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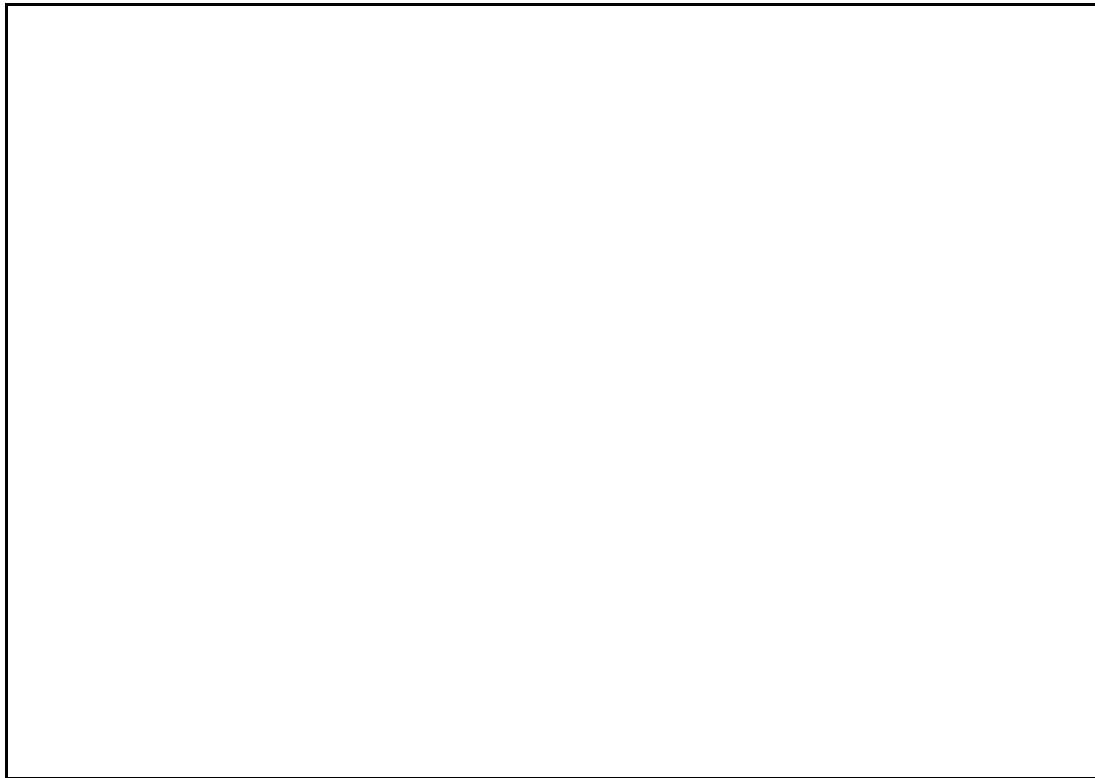
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REPUBLIC OF CONGO

An old generation of leaders in new carnage

1. Introduction

Amnesty International is concerned about grave human rights abuses perpetrated by government forces and armed opposition groups in the Republic of Congo. Over the last seven years, thousands of unarmed civilians have been extrajudicially executed by the security forces or deliberately and arbitrarily killed by armed groups loyal or opposed to the government. Hundreds of unarmed civilians were killed from late 1998 to early 1999 alone. Other abuses include “disappearances” and abductions, torture and other forms of cruel, inhuman or degrading treatment, arbitrary arrests and unlawful detentions. In most cases, those who have ordered, perpetrated or condoned these abuses have never been brought to justice, thus perpetuating a cycle of impunity. In cases where known or suspected perpetrators have in the past been brought before a court of law, it has been in conditions that violated international standards for fair trial or targeted almost exclusively at government opponents.



1 At this Brazzaville’s Bacongo district residence of former Prime Minister Bernard Kolelas, his forces unlawfully detained, tortured and killed suspected supporters of his political opponents.

As part of Amnesty International’s response to the gravity of the human rights situation in the Republic of Congo, a three-person delegation visited the country from 21 July to 4 August

1998. The delegates held talks with the country's senior government, security and judicial officials in the capital, Brazzaville, and the second largest city of Pointe-Noire. The talks focussed on Amnesty International's concerns mentioned above and recommendations to prevent further abuses. The delegates also collected testimonies about human rights abuses from victims or their relatives, as well as from witnesses and representatives of Congolese human rights organizations. Much of the information concerned abuses that had occurred since June 1997 when a civil war broke out between supporters and opponents of former President Pascal Lissouba, culminating in his overthrow and replacement by one-time former President Denis Sassou Nguesso. From the many testimonies collected by the delegates, Amnesty International concluded that the abuses of human rights were politically motivated and directly related to the political violence which occurred soon after former President Lissouba was elected in July 1992, particularly when he came to power in August 1992.

The visit in 1998 took place just over one year after another Amnesty International delegation was forced to cut short its stay in the Republic of Congo in June 1997 when armed conflict broke out in northern Congo and in Brazzaville. The main aims of the visit in June 1997 were to interview Rwandese refugees coming from former Zaïre and to investigate human rights violations in Congo. Although the delegates managed to interview dozens of Rwandese refugees during the short time that they were in the Republic of Congo, they did not have ample opportunity to collect information about human rights abuses in the country itself.

Information collected by Amnesty International's delegates in 1998 in Brazzaville and Pointe-Noire confirmed the organization's fears that systematic and widespread human rights abuses by government forces and various armed groups had occurred since 1993, and in particular between June and November 1997. Most witnesses interviewed by the delegates concurred that combatants on both sides killed thousands of unarmed civilians and captured armed opponents. Many people were "disappeared" and, since their whereabouts remained unknown, were feared dead. Many detainees in the custody of government forces or armed groups were subjected to torture and other forms of cruel, inhuman or degrading treatment, including rape. Government forces and armed groups carried out arbitrary arrests and unlawful detentions, often incommunicado and in harsh conditions that amounted to cruel, inhuman or degrading treatment. During the visit, Amnesty International's delegates collected numerous disturbing accounts of summary executions since November 1997 of detainees and people the authorities claimed were armed robbers known locally as *braqueurs*. Politically motivated human rights abuses, which appeared to have drastically reduced by early 1998, escalated from September 1998 against a background of armed clashes between armed opposition groups and government forces.

While admitting that widespread and grave human rights abuses had occurred between June and October 1997, the Congolese authorities generally denied that the militia known as *Cobras* which support President Denis Sassou Nguesso had been responsible for a significant

number of human rights abuses. The authorities blamed virtually all the abuses on former President Lissouba's militia known variously as *Cocoyes*, *Mambas*, *Aubevillois* or *Zoulous*, as well as on former Prime Minister Bernard Kolelas' militia known as *Ninjas*¹. In mid-1998, President Sassou's government published a report detailing what it called genocide and war crimes committed by forces and supporters of former President Lissouba. It claimed that as many as 15,000 people had been killed between June and mid-October 1997.

On the basis of the information collected during and after the visit in 1998 by Amnesty International's delegates, the organization has concluded that most of the victims of the abuses were unarmed civilians targeted on the basis of their political or ethnic affiliation. The abuses are a clear violation of international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions which specifically prohibit attacks against people taking no active part in the hostilities, torture, including rape, as well as the taking of hostages, and Additional Protocol II to the Geneva Conventions which relates to the protection of the victims of non-international armed conflicts. In addition, there is widespread violation of international human rights law by the government and its security forces. Leaders of the forces responsible for the abuses are often the same that had been involved in political and human rights crises since Congo's independence in 1960. Amnesty International believes that these leaders have continued to order, encourage and condone human rights abuses because they and their opponents have continued to enjoy impunity as virtually no measures were taken in the past to bring perpetrators of the abuses to justice.

Amnesty International is publishing this report to bring to the attention of the international community a deteriorating human rights crisis that it appears to have largely ignored. In this report, the organization is urging governments and intergovernmental organizations to wake up to the gravity of the crisis and to take immediate measures to bring it to an end and prevent its recurrence. Those responsible for the abuses and their leaders should realise that time has come for an end to impunity and that their crimes will not be tolerated by either the international community or the people of Congo. Foreign governments that are involved in the armed conflict should ensure that their troops are not involved in human rights abuses, and that they use their influence to prevent abuses of human rights and violations of international humanitarian law in Congo.

2. Background

¹When armed conflict between supporters and opponents of former President Lissouba broke out in 1993, many members of the security forces joined the main armed groups, particularly those loyal to former President Lissouba or Denis Sassou Nguesso. Sources in Congo told Amnesty International that only the National Gendarmerie remained largely neutral in the conflict.

The Republic of Congo was plunged into political and human rights crises immediately after it attained independence from France on 15 August 1960. Virtually all the crises were rooted in power struggles by and among the political and military elite. To further their political ambitions, the elite often resorted to recruiting supporters from their ethnic groups, thus inciting and perpetuating ethnic tensions and involving wider sections of the Congolese population.

2.1 A history of political and human rights crises

Virtually all the leaders of forces taking part in the on-going political and human right crisis have been protagonists of previous crises since the Republic of Congo became independent. These leaders include President Denis Sassou Nguesso, former Presidents Pascal Lissouba and Jacques-Joachim Yhombi Opango, and former Prime Minister Bernard Kolelas. Mutual suspicions and political rivalry which are at the heart of the current crisis escalated when the country effectively became a one-party state in 1964, and more so after December 1968 when the *Parti congolais du travail* (PCT), Congolese Workers' Party, was formed as a Marxist-Leninist party.

Power struggles within the PCT during the 1970s, led to political assassinations, including that of President **Marien Ngouabi** and Roman Catholic Cardinal **Emile Biayenda** in March 1977. Former President Alphonse Massamba-Débat and at least 17 others accused of involvement in the assassination of Marien Ngouabi were executed after an unfair trial by a special court. In May 1977 Amnesty International called on President Jacques-Joachim Yhombi Opango, who had taken power in April 1977, to safeguard the life of **Pascal Lissouba** and more than 20 other suspected supporters of **Massamba-Débat**. Lissouba and many other detainees were subsequently sentenced to life imprisonment. Yhombi was himself deposed and replaced in 1979 by army Colonel Denis Sassou Nguesso. From the time **Yhombi** was deposed and detained and throughout the 1980s, Amnesty International urged the Congolese authorities to release him if he was not to be charged with recognizably criminal offences. After **Bernard Kolelas** was detained in connection with an alleged plot at the start of 1982 to overthrow President Sassou, and also in connection with bombings in Brazzaville when he was already in custody, the organization adopted him as a prisoner of conscience.

In July 1987, 20 army officers were arrested on suspicion of plotting to overthrow the government and return Yhombi to power. A government commission appointed to investigate the coup plot implicated Yhombi and Captain Pierre Anga and they were placed under house arrest. Yhombi was later detained while Anga went into hiding after an armed clash with members of the security forces, in which at least 60 people were killed. Several suspected supporters of Captain Anga were arrested but released without charge or trial in December 1987. Anga evaded arrest until July 1988 when he was killed in circumstances that suggested that he may have been captured and extrajudicially executed. It was reported at the time that

French troops had provided logistical assistance to Congolese government forces to track Anga down.

By the end of 1989, pressure was building up inside the country for political change, including an end to a one-party state. In July 1990 the PCT announced that an extraordinary congress would be convened to formulate multi-party legislation. In August President Sassou announced the release of political prisoners, including former President Yhombi. Pressure from trade unionists and government opponents forced the PCT leadership to allow the registration of political parties. In January 1991 the army sought to break its political ties with the PCT and soldiers were instructed to dissociate themselves from the PCT and remain neutral.

