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MEDICAL FOUNDATION

ZAIRE:

A TORTURE STATE

Cécile Porta



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The Medical Foundation wishes to thank Gwen Marsh and Imogen Forster for their translations of different chapters of Maître Porta's French text.

The Medical Foundation

Founded in 1986, the Medical Foundation exists to enable survivors of torture and organised violence to engage in a healing process to assert their own human dignity and worth. We advocate respect for human rights and are concerned for the health and well-being of survivors of torture and their families. We provide them with medical and social care, practical assistance, and psychological and physical therapy.

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INTRODUCTION

Since the Medical Foundation for the Care of Victims of Torture opened its doors in 1986, hundreds of Zaïrian torture survivors have sought treatment and rehabilitation from us. Our physicians examined and documented many of their cases. Others received counselling, therapy and practical assistance.

Shortly after the Mobutu regime collapsed in May 1997, we decided to look systematically at our case files with a view to preparing a study about the use of torture and organised violence in the former Zaïre. Some 800 files were examined, of which 511 contained sufficiently specific information (details of arrest, places of detention, security agencies involved, types of torture and violence used) to include in the study.

This report has several purposes:

1. It documents the scale of the use of torture and violence by the Mobutu regime as seen in individual cases of torture. We hope and intend that this documented record, by acknowledging the cruelty that they suffered, may help individual torture survivors come to terms with what happened to them.
2. The report describes the nature of the apparatus of torture and repression that allowed Mobutu to stay in power for so long: the structure, training, special characteristics and distribution throughout the country of the different security forces as well as the interplay among them. Documentation of the entire system of torture points out the perversion of the normal role of the modern State as protector of the rights of its citizens.
3. When we began the study, in the summer of 1997, we hoped that the new government of the re-named Democratic Republic of the Congo (DRC), led by President Laurent Kabila, would draw a line under the human rights abuses of the previous government. Specifically, we had hoped that the DRC Government might institute a thorough inquiry into these past abuses, by way of a national truth commission or an independent investigative tribunal, with a view to bringing to justice the main security agents and Mobutu-era officials who had used and condoned torture. Such was not to be. Any notion of an investigation into Mobutu-era human rights abuses was quickly overtaken by the mass killings of Zaïrians and refugees in eastern Zaïre during and after Mr Kabila's successful march to power. The UN mission investigating those massacres has had to leave the Congo, its mission unfulfilled.

The Medical Foundation believes that it is not too late, despite President Kabila's disagreements with the United Nations about its investigative mission, to investigate past abuses and prosecute those responsible. The Medical Foundation will present this report to the new Congolese Government, asking them to conduct such an inquiry into past human rights abuses. It is not inconceivable that the DRC Government would want to undertake such an official investigation, if for no other reason than to broaden the UN's investigation to cover a much earlier period.

Although the focus of this report remains the historical record of torture under Mobutu, we cannot ignore the mass killings that occurred in eastern Zaïre and, after May 1997, in eastern and other parts of the Congo. The **Epilogue** to this report collates

information from the many published and some unpublished reports on human rights abuses by Kabila-led forces that have been written by the major international human rights organisations. The Epilogue also draws on interviews taken in the field from Rwandan refugees and local Congolese in eastern Congo during the summer of 1997. In addition, a small number of torture survivors who suffered under the new DRC Government have reached the Medical Foundation in London.

4. *Zaire, A Torture State* is being published on the occasion of the UN-sponsored intergovernmental treaty conference in Rome that will probably lead to an International Criminal Court (ICC). Had such a court existed during the 32 years of Mobutu's torture state, and had it had the necessary jurisdiction and independence, it is possible that it could have served as a brake on some of the worst excesses of his regime by bringing charges against accused torturers.

Jurisdiction and independence are among the critical issues to be discussed at the ICC Conference. Like all the major human rights organisations, the Medical Foundation supports an ICC that will have jurisdiction over the international crime of genocide and other crimes against humanity. Specifically, we call upon the Conference to give the ICC jurisdiction over torture, murder, disappearances and rape as crimes against humanity whenever they are practised on *either* a large-scale *or* systematic basis. *Zaire* is a case where these crimes were both widespread *and* systematic; there are other countries, however, where these crimes are systematic but more narrowly targeted.

The ICC must be independent, both of the Member State whose officials are accused of a crime and of the UN Security Council, which all too easily could block an investigation of a particular government's human rights record. Had the ICC existed at the time, but without the powers to initiate an independent prosecution, no doubt one of the five permanent members of the Security Council would have vetoed any such investigation or prosecution of alleged Zaïrian torturers.

5. By establishing definitively that torture occurred on such a large scale and was so systemic in *Zaire* during the Mobutu period, this report should prove useful in approaches to the UK Home Office, which relies on its own country assessments to grant or deny applications for asylum in this country. To put it bluntly, the Home Office got it wrong with regard to the human rights situation in Mobutu's *Zaire*, which in their view was forever "improving". The consequence of this faulty analysis was the refusal of many Zaïrians' claims for asylum, sometimes despite the fact that they had been tortured.

To this day, the Home Office maintains that although prison conditions were appalling in *Zaire* and torture and beatings were reported, the main motivation for Zaïrians to leave their country was economic:

"Under Mobutu's regime everyday life for most ordinary people in *Zaire* was economically precarious and subject to uncertainty and intimidation when in contact with officialdom. Widespread abuses of personal liberty occurred, *although not necessarily within the generally accepted definition of persecution covered by the UN Convention on Human Rights* [emphasis added]. ...

"In general, however, the limited post-1990 changes led to a reduction in the level of political repression. With the exception of times of particular tension or large scale public demonstrations, opposition was generally tolerated, and *there was an absence of systematic persecution* [emphasis

added]. Economic problems, instability and general insecurity have been largely responsible for the large numbers of Zaïrians seeking asylum in Western European countries, notably Belgium and France.”¹

The Medical Foundation believes that this assessment is fundamentally flawed. Far from lessening after the limited liberalisation of 1990-91, political repression grew heavier. For reasons of increased corruption among officials, inter-service rivalries among the armed forces, new internal threats to the regime itself, and the end of the Cold War (which had previously determined Western support), the post-1990 period was especially dangerous for opponents of the increasingly unstable regime.

This is not an academic point about historical analysis. The Home Office assessment of the former Zaïre informs the way they think about the current DRC and is, moreover, too typical of their analyses of other countries where they visualise improvements in the human rights situation that few others seem to see.

* * *

Zaïre, A Torture State is the second Medical Foundation report on torture in Zaïre. In 1995 the organisation published *Zaïrian asylum seekers in the UK: their experiences in two countries*. It is a legal and medical analysis of 92 Zaïrian torture survivors interviewed and examined in London by Medical Foundation doctors during the calendar years 1993 and 1994.

That study showed, *inter alia*, that arrests continued on a large scale after the 1990 liberalisation began: the case sample of the earlier report revealed that the number of UDPS (opposition party) arrests doubled after that date. It also showed that, despite the interval between the torture and medical examination, which was more than a year in about half the cases, in 72 cases (78%) there was scarring which was considered to be consistent with the asylum seeker’s allegations of ill-treatment and torture.

These Medical Foundation reports demonstrate the pervasiveness of torture in the former Zaïre and the severity of its consequences for our clients and the many thousands of other torture victims. Stopping torture and other gross violations of human rights on this scale is not easy. It is a matter of political will.

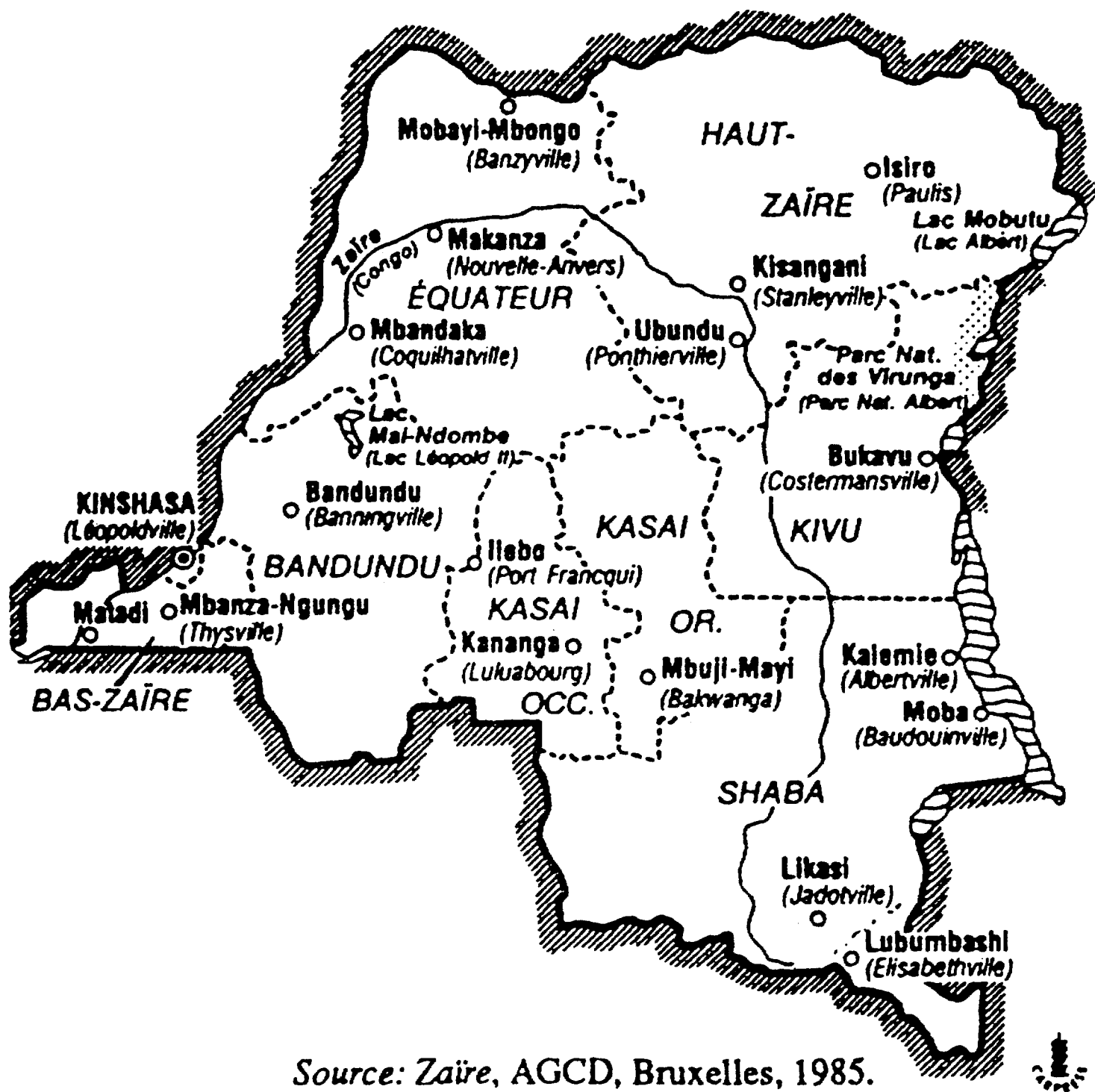
Where that will is clearly lacking, as with Mobutu and his regime, it is all the more important for foreign governments and intergovernmental organisations to play an active part in pressing for improvements and safeguards to protect human rights. An International Criminal Court, if established in this 50th anniversary year of the Universal Declaration of Human Rights, would be one step in that direction.

In the meantime, it is likewise important for governments, including our own, to recognise that torture and other forms of organised violence **did and do occur** systematically and on a large scale in countries like the former Zaïre -- *within the generally accepted definition of persecution*. All States Parties to the 1951 Convention

¹ Home Office Country Information Policy Unit, “Democratic Republic of the Congo (formerly Zaïre)”, version 1.0, March 1998.

relating to the Status of Refugees and the 1984 Convention against Torture have binding international obligations to offer protection to refugees fleeing such torture and persecution.

It seems, however, that this too requires political will.



Source: Zaire, AGCD, Bruxelles, 1985.



CHAPTER 1

POLICIES LEADING TO REPRESSION

The former Mobutu dictatorship exhibited policies all too familiar among authoritarian regimes: the importance of an appearance of legality and of legitimacy; the political privileges used by Mobutu to divide and rule; the way in which the entire society was watched and infiltrated; nepotism and other forms of corruption; repression that generalised the violence throughout society and was increased by the impunity of all of the armed forces. This report is a study of the system and the impunity that allowed torture and organised violence to flourish in Mobutu's Zaïre.

The institutions of the Party, i.e., the Popular Movement for Revolution (MPR), and of the armed forces, including military, paramilitary and security services, were the means by which Mobutu implemented the policies of dictatorship and repression. In Zaïre the MPR, during the thirty years of Mobutu's dictatorship, imposed the policy to be followed. It scrupulously included the whole population, at all levels and in all social groups. In the same way, the army and paramilitary forces were the State's instruments of coercion, ensuring that he remained in power.

The policy for legitimacy

A new regime must win the approbation of the population and of the outside world. As far as the domestic population was concerned, Mobutu's regime was made legitimate by re-establishing peace and setting up the institutions necessary for governance. Mobutu's foreign policy affirmed the position of Zaïre on the international scene as an African power and as an ally of Western countries, obtaining recognition and legitimacy on all sides.

General Joseph Désiré Mobutu had met with little resistance when he came to power in 1965. Wars of secession, tribal wars, mutinies in the army had punctuated the five years of President Joseph Kasavubu's regime.² The population, tired of wars and the political conflicts tearing the country apart, gave a more than favourable welcome to the young general. He was welcomed as the one to bring political and economic stability to his country, while his talents as an orator and his military successes increased his popularity.

Mobutu set about to **centralise** and **unify** the country, giving back to the people their sense of what it was to be Zaïrian. Mobutu himself liked to recall that it was he who had brought peace and stability to the country ("before me, the chaos"), that he alone could guarantee its continuance and that he was, in short, the saviour of a grateful nation.

In order to cement together the more than 200 ethnic groups speaking 450 languages, Mobutu chose a policy of centralisation. He put an end to the autonomy of the

² President from 30 June 1960 to 25 November 1965

provinces. They were reduced in number from 20 to nine, which were: Kinshasa, Bandundu, Equateur, Kasai Oriental (Eastern) and Kasai Occidental (Western), Kivu, Bas-Zaïre (Lower Zaïre) and Haut-Zaïre (Upper Zaïre), and Shaba. All provincial prerogatives were re-allocated to the centre. Provincial assemblies were replaced by provincial governors with the status of senior civil servants appointed centrally. Even local officials were civil servants, responsible to the central power.

To succeed in making the Zaïrians -- this mosaic of ethnic groups -- feel that they all belonged to one country, populations were mixed together so that people found themselves sharing cultures different from their own region. Those working in public services were systematically moved from one region to another.

Centralisation made it possible to bring unity to the country and give the population a sense of belonging to one and the same nation. But that does not alter the fact that such a policy, by centralising all power, above all served the interests of Mobutu and his closest aides.

The other unifying policies early on were **one-party rule** and **nationalism**. Within the framework of Party-State, the MPR had the role of promoting national unity. All Zaïrians found themselves in one body politic: the MPR. At all rungs of the ladder and in everyday life the people were aware of the Party -- through MPR youth organisations and 'Mobap' (mobilisation and peoples' action).

The nation was glorified with the ceremony of saluting the flag and singing the national anthem every morning at 7.30 in public places, by praising African values and by the search for "authenticity". The latter consisted, among other things, of abolishing the Western collar-and-tie style of dress and replacing it by an African style called the *abacos*, derived from the phrase "*à bas le costume*" (down with suits), and was composed of a suit of some dark colour with short-sleeved jacket, long-pointed collar and a scarf. For women, tight trousers and mini-skirts were forbidden, as were straightened hair and creams to lighten the complexion. Also, Western given names were forbidden and replaced by African ones.

Wearing a tie came to be considered a political act for men, an expression of open opposition to the regime, and persons were arrested for it. In May 1990, for example, after Mobutu's April speech about opening the country to democracy, one Medical Foundation client went with some friends to a nightclub to celebrate the event. He thought that after this speech men could wear neckties, but he was arrested outside the nightclub because he and his friends were wearing ties and were therefore taken to be members of the opposition UDPS party.

In the name of unification the central government tried to ensure as far as possible that all the tribes had equitable representation. This meant systems of quotas almost everywhere (universities, army and other official institutions) and modifying electoral boundaries. However, all these measures used to reduce the sense of belonging to a tribe were to fail. They not only had exactly the opposite effect but in addition favoured the rebirth of tribal cultural associations. This actually encouraged a policy of favouritism among members of the same region or tribe, an attitude that was deeply felt. In everyday life this meant that everything depended on relations and tribal connections. The Ngbandis, originating from Equateur province, proved to be the most favoured in this system since they came from the same tribe as Mobutu and his principal aides.

Mobutu succeeded, however, in creating a certain unity for the country. Zaïrians experienced civil peace and a certain level of prosperity. Thus, even though Mobutu exercised repressive measures, e.g., the Whitsun hangings in May 1966,³ he was not widely held to be excessively harsh. In any case, no voice dared to criticise the Head of State, who was feared and respected.

It was not enough to unify and stabilise the country. It was also necessary for the regime to provide the institutions for governance that at the same time would justify its legitimacy. Zaïre was given a Constitution and legislative and judicial institutions to govern the country by universally acclaimed standards, including the Universal Declaration of Human Rights alluded to in the Preamble to the first Constitution. However, these institutions were basically flawed. Specific clauses in the Constitution allowed a repressive regime to develop by concentrating all powers in the hands of one man. By using the prerogatives conferred on him by the Constitution, Mobutu created structures that guaranteed that his policy and his will alone would prevail, whether by law, force or repression. (See Chapter 2 on the institutions of repression.)

The existence of the Constitution and legislative texts gave **the appearance of legality**, whereas in reality one witnessed the infiltration and organisation of a society doomed to be ruled by terror and repression. But this appearance of legality was important for those persons who took part in the policies of the regime who needed to feel that they were acting within a framework that respected a seeming normality and legality.

The appearance of legality was important also vis à vis other countries, whether in political or economic relations. Hence Zaïre expressed its “commitment to democracy” and to the respect for human rights demanded by other members of the international community. Zaïre ratified most of the international conventions and treaties, including the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴ Zaïre also played an important role on the international scene as an African power -- its position and policy on the problems of the African continent were respected -- and beyond African matters, it was a powerful and loyal ally for the West. At the United Nations Mobutu’s influence was strong and his orations famous.

Mobutu established his power by bringing a certain unity to the country. He succeeded further in preserving the legitimacy of his regime by putting new institutions in place. And he became an indispensable person for other countries to consult. However, Mobutu’s power was not built on his policy of legitimacy alone. Other elements were necessary if he was to establish and keep power in his hands.

A power built on nepotism and repression

Mobutu applied himself with consummate skill to a policy of privilege and division. But the policy grew to gigantic proportions and the consequences were equally extreme. Nepotism encouraged corruption as well as serious economic and moral crises. The result could only be repression, held firmly in place by a police state. It was no

³ Prime Minister Evariste Kimba and three other ministers (Anamy, Bamba and Mahamba) were arrested and accused of conspiracy against Mobutu. They were hanged publicly on Whit Sunday.

⁴ See Appendix on the international instruments forbidding torture and ill-treatment.

longer a question of the State ensuring peace and security, but of a state of violence and legalised crime in which all values were turned upside down.

Very quickly Mobutu invested in a personality cult: for the population at large, for traditional chiefs in all regions of the country, in neighbouring African countries and among Western allies. Surrounding himself with a veritable court in the manner of an absolute monarch, he appointed or revoked, and rallied those he needed who owed him allegiance. Among this little universe of partisans, alliances were made and unmade, conspiracies flourished, always with Mobutu's blessing as he himself played on these divisions and misunderstandings. He exploited this **policy of privileges** to extract loyalty and support from some and manipulate the envy and covetousness of others, always in the end **dividing to rule**.

Among his privileged were those known as "Mobutu's beloved children" (*les enfants chéris de Mobutu*), among them such aides of mixed race as Kengo Wa Dondo (his mother Rwandan, his father Polish) or Seti Yale (mother Zaïrian, father Portuguese). There were also the family and people from Mobutu's own tribe or region. Thus the most important offices of State, including the military High Command and those in charge of specialised forces, were held by people from Equateur province. This was also the case with posts of heads of secondary and higher education as well as those in public and private enterprises.

As Mobutu developed this policy of privilege to excess, it could not fail to cause injustice and frustration. "In the heart of the Equateur region ethnic groups other than the Ngbandi state publicly that some citizens close to the tribe of the Head of State have marginalised all other nationals so as to keep the 'leopard's' [Mobutu's] share of power and the advantages it brings. They live for the most part in a state of opulence which can be explained neither by their status nor their known activities."⁵ The Ngbandi stood out as the most privileged group.

