooking, cleaning and excretion within small communal spaces, which presented an obvious hygiene risk. Washing facilities for prisoners were limited to access to a few communal basins. There was a football field for exercise for the male prisoners; the female prisoners had a smaller courtyard, which also served as a cooking and food serving area. There are rooms

designated in some of the pavilions as sick bays, but the prison had hardly any medicines at all - these needed to be brought in by relatives/friends of the incarcerated". [22i]

As well as having no difficulty gaining access to three high-profile political prisoners, the member of British Embassy staff was able to speak briefly to a few of the ordinary prisoners - all bar one said they were in CPRK unjustly, but more tellingly, three of them said that they had not faced any kind of trial, and didn't know how long they were going to be in prison for (and in one case what they were in for). [22i]

15.10 USSD 2007 reported:

"Even harsher conditions prevailed in small detention centers, which were overcrowded, had no toilets, mattresses, or medical care, and which provided detainees with insufficient amounts of light, air, and water. Originally intended to house short-term detainees, they were often used for lengthy stays. They generally operated without dedicated funding and with minimal regulation or oversight. Detention center authorities often arbitrarily beat or tortured detainees. Guards frequently extorted bribes from family members and NGOs to visit detainees or provide food and other necessities." (US State Department Report on Human Rights Practices, 11 March 2008) [3k] (Section 1c)

15.11 The same source also stated:

"Despite a pre-2007 presidential decision to close illegal jails operated by the military or other security forces, there were no reports of illegal jails being closed during the year. According to MONUC, the security services, particularly the intelligence services and the GR, continued to operate numerous illegal detention facilities characterized by harsh and life threatening conditions. Authorities routinely denied family members, friends, and lawyers access to these illegal facilities." (US State Department Report on Human Rights Practices, 11 March 2008) [3k] (Section 1c)

15.12 On 21 December 2006 Congolese radio from Bukavu reported that five detainees had died the previous weekend at the central prison of Mbuji Mayi, a penitentiary where deaths are regularly reported. A spokesman for a local NGO, Fraternite des Prisons (Brotherhood of Prisons), felt the inmates were suffering from food starvation. He warned that some 30 prisoners were currently in a critical condition, and that 10 of them could die within hours. However, according to the head of the provincial division of justice, some people have been coming forward with help since the beginning of December, and had been offering food to detainees. Medical sources claimed that the abrupt switch from starvation to abundance was behind the deaths of the prisoners. [95aj]

15.13 IRIN reported on 26 January 2007, that two prisoners were killed and 25 others wounded when police moved into a jail in Ituri district to quell a riot over poor conditions. The report continued "According to a doctor who treated some of the prisoners conditions in Ituri prisons are deplorable, with inmates forced to share their meagre rations. Malnutrition is rampant, with 10 per cent of all those in jail in Bunia showing signs of malnutrition. 3 prisoners died of

severe malnutrition in December. Hygiene in the prisons is also poor exposing prisoners to diseases such as dysentery”. [18ex]

- 15.14 A report from IRIN on 13 February 2007 entitled ‘DRC: Prisoners endure appalling conditions’ that dealt with conditions in the prison at Bunia quoted a prison doctor as saying, “at least 10 percent of the inmates are showing signs of malnutrition”. He continued “it is a serious public health problem. The rate of malnutrition should normally be lower than 10 percent. We registered 13 cases of severe malnutrition, three moderate cases and 12 cases of mild malnutrition. Generally, there are cases with digestive problems, including diarrhoea”. The report went on to say that these cases are referred to the main hospital in Bunia, with the severely malnourished being taken to the Therapeutic Nutritional Centre run by an Italian NGO. The doctor also stated, “Whereas each prisoner should receive 2,000 calories a day to meet his nutritional needs, the inmates here get less than 300 calories per day”. The report went on to say that the prison was built to accommodate 102 inmates, but holds 437, and that the rise in the number of prisoners has been attributed to rampant crime in the northeast district of Ituri. The public prosecutor of the Magistrate’s Court in Bunia was quoted as saying “there is no prison in the district so the detainees are brought to Bunia from all over the district”. According to him the inadequate number of judges to handle trials quickly had also led to a proliferation of remand prisoners in the jail. [18ez]
- 15.15 According to a nurse at the General Military Referral Hospital in Bunia, military detainees had not received any medicines since July 2006. The prison holds both military and civilian inmates. The nurse is quoted as saying, “normally there should be separate military and civilian prisons, but our country has no military prison. It is dangerous”. The presiding judge of the military tribunal in Ituri said “when there is an escape or an attempted escape, generally it is the convicted soldiers who take the lead”. Since September 2006, there have been at least 14 prison escapes involving death-row convicts and war crime suspects. [18ez]
- 15.16 On 15 May 2007 BBC Monitoring reported that during the five-day visit to the DRC by the UN Commissioner for Human Rights, Congolese authorities had freed over 250 prisoners who were jailed for common law crimes at Makala Central Prison in Kinshasa. [95by] During her visit the commissioner criticised the appalling conditions in prisons in the DRC. “Congo’s prisons are overpopulated because there are many prolonged detentions as most detainees don’t have access to justice”, she said. “The great majority of Congolese do not have access to justice and then face major obstacles to benefit from fundamental rights”. She called for reforms to improve the detention system in the DRC to be accelerated. [74bc]
- 15.17 On 24 May 2007 allAfrica.com reported that the official handover of the keys to Mahagi central prison by MONUC had taken place the previous day. The renovation of the prison was financed by UNDP and cost US\$37,000. The work was completed in six months by a construction company based in Bunia. The prison now has a capacity for 250 people, and is equipped with seven rehabilitation cells, six for men and one for women. Seven other individual cells are destined for criminals and those condemned. Each cell is equipped with toilets, showers, beds and lockers, and all doors and windows are metallic and double barred for security. The Bunia Public Prosecutor welcomed the completion of the work and said “the rehabilitation of this prison

- will ease the problems of overpopulation that is affecting Bunia central prison". [74bh]
- 15.18 On 5 July 2007 BBC Monitoring reported that 24 detainees had escaped on 30 June 2007 from Mbandaka prison in Equateur province. [95cb]
- 15.19 BBC Monitoring reported on 3 August 2007 that 114 out of 155 prisoners in Uvira Prison in South Kivu had escaped. [95cj]
- 15.20 Independent on Line reported on 26 September 2007 that 49 detainees had escaped from a prison in North Kivu recently renovated by MONUC. Six of the prisoners were recaptured the following morning. According to a broadcast by Radio Okapi the majority of the jail breakers were death row criminals. The Prison Director said that all but three of the escapees were military prisoners. According to witnesses the prisoners complained for a number of days on the lack of food, water and access to proper sanitation. They escaped by breaking a hole in the wall of the prison. [86ac]
- 15.21 On 16 October 2007 Independent on Line reported that three law enforcement agents and a prisoner were killed during an attempted jail break from a prison in Katanga Five others – two policemen, one soldier and two prisoners – were injured during the clashes, during which prisoners seized weapons from their police guards. A police officer was quoted as saying "These people were killed during gunfire exchanged between the prisoners ... and soldiers dispatched to restore order". [65eq] On 18 October IOL reported that the total of dead had risen to five with the discovery of a body within the prison ramparts. It named the prison as the Katanga high security prison at Buluo, which houses prisoners considered dangerous to the authorities, notably soldiers condemned to death or long sentences for serious crimes, undermining the security of the state, or acts of rebellion. [86ae]
- 15.22 Radio Okapi reported on 18 October 2007 that 14 inmates had escaped from the Mahagi-Centre prison situated some 200km north of Bunia. The prisoners were reported to be for the most part in detention temporarily, and according to the chairman of the local peace tribunal, succeeded in escaping from their cells without damaging any of the locks. The prison warden as well as the police in charge of guarding the prison had been arrested for questioning. [64bs]
- 15.23 On 4 January 2008 the Institute for War and Peace Reporting published a report detailing prison conditions in Goma Central Prison – nicknamed Munzenze which means impenetrable. The officer accompanying Lisa Clifford, the writer of the article, informed her that he had not been paid since 1996, and claimed that he survived by having his wife work. Clifford was told by the NGO that had arranged the visit that in reality prison staff in the DRC supplement their non-existent incomes with bribes from inmates and their relatives, as the authorities in Kinshasa refused to send money to pay salaries or food for the prisoners. [144a]
- 15.24 Dealing with the prisoners' accommodation the report stated that the women prisoners were kept in small, dark cells off a corridor covered by a leaking roof. Among the older women were two young girls aged around 12 or 13. In the men's area young boys were incarcerated with older, hardened criminals including military prisoners. Most of the prisoners were in a courtyard. [144a]

- 15.25 There were no beds, no blankets, no food, no electricity, and nothing for the prisoners to do but stand around or squat down in the dirt. [144a]
- 15.26 According to Clifford the worst part of the prison was a small, filthy room housing the mentally ill and those with contagious diseases such as tuberculosis. It was near an open toilet with an “unbearable” smell. “A man dressed only in a sack wandered around in confusion, while another leaned against a wall coughing”. [144a]

[See also Section 26.60 also Imprisonment of children](#)

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16. DEATH PENALTY

- 16.01 Hands off Cain noted on 28 February 2008 that the Democratic Republic of Congo was one of 49 countries that have retained the death penalty. [12] Although Amnesty International USA reported on 21 July 2007 that the DRC was among those 85 countries that had signed a statement of intent regarding the abolition of the death penalty. [11u]
- 16.02 Little information, regarding the numbers of prisoners currently being held on death row (throughout the country), was available. However, a report published by *The New York Times* on 27 September 2007 noted the escape of forty-nine prisoners from a prison in Beni territory in North Kivu. The article noted that the majority of prisoners were believed to be death row criminals, the prison held 60 detainees. [134b]
- 16.03 A moratorium on the death penalty was imposed in 2003, but was subsequently lifted in 2004. However, since April 2001 no sentence of death has been carried out in spite of the death penalty being passed on a regular basis. Most death sentences are handed down by military tribunals. "Judges at military courts, where most of Congo's death penalties are handed out, rarely follow the penal code's guidelines..." Such trials "...are usually expeditious without respect for fair trial guarantees for the rights of the accused or victims." (The Inter Press Service, 26 April 2006) [74dq]

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17. POLITICAL AFFILIATION

17.01 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 noted:

“[In addition,] the territorial problem [also] plays a vital role in the political arena. The PDSC distinguishes three categories of party on this basis:

1. National parties such as the UDPS, the MPR and the PDSC that are represented throughout the territory of the Congo;
2. Semi-national parties, active in Kinshasa and in one or two other provinces, e.g. PALU, UNADEF (present in Kinshasa and in Katanga) FSD (active in Kinshasa and in Low Congo), MNC-L, FONUS;
3. Parties built round a personality such as the MSDD [Mouvement Social Democratie et Developpement] (Lutundula), the MDD [Mouvement pour la democratie et le developpement], the ANADER [Alliance Nationale des Démocrates pour la Reconstruction] (Lutete), the ROM and the ROC.” [24a] (p11)

17.02 Freedom House 2008 noted that:

“... two broad alliances emerged in the 500 seat National Assembly: the AMP comprised of the Parti Lumumbiste Unifie (PPRD) and the Union des DemocratresMobutistes (UDEMO) with more than 300 deats in support of President Kabila, and a political opposition, the Union Pour la Nation (UpN), comprised of parties that supported former vice president Bemba in his presidential bid, including the MLC, and a number of former presidential candidates with some 11 seats.” [66a] (p1)

See also [Section 17.04 on Letters of support from opposition political parties](#); [Section 17.05 on Freedom of association and assembly](#); [Annex B Political organisations](#)

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FREEDOM OF POLITICAL EXPRESSION

17.03 The USSD 2007 report stated:

“The constitution provides for freedom of association; in practice the government sometimes restricted this right. Security forces detained numerous members and sympathisers of Bemba’s MLC party... Amnesty International reported in October [2007] that the Directorate of General Intelligence and Police Special Services (DRGS) allegedly engaged in intimidation of opposition politicians and parliamentarians.” [31]

Article 11 of the post-transition constitution stated,“All human beings are free and equal in dignity and rights. However, the pleasure of the political rights is recognized only for the Congolese, except exceptions established by the law.” [27d]

FREEDOM OF ASSOCIATION AND ASSEMBLY

17.04 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that while the "...constitution provides for the freedom of peaceful assembly ...the government restricted this right in some instances." [3k] (Section 2b) The text of the proposed Constitution, approved in May 2005, published by the Institute for Security Studies, contained provision for the rights to set up trade unions and take part in their legal activities. [27d]

See also [Section 35.01 on Employment rights](#)

17.05 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated "Procedures on registration and restrictions of political parties were ruled by law n. 90/007 of 18 July 18 1990, which was modified by the Law n. 90/009 of 18 December 1990, the Decree-Law n. 194 of 29 January 1999 and the law n. 001/2001 of 17 May 2001. Nowadays, the only law which is into force is the law n.04/002 of 15 March 2004." [60b]

See also [Section 17.01 on Political Affiliation](#)

17.06 Freedom House stated in the Freedom in the World report for 2008, "The rights to freedom of assembly and association are sometimes limited under the pretext of maintaining public order, and groups holding public events must inform local authorities in advance." [66a]

17.07 The USSD 2007 report also detailed a number of occasions during 2007 when freedom of assembly was restricted and stated that, "The government required organizers of public events to inform local authorities in advance; to deny authorization, authorities must do so in writing within five days of being notified." However, the report noted that even where prior notice had been provided, demonstrations were broken-up and curtailed. There were reports that security forces were responsible for the deaths of at least 14 individuals during the year with assault and unlawful detention also common. [3k] (Section 2b)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

17.08 The World Report 2008 by Human Rights Watch (HRW) commenting on events in 2007 stated, "On March 22, government forces and bodyguards of disappointed presidential contender Bemba clashed for three days in Kinshasa, the third such incident since August 2006." Over 300 people are believed to have been killed during the disturbances, many of them civilians caught in the crossfire. In western Congo, government forces killed over 100 opposition supporters protesting against corruption in the Bas Congo provincial elections. [5ad] (Overview)

17.09 The USSD 2007 report stated that, "Political parties were able to operate without restriction or outside interference. Unlike in 2006, the electoral commission did not disallow the registration of any political parties for

technical or other reasons; however, there were no reports that any parties attempted to register ...

“A law on the status and rights of the political opposition, which was adopted in late 2007, recognizes opposition parties represented in parliament as well as those outside it and guarantees their right to participate in political activities without fear of retribution.” [3k] (Section 3)

- 17.10 A letter from the British Embassy in Kinshasa dated 7 June 2007 dealing with the treatment of the UDPS stated:

“The treatment of UDPS members is significantly better than in 2005. This is directly related to the UDPS’ decreasing significance as a political entity since early 2006 – once it became clear that Etienne Tshisekedi was not going to stand for President, and that UDPS members were not going to stand for parliament, the DRC security apparatus was given different targets.

“The UDPS’ virtual silence over many key political issues, combined with Tshisekedi’s refusal to participate in the elections, meant that many UDPS members left the party in 2006 to pursue electoral dreams elsewhere. A corollary of this was that the UDPS organised substantially fewer demonstrations and public meetings than it did in 2004-5 – meaning that there were fewer opportunities for UDPS members to be arrested/get themselves arrested.

“Since the electoral period began in June 2006, the number of abuses of human rights of UDPS members reported to MONUC and Embassies in Kinshasa diminished drastically. Harassment and abuse of supporters of political parties linked to the MLC rose commensurately. This trend continued until after the events in Bas-Congo and Kinshasa in January / March 2007. Since then, reports of politically-motivated harassment on all sides have diminished.

“The Embassy continues to have frequent contacts with members of the UDPS, from grassroots members up to the senior leadership. On no recent occasion have these individuals told us of harassment / abuse of UDPS members. In the past, our contacts have made such grievances very clear to us. MONUC staff have told us the same thing.

“It is possible that UDPS members are the victims of human rights abuses – but in our opinion this would not be linked to the fact that they are members of that particular political party”. [22x]

See also [Section 6.22 on Elections](#); [Section 8.49 on Katanga](#); [Section 17.01 on Political affiliations](#); [Annex B Political organisations](#)

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18. FREEDOM OF SPEECH AND MEDIA

- 18.01 The US State Department Report on Human Rights Practices in 2007, published on 11 March 2008 (USSD 2007), reported:

“The law provides for freedom of speech and of the press; however, the government restricted these rights in practice. Freedom of the press declined as the result of threats and actions by government officials at several levels during the year. In August the UN's independent expert on human rights in the DRC noted dozens of cases in which security forces harassed and arbitrarily arrested journalists and other media personnel and recommended that the government increase its dialogue with the media to seek "remedies, when necessary, through the law" and reduce violence against the media.”
[3k] (Section 2a)

- 18.02 The same report stated that:

“Generally individuals could privately criticize the government, its officials, and private citizens without being subject to official reprisals. However, on at least one occasion, security forces committed a reprisal in reaction to remarks by a political party member, although the comments did not include criticism of the government. GR soldiers arrested and detained a member of the Union for Democracy and Societal Progress (UDPS) political party in Bukavu on May 17 because of remarks he made about the anniversary of the liberation of Kinshasa by Laurent Kabila's troops during the war. The soldiers reportedly beat and interrogated the party member before releasing him. The GR commander reportedly threatened to kill him if he said anything about the arrest to human rights NGOs or MONUC's Radio Okapi. The victim remained in Bukavu and by year's end had suffered no additional harm.” [3k] (Section 2a)

- 18.03 “A large and active private press functioned throughout the country, and the government licensed a large number of daily newspapers to publish. The government required every newspaper to pay a \$500 (250,000 francs) license fee and complete several administrative requirements before publishing. Many journalists lacked professional training, received little if any salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles. Many newspapers remained critical of the government and many others showed bias toward it or supported particular political parties. The government press agency published the Daily Bulletin which included news reports, decrees, and official statements.” (USSD 2007, 11 March 2008)
[3k] (Section 2a)

- 18.04 At its weekly press conference on 15 August 2007, MONUC called on the DRC authorities to reinforce protection for the media, and to do all in its power to allow them to work freely, without hindrance or intimidation; following the murder of a journalist in Goma and a local official in Nyamilima village in Rutshuru. [56ci]

- 18.05 Freedom of the Press 2008 reported:

“Local journalists were vulnerable to violent assault, harassment and arbitrary imprisonment during the year 2007. Two journalists were killed, ten served time in jail, and as many as 54 were questioned by security forces, according

to RSF. The International Federation of Journalists ranks DRC as the second most dangerous place for journalists to operate in Africa, after Somalia.” [] ()

See also [Section 18.33 on Newspaper articles](#)

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JOURNALISTS

OVERVIEW

- 18.06 A number of reports from human rights organisations, including Human Rights Watch (HRW), RSF, the Committee to Protect Journalists (CPJ) drew attention to the highly politicised nature of the media in the country which has resulted in significant cases of harassment of newspaper and broadcasting journalists with sometimes deadly score settling. Journalists were often caught between the different political factions with various influence networks jostling for power. [5ad [7i] [19o]
- 18.07 Reporters Without Borders noted in its 2008 annual report that, “Journalists are imprisoned frequently both in Kinshasa and in the provinces. Press freedom organisations often face Kafkaesque situations because of absurd laws, a high level of corruption in all sectors of the administration and the authorities' aggressive policies.” [7i]
- 18.08 AFP reported on 10 December 2007 that according to Journaliste en Danger [JED] more than 160 attacks on press freedom had been registered in 2007 in the DRC, nearly a third up from 2006. “A total of 163 cases of different attacks against journalists and against media were registered” according to the JED Secretary Tshivis Tshivaudi, the highest number since the foundation of the organisation in 1998. Nearly 60 per cent of cases, including assassination, imprisonment, threats, censorship and other pressure were registered in Kinshasa, “the riskiest place for journalists” he said. According to JED nearly 90 per cent of the threats, attacks or violence against journalists and the media in 2007 were committed by the military or different security services. [65eh]
- 18.09 Agence France Presse reported on 27 June 2007 that around 100 media workers had protested outside the military headquarters in Kinshasa against what they called a campaign of intimidation and murder against journalists in the country. The protestors handed in a statement addressed jointly to the chiefs of the army and police which detailed a series of attacks on press freedom in the country, ranging from threats to murders. “In all cases of assassinations or violent aggression (against journalists) ... the military or police are involved”, it said. [65cg]
- 18.10 The Committee to Protect Journalists (CPJ) noted in ‘Attacks on the Press in 2007’ (published February 2008) that:
- “The policy of this government is that freedom of the press and freedom of opinion must be respected at all costs,” Kabila declared in an official press conference in September. Yet CPJ research showed that national and regional officials and security forces were responsible for the overwhelming

majority of media abuses in 2007. Broadcast outlets were the primary targets. In one notorious week in October, Information Minister Toussaint Tshilombo summarily banned 22 private television channels and 16 radio stations for alleged non-compliance with national media laws, while Higher Education Minister Sylvain Ngabu ordered police to beat two Horizon 33 TV journalists after a critical news program.” [19o]

- 18.11 Freedom House noted that press freedom was further undermined by poor pay and inadequate training, creating an environment where journalists were “... vulnerable to bribery and political manipulation.” (Freedom of the Press: DRC 2007) [66b]
- 18.12 The CPJ also noted that since 2002 the DRC’s record on press freedom has deteriorated significantly with large rises in the numbers of journalists being imprisoned and attacked. It noted that “Outside Kinshasa, particularly in the DRC’s central and eastern provinces, local politicians sought to silence critical coverage...” sometimes “...detaining and interrogating journalists about their sources.” This happened “... despite the presence of the world’s largest U.N. peacekeeping force...” In addition, rebels, including forces loyal to General Nkunda, were responsible for serious violations against journalists. (The Committee to Protect Journalists: Attacks on the Press in 2007) [19o]

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GOVERNMENT ACTIONS

- 18.13 A number of sources during the year reported that government ministers were accused of ordering arbitrary attacks against journalists following the publication/broadcast of unflattering and critical stories. On 24 October 2007 allAfrica.com reported that two journalists working for the Horizon 33 television station were reported to have been beaten on the orders of Sylvain Ngabu (DRC Higher Education Minister) after the journalists refused to retract a story they had broadcast. [74dd] However, BBC Monitoring noted that “...the government is believed to be behind most cases of intimidation of journalists...” It also noted that “... Human Rights Watch documented at least one case when a journalist fled the country after receiving threats from the opposition.” [95a]
- 18.14 There were reports that government controlled forces, such as the army and police, often refused to allow western and African journalist from entering and reporting from sensitive areas. (Radio Okapi, 21 October 2007) [64bk] (SAPA, 15 September 2007) [83y] Journalists have also been arrested for filming “strategic places”. (Radio Okapi, 15 October 2007) [64bj]
- 18.15 On 6 May 2007 Angola Press reported that Journaliste En Danger (JED) had appealed for an end to state violence against journalists and the media. In a statement made on World Press Freedom Day, JED said that it noticed “... it is becoming increasingly dangerous to work as a journalist in the Democratic Republic of Congo, in view of the important number of media professionals exposed to violence by reasons of their activity or simply because they are journalists.” They said that in the first quarter of 2007, 27 cases of various attacks targeting journalists or the media were reported, including at least 20 cases of imprisonment, attack or torture, as well as open or anonymous

threats. JED said that over 90 per cent of cases of violence targeting the media were by State agents or the government, including members of the special services or civilian or military intelligence. [34c]

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VIOLENCE AND HARASSMENT

- 18.16 The Committee to Protect Journalists (CPJ) noted in 'Attacks on the Press in 2007' (published February 2008), that:

"Violence in ...North Kivu province claimed the life of respected freelance photojournalist Patrick Kikuku Wilungula. Gunmen shot Wilungula and stole his digital camera as he returned home after covering a local conference on environmental protection. The gunmen, suspected to be soldiers, allegedly argued with the journalist before shooting him, sources close to Wilungula told CPJ. No arrests were reported.

"At least two other journalists have been killed in unclear circumstances since 2005: political affairs journalist Franck Ngyke Kangundu and freelance journalist Bapuwa Mwamba. While authorities apprehended and convicted suspects in both cases, investigations fell short of exploring possible links between the killings and the journalists' work. As *Le Potentiel's* Mutinga put it: 'Despite the arrests, the truth was never known, the masterminds never identified. The end results have always been fuzzy.'" [19o]

- 18.17 A spokesman for JED alleged that Kangundu was killed because of an article on embezzlement of government funds. [18cr] *The Scotsman* noted that before being killed Mwamba was reported to have been attacked and harassed on previous occasions. (Published by Reuters, 10 July 2006) [21o]
- 18.18 Agence France Presse reported on 7 February 2007 that a radio journalist working for a station in Muanda in the Bas Congo region had been beaten up by a group of soldiers while investigating violence in the region. He had witnessed two young men being beaten by soldiers who accused them of having killed their commander. When the journalist intervened he was accused of being a spy and attacked in his turn. [65bf]
- 18.19 On 10 May, 2007 *Journaliste En Danger* reported that the publisher of the Kinshasa-based bi-weekly newspaper *La Tolérance*, had been in police custody since 6 May charged with "threatening and attempted swindling" of Pauline Ipeluka, a senior official with Kinshasa's property tax office. The publisher, Phambu Lutete, told JED that he had been preparing an article in which he criticised Ipeluka's recent appointment to a high level post, given the fact that she was up on charges of "breach of trust" brought by the Kinshasa/Kalamu High Court's prosecutor. [117b]
- 18.20 BBC Monitoring reported on 22 July 2007 that according to a press release by the Committee to Protect Journalists Pold Kalombo, the editor of *Le Soft International* had gone into hiding after being convicted without his knowledge and ordered to report to prison. [95cg]

- 18.21 According to a report by allAfrica.com on 3 July 2007, Journaliste En Danger (JED) had expressed outrage over the 30 June 2007 savage beating of journalist Ernest Mukuli, a reporter with the Catholic broadcaster Radio Télévision Amani (RTA) in Kisangani, the main city in Orientale province. The incident occurred during festivities marking the 47th anniversary of Congolese independence. According to information received by JED, five men in jackets entered the RTA studios looking for Mukuli, whom they had witnessed filming the presidential procession from the studios' balcony. When they saw him the men (who did not identify themselves) began beating the journalist in front of his colleagues. They led him forcibly around the studios, demanding that he produced his journalist's accreditation to cover the procession. They later made off with one of the station's cameras. Mukuli said that the men drove one of Kisangani's two Republican Guard Jeeps, and that he had spotted one of them earlier in the day at the procession. He also said that all attempts to recover the stolen material had been unsuccessful, and that the Republican Guard had denied any involvement in the incident dismissing it as the work of either a military or civil intelligence agency. [74br]
- 18.22 On 30 July 2007 all Africa.com reported that Reporters Without Borders had condemned the arrest of three journalists employed by the public broadcaster Radio Télévision Nationale Congolaise (RTNC). The reporters were being held by the Republican Guard on the orders of the head of RTNC because of union activities. The Congolese partner of Reporters Without Borders, Journalists in Danger (JED) claimed that they were arrested at the behest of the general manager of the station who accused them of "preparing a meeting with a view to destroying the public TV stations installations". The RTNC's chief union representative rejected the allegations and said that the three journalists had just been trying to organise a general meeting with a view to demanding additional rights for station employees. [74cd] The following day the Independent on Line reported that an additional journalist had been arrested with the other three and that all four had been transferred to police custody. According to JED citing a police official, they are accused of publicly offending the president, aiming to destabilise RTNC and discrediting the government by organising a strike. [86y]
- 18.23 MONUC reported on 2 August 2007 that it denounced the attack against the chief of Radio Okapi in Bunia. Florian Barbey was handcuffed, insulted and threatened in his residence and all his belongings were stolen. The incident followed many acts of violence and threats that targeted several journalists of Radio Okapi and other DRC media during the previous few weeks. [56cf]
- 18.24 Freedom House in its 2008 report noted that, "The High Authority of Media (HAM) is tasked with implementing the country's press laws and media code of conduct, but the government continue to use criminal libel laws to suppress free speech and limit press freedom. In a country where journalists and imprisoned even for covering police operations, independent journalists are frequently threatened, arrested, attacked and even killed." [66a]

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JOURNALISTE EN DANGER

- 18.25 Journaliste en danger (JED) is a non governmental organisation whose stated purpose is the defence and promotion of press freedom. The organisation, founded in Kinshasa on 20 November 1998, was established by journalists who increasingly felt that they were unable to operate freely within the country and who were often victims of the partisan judicial system. (Journaliste en danger, accessed 26 March 2008) [117c] [149a]
- 18.26 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA), dated October 2002, noted that JED "...keep a record of almost all interrogations, arrests, incidents of censure, etc." [24a] (p20) JED is also a member of the IFEX group, a Canadian-based organisation which is managed by Canadian Journalists for Free Expression and publishes reports from JED on its website. [63b]
- 18.27 Since its foundation, JED members have continued to face harsh and sometimes deadly treatment from government supporters, state agents and opposition politicians and supporters. Reporters Without Borders voiced its exasperation and anxiety about the constant level of intimidation faced by the organisation's members. [7i] The Committee to Protect Journalists noted that the JED had received credible "death threats from government supporters" prompting its Secretary General and President to go into temporary hiding. (Annual Report, February 2008) [19o] In February 2006 allAfrica reported that JED members had received death threats following an investigation. [74c]
- 18.28 Harassment and detention without trial continued to be a constant problem for JED members with allAfrica reporting in March 2007 that the organisation had sent a letter to the Kinshasa Military High Court's auditor general expressing concern over the prolonged detention of two journalists. [74at] On 11 September 2007 Reporters Without Borders said that it was "worried and exasperated" about the continuing threats against the members of Journalist in Danger (JED) its partner organisation in the DRC. "Aside from making life impossible for a small group of courageous journalists, these repeated threats shows (sic) how dangerous it is to defend press freedom in the DRC today." [7h]
- 18.29 On 11 September 2007 Reporters Without Borders noted that press and information minister Toussaint Tshilombo's had made public threats against JED members. The threats followed criticism of the way the authorities had handled the investigation into the murder of Serge Maheshe. JED secretary-general Tshivis Tshivuadi received a telephone warning at the end of June 2007 that he might see "a rocket fall on your house". In early July both he and the JED executive director were warned by reliable sources that JED's activities in the Maheshe case were upsetting certain unidentified "chiefs" within the government, and advised them to "adopt a low profile" and "leave the country temporarily". In an interview on TV on 31 July Tshilombo called JED "an anti-patriotic organisation" and urged it to take "great care". Following these comments both men then left Kinshasa for several weeks. The report then went on to detail threats that had been made against the two men in previous years, and since the July 2007 interview with Tshilombo. [7h]

[See Section 6.05 Government](#)
[See Section 6.22 Elections](#)

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NEWSPAPERS

- 18.30 A Fact-Finding Mission Report on the DRC by the Documentation and Research Service, Refugee and Nationality Commission of Belgium (CEDOCA) dated October 2002 stated:

“No newspaper is the government’s mouthpiece, although the papers can be divided into categories of pro-government and pro-opposition. Some papers enjoy government support. The press in the DRC enjoys, relatively speaking, a lot of freedom and is first and foremost an ‘opinion press’ and not an ‘information press’. Some newspapers and journalists take this task particularly to heart and sometimes write very cutting articles about one person or another. This is why some observers say that the problem with the press lies partly in the attitude of the journalists themselves, given that they do not always correctly apply ethical and moral prescriptions. Generally, we can confirm that Joseph Kabila is proving to be less repressive towards journalists than was his late father.” [24a] (p17)

- 18.31 Freedom House stated in the Freedom in the World report 2008 that there are 176 newspapers and magazines. [66a] The EIU 2008 Country Profile also stated, “There are many newspapers in Kinshasa, but only a handful are regularly printed and read. The main opposition newspapers are Le Potentiel, Le Phare, Tempête des Tropiques and La Référence Plus. Le Palmares and L’Avenir are the two main pro-government newspapers. There are few newspapers in the rest of the country.” [30h]

- 18.32 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, reported that:

“A large and active private press functioned throughout the country, and the government licensed a large number of daily newspapers to publish. The government required every newspaper to pay a \$500 (250,000 francs) license fee and complete several administrative requirements before publishing. Many journalists lacked professional training, received little if any salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles. Many newspapers remained critical of the government and many others showed bias toward it or supported particular political parties. The government press agency published the Daily Bulletin which included news reports, decrees, and official statements.” [3k]

- 18.33 On 11 January 2007 Congolese Top Congo FM radio reported that HAM had suspended several Kinshasa media outlets for ethical and ideological violations. Two newspapers were suspended; Alerte Plus was suspended for one month, and Moniteur for six weeks. HAM emphasised that these punitive measures were intended to make the media chiefs and the announcers respect the standards regulating the advertising of alcoholic beverages. The

media were accused of not respecting their programme schedules and of violating the morals of youth. [95aq]

- 18.34 The USSD 2007 reported that, “Government officials used criminal libel laws to suppress criticism of the government and pursuit of corruption in the private sector by the press.” [3k] (Section 2a)

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NEWSPAPER ARTICLES

- 18.35 The USSD 2007 also reported that, “Many journalists lacked professional training, received little if any salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles.” [3k] (Section 2a)

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RADIO, TELEVISION AND THE INTERNET

- 18.36 The Economist Intelligence Unit (EIU) Country Profile 2008 stated, “Private radio and television stations thrive in the capital, including Raga TV, Tele-Kin Malebo, Antenne-A, Tropicana-TV and a number of religious radio and television stations. The state run radio and television network, Radio et television nationale congolaise, based in Kinshasa, has for over a decade broadcast” [30h]
- 18.37 The BBC News on Line Country Profile on 30 April 2008 stated that “...there are dozens of private TV stations and more than 100 private radio stations, some of which broadcast news.” The report lists the main television stations as:

- Radio-Television Nationale Congolaise (RTNC) - state-run terrestrial and satellite TV with near-national coverage
- RTGA - private
- Digital Congo - private, near-national coverage
- Raga TV - private, near-national coverage

It lists the main radio stations as:

- La Voix du Congo – operated by RTNC, broadcasting in French, Swahili, Lingala, Tshiluba and Kikongo.
- Radio Okapi – UN-backed politically independent network, on FM and short wave.
- Raga FM – private network, carries some BBC World Service output.
- Top Congo FM – private. [15v]

- 18.38 USSD 2007 stated that:

“Radio remained the most important medium of public information due to limited literacy and the relatively high cost of newspapers and television. More than 200 privately-owned radio and television stations operated, in addition to

two state-owned radio stations and one state-owned television station, Congolese National Radio-Television (RTNC). The president's family also owned and operated a television station, Digital Congo. Political parties represented in the government could generally gain access to RTNC.”
[3k] (Section 2a)

18.39 The USSD 2007 report dated 11 March 2008 stated that:

“The government did not restrict access to the Internet or monitor e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Private entrepreneurs made Internet access available at moderate prices through Internet cafes in large cities throughout the country. Poor infrastructure and high prices limited the ability of all but the wealthiest to have Internet access in their homes.”
[3k] (Section 2a)

18.40 In previous years, specifically during the 2006 elections, the ruling party and security forces cracked down on opposition parties and dissenting opinion by shutting down and restricting the broadcasts of television and radio stations that were critical of the government. There were numerous reports that journalists and radio and TV station owners were arrested and harassed for broadcasting stories that were unfavourable to the government. [63e] [7e] [74j]

18.41 On 11 November 2006 a report by Journaliste en Danger (JED) called for a radical reform of state-owned radio and television stations so that they might effectively serve the public interest. The report notes that during the election campaign a large number of the Congolese media failed to live up to their role. A summary of the report in English by IFEX went on to state:

“As the D.R. Congo was organizing its first ‘free, democratic and transparent’ general elections since the country’s independence, a propaganda press committed to defending the political interests of its own candidates and demonizing its political adversaries, to shamefully exploiting macabre images, to inciting revenge and accusations and to justifying crime was born, cementing political tensions around it throughout the elections. Worst of all, state-owned radio and television stations took part in the general decline, by siding almost exclusively with their respective candidates.

“JED believes this war of attrition between privately-owned and state-owned media outlets and between the two main political forces set the stage for the armed clashes which occurred in Kinshasa between 20 and 22 August 2006, following the announcement of the results of the first round of presidential elections.

“Since that time, and in the face of these dangerous breaches of ethics, the press has been placed under tight surveillance, not only by the governments’ own services but by the international community gathered in the country under CIAT (Comité International de l’Accompagnement de la Transition), who have stepped up their response in the form of thinly-veiled threats, warnings and sanctions - justified or not - against the media.

“In its report, entitled: ‘Press freedom during the election period’, JED also notes that the struggle against incitement to hatred and violence, while noble in principle, has allowed the media regulator (Haute autorité des médias -

HAM) to exercise systematic censorship on the privately-owned media, thereby restricting the democratic debate so greatly needed during election period, while the state-owned media has been usurped by the ruling party.