In February 1991 a National Conference to debate the country's political future was convened. In June 1991 the Conference elected a 153-member *Haut conseil de la république* (HCR), Higher Council of the Republic, to supervise the implementation of its decisions by the government. President Sassou was replaced by Prime Minister André Milongo as head of government. In December 1991, the HCR adopted a draft Constitution providing for legislative power to be vested in the National Assembly and the Senate.

After the National Conference, Amnesty International was concerned that no action had been taken to bring those responsible for past human rights violations to justice. On the basis of reports in previous years of torture and other forms of cruel inhuman or degrading treatment, Amnesty International urged the government to ratify the UN Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment. The Republic of Congo has yet to ratify the Convention. The Conference had accused successive governments since Congo's independence in 1960 of responsibility for gross human rights violations, including some 3,000 politically motivated killings. Then incumbent President Sassou acknowledged there had been human rights violations and asked participants for indulgence towards, and understanding for, the mistakes that he and his predecessors had committed. The Conference agreed to grant an amnesty for all those who had committed human rights abuses and other political crimes, and its decisions had the force of law.

Prime Minister Milongo's government attempted to assert its authority over the army, whose leadership was considered by opponents of the PCT to be loyal to President Sassou. In January 1992 sections of the army staged a mutiny, demanding the reinstatement of sacked army officers and the removal of the new Secretary of State for Defence. When the government rejected their demands, the mutineers demanded the Prime Minister's resignation too. At least five civilians were killed during clashes between the mutineers and government supporters. To end the tensions which appeared to be building towards a potential *coup d'état*, the Secretary of State for Defence resigned and Prime Minister Milongo appointed a Minister of Defence favoured by the army.

After the new Constitution was approved in a March 1992 referendum, general elections took place in June and July. Presidential candidate Pascal Lissouba's *Union panafricaine pour la démocratie sociale* (UPADS), PanAfrican Union for Social Democracy, won the elections. However, the fact that UPADS' opponents still held a combined majority of seats in the National Assembly and the Senate laid the ground for a new phase of years of political instability, armed conflict and human rights abuses. In August 1992 Lissouba won the first and second rounds of presidential elections. In order to obtain a working majority in the National Assembly and form a government, the UPADS needed to form a coalition with at least one smaller political party. It chose Sassou's PCT, which soon withdrew its support for the UPADS on the grounds that it had been given too few ministerial posts. The PCT then formed an alliance, known as the *Union pour le renouveau démocratique* (URD), Union for Democratic Renewal, composed of seven political parties. The URD included the *Mouvement congolais pour la démocratie et le développement intégral* (MCDDI), Congolese Movement for Democracy and Integrated Development, of Bernard Kolelas, himself a presidential candidate in August 1992. When in October 1992 the URD demanded a right to form a government, President Lissouba dissolved the National Assembly and announced new legislative elections for 1993. In late 1992 the URD reacted with a campaign of civil disobedience to paralyse and force the government to relinquish power.

As tensions and violence escalated, in December 1992 the army Chief of Staff issued a veiled threat of a military coup and called on political leaders to form a transitional government, which was formed. In new elections in May 1993 the UPADS and allied political parties, known collectively as *Mouvance présidentielle*, won 63 National Assembly seats and the URD won 49. The URD protested against alleged electoral irregularities and boycotted the June 1993 second round elections in 11 constituencies. After the second round, the *Mouvance présidentielle* had a total of 69 seats - enough to form a government. In late June President Lissouba appointed former President Yhombi as Prime Minister, who proceeded to form a government. Bernard Kolelas formed a rival cabinet and called for civil disobedience, thus precipitating violent clashes between supporters of the government and those of the URD. In an attempt to end civil disobedience, President Lissouba declared a state of emergency.

Following mediation by representatives of the Organization of African Unity (OAU) and the French Government, and Gabonese President Omar Bongo, the Congolese Government and its opponents agreed in August 1993 that the disputed May 1993 elections be examined by international arbitrators, and that the June 1993 elections be declared void and held afresh. The President subsequently lifted the state of emergency in late August.

After the re-run in October 1993 of the second round of the National Assembly elections, the *Mouvance présidentielle* won 65 seats. The URD agreed to take its seats in the National Assembly, but fresh fighting between armed supporters of Bernard Kolelas known as *Ninjas* and government forces resumed in November 1993. Kolelas' *Ninjas* reportedly received

weapons and other military assistance from Sassou. As many as 2,000 people were reported to have been killed and tens of thousands more displaced by the end of the year. The fighting degenerated into what appeared to be “ethnic cleansing”, with members of ethnic groups fleeing or being forced out of areas where they were a minority, accused of being opponents of a leader belonging to the majority ethnic group there. In January 1994 the belligerents agreed a cease-fire but sporadic violence continued.

Concerned about human rights abuses against thousands of unarmed civilians, Amnesty International urged the government to issue guidelines to the security forces regarding the use of lethal force in conformity with UN standards. The organization also appealed to armed opposition groups to abide by international human rights standards. In 1996, Amnesty International expressed concern about incommunicado detention of suspected government opponents, including army **Colonel Casmir Bouissa Matoko**, a friend of Sassou.

In February 1994 international arbitrators ruled that the May 1993 elections had been unlawful in eight constituencies. Later in the year, the PCT and five other political parties formed an alliance known as the *Forces démocratiques unies* (FDU), United Democratic Forces, led by former President Sassou, which was affiliated to the URD. Political negotiations continued and in December the authorities announced an intention to form a coalition government. The government and the opposition formed a coordinating body to oversee the disarmament of militia and the restoration of judicial authority. The same month, President Lissouba and his opponents, Kolelas and Sassou, signed an agreement to end hostilities.

Attempting to end the phenomenon of rival militia, the government announced in January 1995 the integration of 2,000 disbanded militia into the army and a new coalition government including representatives of the MCCDI was formed. The FDU refused to join the government. In bye-elections in seven constituencies whose May 1993 elections had been annulled, the opposition won five seats and the UPADS won two. In the October 1996 senate elections in 23 constituencies, the *Mouvance présidentielle* won 12 seats and the opposition 10, and one seat by an independent candidate.

Overwhelmed by opposition protests, the government banned all public demonstrations in August 1995. In an apparent bid to reduce loyalty to former President Sassou, the government announced in October 1995 a restructuring of the armed forces to secure regional and ethnic balance. However, political party militia remained a constant threat to the government. In December, political parties agreed to disarm their militia and to integrate 1,200 of them into the security forces. Integration of militia enabled all political parties to have an influence in the security forces, thus adversely affecting morale and discipline. Although as many as 4,000 former militia were reportedly integrated between 1994 and 1996, militia activities continued. For example, in August 1996 the FDU militia, later called *Forces démocratiques et patriotiques*

(FDP), Democratic and Patriotic Forces, or *Cobras*, reportedly occupied a town in central Congo for several days after a local dispute.

Tensions rose during 1996, punctuated by sporadic mutinies by new army recruits, in the run up to general elections in 1997. For several days in February members of militia being trained to join the army blockaded the railway line between Brazzaville and Pointe-Noire, Congo's economic capital. President Lissouba then agreed to dismiss their training camp commander and integrate them at the rank of sergeant. He also dismissed several senior army officers from northern Congo suspected by the government of loyalty to Sassou. The opposition accused President Lissouba of nepotism.

In February 1997 the PCT, MCDDI and 17 other opposition political parties demanded, among other things, an establishment of an independent electoral commission, a disarmament of civilians and a deployment of a multinational peacekeeping force. The government met none of these demands. Militia violence flared up again in May, particularly after Sassou announced his intention to visit Owando, Yhombi's stronghold. After living for about one year abroad, Sassou had returned in January 1997 from Paris, France, to Congo to prepare for elections expected to take place in June and August 1997. Yhombi, who was then President Lissouba's campaign election manager, reportedly declared that Sassou would be killed if he went to Owando, and brought in members of his own armed group known as *Faucons* to protect him and the town. One man was reportedly killed a day before Sassou's visit in May 1997. In the days following his visit, sympathisers and members of Sassou's ethnic group were reportedly attacked, and between two and four thousand people fled towards Yhombi's home area of Oyo. Sassou's supporters brought in *Cobra* reinforcements and Yhombi's supporters in Oyo were attacked and forced to flee towards Owando. *Cobras* subsequently captured Owando and used an airfield there to fly in weapons, apparently mostly from Angola.

The conflict spread to Brazzaville on 5 June when President Lissouba, suspecting a *coup d'état* on the part of Sassou, sent *Cocoyes* to his house to arrest him and disarm *Cobras*. *Cobras* defended Sassou's residence and fighting rapidly spread to other parts of the city. The fighting degenerated into a balkanization of Brazzaville into three zones: southern Brazzaville controlled by Bernard Kolelas' *Ninjas*, central Brazzaville by President Pascal Lissouba's *Cocoyes* and northern sector controlled by Denis Sassou Nguesso's *Cobras*. Civilians and members of the security forces suspected, usually on the basis of their ethnic origin, of supporting rival leaders were killed, detained or driven from their homes to take refuge in areas controlled by leaders they were assumed to support.

When fighting broke out in June 1997, Kolelas appeared to be neutral and his attempts, as well as those of Gabonese President Omar Bongo and Muhammad Sahnoun, the then joint UN and OAU Special Representative to the Great Lakes region, to bring an end to the fighting failed. Sassou remained opposed to President Lissouba's attempts to prolong his mandate

beyond August 1997 and they both failed to agree on a formation of a government of national unity. By August, fighting had spread to northern Congo.



2 Brazzaville's *Basilique Sainte-Anne du Congo* of Poto Poto Roman Catholic parish severely damaged in late 1997 by shells fired by belligerents in Congo and others fired by government troops of neighbouring DRC.

In September President Lissouba appointed Bernard Kolelas as Prime Minister, while Sassou refused to take up five ministerial posts offered to his political party. Political organizations, including the MCCDI, loyal to President Lissouba, formed a coalition known as the *Espace républicain pour la défense de la démocratie et l'unité nationale* (ERDDUN), Republican Space for the Defence of Democracy and National Unity. This resulted in a military confrontation between Sassou's *Cobra* and Kolelas' *Ninja* militias. Facing this coalition, Sassou sought the assistance of Chadian and Angolan government troops, as President Lissouba's coalition also reportedly received the support of Angola's *União Nacional para a Independência Total de Angola* (UNITA) armed opposition group. In decisive battles in October, Sassou took control of Brazzaville and later Pointe-Noire, forcing President Lissouba and his prominent supporters, including Prime Minister Kolelas, to flee the country. Sassou declared himself President on 17 October and was sworn in as President on 25 October 1997. The fighting that preceded the overthrow of President Lissouba had been fierce, including the use of heavy weapons, such as multiple rocket launchers and helicopter gunships in a densely populated and heavily built-up city. In addition to the thousands of people killed or "disappeared",

and tens of thousands displaced, much of the capital's infrastructure was partially or completely destroyed.

In January 1998 the new government organized a national forum which approved a transitional constitution known as the *Acte fondamentale*, Fundamental Act, to replace the 1992 Constitution which was abrogated when President Sassou came to power. In its preamble, the Fundamental Act reaffirmed the commitment of the Congolese people to democratic and human rights principles as defined by the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights. In its Article 8, the Fundamental Act prohibits all acts of torture and inhuman or degrading treatment. It also prohibits arbitrary arrest or detention, and guarantees the right of a suspect to a fair trial. The forum also elected a 75-person transitional parliament known as the *Conseil national de transition* (CNT). The transition period was slated to last as many as three years, followed by presidential and legislative elections.

