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ZAIRE

Violence against democracy



16 September 1993
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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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SUMMARY

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As the struggle for power between President Mobutu Sese Seko and his opponents continues, Zaire is sliding inexorably towards a total breakdown of law and order. The government is using the country's worsening political and economic situation as an excuse for appalling human rights violations, largely at the hands of the security forces. There is a real danger that the anarchy which characterized Zaire after independence is set to return.

Zaire's independence has been marred by 24 years of widespread human rights violations under President Mobutu, but the scale of the abuses has been particularly serious over the three years since political reforms were announced in 1990. Many in Zaire hoped that the promised reforms would herald a new era of freedom and democracy, but these hopes have been brutally dashed.

Thousands of opposition supporters, including members of the main opposition party, the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, have been murdered, tortured, raped or "disappeared". Civilians have been incited to violence against other civilians who do not support President Mobutu. Thousands have been killed in incidents when soldiers went on looting sprees. Journalists have been arrested and opposition presses destroyed.

In 1992 a commission on political killings - set up by the National Conference - found President Mobutu responsible for arbitrary detention, torture, abductions and political killings.

Political instability has also led to intercommunal violence, particularly in the regions of Shaba and North-Kivu, with thousands of people being killed and tens of thousands displaced.

Conditions in prisons and detention centres are barbaric: dirty, overcrowded and lacking in basic sanitary facilities. Prisoners have reportedly died of starvation or lack of medical attention. Mass starvation has been averted only by humanitarian and religious associations.

Rampant inflation, expected to rise to 10,000 per cent this year, has deepened the social crisis and led to further violence. At the end of 1992 Prime Minister Etienne Tshisekedi, elected by the National Conference, declared a five-million zaires note issued on President Mobutu's order illegal tender. In January 1993, soldiers who had been paid in the disputed currency went on a looting spree in the capital, Kinshasa. Hundreds of civilians and soldiers were killed. In February, Mobutu dismissed Tshisekedi, and government troops prevented members of the transitional government from meeting and held them hostage for three days.

In spite of mediation attempts by the United Nations and the Organization of African Unity this year, President Mobutu refuses to relinquish his unilateral control over the security forces.

Countries such as Israel, Germany, Egypt, China, France, Belgium and the USA have all helped train the Zairian security forces, many of which have been responsible for human rights atrocities. Until the break-up of the former Soviet Union, some Western governments who supported Mobutu, including the USA, exerted little if any pressure on the Zairian government to deal with its human rights violations.

Amnesty International urges the international community to use all means at its disposal to compel President Mobutu and his supporters to end the cycle of human rights abuses and adopt safeguards that will promote respect for human rights in Zaire.

KEYWORDS: EXTRAJUDICIAL EXECUTIONI / ARBITRARY ARRESTI / TORTURE/ILL-TREATMENTI / PRISON CONDITIONSI / DISAPPEARANCES / DEATH IN CUSTODY / INCOMMUNICADO DETENTION / TRIALS / LONG-TERM IMPRISONMENT / SEXUAL ASSAULT / RESTRAINTS / EXTORTION / DETENTION WITHOUT TRIAL / UNLAWFUL DETENTION / HOUSE/TOWN ARREST / HOUSE DESTRUCTION / HOSTAGE-TAKING / INDEPENDENCE OF JUDICIARY / MILITARY TRIBUNALS / RESTRAINTS / ILL-HEALTH / PRISONERS OF CONSCIENCE / POLITICAL ACTIVISTS / POLITICAL GROUPS / ETHNIC GROUPSI / HUMAN RIGHTS ACTIVISTS / TRADE UNIONISTS / CIVIL SERVANTS / STUDENTS / LAWYERS / JUDGES / JOURNALISTS / EDITORS / TRADERS / PEASANTS / FARMERS / RELIGIOUS OFFICIALS - PROTESTANT / DENTISTS / DRIVERS / MILITARY AS VICTIMS / REFUGEES / DISPLACED PEOPLE / WOMEN / CHILDREN / FAMILIES / AGED / MILITARYI / PARAMILITARIES / CIVIL DEFENCE / NON-GOVERNMENTAL ENTITIES / DEMONSTRATIONS / STRIKES / CENSORSHIP / ARMED CONFLICT / COMMUNAL VIOLENCE / MSPi / MEC / UN / OAU / UN COMMISSION ON HUMAN RIGHTS /

This report summarizes a 25-page document (10,233 words), *Zaire: Violence against democracy* (AI Index: AFR 62/11/93), issued by Amnesty International on 16 September 1993. Anyone wanting further details or to take action on this issue should consult the full document.

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ZAIRE

Violence against democracy

1. Introduction

Zaire¹ is undergoing its worst human rights crisis since the end of the civil war in the early 1960s. The crisis has been marked by the ruthless brutality of government security forces, under the control of President Mobutu Sese Seko, who have murdered or tortured thousands of civilians and members of the peaceful political opposition. Political reforms announced in April 1990 -- including the legalization of opposition parties and human rights groups, and the liberalization of the independent press -- seemed set to end more than two decades of political repression and single-party rule. But in the government-led backlash against reform, the human rights situation has instead deteriorated significantly.

Expectations of a free and democratic country, dashed by the failure of the promised reforms, and the utter desperation caused by political and economic collapse, have led civilians to confront the heavily armed security forces, with disastrous consequences. Hundreds, perhaps thousands, of civilians have been executed extrajudicially by government troops or killed by what the authorities claim are "unknown gunmen". Others have simply "disappeared".

Civilian opposition supporters, including members of the main opposition party, the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, have been arrested and tortured in custody. Detained members of the security forces identified as opposition sympathizers have been treated even more brutally. Most have been held in secret detention centres where they have been tortured, raped and subjected to other forms of cruel, inhuman or degrading treatment; some have been killed in custody, others have "disappeared". Dozens of prisoners have reportedly died of starvation or lack of medical attention.

During the 1980s human rights violations in Zaire consisted mainly of long-term detention of prisoners of conscience, systematic torture and intermittent extrajudicial executions by the security forces, mainly during counter-insurgency operations. This

¹ The country was formerly known as Congo-Léopoldville. Its name was changed to Zaire in 1971; the name of the capital -- Léopoldville -- was changed to Kinshasa.

pattern changed dramatically in early 1990, after opposition parties were legalized and other political reforms were introduced. The opponents of President Mobutu are now less likely to be subjected to long-term imprisonment; the authorities have resorted to brute force to crush the opposition. This has included ordering or condoning the use of automatic firearms and other lethal weapons, such as bombs, against largely unarmed civilians. President Mobutu's supporters or officials appointed by him have incited civilian gangs to attack civilians thought to be sympathetic to the opposition. But despite the crackdown, more and more people have been willing openly to oppose President Mobutu, and call for his resignation or removal from power.