“The stigmatization of the press, combined with a generalized atmosphere of political intolerance, has resulted in an increase in acts of violence targeting journalists and certain media outlets. In one instance, a station in Kisanga, a suburb of Lubumbashi, was attacked by gunfire causing at least one victim”.
[63g]

- 18.42 allAfrica.com reported that Bosange Mbaka had finally been released on 7 September [2007] after being acquitted by a military tribunal in Kinshasa, after having spent 10 months in pre-trial detention. Prosecutors had demanded a one-year prison sentence but the military tribunal dismissed the case for lack of evidence. [74cw]
- 18.43 The Citizen had reported on 21 May 2007 that Mbaka was arrested late in 2006 in a round up of presumed JP Bemba sympathisers. [160a]
- 18.44 On 11 January 2007 Congolese Top Congo FM radio reported that HAM had suspended several Kinshasa media outlets for ethical and ideological violations, and that sanctions were also imposed on some programme directors. The broadcast of any advertisements was prohibited for seven days on RTGA, Canal Congo, and Mirador Television, and for three days on Radio Liberte Kinshasa. The programme directors of RTGA, CCTV, and Mirador TV were given 15-day suspensions. The programme director of Hope TV received a warning. HAM emphasised that these punitive measures were intended to make the media chiefs and the announcers respect the standards regulating the advertising of alcoholic beverages. The media were accused of not respecting their programme schedules and of violating the morals of youth. HAM has also committed the media from advertising alcoholic beverages very late at night. [95aq]

See Section 6.22 Elections

- 18.45 On 8 March 2007 Journaliste En Danger (JED) condemned the police invasion of the Congolese National Radio-Television (RTNC) studios in Butembo, North Kivu province, and the interruption of a live programme reporting on the prevailing insecurity in the city. According to JED on 7 March a group of police officers, acting under orders from the mayor, invaded the studios of RTNC's local station, following which RTNC's signal was interrupted, and two journalists were assaulted prior to being taken to the mayor's office, where they were ordered to stop reporting on security problems in the city. According to the mayors office claimed that RTNC had continued to distribute a civil society group press release requesting that merchants observe a one-day strike action to protest the prevailing violence in Butembo, where a teacher had been killed by a soldier on 3 march. JED reported that since this incident at 9:00 hrs local time, RTNC-Butembo had not resumed broadcasting but would do so from that evening. [117a]
- 18.46 On 29 March 2007 allAfrica.com reported that the broadcast signals of three television and radio stations owned by Jean-Pierre Bemba – Canal Kin Télévision (CKTV), Canal Congo Television (CCTV) and Radio Liberté Kinshasa (Ralik) – had been cut on 21 March 2007 after Bemba claimed in a

Lingala-language interview that the army high command embezzled 500 million Congolese francs (approx. US\$900,000) from the military payroll each month. During the clash that took place over the next two days the studios of CKTV and CCTV were attacked and ransacked. According to all.Africa.com it seemed probable that the attack was the work of troops as virtually no civilians were on the streets during the fighting. [65br] [74au]

- 18.47 The same source reported that during a meeting with Journalist (sic) in Danger (JED) the DRC Information Minister claimed that the Bemba-owned stations' broadcasts were cut by the company that manages TV signals in Kinshasa because of unpaid debts. However, when contacted by JED a representative of the company confirmed that CCTV was behind with payments, but said there was "never any question of turning off its signal". [74au]
- 18.48 On 5 April 2007 BBC Monitoring reported that Radio ODL (Organisation for the development of Luebo) had been closed down on 17 March 2007. The local authority in Luebo, Kasai province, had accused it of airing hate messages and appeals for civic disobedience. An investigation carried out by HAM could not confirm the accusations and lifted the ban on 20 March 2007. However, the district authorities maintained their position and refused to withdraw the soldiers and policemen who had blocked the entrance to the radio premises. The Luebo territorial administrator admitted receiving orders from HAM to lift the ban, and he referred the matter to the district commissioner who was supposed to implement the measure. However, when asked, the district commissioner claimed to be unaware of the HAM decision. MONUC expressed concern over the matter. [95bn]
- 18.49 Radio Okapi reported on 2 May 2007 that ODL had been given permission to re-open after 45 days. On 1 May the authorities in Kasai had asked the soldiers guarding the station to leave and called on radio staff to resume broadcasting. However, the radio officials said that there was a need at first to assess material losses incurred during the closure before resumption of activity. [65ca]
- 18.50 On 23 May 2007 the Committee to Protect Journalists issued a press release stating that authorities in the town of Mbuji-Mayi had closed down a private broadcaster, Radiotelevision Debout Kasai (RTDK), in connection with comments critical of the provincial governor in two programmes broadcast the previous week. The station was closed on the orders of Governor Ngoyi Kasanji and the DRC High Authority on Media (HAM). In its ruling HAM suspended the station for seven days on charges of "contempt, threats and bullying toward the authorities". Authorities have harassed RTDK previously in 2002 and 2005. It is the fifth Congolese broadcaster this year to be censored for its coverage, following the Goma and Butembo affiliates of the public broadcaster RTNC and the private stations Radio Liberte and Radio ODL. [19L]
- 18.51 On 15 June 2007 the Committee to Protect Journalists (CPJ) reported that intelligence agents in the DRC had shut down a privately owned radio station, Radio Canal Satellite, for "intoxicating the population" and "broadcasting in bad French". The report went on to say that this was the sixth DRC broadcaster to be raided by security forces over its coverage in 2007, and that the agents had confiscated equipment after the staff fled the studios fearing

arrest. Local journalists had told CPJ that the station's director, Yves Beya, had received several phone threats. The deputy chief of the ANR in Tshikapa, 405 miles southeast of Kinshasa, Gustave Amuri, later accused the station of "operating without ANR documents", despite the country's press laws not granting ANR any authority in media regulation. Local journalists also said that Amuri had cited three things in the broadcast he objected to, including a report about a pay dispute between Congolese workers and Lebanese employers in Kinshasa. [19m]

- 18.52 On 11 July 2007 allAfrica.com reported that the Committee to Protect Journalists had sent a letter to President Kabila protesting that since 24 February 2007, eight broadcasters had been raided by government security forces in connection with their news coverage, and one journalist killed. They called for the fundamental rights of press freedom and freedom of expression as laid down in the transitional constitution. [74bv]
- 18.53 On 28 August 2007 Reporters Without Borders reported that the National Intelligence Agency (ANR) had detained and questioned executives from two TV stations, Canal Congo Télévision (CCTV) and B Télévision (BRTV) in Kinshasa about their decision on 24 August to broadcast a 2006 interview with dissident general Laurant Nkunda about the integration of his troops into the regular army. At the same time, BRTV's broadcast signal was interrupted on 26 August without any explanation being given. The four journalists were told by the ANR to "remain available for any additional questioning". [7g]
- 18.54 On 4 September 2007 allAfrica.com reported that on 2 September the premises of Radio La Colombe, a community radio station broadcasting from Rutshuru, 72 km from Goma, were ransacked by rebel soldiers supporting Laurant Nkunda. According to a representative of the station, the soldiers led by Colonel Makenga burst into the station at around 19:00 hrs and took away the stations transmitter and other equipment. During the raid they kidnapped three programme hosts and two technicians, according to *Journaliste en Danger* the hosts managed to escape but the two technicians remain missing. When questioned about the attack, representatives of the National congress of the People (CNDP), a political-military movement created by Nkunda, denied any involvement and attributed the actions to "uncivil" people. [74cs]
- 18.55 On 25 October 2007 allAfrica.com reported that the information, press and communication minister had announced a ban on around 40 TV and radio stations on 20 October. This had been condemned by Reporters without Borders who said that it had the effect of silencing four community radio stations based in Kinshasa, while around 200 other community radio stations throughout the country were threatened. They said "We are not convinced by the government's arguments for taking this abrupt decision. Poorly documented, politically suspect and hastily adopted, the minister's decree is dangerous and unfair for the country's community radio stations, which play an important roll in informing the public in the provinces", adding "Regulating the broadcast media is one thing, but it is absurd to make it impossible for these small radio stations to survive". The minister had said at a news conference on 20 October that the scores of TV and radio stations were being banned for not complying with regulations. "This measure aims to clear up the airwaves in Democratic Republic of Congo and leave them to the real professionals", he was quoted as saying by Radio Okapi. He claimed that the

- targeted media did not have proper licences, registration or proof of tax payments. [74de]
- 18.56 Among the broadcast media whose transmissions were stopped after the announcement were CCTV and Canal Kin Television (which belong to opposition leader Jean Pierre Bemba), Molière TV, Horizons 33, Mirador and Numerica TV, and the four Kinshasa community stations – Radio Elykia, Radio Lisanga, Réveil FM and Ralik (which also belongs to Bemba). [74de]
- 18.57 Since the 20 October 2007 some of the banned stations had produced evidence that they were complying with the law, in particular, by negotiating a payments timetable with the General Directorate for Administrative and State Revenue Collection (DGRD), and as a result, they were able to resume broadcasting on 24 October. The Congo Federation of Community Radio Stations (FRPC) said that the ministry demanded 5,000 dollars for a registration receipt and another 2,500 dollars for an operating licence, sums far beyond the reach of community radio stations operating in remote parts of the country. The federation also correctly pointed out that their status was not defined by the media law of June 1996, which covered only radio and TV stations of a commercial nature, and asked the minister to suspend his decision pending the adoption of a law that would regulate community radio stations. [74de]
- 18.58 On 23 November Radio Okapi reported that the Higher Media Authority (HAM) believed that the television stations shut down by the Ministry of Information, Press and National Communication should remain closed until a commission cleared their case. According to the Congolese media regulation body, the commission would be in charge of revising their frequencies in DRC. According to the HAM chairman, about 20 Kinshasa television stations were said to be using frequencies belonging to Congo-Brazzaville, and a joint commission from the two countries would meet on 7 December to discuss the issue. [64b]
- 18.59 On 27 December 2007 the Committee to Protect Journalists welcomed the decision by the new minister of communication and media to lift the October ban on 22 of 38 radio and television stations. On 20 December he had signed a decree authorising the 22 stations to return to the air. Among them were Canal Kin Television, Moliere TV, and Radio Lisanga TV according to Journaliste En Danger. The minister's chief of staff stated that the 16 remaining broadcasters were still banned for not complying with government regulations. The 22 reinstated broadcasters had reached a minimum of 70 per cent of the legal criteria required to broadcast he said. [19n]
- 18.60 BBC Monitoring reported on 30 October 2007 that the South Kivu chapter of HAM had banned two journalists from broadcasting for 60 days. One of the journalists from Sauti ya Rehema Radio was accused of allowing a politician from the MLC opposition to publicly hurl abuse and denigrate the established authority. The politician received the same punishment as the journalist. The second journalist from Radio Apide was accused of giving an opportunity to a Sakima (Gold Mining Company of Kivu and Maniema) official to call for a people's uprising against the authorities and institutions of the republic. According to HAM the station had allowed the official to read a live statement denouncing the minutes of the South Kivu provincial government depicting shortcomings of the company. [95do]

- 18.61 A report from the Rwanda News Agency on 29 November 2007 stated that Dr. Rabbi David Kuperman, a Jewish-American academic, had claimed that the DRC government had been broadcasting hate messages since 1998 on Congolese National Radio and Television (RTNC), branding Congolese Tutsis as Rwandan with the aim to have them “annihilated”. “Now once again RTNC is broadcasting messages of hate towards Congolese Tutsis and preparing their neighbours to participate in the annihilation of the Tutsi population. Hate broadcasts are undeniably a powerful tool for indoctrinating and manipulating”, he was quoted as saying. According to the report Kuperman seemed to suggest that the broadcasts were strengthening the resolve of dissident General Nkunda not to make peace with the Kinshasa government. Contrary to media ethics, Kuperman said, RTNC – a public network that includes several regional stations and is controlled by the Ministry of Information and Press not known for journalistic freedom, had joined the battle. “The current hate broadcasting by the DRC government’s RTNC is reminiscent of that which incited genocide in Rwanda in 1994, and is just as dangerous”, he said. [138a]
- 18.62 Uni Global Union reported on 17 December 2007 that as part of Uni-Africa’s project to help unions in the DRC to revive, they had met with three broadcasting unions in Kinshasa. The largest broadcasting and press union the SNPP had recently had its representative for Kinshasa arrested for a week after he sought to get management in public broadcasting to pay pensions to over 200 long-time employees. UNI-MEI and UNI representatives raised this issue and others with the deputy minister of labour. [147a]
- 18.63 Radio Okapi reported on 15 January 2008 that the manager of radio and TV station RTL4, broadcasting from Likas in southern DRC, had denounced the arrest two days previously of two journalists, one of whom was beaten. According to the station’s chief administrative officer, the journalists were arrested for taking pictures of the demolition of kiosks and public booths erected unlawfully. The Mayor denied accusations that he ordered the beating of the journalist. He claimed that when the journalists were taking footage of the demolition they were thought to be people whose booths were being destroyed, as they could not provide proof of their journalist status. According to a witness the journalists were arrested then released and given back their cameras. The witness also said that it was the journalists who were aggressive towards the police who defended themselves. [64bn]
- 18.64 The CIA World Factbook 2008 reported that the telephone system was “Inadequate; state-owned fixed-line operator has been unable to expand fixed-line connections and there are now fewer than 10,000 connections; given the backdrop of a wholly inadequate fixed-line infrastructure, the use of cellular services has surged and subscribership now exceeds 4 million - roughly 7 per 100 persons.” [13]

See Also [Section 6.22 Elections](#)

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19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

GENERAL

- 19.01 Amnesty International's (AI) 2007 report noted that human rights defenders continued to work in extremely dangerous conditions with some NGOs operating under the continuous threat of death and harassment from the authorities. [11w] In an earlier report published on 22 February 2006, AI noted that human rights "...activists have previously been victims of torture, extrajudicial execution and arbitrary arrest. In most areas the local political and military authorities are hostile to the activities of the local NGOs, which they fear may expose their involvement in human rights violations. The activists are frequently called in by the authorities for questioning or to settle so-called 'administrative matters' that are in reality thinly disguised acts of intimidation; their offices are subject to unannounced arbitrary visits by security officials." [11i] (Background)

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TREATMENT OF NON-GOVERNMENT ORGANISATIONS (NGOs)

- 19.02 The US State Department Report on Human Rights Practices in 2007 (USSD 2007), published on 11 March 2008, stated:
- "The main Kinshasa-based domestic human rights organizations included ASADHO, VSV, Committee of Human Rights Observers (CODHO), JED, and the Christian Network of Human Rights and Civic Education Organizations. Prominent organizations operating in areas outside Kinshasa included Heirs of Justice in Bukavu, Lotus Group in Kisangani, and Justice Plus in Bunia, Ituri District. The government's human rights bodies met with domestic NGOs and sometimes responded to their inquiries but took no known actions. There were reports that NGOs seeking to register had to pay bribes to local officials to avoid lengthy application requirements." However, the report also noted that a group of United Nations experts on the DRC "...expressed 'great concern' in their July 18 2007 report about the levels of harassment and threats by FARDC soldiers and armed groups against NGO child protection officials in Ituri District and South and North Kivu provinces." [3k] (Section 4)
- 19.03 USSD 2007 stated that, "The government generally cooperated with international NGOs that published reports on human rights and humanitarian issues and permitted their investigators access to conflict areas. Unlike in 2006, there were no reports of security forces detaining members of international NGOs." [3k] (Section 4)

For further information see relevant sections, including:

[Section 6.01 on Political system](#)
[Section 8.01 on Security situation](#)
[Section 8.19 on Security Situation – Eastern DRC](#)
[Section 10.20 on Police; torture](#)
[Section 11.01 on Military service](#)
[Section 14.01 on Arrest and detention; legal rights](#)

[Section 16.01 on Death penalty](#)
[Section 17.05 on Freedom of association and assembly](#)
[Section 22.01 on Ethnic groups](#)
[Section 25.01 on Women](#)
[Section 26.01 on Children](#)
[Section 31.01 on Internally Displaced Persons](#)

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HUMAN RIGHTS ACTIVISTS

19.04 USSD 2007 reported that:

“A wide variety of domestic and international human rights organizations investigated and published findings on human rights cases. The Human Rights Ministry worked with NGOs and MONUC during the year and responded to requests for information. However, security forces harassed, intimidated, or arrested local human rights advocates, NGO workers, and MONUC investigators during the year. In addition prison officials sometimes obstructed NGO access to detainees.” [3k] (Section 4)

19.05 The USSD 2007 report also stated, “The government generally cooperated with international NGOs that published reports on human rights and humanitarian issues and permitted their investigators access to conflict areas. Unlike in 2006, there were no reports of security forces detaining members of international NGOs.” [3k] (Section 4)

19.06 The AI 2008 report stated, “Human rights defenders continue to suffer attacks and death threats, believed to be perpetrated mainly by government agents. Journalists were routinely attacked, arbitrarily arrested or intimidated because of their professional activities.” [11x]

See also [Section 8.34 on Ituri](#); [Section 8.28 on North Kivu](#)

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20. CORRUPTION

20.01 A report from Global Witness in September 2008 stated:

“The direct involvement of armed groups and the national army of the DRC in tin and gold mining in the east of the country is putting peace efforts at risk... Global Witness field research in July and August 2008 uncovered substantial evidence of the involvement of armed groups, as well as units and commanders... of FARDC in the exploitation and trade of minerals in North and South Kivu. Foremost among the armed groups active in the mineral trade are the predominantly Rwandan FDLR.” It was also reported that researchers openly saw FDLR members selling cassiterite in South Kivu. [36c]

20.02 The US State Department Report on Human Rights Practices 2007, published on 11 March 2008, also noted that, “Corruption remained endemic throughout the government and security forces. The public perceived the government to be widely corrupt at all levels. According to the World Bank's worldwide governance indicators, official corruption was a severe problem.” [3k] (section 3)

20.03 The report continued,

“Weak financial controls and lack of a functioning judicial system encouraged officials to engage in corruption with impunity. Many civil servants, police, and soldiers had not been paid in years, received irregular salaries, or did not earn enough to support their families, all of which encouraged corruption. Reports indicated that the mining sector continued to lose millions of dollars as a result of the corruption of government officials at all levels.” [3k] (section 3)

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21. FREEDOM OF RELIGION

GENERAL

21.01 The USSD International Religious Freedom Report 2008 stated that:

“The Government generally respected religious freedom in practice... However, excessive government response to violence by the primarily political group Bundu dia Kongo (BDK) resulted in deaths and detentions of BDK members and destruction of BDK houses and shrines. There were no reports of societal abuses or discrimination based on religious affiliation, belief or practice. However, there continued to be credible reports that families abandoned or abused persons accused of witchcraft or of being ‘witches’.” [3j]

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LEGAL FRAMEWORK

21.02 The USSD International Religious Freedom Report 2008 stated, “The Constitution provides for freedom of thought, conscience, and religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors.” [3j] (Introduction)

21.03 Freedom House stated in the Freedom in the World report for 2008, “The constitution guarantees religious freedom, which is generally respected in practice, although religious groups must register with the government to be recognised.” [66a] (Political Rights and Civil Liberties)

21.04 The USSD Religious Freedom Report 2008 also stated:

“A statutory order on the Regulation of Non-profit Associations and Public Utilities provides for and regulates the establishment and operation of religious institutions. Requirements for the establishment of a religious organization are simple and generally are not subject to abuse. Exemption from taxation is among the benefits granted to recognized religious organizations. A law regulating religious organizations grants civil servants the power to recognize, suspend recognition of, or dissolve religious groups; however, no one invoked this law in the period covered by this report. Although the law requires officially recognized religious associations to maintain nonprofit status and respect the general public order, they are free to establish places of worship and train clergy.

“A 2001 decree allows non-profit organizations, including religious organizations, to operate without restriction provided they register with the Government by submitting a copy of their bylaws and constitution. The Government requires practicing religious groups to be registered; however, in practice unregistered religious groups operated unhindered.” [3j] (Section 2)

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RELIGIOUS GROUPS

21.05 The USSD International Religious Freedom Report 2008 stated:

“The country has an area of 905,000 square miles and a population of 66.5 million. Approximately 55 percent of the population is Roman Catholic, 30 percent is Protestant, and less than 5 percent each Kimbanguist or Muslim. The remainder generally practices traditional indigenous religious beliefs. Other religious groups include Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (Mormons), and Orthodox Christians.

“Most religious groups are scattered throughout the country and are widely represented in cities and large towns. Muslims are mainly concentrated in the provinces of Maniema, Orientale, and Kinshasa. Members of the ethnically based spiritual and political movement Bunda dia Kongo reside predominately in Bas Congo, although BDK has never attempted to get official recognition as a religious association.” [3] (Section1)

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BUNDU DIA KONGO

21.06 GlobalSecurity.org (accessed 30 April 2008) noted that:

“The Bundu dia Kongo (Kingdom of Kongo) is a political-religious group centred in the Bas-Congo province (west of Kinshasa) which has campaigned for the independence of the Bas-Congo region from the rest of the DRC. Its adherents have to renounce western and eastern religions. It seeks the restoration of the ancient Kongo Kingdom with its pre-colonial boundaries, which encompass parts of today's Angola, Republic of Congo and Gabon. The centre of the kingdom was located in Bas-Congo Province and in neighbouring Bandundu Province in the DRC. Bundu dia Kongo adherents have protested in the past against former presidents Mobutu and Laurent Kabila.” [150a]

21.07 An information response by the Canadian Immigration and Refugee Board (IRB) dated 15 October 2003 also stated:

“According to Yabili [Web site], [translation] The Bundu dia Kongo (Bdk) doctrine, which is compiled in the ‘Kongo Dieto,’ [described by source as an information sheet printed in Kinshasa, whose frequency varies as required] is a hodge-podge of ideas. It covers religion, philosophy, pure science, history, geography and politics. It is tailored to the Bakongo, the chosen people of the worldwide Black race. They are convinced that the DRC is composed not of a single people, but of a heterogeneous group of diverse and sometimes contrasting cultures. This is why they demand an ethnic-based federalism, which has nothing to do with separatism (6 Apr. 2003).” [24b] (p15) [43h]

21.08 A report of December 2003 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) described the sect in detail, including its creation, philosophy, structure, leadership, the conditions and training for new members, its emblem, membership cards and statutes, as well as the events of July 2002 and subsequently. [24b]

- 21.09 The CEDOCA report stated that the basic philosophy of the organisation was to promote the positive aspects of the Kongo ancestral traditions. [24b] (p7) The management committee, as of 2003, was a chief executive, Ne Muanda Nsemi, an administrative director, Malozi ma Mpanza, a secretary (name not known) and a treasurer, Nzaki Bazola. Its office headquarters in 2003 was in Kinshasa. [24b] (p8)
- 21.10 With regard to membership cards the CEDOCA report stated:
- “The membership card is yellow with BDK and the party emblem on it, then it says KALATI KIA KESA which actually means membership card in Kikongo. The card is written in Kikongo (there are none in French). The card includes a photo of the member. NB: no cards have been issued since the events of July 2002. In fact during the events of July 2002, the majority of the schools and zikua were looted by soldiers. As a result, membership cards were found lying about and were then used by certain people who sold them to false members. This is why BDK decided to develop a new design (but it has not yet been issued). Under the circumstances, Ne Muanda Nsemi has written to various asylum authorities to warn them that false members of BDK might produce genuine membership cards. In parallel to this membership card there is a subscription card which is blue. This card is like the first one, but includes the words KIMBANGI KIA KESA = proof of payment.” [24b] (p18-19)
- 21.11 In February 2007 supporters of the movement clashed with security forces in three towns in Bas Congo. They were disputing the results of the gubernatorial elections in the province. As a result of the violence the UN estimate that 134 people had lost their lives, including members of the security forces. [15cg] [65bc] [105d]
- 21.12 AFP reported on 6 January 2008 that five people had been killed after being hit by a police vehicle, as police retreated from a barrier set up by members of BDK in the western Seke-Banza area, where BDK is extremely active. According to a police spokesman “faced with a crowd that had turned threatening (police) commander Dieudonne Odimba Okito ordered his chauffeur to shoot off and it was in this panicked reaction that five people ... were hit”, he said. Witnesses said that shots were fired into the air to disperse the BDK followers armed with stones and clubs. Police said that a senior regional official was wounded in his right eye and a policeman seriously wounded in the leg during the standoff. [65ey]
- 21.13 The USSD Country Report on Human Rights – 2007, published on 11 March 2008, reported that:
- “On January 31 and February 1, security forces in Bas-Congo Province used excessive force against demonstrators of the ethnic separatist group Bundu dia Kongo (BDK), who were protesting the conduct of gubernatorial elections in the province. Demonstrators blocked streets and engaged in other unlawful acts. A report by the UN Mission in the Congo (MONUC) concluded that at least 105 persons were killed, including six police and four soldiers, and more than 100 were injured. It also stated that both sides were to blame.” [3k (1a)]
- 21.14 The clashes followed police operations aimed at routing out BDK strongholds and hunting down militants. The BDK is reported to control its own militia. (BBC News, 22 March 2008) [15a] News 24.com noted on 22 March 2008 that

in response to the violence, the government announced that it had decided to “‘withdraw’ the decision to recognise the BDK as a non profit organisation...” [48c] [15a] as there was no evidence that it was using its status to enhance social activities. [15a]

See also [Section 8 Bas Congo](#) for further information about the Bundu dia Congo

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ARMÉE DE VICTOIRE (ARMY OF VICTORY CHURCH)

- 21.15 A report of December 2003 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) advised that this Church is the main branch of the World Mission for Message of Life (Mission Mondiale Message de Vie) (MMMV) organisation, which was founded by Archbishop Fernando Kutino in 1984. The MMMV has five main areas of activities involving:
- The Army of Victory (Armée de Victoire) Church
 - Kutino Ministries – evangelisation work both in the DRC and abroad
 - The Victory School (école de la victoire) (religious training)
 - Compassion – community work such as schools, old people’s and retirement homes)
 - Radio-Télé Message de Vie [message of life] (RTMV) – MMMV’s radio and television stations. [24c] (p6, 9, 20)
- 21.16 The CEDOCA report stated that the Church was founded in 1989 and had its headquarters in Kinshasa. It had between 10,000 and 15,000 supporters in 2003. Membership cards were issued to the Church’s members. The Church had seven parishes and 26 ‘prayer units’. The leader of the Church was Archbishop Fernando Kutino, who was assisted by 14 bishops. There were 12 church elders who had a spiritual function, deacons, who dealt with the practical management needs of the Church, and church shepherds who were responsible for the prayer units. [24c] (p7, 10-13)
- 21.17 The CEDOCA report also stated that the Church’s emblem was a circle with a sword and a cross forming the ‘A’ for ‘Army’ and the ‘V’ for ‘Victory’ and a flame in the middle. The swords symbolised the word of God fighting against the forces of evil. The flame represented the fire that is the Holy Spirit. RTMV was located at the same place as the headquarters of MMMV and its function was to educate and instruct people about the MMMV and its message. [24c] (p13)
- 21.18 The CEDOCA report also stated that, on 30 May 2003, Archbishop Kutino launched a political/religious movement called Sauvons Congo (Save the Congo). It was created as a means to express people’s frustrations over the failure of politicians to establish a democratic system of government and improve conditions for the Congolese people. Leaders of the movement denounced the problems that affect Congolese society such as corruption and human rights abuses. Government officials viewed the movement with suspicion and some criticised it severely. [24c] (p18-19, 21)

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EVENTS OF JUNE 2003 AND SUBSEQUENTLY

- 21.19 The CEDOCA report stated that on 10 June 2003 police officers in plain clothes raided the Church's premises where the radio station was based. The police officers assaulted Archbishop Kutino, who was having a meeting with members of the Sauvons Congo movement and took away some of the people who had been at the meeting, including Kutino. [24c] (p20-25) The CEDOCA report reported differing sources about whether anyone was arrested, stating that Le Phare and other newspapers reported that arrests had taken place, however interviewees, including church members, and local human rights groups ASADHO and VSV, did not mention any arrests. [24c] (p21, 26)
- 21.20 Christian Today reported on 21 January 2008 that the case of Pastor Kutino (sic) was reopened on 12 December 2007, apparently due to international pressure, but although his case had been reopened, the trail was reportedly being hampered by official obstruction and delays. [116b]

See also [Section 18.01 Freedom of speech and media](#)

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22. ETHNIC GROUPS

22.01 The World Directory of Minorities, issued in 1997 by Minority Rights Group International, advised that there were over 200 ethnic groups in the DRC. [8] (p523-526)

22.02 Referring to languages the same source stated:

“In the Democratic Republic of the Congo the official language is French. In addition, some 250 languages and dialects are in widespread use. Of these, 90 per cent are of Bantu origin. Four of them are referred to as ‘national languages’, namely: Swahili (40 per cent) in the east, in North Kivu, South Kivu, Katanga, Maniema and Orientale provinces; Lingala (27.5 per cent) in Kinshasa (the capital) and the neighbouring region, and in Equateur and Orientale provinces; Kikongo (17.8 per cent) in Bas-Congo and Bandundu; Chiluba (15 per cent) in the provinces of Kasai Oriental and Kasai Occidental. It should also be noted that in the northern part of the country the many spoken languages belong to the Niger-Congo family (Ubangian subgroup) and the Nilo-Saharan families (central Sudan group and Nilotic subgroup).” [60g]

22.03 Ethnologue provides maps showing the main locations for Congolese ethnic groups and languages. [6b]

22.04 The US State Department Background Note of October 2008 affirmed that “Although 700 local languages and dialects are spoken; the linguistic variety is bridged by the use of French and the intermediary languages Kikongo, Tshiluba, Swahili and Lingala.” [3k] (People)

22.05 Ethnologue provided the following information:

“Lingala is widely used in Bandundu, Equateur, and Orientale provinces, except the southeast of Orientale; and is also spoken in the Central African Republic and the Republic of Congo; alternate name: Ngala. Luba-Kasai is used throughout Kasai Occidental and Kasai Oriental provinces; alternate names: Luba-Lulua, Tshiluba, Western Luba, Luva. Koongo is used in the Bas-Congo Province and around Mbanza Manteke, Fioti north of Boma, and scattered communities along the Congo River from Brazzaville to its mouth, and is also spoken in Angola, and the Republic of Congo; alternate names: Kongo, Kikongo, Congo, Kikoongo. Congo Swahili is used throughout the Katanga, North-Kivu, South-Kivu, and Maniema provinces and the southeastern part of the Orientale Province. There are other varieties of Swahili in East Africa. Alternate names: Zaïre Swahili. Dialects: Ituri Kingwana, Lualaba Kingwana, Katanga Swahili, Kivu Swahili.” [6a]

See also [Section 1 on Geography](#)

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ETHNIC ISSUES

22.06 The UNHCR Global Appeal 2005 noted that “The DRC’s internal and external problems are fuelled by power struggles revolving around ethnicity and the

desire to control the immense untapped natural resources of the country.” [60a] (p84) The 2007 Country Profile by the Economist Intelligence Unit stated, “Ethnic conflict is apparent in several areas of the country: between the Hema and Lendu around Bunia in Orientale province, between Congolese Tutsis (Banyamulenge) and other groups in the Kivus, and between the baLuba of Kasai and the Lunda of Katanga.” [30f] (p18)

- 22.07 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that, particularly in the east, members of mixed marriages between different ethnic groups such as the Hema, Lendu or Banyamulenge may be rejected by each of their communities, and that a family of mixed ethnicity should be identified as a group at risk. [52] (p117)
- 22.08 The United Nations (UN) Special Rapporteur also stated in March 2004:
- “The Special Rapporteur notes that the Batwa pygmies are not represented in political life or civil society but are the targets of human rights violations. In Maniema, she was able to meet representatives of pygmies living in the Kabambare, Kailo, Kasongo and Kibombo areas and was told of the grave human rights violations committed against them. She also received reports from pygmies living in Kinshasa. Minority indigenous peoples continue to be subjected to large-scale acts of discrimination of all kinds by the population. They are among the first victims of massive human rights violations.” [55b] (p19)
- 22.09 On 3 August 2007 MONUC issued a statement in which it stated that “It is with great concern that MONUC notes the multiplication of rumours, speeches, leaflets, radio and television broadcasts, press articles, or crowds’ manipulation, calling for incitement to inter-communitarian, ethnic or tribal hatred, intolerance, exclusion and xenophobia”. The statement went on to say that such acts were committed and peddled more frequently in several parts of the DRC, mainly in Kinshasa and in the east of the DRC, in particular in the Kivus, and called on the DRC authorities to ensure that those responsible for inciting the population were held accountable for their acts. [56cg]
- 22.10 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, reported that, “Members of virtually all of the country’s more than 400 ethnic groups practiced societal discrimination on the basis of ethnicity, and discrimination was evident in hiring patterns in some cities. The government took no reported actions to address this problem.” [3k] (Section 5)
- 22.11 Freedom House also stated in the Freedom in the World report for 2008, “Societal discrimination based on ethnicity is practiced widely among the country’s 200 ethnic groups, particularly against the various indigenous Pygmy tribes and the Congolese Banyamulenge Tutsis.” [66a] (Political Rights and Civil Liberties)

See also [Section 8.19 on Security situation – Eastern DRC](#)

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BANYARWANDA/BANYAMULENGE/TUTSIS IN EASTERN DRC

- 22.12 The history of the Banyarwanda ethnic group in eastern DRC was described by the World Directory of Minorities (1997):

“When colonial boundaries were drawn in the late nineteenth century many Banyarwanda (Hutus, Tutsis and Twa, who all speak Kinyarwanda) found themselves on the Zaire side of the Rwandan border, in Kivu province. More Banyarwanda subsequently crossed from Rwanda to work on Belgian colonial farms. In the late 1950s (and subsequently) Tutsi refugees fleeing persecution in Rwanda also crossed to Zaire; Banyarwanda came to comprise around half the population of North Kivu, yet were widely viewed as ‘foreigners’ by other ethnic groups. The waves of immigration intensified competition over land.”

- 22.13 The source added that the situation deteriorated into a virtual civil war in 1992—93. [8] (p524)

- 22.14 There is also an ethnic group known as the Banyamulenge, defined in ‘The Historical Dictionary of the Democratic Republic of Congo’ by F Scott Bobb as “A group of primarily ethnic Tutsis who before independence migrated from Burundi and Rwanda into the Mulenge Mountains of South-Kivu. Like the Banyarwanda living in North-Kivu, the Banyamulenge were drawn into the interethnic violence that spilled into Zaire from Rwanda and Burundi in the 1990s.” [68] A report by the International Crisis Group of July 2004 also explained that “The Banyamulenge are the Congolese Tutsi community in South Kivu.” [39a] (p3 footnotes)

- 22.15 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) stated that, “In fact, the consensus is that the Banyamulenge narrowly speaking (the Tutsi community of the high plains of Itombe, South Kivu) have immigrated to these areas long before the beginning of colonial rule. Also, their origin seems to be Rwandan, rather than Burundian. Burundians also immigrated to South Kivu (mostly the plains between Bukava and Uvira), but they need to be distinguished from the Banyamulenge.” [102]

- 22.16 A report by the International Crisis Group (ICG) of March 2005 stated that in November 2004, “A law effectively granting citizenship to the Kinyarwanda speaking communities in the east was passed”. The same report added a footnote that “The law grants citizenship upon individual application to those whose tribes were present in the Congo at independence in 1960.” [39d] (p15)

- 22.17 A report of 14 May 2005 from BBC News Online about the proposed post-transition Constitution approved by the National Assembly in May 2005 also stated, “It also recognises as citizens all ethnic groups at independence in 1960. This article is recognition of the citizenship of thousands of ethnic Tutsis, who were transplanted to the then Belgian-ruled Congo back in the 19th Century.” [15k]

- 22.18 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) stated that this report mixed different historical processes and was erroneous on two accounts.