The forum concluded that former President Lissouba, who was overthrown in October 1997, and his allies had committed grave human rights violations, including acts of genocide, and recommended to the government to bring the perpetrators to justice. In mid-1998 the government published a report containing allegations of human rights violations by the government and supporters of former President Lissouba. Serious human rights abuses, including many deliberate and arbitrary killings, "disappearances" and torture, committed by government forces and militia of President Sassou did not feature in the report. In September 1998, the CNT adopted a law to punish the crime of genocide and other violations of human rights attributed to former President Lissouba's government and its allies, and another law setting up a court to try the perpetrators. Many of the crimes defined by the law, including summary executions, "disappearances" and cruel, inhuman or degrading treatment, are punishable by death. In October 1998, a court indicted 100 people, including former President Lissouba, with offences ranging from killings and torture to fraud and theft. In November, the government issued an international warrant for the arrest of former President Lissouba.

Armed clashes occurred sporadically during 1998 between *Ninjas* and *Cocoyes* armed opposition groups on one side, and President Sassou's forces, including members of the *Police nationale*, National Police, and armed forces, as well as *Cobras* not formally integrated into the regular security forces on the other. Government forces were supported by troops of the governments of Angola and Chad. The fighting increased from late August in the southern Pool region, and by mid-December it had reached Brazzaville, amidst reports that *Ninjas* temporarily occupied parts of the city and threatened to capture nearby Maya Maya international airport. Government forces were reported to be using heavy weapons to shell the densely populated areas of Bacongo and Makélékélé and many parts of the Pool region said to be strongholds of the *Ninjas*. Government forces, particularly the *Cobras*, were reportedly killing unarmed civilians they perceived to be supporters of *Ninjas*. Thousands of civilians in southern Brazzaville were forced to flee to northern Brazzaville.

From November, Congolese forces supporting the government, particularly the *Cobras*, were involved in extensive looting of *Ninja* strongholds. In December, Angolan forces were reportedly deployed in southern Brazzaville to prevent further looting, although it was reported that some of the Angolan soldiers too had been involved in looting. Although the government announced in December that looted property would be returned to its owners, in January 1999 *Cobras* were seen, particularly in their northern Brazzaville stronghold, publicly selling their loot with impunity. It was unclear whether this was because the regular forces were unable or unwilling to take action against the looters. *Ninjas* were also reportedly targeting unarmed civilians suspected of being government supporters. Combatants on both sides were reported to be raping women and deliberately wounding civilians. As many as 40,000 civilians living in the Bacongo and Makélékélé districts of Brazzaville were forced to flee their homes into northern and other parts of Brazzaville, while as many as 150,000 more fled into forests in the Pool region. As many as 20,000 nationals of the Republic of Congo and a further 20,000 foreign nationals, including many from the neighbouring Democratic Republic of Congo (DRC), living in southern Congo fled to the DRC. On 19 January 1999 the authorities asked the displaced to return to their homes, but government forces reportedly barred those who wished to return from doing so. *Ninjas* were also reportedly preventing displaced civilians in the forests from returning to Brazzaville.

In December 1998 and January 1999 fighting between government forces and *Cocoyes* erupted in the Bouenza region, where *Cocoyes* temporarily occupied towns and the Moukoulou electric dam. As many as 200 unarmed civilians were reportedly killed by both sides to the conflict.

2.2 Foreign military intervention

Soon after former President Lissouba came to power in August 1992, he took measures apparently intended to increase support for his government in the armed forces. He reportedly told his supporters that he had no confidence in the armed forces which he believed were dominated by supporters of his predecessor, Denis Sassou Nguesso, many of them from northern Congo. President Lissouba's government sought the expertise of an Israeli company known as Lordon-Levdan, to train as many as 450 combatants, later known as *Cocoyes*, ostensibly to tip the balance of loyalty in the armed forces in favour of the government. The *Cocoyes* were reportedly trained, mainly in guerilla warfare, at Loudima Agricultural Training Centre in Lekoumou province. The *Cocoyes* reportedly used arms obtained from the Congolese Armed Forces, mainly from Russia. President Lissouba's government also reportedly imported military equipment, including helicopters and arms from the South African government and private companies. Military equipment is known to have been used by armed supporters of President Lissouba to commit human rights abuses. The *Cocoyes* formed the core of Congolese combatants supporting former President Lissouba from June to October 1997. Lordon-Levdan

reportedly left Congo in March 1997. The *Cocoyes* used training and arms from foreign countries to perpetrate numerous human rights abuses.

From June 1997, both sides to the armed conflict in the Republic of Congo sought assistance from foreign forces. During their stay in Congo, Amnesty International delegates gathered testimonies from a variety of witnesses about foreign forces which participated in the war until former President Lissouba was overthrown, and others which have remained in the country since then.

Amidst reports in early 1997 that the *Cobras* were beginning to recruit combatants from among former Rwandese government forces (known as ex-FAR), who had fled from former Zaire to northwestern Congo, President Lissouba's government moved some Rwandese refugees to areas near Brazzaville which were under government control. Many of the ex-FAR and their former Rwandese *interahamwe* militia participated in the 1994 genocide in Rwanda. An unspecified number of ex-FAR joined the *Cobras*, apparently in exchange for money and food, during the fighting in late 1997. Sources in Congo said that virtually all the ex-FAR left the *Cobras* after the overthrow of former President Lissouba. However, about 60 ex-FAR in military uniform were seen in January 1999 in Dolisie, the capital of Niari region, which was then under the control of government forces.

Members of UNITA also intervened in the war on the side of then President Lissouba. Partly because of UNITA's participation, the Angolan Government sent hundreds of troops and several combat aircrafts in early October 1997 to support Sassou's forces. Angolan forces were later joined by Chadian government forces. Several consignments of arms for Sassou's forces passed through the DRC's capital, Kinshasa, from Angola. It was reported that the DRC authorities seized one of the consignments but released it under pressure from the Angolan Government. Participation in the conflict by Angolan government forces dramatically changed the balance of forces and within two weeks Sassou had seized power. Angolan and Chadian forces have since remained in the Republic of Congo supporting Sassou's government. Amnesty International was unable to confirm claims by the Congolese Government that UNITA forces were supporting *Ninjas* in late 1998. After a meeting in mid-January 1999 in the Angolan capital, Luanda, the Presidents of Angola, the Republic of Congo and the DRC were reported to have decided on a common military strategy against armed opposition groups in their countries. Amnesty International was not able to confirm reports in January 1999 that as many as 300 Cuban mercenaries had arrived in Congo to join government forces in the fighting. For a number of years, Cuban government troops supported the Angolan Government against UNITA.

Forces which had been fighting in the former Zaire, later renamed the Democratic Republic of Congo (DRC), also got involved in the armed conflict in the Republic of Congo. Members of the *Forces armées zairoises* (FAZ), Zairian Armed Forces, who had fled to Brazzaville from the then Zaire also joined the armed conflict on the side of former President

Lissouba. Mercenary Serbian pilots who had been recruited by former President Mobutu's government reportedly participated in the Congolese war as helicopter gunship pilots. The gunships were used to bomb areas occupied by *Cobras* and scores of civilians were reportedly killed. After shells from Brazzaville landed and caused casualties in Kinshasa, troops of the new DRC army crossed to Brazzaville, ostensibly to pursue forces there responsible for the shelling. Rockets fired from Kinshasa, some apparently by Angolan troops there, reportedly killed and injured scores of people and caused severe structural damage in Brazzaville.

The French government is reported to support the government of President Sassou. French oil company, Elf-Congo, was accused by former President Lissouba of providing money to Sassou's *Cobras* to acquire arms. Former President Lissouba unsuccessfully tried in early 1998 to sue Elf-Congo in a French court of law for alleged involvement in a conspiracy to overthrow his government by financing Sassou's armed group, as well as complicity in killings and acts of terrorism. In late September 1998, the French Ambassador to Congo announced that France was sending 25 instructors to Congo to train Congolese Gendarmerie's middle ranks. The Ambassador also announced that the French Government would provide 800 million CFA Francs (about US dollars 1,600,000) for the reform of the Congolese judiciary.

2.3 Sidelining the rule of law

Even at the best of times, the judiciary in the Republic of Congo has had very limited influence on the rule of law in the country. In previous years many detainees have been known to spend years in custody without charge or trial. In numerous cases detainees have been known to spend more years in custody without trial than the time they would have served if found guilty in a court of law of the offences of which they are accused.

This pattern of the failure of the judiciary to function effectively to protect human rights, including the rights of detainees, has been exacerbated by armed conflicts during the past six years, more particularly since June 1997. Many ordinary people and members of the various armed groups lost confidence in the effectiveness and impartiality of the judiciary, and often took the law into their own hands. Revenge killings appear to have been partly responsible for the high number of killings during civil wars. When Amnesty International delegates visited the Republic of Congo in 1998, the judiciary in many parts of the country, particularly Brazzaville, was effectively paralysed. It lacked facilities ranging from stationery and legal texts to means of transport. Escaped detainees reportedly led attacks on the Law Courts (*Palais de justice*) in Brazzaville and burned some offices and destroyed virtually all case files in late 1997.

Detainees who escaped during the armed conflict in late 1997 damaged much of the infrastructure at Brazzaville's central prison, which was still unusable at the end of 1998. Many of the escaped criminal suspects joined the various militia groups and rendered themselves untouchable by the law. Judicial officials told Amnesty International that any attempt by them

to pursue the suspects, some of whom were known to have perpetrated serious human rights abuses such as deliberate and arbitrary killings and torture, including rape, could cost them their lives. The authorities had given virtually no political or material support to the judiciary to begin doing its work effectively and without fear. Amnesty International is particularly concerned that a number of judicial officials appeared to be partisan in their acknowledgement of human rights abuses which had occurred when former President Lissouba was in power. The officials were reluctant to admit that forces loyal to President Sassou had also carried out grave abuses of human rights. In most cases they appeared to support the government line that forces loyal to former President Lissouba and his Prime Minister, Kolelas, had almost exclusive responsibility for the crimes committed in late 1997.

The virtual paralysis of the judiciary in Brazzaville meant that all detainees were being held in cramped and harsh conditions in a number of police stations in the capital. Procuracy officials told Amnesty International that they were often unable to visit detention centres or refer detainees to a magistrate because they lacked the necessary materials and transport to document cases or carry out investigations. As a result, virtually all detainees, some of whom may have been innocent, were being held unlawfully. Amnesty International was most concerned that many detainees were being held incommunicado, amidst reports that some of them had been removed from police detention centres and extrajudicially executed. These abuses remained largely unrecorded by the Procuracy, which was consequently unable to bring the perpetrators to justice.

In Congo's second city, Pointe-Noire, there was visible activity at the Procuracy and officials there said that they were functioning normally. However, Amnesty International was concerned that judicial officials rarely visited detention centres, particularly those belonging to the security forces, such as the security service known as the *Direction de la surveillance du territoire* (DST), Directorate of Territory Surveillance. Political detainees to whom the organization's delegates spoke said that during their detention for up to five months they had not been visited by a judicial official. The detaining authorities decided if and when to release detainees, some of whom had to pay for their freedom. The judiciary in Pointe-Noire too had failed to investigate past and current reports of human rights abuses. This phenomenon was reportedly common to all parts of the country. As in Brazzaville, judicial officials in Pointe-Noire were reluctant to admit that supporters of President Sassou, including *Cobras*, had perpetrated numerous grave abuses of human rights.