Since assuming power in 1965, President Mobutu, who holds the rank of army Field Marshal, has been personally in charge of the security forces. He has built up the size and firepower of his forces, often with the help of foreign governments, and has set up various security services and specialized military and paramilitary units, all of which have been responsible for human rights violations. The security forces enjoyed almost total impunity, which suggests that they committed human rights violations with the acquiescence of the President, perhaps under his direct orders. During the recent power struggles and economic collapse (see Chapter 2) the security forces periodically seemed to be out of control, rampaging through cities and towns and carrying out looting sprees against unarmed civilians, including many of President Mobutu's opponents. The President has cynically used the instability to argue that he must remain in power, as he is the only one who can control the security forces and thus ensure security and stability for Zaire. However, appeals by Zairians and the international community to President Mobutu and his supporters to stop the security forces from violating human rights have gone unheeded.

Branches of the security forces which have been most notorious for human rights violations include the Israeli-trained *Division spéciale présidentielle* (DSP), Special Presidential Division; the *Garde civile*, Civil Guard, which was formed as paramilitary force in 1984 with the help of German and subsequently Egyptian experts; the military security service known as the *Service d'action et de renseignements militaires* (SARM), Military Action and Intelligence Service; and the *Service national d'intelligence et de protection* (SNIP), National Intelligence and Protection Service, a civilian security service. Other units of the Zairian army, the *Forces armées zairoises* (FAZ), Zairian Armed Forces, have also committed human rights violations and other crimes; the Civil Guard became part of the FAZ in March 1993. Special units have been formed with expertise from China, France, Belgium and the United States of America. It is not clear whether these countries continue to offer training to the Zairian security forces.

In September 1990, Amnesty International published a 15-page report² entitled *The Republic of Zaire: Outside the law - security force repression of government opponents, 1988-1990*. Since then the organization has published short reports and appeals on violations including extrajudicial executions, detention of prisoners of conscience, torture and "disappearances". Amnesty International is particularly concerned about the recent escalation of extrajudicial executions against unarmed civilians.

As the struggle for power between President Mobutu and his opponents continues, Zaire is sliding inexorably towards a total breakdown of law and order. The armed forces have been unleashed on President Mobutu's opponents, but in the process, the heads of the security forces seem to be losing control of their troops. In numerous cases it has been difficult to determine whether human rights violations have been ordered by the authorities or whether security forces are acting on their own initiative. This is because most violations and other crimes by the security forces go unchecked or unpunished, without any official and independent investigation.

Amnesty International is publishing this report highlighting the deterioration of the human rights situation in Zaire to call on the international community -- including international and regional political or human rights bodies -- to devise ways and means to bring an end to the growing crisis in Zaire. Human rights must be protected, including the rights to life, freedom of expression and association and the basic right of each individual to be treated humanely. If no action is taken now, tomorrow may be too late. The anarchy that characterized Zaire after independence threatens to return.

2. Stifled political reforms escalate a human rights crisis

By 1990, increasing political pressure from within the country -- and from foreign aid donors -- forced President Mobutu to accede to demands for political reform, including the introduction of a multi-party political system. Although President Mobutu had long insisted that his people did not want political change, a country-wide survey of political opinion held at the beginning of 1990 demonstrated overwhelming support for an end to the 24 years of corrupt single-party government. Individuals and groups submitted more than 6,000 memoranda to the survey; most of them, including that submitted by

² AI Index: AFR 62/10/90

Roman Catholic bishops and published in newspapers, accused President Mobutu of being the origin of "*le mal zairois*" (Zairian evil).

On 24 April 1990, President Mobutu announced an end to the one-party state and the release of political prisoners. The political opposition demanded the establishment of a *Conférence nationale souveraine*, Sovereign National Conference, to debate Zaire's political future and to set up a transitional government to steer the country towards multi-party presidential and legislative elections. President Mobutu's government instead opted to press ahead for elections managed by the ruling *Mouvement populaire pour le renouveau* (MPR), Popular Movement for Renewal⁴.

In the aftermath of these announcements, political and human rights groups which had existed clandestinely came into the open, and by the end of 1991 more than 200 new parties had been formed.

But the implementation of political reform has been repeatedly delayed. The President has made token attempts to form transitional governments of national unity. He appointed seven prime ministers between April 1990 and December 1991, including Etienne Tshisekedi⁵, his leading opponent and a UDPS founder member. Although twice offered the Prime Ministership, Etienne Tshisekedi refused to take office under President Mobutu because of his disagreements with the president's government. President Mobutu has consistently refused to relinquish control of the security forces, which have remained his power base.

In mid-1991, the opposition formed an umbrella organization called the *Union sacrée*, Sacred Union, aimed at promoting the National Conference and working towards the promised political reform. Popular sentiment supported demands for political change, and to step up the pressure, the Sacred Union orchestrated a series of demonstrations and workers' strikes, many of which were brutally repressed. Hundreds of peaceful demonstrators were shot dead by government troops, many others were wounded.

In June 1991, as strikes and protests continued, President Mobutu agreed to summon the National Conference, but decreed that it would not be sovereign on

³ This is a common expression in Zaire, referring to all of the political and economic difficulties of the past 15 years, including massive corruption, political repression and widespread killings by the security forces

⁴ Known as *Mouvement populaire de la révolution*, Popular Movement of the Revolution, before 1990

⁵ He was repeatedly imprisoned as a prisoner of conscience during the 1980s because of his peaceful political activities.

constitutional matters. The Conference finally opened on 31 July, but delays in proceedings continued and opposition parties suspected it had been packed with the President's supporters. On 2 September, a demonstration against delays in the Conference was fired on by police, who reportedly killed dozens of unarmed people.

The Conference was again suspended in mid-September. A few days later, scores of people were killed after rioting broke out when soldiers protesting at low pay occupied Kinshasa airport, and then began looting in the city. They were joined by civilians angry at hyperinflation and at the holdups in the National Conference. The situation was thought to be so dangerous that France and Belgium sent troops to Kinshasa to protect and evacuate French and Belgian nationals. Disorder rapidly spread to other parts of the country, and, in protest at widespread human rights violations and the absence of economic reforms, the US government suspended all development aid to Zaire.

As sporadic rioting continued, a series of attempts between President Mobutu and the Sacred Union alliance to reach power-sharing agreements failed. The opposition set up a parallel government in November 1991, under the leadership of Etienne Tshisekedi. On 25 November, President Mobutu appointed Nguz a Karl-i-Bond prime minister. Nguz had been a member of the Sacred Union, which immediately expelled him.

The National Conference resumed in November under the Presidency of Roman Catholic Archbishop Laurent Monsengwo Pasinya, whose house was reportedly attacked by armed men shortly after his appointment was announced. On the same day, a bomb destroyed a bar in Kinshasa in an area known to support the Sacred Union, killing 17 people. The explosion was blamed on President Mobutu's supporters.

In mid-January 1992 Prime Minister Nguz a Karl-i-Bond ordered the suspension of the National Conference, claiming that it was too costly and that it was provoking violence. He also alleged that it was dominated by members of the Luba ethnic group, apparently because opposition leader Etienne Tshisekedi, a Luba, was favoured by the Conference to replace Nguz as Prime Minister.