But this policy weighed heavily on the presidential budget, which officially comprised an average 15 to 18% of the State budget during the Mobutu years, and in reality much more. In fact the presidential budget was having to finance insatiable demands from Mobutu's very extended family and closest collaborators. It was also necessary to buy off trade union leaders to calm a strike, to organise press conferences and coverage to spread disinformation, and to buy off university professors if they demanded higher budgets (offering individuals cars, for example, which would be taken back by agents of DSP, SARM or the Civil Guard if the professors persisted in their demands).

This policy of privileges led inexorably to **corruption**, which was practised at every level of the regime. Mobutu himself, when he made a public speech at Kinkole for the fishermen's festival at the end of the 1980s, recommended that Zaïrians "*iba mais iba moke*". ("Steal, but not everything. Think of the other fellow!") When General Kpama Baramoto Kata finally rose to be commander of the Civil Guard, he offered, from the Civil Guard budget, Mitsubishi Pajero 4x4's to the General Secretary of the MPR and his two deputies. Or again, at Christmas, the head of the Water Department sent the keys for a Mercedes with his greeting card to the President and some of his nearest aides, like Seti Yale.

⁵ "Halt to the colonisation by the Ngbandi and their allies!" *Le Potentiel* (Zaïrian journal), n.46, 16 May 1994.

Privilege and corruption were to have serious repercussions and not only for the economy. In the first place, alliances built on such bases could not really be expected to last. All through his regime the Head of State's mistrust of the people around him steadily grew. Playing on their rivalries and conflicting ambitions to neutralise any attempt at a conspiracy against himself, Mobutu from the mid-1980s reduced as much as he could his circle of "faithfuls" and overarmed the two main security forces, the Civil Guard and the Special Presidential Division (DSP), to the marked disadvantage of the other armed forces. This long-established policy had disastrous consequences at the fall of the regime in 1996-97 when the army and other military forces were incapable and unwilling to fight the invading force supporting Laurent Kabila.

From the point of view of the country, these policies had a ruinous effect on the people's mentality from the very beginning of the regime. Corruption served the **policy of repression**, for it enriched and gave enormous power to those who used it to repress others. Equally it allowed the muzzling of those who might have spoken out. It swept away justice by making it possible to buy silence and submission. The rich and powerful enjoyed total impunity. There were no limits, all was permitted, repression and terror could reign.

The regime, moreover, was to become more and more repressive. At the time when the country was opened to a multiparty system and to promises of greater respect for human rights in 1990, there was an explosion of demands from the population through political parties, the press, published *memoranda*, televised debates at the Sovereign National Conference (the special constitutional congress called in 1990), and through the Commissions on "ill gotten property" and "assassinations" which were proposing to re-examine the recent history of Zaïre. Mobutu had never been so openly criticised or called to account. Explanations and excuses were exacted from him, but even then in a spirit of renewing the dialogue and trust between the Zaïrians and their President. Mobutu refused to speak to the National Conference. He ignored demands for clarification, missing perhaps the last chance to change course. Faced with such unpopularity and hostility from all sides, Mobutu isolated himself (by the end of his regime his fear of being assassinated and the insults that his public appearances provoked would drive him to take refuge aboard his boat and avoid contacts with the population in every way possible). And repression was to become even more savage.

The repercussions on the economy of privilege and corruption were disastrous: **the country was systematically pillaged**. In fact the priority was for increased wealth for the well-off, not for the welfare of the country. Personal interest came before collective interests or those of the State. No real effort was made to develop the country, so the economy collapsed.

At the time when scrutiny of the accounts was inescapable, after the two Shaba wars of 1977 and 1978, the findings were catastrophic. In his speech at N'Sele in July 1977 Mobutu made a "diagnosis of the illness that strikes" Zaïrian society, which he called the "**Zaïrian disease**": this was caused, he argued, by an utter inversion of the Constitutional motto "Peace, Justice, Work" and the motto of the MPR, "To serve others, not oneself". Mobutu made an astonishing critique of the situation. He denounced "the exploiters of the people", namely: the cadres of the Party who transform the budget for their department into a private portfolio, who abuse their title to escape customs regulations, or those charged with the management of a public service who manage a "sophisticated mechanism intended purely and simply to steal what belongs to the

Nation". The State, he continued, was considered an instrument for individual enrichment, cadres indulged in "a frantic rush towards embezzlement, incompetence and chaos" and, hiding behind the President, created for themselves "a juridical immunity or policy of abuse". Mobutu's conclusion was that in Zaïre "everything is for sale, everything can be bought, the holding of any ordinary sort of public office constitutes a veritable currency valid in exchange for illicit money deals or some material or moral gain, or the evasion of all sorts of obligations... The exercise by a private person of the most legitimate right (like making an appointment with an official, registration at a school, access to medical care, a seat in a plane, the obtaining of a diploma, an import license) is subject to an invisible tax."⁶

To remedy these abuses there were plans to reorganise the army (which had shown itself incompetent), to reform certain political institutions (with a view to a democratisation of the Zaïrian political system and decentralisation of the economy and administration) and to embark on a clean-up and rehabilitation of Zaïrian society.

That same year Mobutu launched the "Mobutu plan", a project of economic renewal which he compared to the Marshall plan. The plan envisaged an aid programme within Zaïre matched by a request for a loan from the IMF. This would result in Zaïre's even greater dependence on countries abroad since its survival depended on this foreign aid. In spite of mounting criticism of Mobutu's regime abroad, his foreign allies came to his aid once more. The international political context, in particular the Cold War, was such that Zaïre had to be supported. Yet the picture was hardly bright and despite the plan for renewal, the economy continued to deteriorate.

Zaïre has enormous potential for development (immense mining resources, excellent conditions for the development of fishing and agriculture -- both in climate and in arable land), yet is one of the poorest countries on the planet. In 1995, the GNP per inhabitant was US\$100, whereas the World Bank set the poverty threshold in Zaïre at \$370.⁷ Zaïre's equally poor neighbour Angola, at war for more than twenty years, supplies food and pharmaceutical goods to the biggest market in Kinshasa. The neglected infrastructures in the cities are crumbling, and the standards of hygiene are disastrous (infections and parasites are the cause of 51% of deaths, not counting viruses, epidemics of tuberculosis, or malaria). Hospitals are in an extreme state of destitution, the patients and their families have to supply material needs and food and pay the medical staff.⁸ Life expectancy is between 40 and 45 years. Families devote nine-tenths of their income to food, and that is often just enough to provide one meal a day. This excludes of course any possibility of parents being able to afford schooling for their children and, in any event, the educational system too is in a piteous state at all levels.

Public revenues fell from US\$1.176 billion in 1980 to \$253 million in 1993, whereas outgoings increased from \$930 million in 1989 to \$10.008 billion in 1993. The armed forces alone represented \$150-200 million expenditure that year. Because one of Zaïre's main products was printed money, the country was subject to chronic hyperinflation.

The breakdown of the economy and of the political and administrative structures is described by Viktor Rousseau: "The absence of any recognition of rights by the State, of

⁶ *Studia Diplomatica*, 1979, 32 n.1

⁷ Didier Numengi, "Le mal Zaïrois", *le Monde Diplomatique*, November 1995.

⁸ Florence Beaugé, "Misère et dignité à l'hôpital Mama-Yemo", *le Monde Diplomatique*, December 1996.

honest administration, or a minimum of justice and security have led the economy to a Mafia-like system of rackets and extortion. Many economic operators, private and public, faced with this state of decay, have themselves been tempted to live on the anomalies of the financial system. When their salaries fail to arrive, civil servants have turned their positions to their own profit, accepting payment of rates and taxes in promissory notes which in reality were worth only 5 to 10% of their face value. Immense fortunes have been built up in this manner in a matter of months. Foreign operators of all nationalities have become associates of local potentates whose power rests essentially in armed force. Public finance has been plundered under the pretext of political adjustment. All has been a pretext for massive outflows from the public treasury.”⁹

To cope with the situation the majority of Zaïrians invented survival techniques, operating in the parallel economic system to devise their own solutions (according to the so-called “article 15: *débrouillez-vous*” -- Find a way!).

The crisis in Zaïre was not only political and economic but also a grave moral crisis implying a complete reversal of values: a system where corruption became the social norm, where *find a way* and the absence of law became regular, “normal” practice, and where breaking the law was part of political culture, a regime where one lived complacently with lies.

Mobutu’s Zaïre experienced a **general repressive autonomy**. Any official, no matter how lowly, could repress on his own authority without fear of sanction. No one had to account for himself before the law. But everyone was likewise caught up in a system in which he could be either hangman (everybody who possessed a measure of power was accustomed to abuse it) or victim (no one was safe from being arrested in his turn). Any attitude of refusing to participate in such a system by, for instance, not practising repression or else limiting it, would expose one to real danger.

The case of Mr B, a Medical Foundation client, is typical of many hundreds of Zaïrians. General Nzimbi, who was the head of the DSP, recommended Mr B for a job as a civil servant at the Zaïrian Institute for the Conservation of Nature. The president of the Institute was suspected of working for the opposition. Because Mr B warned him that he was in danger, Mr B was himself arrested and tortured.

The country was muzzled. Mobutu had the members of the government and his entourage under his thumb and the army and paramilitary forces under his control. The latter were the means of imposing his policies and silencing all opposition. Together they had worked to bring a police state into being in which all rights and liberties were denied; to create a regime of terror and repression, where crime was the rule and where those opposing it were systematically persecuted. Society was watched on and infiltrated by the different security and intelligence services operating in all social groups.

Torture and repression were thus part of an organised, structured, planned system to become in time the very essence of the State, the condition without which, once challenged, the State would fall apart.

The generalised repression constituted a concerted plan with a view to the perpetration of State crimes, including torture, in a systematic fashion and implying a hierarchic structure. Besides the individuals and groups involved, the State apparatus put itself at the service of crime.

⁹ “Zaïre: les chemins tortueux de la transition démocratique”, *Marchés tropicaux*, 19 May 1995, p.1019.

Even beyond the fact that a certain number of individuals supported a policy regardless of consequences, the culpability for these criminal activities reached the very top State echelons who condoned the crimes. So a civil servant or security officer found himself in a situation where he did not act within a normal framework of legality, but where the definition and perception of the criminal act answered to an inverted system of values.

In such a dictatorship the reversal of values distorts everything. The perception of good and evil responds to another logic, one in which a shared morality can no longer be a defence against the commission of inhuman acts. Any meaningful analysis of the pre-conditions for torture in Zaïre must begin with the fact of this reversal of values, which meant that among officers throughout the security system there was nothing to oppose the limitless exercise of repression.

CHAPTER 2

THE INSTITUTIONS OF REPRESSION

Building the Nation State

The relationships among Party, Army and State are characteristic of the founding of certain African states in the post-independence period. The birth of a new State, and especially its survival, requires that its people be united around common principles enabling them to see themselves as belonging to a single country and motivating them to help build and develop it. National unity is thus an imperative; it is the cement of the new State, guaranteeing its cohesiveness and representing a vote of confidence by the people in their new institutions. The challenge of national unity in new African countries has not always been easy to meet owing to their ethnic, linguistic and religious diversity.

In this light, the Party and the Army can be seen as privileged instruments in the service of national unity. This is the role they were actually to play in Zaïre under Mobutu.

The Party plays a vital role in building and integrating the State. It is the common denominator of all social sectors and ethnic groups, and the institution that binds them all together. The party that succeeded in forging that unity in Zaïre, and on which Mobutu relied throughout his three decades in power was the Mouvement Populaire de la Révolution (Popular Movement for Revolution, the MPR). The experiment in multiparty government during the first years of the Congo's independence had come to nothing, plunging the country into bloody chaos. The MPR was therefore welcomed as synonymous with peace and stability.

The MPR did indeed make it possible to put an end to the interminable conflicts that had eaten away at the country under President Kasavubu. However, this factor also determined Mobutu's belief in the values of single-party rule as against the dangers of the multiparty system. If the multiparty system were to come back, it would mean a return to instability and war. In his speech on 1 July 1977, after the first Shaba war, Mobutu declared, "After 12 years of Revolution and 10 of the existence of our national Party, the MPR, there are two fundamental things which I will not see reformed in any way: they are *national unity* and the *Popular Movement for Revolution*... The MPR is the basis of the peace we have established. Thanks to it, even if all Zaïrians do not speak the same tongue, they nevertheless speak the same language."¹⁰

Or again, in an interview with the editors of the journal *Politique Internationale* in 1986, when asked if the Zaïrian regime could be described as democratic, and if he would adapt himself to a multiparty system that would destroy the MPR's monopoly, Mobutu replied, "Democracy certainly exists in Zaïre. It works, in the framework of our state, and on the basis of our national cultural values. As any visitor will see, our country is now stable and well governed. As for the single-party system, it in no way signifies loss of

¹⁰ *Studia Diplomatica*, vol. 32, n.1, 1979.

liberties. On the contrary, the MPR permits ideas to compete within the framework of strict respect for our institutions. It is an organisation all the more sincerely approved of by the people in that, for my fellow-countrymen, the multiparty system appeared to be the relic of a political past that had gone for ever. The memory of the 44 parties that once drove the country's political life is still present in people's minds. And no one has forgotten that the proliferation of these bodies based on tribal groups was responsible, between 1960 and 1965, for the death of more than 500,000 people!"¹¹

The army also acted as a catalyst, helping to consolidate national unity and stabilise the state. In fact, the army was made up of people from every ethnic group, social category and religious affiliation. They were united in the same cause, under the same flag to defend the same values. With its discipline, training and unity, the army contributed to national integration. This process was reinforced by the non-military tasks it undertook: providing education, rural engineering and leadership of services to young people. In theory, it was supposed to be vital in enabling the young country to assert its strength and identity vis à vis other countries, and to be recognised as a fully-fledged state.

The Party and the army played a parallel and important role in the organisation of the Zaïrian state. But there was a difference between the single party and the army which influenced their respective development. In reality, the Party was above the army; the army was at the service of the Party and constituted one of its executive instruments. Military personnel were therefore expected to be loyal to the Party, to which they belonged on the same terms, in theory, as the general population. In practice, of course, the army constituted the only force that was organised, structured, disciplined and trained, and which had access to arms and ammunition.

As long as the state and the army enjoyed good relations, this model worked and the army, which enjoyed the state's confidence and support, in turn defended and protected it.

The case is different if the state has reason to mistrust its army, and if their relations are governed by suspicion and hostility. In order to protect itself, the state will then try to neutralise the army, with the result that, on the one hand, the army is diverted from its primary function (to preserve the stability of the state), and on the other hand, paramilitary forces are created to control and supplant the army.

This hypothetical development was borne out in practice in Zaïre. Relations between these institutions also explain certain aspects of Mobutu's policies. The balance between the state, the army and the paramilitary forces was very delicate. It depended on the way authority was shared among the institutions, especially those exercised by the civil authorities in the area of defence. Their different roles were fixed by the Constitution.

Under the Constitution of Zaïre, the Head of State was the supreme commander of the army, responsible for military appointments, and with special powers at his disposal enabling him to proclaim a state of siege or a state of emergency. He was the guarantor of national independence and territorial integrity. Thanks to his powers of legislation by legal ordinance, he also controlled the creation and organisation of the armed forces. In spite of all the means Mobutu had at his disposal to command and control his army, he

¹¹ *Politique Internationale*, n.33, 1986.

eventually created a paramilitary force, the DSP, for his own security and that of his family. All the paramilitary units and security services, each set up originally with a specific end in mind, were diverted from their primary function to fulfil a single purpose: to maintain Mobutu in power, and thus to repress all opposition. This arose from President Mobutu's fundamental lack of confidence in the competence and loyalty of his army.

It is worth noting that, unlike Latin American armies, whose officers mainly belong to a privileged caste, and are thereby removed from the problems and demands of the masses, officers in African armies usually come from the lower classes. Even if obtaining such a post allows them to advance socially and in some sense contributes to national development, it means that these people are or have been in direct contact with their country's social problems. They have faced the same difficulties of everyday life as the rest of the population, and remain aware of such problems, especially as they are also responsible for needy members of their families. As a result, officers who are qualified, who have achieved social success in comparison with their elders and who invest their hopes in the new regime can be very critical of it. As part of an organised armed force, they represent to an authoritarian regime a threat that it has to control and to be in a position to neutralise. But in addition to the criticism of the regime these officers may express, their frustration (if their social status does not ultimately match their expectations) can be great and can lead to violence and abuse of power as they try to compensate for what their position has failed to give them.

Mobutu set up various paramilitary forces in order to counterbalance this potential opposition. Their task was to maintain order alongside the police, and carry out surveillance of the army. The regime therefore depended on them to maintain itself in power. These forces were often better trained, equipped and paid than the army. They enjoyed considerable material privileges and above all, powers and prerogatives that made them a deterrent force against the army and a force of repression and terror against the population at large. Relations characterised by fear, hostility and conflicts of power and privilege between the paramilitary forces and the army served the interests of the regime, which profited from this division. Both sorts of armed forces nevertheless remained an element difficult to control, always requiring more surveillance, more repression and greater power for the Head of State.

Zaire's successive constitutions always conferred enormous prerogatives on the Executive. The first Constitution, of 1 August 1964, replaced the Fundamental Law of 1960, drawn up at the time of independence. It significantly strengthened the authority of the Executive at the expense of the legislative branch. The military coup of 25 November 1965 brought with it a certain number of changes. As far as the executive branch was concerned, General Mobutu, as head of the army, appointed himself President of the Republic. A year after seizing power, Mobutu dismissed the head of the government, parliament was indefinitely suspended, and, with all political groups banned, the President of the Republic exercised the powers of head of government as well as those of the legislature. This gave him almost absolute power. Despite constitutional revisions throughout the life of the regime, and the adoption of new constitutions, his omnipotence remained constant.

The Constitution of 1974 introduced an innovation, namely non-separation of the institutions of the State and those of the Party. Article 28 states: "In the Republic of Zaire there exists a sole institution, the Popular Movement for Revolution, embodied in its

president.” The principle of single-party rule was thus established on the grounds that proliferation of parties had caused national division and ineffective government. The upheavals in the newly independent nation’s political life from 1960 to 1965 provided an unhappy illustration of this division in the body politic. Following the military coup, it had been decided that *all* political parties would be suspended for five years. However, in 1966 there appeared a political organisation called the “Corps des volontaires de la République” (CVR). This movement dedicated itself to fostering national consciousness and public participation in the Revolution.

Realising the benefit he could derive from such a movement, General Mobutu gave it his support. The CVR took firm root in all provinces. It became a tool in the service of government, promoting the idea of unification of all social organisations. This policy resulted in the creation of the MPR itself in April 1967, given legal sanction as the single party and fundamental institution of the Republic under the Law of 1970. The Constitution of 1974 was more specific. Under it the MPR was conflated with the nation. Thus, the Preamble to every successive Mobutu Constitution began, “We the people of Zaïre, united within the Popular Movement for Revolution”. By the same token, every Zaïrian was a member of the MPR (Article 8 of the Constitution of 1974 and Article 33 of that of 1982) and the MPR “embodies the Zaïrian Nation politically”. All Zaïrians were, whether they liked it or not, members of the MPR. This produced a certain geographical unity, since anybody could settle in any part of the country without then needing to attach any great importance to whether they belonged to a particular group or party. The use and popularisation throughout the country of Lingala (one of four national languages) reinforced the feeling of membership of a single community.¹²

By this argument the Party became the political expression of the Nation and was merged with it. The MPR thereby comprised all the rights of the Nation, and in order to take part in governing the state, a person had to be an active member of the MPR.

The President of the MPR was also, *ex officio*, President of the Republic (Article 30 of the 1974 Constitution and Article 36 of the 1982 Constitution). The various Constitutions thus established the omnipotence of the President. Even if the constitutional development of Zaïre tended towards a slightly more equitable division of powers, the President of the MPR – the President of the Republic – continued to enjoy huge prerogatives; nothing escaped his control.

First and foremost, under successive Constitutions, he embodied “Mobutuism” (a political philosophy developed by Mobutu himself), which “guides the Zaïrian people” and set the general orientation of national life. The President also exercised real constitutional authority, making the most important government appointments and exercising legislative power. He could initiate legislation, in conjunction with the Legislative Council, but if he declared a proposal or a bill urgent, it was given priority by the Legislative Council. He also ensured that laws were promulgated and put into force. In addition, while the Legislative Council was responsible for drafting laws, the President could, when it was not sitting, or in an emergency, take by legal ordinance measures that are normally the preserve of legislation.

¹² Lingala is the language of the Equateur region, from which Mobutu originated. The fact that the most important posts, political and economic as much as military, were held by people from that region gave Lingala *de facto* preponderance in relation to the three other regional languages, namely Tshiluba, Swahili and Kikongo.