3. Human rights abuses related to the armed conflict

As in previous years, Amnesty International has since late 1992 been concerned about politically motivated human rights abuses ordered, condoned or perpetrated by Congolese political leaders. Government and opposition leaders ordered or condoned human rights abuses to eliminate or intimidate known or suspected supporters of their opponents. These abuses have

included deliberate and arbitrary killings, “disappearances”, torture and other forms of ill-treatment, arbitrary arrests and unlawful detentions. The judiciary has been almost totally eliminated from its role to settle disputes or to bring perpetrators of human rights abuses and other crimes to justice. As a result, a tendency and practice for individuals and groups to take the law into their hands has degenerated into a culture of impunity.

3.1 Killings of unarmed civilians

In a context of political violence since late 1992, and more significantly from June 1997, members of the various armed groups, together with members of the security forces, targeted unarmed civilians. The victims were suspected, usually on the basis of their ethnic or linguistic group, of supporting opponents of their leaders. Some combatants reportedly killed individuals to settle personal scores over matters that had occurred before the war escalated in June 1997. In other cases, criminals who had escaped from detention centres killed policemen and other members of the security forces responsible for their previous arrest or detention. Some individuals were reportedly killed because they had failed to join an armed group in the area where they were found or because they were suspected of having joined a rival militia. In virtually all cases, the leaders of the militia took no action against the perpetrators of these killings. In late 1997 many of the victims were reportedly killed at roadblocks locally known as *bouchons*.

In some cases, where opposing forces were present in one area, it has been difficult to determine which of the forces was responsible for killings and other abuses. For example, the Congolese authorities and political leaders of *Ninjas* have accused each other of responsibility for the killing of six representatives of religious groups in Mindouli on 14 November 1998. The victims, **René-Zacharie Kinzosi** (Orthodox) **Eugène Nsingani** (a Salvation Army Major) **Pasteur Fidèle Loubela** (Evangelical Church of Congo), **Emile Mabilia**, **Alphonse Bidié** (medical worker) and **Benjamin Manangou**, and several other survivors of the shooting, were visiting the town to mediate between the belligerents when they were attacked. As many as 30 other people, most of them unarmed civilians, were also reportedly killed. Only an independent and impartial investigation may establish conclusively the identity of the perpetrators of these killings.

3.1.1 Killings by Cobras and other armed forces loyal to President Sassou

A witness living in northern Brazzaville told Amnesty International that between June and October 1997 *Cobras* killed unarmed civilians suspected of being infiltrators from areas controlled by *Ninjas* and *Cocoyes*. Criteria used to identify the infiltrators reportedly included

those who spoke languages, such as Kitouba, of people from southern Congo, or those with shaved heads. Others targeted by *Cobras* reportedly included people who wore jeans trousers, apparently commonly worn by *Ninjas*, and those who failed to identify themselves as belonging to a *Cobra* unit. According to the witness who watched the killings from his home, suspected infiltrators were blindfolded and ordered to run, and then shot by *Cobra* combatants. Such killings occurred night and day. Members of the Congolese Red Cross Society collected the bodies of the victims and buried them at a nearby cemetery. He claimed that as many as 120 bodies were collected daily between the start of June and July 1997.

Cobras killed some people suspected of supporting the *Ninjas* or *Cocoyes*. For example, **Bernard Kinzouzi**, an old man from Niari, was reportedly shot dead on 8 August 1997 after suspected *Cocoyes* and arms were reported to be in his house located on Kimbangis street in Mikalou suburb of Brazzaville. The *Cobras* ordered him out of the house before they blew it up with the *Cocoyes* inside it. They then summarily executed him.

In April and May 1998 forces loyal to President Sassou, including *Cobras* and former Rwandese government soldiers, and supported by Angolan and Chadian government soldiers, reportedly killed more than 100 unarmed civilians and raped women in Mouyondzi, in the southern province of Bouenza. Most of the atrocities were reportedly carried out by *Cobras*. The killings appear to have been reprisals for the killing of a policeman and a government official by *Cocoyes* militia. Government forces reportedly burned scores of homes and looted private property.

Some of the people killed by *Cobras* in the Cuvette province were reportedly relatives and suspected supporters of former President Yhombi, who had also served as former President Lissouba's Prime Minister. This group of victims reportedly included Yhombi's father who was reportedly killed around 8 September 1997 near the residence of the Prefect of Owando, Yhombi's place of origin. Other victims included **Elenga Oyoyo**, the administrator of Ngoko sub-province who was summarily executed at Emanda, about 15 kilometres from Owando.

Some civilians were deliberately and arbitrarily killed for refusing to allow combatants to take their property. For example, a *Cobra* combatant at Mpila port shot dead 34-year-old **Guy Iloi** from Ouenze in northern Brazzaville when on 3 September 1997 he refused to hand over his video recorder which he was going to sell in Kinshasa. The *Cobras* buried him in a shallow grave at the port. Iloi's family later sought permission from a *Cobra* commander to exhume his body and buried him at Itatolo cemetery outside Brazzaville. Although the killer was identified, the commander is not known to have taken action against him. One month earlier in August, **Hubert Mpaka** was deliberately and arbitrarily executed by *Cobras* he found looting a pharmacy near his home in Brazzaville's Mougali district. Mpaka's killers buried his body nearby, from where his relatives exhumed and buried it at Itatolo cemetery after the war ended in October 1997.

From late August 1998, government forces reportedly carried out extrajudicial executions of hundreds of unarmed civilians, most of them males, including children as young as 10 years old, who they apparently accused of belonging to or supporting the *Ninjas*. Numerous sources in Brazzaville have claimed that as many as 2,000 civilians, many of them elderly people who had failed to flee, were killed in southern Brazzaville's Makélékélé and Baongo districts during December 1998 and in early January 1999. Many other unarmed civilians were reportedly killed by shells fired indiscriminately at southern Brazzaville. On 20 December the director general of the national police announced that 400 armed government opponents and 10 government soldiers had been killed, but failed to announce how many unarmed civilians had been killed. At the end of December 1998, President Sassou reportedly said in a radio broadcast that hundreds of people had been killed. Hundreds of bodies were reported to be lying for several weeks in the streets and in houses. In early January 1999, the authorities reported that as many as 415 bodies were found in southern Brazzaville and buried. Sources in and outside Brazzaville claimed that most of the victims were unarmed civilians deliberately and arbitrarily killed by *Cobras* and government forces. The authorities did not specify the identities of the victims or their killers and they did not set up an inquiry into the killings.

Many unarmed civilians are reported to have been extrajudicially executed by government forces in the Pool province, including in the capital, Kinkala, in late 1998 and in January 1999. The victims included members of the family and employees of a senator known as Louhôngou who were reportedly killed in mid-October. Government forces as well as Angolan and Chadian government troops reportedly indiscriminately shelled many parts of the province, causing heavy casualties among the civilian population. The number of dead was still unknown by mid-January 1999. Government forces reportedly killed many unarmed civilians in Mouyondzi, Nkayi and other parts of Bouenza region during an offensive in mid to late December 1998 to dislodge *Cocoyes*. Many other civilians were killed during indiscriminate shelling of areas in Bouenza where *Cocoyes* were assumed to be based. As many as 123 people killed during the fighting were buried in Nkayi, but other sources said that the total death toll was as high as 200.

Killings by government forces of men suspected of membership of armed opposition groups have been reported in areas where armed conflict was not taking place. For example, five men suspected of being *Ninjas* because their identity cards indicated that they came from Mindouli in the Pool region were extrajudicially executed on 29 January 1999 by the police in Pointe-Noire. They were executed at around 11 am, close to Pointe-Noire hospital's mortuary. The shooting reportedly caused panic among students at nearby *Lycée Pointe-Noire II* secondary school. The victims had been arrested the previous day by a unit of the National Police known as the *Service général d'intervention* (SGI).

3.1.2 Killings by Kolelas' *Ninjas* and Lissouba's *Cocoyes*

From June 1997, *Ninja* and *Cocoye* combatants reportedly killed hundreds and possibly thousands of unarmed civilians at roadblocks in their Bacongo and Makélékélé strongholds. The most notorious of these roadblocks was at the *Centre culturel français* (CCF), French Cultural Centre. In one incident, *Cocoyes* reportedly killed four civilians and fed them to lions at the zoo in Brazzaville in late 1997.

During a temporary cease-fire in July 1997, *Ninja* and *Cocoye* combatants summarily executed members of the security forces and civil servants, as well as many other civilians, passing through their roadblocks. Many of the killings reportedly took place at the CCF, particularly during the cease-fire when government and security force employees left their homes to collect their salaries. One witness informed Amnesty International that he saw seven civilians being shot dead near the CCF. A police sergeant known as **Ngakoua** was summarily executed at the CCF by his former colleagues who had joined the *Cocoyes*. Two other policemen, **Madzamba** and **Yoka**, coming from Bacongo to collect their pay, were summarily executed by the *Cocoyes* behind the Ministry of the Interior. The victims had been arrested at a roadblock near the main post office. Following these and other killings, members of the police and their relatives, who were likely to be suspected of supporting the *Cobras*, could not leave the barracks in Bacongo.

From late August 1998, after armed clashes resumed in the Pool region, armed groups described as *Ninjas*, but also reportedly including *Cocoyes*, attacked unarmed civilians, as well as government and security officials. In reaction to the extrajudicial execution of three of their colleagues, suspected by government forces of being armed robbers, *Ninja* combatants in Mindouli reportedly killed the local police commissioner and unspecified number of civilians on 29 August 1998. On 15 September, *Ninja* combatants reportedly killed several unarmed civilians, including the *Sous-préfet* of Goma Tsé-Tsé sub-region. *Ninjas* also reportedly burned and destroyed government buildings in the Pool region.

On 29 August 1998 armed combatants thought to be *Ninjas* deliberately shot dead **Fabien Fortune Bitoumbo**, a journalist, and several other people who were travelling from Brazzaville to Mindouli with the Minister of Mining and Industry and other government officials. The victims, including **Bivoula**, a village chief, and **Victor Kimbembe**, a trader, were first arrested and then shot by the combatants.

On 26 October 1998, *Ninjas* in the Pool region killed **Cady Ekouele** (a woman), **Oscar Mavoungou**, **Didier Ntalani**, **Dany Kotolo Malonga**, **Doctor Jean Kimbembe** and **Eugène Mfinta** (a driver). The victims were employees of the World Food Program on a working visit in the region. During the same month, *Ninjas* killed **André Ngatse**, **Pascal Tsikassissa**, **Henri Loumbamba**, **Ferdinand Nanitelamio** and **Anatole Mboundou**, all of them employees of the state-owned *Chemin de fer Congo-océan* (CFCO) railway company.

Ninjas were reported to possess a list of suspected or known government supporters to kill in the Pool region. Among the victims were non-speakers of the Lari language, spoken by people from the region.

In Bouenza region, particularly in the areas of Sibiti, Nkayi, Mouyondzi and Loudima, in mid to late December 1998 *Cocoyes* were reported to have attacked and killed or wounded an unspecified number of unarmed civilians accused of supporting President Sassou. Among the victims was **Father François de Paul Moundanga-Ibeni**, the Vicar-General of Nkayi Roman Catholic diocese, who was shot and wounded in the foot by a *Cocoye*. The victims included people originating from President Sassou's northern region and others from other parts of Congo accused by *Cocoyes* of collaborating with the government. At least one French expatriate worker was also reported to have been killed by *Cocoyes*.

3.2 Summary executions of combatants

Former soldiers told Amnesty International delegates that in late 1997 members of the *Forces armées congolaises* (FAC), Congolese Armed Forces, executed their security force or militia opponents. Members of militia groups did likewise against their actual or perceived opponents and both sides rarely took prisoners. In many cases, officers were reportedly executed by soldiers under their command. According to one former police officer, members of the security forces who joined *Cobras* were better disciplined and transferred the former colleagues they captured to Sassou's headquarters before detaining them at the *Académie militaire*, Military Academy, outside Brazzaville. However, *Cobras*, many of whom were reportedly habitual criminals and some of whom took drugs, almost always killed members of the security forces they captured.