Throughout the early part of the year, political demonstrations and workers' strikes continued, many of which were violently repressed, leaving dozens of peaceful protestors dead. Under pressure, the government agreed to re-open the Conference. It resumed in April, and in defiance of the Prime Minister's orders, adopted sovereign status later that month. However, factions within the Conference itself continued to operate. Many of the delegates accused President Mobutu and his supporters of responsibility for the country's social and economic collapse and for gross human rights

violations. In turn, some of the delegates loyal to President Mobutu withdrew from the Conference, claiming that the criticism was unjustified and defamatory. In May the Conference set up commissions to investigate responsibility for crimes, including human rights violations, committed since President Mobutu came to power in 1965. The commission on political killings claimed that President Mobutu was directly responsible for arbitrary detention, torture, abductions and political killings.

In August 1992, in a direct challenge to the President, the National Conference elected Etienne Tshisekedi as Prime Minister. His election was met with jubilation on the streets of Kinshasa, but President Mobutu refused to relinquish control over most state institutions, including the security forces. The new Prime Minister was left with little effective power.

But the Conference continued to push new initiatives, adopting a multi-party constitution and dissolving the old National Legislative Council, before electing a transitional legislative body known as the *Haut conseil de la République*, High Council of the Republic. The Council was created to supervise the implementation of the decisions and policies of the National Conference and to exercise legislative powers. The Council also sought means of enforcing the Conference decision to transfer most executive powers to the transitional government and the Council. In December, President Mobutu retaliated by attempting to dismiss the transitional government, and ordered members of the security forces to surround the National Assembly building to prevent the Council from meeting there.

Shortly afterwards, Prime Minister Etienne Tshisekedi declared that a five-million zaires⁶ note issued on the orders of President Mobutu was illegal tender because it had not been issued with the agreement of the transitional government and would aggravate inflation. Soldiers attacked traders who refused to accept the note, some of whom were killed. At the end of January 1993 armed soldiers began a looting spree in Kinshasa, which left hundreds of civilians dead. The disorder escalated as a series of anti-President Mobutu strikes brought the city to a standstill.

On 3 February, Belgium, France and the USA issued a joint statement, warning that President Mobutu was bringing ruin to Zaire, and "forcefully" insisting that he hand over executive power to Etienne Tshisekedi. The President rejected their demands as "interference", and just two days later announced that he had dismissed Etienne Tshisekedi after accusing him of "endangering the security of the state" on the grounds that he had provoked the army mutiny and the rioting and deaths that followed by declaring the five-million zaires note illegal.

⁶ Zaire's currency

On 9 February government troops sealed off the People's Palace to prevent a meeting of the High Council of the Republic, which continued to support Etienne Tshisekedi. Later that month, troops held members of the Council hostage for three days demanding the legalization of the note. No action was taken against the soldiers.

Relations between the President and the High Council continued to deteriorate in March, as President Mobutu sought to circumvent the authority of the Council by appointing Faustin Birindwa⁷ as Prime Minister to replace Etienne Tshisekedi. Faustin Birindwa, a former ally of Etienne Tshisekedi, was expelled from the UDPS, and the Council refused to recognise his appointment.

In April Faustin Birindwa's government ordered soldiers to raid the homes of Etienne Tshisekedi and his cabinet on the pretext of recovering government property. Several civilians were shot in the attacks. Etienne Tshisekedi's Minister of Foreign Affairs, **Pierre Lumbi**, was arrested on the night of 26 April and questioned for four hours. He was subsequently put under house arrest for four weeks.

By July Etienne Tshisekedi's government had considerable popular support, but no real power. It continued to call for civil disobedience and workers' strikes to keep pressure on President Mobutu to relinquish control, and asked the United Nations to send a peace-keeping force to the country. The UN Secretary-General appointed former Algerian Foreign Minister Lakhdar Brahimi to visit Zaire and investigate the possibilities of UN mediation. Lakhdar Brahimi met President Mobutu and opposition leaders in mid-July, but without apparent results.

The Organization of African Unity had also tried to mediate, with visits by its Secretary General, Salim Ahmed Salim, in May, and by Namibia's President Sam Nujoma in late July.

As the social and political breakdown continues, communications both within Zaire and with other countries have become increasingly erratic. Telecommunications and postal services have nearly collapsed, making it very difficult for outside human rights organizations such as Amnesty International to obtain and verify information about human rights violations. Very few foreign journalists are filing reports from inside Zaire. The security services have reportedly been intercepting mail and telecommunications critical of the President and his supporters. Many human rights activists and opposition members have been beaten, imprisoned or even threatened with

⁷ He was repeatedly imprisoned as a prisoner of conscience during the 1980s because of his political activities.

death because the security forces know or suspect that they inform the international community about human rights violations in Zaire. When human rights activists and others succeed in sending out information, it is often weeks or months out of date. As a result, Amnesty International's appeals on behalf of the victims have been delayed or obstructed, though not stopped,

As of August 1993 Zaire continued to struggle under conditions of virtual political deadlock. There were two Prime Ministers at the head of rival government structures, but real power remained in the hands of President Mobutu and his allies, who control the security forces. Long-term political instability has also fostered intercommunal disturbances in parts of the country, resulting in thousands of killings. As a result of violence, endemic corruption and political stalemate, the formal sector of the economy has virtually ground to a halt. In early 1990 one US dollar was exchanged for 530 zaires, the same dollar was being exchanged on the black market for four million zaires in mid-1993. The rate of inflation in 1992 stood at more than 3,000 per cent and was expected to rise to 10,000 per cent by the end of 1993. The authorities have shown total disregard for the welfare of the Zairian people. Their resources appear to be devoted to enhancing political influence and crushing the opposition at virtually any cost, including human life.

3. Extrajudicial executions and other unlawful security force killings

Since 1990 violence by the security forces and President Mobutu's other supporters has escalated; thousands of unarmed civilians have been killed and thousands more wounded or maimed. Members of the security forces suspected of supporting opposition leaders or parties have also been detained, tortured or even "disappeared".

In a recent development, the bodies of those murdered by the security forces have been concealed, in a manner reminiscent of January 1961, when Zaire's first Prime Minister, Patrice Lumumba, and several other politicians were killed and their bodies disposed of in secret. Following recent incidents in which dozens of people were known to have been killed, there were persistent reports of soldiers carrying bodies away to undisclosed places. In the past bodies have been dumped in forests or in the Zaire river, which flows past Kinshasa.

Most killings since 1991 have been sanctioned or condoned by security officials, who are under the direct control of President Mobutu. The President refuses to relinquish control over the security forces, or share this authority with the transitional government. The security forces are used to enforce decisions which have been rejected

by President Mobutu's opponents or to prevent the implementation of reforms or policies the President opposes.

The security forces have frequently attacked peaceful political demonstrations, killing or injuring unarmed civilians. In April 1991, in the southern provincial town of Mbuji-Mayi, troops opened fire on supporters of the Union for Democracy and Social Progress party, who were protesting at arrests and looting by soldiers. The authorities claimed that nine people were killed; other sources said that nearly 50 died.

In January 1992 the security forces violently suppressed peaceful demonstrations calling for the resumption of the National Conference. The following month, at least 37 people were killed in Kinshasa when soldiers opened fire on a peaceful demonstration calling for the resumption of the conference.