He had regulatory powers; he made, by decree, the regulations governing police and public administration.

As regards judicial power, “he may remit, commute or reduce sentences” (Article 46 of the Constitution of 1982).

The other bodies of the MPR, and thus of government, were:

- From 1977, a Prime Minister, First Commissioner of State, responsible under the President for co-ordinating the Executive Council.
- The Congress, responsible for ruling on all questions relating to the basic options of the MPR. Its composition was set by the Central Committee (Articles 55 to 59).
- The Central Committee, the MPR body responsible for initiating, direction-setting and decision-making, whose members were appointed and dismissed by the President (Articles 60 to 66).
- The Political Bureau, the permanent body that oversaw the MPR’s decisions, and whose members were also appointed and dismissed by the President (Articles 67 to 71). Following the Shaba wars, the domestic and international political situation imposed a certain degree of liberalisation and democratisation. In law, at least, some changes appeared with regard to state institutions. As far as the Political Bureau was concerned, each of the nine regions, including Kinshasa, elected two political commissioners.
- The Legislative Council, responsible for drafting laws. It consisted of a single chamber whose members, the People’s Commissioners, were directly elected by universal suffrage (Articles 72 to 92).
- The Executive Council, the executive body of the MPR, chaired by the President of the MPR and President of the Republic. Its members were a First Commissioner of State and a number of Commissioners of State, all appointed by the President (Articles 93 to 99).
- The Judicial Council, made up of all the higher and lower courts and the Public Prosecutor (Articles 100 to 104).

The only limitation placed on the President’s exercise of power was located in the Central Committee, which was the “repository and guarantor of Mobutuism”. It was thus “competent to pass judgement on any act liable to infringe MPR doctrine, even on the part of the President of the MPR and President of the Republic”.

The President of the MPR and President of the Republic could be accused of *deviationism*. The procedure was, theoretically, as follows. After the Central Committee met, it would send a motion to the President, who would then present the grounds of his defence. When deviationism had been established, the Central Committee could depose the President of the MPR and President of the Republic (Article 63). In this sense, the President was accountable to the Central Committee. At the same time, one may doubt the independence and real effectiveness of such a system, knowing that the members of the Committee were appointed and dismissed by the President. Furthermore, since President Mobutu embodied Mobutuism, how is one to imagine that he could be accused of “deviationism”?

These virtually absolute powers made it possible for an authoritarian regime to be established. President Mobutu gradually permeated the whole of society, gaining total control over the political life of the country. As Commandant and Chief of Staff, he set about reorganising the army. The regime tightened its grip year by year, and Mobutu promoted himself, from General to Marshal. The country was governed by a soldier, and the regime itself became increasingly militarised. Mobutu needed soldiers, they were the people he knew best, and who suited his mentality of command. His leanings were towards hierarchy and military discipline rather than towards dialogue or democracy. Power was based on the army, with the military taking control of all sectors of civil, political and cultural life.

The levers of power

*In his report on the human rights situation in Zaïre, the Special Rapporteur of the UN Commission on Human Rights, Mr Roberto Garretón, states: "It is impossible to analyse the human rights situation in a country without taking account of its political context. Whether or not human rights are respected is a highly political question... While democracy cannot ensure full respect for human rights, lack of democracy ensures their violation. Democracy is a pre-requisite for, although not a guarantee of, respect for human rights. Dictatorship is a guarantee of violations."*¹³

Mobutu had less and less confidence in his army, which in the end he disarmed and reduced to a ragtag and impotent force, not to be relied on. At the same time he reinforced the power of his two principal security forces, the DSP and the Civil Guard, which were fully equipped and armed, thus creating a violent antagonism between them and the regular army. This climate of poverty and inter-service conflict was the background for the repression of the civil population.

All means were brought together from the beginning so that Mobutu might exercise absolute power and force. Little by little, moreover, the unique priority became no more than the staying in power of the Head of State and his privileged elite, who sought only their own benefit. As a result, the State would cease altogether to take a leading role in the public sector of civil society. This lack of State engagement would be one of the causes of the escalation of violence and the undermining of institutions, in particular, the judicial system. The climate of tension and violence would intensify, and with it, the powers of the paramilitary forces, and these of course would find themselves in direct conflict with the regular army.

The State -- in this instance, the Head of State -- is the first actor implicated in pursuing a policy of repression. The choice of regime, respect for its institutions, the formation of a police force which protects civil liberties, the country's economic health, the degree of liberty accorded its citizens -- all are the responsibility of the State.

Mobutu established a one-party State on a double pretext: first, the MPR, in its original manifesto, covered the different political currents prevailing at the time, so it was unnecessary to create another party; and second, the choice of a one-party system was the only one that could bring an end to the conflicts. He left Zaïrians no alternative.

¹³ United Nations, "Report on the situation of human rights in Zaïre, prepared by the Special Rapporteur, Mr Roberto Garretón, in accordance with Commission resolution 1994/87". UN document E/CN.4/1995/67, dated 23 December 1994, pp.22-23.

For Mobutu the **two levers of power** were **the army** and the **financial resources** of the country. These financial resources in effect served to pay Mobutu's collaborators and security services, buying the submission of some and the silence of others. As for foreign countries, Zaïre's potential wealth guaranteed their support. The armed forces allowed Mobutu to remain in power, crushing any opposition by the fear they inspired and by violence. However important and useful they might be, Mobutu never handled either with care: the country was literally pillaged and the army abandoned to its fate.

This situation resulted from the **total disengagement of the State**. One has only to see the progressive degradation of the country's economy, the decrepitude of the public services. The State was nothing more than a structure of oppression and rapacity, and especially from 1990 onward. Up to that time civil servants were mostly paid, even if salaries were derisory, and in spite of the abuses by the forces for law and order, a measure of security was still assured. With the total disengagement of the State, the escalation of violence intensified. The forces of order would never, or almost never, assure the protection and safety of the population. The so-called re-establishment of public order was in reality only the pretext for suppressing movements of social protest ("dead" towns, demonstrations, strikes, etc.) and holding on to power.

But the **violence of the armed forces in Zaïre** cannot be explained solely by the fact that they constituted the government's main instruments of coercion. It is explained also by **economic causes**. In fact, soldiers were not paid or were paid very little. So the only alternative was to resort to pillage and holding the people to ransom, encouraged by the passive attitude of the government, which took no steps to put an end to such practices. They were also encouraged by the climate of **general corruption, the state of lawlessness, absence of justice** and the **total impunity** enjoyed by the military.

Thus did the highways brigade of the Gendarmerie prey on motorists. Any pretexts were good for booking a driver, and anyway their offenses were often imaginary. This racket, moreover, was part of a vast enterprise from which the superior ranks of the military took the largest share. For the road user the fact of not having committed an offense could cost just as dear as if he had really broken the law. It was not a matter for protest, far better to pay up at once than to be taken to the station and have to pay double (for the local commandant also had to have his cut) or be arrested and have to pay to be released. He had to pay also to recover his papers that had been seized unless he wanted to see his vehicle taken away to the pound with no hope of getting it back in running order. As for the gendarme it was better for him to bring back a tidy sum when he returned to the station; otherwise, he would find himself deprived of his principal livelihood. Naturally it was impossible to put an end to such a system which benefited everybody from bottom to top. This racket was not only a wound bleeding the economy but also a not uncommon cause of actual bloodshed.

A balance sheet established by the Zaïrian Association for the Defence of Human Rights (Azhado) in 1994 showed that in Bandundu, to cross the military barriers manned by the Civil Guard (considered the most dangerous), pedestrians had to pay a sum of 200 NZ (Zaïre notes) and drivers 1,000 to 10,000 NZ, failing which they were beaten and tortured. Although this was a primary route by which food supplies reached the capital Kinshasa, the competent authorities made no effort to curb such abuses. The list is long of the elements of the Forces Armées du Zaïre (FAZ, the Army) and, from 1972, of the Gendarmerie responsible for raids followed by summary executions, houses looted and

set on fire and women raped.¹⁴ The story is the same for the customs service and frontier posts. Total lack of protection reigned in the markets, where traders were the victims of police harassment and even cruel physical attacks.¹⁵

Very few of the military have been called to account for such extortion. If a few of them have been, that was often the result of international pressure. This impunity, which led to unbridled threats and violence, was encouraged by the government's attitude. The latter could not claim ignorance of the pillaging, summary executions, nor of the financial plight of its unpaid soldiers. The responsibility of the government lies in the fact that it took no steps whatever to prevent or punish these acts or put an end to the situation.

"Impunity is not only the absence of punishment (legal impunity). It is also of a political and moral nature, since it provides the perpetrators with a version of the facts that justifies their action (confrontation, self-defence) or refutes evidence of their participation (suicide, accident)."¹⁶

Impunity depended also on total ignorance of the law and on the abdication of responsibility by the judiciary. In fact the Zaïrian Penal Code, like the Code of Military Justice, made provision for severe sanctions against those who might be guilty of serious infractions: Article 472 of the Zaïrian Code of Military Justice¹⁷ condemned military personnel to death if found guilty of violence or grave cruelty committed against the civil population "on the occasion of a police operation tending to the maintenance of or re-establishment of public order". The Penal Code, Article 435, provided for punishment "by life sentence in perpetuity [for] all pillage or damage to foodstuffs, goods or effects committed in bands by the military or by individuals setting off with either arms or open force (...) or with violence toward people". Article 436, similar to Article 472 of the military code above, condemned to death those guilty of such acts if the pillages had been "on the occasion of a police operation tending to the maintenance or the re-establishment of public order". Also punishable were the use of false papers or identification, deception, embezzlement, corruption (Articles 441 to 453 of the Penal Code), usurpation of official uniforms, decorations, distinguishing signs and emblems (Article 454 and 455).

Ordinance-Law of 1972, Article 26,¹⁸ bearing on the organisation of the Gendarmerie, provided that gendarmes "in the exercise of their functions...[could]...in the case of absolute necessity use force with blades or firearms." These cases of absolute necessity were defined as cases where "acts of violence or of assault when people took the law into their own hands were perpetrated against themselves or against others" or "when they could not defend otherwise the place they occupied, the establishment, the stations or the persons entrusted to them." To disperse mobs or suppress riots, gendarmes were authorised, according to the code, to use in case of absolute necessity weapons with blades without previous requisition "but they could not use firearms except on previous requisition from the authority legally responsible for keeping public order", except when "those responsible for the mob or riot were guilty of flagrant offenses that could not be brought under control without the use of firearms" and then, before any use of these arms, the Riot Act was to be read out.

¹⁴ *La Société* (Zaïrian newspaper), n.71 of 3-5 August 1994.

¹⁵ *Umoja* (newspaper), 16 November 1992.

¹⁶ Garretón, *op. cit.*, p 23.

¹⁷ Ordinance-Law n.72/060 of 25 September 1972.

¹⁸ Ordinance-Law n.72/041 of 30 August 1972.

But **the law remained a dead letter**: demonstrations met with terrible repression, during which the use of firearms was the usual response. The military indulged unperturbed in pillage, corruption and violence toward civilians. The military exploited any means to make money, selling their uniforms, their equipment, their weapons. This was carried so far that the gendarmes' mobile patrols found themselves without vehicles, the army and air force without fuel or spare parts for their equipment, and the army was effectively disarmed!

Most of the soldiers never received even a minimum of instruction, theoretical or practical, suitable to their functions. Some were illiterate (diplomas could be bought). So with their non-existent salaries and a total absence of discipline or morale, there were no means at hand to curb the impunity and violence of the army.

Even if the civil and military codes had not been so tightly drawn, one would expect the judiciary to control abuses by those exceeding the limits of the law. But the reality was quite different: not only was the law totally ignored but in addition the judiciary had no real power to pursue offenders (for lack of administrative and financial means, but especially for lack of independence due to pressure and threats).

Hence a **total devaluation of the judiciary**. Magistrates, procurators, advocates were all bought. It has to be said that the judicial administration and its officers were in the same state of deprivation as the other administrations: lack of training, no equipment, insufficient and often inexperienced staff who were badly paid or not paid at all. Corruption found fertile soil. Moreover, here was a system where the presidency and its family and wider relations considered themselves above the law, or at least not bound to respect it, and did not deny themselves the use of their power and influence to impede the course of justice if it suited their interests.

Just one telephone call from a general could suspend a hearing. What is more, magistrates were targets for threats, kidnapping, or arrest. Files and other pieces of evidence could be taken away. Magistrates were persecuted and threatened with death, for example, by security agents who meddled with judicial files that had nothing to do with state security. The president of a tribunal was kidnapped and threatened with death to force him to hand over to SNIP agents the files of a case currently in the courts under his jurisdiction.¹⁹ Judgments, if any, were parodies, or were botched up for lack of funds.

The judiciary could not assert its rights either to the independence or the impartiality that are necessary for upholding justice and the right of citizens to a fair hearing. Zairians, both individuals and associations, lost all confidence in their judicial system. The systemic crisis drove people to take justice into their own hands, which led to still more violence. Sometimes people, exasperated by the frequent pillages to which they were victim, would attack the soldiers to settle accounts, leaving dead and injured in both camps. The death of a soldier brought still more repression for the civilians: arrests, summary executions, raids, destruction of habitats and private property.

The population, at least those who had the means, turned to a system of private protection. Members of the military selling their services transformed themselves into veritable warlords. The holding, trading and use of arms were no longer controllable, and insecurity, far from disappearing, increased. This led to such a chaotic situation that the

¹⁹ *Le potentiel* (newspaper), n.490 of 11 July 1994.

government became incapable of limiting the violence. The army was meanwhile incapable of ensuring the safety of either the Head of State or the country.

In these conditions Mobutu came to lean still more heavily on his paramilitary security services. These were charged not only with maintaining order in the population but also with keeping watch on the army, even opposing it if need be. For this purpose the paramilitary forces received training, instruction and adequate equipment (better military equipment, moreover, than what the army enjoyed). Unlike the army, they were largely paid (from presidential funds). This did not prevent them from indulging in the same pillage, embezzlement and violence as the military. Quite the contrary, these paramilitary forces enjoyed, partly because of the means of repression at their disposal and partly because of their privileged status with the Head of State (the great majority were persons from Equateur and answerable to the President's authority), unlimited powers of coercion and even greater impunity.

As regards the leadership and composition of these different forces: General Nzimbi (Mobutu's cousin) commanded the DSP; Baramoto (the president's brother-in-law) headed the Civil Guard; Colonel Moligba (same tribe as the President) headed the SARM. In the army, the phenomenon was repeated in the case of the highest posts, but in the DSP and Civil Guard the region of origin was a criterion for selection of all ranks.

These services and their leaders indulged in the worst violence. They were also the first to profit from the regime and its system of corruption. The generals personally, as well as those under their command, were accused of theft. These services sowed terror. For the slightest resistance they resorted to threats, torture, arbitrary arrest. Goods were confiscated; money, animals and property, extorted.

The meltdown of the army and the violence it brought can be explained by the numerous conflicts that divided it: internal conflicts between those with power and money and others with less; inter-service conflicts with the various security services, which in turn were riddled with rivalries of their own.

As for internal conflicts, one must distinguish the High Command, those untouchables who amassed significant fortunes, from troops in rags (their uniforms sold for food), badly paid, badly fed, under-equipped, under-trained, obliged for the sake of survival to hold the population to ransom (what Zaïrians called "living off the land"). Then there was the tribal phenomenon which meant that the military from Equateur were privileged above the rest. Apart from the fact that 80% of the officers who held positions of command were from Equateur, the difference of origin affected promotion and transfers to other operations.

This tribalisation seriously divided the army (FAZ). In his declaration of policy at the 1990 National Conference for constitutional reform, General Placide Ilunga concluded: "The army is divided into two psychologically opposed camps. Owing allegiance to a regime, it has become, under the dictatorship, a docile instrument for the protection of a personal power and not of the people it springs from." Here at the heart of the army were career soldiers who were in the army by vocation, had studied, were qualified. Then there were those who had been driven to it by wretchedness, who had no idea of discipline or military duties and who had not the slightest scruple about exploiting their uniform and the power it conferred on them.

As for inter-service conflicts, the motivations and preoccupations of the different forces were often antagonistic. The main preoccupation of the DSP and the Civil Guard, for example, was the safety of the President, his family and his property. These two forces consequently had no interest in a change of regime; on the contrary, they were among its main beneficiaries. The army, though, was counting on a change and working in that direction.

There were on one side the over-equipped special forces with modern vehicles and sophisticated armaments impeccably maintained. On the other side was the regular army, which lacked equipment and whose weapons were obsolete. Beyond the fear that the President's security forces inspired in the army, the relations between the different forces confronting each other could only lead to conflict: conflicts of interest and of competence. The two forces even fought between themselves. By dint of multiplying to extremes the number of armed forces and security forces, without clearly limiting their various spheres of competence -- indeed with the actual purpose of generating rivalries -- confusion was bound to reign.

The first victims of this situation were the population, who suffered twice the violence. Sometimes, with the pretext of putting an end to the abuses of one military group, other soldiers intervened and drove them away, only to do the same thing in their turn. The overmilitarisation of society and the freedom of the armed forces to use violence condemned Zaïrians to live with repression every day. Where the armed forces and corruption were kings, there was no place for justice and law.

CHAPTER 3

ORGANISATIONAL STRUCTURE OF THE ARMY, GENDARMERIE AND SECURITY SERVICES

The armed forces were highly structured. By virtue of their distribution and omnipresence, these forces represented a power and an intimidatory force of enormous proportions.

The armed forces of the former Zaïre can be broken down as follows:

First of all there was the army, the Forces Armées Zaïroises (FAZ). The FAZ was divided into several corps: ground, air and naval corps, plus the Civil Guard. Within the FAZ, the Civil Guard occupied a special position because Mobutu came to rely on it more than on any other part of the army.

Then came the police, replaced in 1972 by the Gendarmerie, under the command of the Chief of Staff of the FAZ. The replacement of the police by the Gendarmerie ended the separation of civilian and military forces.

Outside the regular army, Mobutu had his own presidential guard, the Division Spéciale Présidentielle (DSP).

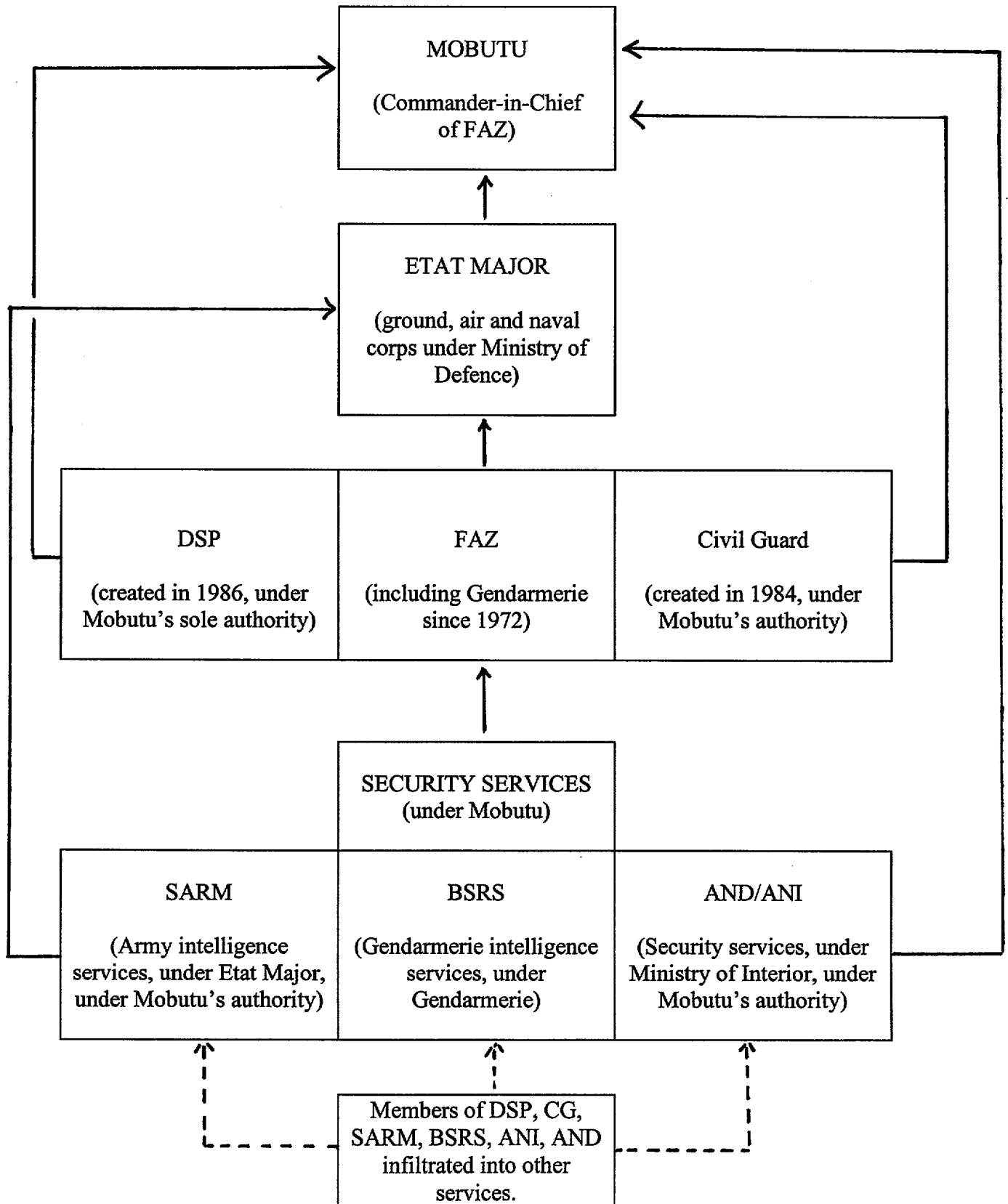
Lastly, there were the security services, whose role was not limited to intelligence. They were in fact a formidable force for repression.