Those summarily executed by the *Cobras* included **Herbert Massamba**, Kolelas' then bodyguard, who was arrested at his home in Nsolé. Before he died, Massamba reportedly said that he wished to meet Willy Masanga, a *Cobra* commander to arrange talks between *Cobras* and *Ninjas*. A number of other Kolelas supporters were reportedly arrested at Nsolé at the same time as Massamba and executed by *Cobras* at Loufoula near Kintélé. At least four injured *Cocoyes* being treated for their injuries at Kintélé were also killed by *Cobras*.

Some of the soldiers who were summarily executed had reportedly played no role in the fighting, either because they refused to do so or because they were out of the country during the war. For example, an unspecified number of soldiers suspected by their colleagues of supporting Sassou were reportedly summarily executed in August 1997 by their colleagues. These executions took place when the victims went to collect their salaries at the Law Courts (*Palais de justice*) in Brazzaville, which was controlled by combatants supporting former President Lissouba.

Amnesty International is further disturbed by reports that summary executions of members of the security forces, including officers, continued after the war ended in October 1997. For example, army Major (*Commandant*) **Jean-Pierre Nzaba** was reportedly killed soon after his return from South Africa in December 1997 by *Cobras* in an army garrison in Pointe-Noire. Dozens of unarmed soldiers were summarily executed by their colleagues and *Cobras* after they responded to a call by the new government to return to their barracks. Many such killings appear to have taken place at the airbase (*base aérienne*) outside Brazzaville. For example, **Lieutenant-Colonel François Ngoumba**, an air force technician, was killed on 24 December 1997, soon after his return to the airbase. He had reportedly received assurances by the military general headquarters that he would be safe. He was taken outside the base, killed and his body abandoned. Residents in the neighbourhood reportedly buried his body. His relatives subsequently exhumed the body and buried him in a cemetery. The authorities apparently took no action to protect him or to bring his killers to justice.

From August 1998 members of armed opposition groups, thought to mainly consist of *Ninjas*, carried out a violent campaign in which they arrested and summarily executed a number of government and security officials, and their relatives. During this campaign, the armed combatants destroyed and looted government property.

On 1 November, armed opposition combatants in Mouyondzi summarily executed Gendarme sergeants **Bikindou, Massoukou** and **Péa** in public. The combatants also killed an unspecified number of women suspected of being friends of gendarmes who had fled from their headquarters in Mouyondzi, Bouenza region. Armed opposition combatants also killed about seven young men on 4 November in Yamba village.

3.3 Torture and other forms of cruel, inhuman or degrading treatment

Many suspects are reported to have been beaten at the time of their arrest and while in custody. Some of the victims are people suspected of violent offences. Other victims appeared to be persons who had personal differences with those in positions of authority. Detainees who sustained injuries as a result of beatings did not receive medical care. One senior police commander justified torture of suspects on the grounds that the police did not have sophisticated technology and other facilities, such as DNA finger printing. The commander claimed that torture had been used sometimes "... because there are no other methods to extract the truth²".

In many cases beatings were carried out as a form of punishment outside the law. For example, former police **Captain Guy Boulout Onanga** and about 10 policemen under his command were reportedly severely beaten at the time of their arrest in February 1998. Captain

² "... parce qu'il n'y a pas d'autres méthodes d'arracher la vérité".

Onanga had reportedly complained about the manner in which a top security official had refused to facilitate *Cobras* under his command to join the regular government forces. Onanga had his arms tied behind his back and a gun muzzle pushed against his right ear. The security official ordered Onanga's home to be looted by policemen. Onanga and his co-detainees were held without charge or trial at the central police station until their release in April 1998. One of the detainees, **Jean-Pierre Itoua Awun**, reportedly died in July 1998 from injuries sustained at the time of his arrest.

In other cases detainees have died as a direct result of torture and other forms of cruel, inhuman or degrading treatment. For example, **Camille Kissakoula** reportedly died in a police cell in Kinkala, Pool region, on 8 August 1998 as a result of severe beatings, during which he sustained swellings on the head and deep wounds on the back. Another detainee, **Jean-Paul Tsoumou**, a customs inspector, died on 24 November 1998 after an operation for a ruptured pancreas sustained during beatings by security agents at the time of his arrest in October 1998. He had been arrested and detained by the DST in Pointe-Noire following allegations by the authorities that he and **Claude Mbemba**, an employee of Shell oil company, had received money from a former government minister to organise an insurgency against the government. Mbemba, who was arrested on 9 November 1998, was still being held at the Pointe-Noire port police station at the end of 1998.

Members of the security forces purportedly pursuing *Ninja* combatants are reported to have subjected unarmed civilians to beatings and assaults with bayonets in Brazzaville and other parts of southern Congo. For example, in October government soldiers in Brazzaville's Kingouari suburb reportedly stabbed 22-year-old **Ngoma Dikamona** in the abdomen and severely beat 19-year-old **Igor Mayetela**. Others who sustained severe injuries included 22-year-old **Jean Kimounga** and **Pacôme Tchakaka**.

Government forces, including former *Cobra* combatants, sent to the Pool region from late August 1998 to fight armed opposition groups, reportedly carried out numerous rapes of females, ranging from adolescent girls to elderly women. For example, government soldiers at Makana raped 16-year-old **Laeticia Bayouloula** on 4 October 1998.

Most detainees have been held in conditions amounting to cruel, inhuman or degrading treatment. When Amnesty International visited Brazzaville in late July to early August 1998, most detainees there were being held in cramped and unsanitary conditions at the central police station. The central prison, which usually held several times its inmate capacity of 100, was still closed at the start of 1999 due to the destruction of much of its infrastructure during the war in late 1997. The delegates were informed that some detainees, particularly those whose relatives did not live in Brazzaville or were unaware of their detention, went for days without food and received none from the authorities. Some detainees who became ill were often not seen by a medical doctor. Some of the sick detainees could not complain to the police about their illnesses

because the limited spaces near the ventilation from which they could be heard had been taken up by other inmates in better health. Some of the detainees reportedly died from illness, as well as from lack of food and drink. The International Committee of the Red Cross (ICRC) has not been able to visit detention centres in the Republic of Congo since 1979. At the end of 1998, modalities for such visits were reported to have been agreed between the ICRC and the Congolese authorities, but no agreement had been signed by the start of February 1999.

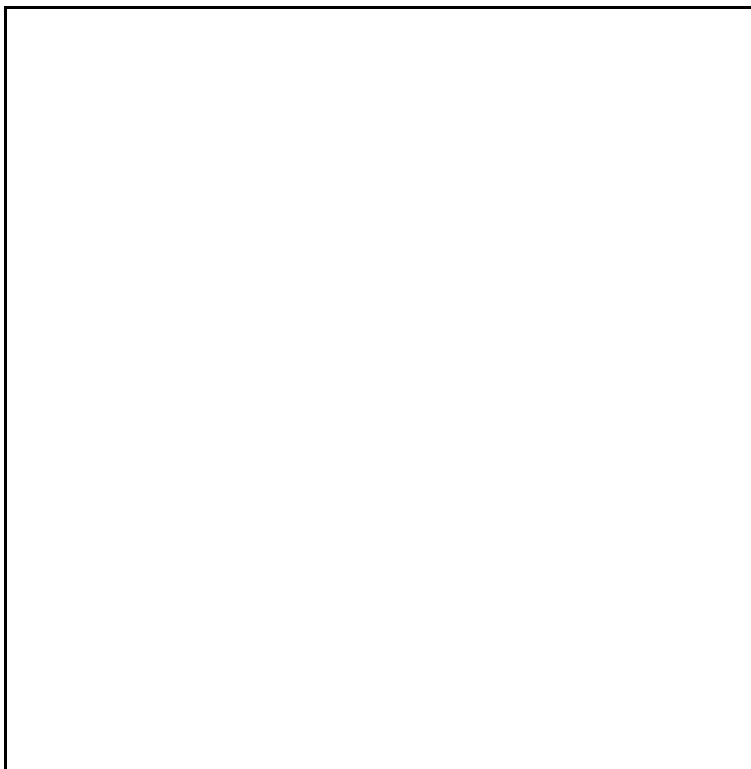
Rape of women and young girls by members of the various militia was reportedly widespread. Many rapes took place at or near roadblocks, such as at the CCF. Some women reportedly died from injuries sustained during rape or were killed after they were raped. For example, **Martha Martine Kibelo** was reportedly killed by *Cobra* combatants in late October 1997 after they raped her at Ebina in northern Brazzaville. An unidentified passer-by was also killed when he protested at the rape and killing of Kibelo.



3 Adrien Wayi: torture victim

During the civil war, particularly in late 1997, militia leaders had their own detention centres where their supporters carried out horrendous forms of torture, at times leading to the death of the victims. One of the worst cases reported to Amnesty International was of **Adrien Wayi**, a journalist, who was tortured by Kolelas' *Ninja* militia. He was arrested on 2 October 1997, apparently because he had accompanied then armed opposition leader Sassou during his May 1997 visit to northern Congo. He was blindfolded and

taken to one of the houses forming part of Kolelas' headquarters in Bacongo, southern Brazzaville. When in custody, he was fully undressed and led to a room containing about 30 other detainees where he was severely beaten. One *Ninja* torturer known as Panther (*Panthère*) subjected Wayi to various forms of torture, including placing a hot flat iron on his abdomen, tearing the skin on his back using a pair of scissors and removing his nails with a pair of pliers. He was forced to drink other detainees' urine, with a gun to his throat and his arms tied with rusty cables. His torturer used a rugged-edged table knife to pierce Wayi's tongue. A scar on his tongue was still visible in August 1998. One morning, a *Ninja* accused him of being Sassou's journalist and added, "You will be travelling without a passport at 2 am" [an expression meaning he would be killed and thrown into the Congo river]. The *Ninja* told him that he would be killed at Makala barracks and thrown into the river like others before him. Wayi told Amnesty International, "I had experienced so much suffering that by then I was no longer afraid of dying. I only regretted that I would have no grave for my children's memory".



4 Torture scars on the back of Adrien Wayi, nearly one year after he was tortured by Kolelas' *Ninjas*.

Wayi was released on 14 October 1997, after he was asked to sign a document confirming his release. His relatives had assumed that he was dead. At the end of 1998, injuries to his head still caused him severe headaches and those to his back prevented him from lying on it. Wayi told Amnesty International that from his cell he heard *Ninjas* talking of people they had killed and thrown into the Congo river. He said that while in custody, he met army **Colonel Boukaka**, and army **Majors Mayouma** and **Malonga** who were regularly beaten by *Ninjas*. The soldiers were subsequently released.

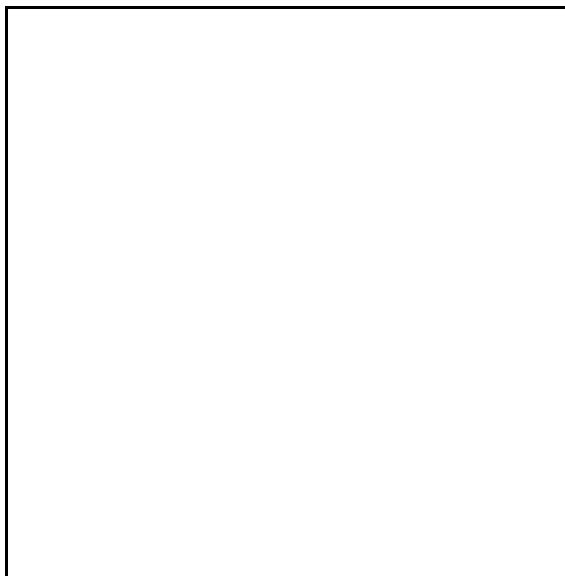
Wayi further said that two young men arrested in early October 1997 at Mindouli and detained with him by *Ninjas* died from infected wounds they had sustained on their heads.