“First that in the 19th century, movement of Rwandan Tutsi to the Congo was either voluntary and part of the expansion of the Rwandan state (for whom central Rwandan elites acted as a spearhead) or, by contrast, was driven by the search for autonomy from the Rwandan state. Rwandan Hutus migrated to the Congo in search for land, but also in search of autonomy from the state. In addition, there were also autochthonous ‘Hutu’ communities in Bwisha (Rutshuru), although they only came to see themselves as Hutu with the incorporation of that territory in the Rwandan state. Thus, it is wrong to frame the migration of Rwandans in the 19th century in terms of colonial resettlement policies (which the term ‘transplanted’ evokes). Rwandans of both ethnic groups (but with different roles and statuses) were transplanted to the Congo only from the mid 20th century onwards in the framework of a massive resettlement programme. [101]

22.19 The International Centre for Migration Policy Development notes that the new constitution and the new citizenship act clearly also gives these colonial immigrants (or ‘transplantés as they are often called) Congolese citizenship.” [102]

22.20 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated:

“The present report makes references to the chronology of their arrival in Congo, saying that the Banyamulenge arrived before independence into the Mulenge mountains of the South Kivu from Rwanda and Burundi, and the Tutsis arrived to Congo due to the conflicts in the 1990s in Rwanda and Burundi. However, Tutsis like Hutus have not migrated from Rwanda/Burundi but were found to be living in the area between the Occidental Rift and the lack [sic] Victoria by the Europeans in the XIXth century. There was never a conquest from the North or the East by the Tutsis into Congo. At the time of independence those people were found to be separated by the borders dividing Rwandan/Burundi/Congo. Those same people who have always lived in the South Kivu were once before given the Congolese nationality under the Mobutu regime by a nationality law dated 1971, but a subsequent law in 1982 retroactively withdrew their Congolese nationality. It is only recently with the 2004 nationality law that the Congolese citizenship can be granted to those whose tribes were present in the Congo at independence in 1960. Munyamulenge (plural for Banyamulenge) are considered and consider themselves Congolese, whereas Tutsis are not, they are viewed as foreigners – Rwandans or Burundians — who arrived in the Congo (mostly in North Kivu) at different times and were never considered for Congolese citizenship. It has to be made clear that Munyamulenge are not all Tutsis. The issue of statelessness of the Munyamulenge which might appear to have been solved by the 2004 nationality law, has not yet produced effects, in practice there is no example of cases of Munyamulenge who have successfully obtained the Congolese nationality. As an indication, during the voters’ registration there were some incidents reported over the registration in the Kivus by ‘tutsis’ being Munyamulenge or alien tutsis whose nationality was reported to be unclear. (Atlas des Peuples d’Afrique, Jean Sellier, Edition La Decouverte, Paris 2004, pp 143, 167, 171, 173,175-177). The persecution and discrimination suffered by both groups, Congolese Banyamulenge and aliens [sic] Tutsis is very much similar.” The document went on to say that there should be no differentiation in the approach to these groups”. [60g]

22.21 In the evaluation report of the COIS April 2006 Report, Albert Kraler of the International Centre for Migration Policy Development (ICMPD) stated that this statement by the UNHCR contains factual errors. He stated:

“First the summary of the statements contained in the October 2005 report by the UNHCR commentary contains two major errors, which are not corrected by the commentary that follows. The first one has already been dealt with above (the arrival of Banyamulenge before Independence and their origin from Rwanda and Burundi). A second error contained in that summary is the claim that Tutsi also arrived because of the conflicts of the 1990s. There was a major wave of refugees in the 1960s in the wake of the ‘Rwandan revolution’ (1959-1962) and following massacres in 1963 as well as ethnic persecution in 1972. In the 1990s, the thousands of Rwandan Tutsi managed to escape the genocide to the Congo, where they remained only briefly, fleeing the arriving Hutu refugees, or more precisely, the Interahamwe and ex-government forces which arrived in the Congo with the Hutu refugees”. [101] [102]

“While it is true that some Tutsi as well as Hutu were living in the area of present-day Congo before colonisation, they were restricted to specific areas and had specific histories. In the south, the main settled community of Rwandan origin were the Banyamulenge. Another area of traditional settlement of Rwandans was Bwisha (present day-Rutshuru territory). The population, however, was almost entirely made up by Hutu and only few aristocratic members of the Rwandan Tutsi elite settled there in the course of the expansion of the Rwandan central state in the 19th century. While the southern Tutsi community was relatively insulated both from neighbouring groups as well as the Rwandan states, Bwisha became incorporated into the Rwandan state in the 19th century and received a constant trickle of migrants. Thus migration and previous settlement are not contradictory in this context. Thus, the only communities whose ties to Rwanda were severed through colonial boundaries were the inhabitants of Idjwi (the island in Lake Kivu was only loosely integrated into the Rwandan state at the time of colonisation and initially was part of German East Africa until boundaries were demarcated), and the Rwandan communities in Bwisha and Rwandan communities in the south of Uganda” [102]

22.22 Dealing with the UNHCR comments on Munyamulenge, Mr. Kraler stated:

“In fact, Munyamulenge is the singular for Banyamulenge. More important, although the nationality of the Banyamulenge was contested, legally, the Banyamulenge should always have been considered Zairean citizens as made clear in a previous commentary to the April 2005 report. More important, the second part of the quote completely misrepresents the actual situation: both Tutsi and Hutu immigrants who came to Eastern Congo from the 1920s onwards (and sometimes even before) are viewed as foreigners by many locals, however, many of these consider themselves Congolese and indeed have a strong claim to Congolese nationality. It is actually these immigrants that were most affected by successive changes of citizenship legislation under Mobutu, if very often not in practice (as it was relatively easy to obtain a citizenship card through bribing the relevant authorities). In addition, the academic consensus is that Banyamulenge in the narrow sense are exclusively Tutsi (in contrast to the last sentence of the quote). However, in popular language Banyamulenge is often taken as a term for either Congolese

Tutsi or Congolese Kinyarwanda-speakers in general, although the term should be reserved to the actual Banyamulenge community in South Kivu.” [102]

22.23 Commenting further on the UNHCR report he stated:

“Finally, the UNHCR report states that ‘The persecution and discrimination suffered by both groups, Congolese Banyamulenge and aliens [sic] Tutsis is very much similar.’ The author of this report feels that the label ‘alien Tutsi’ is a serious and dangerous misnomer, since many of these Tutsi are second or third generation immigrants and thus have a strong claim to nationality, in particular under the new nationality legislation.” [102]

See also [Section 5.01 on the Constitution](#); [Section 33.01 on Citizenship and nationality](#)

22.24 USCRI also reported that “In July [2004], the military and local authorities detained 283 Rwandan immigrants and Congolese of Rwandan ancestry in a military camp in Bunyakiri [South Kivu] for two weeks and, with UNHCR’s assistance, deported them to Rwanda, which granted them asylum. UNHCR reported that those deported were not refugees but second-generation Congolese nationals of Rwandan origin.” [53]

22.25 A letter from the British Embassy in Kinshasa dated 7 June 2007 stated:

“The Embassy has regular contacts with many members of the Tutsi population in DRC, both those based in the Kivus and those who live in Kinshasa.

“Tutsis continue to face serious difficulties in the Kivu provinces, where their relations with other local communities remain poor. In non-Tutsi dominated areas, Tutsis face regular harassment from police and armed forces, although the extent of such harassment is overstated by Tutsi lobby groups. The recent fighting between pro-Laurent Nkunda forces and FARDC or FDLR troops has exacerbated anti-Tutsi feeling in the Kivus, which continues to be fuelled by many Congolese politicians, but thus far it has not manifested itself in anything more serious than the regular harassment and some arbitrary arrests.” [22x]

22.26 The Economist Intelligence Unit Country Profile 2008 noted that the situation between the Congolese Tutsis (Banyamulenge) and other groups in the Kivus is one of the main ethnic conflicts in the country. [30h]

22.27 The British Embassy’s view was echoed by a report from allAfrica, which noted on 18 October 2007 that Tutsis in spite of being only one of over 200 ethnic groups in the DRC, have for long been a vulnerable group. A press release from MONUC noted that the Congolese Tutsis were the victims of discrimination in DRC, treated as second class citizens. Ethnic Tutsi have for some time been considered as outsiders and continue to be discriminated against. [74dr] [8] (p523-526)

22.28 On 1 August 2007 the BBC reported that UN monitors had evacuated the town of Moba after two of their civilian staff were injured in rioting that took place when people took to the streets, angered by rumours that ethnic Tutsis who fled during the war may be returning to the area. According to the report the

unrest began in the early hours of the morning with people shouting anti-Tutsi slogans. The UN's offices were then targeted and some vehicles destroyed. [15dc]

- 22.29 IRIN reported on 2 August 2007 that calm had returned to Moba after demonstrators wounded four UN military observers and destroyed several offices belonging to the UN and NGOs. FARDC troops prevented the crowds from attacking other UN agencies. A spokesperson for the UN said that there were no plans to repatriate the Banyamulenge. The Moba Member of Parliament stated "The news of the repatriation of Banyamulenge refugees did not please the residents as the Banyamulenge had killed a traditional chief of an indigenous group during the war in 1998". Residents claimed that demonstrators were in their thousands, but MONUC estimated the group at less than 1,000. [18fp]

See also [Section 8.19 on Security situation – Eastern DRC](#);

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TUTSIS IN KINSHASA

- 22.30 A letter from the British Embassy dated 7 June 2007 stated:

"In Kinshasa, the Tutsi community is small, probably no more than 60 people. There is also a small detachment of mostly Tutsi soldiers who work as former Vice-President Ruberwa's bodyguards, and some Tutsi officers in the FARDC high command. Many of the Tutsis living in Kinshasa have a high political profile.

"For the most part, Tutsis in Kinshasa go about their daily business unmolested, although they are subjected to more racist comments in the street than other Congolese ethnicities (but less than white people are). Over recent years, many of the Tutsis resident in Kinshasa were men who had left their families in the Kivus or overseas. Many have begun to or plan to bring their families to Kinshasa, reflecting their increased confidence in their local security.

"Recent fighting in eastern DRC has seen Nkunda blamed, and Tutsis demonised by certain sections of the Kinshasa media and political scene. However, we have no reliable evidence to suggest that this has translated into increased harassment or other abuse of Tutsis in the city.

"There are currently no Tutsis in the government. However there are strong rumours that one or more RCD Tutsis will be appointed to the government during a reshuffle expected in the second half of 2007. There are Tutsi members of both houses of parliament, in total we estimate there to be 5, the most prominent of which is Senator Moise Nyuragabo, who was elected for Kinshasa province. There are Tutsi members of provincial assemblies and provincial governments as well". [22x]

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23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

23.01 The 1998 survey by the International Gay and Lesbian Association reported that the Pink Book had stated that parts of the Penal Code concerning ‘crimes against family life’ could be used to punish homosexual acts. This included laws governing assaults against a person, with a penalty of six months to five years imprisonment; rape, with a penalty of five to 40 years imprisonment; and assaults on minors, as a ‘break [sic] of public morals’ with a penalty of a fine and five months to five years imprisonment. [45] However, in comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated “In Congolese Criminal Law, higher punishments are 20 years imprisonment or life imprisonment. There is no 40 years imprisonment.” [60b]

23.02 A country fact finding report of 2002 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) also noted that:

“The Congolese Criminal Code does not contain any article dealing with homosexuality or makes it a criminal offence. Some international organisations for the defence of homosexuals state that articles 167,168,170 and 172 of the Zaire Criminal Code, ‘Section II: Indecent Assault, Rape’ and ‘Section III: Offences Against Common Decency’ could be used by the authorities to punish homosexuality. However, information obtained from organisations in defence of human rights in Kinshasa includes no indication of these suppositions. It is, however, an established fact that homosexuality is taboo in DRC. Merely raising the subject makes some interviewees feel embarrassed.” [24a] (p28)

23.03 The same report stated that the observers questioned on the subject did not know of any cases of Congolese being persecuted by the authorities because of their sexual orientation. They did not know of the existence of an organisation for the defence of homosexual rights. The report referred to comments from two local human rights groups, CODHO (Committee of Human Rights Observers), and VSV (La Voix des Sans-Voix) that homosexuals are rejected by society and homosexuality cannot be displayed in public; however, homosexuals could manage to live as they wish in Kinshasa if they remained discreet. The report also stated that there were a number of clubs in Kinshasa where homosexuals meet. [24a] (p28)

23.04 A report from the British Embassy in Kinshasa dated 10 April 2007 stated the following:

Legal rights

- There are no laws explicitly punishing or discriminating against LGBT persons. However, LGBT people face wide social discrimination. Be that as it may, the Constitution, while not overtly granting them the right of marriage, seems to have a loophole for that, as constitutional specific provisions relating to marriage do not clearly indicate that it should be undertaken by *persons of different genders*. They only state that “...marriage must be entered into by two individuals.”
- They do not benefit from any legal protection whatsoever, more so as their alternative lifestyle still constitutes a legal issue not addressed by the DRC lawmakers of all times.

- No enforcement (there are no laws yet)

Government attitudes

- LGBT people are mostly negatively portrayed by DRC politicians, although this is not often a central campaign focus for politicians. These politicians hail from a society that is extremely intolerant to any sexual practices termed “against nature”. Besides, most of them claim to be or are Christians so that LGBT are, in their eyes, violators of the biblical principles.
- Evidence of police/authorities taking actions against LGBT people are few and far between. There is no legal basis to substantiate any such actions, so LGBT people are seldom disturbed by police/authorities.
- LGBT people are a tiny (but slowly growing) minority which has not yet felt strong enough or sufficiently accepted to aggregate into any form of organised group.
- The government does not provide funding to LGBT groups, as there are not any yet in existence. It is unlikely that the government would fund them in the present climate.

Social and economic rights

- It is difficult to tell what social rights are denied them. LGBT people scarcely display their LGBT status so that they can still have access to education, health care or employment opportunities. Yet, those few who challenge the social intolerance are likely to also face denial of a number of social/economic rights.
- Theoretically LGBT people can enlist in the army without suffering violence or discrimination. There is, however, a strong probability of them being victims of violence/discrimination if their status is revealed.

‘Societal’ ill-treatment or discrimination

- General perceptions and treatment of LGBT people by the majority of DRC population are very negative. There are two major societal inhibiting factors towards LGBT status: religious factor and African (Bantu) cultural aspects. On the religious side, the DRC (although constitutionally a secular state) is around 75-80% Christian. Prevailing religious doctrine is either very traditional Catholic/Protestant or revivalist Christian. Either way, religious teaching in DRC is strongly anti-homosexual. Any homosexual and/or transgender behaviour is, hence, seen and socially condemned as being abnormal/unacceptable. Congolese (Bantu) culture finds LGBT status to be practically unthinkable.
- As mentioned in the preceding bullet, major religions in DRC regard and unanimously condemn sexual minorities as “filthy sinners”. The practical impact of these religions’ views is that their strong influence shapes the general stigmatisation of Congolese LGBT people.

- LGBT persons are often called names in DRC society. The verbal invective targeting them can be construed as part of the 'societal' violence/harassment inflicted them.
- The police virtually never consider complaints (if any at all) filed by LGBT persons. [22b]

23.05 The Mail&Guardianonline on 28 April 2007 reported a Congolese human rights activist, now living in Nairobi, as saying that he suspected that he was imprisoned for six months in Kinshasa prison, where he was continually abused, because he openly admitted being homosexual. "If you are gay in Congo, you become an outlaw" he is quoted as saying. After leaving prison, he left the DRC for Uganda, where he was granted asylum. "When the authorities found out that I was gay, I was asked to leave the country" he said. [105f]

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24. DISABILITY

24.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated:

“The law prohibits discrimination against persons with disabilities; however, the government did not effectively enforce these provisions, and persons with disabilities often found it difficult to obtain employment, education, or government services. The law does not mandate access to buildings or government services for persons with disabilities. Some schools for persons with disabilities, including the blind, received private funds and limited public funds to provide education and vocational training.” [3k] (Section 5)

24.02 Care for handicapped people was given in some cities, such as Kinshasa, Mbuji Mayi and Kisangani, by an international organisation, Handicap International. This included supporting a Centre for the Rehabilitation of Handicapped People (CRHP) in Kinshasa. [32]

24.03 An UK based NGO called ‘The African Physical Handicapped Initiative Development (TAPHID)’ noted that around 3.5 million people in the DRC have a disability, over 85 per cent of whom are unemployed. “Of these working adults, nearly one third earn an income below the poverty level. ... People with disabilities are nearly twice as likely as people without disabilities to have an annual household income of \$65.00 or less.”

- Nearly 40 per cent of persons reporting a disability live in the east of the country.
- 56 per cent of the total disabled population live in the countries towns and cities, but mainly Kinshasa.
- 145,000 thousand are disabled children.
- 90% of rehabilitation measures in D R Congo are undertaken by international ONGs. [128]

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25. WOMEN

LEGAL RIGHTS

25.01 The Natlex index of the International Labour Organisation stated that family law is governed by Law 87/010 of 1 August 1987. [69]

25.02 The US State Department Human Rights Report (USSD 2007), published on 11 March 2008, stated that:

“Women did not possess the same rights as men in law and in practice. The law requires a married woman to obtain her husband’s consent before engaging in legal transactions, including selling or renting real estate, opening a bank account, and applying for a passport. Under the law women found guilty of adultery may be sentenced to up to one year in prison; adultery by men is subject to legal penalty only if judged to have ‘an injurious quality’.” [3k] (Section 5)

25.03 “The Family Code recognizes equality between the spouses (art. 330), but effectively renders a married woman a minor under the guardianship of her husband. Article 444 stipulates that the wife must obey her husband; article 448 requires a woman to obtain her husband’s authorization to effect any legal act for which she must present herself in person. The law also endorses double standards on marital fidelity: all cases of adultery committed by a married woman are punishable by six months to one year of imprisonment, whereas male adultery is only punishable if it is of an ‘injurious quality’.” (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) [100b] (p21)

25.04 Amnesty International (AI) in a report of 26 October 2004 ‘Mass rape – Time for remedies’ stated:

“There is a direct link between discrimination practised against women in general and the exacerbated violence inflicted on women in times of war. The fact that women in the DRC are considered to be second-class citizens is closely related to the violence inflicted on them and to the discriminatory absence of appropriate measures on the part of the State to combat such violence.

”Before the war, women suffered economic, social, cultural and political discrimination. The situation for women has deteriorated since the start of the armed conflict. Widows or rape survivors fare even worse than the rest of the female population. According to one Congolese activist, ‘In some traditions, for example, women who have lost their husbands, are, as widows, considered to be the property of the husband’s family. In this way, they often become victims of sexual violence from members of his family.

“The legal system discriminates against women on different levels. For example, under Article 448 of the Family Code (Code de la famille), while unmarried women over the age of 18 are treated as equal before the law, a married woman who wishes to take a case to court must first ask her husband’s permission (10). [footnote: ‘10. Similarly, until October 2002, when the Labour Law (Code du Travail) was amended, women had to ask their husband’s permission before applying for a job.’]

“The law criminalizing consensual sex out-side marriage, termed as adultery, is also applied differently to husband and wife. Article 467 sub-section 4 of the Family Code lays down a term of imprisonment of six months to a year and a fine for a married women [sic] committing adultery. A husband, however, will only face the same punishment if behaviour covered by this law is found to be of an ‘offensive character’ (caractère injurieux) (Article 467, paragraph 2).

“Article 352 of the same Code provides for different ages of marriage for men and women: women/girls need only be aged 15 or over, men have to be aged 18 or above. Given the very high number of forced marriages, human rights organizations are campaigning for the law to be changed in favour of an equal age of marriage for both sexes.

“According to article 490 paragraph 2 of the Family Code, whatever the marriage settlement, the management of the wealth is entrusted to the husband.

“These are among examples of a number of discriminatory provisions in Congolese legislation.” [11c] (p10)

- 25.05 Freedom House also stated in the Freedom in the World report for 2008, “Despite constitutional guarantees women face discrimination in nearly every aspect of their lives, especially in rural areas, where there is little government presence. The law requires a married woman to obtain her husband’s permission before engaging in routine legal transactions.” [66a] (Political Rights and Civil Liberties)

POLITICAL RIGHTS

- 25.06 The United Nations (UN) Special Rapporteur stated in a March 2004 report that “several women’s associations in Lubumbashi and elsewhere had told her about the difficulties they face when they try to take part in political life through a political party, and have expressed the desire to become involved in political life through community organisations.” [55b] (p18-19)

A report by the Integrated Regional Information Networks (IRIN) on 10 March 2005 reported comments by women’s representatives on International Women’s Day that “Women are still under represented at decision-making levels in the Democratic Republic of Congo’s (DRC’s) institutions, reduced to the role of house help and have even become victims of repeated sexual violence”. The report also stated:

“The UN Development Fund for Women (UNIFEM) gender adviser, Miranda Kabefor, told IRIN that women were far from attaining 30 percent representation in decision-making bodies of the government – the Senate, the National Assembly, and heads of public firms. She said more concrete action was needed.... There were, she said, just nine women among the 61 ministers and vice ministers in the transitional government, and only 60 women sit in the two chambers of the 620-member parliament. The same situation prevails in state-owned firms.

“One reason for the low representation of women in state bodies could be a reflection of their low enrolment in school. UN Children’s Fund (UNICEF) statistics illustrate this.” [18ah]

- 25.07 In the twenty-first report by the UNSG in June 2006, he stated that according to figures from the Independent Electoral Commission about fifty per cent of registered voters in the election were women. It was also reported that MONUC is continuing to work with other UN and national and international organisations to establish and strengthen women’s networks, platforms and consultation frameworks and to launch media campaigns, training and sensitisation sessions nationwide. The report also noted that four women had registered as candidates for the presidential elections, and that 13.5 per cent of candidates for the legislature were women. [54i]
- 25.08 Reporting on the government reshuffle which took place in November 2007 BBC Monitoring stated on 26 November 2007 that a new ministry had been created, that of Gender, Women and Children, which had been given to Philomene Omatuku, who was previously Minister of Social Affairs. [95dw]
- 25.09 MONUC reported on the 7 December 2007 that on that day a one day plea, for an equal man-woman representation within the National Independent Electoral Commission (CENI) initiated by the Permanent Dialogue Framework of the Congolese Woman (CAFCO) was held in the Palais de Peuple in Kinshasa. The aim was that members of parliament respected the equality man-woman law in the bill on the CENI. They were addressed by the Special Representative of the UN Secretary General for the DRC, William Swing, who encouraged CAFCO in their plea which “is justified and completely legitimate” and on which their representation in future local elections depends. Mr. Swing stated that it was the will of the UN to encourage the active participation of women in decision making, referring to Security Council Resolution 1325 on “Women, peace and Security”. He went on to congratulate the country in devoting article 14 of the Constitution in this regard, but deplored the application of this law which “was not effective through the electoral law”, because of article 13 which stipulates that “the non realisation of man woman equality during the next elections is not a reason for inadmissibility of a list”. [56cs]

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SOCIAL AND ECONOMIC RIGHTS

- 25.10 The Report of the UN Special Rapporteur on violence against women, its cause and consequences, 28 February 2008 observed “In almost all ethnic groups, bride price is practised, which leads some men to believe that they have ‘bought’ their wife. Punishment of women’s ‘disobedience’ enjoys considerable social acceptance, whereas the concept of marital rape is often not understood.” [100b] (p21)
- 25.11 An IRB information response dated 9 January 2006 on forced marriages stated that according to two sources 74 per cent of girls between the ages of 15 and 19 in the DRC were already married. Amnesty International reported, without naming the ethnic groups concerned, the existence of a “very high number of forced marriages” in the DRC. An article posted on a DRC civil

society website societecivile.cd stated that early marriages were among the main problems that women face in the DRC. The response then went on to detail the various ethnic groups that practice forced marriage. [43u]

- 25.12 The USSD 2007 report stated, “The constitution prohibits forced prostitution and bans prostitution of children under age 18. Although no statistics were available regarding its prevalence, adult and child prostitution occurred throughout the country, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There were anecdotal reports that members of the security forces harassed or raped women engaged in prostitution.” [3k] (Section 5)
- 25.13 The same source also stated “Sexual harassment occurred throughout the country; however, no statistics existed regarding its prevalence. The 2006 sexual violence law prohibits sexual harassment, and the minimum penalty prescribed by law is a prison sentence of one to 20 years; however, by year's end judicial authorities had yet to prosecute any cases.” [3k] (Section 5)
- 25.14 On 20 September 2007 allAfrica.com reported that the launch of UN resolution 1325 in the DRC, entitled “Women, Peace and Security”, had taken place the previous day in Kinshasa. The resolution envisaged an action plan aimed at empowering women in order to have gender equality and a durable peace, where there is no impunity for sexual violence and other human rights violations against women. The resolution puts the focus on implicating women in decision making at all levels of society, whether in peace, conflict or post conflict situations. The DRC Minister for Women and the Family said the situation of women in the DRC was of concern, and all decision-makers should pay attention to this, notably in the economic arena where women are often far poorer than men. She also cited “rising mortality and illiteracy, non-schooling of girls, low numbers of women in decision making positions and in employment, and sexual and other violence against women, despite the fact that 80% of the population survives thanks to the efforts of women in the casual sector”. The Minister also announced the holding on 25 November 2007, of the first National Solidarity Congress for Congolese women, which would unite more than 2,000 from the whole country under the theme “Gender Equality, Feminization of Aids and No Violence against Women”. The Minister of the Interior recognised the merit of resolution 1325 in favour of Congolese women which will serve as “a political reference document for everything concerning gender in the DRC”. [74cz]

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VIOLENCE AGAINST WOMEN

- 25.15 The Report of the United Nations Special Rapporteur on violence against women, its cause and consequence stated, “Extreme sexual violence against women is pervasive in the Democratic Republic of Congo (DRC) and local authorities did little to stop it or prosecute those responsible... Rape and brutality against women and girls are ‘rampant and committed by non-state armed groups, the Armed Forces of the DRC, the National Congolese Police, and increasingly also by civilians’...”

- 25.16 The report went on to note with concern that an increasing number of rapes was being committed by civilians, creating a situation where general violence against women has “eroded all protective social mechanisms”. Violence and sexual violence against women is now accepted by large sections of society as normal. (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) [100b] (p2-7)
- 25.17 The UN Special Rapporteur went on to note that, “Many survivors of sexual violence are severely injured, since most rapes are collective and carried out with an extraordinary brutality. ... In some cases, the perpetrators deliberately seek to destroy the victim’s genital and reproductive organs.” Authoritative estimates suggest that around “... 20 per cent of all rape victims have suffered irreparable damage to their genital organs” with many women continuing to suffer from long term ill-health. As an example of the brutal treatment that some women and girls suffer, the report noted the case of a 10 year-old girl who was abducted by armed men before being severely assaulted with a stick rammed into her vagina damaging her genital organs. Often as a consequence of sexual violence, a high proportion of women will be infected with HIV or another sexually transmitted disease – around 22 per cent of rape victims in South Kivu are believed to have been infected in this way. [100b] (p14)
- 25.18 The report further noted that aside from acts of violence committed by strangers, domestic violence and marital rape are considered to be socially acceptable. Outside the domestic sphere, women often faced discrimination and violence in the workplace. [100b] (p21)
- 25.19 A report published jointly by the African Association for the Defence of Human Rights (ASADHO-RAF) and the World Organisation Against Torture (OMCT) in August 2006, entitled Violence Against Women in the DRC, stated that the draft of a new law against sexual violence was passed on 22 June 2006 by Congolese members of parliament and was awaiting presidential approval. The new law corrects the deficiency of the Congolese Penal Code in terms of:
- definition of rape;
 - expansion of the definition of rape beyond sexual penetration only;
 - extension of the crime of rape to male victims;
 - acknowledgment of sexual slavery, sexual harassment, forced pregnancy, paedophilia, forced zoophilia, and other sexual crimes in the Penal Code;
 - inclusion of unambiguous language;
 - correlation of the penalty with the gravity of sexual violence crimes;
 - prohibition of the compromise fine;
 - swiftness in the investigation of the causes of sexual violence;
 - judicial in camera hearing (huis clos) to protect victims’ confidentiality;
 - waiver of court costs for victims of sexual violence;
 - psycho-medical assistance for victims;
 - strengthening of the protection of children;
 - legal assistance to victims during all phases of the procedure.
- The report went on to say “therefore, the proposed law takes into account the gravity of sexual violence. It recognises new sentences by reforming penalties and reinforcing victims’ protection, including children.” [98]

- 25.20 Women's Net reported on 14 April 2008 that a workshop promoting the new sexual violence law in DRC was held on 31 March 2008 in Kinshasa. []
- 25.21 The OMCT report went on to state that a concerted initiative on sexual violence brought together the United Nations, the Congolese Government and NGOs which help victims of sexual violence. This initiative is composed in part by legal and psycho-medical assistance, and in part by advocacy. The limited means, the limited restoration of the State's authority on the whole territory, the lack of independence and efficiency of the courts, the high number of cases of sexual violence in certain parts of the country where residual armed conflicts continue, make the impact of this initiative considerably relative. [98]
- 25.22 This initiative is not limited to a proposition of law but also proposes health, legal, economic, psychosocial and security assistance to victims of sexual violence. Indeed, when victims register complaints, a mechanism of protection must be assured in order to encourage them to break the silence and to fight for their rights. [98]
- 25.23 Awareness-raising actions have begun with the solidarity of women from eastern parts of the country and have focused on the fight against impunity. In spite of this, the number of victims continues to grow, and offenders need not worry even if they have been reported. During March 2005, an awareness-raising campaign against impunity for rape was initiated by the Human Rights Ministry. According to Mrs. Madeleine Kalala, the Human Rights Minister; the campaign especially targets civil and military magistrates. This campaign continues. [98]
- 25.24 Dealing with violence against women in the armed conflict situation, the OMCT report stated, "The rape of women has been used as a war crime during the different armed conflicts of the DRC. Nowadays, in certain parts of the country, women and children continue to undergo rapes, which generally go unpunished due to the weakness of the legal system and the inefficiency of the justice system." [98]
- 25.25 The report stated further, "Despite the insufficiency of statistics on the subject, it is possible to affirm that most women who were raped during the war were often detained by their aggressors, who could regularly abuse them. Such cases were principally noted in the East of the country, in the provinces of North and South Kivu, of eastern Maniema and of Kalémie (Katanga)." [98]
- 25.26 The report also noted, "In the province of North Kivu, sexual violence has become the new weapon of war. Women remain the individuals most affected by this crime, and there are numerous consequences for women victims and the entire community." [98]
- 25.27 Dealing with the question of sexual violence in the community, the OMCT report said:
- "According to recent information from the NGO LIZADEEL, numerous acts of sexual violence have taken place mainly in Kinshasa separate from the armed conflict. This phenomenon principally affects young girls and women, and the majority are under 18 years old; young boys and men are equally subjected to sexual abuse. The perpetrators of these acts are generally military personnel, police officers, prison guards, care staff, teachers, parents, pastors,

neighbours and even young delinquents living on the streets. Very often the act is not even reported. When it is, the process usually concludes with an arrangement between the family of the victim (if a child, his/her interest is rarely taken into consideration) and the author of the act.” [98]

25.28 The report continued:

“Concerning women victims of rape, judges often tend to display a discriminatory attitude regarding their complaints. The question of evidence is aggravated by the fact that for cultural reasons, women abstain from complaining, or they submit a complaint some time after the facts, rendering it difficult for forensic doctors to collect evidence of the offence. The right of women to submit a complaint for acts of torture or ill-treatment or any other offence is subject to the authorisation of their husband (in cases involving married women). Indeed, article 448 of the Family Code expressly provides that ‘a woman must obtain the authorisation of her husband to effect all legal acts for which she must present herself in person’. However, when the author of violence is her husband, the woman is not obliged to seek his permission in order to take action against her husband, in accordance with article 451 of the Family Code.” [98]

25.29 Dealing with forced prostitution, the report stated:

“The prostitution phenomenon is principally caused by poverty. Brothels have appeared. Sometimes they are run by aged women who oblige young girls to follow men. These men pay the aged woman, the manager of the house. Most prostituted girls are children abandoned by their parents or children who have run away from their control. However, it is difficult to find statistics on this phenomenon. Few studies exist. The main reason for this lack of information is the silence kept by prostituted women and girls.” [98]

25.30 The same source stated, “Article 174b is of the second book of the Penal Code forbids pimping. Concerning children, article 44.2 of the Constitution provides that the State must protect children against prostitution, pimping, homosexuality, incest, paedophilia, sexual harassment and all other forms of sexual perversion.” [98]

25.31 The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee, made known its concern about the extent of prostitution and especially the prostitution of girls. The Committee encouraged the government to adopt and to implement laws forbidding girls’ prostitution. [98]

25.32 OMCT further noted “The new law against sexual violence, in article 174.3.c, condemns forced prostitution. Article 174.5.e. also condemns sexual slavery.” [98]

25.33 “In practice, there is no concrete measure of protection nor specific programme in this regard. In spite of the fact that the prostitution of children is often due to the poverty resulting from the economical and structural crises as well as the war.” [98]

25.34 In a report in the Mail&Guardian of 14 November 2006 a spokeswoman for the women’s rights group in Goma, Paif, was quoted as saying, “There have

already been ten prosecutions in Goma under the new law, some were soldiers and some civilians. Before it was the women who were regarded as the criminals and condemned. That's changing. Now at least there is recognition that rape is a crime". [105c]

25.35 The USSD 2007 report stated:

"Domestic violence against women occurred throughout the country; however, there were no statistics available regarding its extent. Although the law considers assault a crime, it does not specifically address spousal abuse, and police rarely intervened in domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

"The law criminalizes rape, but the government did not effectively enforce this law, and rape was common throughout the country and especially pervasive in areas of conflict in the east; however, there were no comprehensive statistics available regarding its prevalence. Legislation enacted in 2006 broadened the definition of rape to include male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law. It also increased penalties for sexual violence, prohibited compromise fines, allowed victims of sexual violence to waive appearance in court, and permitted closed hearings to protect confidentiality. The law neither mentions sexual violence in marriage nor prohibits spousal rape. The minimum penalty prescribed for rape was a prison sentence of five years." [3k] (section 5)

25.36 On 8 March 2007 Agence France Presse reported that to mark International Women's Day, thousands of women had rallied in Goma as a protest against unpunished sexual assaults in the city. Local merchants, government officials, and teachers took part in the protest and spoke out against widespread sexual violence. A spokeswoman from Dynamique, an association of women lawyers in Goma, estimated that there were around 10,000 rapes in 2005 in the province of North Kivu alone. She stated "What is terrible is the impunity: sometimes the rapists are arrested but often are released or given short sentences". She added that a new law on sexual violence was not being properly implemented. The head of Dynamique, Mireille Ntambuka, said the problem was that few women know about the new law, and those that did were afraid of being rejected or do not trust the country's justice system. [65bo]

25.37 On 30 July 2007 a report from allAfrica.com stated that the UN Special Rapporteur, Yakin Ertürk, had said that violence against women in the DRC "seems to be perceived by large sections of society to be normal". She said in a statement "tragically, in a resource-rich country like DRC, poverty is all too striking and women disproportionately bear its hardships and burden". Ms. Ertürk who visited the country from 16 to 27 July 2007, focused primarily on sexual violence which she said "is rampant and committed by non-state armed groups, the Armed Forces of the DRC, the National Congolese Police and increasingly also by civilians". [74ce]

25.38 She said the situation in South Kivu province was the worst crises she had come across so far, and must be addressed immediately. The South Kivu Provincial Synergie on Sexual Violence, which brings together Government, UN and civil society representatives had recorded 4,500 sexual violence cases in the first half of 2007. "The real number of cases is certainly many

- times higher as most victims live in inaccessible areas, are afraid to report or did not survive the violence”, the Rapporteur said. [74ce]
- 25.39 The atrocities – mostly committed by foreign non-state armed groups – are “of an unimaginable brutality that goes far beyond rape” and are “structured around rape and sexual slavery and aim at complete physical and psychological destruction of women with implications for the entire society”, she noted. [74ce]
- 25.40 The Rapporteur also stated that FARDC, the PNC and other State security forces also committed acts of sexual violence outside the country’s troubled east, and that particularly troubling was that major perpetrators of grave human rights violations were not excluded from being integrated into the regular armed forces, thus allowing a high number of such men to assume high ranks in the military. [74ec]
- 25.41 The Rapporteur voiced alarm that in Equateur Province, the PNC and FARDC had launched reprisal attacks targeting civilians, and involving “indiscriminate pillaging, torture and mass rape”. In December 2006, 70 members of the PNC took revenge for the burning of a police station by torturing civilians and raping over three dozen women, as well as an 11-year-old girl, and yet no police officers had been charged or arrested, she said. [74ec]
- 25.42 On 13 September 2007 allAfrica.com reported that John Holmes, the UN Emergency Coordinator and Under-Secretary General for Humanitarian Affairs had returned from a trip to the eastern DRC and characterised sexual violence against women as “almost unimaginable”. He termed it a “weapon of terror”, adding that the intensity and frequency is worse than anywhere else in the world. The report went on to say that these words were “the latest instalment in an ongoing litany of horror”. The previous month Eve Ensler author of “The Vagina Monologues” had held a press conference to seek support for the Panzi hospital in Bukavu, where women who had been subjected to sexual violence were treated. In a magazine piece she wrote “I have just returned from hell. I am trying for the life of me to figure out how to communicate what I have seen and heard in the Democratic Republic of the Congo...How do I convey these stories of atrocities...How do I tell you of girls as young as nine raped by gangs of soldiers, of women whose insides were blown apart by rifle blasts and whose bodies now leak uncontrollable streams of urine and faeces?” The allAfrica report goes on to detail violence against women in other reports. [74cy]
- 25.43 A report from *The New York Times* on 7 October 2007 stated that according to the UN 27,000 sexual assaults were reported in 2006 in South Kivu province alone, and the actual numbers could be much higher. [134a] While a report in allAfrica.com on 14 December 2007 stated that there were more than 2,700 cases of rape in North Kivu between January and October 2007. [74db]
- 25.44 allAfrica.com reported on 16 October 2007 that the UN Population Fund (UNFPA) was conducting sensitisation training at Bulengo camp in North Kivu which was home to 13,000 IDPs. UNFPA estimated that half the women in the camp had faced sexual violence at some point in their lives, with the oldest rape victim was between 65 and 75 years old and the youngest was four. A spokesman for the UN Office for the Coordination of Human Affairs (OCHA) stated “There is no age differentiation in the rape, very young girls and even

boys are raped". According to the UN Childrens Fund (UNICEF) 18,000 cases of rape were reported in 2006 in three Congolese provinces, including North Kivu. [74dk]

- 25.45 A report from News24 on 23 October 2007 stated that "Recent conflict in the eastern part of the Democratic Republic of Congo's North Kivu province has been accompanied by an upsurge in rape and often barbaric mutilations of women and girls, medical relief workers report". According to the report a spokeswoman for Doctors without Borders stated "for the whole of Nord-Kivu we normally treat 250 rape cases a month; but we saw a 100% increase in the first fortnight of September. About three-quarters of the rape victims say they were assaulted by armed men". [48p]
- 25.46 Xinhua reported on 24 October 2007 that the national assembly of the DRC has called on the government to establish a programme to assist victims of rape and other forms of sexual violence in the country. The report quoted the parliamentary speaker as saying "we would like to see the government doing more to assist these victims, particularly those in the troubled North and South- Kivu provinces in the east of the country, where conflict is still rife". According to the speaker who was addressing the opening session of the seventh International Conference of the Network of Women Parliamentarians in Central Africa (RFPAC) on "female political leadership and the role of women in the search for peace and reconciliation", DRC's justice system should "punish without remorse and in an exemplary manner" all the perpetrators of the unspeakable atrocities. "The national assembly reckons that we must move quickly to put an end to this form of violence, which has been with us since the times of war" he said. [62a]
- 25.47 On 20 November 2007 AFP reported that MONUC had launched an investigation into an allegation of violent sexual abuse by one of its soldiers in Ituri. The article also stated that between December 2004 and August 2006 there were some 140 cases of sexual abuse and prostitution implicating MONUC personnel reported. [65eo]
- 25.48 IRIN reported on 29 November 2007 that a campaign to combat gender violence was under way in South Kivu. A sensitization campaign had been running since the 23 November under the theme: "Stop the rape of our most precious resource: Power to women and girls in the DRC". The report went on to say that Panzi General Hospital in Bukavu admitted an average of 3,600 victims of sexual violence a year. An estimated 16,000 victims of rape, some suffering from obstetric fistula, had been treated at the hospital since 2000. [18gf]
- 25.49 MONUC reported in its monthly report for November 2007 that as part of activities to mark 16 days of Activism against sexual violence, local authorities across the country, including law enforcement personnel and provincial deputies signed Acts of Engagement to demonstrate their commitment to the fight against the impunity of perpetrators of sexual violence. The President of the National Assembly expressed his support for this initiative and indicated that he would encourage members of the National Assembly to undertake a similar commitment. Convictions for rape were reported by the Bunia Military Tribunal, the Luebo High court, the Matadi Military Tribunal, and the Boma Military Tribunal. [56cv]