Each of these structures took on a role of its own: first, according to the legal definition of its role and powers; and second, according to whatever real power the government, essentially Mobutu, conferred on it. The most important structures in terms of power were created by *presidential decree*, just as important changes in the general organisation of the armed forces were brought about by *legal ordinance*, both of which were the prerogative of the President.²⁰

A constant feature of the regime, found not only in the forces of law and order but also in civil society as the base of Mobutu's power, was the way in which everything was divided and subdivided, creating confusion, destabilising existing authorities and leading to denunciations and corruption.

²⁰*Presidential decrees* were made under powers conferred on the President of the MPR and the President of the Republic by the Constitution regarding appointments to the most senior posts (Art.42), implementation of laws and drawing up regulations for the Gendarmerie and civil service (Art.43). *Legal ordinances* were made under Art. 43, which authorised the President of the MPR and President of the Republic to make legal ordinance rulings that normally would fall within the scope of legislation, when the Legislative Council was not in session or in an emergency. Mobutu was not slow to use this article, referring to a state of emergency.

ARMED FORCES ORGANIGRAM



The Civil Guard

The early 1980s were marked by considerable unrest among students, punctuated by strikes and demonstrations. Among the opposition groups, the Union pour la Démocratie et le Progrès Social (UDPS), although clandestine until 1990, gained in importance.²¹ The Gendarmerie proved ineffective in maintaining order, and that role ceased to be part of the army's function. Gendarmerie and army used extreme violence towards civilians and behaved like bandits. The army's unpopularity had direct repercussions on Mobutu's own image. At the same time, people had entirely lost confidence in their Gendarmerie. In this context it was felt necessary to create a new body responsible for security, which would respect its own regulations and obligations.

It was envisaged that this new body, called the Civil Guard, would come directly under the Presidency and would have a two-fold role, namely maintaining public order and providing paramilitary assistance to the army if necessary.²²

In 1982, a number of officers, all Ngbandi, of the Brigade Spéciale Présidentielle (later the Division Spéciale Présidentielle), were selected to lead the Civil Guard and sent for training in West Germany. Mobutu had in fact requested and obtained aid in the form of technological support and training from Germany, as well as financial aid amounting to DM2,000,000. Kinshasa had succeeded in persuading the German government that it was exclusively intended for the creation of a civilian force.²³ The Civil Guard was supposed to remain separate from the army.

Kpama Baramoto Kata, at that time Governor of Kasai and married to the sister of Mobutu's first wife, was aware of the project and hoped to be given responsibility for it. But the Germans did not want a man like Baramoto. He already had a thoroughly bad reputation for violating human rights (although only a sergeant, he was known in the army as the man given the "dirty jobs") and for corruption. He was, in fact, in charge of the financial administration of the Kinshasa market. The Germans preferred Mandungu Bula Nyati, a former corporal, Governor of Shaba.

In 1984, a presidential decree led to the creation of the Civil Guard,²⁴ and Mandungu Bula Nyati was appointed to the post of its President General.²⁵ The Civil Guard had its headquarters near the central market in Kinshasa. However, the first appointments had not yet been made, the Guard had no land, and nothing was so far in place. Nevertheless, the creation of the Civil Guard was announced on television and in the press. Mandungu presented the new force as a kind of new frontier guard, although

²¹ The UDPS was founded in 1982. With the Lumumbists, they represented the oldest opposition group. The leader of the UDPS is Etienne Tshisekedi. The UDPS based its struggle on the non-violent demand for respect for human rights and democracy. The Lumumbists were divided into several rival parties of which the main ones were the Parti Lumumbiste Unifié (PALU) and the Mouvement National Congolais (MNC).

²² "Public order" should be understood in a broad sense, including for example, suppression of demonstrations.

²³ Germany was barred under its Constitution from assisting the creation of military forces abroad.

²⁴ Decree n. 84-036 of 28 August 1984, creating and organising the Civil Guard.

²⁵ When the Civil Guard was set up, there was a wish not to replicate the hierarchical structures of the army. It was more a question of creating new terms, clearly distinguishing it from the military body, somewhat along the lines of the French civil police. It was also envisaged that a group of trainees were to be sent to France as well as West Germany.

the Civil Guard never actually had anything to do with the border police. This was to avoid offending the 50,000 very powerful officers and members of the Gendarmerie.

In March 1985 the first recruits were selected by advertising in the media. This first selection was made without regard for social, tribal or military considerations. On the contrary, deliberate use was made of objective criteria, such as level of education, psychological profile and physical condition. The aim was to avoid the mistakes that had been made in the case of the army, which was left with illiterate personnel, as likely as not to hold people's identity papers upside down while reporting them. Professionals such as psychologists and university teachers had been called upon to draw up aptitude tests (psychometric and personality tests and a written exam to establish levels of knowledge) and to oversee training. Over 10,000 young people from all regions and social classes were tested within two weeks and the data on them entered on computer. The day when results were announced was celebrated throughout Zaïre. The Civil Guard had a good press. For the first time in many years, it seemed that a good clean job had been done.

The West Germans then sent five instructors to assist with training, which consisted of a theoretical component comprising psychological training and general training in how to behave towards the public; and a practical component to improve recruits' physical abilities and their police work. The best candidates were to be selected as future trainers.

Discipline was very tough ("Prussian style", as the Germans described it) and bore no resemblance to the chaos prevailing within the army. But it was precisely the Civil Guard's level of organisation and discipline, and the popularity it enjoyed, that displeased the army. It should be said that the methods for managing personnel and materiel established in the Civil Guard were the complete opposite of the system used in the army. The entire Civil Guard was computerised and each individual guard's expenses recorded. Data banks showed the exact number of people employed, their marital status and their place of birth. There was far less opportunity for fraud over salaries or expenses. In the army, on the other hand, everything was done manually; for example, nobody could say how many generals there were. The Civil Guard model was disconcerting, and the military feared that the same system would be imposed on them. It would, indeed, have put an end to the opportunities for embezzlement they had enjoyed.

It was not only within the army that the Civil Guard attracted criticism and apprehension. The fact was that Mandungu was far too honest to be acceptable. What was more, he was not from the Equateur region, and an institution such as the Civil Guard could not be allowed to remain in the hands of a "foreigner". Then again, the Civil Guard's popularity was also a danger to the regime, since there was a risk that the people would support it against the government. An end had to be put to this situation, but gradually, so as not to arouse suspicion too soon.

So Mandungu remained in charge of the Civil Guard until 1986, when several changes came about. First of all, Mandungu was succeeded by Sampasa Kaweta Milombe, under whose presidency the General Secretariat of the Civil Guard was set up.²⁶ Kpama Baramoto Kata was appointed Secretary General. Baramoto could not be appointed directly to the overall command of the Civil Guard, but there was a wish to

²⁶ Decree n. 86-131 of 25 April 1986, nominating a President General and a Secretary General of the Civil Guard.

involve him nevertheless. That was why provision had been made for this post; it existed under Mandungu but he had not chosen to use it. Baramoto's appointment infuriated the Germans, and Sampasa for his part was uncomfortable and had difficulty in working with Baramoto. Baramoto's intentions were clear. He wanted to see the Civil Guard become a paramilitary force – three days after being appointed he appeared before the Civil Guard in the uniform of a brigadier general, bringing with him a general's uniform for Sampasa, who refused to wear it. In Baramoto's plan this was to be a force composed exclusively of people from the Equateur region.

The Germans deemed it out of the question that they should help train such a force. The affair was already attracting attention in Germany, where the government was accused of training a paramilitary force in Zaïre, and in view of the possible scale of the problem, the Germans withdrew. The German Minister of the Interior was despatched to Kinshasa to recall the instructors.²⁷ Baramoto was sent to negotiate with Egypt for replacements.

Later in 1986, another presidential decree appointed Baramoto to the command of the Civil Guard as Commander General (rather than President General) and named him "Elite Générale de la Paix", a fanciful title. Under Baramoto there was a complete break with early efforts to make the Civil Guard a force independent of the military.

Between 1986 and 1992 the Civil Guard changed further: Ngimbi, a colonel in the DSP, was made Secretary General, and later given the rank of general. Baramoto created the General Staff of the Civil Guard, under the command of General Lango.

In addition to its Kinshasa HQ there were regional subdivisions, called Peace Detachments. The three most significant Peace Detachments were those in Kinshasa, Lumumbashi and Kisangani. The Kinshasa Peace Detachment was commanded by Colonel Iduma, and more recently by Iwondo Iwondo.

Until 1993, the Civil Guard was directly responsible to the Presidency, but in view of its growing importance, it was decided to attach it to the Ministry of Defence. The post of Secretary General was abolished and replaced by two posts of Deputy Commander General: one, held by Ngimbi, was administrative, and another, held by General Lango, dealt with logistics. The General Secretariat disappeared, but the staff HQ was retained.

Baramoto pursued his plan to build up a commando force, and training was geared to it. The original recruitment scheme was abandoned, and Baramoto began to recruit on a pick-and-choose basis. The first person to be recruited was his younger brother, of whom everyone was soon afraid. The computer centre was closed and its staff dismissed. Since all information was held on computer, including the guards' service numbers, this led to great confusion. But Baramoto would have nothing to do with the computer system and went back to the manual system.²⁸ Responsibility for the Civil Guard's budget was transferred from the Ministry of Defence to the Presidency.

This civilian force, once respected and appreciated, was to become the most dreaded paramilitary force and soon became synonymous with terror. The Civil Guard cells where prisoners were held on remand were turned into dungeons where people were

²⁷ *Jeune Afrique*, no.1925, 25 November-1 December 1997.

²⁸ An anecdote illustrates his dislike of the computer system. Individual petrol consumption in the Civil Guard was recorded in the accounts. A month after he took up his post, Baramoto's consumption had risen to 2,000 litres, though it must be said that all his acquaintances made use of it in his name.

tortured and detained for unlimited periods, their release depending on Baramoto alone. Its main supply depot was also converted into prison cells, without any provision for sanitation or feeding. These illegal places of detention – Baramoto and his superiors were the law in this regard – were to become nothing but dumping-grounds. The people in charge of them, and responsible for arrests, were incapable even of taking down a statement.

At that time new Civil Guard recruits were still undergoing training, which they were never to complete. What counted from now on was that they were Baramoto's men. As such, they were afraid neither of prosecution nor of the slightest criticism. Baramoto was the man who was most feared, and on the basis of his position and his relationship with the President, he was considered untouchable. Human rights organisations asking to visit these dungeons were refused access and told they did not exist.

In 1996 Baramoto left the Civil Guard and General Wumbo took his place. The two posts of Deputy Commander General were abolished.

The strength of the Civil Guard was estimated at between 5,000 and 7,000 men. It is difficult to provide exact figures for troops in any army corps, as numbers were systematically inflated in order to obtain more funds. As previously stated, members of the Civil Guard at first all came from the DSP; later on, but prior to Baramoto, recruitment was opened to all, civilian and military. Senior officers, on the other hand, were ethnically all Ngbandi or Ngbaka. NCOs came mainly from the Equateur region.

The NCOs lived in a Civil Guard camp called Camp Mikonga in the Kintole district, near N'sele in Kinshasa. It was provided with classrooms, a sports ground and training facility, and living quarters. The German trainers had imposed strict discipline and demanded high standards of hygiene and diet for the troops. "We do not want to teach starving men," was how they put it. Things would be different under Baramoto, one of whose first measures was drastically to reduce the budget for provisions. No food at all reached the Kibamangu infantry camp. But Baramoto's motto was "A soldier never dies of hunger," or "A soldier does not steal, he transfers." It is easy to imagine how these soldiers fed themselves. From then on, Civil Guard troops were feared, just like the military, for their looting and violence.

The Civil Guard's munitions and supplies depot was at the so-called *Joli Site* ("beauty spot"), 35 kilometres from Kinshasa in the Bas-Zaïre region. Until 1992 the depot had belonged to the National Service of Intelligence and Protection (SNIP). It was said to be supplied by the South Africans.

There were three basic training camps: Maluku, in the district of the same name 30 kilometres from Kinshasa; Mwala Madi, in the Bas-Zaïre region; and Hombo, in the Kivu region. These camps handled training of new recruits. Once they had received basic training, they were sent to other camps to complete their course:

- Kota Koli, in the Equateur region, where commandos were trained (It was the lead camp for commando training, to which other African countries sent recruits);
- the parachute training camp at Ceta, near the international airport at Ndjili, which belonged to the regular army; and
- the infantry camp at Kibamangu in the Bandundu region, belonging to the presidential guard (DSP).

Under Baramoto the Civil Guard turned into a criminal organisation, a militia dedicated to repression. It showed the same failings as those laid at the door of the army and the Gendarmerie, that is to say, corruption, violence, oppression of civilians, looting and abuse of power. In 1990-91, when the democratisation process began, it was an inescapable presence, responsible for security at all levels. Under that pretext it was able to maintain close surveillance over all opposition forces and was responsible for a terrifying policy of intimidation.

The Special Presidential Division (DSP)

This was a military detachment responsible for the personal safety of the Head of State and his family, created by presidential decree in 1986.²⁹ Under the decree, the DSP was “responsible for providing ceremonial services and for the security of the President”. It was under the command of a senior officer or a general, with the title of divisional commander, and came under the authority of the President since he was Supreme Commander of the FAZ. The DSP was commanded by General Nzimbi (appointed by Presidential Decree no. 86-068 of 13 February 1986). His second in command was General Wezagbo.

There had previously been a Special Presidential Brigade, a smaller unit than the Division. Later, as political opposition increased, the Brigade was enlarged, becoming the Special Presidential Division. It comprised an armoured unit, a republican guard and an elite unit, based at the Kibamango military camp, the DSP’s training camp near Kinshasa. It was this elite unit that supplied the first recruits for the various forces that were created, like those of the Civil Guard.

The DSP’s primary task, then, was to ensure the safety of Mobutu and his circle. It was, in fact, an army within the army. With the Civil Guard, the DSP was the best equipped, best armed and best paid force, and was greatly feared by the population and by the other armed forces. It was even thought of as unbeatable. In addition to its role of bodyguard, it was closely linked with the Presidency, for several reasons, the first of which was its composition. All members of the DSP were Ngbandi or Ngbaka. There were close ties among men who all came from the same region, spoke the same language and shared a common history. Further, the DSP was directly responsible to the President, even after being attached to the Ministry of Defence. In fact, the successive Ministers in charge were Mobutu’s men, of whom the best known was Ngbanda, who was head of the Agence Nationale de la Documentation (AND), one of the intelligence services. Lastly, the DSP was entirely at the disposal of Mobutu’s extended family, which amounted to around 1500 people, acting as their guards and chauffeurs. The DSP also dealt with their personal problems, eliminating a rival in love, for example, or travelling with them.

The Kinshasa residence of the President and his family was in the Mont Ngaliema district. This huge area included the Tshatshi military camp, where the President’s house and an underground prison were situated. It was dubbed “Second City” as opposed to the part of Kinshasa where ordinary people lived, and although everyone knew about these places of detention, they were nevertheless secret. The district also included the administrative offices of the Presidency of the Republic, the OAU compound (a group of luxurious houses built to accommodate heads of state at Organization of African Unity summit meetings and later taken over by members of Mobutu’s family), the Kinshasa Military Academy and the residential district made up of Binza, Ma Campagne (with its

²⁹ Decree n. 86-068 of 13 February 1986.

secret detention centre), Binza Village and Mont Fleuri. Mont Ngaliema, with its asphalt roads, huge houses and general air of luxury, was a world apart. The members of the DSP also lived in Mont Ngaliema. The DSP was thus synonymous with wealth and power, but above all it was seen as a force of repression, whose troops behaved like mercenaries or bandits.

The main security forces were, then, the DSP, responsible for the President's personal safety, and second, the Civil Guard, which carried out civilian as well as military assignments. In comparison, the Gendarmerie had neither the equipment nor the organisation and discipline necessary for its function.

The "Owls", a Special Intervention Regiment

In late December 1990, the press began to report rumours to the effect that a secret operations force was about to be set up. Members of the President's entourage had apparently advised him to call upon the South African army for help in training action squads whose job would be to back up the various specialised services. The aim was to create elements capable of combating any internal or external opposition, particularly from the UDPS and the PALU (political opposition parties), and to track down opponents of foreign regimes sympathetic to Mobutu. In view of the climate of violence and insecurity prevailing in Zaïre, these rumours alarmed the population and human rights organisations, like the Zaïrian League of Human Rights, which published an investigation into the allegations.³⁰ Their conclusion was that a number of summary executions, abductions, cases of arbitrary arrest and detention, disappearances and military violence were the work of highly trained and equipped secret action squads.

In February 1991, however, around 100 troops belonging to the DSP, the Kota Koli Commando Training Centre, the 31st Parachute Brigade and the Special Operations Force, underwent a special training course at the Kitona military base in Bas-Zaïre province, designed to equip them to form a new military corps called a Special Intervention Regiment. In liaison with the Kitona base, it was later given the more neutral name "Régiment Baki". The methods used by these commando groups in terms of killings and abductions distinguished them from other units and quickly made them known and feared by the public. One of their characteristics was always to operate at night, earning them the nickname *Régiment Hibou* ("Owl Regiment").

The soldiers who joined this regiment – 120 altogether – were selected with the greatest care. Because it was a secret corps, its selection criteria remain unknown, but it would seem that one deciding factor was to be a Ngbandi. In fact, almost all the members of these commando squads belonged to that tribe. Lieutenant Colonel Dondo, the former commander of the security battalion of the DSP, was put in command of the regiment. He was related to the Head of State. His deputy, Major Buruyeme, was also a Ngbandi, and came from the DSP. The head of instruction and operations was Captain Belenge, and the intelligence and security officer Lieutenant Kasongo.

The regiment was stationed at the Kitona base, where some of the buildings had been specially reorganised to accommodate it. Quarters on the base to which these troops were assigned were repaired and painted red, and their facilities included classrooms and dormitories. Within the confines of the base the regiment enjoyed complete autonomy.

³⁰ *Ligue des Droits de l'Homme (Zaïre)*, "La violence politique au Zaïre, Le régiment HIBOU", (Kinshasa, September 1991).

Neither the regional commandant nor the Kitona camp commandant had any right whatever to inspect, or any authority over, the regiment or its materiel. Strict orders were given in respect of the regiment's operation and the behaviour of the troops, namely:

- No person from outside the regiment was allowed to enter the area where it was quartered.
- Members of the regiment were permitted to leave the base only to go on exercises.
- When they had to leave the base to go to the market they had to go in groups, accompanied by an officer.

These measures were taken in order to avoid individual contact with the civilian population or with soldiers from other units. At the same time, soldiers in the unit itself were under constant surveillance. The regiment also had a special uniform: camouflage dress and a red beret.

The instructors included South Africans, whom no military personnel from outside the regiment were permitted to address.

Human rights organisations, in particular, took the presence of South African instructors very seriously, alerting national and international opinion to what they saw as interference by the South African secret services in the internal affairs of Zaïre. The press took up the issue and vehemently attacked the presence of these instructors and of South African mercenaries in Kinshasa and in the Bas-Zaïre region.³¹

Questioned by the Zaïre League of Human Rights, representatives of the South African diplomatic mission at first denied that their country had any involvement in the matter. Later they admitted that military aid had been given to the Zaïrian army to refurbish the Banana naval base, using this to explain the presence of ships of the South African navy at Matadi. However, the Minister of National Defence and Territorial Security could produce no treaty of co-operation, nor any legal basis for the South African presence. The League's report therefore concluded that if military agreements had been signed by the two countries, they emanated from secret negotiations. Furthermore, there was no mention of this new regiment in the defence budget, which was scrutinised by Parliament at the beginning of that year, 1991, nor in the revised budget.