3.4 Arbitrary arrests and unlawful detentions

Since President Denis Sassou Nguesso returned to power in October 1997, dozens of suspected or known supporters of former President Pascal Lissouba have been arbitrarily arrested. Most of them have been denied their right to legal counsel or to challenge their legality of their detention. The detainees include former government and security officials.

Former government officials detained without charge or trial include **Henri-Marcellin Dzouma-Nguelet**, a former law lecturer at Brazzaville University, and former army **Colonel Jean-Michel Ebaka**, former Prefect of Owando. They were detained at the Kouilou regional headquarters DST in Pointe-Noire. Dzouma-Nguelet, a former senior Ministry of Finance

official in Lissouba's government, was arrested on 25 February 1998 by members of the DST at Mbota where he had been hiding. He told Amnesty International delegates who interviewed him at the end of July 1998 that after his arrest he was questioned about his role in the war in late October 1997. He denied playing any role in the war, explaining that he had stayed in Pointe-Noire throughout the war in 1997. He was still held at the end of January 1999.



5 Former army Colonel Jean-Michel Ebaka

Ebaka was arrested on 12 March 1998. He was previously detained in the late 1980s, during Sassou's former government, for his connections with former President Yhombi. In July 1998, Ebaka told Amnesty International that he had never been formally informed of the reason for his arrest. A DST official accused him of involvement in genocide and interrogated him about his activities during the war as well as alleged atrocities in late 1997 against Sassou's supporters. He expressed concern that while in custody he was often not allowed to see a medical doctor in connection with his hypertension and heart condition. Several government, security and judicial officials told Amnesty International that Ebaka had been

responsible for atrocities against civilians, claiming that he would soon be brought to trial. The officials failed to explain to Amnesty International delegates why, if there was evidence of his guilt, he had not been charged with any offence after more than five months in custody.

Dzouma-Nguelet and Ebaka were held in a windowless room measuring two by three metres, previously used to store firearms. Before late July 1998, they were only allowed outside their cell when their guards chose to let them. In late July, both detainees were allowed to leave their cells in the morning and go to their homes, on condition that they returned to their cell by 10 pm. By the start of 1999, they had not been visited by a judicial official, despite claims by the Pointe-Noire judicial authorities in late 1998 that they visited all detention centres. Their detention was clearly in contravention of Congolese law, which stipulates that suspects should be referred to a Procurator within three days of their arrest. Congolese government officials gave contradictory statements about the two detainees when Amnesty International delegates inquired about the reasons for their detention. Some officials, including those holding them in Pointe-Noire, claimed that Dzouma-Nguelet and Ebaka were being held at their own request for protection, while other officials denied that they were in custody. Other officials said that the detainees, particularly Ebaka, had been responsible for human rights abuses and were to be prosecuted.

Other persons arrested for their previous association with former President Lissouba's government include **Alexis Nzambi Tombé**, a garage owner. He is a nephew of army Colonel Yves-Marcel Ibala, a former minister responsible for security. Tombé was arrested in March 1998 by members of the DST who accused him of trafficking arms, trading of favours, as well as possession of government vehicles obtained from his uncle. He was interrogated by a DST officer about these accusations. Before his arrest, a top DST officer ordered DST agents to loot Tombé's property, including his two vehicles and two others belonging to his clients. He was released in July 1998 without charge or trial. A number of other detainees detained by the DST had been released in previous months. Some of the detainees reportedly paid DST officers bribes for their release.

Several dozen members of the security forces known or perceived by the authorities to have remained loyal to former President Lissouba were arrested in late 1997 and early 1998. Some of the soldiers were released in early 1998, while seven others were released in November 1998 without charge or trial. The authorities did not make public the reasons for their release. At least 15 senior military officers, including 47-year-old army **Colonel Benjamin Loubaki** and army **Colonel Marcel Mabiála**, have since remained in custody at the Military Academy. Loubaki's brother, **Jonas Nsika**, and about a dozen other people were killed on 18 October 1997 when soldiers in two vehicles opened fire on them outside *Camp du 31 juillet* military barracks in Brazzaville. One military detainee, army **Colonel Eugène Mavoungou**, was arrested by the Angolan authorities in early 1998 at Tchowa in northern Angola, where he had reportedly gone to see his sick father.

It has been reported that the detainees at the Military Academy were often denied water and their relatives were in some cases forced to pay money to soldiers to pass the food on to the detainees. Some of the soldiers in custody were reportedly suffering from ill-health. For example, army **Colonel Eugène Mavoungou** was reportedly suffering from rheumatism and high blood pressure, for which he was not receiving medical care. Army **Colonel Auguste Djoumbi**, who before his arrest by the *Cobras* on 5 June 1997 was the commander of the Mpila Armoured Regiment in Brazzaville, was suffering from diabetes.

After hostilities between government forces and armed opposition groups resumed in late August 1998, scores of members of opposition political parties, most of them belonging to the MCCDI, were arbitrarily arrested in southern Congo. None of those arrested are known to have been charged with any offence. Those arrested at the start of October in Pointe-Noire and detained at the central police station there include local MCDDI leaders such as **Gabriel Louya**, **Pierre Moutoumoukata**. **Dominique Dibantsa** was being detained in Pointe-Noire's Gendarmerie headquarters. Some of those arrested in Pointe-Noire, including **Paul Omoje**, are being held in military barracks. He was arrested by the police in Pointe-Noire's Mboukou suburb on the morning of 25 October and has since been detained at airbase. He has not been formally

charged with any offence. Other detainees, such as army **Sergeant Jacques Mboundou** who was arrested at Tié-Tié near Pointe-Noire on 24 October, and **Tite Bavedila** who was arrested in Foucks suburb on 1 November, are being held at the regional headquarters of the DST. Bavedila is a former advisor to former army Colonel and government security minister Yves-Marcel Ibala.

Children were among dozens of people arrested in late 1998 to early 1999 by government forces on suspicion of supporting the armed opposition. For example, 16-year-old **Frid Mfilou** and 15-year-old **Herman Mfilou** were arrested with their mother on 13 January 1999 by the police in Brazzaville's Ouenze district. They were reportedly arrested because the police could not find their father, Jean-Marie Mfilou, a karate expert, who was accused of training Ninjas. Their mother was released soon after her arrest, apparently because she was pregnant. At the time of their arrest, the Mfilou family had fled their home in southern Brazzaville and were living at the home of **Jacques Badinga** who was also arrested together with **Séverin Bouamoutala** and **François Missamou**. Their place of detention remained unclear, although they were believed to be held, together with dozens of other detainees, in detention centres of the DST or of the *Direction de renseignements militaires* (DRM), Directorate of Military Intelligence.

Some opposition leaders arrested since August 1998 were reportedly subjected to torture by members of the security forces. For example, **Félix Samba Ngoyi**, a member of the *Rassemblement citoyen* (RC), Citizen Rally, political party was severely beaten by armed members of the security forces in civilian clothing. He was arrested at his home in Makélékélé, Brazzaville, at around 2 am on 29 September. He was released on 1 October 1998. A day before his arrest, his brother, **Brice Samba**, was severely tortured by members of the security forces forcing him to reveal Ngoyi's home.

In November 1998 the Congolese government issued arrest warrants against former President Lissouba and his supporters, including former Prime Minister Kolelas and former government minister Ngila Mougounga, accused of participation in crimes against humanity during the civil war in late 1997. The charges included murder, torture, rape, fraud and theft. However, the list of those accused of the crimes was not published.

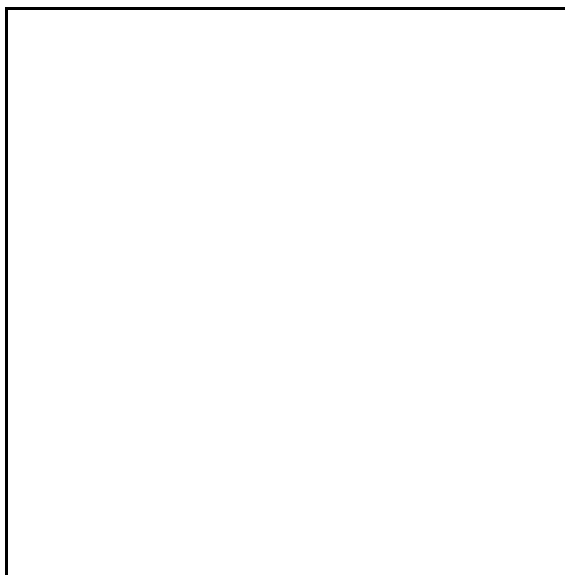
By the end of November 1998, at least four members of the former Constitutional Council accused of abuse of office and crimes against humanity had been arrested, although it was unclear whether they were among those against whom arrest warrants had been issued. Those arrested included **Hervé-Ambroise Malonga**, President of the Brazzaville Bar Association and former member of the Constitutional Council. He was first arrested and detained, apparently on the orders of the Director General of the National Police, for some hours on 20 November. He was rearrested the following day by armed members of the security forces in Brazzaville's Makélékélé district and detained at the central police station. On 26 November,

Malonga was reportedly interrogated by an examining magistrate of Brazzaville's *Tribunal de grande instance*, High Court, and charged with abuse of authority by prolonging for an indefinite period the presidential mandate of Pascal Lissouba (*forfaiture pour avoir prorogé indéfiniment le mandat présidentiel de Pascal Lissouba*). The charge relates to his having voted in June 1997, as a member of the Constitutional Council, to extend former President Lissouba's presidential mandate. He was still held without trial in February 1999.

Nestor Makoundzi-Wolo, another former member of the Constitutional Council, also accused of abuse of authority, was arrested on 27 November 1998. Makoundzi-Wolo is a constitutional lawyer and former member of the National Assembly. He was first detained with Malonga at the central police station and later moved to Poto Poto police station. Like Malonga, Makoundzi-Wolo was still in custody at the start of February 1999. He had not been allowed to appear before an independent judicial official or to challenge the basis for his arrest. Amnesty International is concerned that Malonga and Makoundzi-Wolo may be held as prisoners of conscience solely for exercising their legitimate role as members of the former Constitutional Council. Under the 1992 Constitution, members of the Council had powers to oversee the constitutionality of laws, treaties and international agreements in the Republic of Congo.

3.5 Denial of the right to freedom of expression and other rights

Although government officials have told Amnesty International that the freedom of expression will always be respected by the current government, a number of actions carried out by government agents suggest suppression of this freedom. On 29 July 1998, government soldiers tried to arrest **Prince Richard Nsana**, the publication director of *Le Flambeau* newspaper, in Brazzaville's Bacongo suburb. For example, on 5 September 1998 armed men travelling in vehicles apparently belonging to the National Police, forcibly removed printing equipment of *La rue meurt* newspaper. The newspaper's director, **Jean-Claude Mbongolo**, had been previously interrogated by government officials about articles published by it.



6 Christian Mounzéo: human rights activist ill-treated and detained in November 1998.

Congolese government and security officials have harassed and threatened members of local human rights organizations because they have investigated and denounced human rights violations by government forces and their allies. Officials told Amnesty International delegates visiting Congo in late July to early August 1998 that the *Observatoire congolais des droits de l'homme* (OCDH), Congolese Observatory for Human Rights, published false information about government forces. On 15 November 1998, **Christian Mounzéo**, the OCDH Secretary General, was assaulted and arrested by the police at Pointe-Noire airport. He sustained injuries to various parts of his body and had his clothes torn before he was detained at the Pointe-

Noire's port police station. The police accused him of assaulting a police officer and of criticizing the government. He was not referred to a judicial official and was not charged with any offence. He was released a day later at the intervention of a security official.