- 25.50 On 7 December 2007 allAfrica.com reported that human rights activists in the DRC had accused their government and that of Angola of turning a blind eye to reports of widespread rape and other abuses of DRC migrant workers in Angola. A spokesperson for Voice of the Voiceless a DRC NGO said “The situation seems to be getting worse but the Angolan and Congolese authorities we have repeatedly approached show no political will to end the situation”. The president of the Human Rights Defence Association stated “Rape is used here in the Congo as in other countries as a psychological weapon to defeat the enemy and humiliate ... Similarly, by these acts, Angola wants to reinforce the idea that Congolese people are and should remain inferior. The DRC government has an obligation to protect its citizens both on its own soil and abroad, but instead our leaders display weakness when it comes to talking other countries, especially Angola, where it plays the beggar” he also noted the abuses had been going on since 2004. The report went on to say that the rape of Congolese woman in Angola had also been denounced by Médecins Sans Frontières (MSF) in a statement released two days earlier. [74dl]
- 25.51 Reuters reported on 8 December 2007 that Angola’s army had denied allegations that its soldiers had raped, beaten and tortured illegal Congolese migrants before deporting them. The assistant chief of staff of the Angolan armed forces stated “we are going to investigate, but I want to assure everyone that our soldiers are not engaging in this kind of activity”. [21cx]
- 25.52 On 21 January 2008 UPI reported that the UN had said that rape continued to be a problem in Ituri. A report released last November had said that since 2003, between 30 and 500 persons reported sexual assaults each month. The head of the Office for Gender, Family and Children in Ituri said “the statistics do not give the real picture on the ground”. The report went on to say that at least 30 boys, some as young as 14, have been detained on rape charges at the central prison in Bunia. [148a]
- 25.53 The UN News Service reported on 25 January 2008 that the UN Special Rapporteur on violence against women, its causes and consequences, had described the gruesome atrocities she witnessed in the DRC in 2007, and called for international action to help women in the DRC who had been victimised by violence, including sexual abuse and rape, perpetrated by both militia and Government troops and fostered by a culture of impunity. She said that while eastern DRC in particular had received the greater attention because of the presence there of foreign groups which were the “main perpetrators of violence against women as well as the civilian population in general”, the problems were not limited to eastern DRC and referred to Equateur Province where “the army and national police were among the main perpetrators”; She then referred to a mass rape by soldiers in April 2007, which led to seven soldiers being sentenced to life imprisonment before they later “escaped or walked out of the military prison”. She went on to say the focus on disarmament and reintegration of ex-combatants in the peace process “does not take into consideration the sufferings of women or the needs of women, those are the missing links in the peace process”. [93o]
- 25.54 USSD 2007 stated “The law does not prohibit female genital mutilation (FGM), but there were no reports of FGM being practiced.” [3k] (Section 5)

- 25.55 On 31 January 2008 Radio Okapi reported that Belgium had given the DRC 10 million euros to help fight against sexual violence. The money would support NGOs involved in the fight against sexual violence. The aid was announced at the end of a meeting of the joint pilot committee in the fight against sexual violence. The project will extend over four years 2008 -2011 and the money will be given to agencies in charge of the project such as UNICEF, the UNHCR, the UN Population Fund and local NGOs. [64cc]

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WITCHCRAFT

- 25.56 MONUC reported that on 27 October 2007 in South Kivu, fifty-seven civilians including 20 women, accused of practising witchcraft, were arbitrarily arrested in Luvungi 58km north of Uvira, illegally detained, subjected to ill-treatment and subsequently transferred to Lemera 80km north of Uvira, by elements of the FARDC 12th Integrated Brigade with the complicity of local traditional leaders. It was reported that the 57 were detained under very inhumane conditions at the residence of the traditional leader (Mwami) of the Bafulero tribe to await tests to determine if they were indeed involved in witchcraft. All were released after the intervention of UN Human Rights Officers, and most were transported back to Luvungi. As Congolese law does not recognise witchcraft as an offence, therefore the arrest of the 57 civilians was completely arbitrary; the Mwami's action was illegal and is punished under Article 57 of the Penal Code. [56cu]
- 25.57 The US State Department (USSD) 2008 International Religious Freedom Report noted "As in past reporting periods, there were reports of incidents in which individuals attacked, tortured, killed, or driven from their homes when they were accused of being 'witches'... Accusations of witchcraft can cause widespread fear in a community." [3] (section 3)

See also; [Section 8.19 on Security situation – Eastern DRC](#); [Section 10 Armed Forces](#); [Section 12 Violence by Non-Government Armed Forces](#); [Section 15 Prison Conditions](#); [Section 26.08 on Education of Children](#); [Section 26.42 on Child soldiers](#); [Section 26.34 Sexual exploitation of Children](#); [Section 28 on Medical Issues](#); [Section 35.24; on Equal Employment Rights](#)

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26. CHILDREN

BASIC INFORMATION

- 26.01 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated, "Criminal responsibility is established at 14 years old (Criminal code). Minimum age to marry is 15 years for the girls and at 18 years for the boys (Family Code)." [60b]
- 26.02 In the African Charter on the Rights and Well-being of the Child, which the DRC has ratified, and in accordance with several other international standards on the rights of the child in force in the country together with the text of the new Constitution of the DRC, a 'child' is defined as a person under 18 years of age. [56i]
- 26.03 By virtue of the primacy of international over national standards which is accorded by the DRC constitution (article 215 of the new Constitution) and by virtue of the absence of any need for implementing legislation to give direct effect to international standards that do not require implementing measures or penalty provisions, the definition of 'child' given in the African Charter in paragraph 26.04 above, takes precedence over that given in national legislation, notably that given in the 1950 Statute on the age of majority in criminal matters, which regarded children between that ages of 16 and 18 as adults. However this statute fails to define a minimum age of criminal responsibility. [56i]
- 26.04 Moreover, it is now clearly established by the DRC Constitution (promulgated in February 2006) that "a child shall be any person, regardless of sex, who has not attained the age of 18 years". [56i]
- 26.05 The new DRC Constitution contains a provision stipulating that parents and the State are responsible for the protection of children against all forms of violence and expressly forbids child abandonment as well as accusations of witchcraft against children. [56i]
- 26.06 MONUC announced at a press conference on 19 November 2007 at the closure of the joint child protection sensitisation campaign with the Congolese National Police (PNC) that the benefit of direct training while participating in workshops organised in 24 townships in Kinshasa, had allowed 3,000 policemen to learn about the police's role towards minors. The campaign, initiated by MONUC's Child Protection Division, had as an objective to know and promote the PNC's role in child protection and to demonstrate that the Congolese child can also benefit from protective international standards. The DRC Minister for Women and the Family, who was present at the conference, announced that the government adopted code of protection for children was like a national law containing arrangements for the promotion and protection of children's rights in conformity with international norms, to replace the existing legislation. "With regard to the protection code, after its adoption by the government in the past week, it will soon go to parliament for adoption. This fundamental instrument which is going to contribute to improving juvenile justice in the DRC requires the implication of all for its application, in order to assure protection of the child in all circumstances", she said. [56cq]

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EDUCATION

26.07 Europa World online (accessed 21 February 2008) recorded that:

“Primary education, beginning at six years of age and lasting for six years, is officially compulsory. Secondary education, which is not compulsory, begins at 12 years of age and lasts for up to six years, comprising a first cycle of two years and a second of four years. In 2002/03, according to UNESCO estimates, primary enrolment was equivalent to 62% of pupils in the relevant age-group (69% of boys; 54% of girls), while the comparable ratio for secondary enrolment was 22% (28% of boys; 16% of girls). The country has four universities, situated at Kinshasa, Kinshasa/Limete, Kisangani and Lubumbashi. In the budget for 1997 a total of 144,000m. new zaires (0.2% of total expenditure by the central Government) was allocated to education. In 2002 an emergency programme for education, with an estimated cost of US \$101m., was introduced to restore access to basic education throughout the country.” [1g] (Education)

26.08 However, the USSD 2007 noted a report published by the UN Children's Fund (UNICEF), which stated that the attendance figures could be lower: “... approximately 55 percent of boys and 49 percent of girls attended primary school. The rates for secondary school attendance were 18 percent for boys and 15 percent for girls. Rates for girls were lower because many parents preferred to send their sons to school, either for financial or cultural reasons. Fifty-four percent of children reached grade five.” [3k] (Section 5)

26.09 “Girls are often denied access to education, as families privilege boys' attendance to school. This is evidenced by the 63.1 per cent literacy rate for young women (15-24 years), which is far lower than the literacy rate of 78 per cent for men in the same age range. Interlocutors also pointed out that the sexual coercion of women and girls, committed by supervisors, professors and teachers, is a long-standing phenomenon that existed before the armed conflicts.” (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) [100b] (p21)

26.10 The Economist Intelligence Unit (EIU) 2008 Country Profile Report on the DRC commented:

“The state education system is in a state of collapse; infrastructure is dilapidated or non-existent, and teachers infrequently paid and often absent. Education was officially nationalised in 1972, but the Catholic Church remains responsible for an estimated 80 per cent of functioning primary schools and 60 per cent of secondary schools. The World Bank estimates male adult literacy at 81 per cent and female adult literacy at 54 per cent. The net primary school enrolment ratio is not known, but officially fell from 58 per cent in 1985 to 35 per cent in 1998 (according to the most recent data), although it may have risen since.” [30h] (p18)

26.11 The new Constitution approved by Congolese voters in December 2005 guarantees free primary and secondary schooling for all children, but since teachers have not been paid, schools all over the country demand a 'prime' or

'premium', which varies from 15 cents to \$1 in the interior, and between \$10 and \$30 in the capital Kinshasa. Teachers have called a strike over the non-payment of wages twice in the current school year but nothing has come of it. (IRIN, 12 July 2006) [18cm]

- 26.12 The IRIN report stated that the situation in the universities, whilst not as bad as that in primary and secondary schools, is far from good. In Kisangani for instance the dean reported that they had lost dozens of professors during the battles that raged in the city; many fled to Kinshasa, and others left the country. Four have returned this year, but they now have only 65 professors to teach more than 5,000 students in eight faculties, where there is no internet connection, the electricity supply is random, and the libraries are badly equipped. [18cm]
- 26.13 The report went on to say that like all other professors and teachers in DRC, the dean cannot live off his salary alone. Being a qualified paediatrician he is able to make some money on the side, something other professors are unable to do. This opens the door to corruption. The dean was quoted as saying, "I don't know how many professors are asking for bribes when students want to pass their tests," adding that "it's not the brightest who make it through school, it's often just the wealthiest." [18cm]
- 26.14 The United States State Department Report on Human Rights Practices 2007, published on 11 March 2008 (USSD 2007), reported:
- "The government budgeted insufficient amounts for children's welfare and did not make it a priority. In practice primary school education was not compulsory, free, or universal, and very few functioning government-funded schools existed. Public and private schools expected – although did not require – parents to contribute to teachers' salaries. In practice parents funded 80 to 90 percent of school expenses. These expenses, plus the potential loss of income or labor while their children attended class, left many parents unable to enroll their children in school." [3k] (Section 5)
- 26.15 According to a report in allAfrica.com on 5 June 2006, the World Bank had approved an International Development association grant of US\$150 million to finance an expansion of primary enrolment, the rehabilitation of the education infrastructure and the improvement of the quality of education in the DRC. "The objective of the project was to prevent further deterioration of the delivery of essential services for primary education and to prepare the ground for a sustainable development and financing of the education sector that would facilitate donor coordination and future transition to a sector-wide programme". [74bk]

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CHILD CARE

- 26.16 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated, "According to the Family Code, the minor who has neither father nor mother is placed under the guard of a tutor. The family council ('Conseil de famille') is allowed to express its opinion, but it is not a guard." [60b]

- 26.17 The charity SOS-Children's Villages reported that "At present there is one SOS Children's Village in the Democratic Republic of Congo, one SOS Youth Facility, one SOS Kindergarten, one SOS Hermann Gmeiner School, one SOS Medical Centre and one Emergency Relief Programme." [67]
- 26.18 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 stated that a Congolese lawyer, Palankoy Lakwas, informed them that the third book in *Code de la famille* regulates conditions regarding child custody and awards. "... minors are under their [both] parents' custody until they become of age, i.e. when they are 18 years of age." Parents have sole custody rights and "... responsibility of protecting their children, their security, health and moral upbringing." [20]

The report also noted a level of conflict between common law and the *Code de la famille* exists. It was also noted that it had become increasingly common to send children to live with relatives – often to relatives who live abroad, such as Europe. However, this creates a culture clash with the social/economic realities rubbing against what legislation states is permissible. It has become "... normal that a child in reality can belong to [i.e. become the responsibility of] a close family member such as a sister, an uncle or a cousin and not the biological parent. The next of kin henceforth is responsible for bringing up the child. In case of foreign authorities demanding documentation for child custody, neither the child's biological parents nor the next of kin have any scruples when documenting child custody by using bribery". [20]

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CHILD CUSTODY OUTSIDE MARRIAGE

- 26.19 Landinfo reports, "Nsensele wa Nsensele explained when a child is born outside a marriage the father has to accept fatherhood at a personal meeting with the *Tribunal de Paix*. If the unmarried parents live in the same area and father accepts fatherhood, both parents would get the child custody until the child becomes 18 years of age". Nsensele wa Nsensele added that in a case where the unmarried people don't live together, but the father still accepts the fatherhood, he will then get the child custody from the *Tribunal de Paix*. However the father will have to pay compensation to the mother's family. [20]

The Landinfo report further noted that Common law marriage is legal, but is only considered as such so long as the couple live together and have common children. The report also noted that where unmarried couples with children wished to move to a foreign country, the Tribunal de Paix [Court of Peace] would have to check who had custody rights "... by calling upon witnesses and getting them to show how long the parents have lived together." For custody of a child in these circumstances to be legal, the court would need to issue a judgement and a custody document. "A Jugement is a legal decision and it is the best guarantee as to whether the information on child custody is correct. Llaka Kampusu added that a Jugement is a condition that all other relevant documents such as Acte de Naissance or Acte de Mariage were issued." [20]

- 26.20 The same report continued: "... the Congolese Code de la famille regards the father as the head of the family. This means, regardless of whether the parents are married or not, that the father will retain formal custody of any children." In addition, because the father has primary responsibility for

supporting the family, and because he is often economically stronger, the Tribunal de Paix will grant the father custody. However, the Tribunal de Paix [Court of Peace] will apparently always try and put the best interests of the child first and will allow infants who are still being breast fed to remain with their mothers.” [20]

For further information regarding a child's legal status following birth, see Section 33 [Birth Registration](#).

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CHILD CUSTODY DUE TO DIVORCE

26.21 The question of child custody during a divorce, Landinfo reported “... will be decided by the *Tribunal de Paix* [Court of Peace]. The divorce certificate will show which of the parents was awarded the child custody.” The report went on to state that copies of the divorce certificate (which may include custody details) were easily available and could be obtained by family members or close friends in the DRC. [20]

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DIVORCE PROCEDURE AND CHILD CUSTODY ACCORDING TO COMMON LAW

26.22 Landinfo reported:

“Ilaka Kampusu explained that in connection with the petition for divorce, the *Tribunal de Paix* will first attempt periods of reconciliation between the parties for about six months. This period can be extended by another six months. A procedure like this is often not very practical. As a principle couples split from each other after disagreements without any further reconciliation. It is just as common that one or both the parties will have separated and have remarried before the divorce. It is often the father who takes control of the children in this way. This can take place even before there is an official divorce, and before a *Jugement* for child custody has been given by the *Tribunal de Paix*. As long the children are being breast fed and are of the age of two to three years, the father will often leave these kids with the mother. If they are older they would always accompany him. If the father takes the children with him, being outside the marriage, he would have to pay compensation to the mother in accordance with the common law”. [20]

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TRANSFER OF CHILD CUSTODY

26.23 The custody of a child can only be legally transferred between separated/divorced parents by the Tribunal de Paix; Landinfo reported “... a so called family council has no authority in, for example, deciding child custody, transferring child custody to a parent or any third person.” [20]

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RECOGNITION OF FATHERHOOD

- 26.24 Landinfo reported, "According to law every child has the right to a father and a mother. As long as the parents are unmarried and fatherhood has not been recognised, or the father is unknown, a birth certificate will be issued after determination, where the father's name is evident". [20]

The report went on to explain:

"... that there are two methods whereby fatherhood can be determined. The father can personally turn up at the *l'Etat Civil* and confirm fatherhood. If this does not happen the mother can refer to the *Tribunal de Paix* and request a determination of the fatherhood. In such a case the court requires a certificate from the mother in the form of testimony from family members, neighbours or other people...

"... the *Tribunal de Paix* can decide fatherhood if the father does not recognise it. In principle the fatherhood should be decided within 12 months after the child birth. If the *Tribunal de Paix* is able to identify the father he will be fined a small fine. In the processing of fatherhood cases the *Tribunal de Paix* calls in the witnesses". [20]

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ADOPTION

- 26.25 The third book of the *Code de la famille* regulates conditions regarding adoption and explained that adoption, Landinfo reported. Adoption cases are processed by the *Tribunal de Paix* with anyone, in theory, eligible to adopt, although the report noted that married couples are preferred.

"... Congolese law does not allow married couples who already (sic) have four children to adopt anymore. However the four children rule does not apply if both the spouses have children from an earlier marriage. ... according to article 656 of the *Code de la famille* a married couple cannot adopt more than three children. This decision can be ignored if exempted by the DRC's president."

Children over 15 years of age have a legal right to consent to adoption. [20]

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STREET CHILDREN

- 26.26 The United Nations (UN) Secretary-General reported on 2 August 2005 to the UN Security Council on child protection measures:

"In order to protect children, particularly street children, from being used to foment public unrest and as potential targets of violence or repression, MONUC and child protection partners continue to sensitize local authorities in key cities. In Mbuji-Mayi, during unrest in May, most of the demonstrators were children and young people. As a result of sustained advocacy by MONUC and child protection partners, the draft Constitution includes several provisions on children, including defining the age of maturity as 18, and a

State obligation to protect children from abandonment and all forms of violence, and from being accused of witchcraft. MONUC also intervened in seven cases of individuals under sentence of death who are currently under 18 or were at the time their sentences were passed.” [54g] (p12)

See also [Section 8.49 on Katanga](#)

- 26.27 The US State Department 2007 Human Rights Report (USSD 2007), published on 11 March 2008, noted that tens of thousands of children are reported to live on the streets of major cities. [3k] (Section 5) [43o] (Section 2) The IRB report stated that, under Congolese legislation, street children are considered delinquents, and are often arrested by the police. [43o] (Section 4) The IRB also stated that many street children are treated as ‘child witches’. [43o] (Section 2.2)
- 26.28 In his report on child protection measures to the UN Security Council on 28 December 2005 the United Nations (UN) Secretary-General stated that the issue of street children continued to be a focus of activity. The report also said that “following persistent [sic] advocacy by child protection organisations, the Minister of Social Affairs held a meeting in November with relevant actors and other ministries to develop a national plan for street children.” (54h)
- 26.29 In a report entitled ‘What Future? Street Children in the Democratic Republic of Congo’, in April 2006, Human Rights Watch details the abuse suffered by street children, based on interviews with more than fifty street children. It stated that whilst some police officers attempt to reintegrate children with their families and protect them from violence, many children are threatened, robbed, harassed and beaten by ordinary police, military police, and soldiers. It also reported that some members of the police and soldiers take advantage of the vulnerability of street girls and sexually abuse and rape them. The report went on to detail instances where street children had been rounded up by police in order to get free labour for jobs that they wanted doing, and to give details of child labour, and abuse by adults and older street children. [5t]
- 26.30 On 20 November 2006 UNICEF announced that the UN Children’s Fund had persuaded officials to free 143 of the street kids that had been rounded up. The children - 33 girls, and 110 boys aged between two and 17 were among about 500 street kids, locally known as “shegues”, hauled in by police in the aftermath of the 11 November clashes. Six of the children were handed over to their parents, while the 137 others were sent to shelters run by the ministry of social affairs. Admiral Liwanga told Agence France Presse that 265 boys had been transferred to Katanga, and that about 100 girls would soon be transferred to Menkao. [65as]
- 26.31 On 22 November 2006, MONUC inaugurated a food and market-gardening production project for street children, who are lodged in the Mikonga recuperation and educational centre in Kinshasa. The project was coordinated by a local church in the commune of N’Sele in Kinshasa. The project was co-financed by MONUC who contributed \$14,828 for the purchase of materials. The church provided funds of \$9,255 for the construction of the centre on the land that was bought by the World Bank, while the UN agency for food and agriculture (FAO) provided technical assistance. The cultivation of the land between June and October 2006 made it possible to pay for the food, schooling, healthcare and clothes of 50 street children. [56an]

- 26.32 On 26 November 2006 it was reported that human rights groups were protesting at what they claimed was the eviction of street youths from the capital, Kinshasa. They were being sent to Katanga for national service by which they were given agricultural and disciplinary training on isolated farms. The senior coordinator for national service claimed it had been a great success and said that 6,600 test cases received a comprehensive education. He said that those under 18 and those unwilling to go were always released. However, a child social worker said the government had the wrong approach. She claimed that many had been sent to Katanga without their consent, and that they were not guaranteed decent living conditions there. She stated that she believed the street children were being removed because newly elected President Kabila believed his main rival Jean-Pierre Bemba was buying their support and they were leading protests against him. The national service denied any connection. [89b]
- 26.33 On 14 June 2007 allAfrica.com reported that a joint MONUC – Congolese National police (PNC) campaign for child protection in the DRC, in partnership with UNICEF and the DRC Ministry of the Interior, had been launched, aimed at aiding the lives of more than 14,000 street children. The report stated that the campaign would last until 20 November 2007, when the campaign partners would meet to assess the achievements and progress made. A spokesman for the UN said that “the objective of the campaign is to underline the important role of child protection and to have well trained and informed police who will respect the rights of minors, and promote the message of child protection”. The campaign also aimed to instil a code of good practice within the PNC in relation to child protection as well as reinforcing their capacities and sensitising the public on the importance of child protection within society. [74bm]

See also [Section 6.22 on Elections](#)

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SEXUAL EXPLOITATION

- 26.34 The US State Department Victims of Trafficking Report 2008 stated, “...Congolese children were prostituted in brothels or in camps by loosely organized networks. Congolese women and children were reportedly also trafficked by road to South Africa for sexual exploitation.” [3a] USSD 2007 stated, “Child prostitution occurred throughout the country; however, there were no statistics available regarding its prevalence. According to HRW, police in Kinshasa extorted sexual services from child prostitutes.” [3k] (Section 5)
- 26.35 A report published by the aid agency World Vision on 27 February 2007, stated that half the children in refugee camps in the Great Lakes region had been the victims of some sort of sexual abuse. In one camp in eastern DRC 43% of girls were estimated to have been raped. The report said that the victims’ fellow refugees were to blame, with people having power over children, such as school teachers or foster parents, committing the abuse.

The charity distributed 304 questionnaires to randomly selected children between 10 and 18 years old in camps in the region. It found evidence of

rampant abuse against the 183 girls and 121 boys who answered the questions. “These included: improper sexual comments, asking or forcing a child to strip off his/her clothes..., touching breasts and sexual parts...forcing a child to engage in oral, vaginal or anal sex,” the report said.

The conditions in the camps puts children in a particularly vulnerable position, the report went on to say. Many were forced to have sex with adults just to get food. “Poverty is an overriding causal factor of abuse” the report stated. [105e]

- 26.36 allAfrica.com reported on 16 October 2007 that a spokesman for the UN Office for the Coordination of Human Affairs (OCHA) had stated “There is no age differentiation in the rape, very young girls and even boys are raped”. [74dk] In addition, continuing belief that HIV and AIDS can be cured by having intercourse with a virgin has been used as an excuse by rapists to violate young girls. (United Nations – Report of the Special Rapporteur on violence against women, its cause and consequences, 28 February 2008) [100b] (p7)

See also the section on [Violence Against Women](#)

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HEALTH ISSUES

- 26.37 On 14 March 2007 allAfrica.com reported that MONUC had announced the launch of the UNICEF 2007 world campaign against HIV/Aids, in the commune of N'sele in Kinshasa. The campaign aims at shedding light on the secret side of the HIV pandemic which also affects children. During the ceremony which was attended by over 7,000 children, Mrs. Kabila, wife of the president, announced the birth of a grand alliance to follow the development and protection of Congolese children. According to Jean Tobie Okala deputy spokesperson for MONUC “the grand alliance had the support of the international community, political leaders in the DRC, religious organisations, worldwide business, civil society and families”. The report stated that the estimated average rate of HIV prevalence is 4.5 percent among children; 300,000 live with HIV; of which 40,000 have a need for appropriate treatment; less than 1,000 have access. Mr. Okala went on to say that among one million orphans in the DRC, there are 100,000 infected by HIV and that less than 2 percent of pregnant Congolese women have access to the Prevention of Transmission of HIV from Mother to Infant service. [74ar]
- 26.38 On 27 June 2007 it was reported by allAfrica.com that a synchronised cross-border vaccination campaign against polio was being run by DRC, Namibia, and Angola from 27 – 29 June 2007. During the first round children under five would receive polio vaccine drops and vitamin A supplements. The second round would be from 25 – 27 July 2007 when all children would receive a follow up dose of polio vaccine. [74bq]
- 26.39 UNICEF noted in a 2008 report:
- “The situation of newly displaced children and women [in North Kivu] is desperate. Thousands have had very little to eat since fleeing their homes. Their access to clean water and health care has been minimal. Hundreds of children are presumed to have been separated from their families and up to 40

children have been recruited by armed groups. Right now children also face a real risk of disease outbreaks and malnutrition... To prevent a measles outbreak UNICEF is preparing emergency measles vaccinations for 13,000 children in Kibati, 15 km north of Goma. We are also trucking clean water to between 40,000 and 50,000 displaced people in order to curb cholera and diarrhoea outbreaks contracted from contaminated water sources. High-energy biscuits for over 15,000 young children are being distributed in Kibati to help ward off malnutrition. Ill and injured women and children are also receiving free medicine and health care to avert deaths from easily preventable diseases.” [59] (p18)

See also section 28 [Medical Issues](#) for additional health information relating to children.

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CHILD LABOUR

26.40 The USSD 2007 report stated:

“There were laws to protect children from exploitation in the workplace; however, government agencies did not effectively enforce child labor laws. Child labor remained a problem throughout the country, and there continued to be reports of forced child labor. Although there were no reports of large enterprises using child labor, it was common in the informal sector, particularly in mining and subsistence agriculture, and was often the only way for a child or family to earn money.

“Although the minimum age for full-time employment without parental consent is 18 years, employers may legally hire minors between the ages of 15 and 18 with the consent of a parent or guardian. Those under age 16 may work a maximum of four hours per day. All minors are restricted from transporting heavy items.” [3k] (Section 6d)

The same report also noted that:

“Security forces and armed groups also used children, including child soldiers, for forced labor in mines. Children make up as much as 10 percent of the work force in the informal (‘artisanal’) mining sector. In mining regions of the provinces of Katanga, Kasai Occidental, Oriental, and North and South Kivu, children performed dangerous mine work, often underground. In many areas of the country, children aged five to 12 years broke rocks to make gravel for a small wage. ...

“Prostitution, including forced child prostitution, was practiced throughout the country. ... At mines near Tumpatu, Kasai Oriental Province, girls around the age of 12 worked as prostitutes.

“Children were also employed to dig graves in cemeteries and to perform often dangerous and difficult agricultural work. Children sent to relatives by parents who could not support them sometimes effectively became the property of those families, who subjected them to physical and sexual abuse and required them to perform household labor.” [3k] (Section 6d)

- 26.41 On 22 October 2007 allAfrica.com reported that the United States was donating \$5.5 million in grants to the DRC to eliminate the worst forms of child labour. The grant would focus on war-affected children in conflict zones, and would be used to provide children in need with access to quality basic education and vocational training opportunities, and to collect reliable data on child labour in the DRC. The grant would be administered by Save the Children, in association with the U.S.-based American Centre for International Labour Solidarity. [74dg]

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CHILD SOLDIERS

- 26.42 “Hostilities continued in several areas [across the east of the country], particularly Ituri, Katanga, and North and South Kivu provinces, where ethnic tensions were manipulated for political ends or control of economic resources in politically or militarily strategic areas”. (Child Soldiers, Global Report 2008) [44] (p2)
- 26.43 ”To bolster troop numbers, both FARDC ... and armed groups continued to recruit and maintain child soldiers in their ranks. According to a UN independent expert's report in August, there was continued recruitment and use of children in security forces and by armed groups during the first six months of the year. Perpetrators included government security forces, FARDC forces allied with renegade General Nkunda and not under central command authority, Mai Mai militia, and the Democratic Forces for the Liberation of Rwanda (FDLR), composed primarily of Hutus from neighboring Rwanda, including many who perpetrated the 1994 Rwandan genocide.” (USSD 2007) [3k] (Section 1g)
- 26.44 There were varying estimates of the numbers of children still being used by armed groups as soldiers and porters. The estimates range in number from 1,000 (UNICEF, 3 December 2007) [74di] to 7,000 (Child Soldiers 2008) [44b] right up to 11,000. (Agence France Presse, 5 February 2007) [65be]
- 26.45 The USSD 2007 noted that, “Under the national Disarmament, Demobilisation, and Reintegration (DDR) plan, the government demobilised 3,563 [3,653 is mentioned later in the report] child soldiers found largely in the ranks of rebel militias...” [3a] A number of NGOs also provided assistance in reintegrating child soldiers back into society, the International Rescue Committee reported (accessed 5 June 2008) that it had “... reunited nearly 1300 children with their families since the program began in 2003.” [124a] However, the USSD 2007 also noted that the government failed to make much of an effort to identify or protect child soldiers in its own army. [3a]
- 26.46 The US Department of State’s ‘Trafficking in Persons Report 2008’, published 4 June 2008, noted that much of the trafficking of people within DRC occurred in the east of the country where armed groups forcibly recruited Congolese children to serve as labourers, combatants and sex slaves. Rwandan refugee camps were used as bases from which children were recruited or abducted. [3a]
- 26.47 “Child soldiers were actively recruited and used in hostilities by FARDC brigades and other armed... militias”. “Recruitment intensified in late 2006 and continued throughout 2007.” While “child recruitment by the former Congolese

army officially ended in 2003... some children remained in individual units.” (Child Soldiers 2008) [44b] (p3) The USSD 2007 noted that, “Some mixed brigade commanders recruited or tolerated the use of children as soldiers during the year. More than 200 children remained in five mixed FARDC brigades at the time of the brigades' disintegration in August, and their circumstances following August were unknown. Children who were part of the FARDC mixed brigades were deployed with their units, some of which were subsequently involved in active combat against the FDLR in North Kivu Province.” [3k] (Section 1g)

- 26.48 A report issued by Human Rights Watch on 19 April 2007 called on the Congolese government to immediately stop former rebel warlords now commissioned as national army officers from recruiting and using child soldiers in army brigades deployed in North Kivu. The report also called on the Rwandan government to prevent the continued recruitment of children in Rwanda to serve in the Congolese army's North Kivu brigades. Despite the order from the chief of staff of the armed forces to stop recruiting and using child soldiers, 300 to 500 children, some as young as 13, were currently serving in newly formed army brigades, according to international and local child protection workers. At a news conference on 11 April MONUC said that only 37 of 267 children whom they had identified in the North Kivu brigades had been demobilised. [5ac]
- 26.49 On 5 October 2007 Agence France Presse reported that, according to the UNHCR, rebel groups were taking advantage of a lull in violence to build up their forces – and were reportedly recruiting child soldiers. In a statement UNHCR warned: “Despite the current relative calm, we are increasingly concerned over the build-up of forces and military supplies in Nord-Kivu, and the reported recruitment of child soldiers by armed groups across Nord-Kivu is a major protection problem”. [65dc]
- 26.50 A report from IRIN on 19 December 2007 stated that insurgents loyal to Laurent Nkunda in North Kivu were still recruiting children into their ranks. According to MONUC forced recruitment of children took place outside schools, especially in the village of Burungu, causing many to flee into the bush, while in other cases demobilised, underage former fighters were being re-recruited, according to a spokesman, who cited the case of 20 children who had rejoined Nkunda's ranks in the North Kivu village of Kirambu. [18gd] Another report from AFP on 26 December 2007 stated that according to Save the Children around 800 children had been recruited in the past year, and that current levels were estimated at 1,800 following the reported recruitment of 200 pupils in Tongo in the Rutshuru territory on 17 December, with school materials and ID cards being burnt. [65ei] In a further report from the Rwanda News Agency on 28 December 2007, Nkunda dismissed the MONUC allegations that he had been forcefully recruiting children into his forces. “We are scandalised by the denigrations and other untrue charges against the CNDP, (Nkunda's party), on behalf of the MONUC which argued the recruitment of 200 students from the secondary school of Tongo”, the general said in a statement to the press agency. He also refuted the recruitment of 20 children from Kirambu. [138b]
- 26.51 Child Soldiers – Global Report 2008, and the USSD Trafficking in Person Report 2008, noted that most child soldiers suffered harsh and brutal treatment whether serving in government forces or in various rebel groups.

Girls received particularly brutal treatment, having to serve in combat roles as well as being raped and forced to become 'sex slaves' to adult soldiers. [44b] [3a] "Children interviewed complained of a lack of food and harsh conditions. Some child soldiers were abandoned by commanders en route to unification centres... Children captured from armed groups were detained by FARDC members in order to gather information on armed groups or to extort money from family members. Some had been beaten while in detention. Former child soldiers faced intimidation and harassment by FARDC members..." [44b] (p3)

26.52 MONUC noted on 14 February 2007 that the DRC's constitution expressly forbids the recruitment and use of child soldiers. This was further strengthened by a presidential decree of 12 November 2004, relating to the general organisation of the defence forces. [56av]

26.53 "The February 2006 constitution defined a child as any person below the age of 18. All forms of exploitation of children were punishable by the law (Article 41), and public authorities were under obligation to protect young people from threats to their health, education and development (Article 42). The organization of military or paramilitary formations, private militias or youth armies was prohibited (Article 190).

"The 2004 Defence and Armed Forces Law prohibited the individual requisition of one or more children below the age of 18 in the event of a mobilization (Article 10) and the maintenance of a youth army or youth subversive group (Article 41). Responsibility for child-soldier demobilization was held by the Minister of National Defence, Demobilization and Former Combatants (Article 25). A previous decree-law, of 9 June 2000, ordered the demobilization of children below the age of 18 from armed forces and groups. A May 2005 circular issued by the military prosecutor instructed regional and local military prosecutors to initiate proceedings against all those accused of child recruitment or use in military operations. The same circular instructed military prosecutors to refer illegally recruited children accused of crimes to a competent civilian court, or to the official DDR program for demobilization." (Child Soldiers – Global Report 2008) [44b] (p2-3)

26.54 There was little evidence that those involved in the forced conscription and use of child soldiers were being brought to justice. (Child Soldiers – Global Report 2008) [44b] (p6-7) According to the website 'Trial Watch' (accessed 15 January 2009), on the 13 June 2008 Trial Chamber imposed a stay on proceedings against Thomas Lubanga Dyilo. He was released on 2 July 2008. This was appealed in October 2008 and it was decided to remand to the Trial Chamber for a new determination. It was announced on 13 January 2009 that the trial will begin on 26 January. [133a]

26.55 Actions by various bodies to prevent the recruitment of child soldiers was reported to have improved the situation. This appeared to be confirmed by a report from UNICEF that hailed the noticeable improvement in the situation of child soldiers in South-Kivu and the drastic reduction in the number of children enrolled for the first or second time in the armed groups. However, UNICEF also noted that because of the inaccessibility of some areas of the province it was difficult to monitor the situation. The government's plans to withdraw re-integration assistance was also criticised. (Radio Okapi, 6 February 2007) [64v]

- 26.56 On 31 October 2007 at its weekly press conference MONUC declared that around 200 children are enrolled in FARDC, particularly in the brigades deployed in North Kivu. It said that it looked forward to action in North Kivu similar to that taken by the 10th military region in Bakavu, where FARDC forces have been instructed that under article 114 of the military jurisdiction code persons arrested under the age of eighteen years must be transferred to a civil court. [56cp]
- 26.57 allAfrica.com reported on 16 November 2007 that according to the UN 232 children, who had been recently recruited, had been freed from Mai Mai forces with the help of UNICEF and Save the Children. They were freed from Mai Mai forces in North and South Kivu over the previous few days with the support of MONUC and following “an intensive media and outreach campaign on the non-recruitment and non-use of children by armed groups”, UNICEF was quoted as saying. [74dh]
- 26.58 “Ongoing impunity for human rights violations, including for sexual violence, hindered the successful reintegration of former child soldiers. Efforts by the government, the international community, donors and NGOs were hampered by a context of poverty, weak or non-existent state institutions and an infrastructure devastated by war.

“Funding for adults’ and children’s DDR was established by the World Bank and the Multi-country Demobilization and Reintegration Program in 2002. In the absence of a national body, DDR was initially carried out by UNICEF and NGOs with assistance from MONUC child protection advisers. A national body, the Commission Nationale de Désarmement, Démobilisation et Réinsertion (CONADER), was established in December 2003 to oversee a DDR program for an estimated 150,000 adult fighters and 30,000 children. An operational framework for children’s DDR was adopted by CONADER in March 2004. By December 2006 CONADER stated that 30,000 children had been released from armed forces and groups. Four thousand children were released between October 2006 and August 2007, mainly from ‘mixed’ brigades and armed groups.