Be that as it may, a 32-man South African contingent arrived in mid-March 1991, together with arms, ammunition, sophisticated materiel and all-terrain vehicles. Some of this materiel was delivered to the Kitona base by South African military aircraft. "Kaspier" vehicles were also delivered to Matadi by South African warships and driven to Kitona. The South African contingent was tasked with providing instruction. The South Africans had an established reputation for training specialised units in repression, terrorism and political assassination, and there had been numerous complaints about such abuses in South Africa.

The training and instruction the men in these new commando squads received was not of the classic infantry variety since they were already paratroopers. Instead, training was in non-conventional techniques such as urban guerrilla warfare, sabotage and the use of mines, or activities like abduction, assassination, explosions and repression. According to the Zaïrian League of Human Rights, the South Africans did not have a monopoly over

³¹ *Elima* (Zaïrian newspaper), 15-16 & 17 June 1991.

the training of this new regiment, and China, Israel, Angola, Tanzania, Libya, Cuba, Iraq, Iran and Syria were all said to have contributed to it. Training lasted three months, and a passing-out parade took place on 25 August 1991. However, no pictures of the ceremony were broadcast.³²

A Medical Foundation client, Mr L, was sent to the Kitona military base on 25 April 1991 and was forced to undertake military training to join the Owls. According to Mr L's testimony, no one there had volunteered to join them; they were all there under duress. He was trained to arrest, kidnap and set mines and bombs. He believes that some of the trainers were Israeli. The training lasted three months. He had to swear an oath of allegiance to serve Mobutu until death, over the head of a leopard. He worked as an Owl because there were threats throughout against the safety of his family. He reported directly to a Mr Isoyongo and Colonel Dongo, a former bodyguard of Mobutu. Mr L states that Mobutu himself had overall command of the Owls.

The Owl Regiment soon attracted attention, and the press regularly carried reports on the abuses committed by these troops under cover of darkness, their faces covered, travelling in unregistered vehicles and using extreme violence. Their victims included opposition leaders, political figures and journalists, but also students and shopkeepers. No one was safe from their attacks.³³

As was customary in the complex organisation and distribution of Zaïre's police and security forces, the "Owls" were infiltrated into other forces. These cases of multiple membership existed at all levels and involved all units of the security services, each spying on the other. The Owls were thus to be found within the other special forces. Although these troops worked within the services concerned, they were still linked to their commanding officer in the person of Minister of Defence Ngbanda. The Owls infiltrated not only the special forces and the army, but also civilian bodies, such as state enterprises and private companies and all other state services.

There was more than one cohort of Owl commandos; a second class seems to have been recruited at "Joli Site" at the end of 1992.

It is important to remember that although the Owls, their training camp, their instructors and their leaders were public knowledge, this information was never officially confirmed. In other words, officially the Owls never existed. It would not be easy to prosecute any of these people, even if they were known to their surviving victims as having taken part in operations led by the Owls, for there is no legal document establishing their creation, and no trace of them in any budget – they were paid by the President.

Service d'Action et de Renseignement Militaire (Military Operations and Intelligence Service), SARM

The army also had its own intelligence service. In 1985 the Military Intelligence and Operations Service (SRMA) was set up.³⁴ In 1986 this service was dissolved and replaced by the Military Operations and Intelligence Service (SARM).³⁵ Under the terms

³² *Ligue des Droits de l'Homme (Zaïre), op. cit.*

³³ *La Renaissance*, 14 April 1991; *Elima*, 27 May 1992; *Umoja*, 13 October 1992; *La Conscience*, 12 and 13 April 1993.

³⁴ Decree n.85-166 of 22 June 1985.

³⁵ Decree n.86-262 of 30 October 1986, dissolving the SRMA, and five decrees dated 6 November 1986, creating the SARM and appointing its Chief of Staff and Deputy Chief of Staff.

of the decree, its mission was to “seek and exploit any information involving military security, to destroy all centres of sabotage and subversion, to give warning of any threat to territorial integrity, to thwart and quell any action by a potential enemy and its allies, inside or outside the borders of the country.” The decree also stated (for reassurance?): “Actions undertaken by this service will not be taken against peaceful citizens, but against those disrupting the revolution, against terrorists and enemies of the revolution.” But of course, the service would indeed attack peaceful citizens, and its sphere of action was to be extended to include all types of repression. Like other services, it fell prey to corruption and was responsible for countless abuses.

SARM was headed by a Chief of Staff, in the person of Brigadier General Mahele Lieko Bokongu, previously commanding officer of the First Military Region. He was assisted by three Deputy Chiefs of Staff: Colonel Longelo Mbule wa Mozombo, in charge of administration, Lieutenant Colonel Ilunga Shamanga, in charge of operations, and Lieutenant Colonel Bongambo Kasongo, in charge of investigations. Mahele was later replaced in turn by Generals Bosange and Elese, and was appointed Chief of Staff of the army (FAZ).

The Gendarmerie

The Gendarmerie was set up and organised by two legal ordinances in 1972.³⁶ It replaced the civil police, the difference being that this time the Gendarmerie was part of the army.

Its role was the maintenance of public safety and the enforcement of law and order throughout the territory of Zaïre. “Continuous and repressive surveillance constitutes the essence of its service”, according to the terms of the ordinance governing its operation. In its composition, powers and jurisdictions, it answered exclusively to the army. There was no longer a separation between civil and military institutions. Even though the Gendarmerie was assigned tasks in the civil domain (i.e., its policing role to protect the population), it was the military who were in charge.

The National Gendarmerie was under the orders of a senior officer or general of Gendarmerie with the title Commander of the National Gendarmerie, who reported to the Ministry of National Defence.

The National Gendarmerie was composed of:

- A Commander General, assisted by staff officers, with their HQ in Kinshasa.
- Gendarmerie regions, comprising territorial and mobile units. These units were under the authority of a Regional Commander, assisted by staff officers.
- The territorial Gendarmerie units were divided into battalions, companies and sections, corresponding with each region, sub-region and zone.

The mobile Gendarmerie units were responsible for reinforcing operations of the territorial Gendarmerie in carrying out police operations, in particular those involving maintenance and re-establishment of public order when it was under threat. They consisted of mobile battalions, that is, a grouping of mobile companies and special services. Kinshasa was the first Gendarmerie region.

³⁶ Legal ordinance n.72-031, setting up a National Gendarmerie of the Republic of Zaïre, and legal ordinance n.72-041 of 30 August 1972, organising the same.

The commander of the military region was General Shabani, who was totally eclipsed by the personality and reputation of General Bolozi. Bolozi had in fact married a sister of Mobutu, long before Mobutu became President. After Mobutu came to power he moved up the military hierarchy to the rank of General. He had first been appointed to the head of the BD (the former SARM), where he had already acquired a reputation as a killer. Then he was appointed to the command of the Kinshasa military district in the Lingwala area, near the Voice of Zaïre complex and the Palais du Peuple, nicknamed CIRCO, whose remand cells were turned into veritable dungeons. He was in command of the BSRS, the Gendarmerie brigades. Bolozi was the face of security in Kinshasa. He reported directly to Mobutu, without consulting his superior officer, General Shabani.

Judicial Detachments (Gendarmerie)

The Judicial Detachments had two main roles: first, to investigate and report breaches of law coming under military jurisdiction; and second, to gather intelligence on anything likely to undermine the security of the armed forces.

The judicial detachments were attached to the office of the Auditor General and to the military Auditors, under the sole authority of the latter.

Republican Guard (Gendarmerie)

Based in Kinshasa, it consisted of one Gendarmerie Region, divided into two battalions, one of foot soldiers and the other forming a presidential escort. In addition to its military powers, the Republican Guard had special responsibility for ceremonial and security services to the President.

Training schools (Gendarmerie)

Special units or services, distributed at various national, regional and company levels. The national data file and the data file on foreigners were located at national level; and at regional level, the regional data file. At company level there were

- a motorcycle brigade
- one or more Special Investigation and Security Brigades. These were the notorious **BSRS**, responsible for intelligence within the Gendarmerie. They had the triple task of investigating specified individuals, bringing proceedings for serious breaches of the law and carrying out surveillance on suspects.
- one or more road traffic brigades, responsible for dealing with breaches in the law and police regulations relating to road haulage and highway traffic.
- one or more air traffic brigades, responsible for civil and military air traffic control, for investigating hijackers and assisting customs officers when necessary.
- one or more sea, river and lake transport brigades, responsible for the security and policing of ports, checking people and goods, and surveillance of port structures and installations, as well as assisting customs officers.

The role of the Gendarmerie

The role of the Gendarmerie included the following duties:

- ordinary duties (the regular everyday tasks of a gendarmerie: enforcement of laws and regulations, identity checks, enforcement of law and order, controlling traffic, etc.) and
- extraordinary duties (under a requisition order or in response to a request for help) whose essential purpose was to “ensure the constant capacity of the judicial, administrative and military police to act directly in all parts of the Republic, and to ensure the maintenance and re-establishment of public order.”³⁷

If necessary, the Gendarmerie could call on the help of other units of the armed forces or members of the MPR youth brigades.

Another role of the Gendarmerie was, as is normal, to assist and protect the population in case of danger or natural disasters.

The Gendarmerie was to prove incapable of carrying out the tasks assigned to it. Far from protecting individuals and ensuring respect for laws and regulations, the gendarmes were the first to break the law, abuse their power and terrorise the population. There were many reasons for this. One was that, like the rest of the army, they were poorly paid, sometimes not at all, which led to violence, corruption and systematic looting. The principal task of the Gendarmerie was to “ensure public security”, that is to say, to investigate, conduct surveillance against, and arrest suspects. It was also supposed to ensure the safety of persons and property. But the Gendarmerie – and this is also true of the army and the security services – had lost this primary role and instead was dedicated to investigating all forms of opposition, and any person suspected of taking part in activities harmful to the government. To fulfill this role the Gendarmerie engaged in a high degree of violence, the unjustified use of firearms, arbitrary arrests and physical attacks.

Training schools and centres

Zaire had three elite training schools, namely,

- The *École Supérieure Militaire de Kananga*, or EFO (the Kananga officers training school) in Kasai Occidental. It was set up by Mobutu.
- The *École Supérieure Militaire de Kinshasa*, for training army captains seeking promotion. The former *École Nationale de Droit et d'Administration (ENDA)*, the college of law and administration, formed part of it.
- The *École de la Gendarmerie de Matete* (a zone of Kinshasa) for training officers in the Gendarmerie.

There were also a number of training centres, namely,

- The Kitona military base in Bas-Zaïre, responsible for the general training of ground forces.
- The Kota Koli centre in the Equateur Region, for commando training.
- The Kamina military base, where training was carried out with the support of the U.S. Army.

³⁷ Article 24 of legal ordinance n. 72-041.

- The Kisangani military base, for training airborne troops and commandos, with Israeli, Chinese and French support.
- The Mbanza-Ngungu military base, for training armoured personnel, with French and Belgian assistance.

For the elite schools, recruitment was by competitive examination, open to those holding the baccalauréat or a bachelor's degree. The training centres were open to all, and people were even recruited in the street.

The Civil Guard was trained by the Egyptians, the Germans and the Israelis.

The DSP was trained by the Belgians, the French, the Americans and the Israelis.

The Security Services

The security services need to be sketched chronologically, following their development from independence up to the 1990s.

- From 1960 to 1965, the Sûreté Nationale, the national security service, was responsible to the Ministry of the Interior. In November 1965, just after coming to power in a coup d'état, General Mobutu passed a decree under which he placed the Sûreté Nationale under his direct authority.³⁸ This subordination of the national security service to the authority of the President of the Republic in fact lasted until the fall of the regime, in spite of attempts to bring about change after Mobutu's speech on 24 April 1990, in which he expressed his willingness to open up the country to multiparty rule and democracy.
- In 1965, Colonel Alexandre Singa was made Administrator in Chief of the security service. His deputy was Major Mika Mpeke, who later became a general and who at that time was responsible for security in the President's office. Singa was replaced on 7 January 1969 by Lieutenant Colonel Pierre Efomi, who directed interrogations in which the State Prosecutor of the Republic Léon Kengo (later wa Dondo) also took part.
- From 1965 to 1969, the Sûreté Nationale was headed by an Administrator in Chief, assisted by a deputy.
- In 1969, there were major changes, leading to the total reorganisation of the operations of the Sûreté, which was replaced by the Centre National de Documentation.³⁹ The powers and functions of the CND were governed by decree no.69-159. Under its provisions, the CND was "placed under the direct authority of the President of the Republic", its role was "to ensure the internal and external security of the state", and it was "under the direction of an official with the title Administrator General (AG)". Agents of the CND had their own legal status.⁴⁰ They could not be taken in for questioning or prosecuted in the courts for acts carried out in pursuance of their duties unless the AG of the centre was consulted. In the case of acts carried out outside their duties, the AG needed only to be informed of the procedures initiated.

³⁸ Decree n.5 of 29 November 1965.

³⁹ Decree n.69-037 of 29 August 1969.

⁴⁰ Decrees n.69-038 of 29 August 1969 and n.78-298 of 3 July 1978 relating to the exercise of powers of officers and agents of the judicial police in respect of the jurisdiction of common law (article 44).

SECURITY SERVICES ORGANIGRAM

1965-1969

SÛRETÉ NATIONALE

replaced by

1969

CND

Administrator General was
Colonel **Efomi**

1971

CND divided in two

DDE (under **Edouard Mokolo** in 1973)

DDI (under **Seti Yale** in 1973)

1980

replaced by

CND suppressed and

replaced by

SNI (under **Nkema Liloo**)

CNRI (under **Atenda Mongebe Omwango**)

1983

SNI and CNRI reunited
into one service: AND

AND (under **Mokolo Wa Mpombo** in 1983 and
Honoré Ngbanda in 1985)

1987

Creation of another service
independent of the AND:
ANI

AND

ANI (under **Goga**)

1990

AND replaced by SNIP

SNIP (under **Likulia**)

ANI

The AG could second his agents to the civil and military prosecution services. CND agents had the right to demand the assistance of the police and other officers of the judicial police. Other officials and state employees were obliged to accede to their demands.

- From 1971 to 1976, the CND was subdivided into two branches, the Département de Documentation Intérieure (DDI) and the Département de Documentation Extérieure (DDE). This division into two, creating a dual authority at the top of the security services, exposed the dissension within these services and the power struggle between various senior officials. This led to a game of snakes and ladders among those in positions of power, with people being put into top posts one day and disgraced the next. Depending on how influential these men were, they would succeed in excluding their rivals and occupying the top position themselves.
- In 1976, there was a change at the top of the CND, which brought about a change of organisation and the merging of the DDI and the DDE under the authority of a single man.
- In 1979 was created the Conseil National de Sécurité (CNS), whose role was to oversee all the intelligence services.
- In 1980 was created the Centre National de Recherches et d'Investigations (CNRI), and the Service National d'Intelligence (SNI), which together replaced the CND.
- In 1983 the CNRI and the SNI were dissolved and merged in a single service under the name Agence Nationale de Documentation (AND).
- In 1987 the agency was again split into two, with the creation of the Agence Nationale d'Immigration (ANI).
- On 3 May 1990, following his celebrated speech of 24 April, Mobutu declared that he wished to “give a more human face” to the security services. In order to do this, he took two measures: to replace Liloo in the post of chief adviser by Me Nimy Mayidica Ngimbi, considered a moderate; and to replace Ngbanda at the head of the AND by General Norbert Likulia Bolongo. Under Ngimbi's influence, the CNS announced a whole series of measures, including the closure of detention centres belonging to the security services, abolition of civil detention and exile, release of political prisoners (which was an acknowledgement of their existence). Only the decision to release political prisoners was put into effect, as was, under Likulia's administration, the ending of detentions by the SNIP.

The division of the CND into the DDI and the DDE

The decree of 27 January 1971 brought changes in the organisation of the CND.⁴¹ It introduced a system of dual control between the DDI and the DDE, each headed by an Administrator General (AG), the two bodies being governed by a Coordination Committee composed of the two AGs and the President of the Republic. This committee was responsible for setting the general policy of the CND and defining each department's general and specific objectives. A consequence of this re-organisation was that the two AGs, who were of equal importance and had the same powers, were brought into mutual

⁴¹ Decree n.71-074.

competition, and the President became much more closely involved in the administration of the security services.

The AG of the DDI was at first Major Omba, then in 1973 Seti Yale. In the same year, Honoré Ngbanda entered the CND.

The DDE was led by Edouard Mokolo. He had an office (at that time without any dungeon attached) in the Ma Campagne district of Binza, in the Mont Ngaliema quarter.

Thus in 1973 there were two AGs at the head of the CND, Mokolo (DDE) and Seti (DDI). Given the rivalry between them, this dual system was not likely to last long. On 18 October 1976 a decree set the new powers and organisation of the CND, ending the sharing of power between two AGs.⁴² The two departments were brought together again under the authority of a single man, Seti Yale. Mokolo was removed and appointed ambassador to Ivory Coast, not returning to Zaïre until 1977, when he became a minister. Ngbanda was also sidelined until Mokolo's return.

In charge of each region there was now a Redoc (Director) of the DDI as well as in the main town of each sub-region and in some sensitive areas. In terms of power and authority, the Redocs were the most important and influential people in their region. They were also the most feared.

The creation of the CNS

The Conseil National de Sécurité (National Security Council) was set up by decree on 6 March 1979.⁴³ This was to lead to changes in the entire security system. The CNS was created in order to put in place a body able to oversee all the intelligence services. With regard to appointments, there was once again a great deal of coming and going by people already familiar, and new figures also appeared. Seti Yale was now made Principal Advisor to the Presidency on security problems, the second most important post in the regime. He occupied it until 1986, and his name is thus closely linked with security and to the regime of terror. He was an ex-officio member and Secretary General of the CNS, with the rank of Commissioner of State (a ministerial post), and had, under the decree, "free access to all documents, information or intelligence whatever that was available to the Services of State directly or indirectly involved in problems of security." On the same day, decree no.79-055 amended the previous decree with regard to the organisation of the CND. It provided for the AG of the CND to be assisted by two Principal Administrators at the head of the DDE and the DDI (Atenda and Nkema). The post of AG was given to Mokolo wa Mpombo(!). He held it until 1980, then in 1983 he was again appointed to head the CND, which had meanwhile become the AND. Mokolo placed Ngbanda in his office.

Those who formed the CNS were: the Prime Minister, the Ministers of the Interior, Foreign Affairs and Defence, the Chief of Staff of the Armed Forces and after it was set up, the Director General of the SNIP. The CNS was presided over by Mobutu.

The creation of the CNRI and the SNI

The reunification of the DDE and the DDI under one man's sole authority lasted a very short time. In 1980 a new decree⁴⁴ created two new services that replaced the CND

⁴² Decree 76-306 of 18 October 1976.

⁴³ Decree n.79-047 of 6 March 1979.

⁴⁴ Decree n.80-0740 of 24 April 1980.

and constituted two independent and autonomous institutions. They were the Centre National de Recherches et d'Investigations and the Service National d'Intelligence, and had the status of centralised public services, enjoying administrative and financial independence. The CNRI replaced the DDI, and the SNI the DDE. They were headed by an AG, with the rank of Commissioner of State, or Minister, assisted by a Deputy AG. The AGs were appointed by the President of the Republic and were under his direct authority. The two AGs and their deputies were, for the CNRI, Atenda Mongebe Omwango and Kesangana Dedetemo. In 1982 Kesangana was replaced by Goga Lingo wa Dondo, an ethnic Ngbandi and a close relative of Kengo wa Dondo. He was Seti Yale's henchman and gained a reputation as a torturer.

For the SNI, Nkema Liloo and Ngbanda Ko Atumba, replaced in 1982 by Atundu Liongo, an Mbuza related to General Mahele.

These services had their headquarters in Kinshasa, on Avenue des 3 Z (taking its name from the currency, the river and the country). They were places of arbitrary detention and torture.

In 1983 another Commission was created,⁴⁵ in parallel with the CNRI and the SNI. This was the Commission Nationale d'Immigration, with special responsibility for "ensuring the publication of the list of undesirable persons, held at the chanceries of Zaïrian embassies, and compiled by the security services." It consisted of seven members, including a representative of the CNRI and one of the SNI. Later on, its secretariat was provided and its records maintained by the ANI. Its role was to prevent certain Zaïrians from leaving the country and undesirable foreigners from entering.

Agence Nationale de Documentation (AND)

The creation of the AND in 1983 once again brought about profound changes, as much in the organisation of the security services as in the composition of their leadership. The AND was made up of an internal documentation service (the SDI, replacing the CNRI) and an external documentation service (the SDE, replacing the SNI).

