

REPUBLIC OF CONGO (Congo-Brazzaville)

I. BACKGROUND

(Godfrey Byaruhanga; comments by Sanda Kimbimbi - UNHCR)

I.1. Historical and political background

In the shadow of the crisis in the DRC, the ongoing civil war in the Republic of Congo has been virtually ignored. Yet, the situation in the Republic of Congo has been extremely tense for a very long time - political infighting had started already before the country gained independence in 1960.

The years after independence were characterised by the fight for power between elite leaders who wanted to maintain or retake power within a one-party state. Contrary to a widespread perception, the conflict is not a tribal one; ethnic groups were and are manipulated into fighting for one or the other of the elite leaders. There has been a succession of coups in the sixties; the first president Fulbert Youlou, leader of the *Union démocratique pour la Défense des Intérêts africains* (UDDIA), was ousted in 1963. His successor was Alphonse Massamba-Débat, the founder of the *Mouvement national de la révolution*, a Marxist Party which was to be replaced as the state party by the *Parti congolais du travail* (PCT) of Major Marien Ngouabi in 1969. This change concurred with a shift in control of politics from the Southern region to the North of the country, where Ngouabi was from, creating opposition movements in and around the capital Brazzaville. Ngouabi was assassinated in March 1977. The following month Colonel Jacques-Joachim Yhombi-Opango was appointed head of state.¹ Massamba-Débat, together with several other political and army leaders, was sentenced to death. The current President, Denis Sassou-Nguesso replaced him as head of state and chairman of the central committee of the PCT in 1979. Sassou-Nguesso represented a more radical wing within the PCT - the M-22 - but was at the same time able to establish good relations with Western countries, particularly France. Like Ngouabi, he is from the North, albeit from a different ethnic group, the M'bochi, whereas Ngouabi as well as Yhombi-Opangi were members of the Kouyou ethnic group. In July 1987, 20 army officers most of whom belonged to the Kouyou ethnic group were arrested under suspicion of attempting a coup d'état against President Sassou-Nguesso.

In a reaction to the events in Eastern Europe and the former Soviet Union, the PCT convened in an extraordinary congress at the beginning of the nineties: a multi-party system was to be introduced and the role of the PCT in social organisation should be reduced.² All political leaders were invited

¹ Regional Surveys of the World. Africa South of the Sahara 2000: Republic of the Congo, p. 379

² Regional Surveys of the World. Africa South of the Sahara 2000: Republic of the Congo, p. 380

to discuss the path for the future of Congo-Brazzaville. The army-dominated PCT leadership did not want to give up power. In 1992 the first multi-party elections were held. Pascal Lissouba was elected President; his party, the *Union panafricaine pour la démocratie sociale* (UPADS), won the legislative elections with only a relative majority. The UPADS formed an alliance with the PCT which broke up when the PCT did not get all the key positions in the government it had asked for. Another alliance ensued, this time between the PCT and Bernard Kolélas MCDDI (*Mouvement congolais pour la démocratie et le développement intégral*). After this coalition received a vote of no confidence in parliament in October 1992, Pascal Lissouba dissolved the National Assembly and new elections were scheduled for 1993. At this point the problems with the army still were not solved. When the coalition between the MCDDI and the PCT started a campaign of civil disobedience protesting against Lissouba and demanding to form a new government, the armed forces set up a transitional government.

Lissouba for his part was so distrustful of the armed forces that he decided to form his own militia, thereby alienating the few army members who were still supporting him. Lissouba having formed his Cocoye militia (also known as Mamba), Kolélas decided to establish his own militia, the Ninjas. As a civilian with no connection to the military he asked Sassou-Nguesso for support. Sassou-Nguesso provided him with former government soldiers to form a militia which became known as the Ninjas. Sassou-Nguesso had also established a militia called the Cobras.

In 1993, Brazzaville was divided into three parts: Sassou-Nguesso controlled the Northern parts of the capital, Bernard Kolélas was in control of the South, and Lissouba held the centre of the city. During this time many people were killed, tortured and driven from their homes because they belonged to the "wrong" ethnic group. Because of irregularities the 1993 elections had to be repeated three times. An administration run by a coalition of the PCT, the MCDDI and various other groups ruled the country until 1997. Eventually, the presidential elections were scheduled together with the legislative elections for July and August 1997. Sassou-Nguesso returned from abroad and tried to mobilise his supporters in the North. Internal discord and factional fighting overshadowed the preparations for the elections; the efforts to agree on a government of national unity failed. A civil war started in June 1997. In the five months between the beginning of the war and November 1997, an estimated 10.000 to 20.000 people were killed. In October 1997, Sassou-Nguesso's troops/militia ousted Pascal Lissouba who, like his recently appointed prime minister Kolélas, fled the country. In November 1997, Sassou-Nguesso was inaugurated as president.