“Implementation of the children’s DDR program was delayed, owing to continued hostilities, lack of political and military will, mismanagement of funds and poor co-ordination and timetabling. ...

“Reintegration support was consistently underfunded or entirely absent. In December 2006 CONADER said that of the 30,000 demobilized children some 14,000 had yet to receive reintegration assistance. By mid-2007 CONADER was winding down and international funding had virtually ceased. CONADER was slow to approve funding for NGO-based reintegration projects. Most programs were established in urban centres and inaccessible to the majority of child soldiers, who were based in rural areas.

“An estimated 11,000 children escaped or left the armed forces and groups without being officially demobilized. Children, many of them used in frontline combat, saw adults receive demobilization packages and support for a one-year period, while they returned home without material support, training or other assistance. Some reportedly resorted to identifying themselves as adults to enter the adult program. Others were either forcibly re-recruited or re-enlisted ‘voluntarily’ in the face of a dearth of alternatives.

“ ... Most girls did not enter the official DDR program, fearing stigmatization by their communities if they were identified as child soldiers. Others remained with their military ‘husbands’ for fear of violence and recrimination if they left. Only 12 per cent of formally demobilized children were girls, despite estimates that girls might have comprised up to 40 per cent of the total number of child soldiers during the armed conflict. ...” (Child Soldiers – Global Report 2008) [44b] (p6-7)

- 26.59 “Mixed brigade commanders Colonel Faustin of Delta Brigade and deputy commander Colonel Baudouin of Charlie Brigade, as well as former Ituri District militia leader Bosco Ntaganda, were uncooperative in releasing children under their command in North Kivu Province. Bravo commander Colonel Sultani Makenga and Lieutenant Colonel Mulomba forcibly recruited child soldiers. According to HRW, on March 22 Makenga attempted to prevent child protection workers from removing eight children from a military camp in Kitchanga, North Kivu Province. He allegedly dragged six children from the protection workers' vehicle and beat the other two. Three of the six later escaped to UN peacekeepers. The status of the other three children remained unknown at the end of the year.” (USSD 2007) [3k] (Section 1g)
- 26.60 “War crimes tribunal judges have ruled that Congolese warlord Thomas Lubanga should not be freed but say his trial remains suspended... Mr Lubanga was arrested in 2006, accused of recruiting and using child soldiers during DR Congo’s brutal five-year conflict that ended in 2003.” (BBC News) [15eh]
- 26.61 A report from Amnesty International entitled, ‘DRC: Children at war, creating hope for the future’, published on 11 October 2006, stated that thousands of children abducted by rebels had not been resettled, despite a three-year internationally financed effort to bring them home. The report claimed that 11,000 of the 30,000 children who were kidnapped and used as child soldiers or sex slaves were either unaccounted for or still with the armed groups that abducted them. Many of these are girls, who are either abandoned or misidentified as ‘dependants’ of adult fighters. In some areas less than two per cent of children released are girls. The report further claims that despite government reports that over 19,000 children have been disbanded since the Disarmament, Demobilisation and Reintegration (DDR) programme was launched in 2004, they have not been properly reintegrated. “The majority of children released and reunited with their communities are so far unsupported or poorly supported in their return to civilian life, and are not being provided with adequate educational or vocational opportunities,” the report said. [11q]

See also [Section 8.19 on Security situation – Eastern DRC](#); [Section 8.34 on Ituri](#); [Section 11.01 on Military service](#); [Section 12.06 on Disarmament of foreign armed groups](#); [Section 27.01 on Trafficking](#);

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IMPRISONMENT OF CHILDREN

- 26.62 As a result of article 41 (1) of the new Constitution provisions on the protection of children in trouble with the law as set out in international and national standards on justice for minors apply to all children under the age of eighteen.

This protection includes the provision that children should not be subject to the death penalty, that any detention of children should be a measure of last resort, and last for as short a period as possible, the aim being rehabilitation rather than punishment. In this respect the MONUC report commends the good practices of the courts of Kissangani, Mbuji Mayi and Bunia for treating children between 16 and 18 as minors. [56i]

- 26.63 The 1950 Statute on Juvenile Crime provides that all cases involving children should be heard immediately by the appropriate judge. According to the Criminal Law System this falls to magistrates. In a number of places such as Kananga, Goma, and Bunia, magistrates are informed rapidly of such cases, but in other places children often remain in police cells, military establishments, in the prosecutor's office, and sometimes in illegal detention centres, sometimes spending days or weeks in cells. [56i]
- 26.64 When detained in police cells, subject to some exceptions, children are held in the same unventilated cells as adults. There is no access to sanitary arrangements, food or water unless the families become involved. They are also subject at times to ill-treatment. [56i]
- 26.65 Children are often arrested within police stations because their parents take them to the police for disciplinary reasons. MONUC recorded several cases at Mbuji Mayi, Bunia, and Lumumbashi where this had happened. [56i]
- 26.66 Some children have been held in illegal detention centres, including in underground dungeons. The report gives examples of a 16-year-old being held in an underground cell at the S11 camp at Mahagi for alleged desertion, and two minors held in an underground cell for the month of August 2004 in Goma. It also reported that the majority of young illegal miners arrested for trespassing on State mining concessions were held inside the compound of the Société Minière de Bakwanga, (MIBA) in cells similar to cages for several days for non-payment of fines, but that after appeals by child protection agencies those not immediately released were to be transferred to the detention centre at the Public Prosecutors Office which had been fitted out for the purpose. [56i]
- 26.67 Children with links to armed forces and groups have frequently been arrested by the FARDAC or by members of other armed groups and later been kept in cells in army camps, frequently charged with desertion, and although the number is diminishing there are still cases of children being taken before military courts and sentenced, even though they have no jurisdiction over under-18s. [56i]
- 26.68 Many street children participated in prostitution and citizens regarded them mainly as thugs engaged in petty crime, noted the USSD 2007 Human Rights report. Collusion between street children and the police was often reported, for example where street children paid police officers to let them sleep in vacant premises, and others turned over to police a percentage of goods stolen from markets. [3i]
- 26.69 On 31 October 2007 at its weekly press conference MONUC welcomed the efforts of the 10th military region in Bukavu, to put an end to the military jurisdictions arrest of minors. The regions military commander referred to article 114 of the military jurisdiction code and stated that it does not apply to

persons under eighteen years old, and that in cases where minors were arrested, they must be transferred before a civil and non military court. [56cp]

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CHILDREN AND WITCHCRAFT

- 26.70 The report published by Human Rights Watch, What Future? Street Children in the Democratic Republic of Congo in April 2006 stated that “accusations of witchcraft and the belief in the ability to cause harm to others have existed in the DRC since before colonial rule.” The report goes on to say that in the past it was usually widows or single women who were accused of sorcery, but in the past fifteen years children living in urban areas have become the primary target of witchcraft allegations. It stated, “Each week in the DRC, hundreds of children are accused of sorcery and endure abuse at the hands of their accusers – normally extended family members but, increasingly, self-proclaimed prophets or pastors as well.” This growth has occurred in tandem with the creation of churches that specialise in the exorcism of evil spirits from the “possessed”. There are approximately 2,000 churches in Mbuji-Mayi, and an even greater number in Kinshasa, that perform services which combine prayers, fasting and abuse in “deliverance” ceremonies to rid children of “possession”. These ceremonies range from simple prayers and singing to sequestering the children for several days at the churches, denying them food and water, and whipping or beating confessions out of them. In addition the most abusive pastors also burn them or pour salt water in their anuses or down their throats to purge the “evil” from their bodies. It is additionally reported that sometimes children are tied up during their confinement at the churches and that in a few cases boys and girls have been sexually assaulted by members of the churches whilst in confinement. [5t]
- 26.71 Some children who undergo these ceremonies are reunified with their families who believe the spirits have been exorcised. Others may accept the child initially to see if the perceived evil reoccurs, and if so, throw the child out. In other cases they are made to leave the home immediately they return from the church, whether or not the ceremony was deemed successful by the pastors. [5t]
- 26.72 The HRW report stated that children can be accused of sorcery for any number of reasons. “The loss of a job, an illness or death in the family, or marital difficulties can lead parents or guardians to look to their children as the cause.” The report continued to say that perceived “unusual” behaviour can trigger sorcery accusations, and those children who suffer from illnesses such as epilepsy, chronic illness, or mental illness can also be accused, and that once a child has been identified as a witch he or she will be treated differently by other members of the family by having to do such things as eating alone, sleeping separately, or be forced to do disproportionate amounts of domestic work, or work on the streets to earn his/her keep. At the same time these will be whipped, beaten, or slapped to rid them of the “possession”, or coerce them to confess to being a sorcerer. They are also insulted, and called derogatory names. [5t]
- 26.73 It is claimed that up to 70 per cent of street children appear to be outcasts from their families having been accused of sorcery. Orphans or children with

step-parents seem to be especially vulnerable to accusations – made by surviving relative’s – that they are responsible for the family’s misfortunes. Children who are HIV positive are also susceptible, with some people believing that they can infect relatives with AIDS by using magic spells. [5t, 15aw]

26.74 Despite the prevalence and seriousness of abuses stemming from accusations of sorcery in homes and churches, and despite the new Constitutions prohibition of accusations of child sorcery, the state has failed to stop the violence, and has failed even to investigate the most serious cases of abuse or prosecute those responsible. [5t, 92b]

26.75 The US State Department (USSD) 2008 International Religious Freedom Report noted that during the year many families accused children and the elderly of being witches. The report also noted that:

“... there were reports of incidents of individuals attacked, tortured, killed, or driven from their homes when they were accused of being ‘witches’. While ‘witch’ is an imprecise term that is often applied to persons with developmental, behavioural, and psychological problems, there is a common belief that some persons have the power to cast spells on others or are possessed by demons. Accusations of witchcraft can cause widespread fear in a community.” [3j] (section 3)

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27. TRAFFICKING

- 27.01 The US State Department 2008 Trafficking in Persons Report, released in June 2008, noted:

“The Democratic Republic of the Congo (DRC) is a source and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Much of this trafficking occurs within the country’s unstable eastern provinces and is perpetrated by armed groups outside government control. ... An unknown number of unlicensed Congolese miners remain in debt bondage to supplies dealers for tools, food, and other provisions. Some reports suggest that Congolese children were prostituted in brothels or in camps by loosely organized networks. Congolese women and children were reportedly also trafficked by road to South Africa for sexual exploitation. Congolese girls were also believed to be trafficked to the Republic of the Congo for commercial sexual exploitation. A small number of Congolese children are also reportedly trafficked to Uganda via Rwanda for agricultural labor and sexual exploitation. Reports suggest some members of Batwa, or pygmy groups, were subjected to conditions of involuntary servitude.” [3e]

- 27.02 The report continued to say:

“The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Nevertheless, DRC is placed on Tier 2 Watch List for its failure to provide evidence of increasing efforts to combat trafficking in persons over the last year. Some significant initial advances were noted, particularly regarding the arrest of at least three suspected traffickers. However, a number of other arrest warrants were not carried out, and no convictions of traffickers were obtained.” [3e]

- 27.03 The same USSD report stated, “The government lacks sufficient financial, technical, and human resources to effectively address not only trafficking crimes, but also to provide basic levels of security in some parts of the country.” [3e] (Country Narratives)
- 27.04 NGOs provided legal, medical, and psychological services to trafficking victims and potential trafficking victims, including child soldiers and children in prostitution. Under the National DDR Plan, all ex-combatants pass through a common process during which they disarm and receive information about military and civilian reintegration options. [3e] (Country Narratives)
- 27.05 The Ministry of Defense’s disarmament, demobilisation, and reintegration implementation unit identifies, isolates, and transports any children identified to NGO run centers for temporary accommodation and vocational training. Over 3,500 child soldiers were so demobilised from armed groups in 2007, mainly in Ituri District of Orientale Province. The lack of command and control, within FARDC, over CNDP battalions integrated into the short-lived North Kivu mixed brigades impeded efforts to separate child soldiers from these battalions. [3e] (Country Narratives)

27.06 The US State Department Report on Human Rights Practices in 2007 published on 11 March 2008 (USSD 2007) stated, "The Ministry of Justice was responsible for combating trafficking. Law enforcement authorities were rarely able to enforce existing laws due to lack of personnel, training, and funding, and the inaccessibility of eastern areas of the country." [3k] (Section 5)

See also [Section 25.01 on Women](#); [Section 26.01 on Children](#); [Section 26.42 Child soldiers](#)

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28. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 28.01 Data from the World Health Organisation (WHO) Statistics 2008 indicated a life expectancy at birth of 46 years for men and 49 years for women (2006 figures), with a healthy life expectancy at birth of 35 years for men and 39 years for women. [16a] [16b]
- 28.02 Reports by human rights and humanitarian organisations, including the IRC, Médecins sans Frontières (MSF), Amnesty International and Human Rights Watch have also drawn attention to the use of violence, rape and sexual assault by combatant forces, leaving many men, women and children in need of medical treatment, and called for restoration of a sustainable health care system. [5m] (p45-47) [11c] (Introduction) [29c] [50] The MSF Annual Activity Report article on the DRC 'A never ending health crisis' of 6 December 2004 also detailed a number of places, including Baraka, Bunia, Kisangani and Kinshasa, where MSF is providing medical care and counselling. [29c] An email from MSF on 22 August 2007 stated that MSF no longer worked in Baraka. [29h]
- 28.03 Aid agencies have also provided assistance in dealing with other diseases and conditions, and preventive vaccination campaigns for children, including tuberculosis, pertussis, yellow fever, polio tetanus and measles. [18d] [29a] [29c] [59c]
- 28.04 The WHO Tuberculosis (TB) Control Country Profile Report 2006 noted that:
- “Despite a small increase in the number of clinics providing TB diagnosis and treatment, fewer cases of TB were notified by the DRC in 2006 than in 2005... While treatment outcomes for smear positive patients are good compared with other African countries, very few smear-negative cases are reported, suggesting problems with diagnosis. Coordination with the national AIDS control programme continues to be problematic, and fewer than 2 per cent of TB patients were tested for HIV in 2006.” [16h]
- 28.05 The World Diabetes Foundation reported in February 2008 that the objective of a current diabetes project in the DRC was to improve health care for diabetics in Kinshasa and the Kisantu Bas-Congo health zone. Among the results so far were the setting up of a diabetes retinopathy programme including systematic screening of more than 4,000 patients; under a detection program of hypertension and early stages of retinopathy over 3,000 persons were screened throughout Kinshasa. [72]
- 28.06 A report produced by a team of doctors led by Professor O L Ahuka of the University of Kisangani in May 2006 stated that more babies were being born with deformities due to the health effects of the ongoing conflict. According to the report the incidence of congenital malformations had been rising steadily in eastern Congo since the outbreak of hostilities. The most frequently observed birth defects are clubbed foot, spina bifida and cleft palates. [74v]
- 28.07 On the credit side conditions in the main hospital in Lubumbashi were improving since Professor Stanis Wembonyama became director, and the NBA basketball player Dikembe Mutombo financed a hospital in Kinshasa; the

Biamba Marie Mutombo Hospital and Research Centre was named after his mother. According to a newsletter the hospital would offer “specialized care to the capital city’s poorest residents.” The newsletter claimed that “a special focus will be placed on maternal and child health.” The hospital was due to open on 2 September 2006, but due to the security situation in Kinshasa after the post election events Mutombo delayed the opening, and a new date was not at that time set. He stated that the hospital would begin accepting patients at the end of September as planned. [15b] [106a] [106b] [107]

- 28.08 my FOX Houston reported that Dikembe Mutombo had attended the opening of the Biamba Marie Mutombo Hospital and Research Centre in Kinshasa. The hospital, which was opened by President Joseph Kabila on 17 July 2007, was a \$US29 million project, of which Mutombo had contributed \$US15 million of his own money, however, he has cautioned that it will take even more donated funds from other sources to keep the project online. [126a]
- 28.09 The Economist Intelligence Unit (EIU) December 2007 Country Profile Report advised that a lack of recent statistical data makes an assessment of the state of public health in the DRC difficult. However, anecdotal evidence and partial data from humanitarian organisations suggest that, owing to the war and economic collapse, the country is now experiencing a public health disaster. The opening up of some areas since the end of the civil war has revealed the extent of the disruption to social services: Many areas have not had medical supplies of several years. Of the country’s 306 health centres, less than 60% have vaccination facilities. [30f] (p19) The same source stated “Hospitals and other health infrastructure face serious staffing, supply and payment problems, and many have largely ceased functioning. Patients must often provide or purchase their own medical supplies. Private clinics operate in most of the larger towns. Christian missionaries play a prominent role and, in many areas, provide the only health services available.” [30f] (p19)
- 28.10 On 5 February 2007, Relief Web reported that Medical Emergency Relief International (Merlin) had announced that it was part of a consortium that has embarked on a £20.3 million programme to rebuild and strengthen health services in the DRC. The three year project funded by the US Agency for International Development (USAID), aims to increase access to vital services such as mother and baby health care, treatment for malaria, tuberculosis, and common childhood illnesses. Other activities to be implemented include training health workers and supplying medical equipment and supplies to health centres in targeted areas of Maniema and South Kivu Province. [92o]
- 28.11 On 5 March 2007 allAfrica.com reported that the official statistics from the WHO show that around 100 people die every day in the DRC indirectly from the effects of war. According to statistics supplied by the WHO regional office, during 2006 Ituri was hit by 21 cholera epidemics in the territories of Djugu and Aru. These epidemics claimed 117 lives. In the same districts an epidemic of bubonic plague claimed the lives of 28 people. There was also a respiratory epidemic, which was propagated by the plague which spread to a large area including important centres such as Kwandroma where 29 people died. 168 people died in a whooping cough epidemic in Djuge district. On top of this annual total a meningitis epidemic affected 470 people in Aru district, and has caused the deaths of 55 people. [74an]

- 28.12 On 30 October 2007 BBC Monitoring reported that at least 80 children had died of measles in the past two months in Mweso and Birambizo health centres in Masisi territory in North Kivu. The report said that the cause of the escalation of the epidemic was the inability of humanitarian organisations to reach the people affected by the disease due to the security situation in the province. [95du]
- 28.13 On 12 November 2007 Reuters reported that UNHCR together with its partners had stepped up their joint efforts to curb the spread of cholera in camps hosting some 45,000 IDPs in North Kivu. The disease broke out in early October in five camps for IDPs located in the Mugungas area of North Kivu, but according to the UNHCR latest reports showed that the cholera situation appeared to be stabilizing, with the number of new cases falling steadily. Health workers said that at the end of October there were 439 suspected cases of the disease, 189 of which were reported between 24-28 October. In the last four days of October about 25 cases a day were reported, while in the first eight days of November an average of 16 cases a day were reported. [21cz] Another outbreak was reported on 13 November 2007 by allAfrica.com on the disputed island of Rukwanzi in Lake Albert, where health workers were unable to provide treatment due to the security situation. Since October police on the island had reported 57 cases of cholera and three fatalities, but in the previous two days six cases had been registered according to a police commander. The acting district commissioner in Ituri said “we have ordered the section head and police on the ground to evacuate children and the elderly”. A spokesman for the WHO stated “they don't have access to (clean) water or healthcare where they are. Those who develop diarrhoea are told to take a boat to Tchomia, a lakeside town, where there is an isolation hospital”. [74dm] According to AFP there had been 272 cases including eight deaths in the Tchomia health zone which includes Rukwanzi. [65es]
- 28.14 On 25 December 2007 BBC Monitoring reported that in Rutshuru there had been 1,300 cases of cholera and five deaths. According to MSF (Doctors without Borders) which runs a health facility in Rutshuru the epidemic was spreading among IDPs displaced by the recent fighting. [95ea]
- 28.15 On 25 January 2008 MSF reported that it had a team of 15 currently working to fight a cholera epidemic that had been raging since the start of the year in Lubumbashi in Katanga. The report said that up to that date 767 cholera patients had been treated, with the number of new patients rising slightly, with an average of 30 to 40 new patients every day. [29i]
- 28.16 AFP reported on 30 January 2008 that more than 2,000 cholera cases, including 59 deaths, had been recorded in Katanga that month. Three different sites in the province had registered 2,083 cases according to MSF. A week earlier MSF had reported 1,463 cases and 30 deaths, mostly in Lubumbashi, Likasi, and the rural area of Bukama. The report went on to say that the outbreak in Bukama appeared to have been brought under control, and the MSF teams had been sent to Likasi, where more than 60 new patients were arriving each day for a centre with a capacity for 35 people. MSF had recorded 30 deaths and 687 cases in Likasi over the course of a month. [65fc]

See also [Section 8.19 on Security situation – Eastern DRC](#); [Section 25.01 on Women](#); [Section 26.01 on Children](#); [Section 29.01 on Humanitarian aid/international assistance](#); [Section 31.01 on Internally Displaced Persons](#)

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KINSHASA

- 28.17 The Foreign and Commonwealth Office (FCO) Travel Advice (last updated 9 January 2009) stated, “The Centre Prive d’Urgence (CPU) clinic in Kinshasa is able to cope with basic health problems and to stabilise a patient after most serious accidents....Outside Kinshasa western standard medical facilities are practically non-existent.” [22h] In a letter of 19 August 2005 the FCO provided information about medical treatment in Kinshasa obtained by the British Embassy Kinshasa from a doctor practising at a clinic providing affordable healthcare. It stated that although doctors, clinics and medical centres exist in Kinshasa, access to them is limited by abject poverty, and only 30 per cent of Kinshasa’s population can afford them. The average cost of a consultation started at \$20, although the clinic, which was funded by the UK and NGOs, charged \$2. [22j]
- 28.18 Regarding the availability of drugs and treatment in Kinshasa for some specific conditions, the FCO letter of 19 August 2005 stated:
- “5. Diabetes: treatment is readily available but too costly for the majority of the population. Poor diet is an aggravating complication.
6. Sickle cell anaemia: only one centre is operating at the moment in Kinshasa.
8. Hypertension: treatment is available from most medical centres/hospitals or clinics in Kinshasa.
9. Tuberculosis: treatment is available.
10. Hepatitis (mainly Type C): treatment is very complicated and drugs not usually available. Most patients with the financial means go to South Africa or Europe for treatment.” [22j]
- 28.19 A further letter from the FCO, dated 29 August 2006, stated that following consultations with local doctors treatment for hepatitis C is not available in the DRC. [22q]
- 28.20 An e-mail dated 26 April 2007 in relation to Hepatitis B stated that both doctors consulted said that Hepatitis B’s origin is viral so nobody can cure it. What they are doing is to provide palliative care to their patients in the DRC, but most of them are dying. [22v]

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 28.21 The latest details published, in an undated article, by the Global Fund stated that 29,000 people were receiving ARV therapy. The estimated number of people requiring therapy was 120,000. [162]
- 28.22 MSF also runs a specialised clinic to treat people with sexually transmitted infections in Kitchanga in North Kivu, and operates three such clinics in Bukavu, South Kivu. [29f]
- 28.23 On 11 December 2006 IRIN reported that although thousands of people living with AIDS were going without treatment, a production line at a modern antiretroviral (ARV) factory in Bakavu was lying largely idle. The company producing the drugs, Pharmakina, has produced generic ARVs since April 2005, but was being forced to await approval from the World Health Organisation (WHO). The Congolese authorities gave the medicine the go-ahead in June 2005, allowing Pharmakina to supply the local market, but with a price tag of US\$22 per month, the majority of HIV-positive people in South Kivu cannot afford Pharmakina's ARVs. [18ev]
- 28.24 On 14 March 2007 allAfrica.com reported that MONUC had announced the launch of the UNICEF 2007 world campaign against HIV/Aids, in the commune of N'sele in Kinshasa. The campaign aims at shedding light on the secret side of the HIV pandemic which also affects children. During the ceremony which was attended by over 7,000 children, Mrs. Kabila, wife of the president, announced the birth of a grand alliance to follow the development and protection of Congolese children. According to Jean Tobie Okala deputy spokesperson for MONUC "the grand alliance had the support of the international community, political leaders in the DRC, religious organisations, worldwide business, civil society and families". The report stated that the estimated average rate of HIV prevalence is 4.5 percent among children; 300,000 live with HIV; of which 40,000 have a need for appropriate treatment; less than 1,000 have access. Mr. Okala went on to say that among one million orphans in the DRC, there are 100,000 infected by HIV and that less than 2 percent of pregnant Congolese women have access to the Prevention of Transmission of HIV from Mother to Infant service. [74ar]
- 28.25 On 26 April 2007 IRIN reported that the majority of HIV-positive people living in Ituri were not taking up the offer of free life-prolonging antiretroviral (ARV) drugs. Since the government had began providing drugs in November 2006 as part of its National Multi-Sector Programme to Fight HIV/AIDS, the number of people taking advantage of the free medication had risen from 10 to just 38. A spokesman for a NGO said that stigma was a major factor preventing people from seeking treatment early, with many HIV-positive people still being ostracised by their families and neighbours. With the aim of encouraging more people to be tested and treated for HIV/AIDS the government and NGOs have joined together to form the Multi-sector Committee for the Fight against HIV/AIDS (CMLS). UNAIDS estimates that HIV prevalence in the DRC at about 3.2 per cent, but says that it may be as high as 20 per cent among women who have suffered sexual violence in areas of conflict. Although surveillance remained poor, the National Multi-sector Programme to Fight HIV/AIDS reported that the HIV prevalence in voluntary testing centres in Bunia, Ituri's main town, was 21 per cent. [18fe]

- 28.26 MONUC reported on 3 December 2007 that following the example of other DRC provinces Maniema had celebrated World Aids Day on 1 December. In Kindu, the day was organised by MONUC and international and national organisations working in the fight against HIV/Aids. A march was held to remind local authorities of their promise of helping the People Living with Aids (PLA) to find them Anti Retroviral drugs (ARVs). The provincial governor announced that the province would distribute ARVs and promised material assistance to the PLA. [56cw]
- 28.27 Medecins Sans Frontieres, in an undated article, stated that, “MSF continues to provide comprehensive care for HIV-infected people in the capital city, Kinshasa, as well as Kilwa in Katanga, Bukavu and Dungu in the east of the country. In July 2007, over 3,000 people were receiving ant-retroviral treatment.” [156a]

See also; [Section 8.19 on Security situation – Eastern DRC](#); [Section 25.01 on Women](#)

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CANCER TREATMENT

- 28.28 According to an e-mail dated 7 August 2006 from the British Embassy in Kinshasa cancer treatment is not widely available in the DRC. Embassy staff state that according to their latest research “chemotherapy and other related treatments are available (at a cost to the patient and not all of the time) in 5 medical centres, all of which are in Kinshasa. These are: the University Clinics (Cliniques Universitaires), Centre Hospitalier Monkole, Clinique Nganda, Clinic Ngaliema and at the referral hospital, Hôpital Général.” [22p]

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KIDNEY DIALYSIS

- 28.29 According to the e-mail dated 7 August 2006 from the British Embassy in Kinshasa, “kidney dialysis is not available in the DRC. Most patients who need this treatment (if they can afford it) go to South Africa.” [22p]

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MENTAL HEALTH

- 28.30 The World Health Organisation (WHO) Mental Health Atlas 2005 stated that mental health policies, programme and legislation were present. Also, treatment was present in the primary health care system for severe mental disorders. The report also stated that there were no community care facilities in mental health, and that there was one care centre in the country, also regular training of primary care professionals in the field of mental health. The report added “Government also partially supports some charitable organizations like the Soins de Santé Mentale (SOSAME) that provide mental health services.” The WHO survey referred to a 2001 report that mental disorders were common, especially in the urban population and during the active decades of life. [16d]

- 28.31 The WHO report added that no specific budget had been allocated for mental health and also stated “The cost of psychiatric treatment is considered to be high by the average earning capacity. The country does not have disability benefits for persons with mental disorders.” The following therapeutic drugs were generally available at the primary health care level: Carbamazepine, Phenobarbital, Phenytoinsodium, Amitriptyline, Chlorpromazine, Diazepam, Haloperidol, Levodopa. [16d]
- 28.32 The FCO letter of 3 April 2006 confirmed that treatment was available for manic-depressive psychosis and bipolar affective disorder in Kinshasa for those who have the funds to pay for it. It also said the drugs Risperdal, Clopixol and Tegrettol were available. [22s]
- 28.33 The FCO letter of 19 August 2005 regarding the availability of drugs and treatment in Kinshasa for specific conditions stated “CNPP [Centre Neuro-Psycho-Pathologique] at the university of Kinshasa and centre TELEMA run by Catholic nuns are two well-known centres providing psychiatric care but they lack the specialists to treat schizophrenia and stress related depression.” [22j]
- 28.34 The Amnesty International report ‘Mass rape: time for remedies’ of October 2004 commented on the lack of treatment available for women who suffered from psychological trauma as a result of sexual violence by armed groups in the east, and stated “Therapeutic support and treatment is virtually non-existent in the DRC, except [sic] for the informal counselling provided by local Congolese women’s associations dealing with the rape crisis and a very small number of international NGO psychologists.” [11c] (p26)

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TUBERCULOSIS

- 28.35 A joint report from Norway’s Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 stated that:

“Dr. Eric Verschuren, Conseiller Technique Principal Programme Santé, Cooperation Technique Allemande (GTZ) had stated that tuberculosis treatment in the DRC is free for patients, but explained treatment options can vary depending on where one lives in the country. Dr. Verschuren further pointed out that it is not impossible that health work at the local hospital and health centre requires payment from patients for treatment, even though this treatment should be free. This is due to the difficult economic situation and low salaries and monthly wages for the health workers employed; according to Dr. Verschuren they get approximately 80 USD”. [20]

- 28.36 The same report stated:

“Dr. Verschuren said that there are still many who contract tuberculosis, due to the AIDS epidemic and these illnesses infect everybody else, but organising of the treatment processes including advice for these two treatment sectors are not co-ordinated. Patients who have HIV/AIDS and have tuberculosis have to go through many treatments and different treatment places because ARV-treatment is only available at the hospital and tuberculosis treatment is given

at a health centre. The challenge for the Congolese health ministry is organising tuberculosis and HIV treatment to be given under one roof so the patients can avoid both extra economic and physical pressures". [20]

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DIABETES

28.37 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 stated "Dr. Mpoy Muteba, Medecin Chef de Staff, of CMK, Centre Medical de Kinshasa, explained that both general treatments and special health programs for diabetes in the DRC have to be seen in the light of country's difficult economic situation, size of the country, main communications problems, and lack of the required infrastructure; along with the demographics as to how different groups of people live together.

28.38 "Dr. Muteba explained that diabetes in the DRC is largely a city phenomenon and that it is a lifestyle illness. Whereby diabetes had affected 7% of the population in Kinshasa, but affected only 2% of the population in provincial areas. Dr. Muteba explained the background of diabetes and how it was spread throughout the country with a total of approx. 300,000 diabetics with around 70,000 in Kinshasa.

"Dr. Muteba pointed out of all people diagnosed; one in every two people were unaware that they were ill with diabetes". [20]

28.39 "Dr. Muteba further explained that the primary health offer which is open to diabetes patients in Kinshasa is organised through a network of 50 health centres. These are run by many different voluntary organisations and individuals. There are two other medical centres that can give specialised care to diabetes patients who have damaged eyes and a centre which has competence for treating internal complications of this illness. However the special healthcare is limited and Dr Muteba stated that even though the primary treatment offer exists in Kinshasa people do not have the resources to take advantage of these services. Dr. Muteba also knows that diagnosis of diabetes in pregnant women is difficult and it could have consequences for the child". [20]

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TYPE 1 DIABETES

28.40 Landinfo and the Danish Immigration Service FFM of January 2007 reported "Dr. Muteba stated that a third of all diabetes patients in the DRC get insulin treatment. Half of these patients are insulin dependant for their survival but the rest have a need for it in order to avoid complications of the illness. It is however a big problem for the diabetic patients to get their daily insulin doses at the local health centre and at these centres around 6,000 patients receive regular treatment". [20]

28.41 This report continued "Diabetes patients treated in one fifth of the health centres in Kinshasa are divided into three categories according to payment abilities. The poor adults, orphaned children, seniors (people over 60 years of

age) and the young get free insulin. Those who have the ability to pay something towards the cost of insulin pay a reduced price, and those who have average earnings pay normal prices. The price for 10ml of insulin which is 400 units costs 5 USD. Dr. Muteba added that the average earnings for a civil servant are \$40 US per month. The daily insulin dose is decided by the patient's blood sugar level and 10ml/400 units can be enough for about three weeks use".

- 28.42 And further said "Dr, Muteba went on to say that a similar treatment facility exists in Bas-Congo-province and that this facility is supported in the same way as that in Kinshasa, by World Diabetes Association. The National Health program for diabetes, Programme Nationale de Lutte contre le Diabete (PNLD) is planning a similar setup in Katanga and Bandunda, but this is all depends on economic help from foreign players". [20]

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TYPE 2 DIABETES

- 28.43 The Landinfo and Danish Immigration Service FFM report continued "Type 2 diabetes can be treated with pills. This means that compared to insulin this medicine can be kept without cooling".
- 28.44 And "Dr. Muteba informed that medicine for diabetes 2 is available in the whole country and 30 tablets, which is a months supply costs around \$40 US available from the health centre in Kinshasa. Sales prices from pharmacies can be higher and they can vary from pharmacy to pharmacy". [20]

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LEPROSY

- 28.45 On 16 July 2007 Afriquenligne reported that 400 new leprosy cases had been recorded in Moba, northern Katanga, during a screening campaign begun in May 2007. According to health district supervisors, and other community-based agents, leprosy had been spreading in the area located near Lake Tanganyika, south of Kalemie. [127b]

See also: [Section 8.19 on Security situation – Eastern DRC](#) [Section 25.01 on Women](#)

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29. HUMANITARIAN AID/INTERNATIONAL ASSISTANCE

- 29.01 Many international aid organisations and Christian missionary groups operate in the country to provide medical and other relief services. [57b] [57c] These include United Nations (UN) and other international agencies, including the International Committee of the Red Cross (ICRC), World Health Organisation and Médecins sans Frontières (MSF). [16a] [29c] [57a] [57b] [57c] Also, international donors, whose previous assistance was almost entirely dedicated to humanitarian interventions, are beginning to fund development projects in the DRC. [1j] [3k] (Economy) [60a] (p87)
- 29.02 On 13 February 2007 Reuters reported that UNHCR had announced that it was seeking a total of \$62 million for programmes aimed at helping hundreds of thousands of people displaced within the DRC as well as Congolese in neighbouring countries. It was seeking \$47 million to support the return and reintegration in 2007 of some 98,500 Congolese refugees. It was also asking for another \$15 million to provide protection and assistance during the same period for an estimated 1.1 million internally displaced people. [21an]
- 29.03 On 17 September 2007 the International Committee of the Red Cross reported that the resumption of fighting in North Kivu between Nkunda and FARDC had led to mass displacements, and the fighting was making it difficult for aid workers to move a round the province, restricting their ability to carry out assessments and take action. [136a]

See also [Section 2 on Economy](#)

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30. FREEDOM OF MOVEMENT

- 30.01 The US State Department Report on Human Rights Practices in 2007, published on 11 March 2008 (USSD 2007), stated, "The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes restricted these rights." [3k] (Section 2d)
- 30.02 The 2008 Country Profile by the Economic Intelligence Unit (EIU) stated that, "The Congo River and its tributaries are open to navigation over long distances, although the stretch between Kinshasa and the Atlantic Ocean is blocked by a series of rapids. There are irregular and often dangerous passenger and freight services between Kinshasa and Kisangani, for which new vessels are urgently required." [30h] The FCO advised in its Travel Advice that, "You should be aware that the boats and ferries, which serve the rivers and lakes, are poorly maintained and often overloaded. Strong currents, shifting sandbanks and poor maintenance contribute to low safety standards." The EIU added, "The once extensive railway system has now shrunk to a rump service, mostly concentrated in Katanga." [30h]
- 30.03 The EIU 2008 Country Profile also stated:
- "Because of the poor state of ground transport, the long distances involved and the insecurity in much of the country, air transport is much used for both freight and passengers. However, air traffic is ineffectively regulated, aircraft are often not airworthy, and there have been several air crashes in recent years...Hewa Bora operates domestic flights as well as flights to Johannesburg, but has been banned from EU airspace. Air France flies between Kinshasa and Paris, and SN Air Brussels between Kinshasa and Belgium. There are flights to a number of African destinations throughout Africa, including Nairobi (Kenya Airways); Addis Ababa (Ethiopian Airways); Douala (Air Cameroon); and Luanda (TAAG); and Johannesburg (South African Airways)." [30h]
- 30.04 Europa World online (accessed 21 February 2008) also listed a number of local airlines and reported that "International airports are located at Ndjili (for Kinshasa), Luano (for Lubumbashi), Bukavu, Goma and Kisangani. There are smaller airports and airstrips dispersed throughout the country." [1i] (Civil Aviation)
- 30.05 The USSD 2007 report also reported that:
- "Security forces established barriers and checkpoints on roads, at ports, airports, and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government forced travellers to pass through immigration procedures during domestic travel at airports, ports, and when entering and leaving towns." [3k] (Section 2d)
- 30.06 On 17 September 2007 AFP reported that China had signed a deal to loan the DRC five billion dollars (3.6 billion euros) to build up infrastructure and to develop its mining industry. The report went on to say that three billion dollars would be spent to build 2,000 miles of railway between Sakania in the south and Matadi in the west, as well as 2,000 miles of road linking Kisangani in the

northeast and Kasumbalesa in the south. A motorway will also be built between Lubumbahsi, capital of southern Katanga province, and Kasumbalesa a major customs point on the border with Zambia, within 36 months, the Congolese Infrastructure Minister said. [65ct]

See also [Section 33.06 on Official documents](#); [Section 31.01 on Internally Displaced Persons](#)

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31. INTERNALLY DISPLACED PERSONS (IDPs)

- 31.01 The twenty-sixth report of the UNSG in July 2008 covers the period from 25 March to 20 June 2008. It reported that although clashes between armed groups have diminished, skirmishes continued to deter IDPs from returning and military deployments against FDLR caused more displacements in North Kivu. The number of IDPs in North Kivu increased to 857,000. The humanitarian situation in-country continued to improve. Katanga no longer hosted IDPs needing humanitarian assistance. In Ituri, the IDP population was halved, as returns increased in recent times. [54n]
- 31.02 The Internal Displacement Monitoring Centre, reporting on 21 November 2008, noted that there were 1.4 million displaced persons in the DRC as a whole. [57h]

North Kivu

At least 250,000 people have left their homes or places of displacement since end of August 2008. People have had to be constantly on the move, many families separated due to the fighting. There has also been looting, destruction of homes and camps, killings and rapes. At least one million people are displaced here, according to the Internal Displacement Monitoring Centre. [164a]

South Kivu

Human Rights Watch reported on 25 September 2008 that heavy fighting has spread from North Kivu to Masisi and Kalehe territories in South Kivu. Each round of fighting leads to new civilian displacement . [5ag]

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IDENTITY PAPERS FOR INTERNALLY DISPLACED PERSONS IN THE DRC

- 31.03 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 reported that "Ralf H.W. Gruenert, Représentant Adjoint (Protection), United Nations High Commissioner for Refugees (UNHCR), Kinshasa, informed them regarding Internally Displaced People, that in Kinshasa these people are staying at localities within Kinshasa: Sicotra (in Masina) and in Nganda Masolo (in commune de Nsele). The internally displaced receive assistance respectively from Diocese de Mbandaka and Hotel de Ville, which according to UNHCR have informed them that they can issue ID-cards.