In spite of the changes in the organisation of the security services, their role remained unchanged. The powers devolved to the AND were the same as those of the CNRI and the SNI. The main difference lay in the fact that this time the services were merged under the responsibility of a sole individual. The post of Administrator General was first given to Mokolo wa Mpombo, who thus returned to the security services. But his mandate was short-lived and he was replaced less than two years later by Honoré Ngbanda Nzambo.⁴⁶ Mokolo was described as a playboy who liked to travel and who could approach the President easily. He was not known as a torturer. Ngbanda, on the other hand (like Goga), is accused of personally carrying out torture, particularly of students and leaders of the UDPS. He was even nicknamed "The Terminator".

Ngbanda made his mark on the secret services by pushing policies of favouritism to such a point that tribalism was institutionalised. And those who did not come from Mobutu's region especially feared him.

In addition, the post of Special Adviser to the President in matters of security passed to Nkema Liloo. Seti Yale became personal adviser to Mobutu.

⁴⁵ Legal ordinance n.83-033 of 12 September 1983, relating to the immigration police.

⁴⁶ Presidential Decree of 2 February 1985.

The National Immigration Agency (ANI)

Constant rivalries within these services led to re-organisations and enabled those who came out on top to carve out for themselves a better share in the division of power. This time the change favoured Goga, who was put in charge of a new agency, the ANI.

Created by presidential decree in 1986, the ANI also had the status of a centralised public service, with administrative and financial autonomy, and enjoyed equivalent status to the AND. It was headed by an AG, assisted by a deputy AG, both appointed by the President, and reported directly to the President.⁴⁷

The roles of the ANI were the enforcement on Zaïrian soil of laws and regulations on immigration and emigration; the policing of foreigners; the enforcement of law and regulations on residence of foreigners.⁴⁸

The organisation of the ANI was set out in a decree dated February 1987, in which it was specified (Article 1) that it was to be a counter-intelligence service. By virtue of this, the ANI constituted an additional security service.

Special Action Forces and Special Intervention Forces

The Special Action Forces (FAS) and the Special Intervention Forces (FIS) constituted the armed branches of the SDI and the SDE within the AND.

The first recruits to the FIS (about 200) were recruited from within the DSP. FIS personnel came under the "Action" Department of the AND, and were commanded by a Ngbandi officer of the Civil Guard named Lite. They were trained to carry out strike actions, to operate without leaving a trace and to kill bare-handed.

FAS personnel were fewer in number. Their role was to neutralise opponents living in neighbouring countries. These two forces acted as a special intervention unit of the Civil Guard. They also constituted sub-units of the DSP and were directly under Mobutu's authority.

All of these various changes in the security services marked the end of the reign of this or that figure and the rise of someone else. The only common denominator throughout this process was the direct authority that the President continued to exercise over them.

The distribution of the armed forces within Zaïre

Zaïre's nine regions (Bas-Zaïre, Haut-Zaïre, Bandundu, Kinshasa, Equateur, Kasai Oriental, Kasai Occidental, Shaba and Kivu) also constituted nine military regions. A general or a colonel commanded the units stationed in each region.

In each region there was a FAZ unit, Civil Guard Peace Detachment, a SARM detachment and a Gendarmerie. In each region there was also represented each of the security services, namely the BSRS, the ANI and the AND. The person in charge of these services was called the REDOC (Représentant de la Documentation Régionale), who had greater power than the governor of the city.

⁴⁷ Presidential Decree n.87-003 of 7 January 1987.

⁴⁸ Decree n.86-131 of 31 May 1986.

The strength of forces varied in different regions, with the Kinshasa and Shaba regions being the only ones with a DSP detachment. Kinshasa was the political capital, and it was essential that the government keep control of Shaba, the main mining area. The Shaba region was the first military region, with Kasai Oriental and Occidental and Bas-Zaïre in second, third and fourth place.

Outside the specific situations prevailing in the Shaba and Kasai regions, the military presence throughout the country was significant, for their number, but above all for the role they played in relation to the civilian population. The military (and from 1972 the Gendarmerie, when they became part of the army) intervened in daily civilian life. They seriously abused the powers conferred by their uniform, both when imposing policies of terror and repression and when acting in their personal interest. They had powers to arrest and convict -- that is how civilians appeared before military courts. They could take over jurisdictions outside their formal competence, intervene in the courts and intimidate magistrates.

The role of Western support

Owing to its wealth, its strategic position in Africa in the context of the Cold War, and more recently, to the instability of neighbouring countries (Rwanda and Burundi), Zaïre benefited from support and aid from the Western powers.

The United States backed Leopold II's support for the creation of the Congo. Later, at the United Nations, they supported Congo's unity and territorial integrity, and opposed secession by Katanga. In fact, not only would the Congo have been less viable without Katanga (the country's richest region, especially in copper), but its weakening would have furthered the penetration of the Soviets into other parts of central Africa. It was a question of maintaining the West's position in Africa, and therefore of maintaining in power a government that was sympathetic to it.

With Mobutu's coming to power, Western economic and military aid was increased, in spite of serious human rights abuses on the part of the regime, and of large-scale misappropriation of funds derived from Western financial aid. Each time the country was threatened as a result of internal crises or external aggression, Mobutu benefited from the support of his allies. The Zaïrian army on its own was unable to cope with a single war from any quarter. For example, at the time of the mercenaries' mutiny in 1967, the United States provided material and diplomatic support. Nevertheless, there were many protests abroad against the support given to Mobutu. The brutality he had shown right at the beginning of his rule, at the time of the Whitsun hangings in 1966, gave him a bad press internationally and destroyed the illusions entertained when he first came to power.

During the two Shaba wars in 1977 and 1978, the United States, France, Morocco and Egypt intervened despite the various reservations the Mobutu regime continued to provoke. For example, under the Carter Administration (1977-81), the Zaïrian Government was accused of mismanagement of financial aid and of authoritarian methods. Demands were made for the introduction of minimal political liberties and respect for basic human rights.⁴⁹ But the strategic position of Zaïre in the political context of the Cold War left the United States with few palatable options: either support Mobutu, in the perceived absence of a viable alternative, or risk renewed Soviet influence in

⁴⁹ *Studia Diplomatica*, vol.34, 1986.

central Africa. They chose to back Mobutu.⁵⁰ For Western Europe, too, it was a question of maintaining security in Africa.

Nevertheless, the Shaba wars sensitised the West to the issue of respect for human rights in Africa and underlined the need to reconsider its policy towards Zaïre.

Mobutu, too, was forced to draw lessons from these conflicts. He would have to take economic measures, and measures to reorganise his army, as well as steps towards greater democracy. As far as the army was concerned, the FAZ had been in a state of disorganisation and chaos since 1977. Logistics and leadership were non-existent. The army was totally unable to ensure the country's security or to face any sort of aggression. This therefore became the first priority, but the result was only further concentration of power.

First, military powers were centralised in the hands of the President, who held the posts of Supreme Commander, Chief of Staff of Ground Forces and Commander of State for Defence. His deputies were General Babia, Coordinator General, and General Bopeya, Director General for Defence. In his speech at N'Sele in July 1977, Mobutu declared, "From now on, I have myself decided to assume responsibility for the General Staff of the Army, which means that problems relating to recruitment, organisation, instruction, modernisation, discipline and logistics of the Armed Forces of Zaïre [FAZ] will, henceforth, be under my direct control, without an intermediary. My concern is to make the Zaïrian army a great force for deterrence ... to safeguard the peace it has so dearly won."⁵¹ Second, the territorial organisation of the FAZ was changed. Third, Mobutu appealed for Western military cooperation to assist in the operational training of FAZ units, as follows:⁵²

- In addition to providing leadership for the officers' training schools and the Centre Supérieur Militaire, Belgium was asked to undertake the training of the infantry brigades at Kitona.
- France undertook the training of the parachute brigades at Mikonde, Ndjili (from the end of 1977), and cooperated in the Mirage and helicopter programs as well as in programs involving the maintenance of Panhard armoured vehicles.
- The United States provided vehicles, equipment and broadcasting facilities.

Mobutu severely criticised the behaviour of army officers, accusing those who, for personal gain, misappropriated supplies and provisions meant for fighting soldiers, of showing a "criminal attitude". These "indescribable" intrigues merited "exemplary punishment". Purges were instigated, and General Bumba was even sentenced to death, but later pardoned. Taking these various considerations into account, a law was passed on 1 July 1977⁵³ on the general organisation of the country's defence and its armed forces. The role of the FAZ was now to "ensure, totally and fully and in the most effective manner, at all times, in all circumstances and against all forms of aggression, the defence of national territory".

⁵⁰ Henry F. Jackson, *From the Congo to Soweto, U.S Foreign Policy Toward Africa since 1960* (New York, William Morrow and Co, 1982), p.48: "The Carter Administration soon resigned itself to continued support to Mobutu, believing that no viable alternative to this leadership existed."

⁵¹ "La défense du Zaïre en 1997", *Studia Diplomatica*, Vol.32, 1979.

⁵² *ibid.*

⁵³ Law n.77-012 of 1 July 1977.

The early 1980s were marked by a worsening of international tensions as a result of the crisis in Iran, the Soviet invasion of Afghanistan, martial law in Poland and the installation of Soviet SS-20 missiles in eastern Europe. In the light of the East-West conflict, there was thus no question of the West's loosening its ties with Mobutu for internal or humanitarian reasons. Despite human rights violations and the overtly repressive nature of the regime, and despite the country's indebtedness, aid to Zaïre increased. The Zaïrian army was shored up and the dictatorship survived.

The ending of the Cold War put a brake on unconditional Western aid to Zaïre. Thereafter, it was no longer vital that the regime survive at any price. Increased demands, reflecting pressure of international public opinion, were made on Zaïre in matters of respect for human rights and democratisation by its former supporters in the West.

The genocide of Rwanda in 1994 was initially very useful to Mobutu, restoring some of his international credibility and helping to strengthen his regime. The French military presence in Rwanda served as a source of arms and ammunition for the FAZ, and the local authorities in Goma were able to exact money in the form of exorbitant landing charges of US\$6,000 per aircraft for the international relief effort.⁵⁴ But once again Mobutu was the main beneficiary. Mobutu was able to turn these events to his advantage in domestic politics in the short term, and was even able to exclude his main political opponent, Etienne Tshisekedi, the leader of the UDPS. Zaïre temporarily regained importance to the West, as its stability was desired so as to underpin that of neighbouring countries and the region as a whole.

⁵⁴ Colette Braeckman, "Le feu court sur la région des grands lacs", *le Monde Diplomatique*, September 1994.

CHAPTER 4

ARBITRARY ARRESTS AND DETENTIONS

There was a conscious policy of terror to ensure the silence and passivity of the majority of the population. Demonstrations, from the early student ones in the 1960s to those in the 1990s, were suppressed on the grounds of maintaining order, and opponents were routinely taken away. There was no knowing who would be arrested next. The arbitrary nature of arrests added to the fear that kept everybody quiet. It was common for people to “disappear” in detention. Families might thus be without news of one of their number, or else he or she would be brought back half dead following torture, or indeed dead, with the formal order to proceed to the immediate burial without celebrating the customary rites, by which friends and family would have paid a last visit to the deceased.

Former soldiers have testified to “special missions” they had to undertake without knowing their exact nature, nor was there any possibility of refusing, and they were bound to the strictest secrecy. Such special missions were the business of the security services. It meant transferring detainees from one prison to another, transporting prisoners to isolated places or to secret places of detention where they would be executed (the plateau of Bateke, for example, a vast, empty savanna that served as a place of execution). It was the paramilitary commandos who ordered them to throw out corpses, packed in sacks, into the Zaïre River at Kinshasa or into Lake Kapolwe in the Shaba, or push prisoners out of a helicopter high above the forest. Any soldier daring to speak or refusing such missions was murdered.⁵⁵ “Pep talks” were regularly held by superior officers of the FAZ for soldiers who performed this sort of mission. It was explained to them that the missions they were being asked to accomplish “served the national interest and that they were to keep silent” on pain of incurring “serious military measures”. Such “chats”, supposed to raise the men’s morale, were also meant to intimidate.

There was a policy of special bonuses for those who accepted certain tasks: “When a prison is closed, one simply kills all the prisoners. And those who do this work receive a bonus”.⁵⁶ But this also encouraged the creation of offenses (witness the attitude of gendarmes to motorists) as well as the arrest of innocent people. These “criminals” would be grouped under the heading of “subversives”, a vague definition that could fit any person presumed guilty and thus liable to arrest.

This conduct was a response to a double need: financial and political. On the one hand everyone joined in the feverish chase after money; this meant that if someone with some property was targeted it could only be for this reason. On the other hand, persons responsible for the military and the security services had a sort of quota of arrests to achieve, below which they were, so to speak, failing in their work.

Arrests, like violence, were part of everyday life for the general population. From a simple arrest after an identity check to mass arrests following a demonstration, they

⁵⁵ Pierre Yambuya, *Zaïre l’abbatoir, Un pilote de Mobutu parle (Zaïre: The Slaughterhouse, A pilot of Mobutu speaks)*, EPO, 1991.

⁵⁶ *idem*, p 68.

took different forms and brought different degrees of violence -- but always violence. Whether the arrest was random, arbitrary, or for a clearly political motive, certain constant features were present: excessive force and total impunity enjoyed by the armed forces.

Impunity and lawlessness left the door wide open for all the worst abuses of power. One could be arrested for being a simple passer-by who had the bad luck to be in the wrong place at the wrong time; or a motorist who happened to be involved in a traffic accident with a well-known personality (no matter who was responsible for causing the accident). Mr Z had a car accident, for example, during which he hit General Sylvestre Bolozi's car. Accused of attempting to kill Bolozi, he was arrested and tortured. Motorists who refused to be robbed on the open road got taken to the station. Authority was frequently used in the interest of purely private satisfactions. Thus the neighbour of a general could be arrested and falsely accused with the sole purpose of expropriating his property to benefit the general. Or force could be used to eliminate an obstructing rival; the lover or the husband of a coveted woman would find himself arrested.

The DSP asked one Medical Foundation client to inform on anybody who was against Mobutu. Afterwards DSP agents could arrest or assassinate them. When he wanted to quit his job, he was arrested and kept at Ndolo prison.

Mr N, another Medical Foundation client, worked as a gardener for a man of influence who blamed Mr N for the accidental death of his daughter. The employer called the Mobile Brigade to arrest Mr N. At the Mobile Brigade HQ he was handcuffed and beaten.

Such arrests were part of the regime's machine of repression. The fear inspired by the regime can be best measured by the feeling of insecurity in the population. They were liable to close surveillance, denunciation and arrest by the security services. Abductions and arbitrary executions were also among the actions decried, especially after the slight democratic opening of the 1990s, by both the press and the Zaïrian and international human rights organisations. The personal testimonies of Zaïrian torture survivors recorded by the Medical Foundation describe the same kinds of arrest and the same accompanying violence.

Persons suspected of belonging to the opposition were arrested or abducted. It was the same for anyone belonging to a group that might be critical of the regime: professional or student associations as well as certain religious groups. The two Shaba wars provoked waves of arrests and arbitrary executions in the late 1970s. All those suspected, rightly or wrongly, of helping the rebels or of belonging to the Katanga ex-Gendarmerie were arrested. This suspicion about people from the Shaba region persisted. Persons who come from Shaba and the two Kasai regions came under greater suspicion than others.

The UN Human Rights Commission, in a report from the Secretary General on the human rights situation in Zaïre dated 23 December 1994, states: "Arrests without a warrant and even abductions of individuals suspected of being opponents or opposition sympathizers by members of the security forces have been reported. This illegal practice often leads to a clandestine extrajudicial execution. In virtually all cases, neither the suspects nor their relatives are informed of the reasons for the arrest, and the latter are not told where their relatives are detained. According to some sources, several of the reported

disappearances are the work of a security forces unit known as the 'Owls' because its members generally operate only at night."

Table 1 below, drawn from the files of those Zaïrians who have been examined and treated at the Medical Foundation, shows the different types of arrest and the methods used. These files contain each person's story in some detail. Approximately 800 files have been read, all of which concern persons who were detained in Zaïre between 1987 and 1997. Of the 800, 511 files have been selected as giving sufficient detail about the arrest of the person concerned (why they were arrested, where, when and how, by whom, at what date), their place of detention, whether they were tortured and how, their means of escape or how they were set free.

There are several reasons why some files do not contain all these details. First, the help or follow-up support given to a person may not always require detailed information of this sort. Second, information that persons were capable of giving about their arrest or place of detention was not always sufficiently complete to be used in our research. It might be because a person had no idea, for instance, where the incident happened, or perhaps after torture or in a state of shock he or she could not remember anything at all due to loss of memory, mental stress, bad physical conditions, the difficulties of testifying, or to the language barrier.⁵⁷

From a representative sample of 124 persons arrested between 1987 and 1997, where the place of arrest is stated, we have established the following table. According to these 124 documented cases, one could be arrested anywhere, any time: not only at demonstrations but also at public or private meetings, in one's office or at university, at home or in public places such as hospitals, churches, or nightclubs, on a bus or at a bus stop, or even during a funeral.

Arrests were always occasioned by violence. Persons arrested were regularly beaten. No reason for their arrest was given. None of the regulations regarding arrest was ever followed. Most of the time, after a thorough beating, they were taken away blindfolded and handcuffed to a place of detention, without its location or name being revealed.

⁵⁷ It is important in this connection to note that the same reasons explain why the testimony of asylum seekers may sometimes vary from one interview to another. These variations are because they may or may not remember at the moment when they are questioned; they may not be in a fit state to give testimony; and other factors are the climate of trust and listening in which the interview takes place, in what language they have to express themselves, the quality and gender of the interpreter, and the time they are given to tell a story that is often long and painful.

Table 1: Methods and Reasons of Arrest

<u>Place of arrest</u> (total:124 cases)	<u>Methods of arrest</u>	<u>Reasons for arrest</u>
Demonstrations (34)	Soldiers surrounded demonstrators, already surrounded by gendarmes and infiltrated by agents of security services. Soldiers fired on the crowd, used tear gas, beat demonstrators, men, women, young, old, with truncheons, rifle butts, military belts, cords, fists and boots. They attacked with machetes and bayonets. Many demonstrators arrested, handcuffed, blindfolded and taken to different places such as: Gendarmerie, Civil Guard or AND HQ, Tshatshi camp, Makala prison. No legal procedures respected. No reason for arrest given and people were not told where they were taken. A lot of people were wounded or killed.	<ul style="list-style-type: none"> - Secretary of student union. - Distributed tracts demanding better condition for work for students. - Members of an opposition political party. -Members of non-political association suspected of “subversive activities”.
Meetings (19)	Soldiers or members of security forces suddenly appeared, shot at the people present, beat them, sometimes threw boiling water at them. They arrested as many people as they could.	<ul style="list-style-type: none"> -People accused of being opposition leaders and of conspiring against the regime. - Members of an opposition political party. - Jehovah’s Witnesses.
University (7)	The students arrested were systematically beaten. They were handcuffed and taken to places of detention.	<ul style="list-style-type: none"> -Students who were members of a student union or political opposition party. - Students who had taken part in a strike or demonstration to demand better conditions or more democracy.
In homes	Armed men broke down the door or threatened the	<ul style="list-style-type: none"> - Members of opposition political parties.

<u>Place of arrest</u> (total:124 cases)	<u>Methods of arrest</u>	<u>Reasons for arrest</u>
(43)	<p>people if they did not let them in.</p> <p>People were dragged from their beds, insulted, threatened, kicked and beaten with truncheons riffle butts, military belts. Sometimes undressed. All in front of members of the family. They were also sometimes tortured, burned with cigarettes, injured with machette or other weapons.</p> <p>The house was often pillaged, searched, and stripped of valuables or furniture.</p> <p>The family was also beaten, including children. The women were often raped in front of men and children; sometimes members of the family, both adults and children, were threatened with death or were killed</p> <p>The slightest attempt to intervene was severely punished.</p> <p>The person was arrested, handcuffed, blindfolded, thrown into the boot of the car. Sometimes one or several other members of the family were arrested at the same time.</p>	<ul style="list-style-type: none"> - People having protested against the death of a relative or having asked for information on a disappeared person. - People accused of having stolen documents from place of work. - Head of personnel accused of inciting hospital workers to strike and of supporting the opposition party. - Members of army or security services having refused to complete a mission or obey an order to kill or arrest people, or warning them of their imminent execution or arrest; or who wished to leave their profession or who were suspected of being members of the opposition.
At place of work (8)	<p>It might be their office or their fields.</p> <p>Arrested without explanation, with no chance of warning their family or of knowing where they were being taken.</p>	<ul style="list-style-type: none"> - Members of an opposition political party. - Persons falsely accused of having stolen documents or money.
Public places such as bus, street,	At bus stops, on public transport, in the streets in general, wherever there were identity checks. This	Random identity checks in public places led to students being checked and arrested simply upon showing their student card.