Eye-witnesses claimed that troops of the elite Special Presidential Division (DSP) used rifles, hot-water cannons, metal-tipped canes and tear gas to break up the crowd, many of whom were reportedly carrying rosaries and prayer books. At least 13 bodies were later carried to a nearby church and up to 100 casualties were admitted to hospital. The march, organized by members of the Roman Catholic Church, followed Sunday services for "peace and hope" in Zaire.

The military has killed more than a thousand civilians during periodic looting sprees. In September 1991, for instance, an army mutiny broke out when soldiers occupied Kinshasa airport and subsequently spread to military bases across the country. Soldiers protesting against inadequate and irregular pay ran riot, engaging in widespread violence and looting. At least 250 people were killed nationwide, many of them shot by soldiers. Some of the killings appeared to be extrajudicial executions; the victims were civilian looters or civilians who resisted the looting of their homes or business premises. No action was taken against the mutinous soldiers and looted property was sold openly for months in military barracks. At the end of the year, the authorities announced a 10-fold increase of salaries for the military, which did not prevent them from engaging in additional looting during 1992 and 1993.

In December 1992 more than 50 civilians were reportedly killed by looting soldiers in Kisangani, the capital of northern Zaire's Haut-Zaire region. Around the same time several civilians were killed in the towns of Goma and Rutshuru in eastern Zaire's North-Kivu region. Again the pretext for the violence was non-payment of salaries or the refusal of traders to accept five-million zaire notes. As on previous occasions those responsible for the violence were not brought to justice and the victims were not compensated.

Troops again began to riot in Kinshasa at the end of January 1993; nearly 1,000 people, many of them unarmed civilians, died in the ensuing violence. Soldiers from Kokolo military barracks (*Camp Kokolo*) in Kinshasa and those from the *Centre d'entraînement des troupes aéroportées* (CETA), Airborne Troop Training Centre⁸, rioted after being paid in the controversial five-million zaire notes, which many traders refused to accept. A day after the violence started President Mobutu's DSP was sent in to quell the disturbances, but they in turn opened fire indiscriminately against armed soldiers and unarmed civilians. Many civilians were shot dead in their homes; French troops were deployed to evacuate expatriates after the French Ambassador, Philippe Bernard, was killed in a burst of machine-gun fire.

Several hundred soldiers suspected of involvement in the Kinshasa riots were reportedly arrested and detained by the DSP at Tshatshi military barracks (*Camp Tshatshi*) detention centre. The authorities have not made public the identities of those detained, whether they would be brought to trial, or details of any investigation. It is feared that they may have been subjected to torture or ill-treatment. Many soldiers detained since 1991 have been tortured, sometimes to death, or have "disappeared".

Berthos Kibassa, the son of opposition leader Kibassa Maliba, was among the civilians executed extrajudicially at the end of January 1993. Soldiers believed to be DSP members launched a rocket attack on the house of Kibassa Maliba, then entered and set Berthos Kibassa's body on fire. Other members of the family sustained severe injuries in the attack.

On 4 July 1993 at least four men were shot dead and an 11-year-old boy stabbed to death by the security forces, who were trying to prevent the UDPS from holding a rally at Kinshasa's main sports stadium. A number of people were injured. There were reports that the bodies of three of those killed were loaded into a jeep and taken away by soldiers to an unknown destination. Several other people, including **Emile Nkombo**, third Vice-President of Kinshasa's Bandal area UDPS branch, reportedly "disappeared".

Many civilians have been massacred by members of the security forces in reprisals for the killing or beating by civilians of soldiers involved in criminal activities. About 52 unarmed men, women and children were reportedly shot dead -- and many others severely injured -- on 22 February 1993 by members of the DSP in Kinshasa's Kimbanseke district. The attack was reportedly carried out to avenge the killing of a member of the security forces by a group of civilians. Three days earlier DSP soldiers had knifed a civilian to death. During the attack, truckloads of other security force members joined the DSP soldiers, and subjected civilians to beatings, rape and other

⁸ French military experts have been in charge of training at CETA

forms of ill-treatment, and looted property. Again no investigation by civilian or military authorities is known to have occurred.

4. Arbitrary and unlawful detention

Since 1991, many hundreds of government opponents and their supporters have been detained, most of them as prisoners of conscience, held because of their peaceful opposition to President Mobutu and his policies. A few of them have been charged, usually with "disturbing public order" or "endangering the security of the state". However, no trials of civilian detainees are known to have been carried out.

Most of them were held for periods ranging from a few days to a few months. Some were detained incommunicado in breach of the Zairian Code of Penal Procedure, which limits police custody to no more than a few days. Many of the detainees have been kicked, beaten with belts, whipped or subjected to other forms of cruel, inhuman or degrading treatment at the time of their arrest and while in custody. There have also been reports that women have been raped in custody. These arrests appear to have been ordered or condoned by supporters and political allies of President Mobutu.

Among those detained were 15 members of the UDPS arrested in Kinshasa in January 1991 and held for a week. About 200 supporters of the UDPS and the *Parti lumumbiste unifié* (PALU), Unified Lumumbist Party, were held for a day in April 1991, severely beaten and then released. They were arrested for holding or attending meetings and demonstrations in support of the National Conference.

Scores of students were also detained in 1991 for suspected involvement in anti-government protests, some of them violent. Most were released after a few days but about 40 were held with criminal prisoners in Kinshasa's Makala central prison. Although virtually all of them were expected to have been released by the end of the year, it is difficult to confirm this as the authorities did not publish the identities of those detained and released.

Eight people preparing to welcome a delegation of French-based human rights activists were arrested in December 1992 at N'Djili airport near Kinshasa. The eight, all prisoners of conscience, included **Mukendi wa Mulumba**, a lawyer, human rights activist and adviser to opposition Prime Minister Etienne Tshisekedi, and three security advisers to the Prime Minister. The eight were beaten at the time of their arrest by troops loyal to the President, and were held incommunicado for three days before being released without charge. Mukendi wa Mulumba was again held briefly in April 1993

after a trip to Europe and the USA. He has apparently been targeted because of his links to Etienne Tshisekedi and a statement he had made to the United Nations Commission on Human Rights about the appalling human rights situation in Zaire. Virtually all the documents he had obtained during his trip were reportedly seized by members of the security forces.

A number of UDPS members were arrested at the end of March 1993, including **Placide Mukendi**, **Martin Lukulungu** and **Kajinga Tambe**, wife of **Jacques Tshimbalanga**. Also detained was **Lambert Tshitshimbi Katombe**, a former army colonel, who was one of Etienne Tshisekedi's security advisers and bodyguards. Placide Mukendi was released untried on 7 July. At the end of August 1993, it was unclear whether all or some of the others were still being held.

More than 20 government opponents and their supporters, including trade unionists, were arrested in Kinshasa by the security police or armed forces loyal to President Mobutu in April 1993. Some had been released by the end of July, but it was not known how many remained in detention. They were initially held incommunicado at detention centres controlled by the security forces for several weeks before being moved on to Kinshasa's Makala central prison. Reports indicate that virtually all of them were arrested because of their peaceful opposition to President Mobutu.