"Gruenert emphasized that UNCHR has not itself issued ID-cards for IDPs in the DRC". [20]

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32. REFUGEE MOVEMENT WITH NEIGHBOURING COUNTRIES

32.01 The US State Department 2007 Human Rights Report (USSD 2007) stated that:

“The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government had established a rudimentary system for providing protection to refugees. In practice it granted refugee and asylum status to individuals as necessary and provided protection against ‘refoulement’, the return to a country where there is reason to believe individuals feared persecution.

“The government provided temporary protection to an undetermined number of individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

“The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs.” [3k] (Section 2d)

32.02 The UNHCR Global Appeal 2005 reported that “The main countries of asylum for DRC refugees are the United Republic of Tanzania, the Republic of the Congo (RoC), Zambia, Burundi, Rwanda, the Central African Republic (CAR) and Uganda. Other DRC refugees have found asylum in South Africa, Mozambique and Malawi, or even further afield in Europe and the United States.” [60a] (p84)

32.03 Rwanda is used as a rear base by some political movements and refugees there are apparently subject to forcible recruitment, which appears to be not only tolerated, but actively supported by Rwanda. [54m]

32.04 The World Refugee Survey 2008 noted:

Number of refugees hosted in DRC:

Angolans : 112,700
Rwandans : 29,000
Burundians : 17,600
Ugandans : 13,900
Sudanese : 2,500
[53a]

See also: [North Kivu and South Kivu](#)

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IDENTITY PAPERS FOR REFUGEES IN THE DRC

32.05 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 reported that:

“Ralf H.W. Gruenert, Représentant Adjoint (Protection), United Nations High Commissioner for Refugees (UNHCR), Kinshasa, informed them that it is UNHCR which has issued so called attestation letters to refugees in the DRC. An attestation letter from UNHCR actually confirms a person’s refugee status in the country. It contains information about the person who has an asylum application under process with UNHCR in the DRC”.

“Gruenert however stated that when the incoming government has settled down in the DRC, then the new government would have the responsibility for issuing ID-cards to refugees in the country. Gruenert pointed out that ID-cards will be first issued in the cities and later in the countryside”.

“Gruenert advised foreign authorities that attestation letters have been misplaced, and those received from refugees in the DRC; should be verified by the UNHCR-office in the DRC as it is they who issued them. This should be done to ensure that the people concerned are also registered with UNHCR in the DRC”.

“Children born in the DRC from foreign refugees – and refugee marriages entered into in the DRC should be registered at the local *Etat Civil* in the DRC”.

“Gruenert added that if a foreign authority receives an application for asylum from a person who produces documentation giving refugee status in the DRC, then these documents should then be verified by UNHCR in Kinshasa as it is responsible for identification of the people concerned”. [20]

See also [Section 8.19 on Security situation – Eastern DRC](#);

[Section 8.34 on Ituri](#);

[Section 8.28 on North Kivu](#);

[Section 8.28 on South Kivu](#);

[Section 8.49 on Katanga](#);

[Section 22.01 on Ethnic groups](#);

[Section 25.01 on Women](#);

[Section 26.01 on Children](#);

[Section 26.08 on Education](#)

[Section 28.01 on Medical services](#);

[Section 29.01 on Humanitarian aid and assistance](#)

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33. CITIZENSHIP AND NATIONALITY

- 33.01 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated “Since 12 November 2004, there is a new Law on Congolese nationality: the Law n. 04/024.” [60b] A copy of the Nationality Law was available via the MONUC (UN Mission to the Congo) Documentation Library website from 17 November 2004. [56c] (*Loi sur la nationalité*)
- 33.02 UNHCR stated on 27 April 2005 that:
- “The law n. 81/012 of 29 June 1981, modified by Decree-Law n.197 of 29 January 1999, is no longer applicable in DRC, as it is superseded by the new Nationality Law: the Law n. 04/024 of 12 November 2004 on Congolese nationality. These are the main points of this new law:
1. There are two categories of nationality: recognized nationality (by origin, by birth or by presumption of law) and acquired nationality (by naturalization, by option or by adoption).
 2. The time required for naturalization is 7 years residence in RDC [DRC].
 3. The double nationality is prohibited without exception. Congolese nationality is exclusive.
 4. The procedure for the obtention or renunciation of Congolese nationality is an administrative procedure; the courts do not intervene in this procedure.
 5. The return to the country is not a pre-condition to acquire the Congolese nationality.” [60c]
- 33.03 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated that “in addition 7 years of marriage can also lead to acquiring the nationality through the nationality of the spouse (being a man or a woman).” [60f]
- 33.04 A report by the International Crisis Group of March 2005 stated that “A law effectively granting citizenship to the Kinyarwanda speaking communities in the east was passed in November 2004.” The same report added a footnote that “The law grants citizenship upon individual application to those whose tribes were present in the Congo at independence in 1960.” [39d] (p15)
- 33.05 The British Embassy in Kinshasa reported in June 2000 that, following the change in the name of the country from Zaire to Democratic Republic of Congo in May 1997, “[As a result,] all Zairean citizens, within the national territory or abroad, simultaneously and collectively became Congolese citizens.... A Zairean citizen who left Zaire at that time as a Zairean citizen also automatically became a Congolese citizen wherever he was.” [22a]

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OFFICIAL DOCUMENTS

- 33.06 The British Embassy in Kinshasa in February 2003 advised that due to the prevalence of corruption and poor administrative records considerable caution should be exercised before accepting the validity of birth/marriage/death

certificates and identity cards. These documents can be easily obtained by bribing the relevant officials, or by forgery. [22f]

- 33.07 A country fact finding report of 2002 by the Belgian General Commission for Refugees and Stateless Persons (CEDOCA) also stated that genuine official documents can easily be obtained by bribery, and so even if a document has been proven to be genuine, the information contained in it may be false. The documents most frequently falsified are travel documents, generally used to travel to Europe and sold by the producers of these forged documents for a large sum of money. [24a] (p48)

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BIRTH, MARRIAGE AND DEATH CERTIFICATES

- 33.08 The British Embassy in Kinshasa in March 2002 advised that it is very difficult to ascertain whether birth, marriage and death certificates are genuine, as there is no national registry office where copies of birth, marriage, and death certificates are kept. Local authorities issue these documents but do not keep copies for their records. [22d] The same source advised in February 2003, it is a legal requirement to register births, marriages and deaths. [22f] An information response by the Canadian Immigration and Refugee Board (IRB) of 17 July 2003 referred to an initiative by President Kabila to increase the birth registration rate, which was currently at 34 per cent. [43e]

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REGISTRATION OF BIRTH

- 33.09 A joint report from Norway's Landinfo and the Danish Immigration Service on a fact finding mission in January 2007 stated that "the registration has to take place within 30 days of the events happening. The registration takes place at *l'Etat Civil*. It is by registration at *l'Etat Civil* that legal validity is achieved. After 30 days there is no legal validity and it is just considered a piece of information. However a legal validity can be achieved after 30 days at *l'Etat Civic* as long as *Tribunal de Grande Instance* issues a *Jugement Déclaratif* or *Jugement Suppletif*. Birgette Nsensele wa Nsensele, *Présidente du Tribunal, Tribunal de Paix de Kinshasa/Gombe* added that parents themselves have to refer to *Tribunal de Grande Instance* to get a *Jugement* issued". [20]
- 33.10 The same source stated that "lawyer Médard Palankoy Lakwas explained that according to Code de la famille article 116 every birth in the DRC has to be registered at *l'Etat Civil* in the area the child's father or mother live. The child has to be registered within 30 days after birth by a registrar at *l'Etat Civil*".

"Palankoy Lakwas stated that if the child has no parent then the child's next of kin or a family member such as uncle, aunt or cousins can carry out the birth registration. In cases where no one from near family is alive, a witness of the child's birth can carry out the registration".

“Birth registration is attested by the issuing of a birth certificate called *Acte de Naissance*, which is prepared by a registrar at *l’Etat Civil*, who also records the name in the birth register”.

“Palankoy Lakwas stressed that the *Certificat de Naissance* is not an official document for birth. Alone the certificate of birth *Acte de Naissance* is the legal document and it can only be issued after the birth has been registered with *l’Etat Civil*”.

“Palankoy Lakwas explained that the date of birth will appear on *Acte de Naissance* just like the place of birth, child’s sex and name will also appear on the certificate. Apart from this, the parent’s name, age, profession and residence will also be evident from *Acte de Naissance*”.

“Regarding the scope of birth registration Palankoy Lakwas explained that it is quite difficult to explain how much of the country’s population registers births. Palankoy Lakwas explained that the DRC is a very big country with a widely dispersed population, but he speculated that at least a third of the country’s childbirths were registered in the DRC. Jean-Pierre Ilaka Kampusu, lawyer, assistant professor, Faculté de Droit, University of Kinshasa, confirmed that about a third of all births are registered in the DRC”.

“Palankoy Lakwas added, that the number of registrations is on the rise as many parents realise the advantages of it for the child in later life. Apart from this reason, it is now an obligation to register the child’s birth before it can be admitted to school. The price of registering a child is 2000 Congolese francs; this is slightly less than 5 USD. This fee is probably high at the moment which keeps many parents from carrying out a birth registration”.

“Nsensele wa Nsensele verified Palankoy Lakwas’s information regarding birth registration”. [20]

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REGISTRATION OF LATE BIRTH

33.11 The report continued to say that:

“Palankoy Lakwas explained, as long as the registration first takes place at *l’Etat Civil* after 30 days as the law prescribes, this is considered a late registration. In reality there is no time limitation for when the child’s birth can be registered. What this means is that birth registration can take place at any point of time in a person’s life. If the person is under age, then the birth has to be registered. It is the parents who have to take the initiative to carry out registration. If someone has come of age or is over 18 years then they can carry out registration themselves. Palankoy Lakwas drew attention to the fact that it is not punishable to ignore registration within the prescribed 30 days”.

“In the event that parents have not registered child birth within the prescribed 30 days, the court *Tribunal de Grande Instance* can give permission to the parents so that they can still get their child registered at *l’Etat Civil*. *Tribunal de Grande Instance* will make a decision called *Jugement Déclaratif* or *Jugement Suppletif*, which is based upon witness statement or possibly by a *Certificat de Naissance*, which is an attestation from the hospital where the birth took place”.

“Nsensele wa Nsensele verified Palankoy Lakwas’s information regarding late registration of birth”. [20]

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MARRIAGE AND DIVORCE

33.12 The same source stated “Palankoy Lakwas informed the Fact Finding Mission that the third book in Code de la famille regulates conditions regarding marriage and divorce”.

“Ilaka Kampusu explained that only the registrar, who is the one with the most education, who can read and write, can register the marriage. Most couples in the DRC never register their marriages”. [20]

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MARRIAGE CONTRACT

33.13 The same report stated that:

“Palankoy Lakwas explained that a marriage contract can take place, as long as none of the parties are bound by another existing and registered marriage. Every marriage contract has to be registered by a registrar at l’Etat Civil for legal validity. The registrar then issues a marriage certificate called Acte de Mariage. Registration has to take place in an area where one of the marriage parties is resident. However it is possible to carry out registration in another area. This can only happen as long as the Tribunal de Paix gives permission to do so”.

“Palankoy Lakwas explained that a marriage has to be registered within 30 days after entering a marriage. The registration itself takes place when both the parties meet up at l’Etat Civil and get their partners registered. The l’Etat Civil then issues a Acte de Mariage right away”.

The report also stated that “at the registration of the marriage the registrar at l’Etat Civil enters the marriage into l’Etat Civil marriage register. Acte de Mariage contains information of parties’ names, their professions, birth dates, birth places along with residence of both parties’ parents, names of witnesses and both parties earlier civil status. Apart from this, there is information on bride price and other information regarding the marriage contract”.

“Palankoy Lakwas and Ilaka Kampusu explained that there are two kinds of general forms of marriage contracts, traditional and civil marriages. Palankoy Lakwas added that there are different forms of religious marriages that take place in the DRC. However the marriage is only legally valid when it is registered by a registrar at l’Etat Civil”.

“Nsensele wa Nsensele confirmed that the above mentioned types of marriages do exist and explained that entering into traditional marriage the groom has to pay a bride price to bride’s family. Nsensele wa Nsensele underlined that the marriage is only legalised when it is registered at l’Etat Civil regardless of which type of marriage ceremony is being held”.

“Palankoy Lakwas explained that the minimum age for marriage in the DRC is 18 years for men and 15 years for women. It is a requirement for valid marriage that both parties give consent to marriage. A legislative proposal has been made to bring the age for women up to 18 years but it is yet to be agreed”.

“Ilaka Kampusu confirmed that the legal age is 18 years in the DRC. According to law the sexual age of consent is 14 years and there exists a case of sexual abuse when a man has sex with a girl under the age of 14. In the DRC countryside the reality is different; in reality the sexual age of consent is lower than 14, furthermore many girls are married off when they are only 12 or 13 years old. Ilaka Kampusu confirmed that the legislative proposal has been made to increase the minimum age of women so they can marry between the ages of 15 to 18. However, a law has not yet been passed and Ilaka Kampusu could not confirm whether the law will finally be passed or not”.

“Ilaka Kampusu explained further that according to this law it is possible for a boy from as young as 16 years of age to marry. This can be done if he has made a girl pregnant and even if the girl is 12 or 13 years of age. Such a marriage can be registered at *l’Etat Civil*.” [20]

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MARRIAGE BY PROXY

33.14 The Landinfo and Danish Immigration Service FFM, January 2007, stated “Palankoy Lakwas explained that marriage in certain cases can take place by proxy. For example a marriage can take place by proxy with a substitute as long as one of the parties is in a foreign country as a refugee and therefore cannot travel into the DRC.”

“Palankoy Lakwas stressed that a marriage contract by proxy can only be registered with *l’Etat Civil* as long as there is a *Jugement* from the *Tribunal de Paix*. The marriage becomes legally valid only when it has been registered with *l’Etat Civil*. The substitute for the missing spouse and the spouse living in the DRC has to be present at the registration at *l’Etat Civil* and the substitute must sign *Acte de Mariage* on behalf of the missing spouse.”

“Nsensele wa Nsensele explained that marriage by proxy is legal according to *Code de la famille*’s article 351, part 2. However there should be a substantial reason to do so. For example, the reason for the spouse’s absence could be due to their work; sickness; or if the person is being held in a foreign country under refugee status. These could be legal reasons for entering a marriage in this manner. By this method of marriage it is important that there exists a *Jugement* in advance given by the *Tribunal de Paix* for a marriage to take place. It will always be evident from a marriage certificate *Acte de Mariage*, and from the certificate from the *Tribunal de Paix* where a *Jugement* was given regarding the marriage, who was the substitute present instead of the absentee.”

“Ilaka Kampusu confirmed that a Congolese refugee in a foreign country can enter into a marriage by proxy in the DRC. This is made possible by the law and this happens in reality too. A refugee is a political state and a marriage is

a civil affair and they have nothing to do with political conditions. This is never evident from the *Tribunal de Paix's Jugement*, that a marriage by proxy involved a person who is a refugee in another country. The *Tribunal de Paix* will confirm that the spouse is in a foreign country due to their profession.” [20]

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MARRIAGE TO A FOREIGNER AND RESIDENCE STATUS IN THE DRC

- 33.15 The source stated above noted “Ilaka Kampusu reported that any foreigner has the right to get residence in the DRC on the basis of marriage with a Congolese national, regardless of the fact that the foreigner is a man or a woman”.

“If this marriage has taken place in a foreign country, it has then to be legalised in the DRC. This kind of legalisation is called *exequateur* which is a process that is used for legalisation of foreign documents in the DRC. All relevant documentation issued in a foreign country regarding the marriage has to be legalised in the DRC. All these documents have to be presented to the foreign ministry which in case of marriages will refer to the *Tribunal de Paix*. Llaka Kampusu pointed out that foreign marriages should be legalised in the country of marriage first before presenting it to the Congolese foreign ministry.” [20]

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DIVORCE

- 33.16 Landinfo and the Danish Immigration Service’s FFM of January 2007 stated “Palankoy Lakwas explained that divorces in the DRC are carried out through court procedure. It is the court the *Tribunal de Paix* that decides the result of a divorce. A divorce can take place by petition from any one of the parties in marriage. There is a possibility of divorce when there are serious conflicts in a marriage and nothing can be done to save it.”

“A unilaterally agreed separation of the parties for three months can also be seen as a reason for discontinuation of marriage. A divorce is a decision that can only be taken by the parties married.

“The party that wishes to divorce has to be present with a written request to the president of the *Tribunal de Paix*, in that particular area where the other party has their residence.

“Every divorce procedure is started with a reconciliation attempt or dealing in a manner which would bring the parties back together again. When it’s found out that reunion is not possible a date is then set for processing the divorce by the *Tribunal de Paix*.

“Divorce is valid from the date when the *Tribunal de Paix* decides that there are no more appeals possible regarding sharing of the married parties’ material belongings. A divorce dissolves the marriage and sets the parties free of their obligations to each other under the marriage contract. From here on the parties are free to enter any new marriage contracts if they wish to do so.

“Palankoy Lakwas explained that only in certain cases the *Tribunal de Paix* grants exemption to both parties in meeting up in the court. This can only happen when there is a reasonable basis for it. For example if one of the parties is handicapped, sick or is restricted for some reason, this reason will then be evident in the *Tribunal de Paix*’ decision. “ [20]

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REGISTRATION OF DEATH

33.17 The report went on to cover the registration of death and reported that:

“Palankoy Lakwas informed that every death in the DRC has to be registered at *l’Etat Civil*, in the respective area it takes place in. *L’Etat Civil* will then issue a death certificate called *Acte de Décès*. The actual time of death would be evident from *Acte de Décès*. Furthermore the name of the deceased, residence and profession, location, cause of death will be evident from the certificate. The name of the parents and their residence will also be evident from the certificate. *Acte de Décès* will have the names of the witnesses and it will be signed by *l’Etat Civil*’s registrar. Ilaka Kampusu explained that the registration of death alone happens if it is in the interest of those left behind and by their wishes. It could for example be that there is a possibility of deceased’s workplace can pay a pension to those left behind, or to the spouse or if there is a question of inheritance. Correct time limit for registration is 30 days, but late registration is possible with *Jugement Suppletif* or *Jugement Déclaratif* from the court.” [20]

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NATIONAL IDENTITY CARDS

33.18 The British Embassy in Kinshasa advised in February 2003 that there was an array of different ID cards. Since the end of the Mobutu regime in 1997 there has been no new law or regulation specifying the official format for identity cards. The information from the British Embassy advised that in practice, old Zairean identity cards tend to be confiscated by the authorities when produced but no replacements are offered. There is no central issuing authority for identity cards. Each Commune or local authority is responsible for producing and issuing identity cards to its residents. These identity cards are produced in different formats as there is no government regulation about the format for these cards. [22f]

33.19 An information response by the Canadian Immigration and Refugee Board (IRB) dated 2 September 2003 advised about the meaning of the notations ‘Avis _alendar_e A.N.R.’ (‘Approved A.N.R.’) and ‘Avis _alendar_e D.G.M.’ (‘Approved D.G.M.’) stamped on the back of cards serving as proof of loss of identity papers, issued by the authorities of the city of Kinshasa. According to information from the editor-in-chief of *Le Phare*, a Congolese newspaper “Since the fall of Mobutu in 1997, there have been no national identity cards in the RDC, so commune authorities (mayors) issue proofs of loss of identity papers. The security services [including the ANR and DGM] have contacts in all commune offices, whose job is to ensure that the people requesting these

identity documents are indeed Congolese and not foreign intruders. This is the meaning that should be given to 'Avis _alendar_e' ('Approved')." [43f]

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DRIVING LICENCES

33.20 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that:

"The current Congolese driving license is very sophisticated in comparison to other African countries, where normally it is simply a piece of paper. It is a plastic card, a little larger than a credit card. It has a light purple color and bears the holder's photo. Since one does not find such a card in other African countries it can be recognized as the Congolese driving license straight away. While this type of license is rather new, the driving license office already existed under Mobutu. The company which produces the driving licence [sic] cards is also working with the UN Mission in the Congo, producing their badges. The new driving license, introduced after the fall of Mobutu, features a bar code and a lion." [52] (p127-128)

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PASSPORTS

33.21 The Immigration and Refugee Board of Canada (IRBC) reported in March 2007 that, "The DRC issues three types of passport: a regular passport, a duty passport and a diplomatic passport. Passports are issued by the Ministry of Foreign Affairs and International Cooperation." A regular passport can only be obtained from the office of the Ministry of Foreign Affairs and International Cooperation in Kinshasa. The passport can be acquired directly by the applicant or or by an authorised representative such as a friend or relative. "A regular passport is valid for three years but can be extended." Further details about all three types of passport can be found in the source document. [43a]

33.22 As mentioned above, a regular passport can be obtained in person or by an authorised friend or relative. For this reason, the IRBC noted the views of 'Journaliste En Danger' who stated that this effectively means that it is easy for anyone to "circumvent" official procedures and obtain a false passport. The expectation by issuing staff that bribes ranging between US\$ 100 and 150 will be paid, creates a further disincentive for the documents to be issued correctly. In spite of the ease in obtaining 'genuine' passports, the report also notes that "A fake (passport) enables one to obtain an authentic passport (the same goes for diplomatic passports)." [43a] A report from the Danish Immigration Service provided information regarding passports issued prior to 1999. [104]

33.23 In his Evaluation of the April 2006 Home Office Report, Mr Albert Kraler stated that personal information obtained from two independent Congolese sources showed that if a Congolese passport is obtained abroad it costs US\$ 250. [102]

- 33.24 An IRB information response dated 10 April 2003 advised that the DRC government had issued a new style of passport from 31 May 2000 and that previous versions of both DRC and Zaire/DRC passports were no longer valid from that date. [43b]
- 33.25 The US State Department Report on Human Rights Practices in 2007, published on 11 March 2008 (USSD 2007), stated, "Passport issuance was irregular and often required payment of significant bribes. The law requires a married woman to have her husband's permission in order to travel outside the country. There were no reports that the government prevented particular groups from acquiring passports." [3k] (Section 5)

See also [Section 33.01 on Citizenship and Nationality](#); [Section 30.01 on Freedom of Movement](#)

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ARREST, SEARCH AND BAIL WARRANTS

- 33.26 The British Embassy in Kinshasa advised in February 2003 that arrest and search warrants are issued by prosecuting magistrates. Bail warrants are issued by court judges to whom the request for bail was submitted. In each case, the subject of the warrant is shown, but not given, the warrant. In the case of search warrants, the subject of the search has to sign the form. [22f]

See also [Section 22.01 on Ethnic groups](#)

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34. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

34.01 Landinfo and the Danish Immigration Service's FFM of January 2007 reported

"Palankoy Lakwas explained that documentation for birth, death, marriage and divorce and child custody can always be doubted in the DRC. Every Congolese national that lives in a foreign country can also acquire this documentation, regarding family members in the DRC they can have these delivered. The documentation for birth, death and marriage is available from l'Etat Civil in applicant's home area. Documentation for divorce, child custody and adoption is only available through the Tribunal de Paix court."

34.02 "Ilaka Kampusu informed that documentation for child custody is easy to obtain in the DRC, and a judge's salary is as low as 200-300 USD, using bribery can ensure the required documentation. There are many in the DRC who would like to send their children to Europe for education and those who do not have economic means for bribery to obtain required documents for child custody, will use all possible means to do so."

34.03 "Ilaka Kampusu did not deny that there is corruption amongst the judges at the Tribunal de Paix or Tribunal de Grande Instance. Even though there is a possibility of bribing the judge to get false Jugement, there is a huge majority of them who issue true Jugements. It is not possible to add any new false information to the existing register, as this register is already shows what is registered and that cannot be changed. However there is a certain possibility to make a false registry to the register. It is possible, if a secretary at the court leaves a registration number open, this gives room for entering one or more Jugements in an existing register. These new Jugements are naturally false, but this is almost impossible to prove, even though one carries out verification of a given Jugement. These kind of forgeries happen and Ilaka Kampusu points out that 70% of all Jugements in the register are true. On the basis of this background Ilaka Kampusu's evaluation is that even though foreign authorities may require documentation for a divorce, child custody or other documentation, there is no guarantee that such documentation is true." [20]

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35. EXIT – ENTRY PROCEDURES

See Section 33.06 Official documents: Section 36 Treatment of failed asylum seekers

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36. EMPLOYMENT RIGHTS

TRADE UNIONS

- 36.01 The 2004 annual survey of violations of trade union rights by the International Confederation of Trade Unionists (ICFTU) issued 6 January 2004, stated:

“The legislation grants all categories of workers, with the exception of magistrates and military personnel, the right to organise. No prior authorisation is required to set up a trade union. The right to strike is recognised, although unions must have prior consent and adhere to lengthy mandatory arbitration and appeal procedures. The law prohibits employers from retaliating against strikers. The right to bargain collectively is also recognised. In the public sector, however, the government sets wages by decree and the unions can only act in an advisory capacity. During the year, the government held meetings with the unions to discuss revising the Labour Code to bring it into line with international norms.” [40]

- 36.02 The ICFTU report also noted that “In practice, the civil war and the collapse of the formal economy mean that there is very little respect for trade union rights. Employers ignore labour regulations and the government does not have the resources to enforce them. Soaring inflation and the constant depreciation of the Congolese Franc render any pay rises agreed through collective bargaining meaningless.” [40]

- 36.03 The US State Department Report on Human Rights Practices in 2007, published on 11 March 2008 (USSD 2007), stated:

“The constitution provides all workers – except government officials and members of the security forces – the right to form and join trade unions without prior authorization or excessive requirements. Workers formed unions in practice; however, the Ministry of Labor, which was responsible for ensuring the right of association, conducted no inspections and exercised no oversight during the year. Of an estimated 24 million adults of working age, 128,000 employees in the private sector (0.5 percent) belonged to unions, according to the American Center for International Labor Solidarity (Solidarity Center). No information was available regarding the number of union members in the public sector. The informal sector, including subsistence agriculture, constituted at least 90 percent of the economy.” [3k] (Section 6a)

- 36.04 Freedom House stated in the Freedom in the World report for 2008, “Labour unions, though legal, exist only in urban areas and have largely been inactive as a result of the collapse of the country’s formal economy. Some unions are affiliated with political parties, and labour leaders and activists have faced harassment.” [66a] (Political Rights and Civil Liberties)

- 36.05 Uni Global Union reported on 17 December 2007 that as part of Uni-Africa’s project to help unions in the DRC to revive, they had met with three broadcasting unions in Kinshasa. The largest broadcasting and press union the SNPP had recently had its representative for Kinshasa arrested for a week after he sought to get management in public broadcasting to pay pensions to over 200 long-time employees. UNI-MEI and UNI representatives raised this issue and others with the deputy minister of labour. [147a]

See also [Section 2 on Economy](#); [Section 17.05 on Freedom of association and assembly](#)

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COLLECTIVE BARGAINING

- 36.06 The USSD 2007 report stated that, “The law provides for the right of unions to conduct activities without interference and to bargain collectively. However, in practice the government did not always protect these rights.” [3k] (Section 6a)

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STRIKES

- 36.07 The USSD 2007 report stated:

“The constitution provides for the right to strike, and workers sometimes exercised it. In small and medium-sized businesses, workers could not exercise this right effectively in practice. With an enormous unemployed labor pool, companies and shops could immediately replace any workers attempting to unionize, collectively bargain, or strike, and according to the Solidarity Center, companies and shops did so during the year. The law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures before striking. The law prohibits employers and the government from retaliating against strikers; however, the government did not enforce this law in practice, but unlike in previous years did not jail any striking public sector employees.” [3k] (Section 6b)

- 36.08 The ICFTU report referred to several cases where individuals involved in work-related protests and strikes had been attacked and arrested by police and military authorities. [40]
- 36.09 On 6 June 2007 BBC Monitoring reported that the Labour Minister Marie-Ange Lukiana Mufwankolo had convinced the RAGA radio and television company manager to pay journalists’ salaries and to suspend his decision to dismiss eight RAGA union activists. Following the discussions the minister held with the union activists, they decided to stop their strike and resume work. [95ca]
- 36.10 Mining Weekly reported that a strike by customs officers in the DRC over pay had blocked exports of copper and cobalt from Katanga. [118c]
- 36.11 According to BBC Monitoring on 16 July 2007, the strike by customs officers was beginning to bite across the country. The strike had extended to almost all the country’s border posts. In Sud-Kivu lorries loaded with goods have been blocked at the border, and businessmen have warned of a scarcity of goods in the very near future. According to a spokesman of the Federation of Congolese Entrepreneurs (FEC) the customs officers should sympathise with businessmen who’s lorries were blocked at the border, and allow the goods across the border and seal them in depots belonging to the businessmen until the end of the strike. [95ce]

- 36.12 On 5 September 2007 the South African Broadcasting Company reported that teachers across the DRC had gone on strike over salaries. Teachers unions accused the government of reneging on a July agreement to increase salaries. They were demanding a minimum of \$70 a month for qualified teachers, across the country, and an increase of up to \$600 a month for the best qualified. The government said that it could only afford \$70 a month for teachers in Kinshasa and \$40 dollars for the rest of the country. The unions vowed to intensify the strike action. A union representative said "If government can afford to pay members of parliament up to \$4500, this shows that it is possible for them to pay us what we are demanding". [87d]
- 36.13 Radio Okapi reported on 6 October that the Congolese National Magistrates' trade union, (Synamag), had said that Congolese magistrates had gone on strike to protest against "inhuman and humiliating treatment inflicted on three of their colleagues in Kisangani, on the orders of the commander of the 9th Military Region. There had been no hearings or trials for two days. According to the Synamag deputy vice-chairman the strike was an expression of their determination to bring the commander to book "for inflicting on the magistrates blows and serious injuries, for torture and assassination attempt". [sic] [64ax]
- 36.14 On 4 December 2007 BBC Monitoring reported that lawyers in Bukavu had taken to the streets to vent their anger against the debasing and inhuman treatment meted out to them by magistrates, the judicial police, the police and the army in South Kivu. They held a peaceful march on 3 December to denounce the beatings and injuries inflicted on lawyer Serge Miska by the private secretary of the South Kivu police commander on 30 November 2007. According to the lawyers spokesman the police lieutenant severely beat the lawyer which resulted in him being admitted to hospital. He also said that the lawyers' strike would not end until the policeman had been arrested, and that the lawyers would not attend to any judicial case as long as their strike was in force. [95dm]
- 36.15 On 6 November 2007 AFP reported that public service employees in Kinshasa and provinces of the DRC had began a week long strike to press the government to implement the Mbudi accord. The accord was made in 2004 when the government agreed to introduce a pay scale ranging from a monthly 208 dollars for a bailiff to 2,080 dollars for a top government official, but the authorities did not come up with the cash. In further negotiations in 2006 the government promised to implement a revised scale ranging from 70 to 700 dollars. The head of the union said that this had been applied at the lower end to the extent that bailiffs in the capital received their 70 dollars, while those in the provinces received 62, but there had been no progressive wage rises for other g]categories of civil servant. He warned that if the government failed to respond in a week the work stoppage would go on. The unions also want people in the provinces to be paid the same as those in Kinshasa. [65ef]

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EQUAL EMPLOYMENT RIGHTS

- 36.16 USSD 2007 noted that, "Women experienced economic discrimination. The law forbids a woman from working at night or accepting employment without her husband's consent. According to the International Labor Organization,

women often received less pay in the private sector than men doing the same job and rarely occupied positions of authority or high responsibility.” [3k] (Section 5)

- 36.17 The USSD 2007 report also stated, “The constitution prohibits forced or compulsory labor, including by children; however, although no statistics were available, both were practiced throughout the country.” [3k] (Section 6c)
- 36.18 A new constitution was adopted in February 2006 which contained explicit provisions for emphasising the State’s responsibility to ensure equality between men and women, even in the transitional period. According to Vasika Pola Ngandu, the Secretary-General of the DRC Ministry on the Status of Women and the Family, the country’s legislation gives men and women the same advantages and social benefits. The Career Statute relates to the public sector and the Labour Statute regulates the informal sector. She said that all jobs are open to both men and women. She continued to say that the Labour Code has eliminated the requirement for women to get their husband’s authority to work, and provided equal pay for equal work. The only problem was the failure to recognise maternity. For instance, female civil servants are not allowed to take their annual leave when they have already taken maternity leave in the same year. [100a] [United Nations General Assembly]
- 36.19 Addressing a meeting of the United Nations Women’s Anti-Discrimination Committee on 8 August 2006 she told the committee that although two decades of conflict had not created a favourable environment for jobs, the Government was committed to ensuring employment opportunities for men, women, and youths. Measures taken towards that end included awareness-raising campaigns and microfinance arrangements. She also said that outreach campaigns were also being implemented to counter discriminatory customs and to build the capacities of women. An example given was that of increased outreach through the recruitment of women journalists, which had accelerated progress. She also said that progress had been made in areas such as ensuring that maternal leave was no longer a valid reason for firing a woman from her job. [100a] [United Nations General Assembly]

See also [Section 25.01 on Women](#); [Section 8.19 on Security situation – Eastern DRC](#); [Section 26.40 on Child labour](#)

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37. TREATMENT OF FAILED ASYLUM SEEKERS RETURNED TO THE DRC

- 37.01 In comments to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated a BBC report, published on 1 December 2005, completely contradicted the COI report of October 2005, and operational guidance. [15y] [60f]
- 37.02 The USSD Country Report on Human Rights – 2005, published on 8 March 2006, gave an account of the BBC programme but concluded, “During the year there were no other reports that corroborated the accounts contained in the BBC article.” [3h] (Section 2d)
- 37.03 The view of the Foreign and Commonwealth Office (FCO) was given in two letters dated 6 February 2006 from the British Ambassador to the DRC. The first letter confirmed the letter of 9 December 2004 which stated that the FCO had no evidence that DRC nationals face persecution from DRC authorities on being returned to Kinshasa after a failed claim for political asylum in a third country. It stated, “Our sources in researching the treatment of failed asylum seekers include local non governmental organisations, press and lawyers, Ministers from all parties forming the transitional government and colleagues in other Embassies based in Kinshasa.” The same letter noted that “other EU governments continue to make regular supervised returns of failed asylum seekers to Kinshasa, for which DRC Immigration requires a suitable identification document. Flights carrying returnees from Schengen countries are met by a French Airport Liaison Officer who ensures that, on arrival, the returnee holds a satisfactory document before passing them on to be landed by DRC Immigration officials.” It also stated, “All passengers arriving at N’djili airport are liable to be questioned by DRC immigration officials. We have no evidence that returned failed asylum seekers are specifically targeted for adverse treatment.” The letter continued: “It is possible that some returnees may face criminal prosecution upon their return to the DRC if it were established on their return that they had departed the DRC with invalid travel documents or were already the subject of an arrest warrant or criminal investigation.” [22i]
- 37.04 The second letter from the embassy stated that the Ambassador had met with the Vice-Minister for the Interior in late December 2005 to discuss the return of failed asylum seekers from the UK to the DRC. During the discussions the Ambassador relayed concern over reports that failed asylum seekers, on return to the DRC, had been investigated or persecuted by the DRC authorities and enquired what the DRC Government’s official position was. According to the letter the Vice Minister “said categorically that there was no official policy to target failed asylum seekers upon their return to the DRC. He could not guarantee that individual failed asylum seekers had not been harassed by individual members of immigration or security services. But they had definitely not been ordered to do so by the Interior Ministry.” [22m]
- 37.05 In response to an information request on the subject of the treatment of rejected asylum seekers in the DRC the UNHCR stated on 19 April 2006, that after the press coverage following the BBC programme their officials in Kinshasa had contacted various organisations and institutions in an attempt to gather more information. This included organisations such as the Congolese Immigration Authorities (DGM), the National Committee for Refugees (CNR), IOM, MONUC, and national human rights NGOS. In addition, it sent staff to

the airport on days of arrival of flights from Europe. The following were its findings:

1. According to the DGM and CNR, the usual procedure for any person returning through Kinshasa airport in case they do not hold proper documentation, including current DRC passports, and/or when they have been absent for a long time, is to be interrogated by immigration officials at the airport. In the best case scenario, they are freed within one to three hours. In the worst case, they are sent to a detention facility in the centre of town, and released after further verification.
2. The Congolese human rights NGO 'Voix des Sans Voix' informed the office that rejected asylum-seekers are received upon arrival at the airport by agents of DGM, who question them about why they left and applied for asylum. The NGO have an office at the airport and are closely monitoring the situation. They mentioned that there were many failed asylum seekers who are sent back by western European countries, but they are not aware of any of these persons detained and/or tortured upon return. They reported that some of the failed asylum seekers had to pay some money to the police (5 to 10 US\$).
3. IOM Kinshasa advised the office that they have no information of returnees who were mistreated and/or tortured upon return.
4. According to MONUC's human rights section, which is also monitoring the prisons in the DRC, they did not receive concrete indications that individual failed asylum-seekers were arrested upon their return.
5. According to ASADOH (Association Africaine de Defense des Droits de l'Homme), no cases of detention, abuse or torture of failed asylum-seekers were known to their office.
6. As reported above, UNHCR staff were at times present at the airport, but they have not witnessed arrests made at the airport. However, it has to be kept in mind that arrivals at the airport are difficult to monitor, and UNHCR does not have a regular presence at the airport. The UNHCR Kinshasa office has only details on the forced return of three persons, of whom two were from African countries and one from Sweden. The latter person was, upon arrival, interrogated for some three hours and then released without further problems.
7. In general, the situation in the prisons and detention centres in DRC are extremely dire, and detainees have to rely on relatives to bring them food.
8. With the limited information available to UNHCR, it does not have evidence that there is systematic abuse, including detention and mistreatment, of failed asylum seekers returned to the DRC through Kinshasa airport. It wishes to highlight, however, that it advises against the forced return to Kinshasa of persons of Banyamulenge ethnic origin.
[60h]

37.06 An EU Report on Illegal Migration published in June 2006 dealing with the subject of returned asylum seekers stated that the majority of failed asylum

seekers (particularly in the UK) did not take up the offer of voluntary repatriation. Member states therefore mostly rely on forcible repatriation.