<u>Place of arrest</u> (total: 124 cases)	<u>Methods of arrest</u>	<u>Reasons for arrest</u>
hospital, church (11)	<p>was a way of arresting students or any “subversive” who might have taken part in a strike or a demonstration.</p> <p>If someone was sought, the fact of being in hospital, seriously ill, was of no importance. He or she would be arrested and tortured, like anyone else in prison, and of course received no further medical care.</p> <p>In the street, people were arrested coming home from work, or back from a party, often without any reason.</p>	
At a funeral (2)		<ul style="list-style-type: none"> - At the funeral of a person who had been subjected to arrest and torture. - As reprisal if the deceased was a member of the opposition or had been wanted for political activities, or if members of the deceased’s family were politically active.

Note to Table 1: Most arrests were the work of the security forces and intelligence agents (Civil Guard, DSP, SARM, BSRs, AND, ANI, SNIP and the Owls). The army and the Gendarmerie had much less power. They were much less well equipped and trained for special assignments like abduction. Mostly the arrests made by soldiers and gendarmes were the sort of daily arrests that hit motorists, market traders, business people and others who were stopped for a check of identity papers. They took part in suppressing demonstrations, but the great majority of arrests were due to the security services. All of the armed forces are mentioned repeatedly as being responsible for each type of arrest. Although the arrests following demonstrations or meetings involved soldiers, Civil Guard or DSP, members of the security services were present. Arrests at home and abductions were usually the work of the Owls and members of the security services.

Impact on families

A general state of violence reached all levels of the population without regard for sex, age or social class. The arbitrary nature of arrest and detention is further shown by the way this violence affected families. The arrest of a parent had repercussions on the whole family. Before the arrest, if the person was a political militant or had particular reason to fear arrest, the whole family lived in fear (death threats, violence by way of intimidation). When an arrest took place at the person's home, all the members of the family who were present suffered brutalities from the soldiers or the security forces. This stands out clearly in the testimonies of our Zaïrian clients, both parents and children.

The children tell how they have seen murders by gendarmes in the street, or have heard that persons had been killed or had disappeared from the heart of their community. They tell also of seeing the pillages in which the armed forces indulged, and the scenes of such violence broadcast on television. Children were victims of violence the same as adults. Whether the family was implicated or not in political activities, violence was there: arbitrary arrests, pillages, the disappearance of neighbours or friends, the general climate of insecurity that everybody experienced. The situation was worse when one of the parents was implicated in political activities or wanted by the security forces for whatever reason. The family was subjected to incessant persecution, which did not stop when that parent had been arrested or killed. In fact the soldiers would come back, arrest another member of the family, kill someone else, loot and destroy the home and rape the women and girls.

All of the children and adolescents among our Zaïrian clients have witnessed murder. Some have seen one or both parents arrested or killed. When the parent was arrested, he or she was beaten in front of the family. Often the mother, sister or grandmother was raped in front of them. Some of our child clients were themselves raped or were forced to have sexual relations with a sibling. Other children were also killed or tortured in front of their parents and family.

Families suffered these violent attacks as reprisals, or so that they would reveal the whereabouts of a parent in hiding, or perhaps the soldiers were looking for documents. Or they attacked a family so that the person sought would give himself up, or the prisoner would divulge information or sign certain documents. Sometimes soldiers raped the wife and then told the imprisoned husband about it, or they would arrest a member of the family, kill him or her and threaten to do the same to the others if the prisoner did not accept their conditions.

Table 2 is based on 55 Medical Foundation cases concerned with reprisals suffered by families. Among them was a couple known for their political activities who saw 10 commandos arriving one evening. The men immediately broke into the house and began to shoot. A soldier seized their two-year-old child, and after laying him out on a table at bayonet point, threatened to kill him if the parents refused to give them money. Once the soldiers had obtained the money, they tried to rape the wife and take a child hostage. Finally they left, having stripped the house of its contents. The family took refuge with friends. They decided to entrust the children to relatives. Later the husband and wife were arrested. The husband was arrested twice. In July 1993 he was detained in the local Civil Guard station for five days during which he was subjected to electric shocks and beaten. In June 1994 he was detained again, and held this time at Makala for

18 months after which he managed to escape by bribing the prison director, who himself suggested escape and how to go about it.

Another case concerns a woman arrested in her home the day following her husband's arrest. Four men, two in uniform and two plain-clothesmen, suddenly appeared just as she was destroying some political documents belonging to her husband. Other soldiers waited outside. She was handcuffed and led away to the nearest place of detention, where she was held for 24 hours in solitary confinement, in a cell just large enough to lie down in. The cell was entirely dark, badly ventilated, with nothing to lie on and no toilet. She was beaten, whipped, burnt with cigarettes and raped.

The only way to put an end to these persecutions was flight, which brought other dangers, other difficulties: having to adapt to a different region or another country, perhaps learn another language, find some way to make a living, live separated from their family and community, face the feelings of fear and anxiety they bring with them and the vivid memories of the violence they have seen. (For more information about flight into exile from Zaïre, see Chapter 7.)

Table 2. Reprisals against the Family

<u>Acts of reprisal</u>	<u>Husband or wife</u>	<u>Children</u>	<u>Parents</u>	<u>Brothers and sisters</u>	<u>Relatives</u>
Arrest	10	3	mother: 6 father: 2	sister: 2 brother: 5	cousin: 2 uncle: 1
Violence (beating, torture)	5	3	mother: 5 father: 5	sister: 1 brother: 1	
Murder	1	1	mother: 3 father: 3 sister: 1 <i>arrested at the same time, tortured and killed:</i> father: 1 <i>arrested after, tortured and killed:</i> father: 1	brother: 2	uncle: 1
Rape	<i>before the arrest: 5 after the arrest: 1</i>	<i>raped: 1 witness to rape: 3</i>	mother: 1	sister: 1	
Threats	<i>before the arrest: 1 after the arrest: 3</i>		3	2	
Escape following persecutions	9	6	2	brother: 1	
Total, 55 families	35 instances	17 instances	33 instances	15 instances	4 instances

CHAPTER 5

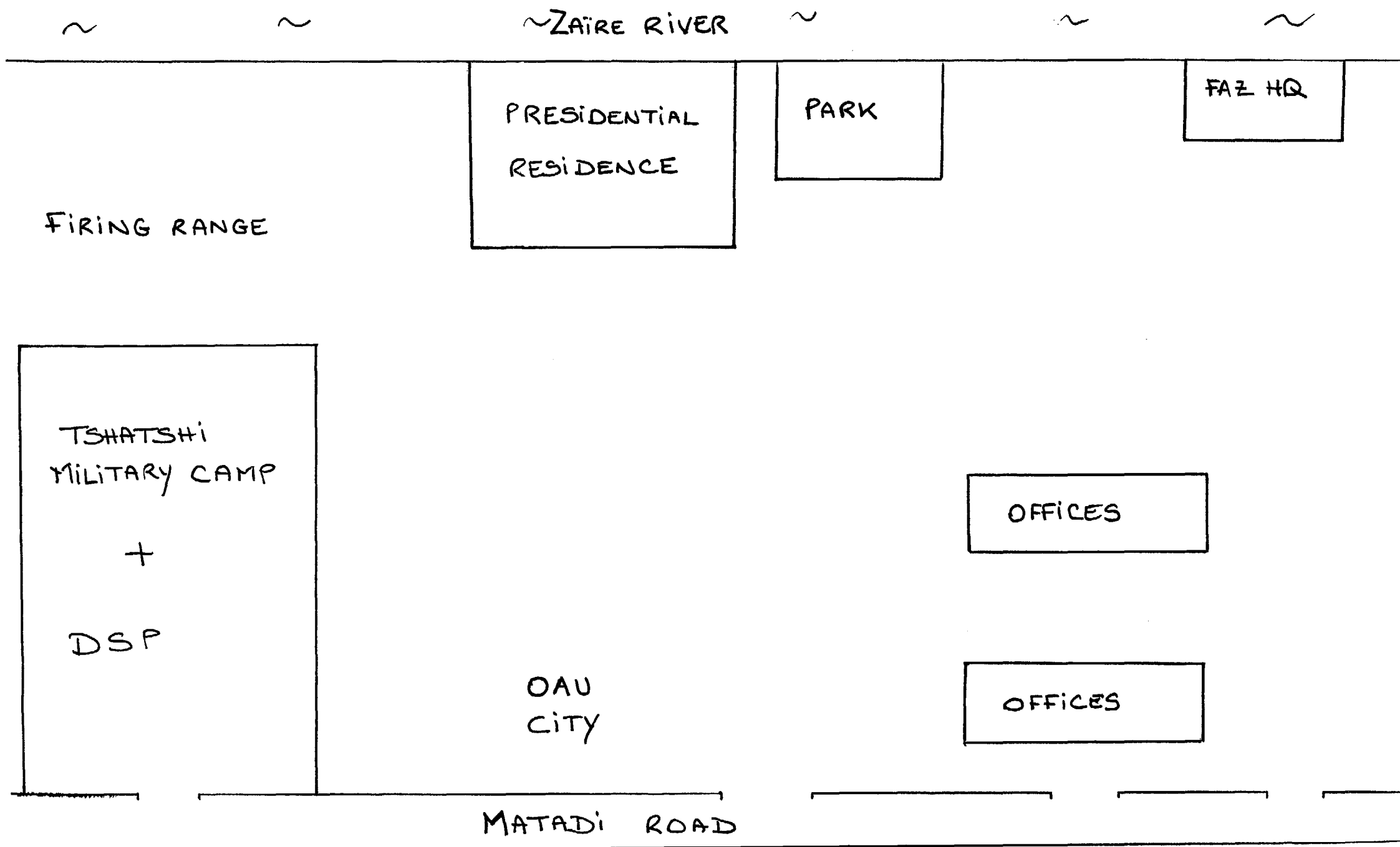
PLACES OF DETENTION

The word *prison*, as used by torture survivors from Zaïre, covers several types of establishment, including both official prisons and secret places of detention. Gendarmeries and police stations anywhere have cells for provisional detention, but in Zaïre such cells were veritable dungeons where people could be held for indeterminate periods, tortured and killed. There was also an especially great number of places that, quite apart from their primary function, became dungeons for detention, torture or execution. These were the military camps, the offices of the security services, even the courts of justice. In addition were the many secret places which it is impossible to itemize. Some of these places of detention, although not official, were poorly kept secrets: the population knew that people were held and tortured at the Tshatshi camp at Mont Ngaliema, and at the offices of security and intelligence services like the AND, the ANI, SARM, BSRS.

In Kinshasa, facing the Zaïre River, is Mont Ngaliema, an immense area dominating the town. It included residences of the President and his entourage (family, collaborators, members of the DSP), and the administrative offices of the Presidency of the Republic. Torture survivors who speak of the dungeons at Tshatshi camp refer to it in various ways: Camp Tshatshi, Second City, OAU City, Mont Ngaliema. In the building of this military camp there was a vast underground prison. Most of the persons held were there for political reasons. Tshatshi was infamous for its dungeons, as also for torture and summary executions.

Further, all of the security services had their separate dungeons. The offices of the AND and the ANI security services were in the business quarter of Kinshasa in the Gombe district, beside the Zaïre River. These offices looked no different outside, nor even inside during the day, from other administrative offices. However, these buildings had some rooms in which people were held and tortured. The number of the rooms reserved for this purpose was limited to the possibilities of an administrative building, nothing comparable to Tshatshi or other military camps, but the torture practised there was just as severe.

Some places were known only to persons whose functions warranted access to them, in particular the military. The former pilot Pierre Yambuya writes about these secret places of detention: "Generally, those suspected of the gravest offenses are not executed immediately, but guarded in these secret places where no one will be able to come and visit them before their execution. The prisoners suffer torture of body and mind and are condemned by their executioners never again to recover their liberty." He denounces the way many military bases were used as places of torture and detention. He



MILITARY ADVISORS' RESIDENCES
(US AND ISRAEL HELPED WITH DSP TRAINING)

also gives a description of some of these places which he was given to visit: Gombari, Kamina, Nzilo.⁵⁸

To have an idea of how important in sheer numbers the places of detention are, one would have to count all the prisons and gendarmeries all over Zaïre, as well as every military camp or building of the paramilitary forces or security and intelligence services. In Kinshasa alone there were nearly 250 places of detention, most of which were gendarmerie. In addition, there were those places used by the special missions for summary executions, like the plateau at Bakete.

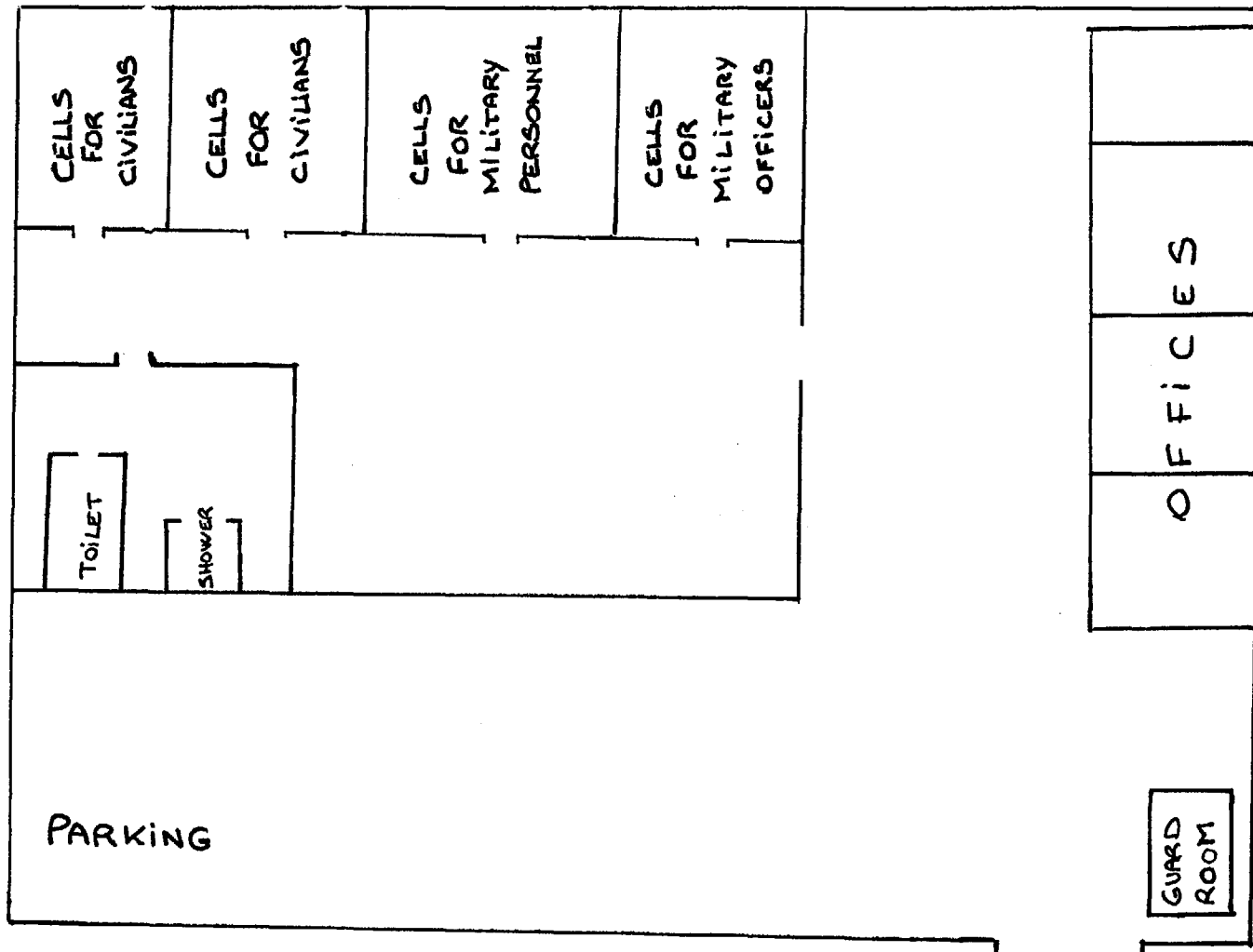
In the following tables (nos. 3 to 10), we give names of some of the places of detention, their geographical position, their type and, where known, the names of those persons in charge during the 1980s and 1990s. We have chosen these places of detention rather than others because they recur most often in our case files and because it would be nearly impossible to draw up a complete list. Maps accompany the tables to make it easier to locate the towns, regions and places of detention. (See page 56 as well as the two-page map of Kinshasa at the end of the book.)

The principal places of detention, especially for political prisoners, were to be found in Kinshasa and its environs, and in the regions of Bas-Zaïre and Equateur, as well as in the central prisons of Zaïre's two other principal cities, Lubumbashi (in Shaba) and Kisangani (in Haut-Zaïre).

In the tables, the figures shown in parentheses below the names of places of detention indicate the number of Medical Foundation clients who testify to having been detained in these prisons between 1987 and 1997. When there is no figure given, this means that the information comes from subsequent interviews with clients rather than from the much larger number of files. It would appear that there were at least as many people held in unofficial as in official places of detention.

The places of detention are divided into two categories: official places under the public ministry, and secret or unofficial places under the security and intelligence services. As for official places, they were prisons or gendarmeries. They are estimated at a little more than a hundred throughout Zaïre. Non-official places included military camps, security services places of detention (DSP and Civil Guard), as well as places of detention of the intelligence services (AND, ANI and SARM). To this list one needs to add the dungeon belonging to the Court of Justice, all the secret places in private houses and those numerous ones that have never been revealed. Prisoners detained in these places had little hope of ever coming out alive.

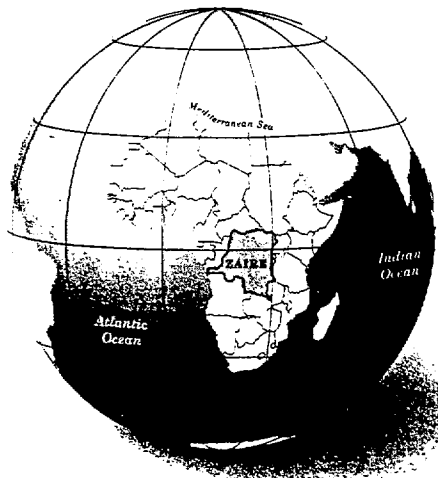
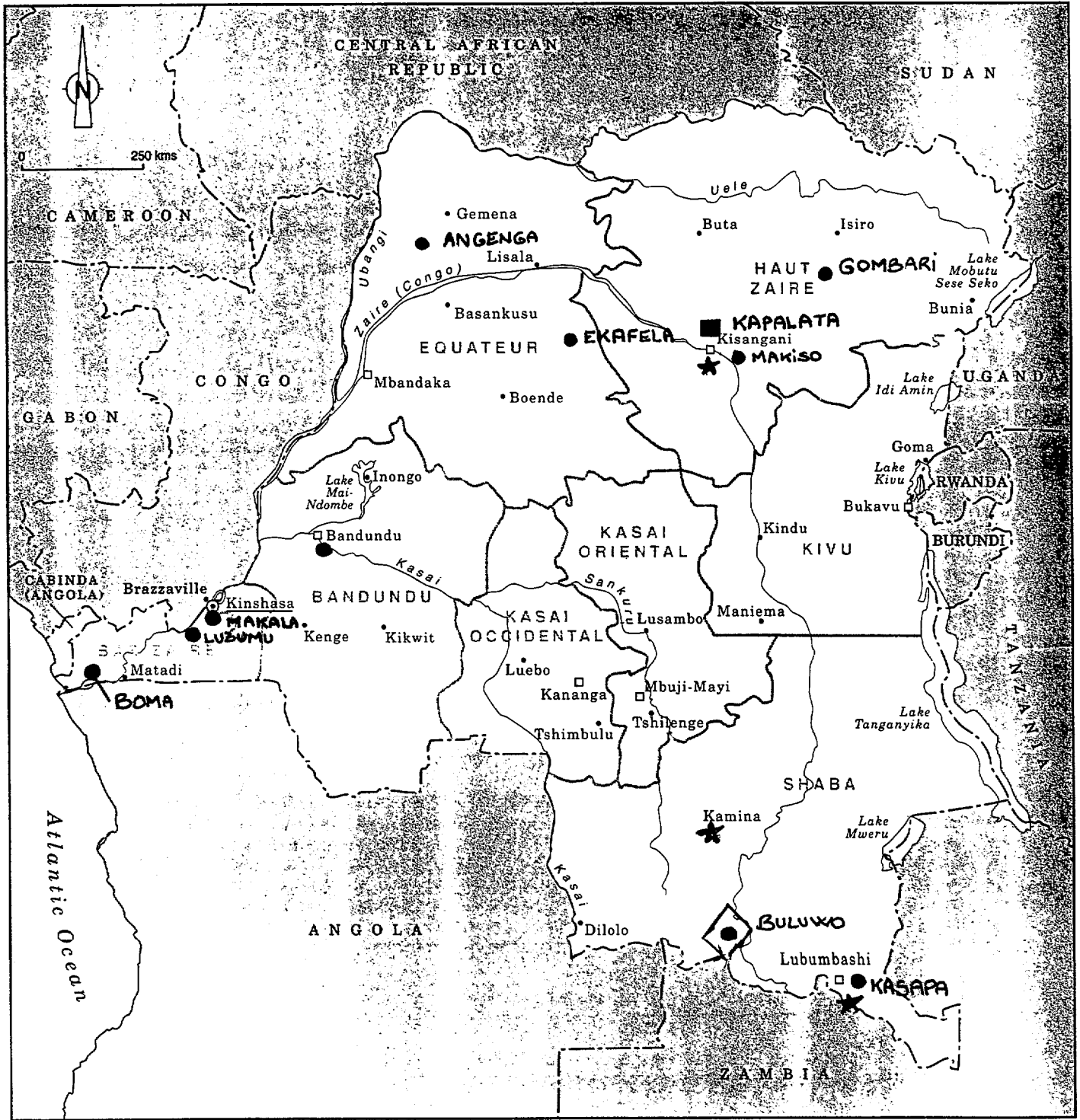
⁵⁸ Yambuya, *op. cit.*, pp 79-84.