At least 18 members of the Sacred Union were arrested during April 1993 and many are believed to be still held. **Joseph Olenga Nkoy**, an envoy (*chargé de mission*) of Etienne Tshisekedi and leader of the *Force novatrice de l'union sacrée*, Innovative Force of the Sacred Union, was arrested on 29 April, and was initially held at the Kinshasa headquarters of the National Gendarmerie, known as the "CIRCO" (*circonscription militaire*), where he was reportedly tortured. After being charged with inciting disobedience against a legally established authority (*incitation à la révolte contre l'autorité légalement établie*), his case was dropped by an examining magistrate and he was released on 11 May. However, reports from Kinshasa indicate that the magistrate who released him has been suspended from his post and Joseph Olenga Nkoy was rearrested only two days after his release and re-detained at Makala prison. He was released without trial in early July 1993.

At least five trade union leaders were arrested following a strike by civil servants on 17 and 18 May 1993. They include **Kuku Gedila** and **Ngandu Tshilombo**, leaders of the *Confédération Démocratique du Travail* (CDT), Democratic Labour Federation. They were said to be held in cells below the Procuracy and were apparently still in detention at the end of July 1993.

4.1 Detention and repression of journalists

Several dozen independent newspapers have been established since 1990. Although the papers were initially allowed to operate without restrictions, the government clamped down when it became clear that most of them were critical of President Mobutu and his supporters. Several dozen journalists have been imprisoned and government agents have destroyed printing presses and offices, and attacked newspaper vendors. Opposition newspapers have been banned in Shaba by the region's governor since 1992.

Most detentions and attacks on journalists have occurred in Kinshasa. In January 1992 the offices of *La Référence* newspaper were set on fire. In November 1992 *Terra Nova* printing press, which printed independent newspapers, was burned to the ground by armed men believed to be members of the security forces, and in late December 1992 the offices of *Le Phare* and *Le Potentiel* newspapers were also burned down. Soldiers reportedly attempted to burn the home of **Léon Moukanda Lunyama**, owner of *Umoja* daily newspaper in late 1992. In March and April 1993 vendors of independent newspapers in Kinshasa were attacked by members of the security forces, who confiscated or destroyed many of the papers.

Journalists arrested include **Mukengeshayi Kenge**, the Editor-in-Chief of *Le Phare* newspaper, who was arrested in April 1993 by members of the *Service national d'intelligence et de protection* (SNIP), National Service for Intelligence and Protection, Zaire's security police. After being held for five days in secret detention at the SNIP headquarters his case was referred to the Procuracy. The grounds for his arrest were apparently *propagation de faux bruits* (spreading false rumours) but the details of the charge remain unknown. On 30 April a court ordered his immediate release, but the Procurator General contravened the court's decision and signed a warrant authorizing his re-detention. He was released without trial on 28 June. He appeared to be a prisoner of conscience detained solely for exercising his right to freedom of expression.

There was concern for the safety of another of *Le Phare's* staff, an editor known as **M. Muboyayi** and two members of his household, all of whom have reportedly gone into hiding after the security forces attempted to arrest him in late April 1993.

4.2 Imprisonment of soldiers suspected of disloyalty to President Mobutu

Several hundred soldiers, many of them thought to be sympathetic to President Mobutu's opponents, have been detained since 1991. Some have been charged and tried, but most continue to be held incommunicado without any prospects for a trial. Some have

reportedly died as a result of severe ill-treatment, including beatings, or lack of medical care. Some of those detained are former army officers who are apparently suspected of influencing serving members of the security forces to support Etienne Tshisekedi.

About 10 soldiers and officers, including **Luc Mayolo Mokakoso**, an army dentist with the rank of lieutenant-colonel, were arrested in July 1991 and accused of plotting against the government, apparently because of their suspected links with opposition political parties. Following his arrest, Colonel Mayolo was held at military intelligence headquarters in Kinshasa, where he was reportedly tortured. In September 1991 he was transferred to Ndolo military prison, where he was ill-treated and denied visits. Colonel Mayolo's co-accused were provisionally released in mid-1992 and promptly went into hiding. He was tried by a military court in July 1992 and convicted of disobeying military orders by contacting opposition leaders in order to form a political grouping within the army. He was sentenced to two years' imprisonment with hard labour. He was released in April 1993, after serving virtually all his sentence.

About 30 soldiers were arrested in January 1992 after occupying the national radio station in Kinshasa and broadcasting statements calling for President Mobutu's government to resign and for the resumption of the national conference. They were held incommunicado at Kinshasa's Camp Tshatshi military barracks, where they were reported to have been tortured and severely ill-treated. Just two months later, 11 of those arrested appeared at a trial before the *Conseil de guerre supérieur*, Higher Court Martial, in Kinshasa. They were allowed no access to legal counsel before the trial, and faced charges of seeking to overthrow the government ("*avoir voulu renverser les institutions de la République*"). After an unfair trial, seven defendants were convicted and sentenced to prison terms of between five and 10 years. Four others were acquitted. The Higher Court Martial refused to allow an independent investigation into claims by some of the defendants that they had been forced to make false incriminating statements under torture. At the same trial, 17 of the other arrested soldiers were tried *in absentia* and sentenced to death for crimes against the state. The authorities claimed they had escaped, but it is feared that they had actually been killed in custody before the trial started. There had been no news of them by August 1993.

More than 50 soldiers arrested in January 1992 in Kinshasa continue to be held in Irebu military detention centre in Haut-Zaïre, mostly incommunicado, without charge or trial. The authorities say they committed criminal offences but have failed to specify the charges or bring the soldiers to trial. Independent human rights activists in Zaïre have maintained that the soldiers are detained on suspicion of sympathizing with opposition parties. In April 1992 two of the soldiers, including Corporal **Kudenda Mbetenge**, reportedly died in custody from ill-treatment and lack of medical care. Several others are reported to have died since. The detainees have been denied medical care and clothing

and there has been no independent supervision of detention conditions. Two women, delegated by the families of the detainees to deliver some supplies, were reportedly detained when they approached the detention centre. The women are the wives of sergeants **Kabamba Tumba** and **Muteba Kasongo**. It is unclear whether the women have been released.

5. Torture and rape of government opponents

Torture and ill-treatment of government opponents and detainees is widespread. Detainees are routinely beaten by members of the security forces, and there are reports of the use of electric shocks, rape, whipping and other forms of cruel, inhuman or degrading treatment aimed at punishing and humiliating those suspected of supporting President Mobutu's opponents. The authorities, including the judiciary, have refused to investigate claims of torture. Members of the security forces who violate human rights under the cover of defending the President and his supporters enjoy virtually absolute immunity. Only President Mobutu himself can effectively order action against those responsible for the abuses, but he has shown no inclination to do so.

The soldiers tried in March and April 1992 (see 4.2, above) told the Higher Court Martial that members of the DSP had systematically tortured them to make them confess and implicate civilian political opposition leaders. They claimed that they had been regularly stripped and beaten with whips and gun butts. They were stabbed with bayonets and subjected to mock executions, and, in some cases, sexually assaulted. The court failed to order an investigation into the torture allegations and rejected demands by lawyers that they should be examined by a doctor.