- 37.07 The report went on to state that no EU member state has run charter flights of failed asylum seekers to the DRC since 2003. The DRC authorities have resisted attempts by member states to restart them. However, many member states have signed or are hoping to sign agreements to allow charter flights and guarantee a minimum level of service from Congolese embassies and immigration directorate. Some who have signed agreements have not been satisfied with their results.
- 37.08 The report continued to say that there was no reliable evidence of failed asylum seekers being specifically targeted for harassment by the security services. Although some returnees had been harassed, this was seen as part of a trend of opportunistic crime against random civilians by unpaid or underpaid officials. Harassment was experienced by the majority of travellers, both Congolese or foreign. [22n]
- 37.09 The Belgian and Dutch governments stated that, like the FCO, they have not seen any evidence to indicate that returned failed asylum seekers are persecuted. A letter from the Belgian Embassy in London of July 2003 stated that the Belgian Government enforced the return of failed Congolese asylum seekers to the DRC. Both the Belgian Embassy in Kinshasa and the Belgian Immigration Department monitored the treatment of returned failed asylum seekers to the DRC from Belgium and had not seen any evidence to indicate that returned failed asylum seekers were at risk of persecution. [25]
- 37.10 A letter from the Dutch Embassy in London of July 2003 stated that the Dutch Government also enforced the return of failed Congolese asylum seekers to the DRC, and that the Dutch Embassy in Kinshasa had not seen any evidence to indicate that returned failed asylum seekers were at risk of persecution. The Dutch Government did not monitor the treatment of returned failed asylum seekers to the DRC. [26] Further information about the return of failed asylum seekers from The Netherlands was reported by a BBC News report of 24 June 2005 which stated that, following a media programme report, "The Netherlands [had] suspended the return of failed asylum-seekers to the Democratic Republic of Congo following reports of documents being leaked. Congolese officials are reported to have obtained confidential documents on several deportees and then abused them.... She said an independent inquiry would investigate how Dutch files may have ended up with Congolese immigration.... On a number of occasions in the past she has reassured parliament that failed asylum-seekers' files were kept secret. Dutch media reports that human rights organisations had also warned that deportees faced the serious risk of imprisonment, extortion and assault if unmasked as asylum-seekers." [15r]
- 37.11 A report from Justitie Netherlands reported on 9 December 2005 that "The Dutch Government has concluded that the Havermans Committee report indicates that no information on the content of asylum files was provided to the Congolese authorities. The report also shows that the current affairs programme Netwerk did not find any such information in the Democratic Republic of Congo". ... "The findings of the report prove that the relevant executive bodies did not supply any detailed data from the asylum files to the

country of origin, something that Immigration Minister Rita Verdonk repeatedly told the Lower House of Parliament in its debate of 23 February 2005.” [78]

- 37.12 Further information about the attitude of European countries on this subject was set out in a country report of January 2004 by the Netherlands Ministry of Foreign Affairs as follows:

“4.3 Policy of other countries

United Kingdom

“All applications for asylum from Congolese are dealt with on an individual basis. Asylum is generally granted to Tutsis, but not to persons of mixed origin. In principle, failed Congolese asylum seekers are returned to the DRC.

Belgium

“Most applications for asylum from Congolese are dealt with in the usual way. There is a freeze on taking decisions on applications by persons giving their place of origin as Ituri. In principle, failed Congolese asylum seekers are returned to the DRC.

Germany

“Applications for asylum from Congolese nationals are assessed individually. Congolese asylum seekers who have exhausted all legal remedies are returned to Kinshasa.

Denmark

“All applications for asylum from Congolese are assessed individually. Congolese asylum seekers who have exhausted all legal remedies are de facto deported.

Switzerland

“Asylum is granted to Tutsis in some cases. Tutsis and persons who were in close contact with the Mobutu government are not deported. Congolese asylum seekers who have exhausted all legal remedies are deported to Kinshasa.” [42] (p22)

- 37.13 During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, the subject of the involuntary return of unsuccessful asylum seekers was discussed at length. It was stated that caution should be exercised and a case-by-case approach was necessary in dealing with these individuals. [52] (p122-127)
- 37.14 In a report by the Danish Immigration Service in 1999 a spokesman for the NGO, TOGES NOIRES, Association Internationale des Avocats et Magistrats Défenseurs des Droits de l'Homme, Kinshasa, (BLACK TOGAS, International Association of Lawyers and Magistrates Committed to Defending Human Rights, Kinshasa) offered the cooperation of his organisation in helping refused asylum seekers who were to be repatriated to return home safely without difficulty [104]
- 37.15 An e-mail from the British Embassy in Kinshasa via the FCO dated 11 October 2007 stated that at a meeting with a Policy Officer of the Asylum and Migration

Affairs Division of the Netherlands MFA, the officer told them that he had spent a week talking to NGOs, international organisations and Embassies, he said that MONUC, UNHCR, IOM and all the NGOs he spoke to said that, while there were obviously serious human rights issues in DRC, returned failed asylum seekers were not targeted, nor were they singled out as a particular group by the authorities. All of his interlocutors had said that the stories of abuse that they had heard had all come from Europe, and that their investigations had shown the allegations to be either false, or doubtful due to lack of evidence. He also said that he had heard about an upsurge in cases of organised illegal migration, with potential migrants paying around \$7,000 to be given false papers, placed on an aeroplane etc. [22y]

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Annex A: Chronology of major events

- 1960** The country gained independence from Belgium on 30 June 1960 as the Republic of the Congo. Later that year, Colonel Mobutu, as Army Chief of Staff, suspended political institutions and assumed control of the country.
- 1964** The country was renamed the Democratic Republic of the Congo.
- 1965** Mobutu again intervened following the political deadlock which ensued from elections. He assumed full executive powers and declared himself the President of the 'Second Republic'. The legislature was suspended and a five-year ban on party politics was imposed. During this period, power was progressively concentrated in the office of the President. By 1970, no senior politicians remained as potential rivals to Mobutu.
- 1970** Presidential and legislative elections were held. Mobutu, as sole candidate, was elected President, and members of a national legislative council were elected from a list of candidates presented by Mobutu's political party, the Mouvement Populaire de la Revolution (MPR). The government, legislature and judiciary became institutions of the MPR and all citizens automatically became party members. In 1971, the country was renamed the Republic of Zaire as part of a campaign for African authenticity.
- 1977** An invasion of Shaba [Katanga] province by former Katangese rebels from Angola was repulsed with assistance from France and Morocco (the First Shaba War).
- Mobutu created the post of first state commissioner (equivalent to prime minister) and announced a legislative election for 1980. He was then re-elected unopposed for a further term of office.
- 1990** Mobutu announced various political changes, including the inauguration of the Third Republic, and a Transitional Government although he retained his hold on power. Legislation permitting the operation of political parties and free trade unions was enacted, and a special commission to draft a new constitution by April 1991 was announced.
- 1991** The announcement of a timetable for the restoration of multi-party politics led to the proliferation of political parties.
- 1996** **In August**, Mobutu left the country for cancer treatment in Switzerland. The hiatus created by his absence and ill-health proved to be a decisive factor in bringing his rule to an end. What appeared at first to be a regional movement to protect Tutsis soon gathered momentum and emerged as a national rebellion aimed at overthrowing the Mobutu regime. The rebels were joined by dissidents of diverse ethnic origin to form the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL), led by Laurent-Desire Kabila. Despite attempts by the government to control the situation, the rebel forces continued to make progress in taking over a large area of the east, including the towns of Goma and Bukavu, by the end of the year.

1997 **On 16 May** President Mobutu left Kinshasa with his entourage as AFDL forces approached Kinshasa.

On 17 May, AFDL troops entered Kinshasa and Kabila declared himself President of the renamed Democratic Republic of the Congo. Kabila also issued a constitutional decree to remain in force until the adoption of a new constitution which allowed him legislative and executive power and control over the armed forces and treasury. A government was formed which, while dominated by AFDL members, also included Union pour la Democratie at le Progrès Social (Union for Democracy and Social Progress (UDPS) and other party members. In August, a military court was established by decree.

1998 **In April**, the government banned the country's main human rights group AZADHO and took action against other groups.

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

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

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

Later in the year and in early 1999, reports of mass movements of refugees displaced by the war and of atrocities committed by both sides were issued. Kinshasa remained generally calm, although suffering the economic effects of the war. Diplomatic efforts to end the fighting were inconclusive.

1999 **In January**, government decrees lifted the ban on public political activity and announced arrangements for registering new political parties. These were widely criticised for being too restrictive.

A peace accord was signed in Lusaka by the governments of the DRC and other countries involved on 10 July and shortly afterwards by the MLC rebel group and the RCD factions.

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

At the end of November the UN Security Council established a force in the country – UN Mission to the Congo (MONUC)

2000 **In January**, MONUC was increased in size by adding some 5000 troops to support the work of 500 ceasefire monitors.

Violations of the ceasefire agreement by both the Government forces and the rebel groups continued to be reported. A new ceasefire agreement in April failed to bring lasting peace.

In early May there was serious fighting between Ugandan and Rwandan forces in Kisangani, and, later in the year, between government and RCD-Goma forces, around the town of Pepa.

2001 **On 16 January**, President Laurent Kabila was assassinated in Kinshasa. His son – Joseph Kabila – was sworn in as the new President of the DRC.

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

In November a UN report accused Rwanda and Uganda of illegal exploitation of the DRC's mineral resources, a charge which both countries rejected.

2002 **17 January**, on the DRC's joint border with Rwanda and Uganda, the Nyirangongo volcano erupted causing severe destruction in Goma and the surrounding area.

In February, the Inter-Congolese Dialogue resumed in Sun City in South Africa, which led to a peace deal in April between the Government and most of the rebel forces, although RCD-Goma and several long-established parties, including the UDPS, did not sign up to the agreement.

On 15 March, the trial of the 135 persons suspected of involvement in the assassination of Laurent Kabila began.

On 30 July, an agreement on disarmament of Hutu rebels and withdrawal of Rwandan forces from DRC was signed in South Africa by President Kabila and Rwandan President Kagame. The Hutu rebels did not recognise the agreement as they claimed they were not consulted.

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

2003 **On 7 January**, the Military Court sentenced the persons suspected of being involved in the assassination of Laurent Kabila.

In April the Cour d'Ordre Militaire (COM, Military Order Courts) which were widely used to adjudicate civilians were abolished.

On 2 April, delegates from all parties to the conflict in the DRC signed a power-sharing peace deal in Sun City, South Africa. The DRC Government, rebel movements, opposition political parties and representatives of civil society agreed to set up a Transitional National Government to oversee democratic elections due to take place in 2005.

On 30 June the new Transitional National Government was set up and comprised the President, four vice-presidents, 36 ministers and 25 deputy ministers from the previous administration, the Mai-Mai militia, the rebel forces, the unarmed political opposition and civil society. Joseph Kabila

remained the President of the DRC while the Transitional National Government was in operation.

On 22 August a transitional National Assembly and Senate of the Transitional National Government was opened in Kinshasa by President Joseph Kabila, with members drawn from the various parties to the national power-sharing accord.

In August an agreement was reached on establishing a unified armed forces command.

2004 On 28 March, an attempted coup was reported to have taken place in Kinshasa, allegedly by former soldiers of Mobutu's army.

In May the President appointed governors and their deputies to the eleven provinces to form part of the Transitional national Government.

In May and June fighting broke out in the Bukavu area.

In June the chief prosecutor of the International Criminal Court announced an ICC investigation into alleged war crimes committed in the DRC since 1 July 2002, with the initial focus of the enquiry in Ituri. [18o]

In August some 160 Banyamulenge refugees who had fled from the fighting in Bukavu were massacred at a refugee camp at Gatumba, Burundi. Vice-President Ruberwa suspended RCD-Goma's participation in the transitional government in view of the collapse of the peace process for about a week at the end of August.

2005 Demonstrations and a general strike occurred in Kinshasa in the week of 10 January 2005 following reports that the elections programmed for June 2005 might be delayed to later in the year. [15i] [15j]

In mid-January ministers and state officials were dismissed for corruption. [18z]

In May a new draft post-transition constitution was approved by the national assembly. [15k]

In May the transitional parliament agreed that elections should be postponed for six months from the scheduled date of 30 June. [62b]

In June the National Electoral Commission launches its registration of 3.5 million voters in Kinshasa, marking the start of a nationwide registration campaign. (18by)

Demonstrations took place in several parts of the country around 30 June in protest at the postponement. [65j]

In September the Government issued an ultimatum for all foreign armed groups to leave the DRC by 30 September, or face the consequences. [18z]

In September MONUC's mandate is extended for one year. [18z]

In October following the expiry of the September deadline for all foreign armed groups to leave the DRC MODUC and Congolese troops begin joint operations in eastern Congo against local and foreign rebel groups. [18z]

In November some 1,000 people who had fled their homes to live in Kinshasa for six to nine years return to Equateur and Orientale Provinces. [18bo] Restrictions on press freedom had increased during the year and in November resulted in the death of Franck 'Ngyke' Kangundu, who headed the political section of La Reference Plus.

In December the referendum on a new constitution is passed by a large majority. [18bq] Fighting continued in the Eastern parts of the country throughout the year mainly in the Kivus, Ituri, and Katanga.

Source: [1c] unless otherwise stated

2006 In January The DRC government presented a report in Geneva on its compliance with the international convention on torture.

In February the ballot for the new constitution was approved by the Supreme Court and promulgated by the president. A new flag was adopted. As a result adoption of the new constitution the State Security Court was abolished. President Kabila was adopted as the candidate for the PRDP for the presidential election. The Independent Electoral Commission (CEI) announced that 300 parties had registered for the elections.

In March the electoral law was promulgated. Warlord Thomas Lujbanga became the first war crimes suspect to face possible charges at the International Criminal Court in The Hague. A demonstration on 10 March by UDPS, protesting their election demands had not been met was broken up by armed riot police. A further demonstration took place on 22 March. The leader of the armed group Mudundu 40 was sentenced to five years for crimes including the illegal detention of children.

In April for the first time in the country's history seven soldiers were convicted of crimes against humanity. The CEI announced the election date as being 30 July 2006, and approved the electoral list for the presidential and legislative elections. The Cour d'Orde Militaire (Military Order Courts) were abolished. Olivier Kamitatu, the President of the National Assembly, resigned.

In May the leader of a Mai Mai group, Gedeon, surrendered along with several commanders and 750 followers. A further 200 Mai Mai surrendered at Lubumbashi. Pastor Kuthino, who had recently returned to the country, was arrested. Politically human rights violations increased with mass arrests in Kinshasa and freedom of expression was under threat in several provinces.

In June there were a rash of abuses of freedom of expression and assembly, and several cases of journalists being harassed, attacked or detained. NGO activists critical of the government were intimidated, and there were PPRD-led government efforts to prevent opposition groups from gathering or demonstrating. MONUC reported the usual abuses carried out by FARDC and other members of the security forces. The trial of Pastor Kuthino was concluded, with all defendants found guilty and sentenced.

In July Respect for civil and political rights drastically decreased as the 30 July elections approached. UDPS and RCD members were targeted for human rights violations because of their political affiliations. PNC, backed by GR officers, used excessive force to repress political demonstrations; opposition members continued to be targeted; there were cases of human rights violations by FARDC. The killing of an independent journalist sparked a “journée sans médias” in Kinshasa, with many newspapers, radio stations and TV channels ceasing activity for 24 hours. Members of political parties not receiving local backing from officials also faced unnecessary difficulty in organising meetings or other campaigning. The elections took place on 30 July 2006.

In August the main event was the publication of the election results and the aftermath. In Kinshasa three days of fighting followed the announcement of the presidential elections’ provisional results, which led to 23 people being killed and 43 others injured. The presidential election did not give any candidate the necessary majority and a run-off election between Joseph Kabila and Jean-Pierre Bemba was scheduled to take place. In Ituri a military tribunal sentenced a Union des Patriotes Congolais (UPC) militia leader to terms ranging from 10 to 20 years for war crimes. A Mobile Military Court sentenced 11 soldiers found guilty of murder, rape, extortion, armed robbery, and other crimes. Freedom of expression was compromised by the arbitrary closure of several pro Bemba media channels without orders from HAM, by pro Kabila forces.

In September more than 800 street dwellers were arrested by the PNC in Kinshasa. There were also reports of demonstrations in Kinshasa and elsewhere, notably Kananga, being dispersed with unnecessary force. Freedom of speech was better respected than in August, however many journalists still reported being threatened by political and military groups from both sides.

In October Five detainees were killed and many others wounded during a mutiny in Kinshasa main prison. Administrative authorities continued to interfere in the administration of justice. FARDC officers and three representatives of a foreign private mining company were sent for trial in connection with the Kilwa massacre of October 2004. The second round of the presidential election took place.

In November the official results of the presidential election was announced giving victory to Joseph Kabila. Three mass graves were identified in Bavi, Ituri District. More than 600 street dwellers were arrested in Kinshasa, and 29 others in Kisangani. Politically motivated arbitrary arrests were registered throughout the DRC. A leading human rights lawyer Marie-Thérèse Nlandu Mpolo-Nene, who had been a candidate in the presidential election, was arrested on 21 November by agents of the Special Services police, together with six associates.

In December Six more officers were arrested in connection with the Bavi massacre and the Kilwa massacre trial began in Lubumbashi. FARDC soldiers, ANC agents and PNC agents continued to commit human rights violations, including killing and rape throughout the year particularly in eastern DRC.

2007 January Fighting continued in Ituri against the forces of Peter Karim, and in North Kivu against the forces of Laurent Nkunda. The elections for senator took place which gave a majority to parties supporting Joseph Kabila. Jean Pierre Bemba gained a seat in Kinshasa. The gubernatorial elections also took place, again giving a majority to Kabila allies. In the middle of January Laurent Nkunda agreed to his troops joining the integration process. 1,000 Mai Mai joined the integration process in South Kivu.

February Rioting broke out in three towns in Bas Congo Province with 134 people killed including security forces. The rioters were protesting against the result of the gubernatorial elections.

March On 22 March fighting broke out in Kinshasa between forces loyal to Jean Pierre Bemba and FARDC troops, after Bemba refused to disband his guards. This led to two days of fighting in which EU diplomats estimate that 600 died. Bemba sought refuge in the South African compound and later left for Portugal. At least 15 people were arbitrarily executed by the recently mixed FARDC Bravo Brigade in Buramba village of North Kivu on 9-10 March. Numerous reports of arbitrary executions of civilians by the FARDC were received in most provinces. PNC agents were implicated in several cases of arbitrary arrest and illegal detention.

April The Congolese army launched an offensive against the Rwandan Hutu rebels in the east of DRC. The opposition boycotted parliament on the grounds of lack of safety and harassment, but later returned after being promised talks with President Kabila.

May The UN High Commissioner for Human rights paid a six day working visit to the DRC; FDLR/RASTA rebels killed 17 villagers in Sud Kivu Province; five civilians were arbitrarily executed by the second battalion of Bravo brigade in Rudhe-Katwiguru, North Kivu; FARDC and PNC elements were implicated in several violations of the right to life, physical integrity, particularly rape, as well as to the right to liberty and security of person.

July The result of the Bavi appeal case was delivered which confirmed the life sentence given to a FARDC captain in the first trial and another captain was sentenced to 10 years imprisonment for murder as a war crime. The remaining seven defendants received 15-year sentences for murder. Former Mai Mai leader Kyungu Mutanga alias Gédéon was committed to stand trial for insurrection and war crimes. FARDC soldiers were responsible for numerous cases of arbitrary executions and other human rights violations.

August Jean Pierre Bemba missed the deadline for his return to the DRC. A spokesman said that he would return in September. It was reported that 3,500 militia had disarmed during the first two weeks of August. Rioting took place in Moba, in Katanga Province, when it was rumoured that Banyamulenge refugees were to be returned to the town. The DRC government sought help for 75,000 homeless, 50,000 in Kinshasa and 25,000 in Lubumbashi. More than 100 prisoners escaped from the central prison in Uvira. They claimed that they were starving; the prison governor said that he could not afford to feed them.

September United Nations Human Rights Officers identified three mass graves in the former HQ of the 2nd Battalion of mixed Bravo Brigade (pro-Nkunda) in North Kivu.

October Germain Katanga, leader of the Force de Résistance Patriotique en Ituri (FRPI) militia was transferred to the International Criminal Court (ICC) for trial.

November On the night of 9-10 November 2007, six civilians were killed, including a 9-month-old baby, in the locality of Lushebere, North Kivu, allegedly by CNDP elements (pro Nkunda). In Ituri 38 inmates escaped from the Mahagi Prison during the month November 2007.

December On 14 December 2007 diplomats from Uganda and the DRC had met to discuss border tensions on Lake Albert. On 17 December the DRC government announced that they would hold a peace conference in North Kivu by the end of the month.

2008 **10 January:** Peace process - After the first plenary session on 9 January, a decision is reached to extend the peace conference in Goma until 17 January. The conference had originally been scheduled to finish on 14 January.

11 January: Alan Doss, the new head of the UN mission in the DRC, MONUC, arrives in Kinshasa. Previous to this appointment, Doss of the UK was special representative of the UN Secretary General in the DRC.

14 - 16 January: The political wing of dissident group under General Laurent Nkunda, the National Congress for the Defence of the People (CNDP), addresses the conference. According to Congolese newspaper L'Avenir, the CNDP calls for the repatriation of the Democratic Forces for the Liberation of Rwanda (FDLR), the Hutu rebel group blamed by Nkunda for attacks on the ethnic Tutsi population in the Kivus. The CNDP also reportedly calls for the return of opposition leader Jean-Pierre Bemba, currently in exile in Portugal.

Nkunda's National Congress for the Defence of the Congolese People demands talks with the government, the repatriation of Rwandan Hutu rebels active in the country, the return of refugees and exiles and the release of political prisoners.

The Mayi Mayi militia also addressed the conference, calling for peace and the return of the FDLR to Rwanda.

18 January: The United Nations Office for the Coordination of Humanitarian Affairs states that more than a half a million people are displaced in the past 12 months in the Democratic Republic of the Congo (DRC), mainly due to fighting between Government and rebel groups in the country's volatile northeast.

19 January: Delegates at the UN-backed peace conference discuss the possibility of amnesty for certain belligerents, including dissident General Laurent Nkunda. The various non-state armed groups involved in conflict in the Kivus, including Mayi Mayi militia and the forces of dissident general Laurent Nkunda, are later reported to have signed a ceasefire in order to facilitate the Goma peace conference.

The UN mission in the DRC, MONUC, dispatches a patrol to investigate claims by local authorities that 40 people have been killed since Friday 18 January in attacks by dissident forces of General Laurent Nkunda near Nyamitaba and Kalonge, more than 60 km northwest of Goma, where a peace conference is currently underway. However, the dissident forces deny the allegation, claiming attacks were instigated by local Mayi Mayi militia.

23 January: The Goma peace conference sees the signing of a peace deal intended to bring conflict in the east of the DRC to an end. Following more than two weeks of negotiation, rebels and militia fighters agree an "act of engagement" for an immediate cease-fire with government troops and the phased withdrawal of all non-state forces in the eastern region. In return they will receive amnesty and political and legal guarantees for the respective armed groups. The National Congress for the Defence of the People (CNDP) of dissident General Laurent Nkunda was first to sign the agreement, followed by delegates of the remaining groups, including the Mayi Mayi tribal militias.

29 January: The UN announces the establishment of eight new bases in eastern DRC to monitor the ceasefire. The mobile bases will involve up to 30 UN troops each and will also provide protection to civilians in Nord Kivu. This adds to 13 other bases already operational in the area. The move follows outbreaks of fighting between dissidents and Mayi Mayi militias which threatens to derail the recent peace settlement reached in Goma.

4 February: Signatories to the Goma agreement on cessation of hostilities in Sud Kivu commence a two-day follow-up meeting in Bukavu, Sud Kivu, to discuss arrangements for activities to be carried out within the framework of the settlement.

11 February: Mathieu Ngudjolo, former leader of the Nationalist and Integrationist Front (FNI) in Ituri region, northeastern DRC, appears before the International Criminal Court (ICC) in the Hague, Netherlands, on charges of war crimes and crimes against humanity. The former militia leader is accused of ordering the extermination of 200 residents of Bogoro village in 2003.

12 February: The UN Mission in the DRC, MONUC, confirms that it has registered 17 clashes between dissident forces of General Laurent Nkunda and the Mayi Mayi militia since the signing of a cease-fire agreement between the two on 23 January. MONUC reports that most confrontations followed looting or attempts to steal cattle and did not involve government forces.

22 February: General Nkunda announces that he is suspending his participation in planned follow-up meetings of the cease-fire in protest over UN reports which implicate his dissident forces in massacres of Hutu civilians in January 2008.

4 March: The party of dissident General Laurent Nkunda, the National Congress for the Defence of the People (CNDP), announces it will rejoin the ceasefire commission. The group had suspended its involvement on 22 February in protest at a UN report which implicated the group in the massacre of Hutu civilians in January. The decision follows talks between the CNDP and special envoys from the USA and European Union in which guarantees that

an independent inquiry into the massacres would be carried out in the “near future”.

4 March: Governor of the Bas Congo region in southwest Democratic Republic of Congo (DRC), Simon Mbatshi Batshia, confirms that 22 people have been killed in violent clashes between members of a political-religious group and security forces. The Bundu Dia Kongo (BDK), created in the 1950s but reduced in significance following the country's independence, contests the authority of central government in the province for which it seeks autonomy and independence. Previous clashes last year in Bas Congo resulted in 134 confirmed fatalities. Police in the region have recently increased their presence and tensions with the BDK have grown.

10 March: Two are confirmed dead and five more injured following a police raid on the headquarters of the separatist ethnic-based Bundu dia Kongo (BDK) movement. Security forces attacked in large numbers in the capital of the western Bas-Congo province, Matadi. The UN mission in the DRC, MONUC, began deploying peacekeepers earlier this week in Bas-Congo following an escalation of violence between security forces and the separatist militia. Some estimates claim the actual death toll of recent fighting runs into the hundreds rather than 24 fatalities so far confirmed.

19 March: Following the passing of the deadline for the sensitisation phase of the Nairobi Accord on 15 March, the DRC army deploy troops to the Kivus to force the Democratic Force for Liberation of Rwanda (FDLR) rebel group to disarm and return to Rwanda. Under previous agreements reached at tripartite meetings, the armed forces of Rwanda and the DRC are now expected to take measures to force the FDLR to demobilise.

28 March: In an attempt to tackle increasing insecurity and crime in the town of Goma, capital of Nord Kivu, up to 100 individuals, including soldiers and demobilised combatants, are arrested on suspicion of involvement in banditry. A search operation of an army barracks in the Kotido area of Goma leads to the seizure of 101 firearms and 800 rounds of ammunitions.

April: Army troops clash with Rwandan Hutu militias with whom they were formerly allied in eastern Congo, leaving thousands of people displaced.

August: Heavy clashes erupt in the east of the country between army troops and fighters loyal to rebel leader Laurent Nkunda.

October: Rebel forces capture major army base of Rumangabo; the Congolese government accuses Rwanda of backing General Nkunda, a claim Rwanda denies. Thousands of people, including Congolese troops, flee as clashes in eastern DR Congo intensify. Chaos grips the provincial capital Goma as rebel forces advance. UN troops engage the rebels in an attempt to support Congolese troops.

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Annex B: Political organisations

Alliance des forces démocratiques pour la libération du Congo-Zaïre (AFDL)

The AFDL was formed under the leadership of Laurent Desire Kabila by anti-Mobutu rebels. The AFDL was a coalition of four opposition parties . [4a] (p135)

Forces Novatrices pour l'Union et la Solidarité (Forces of New Ideas for Union and Solidarity) (FONUS) [1c]

Leader Joseph Olenghankoy was minister of transport in the transitional national government set up in 2003, until he was dismissed in January 2005. [4a] (p137) [65c]

See also [Section 6.05 on Government; Annex C Prominent people](#)

Forces pour le Salut du Congo (Force for the Salvation of Congo) (FSC)

Formed in June 2000 by former supporters of former President Mobutu. Leader Jerome Tshishimbi. [1h]

Mai Mai (also Mayi Mayi)

Internet : - <http://www.congo-mai-mai.net/>

The Mai-Mai militias fighting in Congo first emerged in the context of the current crises in the contexts of violent conflicts in Masisi 1993-1996, as an expression of local resentment and opposition to the presence of Rwandan forces and their proxy, the RCD [Rassemblement congolais pour la démocratie], in eastern DRC. Although originating from specific groups, they were never a cohesive political or military grouping. They emerged in Northern Katanga and elsewhere. [101]

It is important to note in this regard is that several observers feel that the Mai-Mai in other regions than the Kivu are creations of Kinshasa politicians. [101]

The Mai-Mai fighters, opposed to any foreign presence in the country, and symbol of the national resistance, also became part of the government and of the integrated army. [163a] (p81)

See also [Annex D Armed forces in the DRC](#)

Mouvement pour la libération du Congo (Congo Liberation Movement) (MLC)

Internet : - <http://www.mlc-congo.net/>

Former Ugandan-supported rebel movement. [1c]

The MLC emerged in Equateur province and included about 5,000 ex-FAZ/DSP, Congolese soldiers from the Republic of the Congo and new recruits from the north-west of the DRC. Estimated strength was between 6,500 and 9,000 soldiers, although it claimed an army of 25,000 men.

The MLC was supported militarily and politically by Uganda, and had alliances with all of the main rebel movements at various times during the conflict. At the time of the signing of the global peace agreement, the MLC was co-operating with the Rassemblement Congolais pour la Démocratie-Nationale, led by Roger Lumbala. Officially Uganda admitted that it provided artillery, medical and communication support to the MLC.

The MLC's headquarters were in Gbadolite and it controlled most of Equateur province as well as the north-western parts of Orientale province.

The MLC has funded most of its operations by the proceeds from four to five small diamond and gold mines under its control. Revenues were also raised from taxes levied on tea, coffee, and timber.

The MLC was legalised by the decree of September 2003 authorising all parties to function legally. [3b] (Section 2b)

The MLC, headed by Mr Bemba, has its headquarters in Mr Mobutu's former Presidential "village" of Gbadolite in Equateur province. The group was for a long time openly backed by Uganda. The MLC is more cohesive than the other former rebel groups! Mr Bemba dominates the movement, which is a vehicle for his own ambitions. Mr Bemba has been one of four vice-presidents in the transitional government, and in the presidential election of July 2006 headed the poll in five of the country's central and western provinces. The party came second in the general election, yet won only 64 seats in the National Assembly [30f] The MLC has close links to the Ugandan government which controlled much of northern and central DRC. Many of the MLC's senior members hail from the civilian and military structures of ousted dictator Mobutu Sese Seko. [27b] (History and Politics)

According to a report of 22 April 2004 by the Canadian Immigration and Refugee Board, the party has no links with the Congolese NGO, Ligue des électeurs (League of Electors). [43p]

MLC members were given high-profile cabinet posts (Foreign Affairs and Planning) and 116 seats in the transitional legislature. [4a] (p136)

The MLC has seven ministerial posts and two vice-ministerial posts. In the national assembly and the senate has representation equal to that of the RCD and the presidential party.

The MLC's former Secretary-General was Olivier Kamitatu; he was the president of the national assembly but resigned in April 2006. The former Chief of Staff of the MLC's army is Colonel Amuli.

The Economist Intelligence Unit (EIU) Country Profile of June 2005 noted that pre-election competition for power between the PPRD party and Mr Bemba's MLC is one of the main causes of the deterioration in public expenditure management; a substantial improvement is likely only when they have reached a defined and accepted balance of power after the elections. [30b] (p24)

See also [Section 6.22 Elections](#); [Annex C Prominent people](#); [Annex D Armed forces in the DRC](#)

Mouvement Populaire de la Révolution (Popular Movement for the Revolution) (MPR)

Formed in 1966 by former President Mobutu; sole legal political party until November 1990; leader: Catherine Nzuzi wa Mbombo Tshianga [1h] [4a] (p137)

An information response by the Canadian Immigration and Refugee Board (IRB) of 10 June 2003 about the existence of the MPR *renové*/Salongo stated:

“Nonetheless, one source indicated that there are three factions of the Popular Movement of the Revolution (MPR): the MPR-Fait Privé, headed by Catherine Nzuzi wa Mbombo; the MPR/Vunduwawe, under the leadership of Félix Vunduwawe; and the MPR/Mananga, led by Mananga Dintoka Mpholo (CIA World Factbook 2002 19 Mar. 2003). Two other published sources, however, noted the existence of only two factions of the MPR, that is, Catherine Nzuzi wa Mbombo’s MPR-Fait Privé and another simply called the MPR, headed by Félix Vunduwawe (Le Phare et Le Communicateur 9 Sept. 2002; Le Palmarès 15 Apr. 2003).” [43d]

Catherine Nzuzi wa Mbombo was named as the Minister of Solidarity and Humanitarian Affairs in the Transitional National Government appointed in June 2003. [56c] (Institutions de la Transition en RDC) [4] (p137)

See also [Annex C Prominent people](#)

National Congress for the Defence of the People (CNDP)

Political arm of ex-General Laurent Nkunda, formed by him in 2007 in east of the DRC. Attended peace conference in Goma in January 2008 on Nkunda’s behalf.