I.2. Recent developments

Since then, the civil war has concentrated in and around Brazzaville. Most of the fighting has taken place in the so-called Pool region south of Brazzaville, the fiefdom of Bernard Kolélas and his Ninjas. Its members are recruited mainly from the Lari, the Bakongo and the Bateke ethnic groups. The Cocoye, Lissouba's militia operate in the Southwest; Lissouba is said to have imported Israeli mercenaries to train his militia, former Zairian soldiers as well as Serb mercenaries who had fought in Zaire. President Sassou-Nguesso is from Oyo in the North of the country where he also can rely on his strongest support. He is backed by Angolan forces.³

In November 1999 the Ninjas and Cocoyes were reported to have agreed on a peace plan with the government; nevertheless the fighting continued until the end of the year. The population was very doubtful about the viability of such a ceasefire agreement as long as the militia leaders Lissouba and Kolélas were not part of it. Initially, Lissouba and Kolélas had both denounced the agreement as a hoax and a scam. On 29 December 1999, a second peace agreement was signed, In February, Bernard Kolélas said he supported the agreement and President Sassou-Nguesso. Since then, there has been no fighting and considerable number of militia have started to demobilise.⁴

³ Information on the command and composition of the various militias in the Republic of Congo can be found in: UN OCHA Integrated Regional Information Network for Central and Eastern Africa (IRIN-CEA) Congo-Brazzaville: Background on militia groups, 17 February, 1999 [Internet] <www.reliefweb.int>

⁴ UN OCHA Integrated Regional Information Network for Central and Eastern Africa (IRIN-CEA) IRIN-CEA Weekly Round-up 5 covering the period 29 Jan-04 Feb 2000: REPUBLIC OF CONGO: Kolelas recognises Sassou-Nguesso. [Internet] <<http://www.reliefweb.int>> [accessed 07/02/00]

“Former prime minister and opposition leader Bernard Kolelas last week said he recognised President Denis Sassou-Nguesso as the Congolese leader. In an interview with Radio France Internationale, he expressed support for a ceasefire and a negotiated solution to the country's conflict. Earlier, about 150 of his Ninja militiamen surrendered to the authorities, following the signing of two ceasefire agreements. The authorities meanwhile freed 17 prisoners, some of whom who were allies of Kolelas, in the northern town of Impfondo at the beginning of January, AFP reported, citing the independent newspaper 'Les Echos du Congo'. The second peace accord was signed in Brazzaville on 29 December 1999, consolidating the first one of 16 November. Humanitarian sources said the new accord, signed by the government and five representatives of the "resistance forces", should greatly advance ceasefire efforts. The signing ceremony was attended by ROC peace mediator, President Omar Bongo of Gabon. The sources said thousands of militiamen handed in their weapons during the month of January, in keeping with the accords. The fittest among them will be integrated into the army, while the others will be assisted to return to civilian life.”

I.3. Human rights situation⁵

Patterns of displacement and internal flight alternative

In 1999 alone about 200.000 people fled to the forests at the border with the DRC; 60.000 managed to flee across the border, the rest of them were de-facto taken hostage by Kolélas' forces who prevented them from crossing the border and used them as human shields against Cobra militia and government forces. This group of people was very keen to get back to areas in Congo-Brazzaville that are safer; 11.000 of them could go to Gabon. It has to be added, however, that refugees from Congo-Brazzaville who cross over to Gabon can encounter security problems. Former members of the security forces are said to monitor opponents of the Brazzaville regime in Gabon. If they are prominent members of the opposition, they would not be safe in Gabon and ought to be resettled.

As it is the case for the DRC, internal flight is not a reasonable alternative. There is no region which offers sufficient security, and displaced persons become easy targets for arbitrary arrest and other forms of human rights violations. People who are not known in the neighbourhood come immediately under suspicion of being infiltrators or spies and therefore run a huge risk of being threatened or even killed.

The humanitarian situation is equally precarious. The main railroad linking the port of Pointe Noire with Brazzaville has been out of operation for more than a year. The only way to bring goods to the capital is via airlift or to import them from the DRC.