In April and May 1992 there were reports of torture of civilians, including the rape of dozens of women, by members of the security forces during an anti-poaching operation around Salonga National Park in Equatorial region's Boende sub-region. More than a dozen people were reportedly executed extrajudicially during the operation; unarmed villagers were shot simply because they protested. Despite protests from local human rights groups, the authorities were not known to have investigated the reports or to have taken any action against the culprits.

Some people have been arrested, detained and tortured solely for criticizing President Mobutu and his policies during ostensibly private conversations. For example, **Jean-Claude Bahati** was arrested on 13 September 1992 after remarks he made to companions in a public taxi in Kinshasa were overheard by a member of the DSP travelling in the same vehicle. When they stopped near Camp Tshatshi the DSP agent

produced a revolver and ordered him out of the taxi. Other DSP agents came and beat up the taxi driver and other passengers when they protested. Jean-Claude Bahati was taken into the Camp, where he was stripped naked, showered with a high-pressure hose, beaten with military belts and kicked. He was burned with hot metal, shaved with broken bottle glass, rolled in mud and a tyre was placed around his neck. He was detained in a dark cell into which water was poured three times a day. He was whipped some three times each day until his release three days later. Members of the DSP told him he was being tortured for supporting President Mobutu's opponents, particularly Etienne Tshisekedi and Bishop Monsengwo. Although he reported his ordeal to the authorities, no investigation or disciplinary action was carried out.

6. Life-threatening prison conditions

Like most of the country's infrastructure, Zaire's prisons and detention centres have been largely neglected. Dirty, overcrowded and lacking in basic sanitary facilities, they have degenerated into virtual death traps. In recent years, mass starvation has been averted only by humanitarian and religious associations. Numerous deaths from starvation and lack of medical care have been reported in Kinshasa's central prison of Makala, but also in other prisons around the country. There have been persistent and credible reports that the meagre resources allocated to prisoners are embezzled by prison and other government officials. Prison guards reportedly often demand payment before relatives are allowed to give food to detainees, and those without relatives are condemned to starvation.

The system is riddled with corruption. Some detainees remain in prison solely because influential individuals responsible for their arrest do not want them released. For many years there have been reports of prisoners remaining in custody after serving their sentences because they have failed to bribe prison officials.

In addition to formal civilian prisons there are also detention centres and cells known as *cachots* at most administrative centres, and at the offices or barracks of the security forces and security services. Cells usually lack adequate lighting or sanitary facilities and inmates are often obliged to defecate and urinate in open containers within the cells, which are usually crowded, hot and humid. Although under Zairian law all detention centres are supposed to be supervised by a magistrate, in practice those belonging to the security forces serve as secret and informal prisons. These include SNIP headquarters and the DSP's Camp Tshatshi near the Presidency, in Kinshasa. Many of these have no facilities for preparing food or meeting the hygienic needs of prisoners, who are forbidden visits from relatives or any other persons.

In some prisons locally-made leg-irons are used to restrain detainees. The leg-irons often have no locking device and have to be welded together while the inmate is wearing them. They can only be removed by melting the points at which they are welded. The rough surfaces of the leg-irons cause injury around the ankle, and severe burns are caused by welding and melting. The use of such leg-irons has been reported in Bunia and Bukavu prisons in eastern Zaire and at Kibomango DSP military training base near Kinshasa.

7. "Disappearance" of supporters of opposition parties

Amnesty International is very concerned about persistent and consistent reports of the "disappearance" of dozens of suspected government opponents or their supporters. "Disappearance" is a device used by members of the security forces to arrest people without any warrant or adherence to legal process. It is often a prelude to secret extrajudicial execution. In virtually all cases suspects or their relatives are not informed of the reasons for the arrest, and relatives are not told where the suspects are detained.

Members of the security forces who carry out these secret arrests are usually dressed in civilian clothes and travel in unmarked vehicles. Independent sources in Zaire blame the recent spate of "disappearances" on a shadowy unit of the security forces known as the "*hiboux*", "owls", because they virtually always work at night. The unit was apparently set up after April 1990 as a counter-insurgency force, trained and equipped by members of the South African security services. The trainees reportedly received instruction in techniques of urban warfare, sabotage, mine handling, abduction and assassination. The first group of trainees apparently completed their training in August 1991. Zairian and other human rights groups have published reports about the unit, but the authorities have neither denied nor confirmed its existence. Most of its members are reported to have been recruited from the DSP and other elite units.

During 1992 several dozen people, some of them suspected government opponents, reportedly "disappeared", in Kinshasa. They were abducted from their homes or on the streets by armed men in civilian clothes. For example, **Jean-Marie Katonga Kabuluku**, a former member of the National Assembly and a UDPS supporter, was reportedly abducted by unidentified men in January 1992 and had not been found by August 1993. In July 1993 **René Kanda**, a resident of Kinshasa's Selembao district, was seized by men in plain clothes carrying bayonets and handcuffs. His whereabouts were still unknown by the end of the month.

8. Insurgency and human rights violations in North-Kivu region

There have been reports of serious human rights violations in the northeastern part of North-Kivu region, near the border with Uganda, in the aftermath of armed clashes between rebels calling themselves "Lumumbists"⁷ and government troops. The latest wave of insurgency in the region started in early 1992. Government troops have reportedly extrajudicially executed unarmed civilians in the area, set villages on fire, looted property and raped women. These violations have occurred in the context of counter-insurgency operations.

North-Kivu region's Beni district has been the hardest hit. About 20,000 Zairians had fled to neighbouring Uganda by early 1993. Despite reports about the violations the authorities are not known to have taken any action to bring the abuses to an end and bring those responsible to justice.

In mid-January 1992 "Lumumbists" attacked army units in Watalinga county (*collectivité*). During clashes between the rebels and the security forces, thousands of civilians in the area fled to neighbouring Uganda. During another rebel attack in February 1992 rebels reportedly looted property and burned houses of people they believed were government supporters.

In July 1992 the rebels launched a fresh attack, reportedly harassing local people to force them to support the insurgency. Some civilians, including a trader at Butembo and a peasant farmer at Kasaka village, were reportedly killed by the rebels.

In the course of the counter-insurgency operation that followed, government troops carried out atrocities in attempts to crush the rebels and civilians suspected of sympathising with them. In one instance, government soldiers reportedly executed five unarmed civilians in Museya village and two others in Kasaka village. In Bunondo village they burned an old woman alive. Government troops are said to have rampaged through the villages of Museya and Kasaka, looting and burning more than 500 houses. At Museya members of the security forces looted property, materials and medical drugs from a local dispensary. The security forces reportedly killed and beheaded an official (*animateur*) of the local Baptist church, and then paraded his head around the village claiming that they had killed a rebel leader.