The Congolese authorities have taken measures to prevent the gathering and dissemination of information about atrocities committed in areas where fighting has occurred. After fighting broke out in Brazzaville in December 1998, police were reportedly opening and reading travellers' letters and seizing any video or audio recordings pertaining to the fighting. Security officials also reportedly prevented people from taking cameras into areas where fighting had occurred.

3.6 Human rights violations by Angolan soldiers

Amnesty International has received information about numerous human rights violations perpetrated by Angolan soldiers in the Republic of Congo since October 1997. The violations include extrajudicial execution of Congolese civilians and members of the militia, including their *Cobra* allies. Angolan soldiers have also reportedly carried out numerous rapes of women. Some women were reportedly killed when they resisted rape and in some cases after being raped.

Some unarmed civilians were shot and injured or killed when they failed to understand orders given to them by Angolan soldiers. For example, Angolan soldiers shot **Boniface Dinsidi**, blacksmith and carpenter, at his home in Brazzaville's Mboukou suburb on 15 October 1997 when he could not understand them saying to him "Vem cà, Vem cà", meaning "Come here". After shooting him, the soldiers left and Dinsidi spent several days without medical care. Dinsidi's brother who found him covered in flies took him to Brazzaville general hospital but there were no facilities to treat him. The better-equipped hospital belonging to the Elf Congo oil company reportedly refused to treat him because he could not pay. He was returned to the general hospital but died from his wounds at the start of November 1997.

A 23-year-old woman who asked not to be named, was raped by three Angolan soldiers, out of a group of seven, on the night of 29 July 1998. At around 8 pm, the woman and her husband were stopped by the soldiers at Makayabou, a suburb of Pointe-Noire. The soldiers held the woman and searched her for money, while her husband fled to seek help. They struck her several times with their fists before raping her. When the husband returned with some Congolese policemen, the Angolan soldiers fired shots in the air as they left the scene towards their make-shift barracks at Ngofo. A police officer to whom she reported her ordeal the following day, did not even bother to take a statement. He was quoted as saying to her, "If you see them, kill them. Put poison in the wine [meaning her genitals]³". No action is known to have been taken by the Congolese authorities.

After they joined the Congolese civil war in October 1997 on the side of Sassou, Angolan soldiers shelled Kolelas and Lissouba strongholds indiscriminately. Angolan fighter bombers indiscriminately bombed Brazzaville's Mansimou and Makélékélé suburbs. In one such bombing raid, bombs dropped by the fighter planes killed an entire family of seven in Makélékélé. At Mansimou, the house of a Technical Education College director was destroyed by bombs dropped by the planes, killing as many as five civilians, including the brother of former Interior Minister Phillipe Bikinkita.

³ "Si vous les voyez, tuez-les. Mettez du poison dans le vin".

From November 1998 to January 1999, Angolan forces, together with Congolese and Chadian government forces, were involved in indiscriminate shelling of *Ninja* strongholds in southern Brazzaville and parts of the Pool province. An unspecified number of unarmed civilians were killed by the shells. Partly as a result of the shelling, thousands of unarmed civilians in those areas fled their homes. According to humanitarian agencies in the Republic of Congo, some crossed to neighbouring DRC, while many of them fled into the forests where they were exposed to further human rights abuses by combatants and to disease, hunger and exposure.

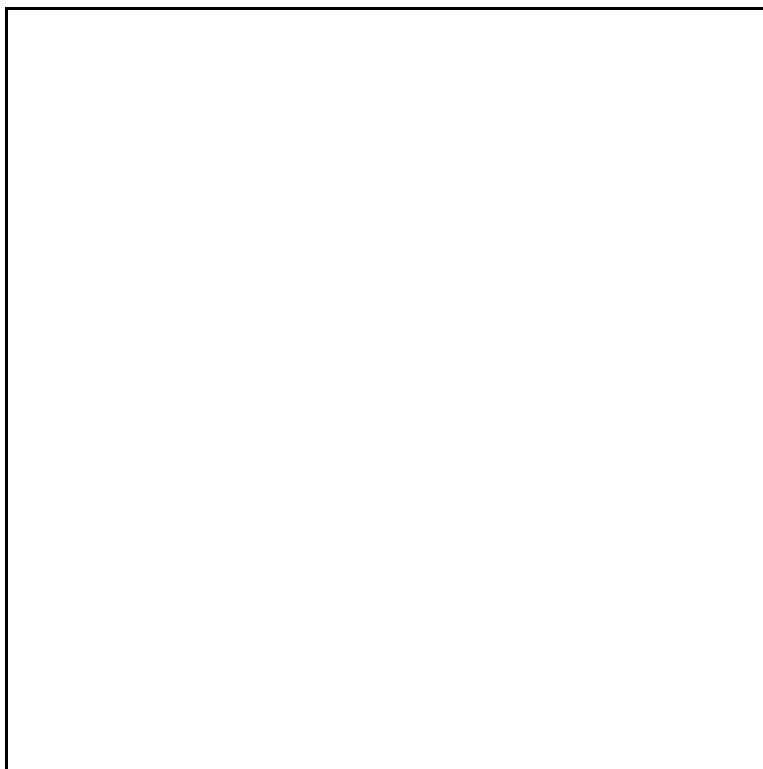
4. Extrajudicial executions of detainees

Members of the security forces, particularly those of the *Police nationale*, National Police, have been responsible for numerous extrajudicial executions since President Sassou came to power in October 1997. Most of the executions reported to Amnesty International have occurred in Brazzaville, where most of the victims were shot dead at Itatolo cemetery which is situated to the northwest of the city. People living near the cemetery reported regularly hearing gunshots in the night. Grave diggers at the cemetery also reportedly regularly found bodies with gunshot wounds at or near the cemetery. In a number of cases, the victims' relatives went to the cemetery to claim the bodies, get the deaths formally registered at the Brazzaville mortuary, as required by Congolese law, before burying them.

Amnesty International delegates who visited Itatolo cemetery at the start of August 1998 counted 17 unmarked graves, each containing between one and five bodies of people, bearing dates of between 2 March and 7 July 1998. Sources said the people buried in the graves were victims of extrajudicial executions by the police. Amnesty International delegates observed that some or even all of these unmarked graves were likely to disappear in the near future because of the nature of the terrain and soil where the cemetery is located. Mounds of older graves had already been flattened and could only be identified by crosses sticking out of the soil.

During their stay in Brazzaville and Pointe-Noire in 1998, Amnesty International delegates uncovered what amounted to a shoot-to-kill policy by the police against alleged armed robbers. This was apparently a reaction by the authorities to a spate of armed robberies in which victims had been killed. From many testimonies collected by the delegates, those carrying out these summary executions were *Cobras* who had not yet been formally integrated into the police or trained, but who were given full police powers, guns and uniforms. Amnesty International was informed that this policy had already started under former President Lissouba and was implemented by police units known as "*pacifiques*". For example, at the end of 1996 three suspected robbers were reportedly removed from a cell at Brazzaville's Poto Poto police station and publicly executed by members of "*pacifiques*". One alleged former member of the "*pacifiques*", **Destin Ebaka**, reportedly accused by *Cobras* of having participated in the killing of several bank robbers in June 1997, was shot dead on 15 October 1997 by *Cobras* in Pointe-Noire. A top police officer in Pointe-Noire told Amnesty International that Destin Ebaka, whose

father, Jean-Michel Ebaka, has been detained since March 1998 (see Section 3.4 above), was killed while escaping arrest for trafficking arms to *Cocoyes*.



7 Policemen Joseph Tsouéki and Cyriaque Mouinga extrajudicially executed in March 1998.

Although most government and security officials told Amnesty International that the police shot suspected armed robbers in self-defence, one senior police officer with many years of experience said that he supported summary executions of armed robbers as a deterrent. In one case he took action against several policemen because they had failed to promptly kill two brothers suspected of armed robbery. The two brothers, **Joseph Tsouéki** and **Cyriaque Mouinga**, both policemen, were shot dead by the patrol police on the night of 8 to 9

March 1998. Sources in Pointe-Noire told Amnesty International that the victims were extrajudicially after they and a taxi driver were found discussing hiring the taxi. The unofficial sources said that the two brothers were severely beaten and shot by the patrol police at the scene. They reportedly left Mouinga for dead and took Joseph Tsouéki to the mortuary barely alive. When mortuary staff reportedly refused to take Tsouéki because he was still alive, the policemen reportedly took him behind the mortuary and finished him off with knives. On returning to where they had left Mouinga, the policemen reportedly found that he had been able to flee to Adolphe Cissé hospital in Pointe-Noire to seek treatment for his injuries. The policemen found Tsouéki at the hospital, beat other patients and shot him dead. According to the police in Pointe-Noire, the two brothers were killed as they tried to rob the taxi. A police commander in Pointe-Noire told Amnesty International delegates that he approved of the killing of the two brothers, but was angry that the policemen had failed to kill Tsouéki at the first attempt and had to finish him off at the hospital. The commander said he later suspended the

policemen responsible and sent them to Brazzaville for possible reassignment to duties outside Pointe-Noire.

At the end of March 1998, members of the National Police extrajudicially executed **Bertin Ngandzien**, a former *Cobra* combatant. He was reportedly arrested around 28 March 1998 in a Brazzaville street. When his family visited the central police station they found him lying under a table with handcuffed hands and legs. When his relatives returned hours later, the police denied that he had ever been arrested or detained at the station. Some sources in Brazzaville informed the Ngandzien's family that he and two others were killed on 5 April 1998 and had been found in one grave at Itatolo cemetery.

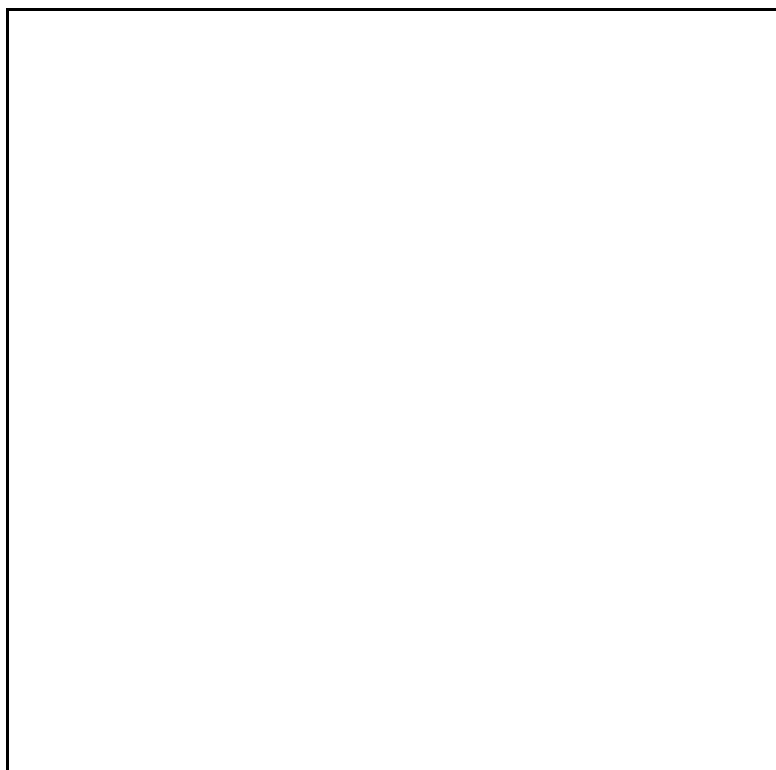
In at least one case, a relative was extrajudicially executed by the police in the place of a suspected armed robber. After failing to arrest his son accused of armed robbery, policemen shot dead 78-year-old **Jean Ndinga** and threw his body in a grave at Itatolo cemetery on 24 May 1998. His body was later recognized by a relative who was a grave digger. Amnesty International delegates saw his marked grave at Itatolo cemetery.