Parti démocrate et social chrétien (Democratic and Social Christian Party) (PDSC)

32a ave Tombalbaye, Kinshasa-Gombe. Centrist. Founded in 1990; Pro-centrist. President André Bo-Boliko; Secretary-General Tuyaba Lewula. [1h] Affiliate of the Christian Democrat International. [4b] (p135) [22g] (major political parties)

Parti lumumbiste unifié (Unified Lumumbist Party) (PALU)

Leader Antoine Gizenga [13] (Political parties and leaders) [22g] (Major Political Parties) According to a report of 30 March 2005 by the Canadian Immigration and Research Board, PALU did not agree with the appointment process of members of the political opposition to the transitional government in 2003 so is not represented in the transitional government. The same source stated that PALU and others formed a political grouping to insist on elections by 30 June 2005, and that a number of PALU and UDPS members were arrested when they tried to submit a memorandum to the office of the United Nations Mission to the Democratic Republic of Congo (MONUC) in May 2004. [43t] After the results of the presidential and parliamentary elections were announced Gizenga announced on 21 September 2006 that PALU would support the PPRD in parliament and President Kabila in the presidential election run-off. [92g]

Parti du Peuple pour la Reconstruction et la démocratie (People’s Party for Reconstruction and Democracy) (PPRD) <http://www.pprd.com>

Formed March 2002 by President Joseph Kabila. [1h]

The EIU Country Profile of June 2005 noted that pre-election competition for power between the PPRD party and Mr Bemba’s MLC was one of the main causes of the deterioration in public expenditure management, and a substantial improvement is likely only when they have reached a defined and accepted balance of power after the elections. [30b] (p24)

In the parliamentary elections held on 30 July 2006 the PPRD became the largest party but without a majority. However it formed a coalition with other parties, notably PALU and UDEMO (the party of Nzangsa Mobutu), in the Alliance of Presidential Majority (AMP). [18db]

Rassemblement congolais pour la démocratie – Goma (Congolese Rally for Democracy (RCD-Goma/RCD-G))

Internet: <http://www.rcd-congo.info/>

Founded in 1998; a rebel movement until the December 2002 peace agreement; main faction initially led by Émile Ilunga; supported by Rwanda. Secretary-General. Francis Bedy Makhubu Mabele. [1h] A close political ally of the Rwandan government and the bulk of its leaders hail from the Banyamulenge community. [27b] (History and Politics) The Rwandan-backed RCD was the main rebel movement opposing the DRC government of Laurent Kabila. It controlled the eastern third of the country throughout the war, and in its guise as a political party is deeply unpopular in part because its leaders are Banyamulenge/Congolese Tutsis who are seen as allies of Rwanda. After forming as a rebel organisation in August 1998, the RCD has fractured repeatedly. It split in May 1999, when one of its leaders, Ernest Wamba dia Wamba- supported by Uganda- was ousted, and set up a new rebel group, RCD-Mouvement de _alendar_e (RCD-ML). Mr Wamba was later replaced by Mbusa Nyamwisi, and until the formation of the transitional government the RCD-ML controlled the northern half of North Kivu province. In 2000 a group, led by Roger Lumbala, split away from the RCD-ML, calling itself RCD-National (RCD-N). Both the RCD-ML and the RCD-N have had representatives in the government and other transitional institutions, though fewer than the main RCD, whose leader, Azarias Ruberwa, has been one of the four vice-presidents. The elections of 2006 have potentially reduced the RCD and its offshoots to very minor players in national politics. [30d] (p13)

See also [Annex D Armed forces in the DRC](#)

Rassemblement congolais pour la démocratie – Mouvement de Libération (Congolese Rally for Democracy – Liberation Movement) (RCD-ML) also known as RCD-Kisangani (RCD-K/ML) [22g] (Major Political Parties)

Broke away from main RCD in 1999; supported initially by Uganda but went over to government side in 2000 prompting clashes with the Ugandan backed MLC; [1h] [4a] (p136)

The RCD-K/ML controlled an area known as the Grand Nord which stretches from Kanyabayonga to Beni. The RCD-K/ML is led by Mbusa Nyamwisi, who is now also the Minister of Regional Cooperation in the transitional government. The party has 19 seats in the transitional bicameral legislature. [4a] (p136) [27b] (History and Politics)

See also [Annex C Prominent people](#)

Rassemblement congolais pour la démocratie – National (Congolese Rally for Democracy – National) (RCD-N)

Ugandan-backed faction which broke away from RCD-ML in October 2000, based in Isiro, Orientale Province. Leader Roger Lumbala was appointed Minister of External Trade in the transitional government formed in July 2003. It has 19 seats in bicameral legislature. [1h]

Union pour la Démocratie et le Progrès Social (Union for Democracy and Social Progress) (UDPS)

The address for the general office is given as 546 Avenue Zinnia, Commune de Limete, Kinshasa, Congo-Kinshasa. The address given for the Secretary-General is 54 Avenue Zinnia, Kinshasa-Limété, Congo-Kinshasa. <http://www.udps.net/>

Formed in 1982. Leader: Etienne Tshisekedi Wa Mulumba; Secretary-General: Rémy Massamba Ma Kiessa. [1h]

See also [Annex C Prominent people](#)

The UDPS was formed in the early 1980s as an opposition party within the former Zaire to counter the arbitrary rule of the Mobutu regime. [1c] The UDPS has been banned on a number of occasions, and was finally legalised in 1991. [4a] (p136)

Europa World online reported that the UDPS denounced the Inter-Congolese Dialogue in 2002 and formed a political alliance with the RCD-Goma to oppose it. [1c] however, this alliance was short lived, breaking up once the RCD-Goma decided to support the Inter-Congolese dialogue. [101] Europa World stated that they also refused to take part in the Transitional National Government formed in June 2003. [1c] According to information from the Institute for Security Studies, Mr Tshisekedi has declined to participate in the transitional government but intends to run in the presidential elections. [27b] (History and Politics) A report of 5 August 2004 by the Canadian Immigration and Refugee Board (IRB) referred to a statement by the UDPS president that although the UDPS is not part of the transitional government, the organisation is fully participating in the transition process. [43n]

UFERI Union of Federalist and Independent Republicans [22g] (Government) Two factions; UFERI (Lokambo Omokoko); UFERI/OR (Adolphe Kishwe Maya). Founded 1990 to seek autonomy for Shaba/Katanga province. Expelled from Sacred Union after leader accepted Mobutu's nomination for Prime Minister in 1991. [13] (Political parties and leaders) [22g] (Major Political Parties) [4a] (p 136)

Reference [4a] also lists a further 19 minor parties.

See also [Section 6.01 on Political system](#); [Section 17.01 on Political affiliation](#); [Section 17.04 Letters of Support from Opposition Political Parties Section](#); [17.05 on Freedom of Association and Assembly](#); [Annex F List of Websites](#)

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Annex C: Prominent people: past and present

Jean-Pierre Bemba

Leader of the Movement for the Liberation of Congo (Mouvement pour la Liberation du Congo) (MLC). Son of business magnate Bemba Saolona. In June 2003, Bemba became one of the Vice-Presidents in the Transitional National Government. [1c] Information from the Country Fact File of the Institute for Security Studies stated that Mr Bemba is a businessman from Equateur province and the son of one of the richest men in the DRC. [27e] (Security Information)

During the course of a country of origin information seminar in June 2002, sponsored by UNHCR and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), which was addressed by representatives from Amnesty International and UNHCR, it was stated that Bemba had links to persons from the former Mobutu regime. [52] (p101)

The 2008 Country Profile by the Economist Intelligence Unit (EIU) also stated, "The Mouvement de liberation du Congo (MLC), headed by Jean-Pierre Bemba, is the largest opposition party, with 64 seats in the National Assembly... The party's fortunes fell in mid-2008, after Mr Bemba's arrest and detention left it leaderless". [30h] (p6)

According to allAfrica.com he is a son-in-law of the late Mobutu. [74]

He came second in the Presidential Elections on 30 July 2006, and lost the run-off election on 30 October 2006 against President Kabila. [15as] [65p]

In March 2007 after he refused to disarm his bodyguard of troops fighting took place between them and soldiers of FARDC in Kinshasa. He sought sanctuary in the South African compound, until he was given permission to leave for Portugal for medical treatment. He has said he will return at the end of July 2007. [15ca] [15cl] [15cj] [15cu] [18fc] [21at] [21bm] [65ce] [83i]

See also [Annex B Political Organisations](#);

Antoine Gizenga

Leader of Union des Lumumbistes unifié (PALU), based in the provinces of Kinshasa, Bandundu and Bas-Congo. He served as deputy prime minister and prime minister in the 1960's, and came third in the Presidential Election. [18dj] Appointed Prime Minister by President Kabila in January 2007. [2d] He resigned as Prime Minister on 25 September 2008. [157a]

Emile Ilunga

Leader of RCD-Goma rebel faction until November 2000, when he was deposed. [1c] A long-time political activist from Katanga. Also associated with the 'Katanga Tigers'. [27e] (Security Information)

See also [Annex D Armed Forces in the DRC](#)

Joseph Kabila

Son of former DRC president Laurent Kabila and current President of the DRC. He was appointed as the President of the DRC in January 2001 after the assassination of his father. In June 2003, he became the head of the new Transitional National

Government. [1c] The EIU 2008 Country Profile stated, “Joseph Kabila...formed the Parti du peuple pour la reconstruction et la democratie (PPRD) in 2002.” [30h]

Joseph Kabila stood as a nominal independent candidate backed by the PPRD in the Presidential Elections, and came first with approximately 44.81% of the vote. He won the run-off election on 30 October 2006 against Jean-Pierre Bemba. [15as] [65p]

Laurent Desire Kabila

Former president of the DRC. He became the leader of AFDL forces which toppled the Mobutu regime in May 1997. He declared himself the President of the DRC in May 1997 and remained the president until his assassination in January 2001. [1c]

Colonel Eddy Kapend

Former head of the former president’s special presidential staff and aide-de-camp to the late Laurent Kabila. He was arrested as a key suspect by the security forces after former president Laurent Kabila was assassinated in January 2001. Kapend was formally charged in March 2002 with conspiracy and the murder of the late Laurent Kabila. In January 2003, Kapend was sentenced to death by the Military Order Court. [2a] [11a] (p2)

See also [Section 37.01 on Assassination of President Laurent Kabila](#)

Olivier Kamitatu

[A former president of the National Assembly] In December 2005 he was sacked by the MLC as the party’s number two, accused of establishing relations with rival parties, and resigned his post on 3 April 2006. [56v] [18dj] Some 319 parliamentary candidates are aligned with Kamitatu under the Alliance pour le renouveau du Congo, which is allied to another former rebel faction, the Rassemblement congolais pour la democratie-Mouvement de liberation-Kisangani (RCD-ML), whose leader Mbusa Nyamwisi, also ran for president. [18dj] Since the election he has become the spokesman for the Alliance pour la majorité présidentielle (AMP) which supports President Kabila. [18db] He was appointed Planning Minister in the government in 2007. [2d]

Fernando Kutino

Archbishop Fernando Kutino founded the World Mission for Message of Life (MMMV), a religious organisation, and is also the leader of the Army of Church Victory, which is the main branch of the MMMV, and the Sauvons Congo (Save the Congo) movement. After the 10 June 2003 raid of the Army of Church Victory by the police, Kutino fled the country and applied for asylum in France. [24c] He returned to DRC in April 2006 and was arrested three weeks later, tried, and sentenced to 20 years imprisonment. [65ai]

See also [Section 21.16 on Armée de Victoire \(Army of Victory Church\)](#) [Section 18.01 Freedom of Speech and Media](#)

Patrice Lumumba

First Prime Minister after independence was granted in 1960. He was murdered in February 1961. [1c] The current Lumumbiste party is PALU. [13] (**Political parties and leaders**) [22g] (**Major Political Parties**) There is a second minor lumumbiste party Le Mouvement Lumumbiste Progressiste (MLP) led by Franck Diongo [101]

See also [Annex B Political Organisations](#)

Appollinaire Mulohongo Malumalu

The chairman of the Independent Electoral Commission, Malumalu, is a Roman Catholic priest from North Kivu. He has been head of the commission since its inception in 2003 at the end of the inter-Congolese dialogue, which resulted in the formation of the transitional government. Members of civil society refer to him as a dynamic person of integrity. [18d]

Catherine Nzuzi wa Mbombo

Leader of one faction of the MPR political party and appointed as Minister of Solidarity and Humanitarian Affairs in June 2003 in the Transitional National Government. [56c] (Institutions de la Transition en RDC)

See also [Annex B Political organisations](#)

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

Took control of the country in 1965, changed the name of the country from the Congo to Zaire, and remained President of Zaire until 1997. When the AFDL forces of Laurent Kabila were about to take control of Kinshasa Mobutu and his family left for Morocco where he died in September 1997. [1c]

See also [Section 3.01 on History](#)

François Joseph Nzanga Ngbangawe Mobutu

Aged 36, he is the son of Mobutu Sese Seko. He contested the presidency on a Union democrates des Mobutistes (Udemo) party ticket and came fourth. He is married to vice-president Jean Pierre Bemba's sister. [18d] He was appointed as a Minister of State for agriculture in 2007. [2d]

Colonel Jules Mutebutsi

Commander in RCD-Goma who was suspended from the integrated national army in 2004. Joined Laurent Nkunda to take control of Bukavu in 2004, where his troops committed war crimes. He afterwards fled to Rwanda where he was granted asylum in August 2006. DRC government have issued an international arrest warrant for him. [15bi]

Abdoulaye Yerodia Ndombasi

Appointed one of the vice-presidents of the new Transitional National Government in June 2003. [1c] [56c] (Institutions de la Transition en RDC)

Arthur Z'Ahidi Ngoma

Appointed one of the vice-presidents of the new Transitional National Government in June 2003. Represents the political opposition. [1c] [56c] (Institutions de la Transition en RDC)

General Laurent Nkunda

Born in North Kivu and studied psychology at university. Fought with the Rwandan Patriotic Front. Joined the RCD-Goma rebel forces in 1998, and became the commander of the seventh brigade of the RCD-Goma forces. In May 2002 was among RCD-Goma officers responsible for brutal repression of attempted mutiny at Kisangani. Despite the supposed end to the war and the establishment of the provisional government in 2003, dissident soldiers loyal to RCD-Goma clashed with other Congolese forces in South Kivu in May 2004. Nkunda, and troops loyal to him took control of Bukavu on 2 June, claiming his action was to stop the genocide of Congolese Tutsis. During the fighting his troops carried out war crimes. In August

2005 he declared the transitional government corrupt, and in September 2005 a large number of Rwandophone soldiers belonging to the former RCD-Goma deserted the national army and joined him in North Kivu. There have been a number of demands for his arrest for war crimes, and the government of DRC has issued an international arrest warrant for him. [5w] [15bh] His troops were re-integrated in the FARDC after a peace deal in January 2007. [15ce] He later reneged on the reintegration and took his troops and became part of a three way clash between his forces, the FDLR, and the FARDC. He agreed to attend the peace conference in Goma in January 2008. [15eb] [21cs]

Joseph Olenghankoy

Leader of the FONUS party and former Minister for Transport in the transitional government until he was dismissed in January 2005. [65g]

See also [Section 6.05 on Government](#); [Annex B Political Organisations](#)

Pierre Pay-Pay wa Syakassighe

Former Governor of the Central Bank of the DRC who also served as Minister of Economics and Finance under the late President Mobutu Sese Seko. Hails from North Kivu province in eastern DRC. Candidate for FCD in 2006 presidential elections. [74]

Azarias Ruberwa

Appointed as one of the vice-presidents of the new Transitional National Government in June 2003. [1c] [56c] (*Institutions de la Transition en RDC*) Current leader of the RCD-Goma former rebel group. [1c] The EIU 2006 Country Profile stated:

“A Congolese Tutsi, Mr Ruberwa is a lawyer who has been the leader of the Rassemblement congolais pour la démocratie (RCD), one of the two main rebel movements during the civil war, since late 2000. In the transitional government he is vice-president in charge of the commission on politics and security. Mutinous troops loyal to the RCD are a continuing security problem in the east of the country, and it remains to be seen whether the post-transition government will turn to Mr. Ruberwa to help defuse the situation”. [30d] (p15)

Candidate for RCD in 2006 presidential elections. [74]

See also [Annex B Political Organisations](#); [Annex D Armed Forces in the DRC](#)

William Lacey Swing

He is the special representative of the United Nations Secretary-General in the DRC and head of the UN Mission in the country, known as MONUC. A career diplomat, he heads the International Committee for the Support of the Transition, known as CIAT, which was created at the end of the Inter-Congolese dialogue in 2003. He has been a major figure in facilitating efforts to restore peace and democracy in the country. [18dj]

Etienne Wa Mulumba Tshisekedi

UDPS founder member and current leader. [1h] Mr Tshisekedi has been prominent in DRC politics since the 1980s. [1c] A BBC News Online report dated 29 September 2003 recorded that Tshisekedi returned to the DRC in September 2003 after two years of self-imposed exile in South Africa. Tens of thousands of his supporters greeted him when he arrived at Kinshasa Airport. He stated that he intended to start work to prepare for the presidential and parliamentary elections, due to take place in 2005, but he and the UDPS did not have any interest in the transitional administration. [15b] The EIU 2006 Country Profile stated:

“The 70-year-old leader of Union pour la démocratie et le _alendar social (UDPS) is a long-standing opposition figure – an opponent of Mr Mobutu and both of the Kabilas and still a formidable figure with a power base in his native Kasai Occidental, Mr Tshisekedi led the UDPS into boycotting not only the transitional government, because of dissatisfaction with the procedure for appointing the political opposition’s representatives, but also the elections that will bring it to an end. Although Mr Tshisekedi’s stubbornness and downright political miscalculations have excluded his party from the political process, he still commands its respect and could lead a popular movement of urban protest and labour unrest”. [30d] (p15)

According to allAfrica.com, on 2 January 2006 he announced his intention of standing in the 2006 presidential elections as a candidate for the RDSP [sic] after more than two years of boycotting the peace process. [74]

See also [Annex B Political Organisations](#)

Ernest Wamba Dia Wamba

Chairman of the RCD from the start of the rebellion in August 1998. He was later ousted by the Goma-based faction of the RCD led by Emile Ilunga and became the head of RCD-ML. [1c] He became a member of the transitional Senate in 2003. [70b]

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Annex D: Armed forces in the DRC

Except where indicated, the following information is taken from the South African Institute for Security Studies Country Fact File – Security Information 12 January 2005 – source [27e]

See also information about armed groups in [Section 10.01 on Security Situation – Eastern DRC](#) and subsequent sections; also information on former rebel groups that now form part of the transitional political administration in [Annex B Political organisations](#)

CONGOLESE ARMED FORCES (FARDC)

The President, Major General Joseph Kabila is the Commander-in-Chief of the Armed Forces

Minister of defence: Adolphe Onusumba Yemba (RCD-G)

FARDC chief of staff: Major General Sungilanga Kisempia (PPRD)

FARDC land forces chief of staff: General Sylvain Buki (RCD-G)

FARDC navy chief of staff: General Major Amuli Bahigwa (MLC)

FARDC air force chief of staff: Brigadier General Bitanihirwa Kamara (MLC)

1st Military Region/Bandundu: Brigadier General Moustapha Mukiza (MLC)

2nd Military Region/Bas-Congo

3rd Military Region/Equateur: Brigadier-General Mulubi Bin Muhemedi (PPRD)

4th Military Region/Kasai-Occidental: Brigadier-General Sindani Kasereka (RCD-K/ML)

5th Military Region/Kasai Oriental: General Rwabisira Obeid (RCD)

6th Military Region/Katanga: Brigadier-General Nzambe Alengbia (MLC)

7th Military Region/Maniema: Brigadier-General Widi Mbulu Divioka (RCD-N)

8th Military Region/North Kivu: General Gabriel Amisi (RCD)

9th Military Region/Province Orientale: Major-General Bulenda Padiri (Mayi-Mayi)

10th Military Region/South Kivu: Major Mbuja Mabe (PPRD)

12th Brigade Region/ North Kivu: Col Janvier Mayanga

The Congolese Armed Forces, which was renamed the Forces Armées de la Republique Democratique du Congo (FARDC), consists of an army, air force and navy. The army is relatively poorly trained (even by local standards) and has infantry, some armour, air defence and artillery units. The infantry seem to be a conglomerate of ex-FAZ (old Zairean Armed Forces) and recruits collected by the ADFL during the 1997 conflict.

There are army bases at N'djili, Kitona, Kotakoli and in Lubumbashi. Air force bases are at N'djili and Kamina. Naval bases are at Matadi, Kinshasa and Banana.

National Police, including PIR (Police d'Intervention Rapide)

The Commander is General Celestin Kifwa, a former general in the Angolan army.

The Bandundu area has been a major source for recruitment for PIR, thus a strong Lunda influence.

PIR is largely credited for the return of safety on the streets of Kinshasa.

FIC (Force d'Intervention de la Capitale)

The Commander Brigadier-General Jean Yav Nawesh, a former general in the Angolan army, was the commander, but has been arrested. Commandant Jean-Claude Kifwa (Tango-Tango) is the second-in-command.

It is the military intervention force for Kinshasa. It was created in 1999 out of the Presidential Guard (GSSP) and troops of the Kinshasa-based 7th army brigade. It is mostly composed of Balubakat.

It is ready to crush attempts at insurrection as illustrated in the curbing of the camp Tchatchi mutiny in September 2000.

OTHER ARMED GROUPS**Mai Mai (also Mayi Mayi)**

Now a political party and represented in the provisional government See Annex B

Interahamwe

Interahamwe and ex-FAR (Forces Armées Rwandais) from AliR / Armée du Libération du Rwanda.

Rwandan commanders estimate that three Interahamwe battalions of 2,500–3,000 men each operate between the areas of Masisi, Walikale and Rutshuru. The Rwandans believe that the Interahamwe in the Kivus number 15,000. Interahamwe are mainly extremist Hutu militia. AliR's strength is estimated at between 30,000 to 40,000 and consists of Interahamwe, ex-FAR and new recruits.

The Interahamwe structure consists of 1 Division operating in North Kivu and 2 Division operating in South Kivu. There are three brigades operating in North Kivu, namely Limpopo in Lukweti-Mutongo, Niamey in Rutshuru and Lilongwe in Katoye. They operate on the frontline in the DRC and in Eastern DRC.

Larger formations possess limited numbers of heavier weapons, including 60mm mortars, 12.7mm anti-aircraft guns, rocket-propelled grenade launchers and five crew-manned machine guns. Their communications include hand-held Motorolas, VHF radios and satellite phones. They lack vehicles and regular supplies.

Former forces Armées Rwandaises (Ex-FAR)

Interahamwe and ex-FAR from AliR / Armée du Libération du Rwanda.

The ex-FAR was the Rwandan army, which was composed mainly of Hutu soldiers and was a major player in the 1994 genocide. At the time of their defeat by RPF forces in mid-1994, their numbers were estimated at some 20,000. The new FDLR's strength is estimated at between 30,000 and 40,000 and consists of Interahamwe, ex-FAR and new recruits.

According to military sources, Service d'Action et de Renseignement Militaires (SARM) provided training and weapons to the ex-FAR. After Kabila switched alliances, he actively recruited, trained and armed the ex-FAR and deployed them against the RCD and MLC rebel alliance.

The force operational headquarters for the Kivus is thought to be close to Shabunda. From bases in Masisi they launch cross-border attacks into Rwanda. They operate on the frontline in the DRC and in Eastern DRC.

FDLR

“Rwandan Hutus who fled their country following the 1994 genocide, and some are accused of having participated in the [Rwanda 1994] genocide.” [18av]

“The presence and activities of the ex-Forces armées rwandaises (FAR)/Interahamwe [elements of the Forces Démocratiques de Libération du Rwanda (FDLR)] on Congolese territory continues to be a destabilizing factor in bilateral relations between the Democratic Republic of the Congo and the Government of Rwanda.” [54e] (p9)

Ngilima

The Ngilima is a grouping of warriors from different ethnic groups in the Kivu provinces, concentrated in the Rutshuru area, who see themselves as defending the population against foreigners. They opposed Mobutu and later also the ex-FAR and Interahamwe who had been settled in the UNHCR camps. Many of their recruits were Nande and the language spoken among them tends to be Kinande. Their number is estimated at between 1000 and 1400 fighters.

They were particularly active in the Virunga National Park. They survive by poaching in the Park. At the beginning of 1996, they came in contact with one of the AFDL leaders – Kisase Ngandu – at a time when he wanted to establish bases in the DRC. Kisase’s Nande support base connected easily with the Ngilima and they received military training and large amounts of weapons from Kisase in return for their support.

Prior to the overthrow of Mobutu the Ngilima were trained by mercenaries from Kisangani, with Lumumbist connections.

They are usually subsumed under the Mayi-Mayi phenomenon. [102]

Zairean Hutu (MAGRIVI or Militia)

Another group of Hutu is the Zairean Hutu who, having joined forces with the Rwandan Hutu, are often included under the general ‘Hutu’ label. However, care should be taken to distinguish between these two groups as they have different political objectives which temporarily coincided. The Zairean Hutus have been in Zaire for generations and consider themselves to be Zairean. Local authorities estimated the Hutu population at some 400,000—500,000 in North Kivu.

MAGRIVI, which was founded in 1989 by Sekimonyo wa Magango, the former Minister for Higher Education and Scientific Research, allegedly supported Rwandan President Habyarimana’s regime and the Interahamwe financially. Following the exodus of the Rwandan Hutus to eastern Zaire, Magrivi consolidated itself into a military group, the Hutu Militia (sometimes the Hutu Combatants), who worked in close collaboration with the ex-FAR and Interahamwe militia, whose apparent objective was the establishment of a racially pure ‘Hutu-land’.

FNLK [sic] (Front de Libération Nationale du Katanga) or Katanga Tigers and the FLNC (Front de Libération Nationale du Congo)

Since 1998, the Tiger’s military leadership has been divided into two political wings, each claiming to represent the movement. One wing is led from Angola by Henri Mukatshung Mwambu (Secretary-General of the FLNC) who returned to Kinshasa after Kabila’s victory, joining the main faction of Tigers. The movement’s second in

command is General “Mufu” Vindicien Kiyana. Dr Emile Ilunga leads the other wing and is a former representative in Brussels of the PRP (Patri de la Revolution Populaire) founded by Kabila in 1968. The nominal head of the Tigers, is General Jean Delphin Muland (or Mulanda)

This anti-Mobutu movement had its origins in the exodus of Katanga Gendarmes from the Congo to Angola, following the defeat of the attempt by the Katanga Provincial government to secede in 1960-62. Initially composed of gendarmes from Katanga they aimed to achieve independence or greater autonomy for the province of Katanga/Shaba and control over the lucrative mining potential of the region. Pogroms against Kasai immigrants led to further resentment against the Gendarmes, and after their defeat in the 1960-62 war, they formed a mercenary group led by Nathanael Mbumba and operating mainly out of Angola. They consisted of groups of about 5,000, of which about 1,800 were fighting men.

The Katanga Gendarmes were used and supported by virtually every Angolan political entity. They received equipment and were maintained by the Angolan Government in return for their services in the war against UNITA. By the 1990's they have adopted the MPLA's leftist ideology and seemed to have placed the secession of Katanga on the back burner. During Laurent Kabila's military campaign they joined the AFDL and were instrumental in the defeat of Mobutu in Kinshasa.

See also [Section 8.63 on Kilwa](#)

RCD-Goma (Rassemblement Congolais pour la Democratie/Congolese Movement for Democracy).

Now a political party and represented in the transitional government. See Annex B

RCD/ML-Kisangani (Rassemblement Congolais pour la Democratie – Mouvement de Libération/Congolese Rally for Democracy – Liberation Movement)

Now a political party and represented in the transitional government. See Annex B

See also [Annex C Prominent People](#)

MLC (Mouvement de Liberation Congolais/Movement for the Liberation of the Congo)

Now a political party and represented in the transitional government. See Annex B

Ex-Mobutu Generals and Ex-FAZ/DSP Troops

The most prominent Commanders are Generals Kpama, Philemon Baramoto Kata, Nzimbi Ngabale, Kongo wa Bassa, Monga Aundu Eluki and Mavhe.

Former soldiers of Mobutu's Division Speciale Presidentielle (DSP) formed the Union des Nationalistes Republicains pour la Liberation (UNAREL). UNAREL now seems to be defunct.

After the fall of Mobutu and the capture of Kinshasa, Mobutu's richest generals fled to Europe, South Africa and Canada, and the less well off to the Central African Republic, Congo/Brazzaville and Northern DRC.

Some of the generals attempted to organise continuing resistance from abroad. They have been in contact with various rebel groupings in the DRC, and are known to have had discussions with the Mayi-Mayi, Interahamwe, ex-FAR, UNITA and the two FLEC movements [Angolan groups].

It is not clear exactly how much support they still have left on the ground.

See also [Section 39.01 on Persons Associated with the Mobutu Regime](#)

Congolese Revolutionary Movement (MRC)

A BBC news report of 20 July 2005 stated “The United Nations mission in the Democratic Republic of Congo says it is concerned by the creation of a new rebel group in neighbouring Uganda.” The report stated that the group described itself as “fighting for the rights of the people in DR Congo’s eastern Ituri and North Kivu regions” and “made up of elements of various groups operating in the east.” [15n] A further BBC news report of 24 August 2005 stated that six members of the group who remained in Uganda would be expelled from there. Innocent Kaina, reported to be one of the founder members of the movement, and known as India Queen was captured in May 2006. [15p] [18dg]

Rastas

The Integrated Regional Information Networks (IRIN) reported on 26 May 2005 on a group “known as the Rastas, [which] has been committing numerous human-rights abuses in the region” IRIN reported that the Rastas and the FDLR “consist primarily of Rwandan Hutus who fled their country following the 1994 genocide, and some are accused of having participated in the [Rwanda 1994] genocide.” IRIN also stated that “MONUC reported on 18 May that it had documented 1,724 cases of summary execution, rape, beating and hostage taking in Walungu [South Kivu] between June 2004 and April 2005.” [18av]

Forces Armées du Peuple Congolais/People’s Armed Forces of Congo (FAPC)

Rebel group based in the Ituri region of the DRC and has been active in that region’s conflict. The FAPC was formed in March 2003 by Jérôme Kakwavu, a former member of the Union of Congolese Patriots (UPC). Headquartered in the towns of Aru and Ariwara, the group had approximately 4,000 fighters in early 2005. Disarmament of the FAPC began on 6 March 2005 with the aim of integrating its members into the national army. There were protests when Kakwavu was appointed to FARDC. [5g] [99]

Front pour les nationalistes et intégrationnistes (FNI)

Ethnic Lendu rebel group led by Floribet Ndjabu Ngabu. Military leader was Etienne Lona who was arrested in Kinshasa in March 2005. Ubemu Uzele the second in command arrested in May 2006. Became part of the MRC. [18bm] [18ct] [18dg]

Union des _alendar congolais (UPC-L)

A largely ethnic Hema organisation formed by Thomas Lubanga after he split from RCD-ML. Began operating in 2000. Formed an alliance with RCD-Goma in 2003. Lubanga was arrested in March 2005 and is to stand trial at the International Criminal Court in the Hague on war crimes. [18bm]

Le Parti pour l’unité et la sauvegarde de l’intégrité du Congo – Party for Unity and Safeguarding of the Integrity of Congo: (PUSIC)

Mandro Panga Kahwa, the former military chief of UPC, formed this Hema party in February 2003 after a dispute over leadership and military support with the UPC leader, Thomas Lubanga, he was charged in August 2006 with creating the movement.

PUSIC's leader was Floribert Kisembo. On 20 December 2004, PUSIC announced that Kisembo had been dismissed as its chairman in favour of Deo Pimbo, who had been the secretary-general. However, a week later, PUSIC militiamen stated categorically that they still considered Kisembo as their commander. [18bm]

Forces de resistance patriotiques en Ituri – Patriotic Resistance Front in Ituri (FRPI)

Led by Dr Adirodo, it is a political party of the Ngiti, one of 18 distinct ethnic groups in Ituri. The party was established in November 2002 and is allied to the Front des nationalistes et integrationnistes (FNI) – Nationalist Integrationist Front – led by Floribert Ndjabu Ngabu. The alliance is aimed at bringing Ngiti militias and traditional leaders together to face the UPC. It supported Uganda's move to drive the UPC from Bunia in March 2003. Military leader is Cobra Matata. [18bm] [54j]

National Congress for the Defence of the People (French acronym CNDP)

The rebel government established by Laurent Nkunda in the Kivu region of the DRC. The area under Nkunda's control lies north of Lake Kivu in Nord-Kivu in the territories of Masisi and Rutshuru. [161a]

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Annex E: Further education establishments in DRC

Centre universitaire de Bukavu
Collèges universitaires de Kinshasa
Ecole d'Informatique, d'Electronique et d'Expertise comptable
Ecole nationale supérieure de Finance et Administration bancaire
Ecole polytechnique supérieure de Boma
Ecole technique d'Etudes supérieures
Faculté de Théologie protestante de Lubumbashi
Facultés catholiques de Kinshasa
Institut de Comptabilité intégrée
Institut de Gestion coopérative et syndicale
Institut de Théologie et de Pastorale de Mayidi
Institut des hautes Etudes commerciales
Institut du Bâtiment et des Travaux publics
Institut facultaire de Gestion
Institut facultaire des Sciences agronomiques de Yangambi
Institut facultaire des Sciences de l'Information et de la Communication
Institut interuniversitaire de Kinshasa
Institut National des Arts
Institut supérieur d'Etudes sociales de Lubumbashi
Institut supérieur d'Informatique, Programmation et Analyse
Institut supérieur de Commerce de Kinshasa
Institut supérieur de Développement rural de Tshibashi
Institut supérieur de Formation des Agents de Développement
Institut supérieur de Statistique de Kinshasa
Institut supérieur de Théologie et de Philosophie – Saint-Augustin
Institut supérieur des Sciences commerciales et financières
Institut supérieur des Sciences du Travail
Institut supérieur des Statistiques de Lubumbashi
Institut supérieur des Techniques appliquées
Institut supérieur des Techniques médicales
Institut supérieur pédagogique de Bukavu
Institut supérieur pédagogique de Kananga
Institut supérieur pédagogique de la Gombe
Institut supérieur pédagogique de Lubumbashi
Institut supérieur pédagogique de Mbanza-Ngungu
Institut supérieur pédagogique de Mbuji-Mayi
Institut supérieur pédagogique de Muhangi à Lubero
Institut supérieur pédagogique technique de Kinshasa
Institut supérieur technique d'Etudes économiques et coopératives de Kinshasa
Institut supérieur technique et commercial
Institut supérieur théologique des Assemblées de Dieu au Congo
Institut universitaire catholique
Institut universitaire des Sciences économiques, Philosophie et Lettres
Institut universitaire du Congo
Université Acquatoria
Université adventiste de Lukanga Wallace
Université Cardinal Malula
Université catholique de Bukavu
Université catholique Don Peti Peti
Université catholique du Graben
Université centrale de Kinshasa

Université chrétienne de Kinshasa
Université de Kinshasa
Université de Kinshasa Binza
Université de Kisangani
Université de l'Ouest. Congo, Campus de Kananga
Université de la Mongala
Université de Lubumbashi
Université de Luélé
Université de Mbuji-Mayi
Université Divina Gloria
Université du CEPROMAD
Université du Kasayi
Université franco-américaine de Kinshasa
Université francophone internationale/Campus de Kananga
Université Gelesi de l'Ubangi
Université internationale du Congo
Université Kongo
Université libre de Kinshasa
Université libre de Luozi
Université libre des Pays des Grands Lacs
Université libre du Lac Mukamba
Université méthodiste au Katanga
Université Patrice Emery Lumumba de Wembo-Nyama
Université pédagogique nationale
Université presbytérienne Sheppard et Lapsley du Congo
Université Président Joseph Kasa-Vubu
Université protestante de Kimpese
Université protestante du Congo
Université Simon Kimbangu
Université technologique Bel Campus
Université William Booth [73]

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Annex F: List of websites

MONUC – <http://www.monuc.org/Home.aspx?lang=en>

Site of the United Nations Mission in the DRC. In French and English. French site has more information. Facts and figures, UN press conferences, the mandate, background, relevant UN documents, maps. Sponsors Radio Okapi.

RADIO OKAPI – <http://www.radiookapi.net>

Radio station sponsored by MONUC and Foundation Hironnelle. Broadcasts news in French, Kiswahili, Lingala, Kikongo, Tshiluba. Website based in Lausanne, Switzerland.

CARTER CENTRE – <http://www.cartercenter.org>

Institution set up by ex President Jimmy Carter; has a keyword search facility to retrieve references to Democratic Republic of Congo/Zaire

CENTRE FOR POLICY STUDIES – <http://www.cps.org.za>

“An independent policy research institute” based in Johannesburg. Has online executive summaries of recent CPS research reports, and the complete texts of their most recent policy briefs.

COMMISSION ÉLECTORALE INDÉPENDANTE, CEI – <http://www.cei-rdc.cd/>

In French. The Commission in charge of running the elections. Directory of political parties, many full text documents – election laws, candidates guides, the constitution (in five languages), code of conduct. Has registration statistics by province and names of all candidates and their parties.

CONGO ONLINE – <http://www.congoonline.com/>

In French. Has addresses of ministries, business directory, travel information, biographies of all Congo's heads of state, a list of past government leaders, population figures from the UDPS party, the national anthem, national flags (past and present) and so on.

CONGOPOLIS – <http://www.congopolis.com>

In French and English. News from UN's IRIN, Agence France Presse, AP, Xinhua, DRC newspapers, and so on. Provides webspace for DRC NGOs.

DIGITALCONGO.NET – <http://www.digitalcongo.net>

In French and English (computer translation). Rich source of information on current politics, economy, sports, music, and culture. Articles from Congolese newspapers. Also hotel, restaurant, hospital listings. Based in Kinshasa.

For web sites of political parties see under Annex B Political Parties.

For a comprehensive list of DRC websites see <http://library.stanford.edu/africa/zaire.html>

Annex G: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CNDP	Congres National pour la Defense du Peuple
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSG	United Nations Secretary General
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

For other abbreviations see Annex B Political Organisations and Annex D Armed Forces in the DRC

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Annex H: DRC Government as at October 2008

President (Head of State): Maj-Gen Joseph Kabila

Prime Minister: Adolphe Muzito

Ministers of State

Agriculture and Rural Development Minister – Francois Mobutu Nzanga Ngbangawe

Interior Minister – Denis Kalume Numbi

Office of the President – Nkulu Mitumba Kilombo

Ministers

Budget – (vacant)

Civil Service – Simon Ikenge Lisambola

Communication and Media – Emile Bongeli

Culture and Arts – Esdras Kambale

Energy – Salomon Banamuhere Baliene

Environment, Nature Conservation and Tourism – Jose Endundu

Economy and Trade – Andre-Philippe Futa

Finance – Athanase Matenda Kyelu

Foreign Minister – Antipas Mbusa Nyamwisi

Gender, Family and Children – Philomene Omatuku Atshakawo

Justice and Human Rights – Mutombo Bakafua Nsenda

Higher Education and Scientific Research – Leonard Masuga Rugamira

Hydrocarbons – Lambert Mende Omalanga

Industry and Small Enterprises – Simon Mboso Kiamputu

Infrastructure, Public Works and Reconstruction – Pierre Lumbi Okongo

Labour and Social Security – Marie-Ange Lukiana Mufwankol

Lands – Edouard Kabukapua

Mines – Martin Kabwelulu Labilo

National Defence and War Veterans – Chikez Diemu

Planning – Olivier Kamitatu Etsu

Posts and Telecommunications – Louise Munga

Primary, Secondary, and Professional Education – Maker Mwangu Famba

Public Health – Victor Makwenge Kaput

Social and Humanitarian Affairs and National Solidarity – Jean-Claude Muyambo Kyassa

Town Planning and Housing – Sylvain Ngabu Chumbu

Transport and Communications Routes – Charles Mwando Nsimba

Youth and Sports – Willy Bakonga

Minister in Assistance to the Prime Minister – (vacant)

Minister of Relations with Parliament – Adolphe Lumanu Bwana Sefu

Minister without Portfolio – Jeannine Mabunda Lioko [1k]

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The Home Office is not responsible for the content of external websites.

Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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- i DR Congo: Population flees area as fighting between insurgents and army continues 8 December 2006 (via BBC Monitoring)
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- n DR Congo: Six injured in clashes between army, dissident soldiers in east 28 December 2006 (via BBC Monitoring)
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