In mid-December 1992 members of the security forces carried out reprisal killings and other human rights violations following a siege of Kasindi by insurgents claiming

⁷ Followers of the country's first post-independence Prime Minister, Patrice Lumumba, who was executed by opposition forces in January 1961

to be members of the *Parti de la libération congolais* (PLC), Congolese Liberation Party, and *Mouvement ouvrier et paysant* (MOP), Workers and Peasants Movement. Both rebel groups are based outside Zaire. As well as burning houses, the security forces reportedly shot dead at least 20 civilians in Mudende village and raped dozens of women. In mid-January 1993 the security forces reportedly killed about six unarmed civilians in Kiriba village.

9. Politically-motivated ethnic persecution

Several thousand people were reportedly killed, thousands more injured or maimed and tens of thousands forced to flee their homes during intercommunal disturbances in the regions of Shaba and North-Kivu. In Shaba, members of the Lunda ethnic group have carried out extensive attacks on members of the Luba ethnic group from Kasai. In North-Kivu members of the Hunde and Nyanga ethnic groups, particularly in the districts of Walikale and Masisi, have carried out attacks against people of ethnic Rwandese origin (Hutu and Tutsi), locally collectively known as Banyarwanda. In both regions government and security officials have instigated or condoned the killings.

9.1 Ethnic persecution of Luba in Shaba region

Intercommunal violence, with Lunda attacking Luba, broke out in Shaba in mid-August 1992 after Nguz a Karl-i-Bond was replaced as Prime Minister by Etienne Tshisekedi, who is a Luba. In mid-1993 reports from Zaire put the number of people killed, most of them Luba, at more than 500 and the displaced at more than 100,000. Luba have been forced out of their homes, most of which have been destroyed or burned, and obliged to live in cramped and unsanitary conditions in public buildings and other places, especially railway stations where they waited for transport to Kasai. At the end of 1992 there were about 40,000 displaced Luba at Likasi railway station alone. Many have died from infectious diseases such as cholera and dysentery caused or exacerbated by unhygienic conditions. In April 1993 medical sources reported that about eight out of 10,000 people were dying daily from disease and lack of medical care. Humanitarian organizations such as *Médecins sans frontières* (MSF), Doctors Without Borders, have been unable to control the death rates and provide basic care because of the enormous numbers of the displaced.

Credible evidence strongly suggests that the violence was instigated by Nguz a Karl-i-Bond and Shaba's governor, Kyungu wa Kumwanza^{*}, and their supporters with the aim of ridding Shaba of Etienne Tshisekedi's supporters. After he was replaced, Nguz a Karl-i-Bond said in public that he would make Shaba ungovernable for Etienne Tshisekedi. He was several times reported to have said that the imposition of Etienne Tshisekedi on the people of Shaba would lead to the "Yugoslavization" of Zaire. Kyungu wa Kumwanza is reported to have fanned ethnic hatred by accusing the Luba of taking jobs, especially in the Gécamines mining company, which would otherwise have gone to the Lunda. He is also reported to have alleged that the Luba had exploited Shaba and that they had to leave in peace or be forced out. Most Luba in Shaba settled in the region, many before Zaire's independence, as migrant mine workers from the neighbouring regions of West and East Kasai regions.

Members of the security forces were very slow to intervene and when they did they clashed with Lunda gangs. Members of the security forces who intervened to protect the Luba lacked adequate reinforcements or political support from the local or national leaders who hold power -- that is, those close to President Mobutu, whose supporters have apparently fuelled or condoned the violence because it rids Shaba of Etienne Tshisekedi's supporters. In June 1993 the official national radio known as *La Voix du Zaire*, Voice of Zaire, reportedly announced that President Mobutu would not guarantee safety for Luba in Shaba after 31 July 1993. It was not clear that he had done anything before then to protect the victims.

In September 1992 two commissions, one responsible to President Mobutu's government and the other to the National Conference, were sent to investigate the violence in Shaba. Neither commission satisfied basic standards of independence and impartiality which are indispensable for proper investigations into violations of human rights. The government commission failed to establish responsibility for the violence, and simply called for reconciliation between Luba and Lunda. The Conference commission blamed Nguz a Karl-i-Bond and Kyungu wa Kumwanza for being the prime movers of violence and inter-ethnic hatred. Kyungu wa Kumwanza refused to meet members of the Conference's commission which recommended that he and Nguz a Karl-i-Bond should be brought to justice for instigating the violence.

* Kyungu wa Kumwanza was among the original 13 members of the National Assembly that founded the UDPS and was several times adopted by Amnesty International as a prisoner of conscience in the early 1980s. Nguz a Karl-i-Bond was several times appointed by President Mobutu as Prime Minister, Minister of Foreign Affairs and ambassador. He was repeatedly accused of plotting against President Mobutu and was even sentenced to death in 1977 but later pardoned. President Mobutu has appointed many Zairian politicians to key posts before or after accusing them of plotting against him. Kyungu wa Kumwanza and Nguz a Karl-i-Bond appear now to have formed an alliance with President Mobutu against the UDPS and the Sacred Union.

9.2 Ethnic persecution of Banyarwanda in North-Kivu region

The violence in the southeastern parts of North-Kivu region began on 20 March 1993 with members of the Nyanga and Hunde ethnic groups attacking Banyarwanda at Ntoto market in Walikale district (*zone*). The violence continued the following day, a Sunday, and Banyarwanda were attacked and killed or injured in or near their churches. Banyarwanda property and homes were looted and burned. The violence extended to Rutshuru district near the border with neighbouring Rwanda. By June 1993 independent sources had estimated that more than 3,000 people, mostly Banyarwanda, had been killed. A humanitarian organization reported that as many as 7,000 people may have been killed by mid-August 1993. About 200,000 people were displaced, most of them fleeing into the bush, health centres or churches.

The killing of Banyarwanda was reportedly ordered by the Nyanga and Hunde traditional chiefs who also control local government, and who were using the violence to suppress Banyarwanda attempts to choose their own leaders and gain control over community affairs. There are reported to be about two million Banyarwanda in the region; many entered Zaire as refugees during ethnic disturbances in Rwanda which began in 1959. Others were brought to Zaire between the 1930s and 1950s by Belgian colonialists as migrant labourers. Some of them became Zairians (Congolese before Congo-Leopoldville became Zaire in 1971) when Rwanda and other countries were created by colonial powers at the end of the 19th century. In neighbouring Rwanda a civil war between a Tutsi-dominated rebel group and the Hutu-led government began in October 1990. Before a peace agreement was signed by the government and the rebels on 4 August 1993 the war had caused thousands, mostly Tutsi, to flee into exile and hundreds of thousands of Hutu to be displaced. Most of the land occupied by the Banyarwanda in North-Kivu region traditionally belongs to local chiefs who have been renting it to Banyarwanda on terms and taxes imposed by the chiefs. In recent years Banyarwanda have protested at being treated as foreigners or as having limited or no civil and political rights.