8 Grave of Jean Ndinga at Itatolo cemetery.

There have been cases where the police have extrajudicially executed suspects and recorded the victim as released. This was done in the case of **Robert Moukoli Mayouma** who was extrajudicially executed on 9 July 1998. A few days before Mayouma was killed, a woman died from what were suspected to be injuries she sustained during a fight with him. The woman's relatives looted a shop in which he worked and destroyed his parents' home. Fearing

that the woman's relatives would kill him, Mayouma submitted himself to the Brazzaville central police station for detention. The following day, he was handcuffed by the police who took him to Itatolo cemetery and shot him dead. A day after his arrest, Mayouma's relatives tried to see him at the police station where they were told that he had been released. "Released" had been marked against his name. When word went around that Mayouma had "disappeared", a man who survived an extrajudicial execution the night Mayouma was killed told the parents that Mayouma had been shot dead by the police at the cemetery. According to several sources, the survivor, his gendarme brother, **Aaron Louniémo Banimba**, and another man, who had been arrested on the night of the execution, were taken by policemen in a car to Itatolo cemetery. After they were removed from the car, the policemen opened fire on them. The survivor ran and escaped being shot, but Mayouma, Banimba and a third victim died on the spot. The following day the survivor informed the Gendarmerie in Brazzaville who exhumed the victims' bodies, which the executioners had already buried. Gendarmes in Brazzaville reportedly held a demonstration to protest against the killing of their colleague. No action is known to have been taken to identify and bring the killers to justice.



9 Grave of Aaron Louniémo Banimba, extrajudicially executed in July 1998.

In a number of cases victims shot together were buried in mass graves. For example, 35-year-old **Joséphine Louzolo** and four others accused of smoking hemp were shot dead on 21 May 1998 and buried in one grave by the police at Itatolo cemetery. Her body was later identified by her relatives. Amnesty International visited the grave bearing Louzolo's name but not of the other four unidentified victims (see cover photo).

Many people who were "disappeared" or

abducted during and after the 1997 civil war are assumed to be dead. Further “disappearances” were reported during 1998. For example, a detainee held at the Brazzaville central police station told Amnesty International that in February he saw at least 17 detainees being taken away by policemen in the middle of the night. The witness had only spent a few days at the station and did not know the victims’ names. He heard the policemen say to the detainees, “You are going to Maya Maya”⁴ (Congo’s international airport), an expression understood by *Cobras* to mean “You are going to die”. He feared that the detainees may have been executed.

5. Conclusion

From information obtained by Amnesty International from witnesses inside Congo and sources in and outside the country, the organization has concluded that all parties to the conflict in the country have committed grave human rights abuses. These abuses amount to violations of international humanitarian law, as most were deliberately and arbitrarily directed at unarmed civilians not taking an active part in the hostilities. Those principally responsible for the abuses are political and military leaders who ordered, condoned or created situations, which they knew were likely to result in human rights abuses against unarmed civilians. In addition, the government and the security forces have ignored their obligations under international human rights treaties⁵, often in circumstances which are not linked to the armed conflict in the country.

Successive Congolese governments have effectively ignored or even obstructed the work of the judiciary and thus perpetuated impunity, both for themselves and for their supporters responsible for human rights abuses and other crimes. This cycle of impunity has created conditions in which violence is perceived by many in Congo as the only means of correcting injustice and acquiring or retaining power. Those in power virtually always act outside the law, without the judiciary being able to protect the victims from human rights abuses.

Human rights abuses in the context of political violence in the Republic of Congo are likely to continue unless the government and its opponents commit themselves to respecting the rule of law, enforced by an independent, competent and impartial judiciary. For as long as the Congolese authorities continue to flout Congolese national law and international human rights obligations, violence and violations of international humanitarian law are likely to continue.

6. Recommendations

⁴ “Tu vas passer a Maya Maya”.

⁵ Human rights treaties to which the Republic of Congo is party include the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol I, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the African Charter on Human and Peoples’ Rights and the four 1949 Geneva Conventions.

To the Congolese Government

- # Give public instructions to all government combatants and supporters that human rights abuses, including extrajudicial executions and deliberate and arbitrary killings, “disappearances”, torture and arbitrary arrests and unlawful detentions, will not be tolerated and that those responsible will be brought to justice;

- # Instruct all combatants to abide by international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions⁶ and Additional Protocol II of the Geneva Conventions which specifically prohibit attacks against people taking no active part in the hostilities, torture, including rape, as well as the taking of hostages. Give clear public instructions to all commanders of Congolese security and foreign allied forces to prevent indiscriminate violence, including shelling of predominantly civilian areas, and to take action against those responsible for abuses against unarmed civilians;

- # Announce and implement specific measures to prevent human rights violations, including giving political and material support to the judiciary, and protecting its officials, to investigate human rights abuses and to bring those responsible to justice according to international standards for fair trial and without recourse to the death penalty. Also provide resources to rehabilitate and build humane civilian detention centres or prisons and ensure that detainees are not ill-treated or held in security force detention centres for longer than is allowed by Congolese law and international human rights treaties;

- # Set up a competent, independent and impartial body to investigate human rights abuses, particularly those which have occurred since mid-1997, to which victims or witnesses can report allegations of human rights abuses, and to ensure that those found responsible are brought to justice in trials that respect international standards for fairness and exclude the use of the death penalty;

⁶ Common Article 3 in part states: “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth, or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples”.

- # Allow members of Congolese human rights organizations and other independent human rights observers, including journalists, to investigate and report on allegations of human rights abuses, and give public assurances that the investigators have unhindered and safe access to all areas of the Republic of Congo;
- # Prevent any incitement to violence, discrimination or hatred against any groups or individuals and ensure their protection from human rights violations by government forces, regardless of their ethnic, political or other affiliation;
- # Publicly undertake to abide by all international human rights treaties to which the Republic of Congo is party. These treaties include the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol, and the African Charter on Human and Peoples' Rights;
- # Ratify as soon as possible the UN Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment and ensure that all members of the security forces abide by its provisions;
- # Release all prisoners of conscience and other detainees held outside the law, prevent any arbitrary arrests, and ensure that human rights and humanitarian organizations, such as the International Committee of the Red Cross (ICRC), have access to and are allowed to assist detainees in all detention centres;
- # Give clear public instructions to commanders of the armed forces to suspend from their ranks any combatants suspected or known to have been responsible for human rights abuses. Civilians and members of the security forces who denounce perpetrators of human rights abuses should be protected from any reprisals.

To leaders of *Ninjas*, *Cocoyes* and other armed groups participating in the conflict

- # Give public instructions to all their combatants and supporters that human rights abuses, including deliberate and arbitrary killings, abductions, and torture, including rape, will not be tolerated and that measures will be taken against those responsible;
- # Instruct all combatants to abide by Common Article 3 of the 1949 Geneva Conventions and Additional Protocol II of the Geneva Conventions which specifically prohibit attacks

against people taking no active part in the hostilities, torture, including rape, as well as the taking of hostages;

- # Announce and implement specific measures to prevent human rights abuses, including by cooperating with investigations by independent and impartial human rights or judicial bodies to which victims or witnesses can report allegations of human rights abuses;
- # Allow members of Congolese and international human rights organizations and other independent human rights observers to investigate and report on allegations of human rights abuses in areas under their control, and ensure that the investigators have unhindered and safe access to all such areas;
- # Prevent any arbitrary arrests and, or detention of people solely on ethnic or other discriminatory grounds, and ensure that human rights and humanitarian organizations, such as the ICRC, have full and safe access to and are allowed to assist detainees in all detention centres under their control;
- # Give clear public instructions to commanders of the armed forces to suspend from their ranks any combatants suspected or known to have been responsible for human rights abuses. Civilians and members of the security forces who denounce perpetrators of human rights abuses should be protected from any reprisals.

To the governments of Angola and Chad

- # Give public instructions to all their combatants that human rights violations will not be tolerated and that those responsible will be brought to justice;
- # Instruct all members of the security forces in Congo to abide by international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions and Additional Protocol II to the Geneva Conventions which specifically prohibits all parties to the conflict from targeting people taking no active part in the hostilities; in particular from carrying out acts of violence or torture against them, including rape, as well as the taking of hostages. These provisions of international humanitarian law place an obligation on troops involved in Congo to protect civilian lives and to distinguish between military targets and civilians. The civilian population shall not be the object of attack. Indiscriminate attacks are prohibited, as are reprisal attacks against civilians;
- # Prevent supplies light weapons and other types of military, security or police equipment, which are likely to be used combatants in the Republic of Congo to commit human rights abuses;

- # Announce and implement specific measures to prevent human rights violations, including cooperating with the Congolese judiciary and other competent, independent and impartial human rights bodies to which victims or witnesses can report allegations of human rights abuses, and ensure that those found responsible are brought to justice;
- # Use their influence to ensure that the Congolese authorities allow members of Congolese human rights organizations and other independent human rights observers to investigate and report on allegations of human rights abuses, and ensure that the investigators have unhindered and safe access to all areas under the control of their forces;
- # Urge the Congolese authorities to release all detainees held outside the law, prevent any arbitrary arrests, and ensure that humanitarian organizations, such as the ICRC, have full and safe access to and are allowed to assist detainees in all detention centres;
- # Give clear public instructions to commanders of their armed forces to suspend from their ranks any combatants suspected or known to have been responsible for human rights abuses. Civilians and members of the security forces who denounce perpetrators of human rights abuses should be protected from any reprisals.

To other governments and intergovernmental organizations

- # Publicly condemn all human rights abuses that have been and are being committed in the Republic of Congo, regardless of the identity of the perpetrators or the victims;
- # States should not supply light weapons and other types of military, security or police equipment to governments and armed groups implicated in the war in the Republic of Congo which are likely to be used by parties to the conflict to commit human rights abuses. Given the persistent and well-documented patterns of human rights abuses against unarmed civilians by the main parties to the conflict in the Great Lakes region, it is reasonable to assume that in the present situation, such transfers are likely to contribute directly to further human rights abuses;
- # Urge and assist the Congolese Government to give political and material support to the Congolese judiciary with a view to enabling it to investigate human rights abuses and to bring the perpetrators to justice in trials that conform to international standards and excluding the death penalty.
- # Call on the Congolese Government to set up a competent independent and impartial body to investigate human rights abuses, particularly those which have occurred since

mid-1997, to which victims or witnesses can report allegations of human rights abuses, and ensuring that those found responsible are brought to justice in trials that conform to international standards for fairness and exclude the use of the death penalty;

- # The UN Commission on Human Rights should consider the question of human rights in the Republic of Congo and request thematic mechanisms to carry out visits to the country and submit reports on the human rights situation. On the basis of the reports, the Commission should take effective action for the protection and promotion of human rights in the country;

- # International bodies such as the UN and the OAU should state their commitment and determination to put an end to impunity in the Republic of Congo, in order to ensure lasting protection from human rights abuses for the country's people. These intergovernmental organizations should recommend measures which should be taken by the Congolese Government and the international community to address impunity for past violations and to prevent further human rights abuses in the Republic of Congo.