Human rights protection

There is no protection mechanism for people who have been victims of ill-treatment, abuses and other human rights violations. The police would simply not record any complaints reported to them and the court system is not functioning. This means that basic rights are constantly violated without any way of seeking state protection or gaining access to legal remedies. The militias are responsible for most of the human rights violations. One reason why the situation in Congo-Brazzaville is so precarious is the fact that there is no proper army. Neither are there police forces which you can turn to in order to protect yourself against abuses. The Cobra militia of President

⁵ The March 1999 amnesty international report "Republic of Congo. An Old Generation of Leaders in New Carnage" (AFR 22/01/99) gives a detailed account on human rights abuses related to the armed conflict as well as cases of torture and arbitrary arrest of members of the political opposition, journalists and human rights activists. The report has been included in the original conference package. It can also be downloaded from amnesty international's website <http://www.amnesty.org>.

Sassou-Nguesso has been incorporated into the army. These militia members claim to have won the war by helping Sassou-Nguesso retake power and thus feel they are accountable to nobody. If those forces decide to harass a person, they know very well that nobody would interfere and challenge their behaviour. In cases where the police tried to intervene the militia fought the police as well. They, along with various other groups who have supported Sassou-Nguesso - former members of the Rwandan Armed Forces and the *Division spéciale présidentielle*, an elite unit of the former Zairian army - are under the command of powerful warlords who act with total impunity. This is the situation individuals are faced with, and they can only hope not to become the target of one or the other of these forces.

II. SPECIFIC GROUPS AT RISK

(Sanda Kimbimbi - UNHCR; comments by Godfrey Byaruhanga)

In the Republic of Congo the victimised groups are easier to identify than in the neighbouring DRC. The division between the North and the South is more pronounced, the North having always ruled except for the time right after independence and the short period under Lissouba's government. People from the North are generally better off than people living in the South. This is why probably very few genuine asylum applicants would come from the North.

Ethnic groups

In the South, the Bakongo, Bateke and Lari ethnic groups are the most likely to be persecuted as they constitute the majority of the Ninja militia. It is very easy to victimise a person: it suffices to accuse an individual of belonging to or supporting one or the other militia. For a while government forces conducted security screenings of people returning from the DRC; young people were picked as militia members just because they had a mark on their shoulders which the government alleged to come from carrying a gun, or because their heads were shaved, another imputed sign for being a Ninja member. When UNHCR threatened to stop participating in the return process, the security screenings ceased at least for the monitored returns. UNHCR, however, does not have information on what happened to the unmonitored returns. A number of reports allege extrajudicial executions and detention of people in military barracks; one of the places very often referred to is the *Camp du 15 août* in Brazzaville.

Political affiliation:

Due to an internal split in the parties, some members of the opposition parties are now in the government. The existence of these various factions also account for the signing of two cease-fire agreements of November 16 and December 29, 1999. Members of the two opposition parties, Bernard Kolélas MCDDI and Pascal Lissouba's UDAPS could still be victims of persecution. Kolélas, however, has recently expressed his support for President Sassou-Nguesso and the cease-fire agreement at the beginning of February. About 150 members of the Ninja militia are said to have surrendered and 17 prisoners who were detained because of their affiliation to the Ninjas have been released by the government. As a result of the recent developments, the overall security situation has improved. IDPs are returning to their homes; some 250.000 persons have returned to Brazzaville by the end of February 2000.⁶ Moreover, the militias are disarming. This being said, a lot still has to be done to consolidate peace and secure the respect for human rights.

There is no freedom of expression; journalists and human rights activists have to be very careful. Like in the DRC, the situation is very precarious for people voicing criticism of the government.⁷

Former government soldiers who had supported Lissouba or Kolélas might be at risk as well. Another group of soldiers who may be at risk are those who have refused to reintegrate the armed forces since the fall of Lissouba and who may thus be accused of supporting the armed opposition or being opposed to the government of President Sassou.

Finally, given the high number of atrocities committed by all sides of the conflict there is a necessity to consider the application of the exclusion clauses for certain members of the armed forces.

⁶ In April, the UN estimated that about 600,000 of 810,000 IDPs have returned to their homes. Henry Dunant Centre for Humanitarian Dialogue The Republic of Congo on the Brink, 28. April 2000 [Internet] <www.reliefweb.int> [accessed 29/04/00]

⁷ Further information can be found "Rights team says disappearances, torture rife in Congo", AFP, 1 February 2000, [Internet] <www.reliefweb.int> [accessed 29/02/00]