At independence, the Zairian (Congolese) Constitution granted citizenship to all people resident in the territory. In 1981 the MPR National Assembly approved legislation withdrawing citizenship from immigrant ethnic groups, but the legislation never became law. In 1991 the authorities set up a commission to identify "non-Zairians" in the regions of North-Kivu, South-Kivu and Maniema in eastern Zaire. Independent organizations such as the *Ligue zairoise des droits de l'homme* (LZDH), Zairian Human Rights League, expressed concern that the commission was biased against Banyarwanda and that its actions constituted a witch-hunt against the Banyarwanda aimed at depriving them of their constitutional rights. Again the nationality

question was not resolved. Nyanga, Hunde and other ethnic groups in the region had hoped to resolve the issue in their favour at the National Conference but this did not occur, despite the fact that some Banyarwanda, particularly the Tutsi, were denied representation at the Conference on the grounds that they were not Zairians.

There have been reports that only days before the violence began the governor of North-Kivu region made public speeches calling into question the nationality of the Banyarwanda. He reportedly promised that the security forces would assist Nyanga and Hunde to "exterminate" Banyarwanda. The governor and his deputy were suspended at the end of July 1993 but the authorities did not give reasons for their suspension or indicate whether there would be any further action or inquiry in connection with the violence. Sources from North-Kivu claimed that some members of the security forces in civilian clothes were involved in the violence against the Banyarwanda. Some of the soldiers sent to the area to quell the violence were reportedly involved in looting and raping women. In mid-July 1993 President Mobutu sent about 140 members of the DSP to the region, ostensibly to quell the violence, but their presence has yet to have any such effect.

Some Banyarwanda were reported to have re-grouped and staged counter-attacks, killing and injuring some Nyanga, Hunde and other ethnic groups. Government officials in Walikale and Masisi were reported to have, in some cases, provided firearms to non-Banyarwanda. Apparently in preparation for the attacks, Banyarwanda members of the security forces had been transferred from North-Kivu region to distant regions. The army commander for Masisi and Walikale districts is reportedly a Nyanga. No arrests of those who started or carried out the violence had been reported by August 1993. No action is known to have been taken by the authorities against the attackers, possibly because the victims were supporters of political parties opposed to President Mobutu.

10. Conclusion

Zaire's 33 years of independence have been characterized by systematic and widespread human rights violations by members of security forces led by President Mobutu Sese Seko. The scale of human rights violations has become more pervasive over the past three years, since the country embarked on a program of political change which, initially, seemed set to take the country towards a multi-party political system. Some of the violations have taken place in situations of armed opposition and intercommunal disturbances. Despite appeals by Amnesty International and other organizations, extrajudicial executions, torture, "disappearance", arbitrary arrests and unlawful detention have been used to crush opposition to President Mobutu.

Zaire has attracted media attention since its independence, usually because of endemic political killings and other human rights violations. It was the first country to which UN peace-keeping forces were deployed in the early 1960s. The UN Secretary General, Dag Hammarskjöld died in a plane crash while on a mission to the region. Much of the publicity during the subsequent three decades was due to the Cold War rivalry between Western powers, especially the United States of America and the former Soviet Union. Zaire was a rich source of strategic raw materials such as uranium, but more importantly it was used to sustain US anti-communist policy towards neighbouring Angola. Zaire was used by the USA to support the Angolan armed opposition group known as the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola. Although Amnesty International and other human rights organizations published numerous reports about human rights violations by President Mobutu's government, the reports appeared to generate little pressure from the Western powers that supported President Mobutu; these governments maintained their support for his government until strategic and political considerations made this no longer a priority for them at the end of the 1980s.

However, there has been some change of attitude, especially since the introduction of political reforms in the former Soviet Union. Some of the change has resulted from the work of human rights and other organizations, who have urged their own governments to put pressure on Zairian authorities to end human rights violations. It is partly as a result of this pressure that President Mobutu accepted the holding of the National Conference with a view to reforming the Zairian political system. However, President Mobutu and his allies in Zaire have obstinately and consistently blocked, by the most vicious means available, all reforms that would remove him from power or reduce his grip on the mechanisms of power.

Amnesty International believes that unless Zairians are allowed peacefully to exercise their right to freedom of association and expression -- including the right to freely choose their leaders -- without fearing assassination, torture or imprisonment, there can be no hope for an end to the current political, social and economic crisis. The organization welcomes a resolution adopted in March 1993 by the UN Commission on Human Rights deploring the torture of detainees, inhuman prison conditions, "disappearances" and summary executions. The Commission asked UN special rapporteurs to focus their attention on Zaire. The resolution was adopted by consensus of 53 states. Other UN and regional bodies, especially the Organization of African Unity, need to add their voices to the support for the many thousands of Zairian victims of human rights violations.

11. Recommendations to the international community

The following recommendations are intended to address the human rights violations of the past, as well as providing safeguards to prevent similar abuses in the future. Amnesty International has submitted many recommendations to the Zairian Government, which has taken no steps to implement them. This is why the organization is now appealing to the international community to exert influence and pressure on President Mobutu and his political or military supporters to commit themselves to the prevention of human rights violations. While the recommendations stress the government's obligation to prevent human rights violations, responsibility for ensuring that safeguards are adopted which will promote respect for human rights in Zaire also rests with the international community.

President Mobutu and others who exercise authority over the security forces should take and announce urgent and decisive measures to halt the spiral of attacks on human life and dignity. They should publicly condemn all forms of abuses, including ethnic persecution, extrajudicial executions, arbitrary and unlawful imprisonment, torture and "disappearance".

The silence of President Mobutu and others who control the security forces so far in the face of gross human rights violations has effectively told those responsible that their actions are supported by the authorities and that they can continue to violate human rights with impunity. President Mobutu should make a personal and public commitment to the protection of all people on Zairian territory, regardless of their political or ethnic affiliation, and ensure that government and security officials under him do likewise.

All political groups involved in the Zairian power struggle have an obligation to uphold minimum humane standards, set forth in Common Article 3 of the Geneva Conventions of 1949⁹, to which Zaire became party in 1961. Amnesty International calls on all of them, leaders and supporters alike, to respect these standards at all times. They should take immediate steps to end deliberate and arbitrary killings, to stop torture and other forms of cruel, inhuman or degrading treatment of all people in Zaire, and formally to commit themselves to work for the human rights of all Zairians, regardless of ethnic affiliation or political opinion. National and local officials should unreservedly condemn the deliberate and arbitrary killings, commit themselves publicly to observe basic human rights and the minimum humane standards set out in Article 3. This applies to situations of internal conflict and requires that all those taking no active part in

⁹ The current situation in Zaire is amounting to a civil war in many respects. Adhering to Common Article 3 of the Geneva Conventions is a first step which should be followed by the adoption of safeguards contained in international human rights standards.

hostilities, including civilians and wounded or surrendered combatants, should be treated humanely. Common Article 3 specifically prohibits the commission of various acts against those taking no active part in hostilities, including:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment or torture;
- taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment
- 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.

Amnesty International has appealed to all governments which are core members of the Organization of African Unity (OAU) to ask the OAU Assembly of Heads of State and Government to address human rights violations, in particular extrajudicial executions, in its member states publicly and regularly. It is essential for them to condemn such killings in Zaire.

Governments should also press the Zaire Government to extend full cooperation, as requested by the UN Commission of Human Rights at its 1993 session, to UN special rapporteurs, particularly the Special Rapporteur on summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances.

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