COLONEL MONJIBA AVENUE

SARM

ZAIRE



- PRISON
- ★ MILITARY CAMP
- GENDARMERIE
- ◻ PRISON + MILITARY CAMP

KEY:	
⊙	Capital city
◻	Capital of province
•	Major town
—	Provincial boundary
- - -	National boundary
—	River

Table 3. Official Places of Detention: Prisons

<u>Name of prison *</u> (number of cases)	<u>Location</u>	<u>Kind</u>	<u>Person responsible*</u>
Bandundu prison (1)	Bandundu region	central Kikwit prison	
Boma prison (1)	Bas-Zaïre region	prison	
Lubumbashi central prison (11)	Lubumbashi, Shaba region	central prison	
Kasapa prison (6)	Lumbumbashi, in Shaba region	prison	
Luzumu prison (9)	Bas-Zaïre region	prison infamous for conditions of detention. Prisoners often “disappeared”.	
Makiso	Kisangani, in Haut- Zaïre region.	prison	
Makala (112)	Kinshasa	central prison	
Ndolo prison (29)	In Ndolo zone, in Kinshasa	military prison	

* The responsible person for each prison was the prison governor appointed by the Minister of Justice.

Table 4. Official Places of Detention: Gendarmeries

<u>Name of Gendarmerie</u>	<u>Location</u>	<u>Kind</u>	<u>Person responsible</u>
B2	Lingwala zone, near the main market, in Kinshasa.	Gendarmerie Etat Major	General Shabani, Commandant of the military region of Kinshasa.
CIRCO (29)	Abbreviation for military district of Kinshasa, located in Kitambo zone.	In CIRCO compound were administrative offices of General Boloji, BSRS and the Mobile Brigade. These cells were for people arrested by men from these three offices.	General Boloji, Commandant of the military district of Kinshasa.
Mobile Brigade	At CIRCO	Gendarmerie	Under Boloji's authority
BSRS	At CIRCO	Gendarmerie intelligence services	Major Mayindu, under Boloji's authority.
"G2"/ "S2"	Various addresses	Military security centres.	
Kalamu (13)	Kalamu, near the Victoire Stadium, in Kinshasa	Gendarmerie	The commandant of each Gendarmerie of Kinshasa was under Boloji's authority.
Kapalata	Kisangani (Haut-Zaire)	Gendarmerie	ditto
Lufungula (1)	In Lingwala zone, Kinshasa	Gendarmerie	ditto
Police station at Masina (1)	In Masina 2 zone, in Kinshasa	Gendarmerie	ditto
Matete (8)	Kinshasa	Gendarmerie	ditto

Note to Table 4: Every morning the commandants of each gendarmerie sent a report to Boloji, which he forwarded to Mobutu. The people arrested and detained in Gendarmeries for state security reasons were transferred to CIRCO.

Table 5. Non-official Places of Detention: Military Camps

<u>Name</u>	<u>Location</u>	<u>Kind</u>	<u>Person responsible</u>
Ceta camp (Centre des troupes aéroportées; training centre for paratroopers) (1)	In Mokondo, in Kimbanseke zone, in Kinshasa (in front of Ndjili airport)	Military camp	Every military camp was under CIRCO. Some of their detainees were transferred to CIRCO.
Kingabwa military centre (1)	Limite zone in Kinshasa	Military centre	ditto
Kokolo camp (5)	In Bilungwa zone in Kinshasa	The largest military camp in Kinshasa	ditto
Ndjili detention centre (1)	Ndjili zone in Kinshasa.	There were three places of detention at Ndjili: the Gendarmerie, cells in the military camp and at the airport.	ditto
Lunfungula	In Lingwala zone in Kinshasa	Military camp (and Gendarmerie)	ditto
Mobutu camp	In Lemba zone, in Kinshasa	Military camp	ditto
Kimkembe camp	Lubumbashi (Shaba)	Military camp	
Gombari (1)	Haut-Zaïre, 250 km from Isiro	Gombari military camp prison	
Kamina	Shaba region	Kamina air base	

Table 6. Security Services Places of Detention: DSP

<u>Places of detention under the DSP</u>	<u>Location</u>	<u>Kind</u>	<u>Person responsible</u>
DSP camp (17)	On Mont Ngaliema in Kinshasa, in the presidential area, within Tshatshi camp	Residential camp for the DSP soldiers. The DSP had its own cells there, independent from Tshatshi's cells, in which were detained DSP soldiers and some people arrested by the DSP.	General Nzimbi.
Tshatshi * (88)	Within Tshatshi camp on Mont Ngaliema, Kinshasa.	Place of detention also called Second City. It was a subterranean prison.	
Kota Koli camp (1)	Equateur region	Training camp for commandos	
Kibomango	Kinshasa, between Nsele and Njili	Infantry camp. Only the military and security agents were detained in this camp.	
Ekafela ** (4)	Equateur region, in the forest	Labour camp. Island formed by two arms of a river, reachable only by helicopter.	This prison was subordinated to the DSP and was not far from the DSP commando camp.
Angenga (1)	Equateur region. In the equatorial forest, 36 km from Lisala.	Prison	Under the DSP

* Tshatshi camp subterranean prison had a tunnel which came out on the Zaïre River. The corpses of dead prisoners were bagged up, carried through this tunnel and thrown into the river.

** Ekafela prison was created in the 1970s after the first big student demonstration. It was considered at the beginning a "re-education camp".

Table 7. Security Services Places of Detention: The Civil Guard

<u>Places of detention under the CG</u>	<u>Location</u>	<u>Kind</u>	<u>Person responsible</u>
Civil Guard HQ, Kinshasa (46)	Kinshasa near the main market (“Zandu”, which means market in Lingala, refers to this large market to distinguish it from “wende” which refers to other markets in all zones of Kinshasa).	Civil Guard was originally intended to protect the population and therefore had no need for cells.	General Baramoto, Elite General of Peace *
Peace Detachment	Place Kimpuanza in Kasavubu zone, Kinshasa.	Civil Guard subdivisional offices called Peace Detachments in each region, the three most important being Kinshasa, Kisangani and Lumbumbashi.	Colonel Iduwa, then Iwondo Iwondo.
Joli Site	Kinshasa	Camp for supplies and logistical support	
Kisangani Camp	Haut-Zaïre region	Military camp	
Buluwo (1)	Near Likasi, in Shaba region	Military camp (and prison)	

* The Civil Guard was originally supposed to be a civil corps. The names of subdivisions and different ranks were supposed to remain civilian and owe nothing to military vocabulary. Hence the names “Elite General of Peace” and “Peace Detachment”.

Table 8. Intelligence Services Places of Detention: The AND

<u>Places of detention under the AND</u>	<u>Location</u>	<u>Kind</u>	<u>Person responsible</u>
AND, National Documentation Agency. (46) Or SNIP, National Service of Intelligence and Protection	Avenue des 3 Z, Gombe, in Kinshasa	AND was an intelligence service. The cells in their HQ were unofficial.	In 1983 AND was directed by Mokolo wa Mpombo, then in 1985 by Honoré Ngbanda Nzambo, one of Mobutu's nephews with the reputation as a torturer, nicknamed "Terminator".
REDOCS	In all regions, AND had regional offices REDOCs for internal documentation and research concerning state security.	REDOCs members of state security had much greater power than regional governors. Every REDOC office had cells.	
Ma Campagne	At Binza on Mont Ngaliema	Original offices of DDE. In 1980 the DDE was replaced by the SNI, and replaced by AND in 1983. *	Edouard Mokolo, Nkema Liloo.
Kin-Mazière	Avenue du Commerce, Gombe, in Kinshasa.	Offices of AND.	

* In 1983 the AND replaced the CNRI, but some people continued to use the former name. In 1990 the AND was replaced by the SNIP. Names vary but they refer to the same places of detention.

Table 9. Intelligence Services Places of Detention: ANI

<u>Places of detention under the ANI</u>	<u>Location</u>	<u>Kind</u>	<u>Person responsible</u>
HQ of the ANI	Boulevard du 30 juin, Kinshasa	Offices	Goga Lingo wa Dondo
Kin-Mazière	Avenue du commerce, Gombe, in Kinshasa	Offices	
Ngobila Beach	Offices of the ANI at the port of Kinshasa	Immigration offices for services to foreigners and people crossing to Brazzaville	
Ndjili	In the zone of Ndjili	Immigration offices at airport	
REDOCs	Chief towns of each region and all border posts were given REDOCs under the ANI	The REDOCs at the border post were very rich and powerful. Kinshasa exercised no control, so REDOCs enjoyed great impunity. Corruption reached its maximum there so that REDOCs soon amassed fortunes. *	

* At the border with Angola in the diamond region of Bandundu, the REDOC, nicknamed “Khaddafi”, built up an immense fortune in this way.

Table 10. Intelligence Services Places of Detention: SARM

<u>Places of detention under the SARM</u>	<u>Location</u>	<u>Kind</u>	<u>Person responsible</u>
SARM (15)	In the zone of Gombe, in Kinshasa	Intelligence service of the army (FAZ)	

As mentioned above, the word *prison* used by torture survivors does not necessarily correspond to the definition of a prison as understood by law, that is, the place where convicted criminals or people on remand are detained. The word could cover remand centres, police cells, security service dungeons. These distinctions had little meaning, in as much as people were subjected to the same regime whether they found themselves in one place of detention or another, and in as much as military camps held civilians as well as military prisoners. So in certain testimonies the person does not at once state precisely the exact nature of the place where he was held (if he knew it) and uses the term *prison* in a general sense.

The only real difference was the reputation of one place in relation to another. For example, the Tshatshi camp had a very bad reputation. Persons who were held at Tshatshi camp had been arrested by the DSP, and were considered especially dangerous by the DSP. Once locked up in the underground prison at Tshatshi camp, there was little chance of being released or getting out alive. Many prisoners were murdered. The prisons of Luzumu or Egenga, located respectively on an island and in the equatorial forest, were very difficult to reach. It was therefore practically impossible to receive a visit, which meant that prisoners could not count on vital help from family or friends (moral support, food, medicines). Conditions of detention there were extremely difficult and prisoners died -- persons brought there were generally those the authorities wished to be rid of.

There is some confusion about the names of these places of detention. As indicated above, people who refer to the dungeons inside Tshatshi camp use several names: Camp Tshatshi, Second City, OAU City, Mont Ngaliema.⁵⁹ As for the dungeons at the AND, the AND building had formerly been that of the CNRI, so people may testify to having been detained at either the AND or CNRI. At Gombe there was an office building of the AND that issued passes, but there were other AND offices dealing with passports, as well as offices of the ANI. Thus for "Gombe" a person could mean any of these places. Concerning CIRCO, in the precinct of the military area of Kinshasa, directed by Bolozi, there was only one building for detention of persons arrested by the BSRS, the Mobile Brigade or by Bolozi's men. Lastly, agents of the security services gave code names to certain places which were taken up by the population and used more widely to indicate various and different places. This was the case of "S2", used for the security services, and "G2" for the Gendarmeries.

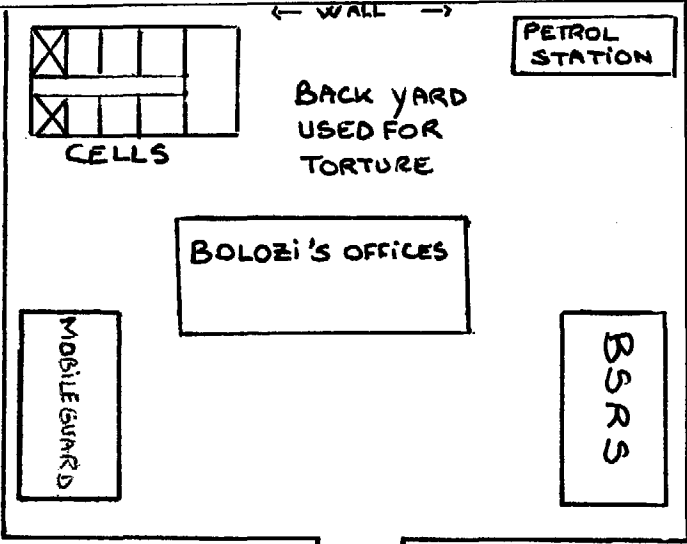
⁵⁹ Maps of Camp Tshatshi and CIRCO, based on torture survivors' sketches, accompany this chapter.

KOKOLO CAMP

GENDARMERIE
ETAT MAJOR



AVENUE DU 24 NOVEMBRE



VOICE OF ZAIRE
RADIO

CIRCO

PALAIS DU PEUPLE

AVENUE DU 30 JUIN

CHAPTER 6

PRISON CONDITIONS AND METHODS OF TORTURE

Prison conditions

The conditions prevailing in official prisons, and even more in the secret places of detention, were appalling. Certain places of detention were well known as places of torture and arbitrary execution. Although some prisons were more severe than others, conditions in all places of detention were of a uniformly low standard as regards the state of the cells and their size, diet, medical care, and brutality.

Prisoners were confined in overcrowded cells or individually in cells that were minuscule. In general, cells were neither wide enough nor tall enough for prisoners to lie down or stand up. Such cells were often very dark, badly lit or not lit at all, suffocating because of the absence of any system of ventilation, dirty and damp. Bedding, if supplied, was often simply nothing more than a blanket. Sanitary arrangements were deplorable, nothing was provided in the cells, or else there were ancient installations that were quite inadequate in number and capacity. Sometimes the detainees remained unable to wash all through their period of detention. In the cells of the AND and the Civil Guard there was *no* provision for washing. At the AND, rooms in the administration building had been transformed into dungeons and were not adapted to receive detainees, neither for sanitation nor for the provision of food. At Makala, according to our clients' testimonies, they were obliged to clean the slop pails or the floors of cells with their bare hands and were never allowed to wash. In this way many prisoners contracted infections or diseases (many had open wounds due to ill-treatment or torture).

Prisoners had to ask the guards for permission to go to the toilet; sometimes the guards refused or made them go on asking for a long time. Sometimes prisoners were given a food tin in which to urinate, but in the majority of cases the prisoners had to relieve themselves on the floor of the cell.

Generally the prisoners had no right to a visit. Their families usually did not know where their parent or relation was being held. At the time of the person's arrest, he or she would not be told the name of the place to which they were being taken; most often they would be blindfolded or found themselves in the boot of a car, or else unconscious after the blows received when detained. Only after asking other prisoners would they learn where they were. If they were held in solitary cells and somehow escaped, they would be unable to name the prison where they had been held. Even when prisoners had been arrested in their homes, the family was not informed of the place to which their relative was being taken. It was for the family to make all the necessary inquiries, going from prison to prison, and, if they know any influential or well-placed persons, to ask them for information. Sometimes just the fact of making inquiries about a member of the family who had disappeared and of whom they still had no news cost the liberty or the life of those making the inquiries.

Yet it was essential for the prisoner that the family know where he was. It was on them he actually depended for food, for medicine and for release through bribery. The

prisons supplied no food for prisoners or far too little (a small helping of rice and biscuits) and very irregularly. Prisoners sometimes refused the food they were given from fear that it was poisoned. Guards often spat on it in front of the prisoner, or it was spoilt with excessive salt or pepper. Water was subject to rationing.

Detainees could be left for days without food and drink. A high number of prisoners died of hunger in prisons such as Makala, Luzumu or Ekafela. The only food that reached them was supplied by the families or charitable associations, or again, the families would have to bribe the guards to get them to pass the food to their relative. The guards also took part of the food for themselves. Thus the amount of food that finally reached the prisoner was considerably reduced, not counting that the detainee might share his meagre pittance with a cellmate even less lucky who had no family to help him or whose family did not know where he was.

Guards were not well paid or not paid at all (they were civil servants like the rest), and so to take some of the food was a means for them to feed themselves and their families. Guards exploited their position, extracting money for any service rendered: passing letters to the families, allowing food or medicines, a chance to leave the cell, conditional releases, learning the contents of their files, the opportunity to escape. It was the guards themselves who would offer their services in exchange for money or goods. All the prison staff, from director to guards, drew their cut from this "commerce". At Makala the director and his deputy were accused of trafficking in the conditional release of those accused. Before signing, they demanded seven to ten million zaires per detainee, which for some detainees was the price of their house. Authorisation for time out of the cell or for visitors also cost: five million for the former and four million a month per detainee to receive visitors.⁶⁰

Corruption in the very heart of the prisons was something quite normal. For public servants in Zaïre there was neither job security nor any of the advantages that their status might bring them in other societies. Gendarmes lived off the population whom they held to ransom. Some gendarmes formed gangs to steal and loot. It was quite usual for civilians to procure military uniforms and, abusing the authority their appearance conferred, to rob people. The corruption seen inside the prison community was just a more intense reflection of the way Zaïrian society functioned.

If someone was arrested in the street, the gendarme would take from him only what he had on him. At the gendarmerie station things were different. The first preoccupation of the gendarmes when a newly arrested person arrived was to try to find out what the person possessed, what he might be cheated of. The gendarmes would frighten the detainee by making out that his case was very serious and that it was critical for him to get out of prison. Those detained would send the gendarmes to their home to obtain the money necessary for their release. At the person's home the gendarmes searched the house and stole any objects of value. If the person had a car, for instance, they would tell their commander. He would confiscate the car and give some money to the gendarmes. The latter considered their account settled; the money made in this manner sometimes constituted their only financial income.

At other times the prisoner was interrogated and led away to a dungeon. The methods of interrogation alone would suffice to make prisoners want to get out of prison as quickly as possible. At that point the gendarme could propose to arrange for the

⁶⁰ *Elima* (Zaïrian newspaper), 4 August 1992

person's file to be annulled and the person freed. The prisoner paid the sum asked for, but could find himself arrested again. If the person defended himself and explained that he or she had already paid to be released, the gendarme would deny having received anything, and the person would be accused of attempting to corrupt an official and would be sentenced to double the first term!

All depended of course on the gendarme on duty. If a gendarme knew the family or was from the same region, for example, he might perhaps not make the family pay to bring food to their relative but arrange with them to bring him food as well. Other gendarmes took away all the food destined for the prisoner to feed their own family. Sometimes the same guards who beat and abused the prisoners would, for money and on their own initiative, offer them goods and services: cigarettes, medicines, a letter passed to their family.

The system of pilfering at Makala was different according to whether provisions came from the prison's stores or from outside. Half the monthly prison budget disappeared in false accounting. Any goods that arrived were immediately distributed among the military and resold. For food arriving from outside, there existed a sort of "tariff" which was up to 20 zaïres per meal at the beginning of the 1980s or a payment in kind. This sum was shared by several intermediaries: five zaïres for the attendant who registered the visitor; 10 zaïres on the way through the military guard; five more for access to the detainee's wing. Part of all prison provisions from international organisations like the Red Cross or charities disappeared to the profit of the staff.

Inflation consequent on the various devaluations in Zaïre had its effect on the prisoners. It diminished the buying power of the families and therefore the quantity of food, and increased the demands of the intermediaries.⁶¹ Prisoners without money often died of starvation.

There were almost no medical visits. The only visits granted might be those of priests. The mortality rate in prison was very high. Prisoners, badly fed and lacking any kind of medical care, died of diseases contracted in prison or as a result of the brutality received. At Makala malnutrition and the complete absence of medical care were the first causes of death. Among other causes of death were diarrhoea, tuberculosis, pneumonia, malaria, AIDS.

Rape of women by the guards was very frequent. Men likewise were subjected to frequent sexual violence. In addition the guards could demand of the women, as of the men, sexual relations in exchange for food or a service. For those who had no money this was the only way to avoid starvation. Another very frequent practice was for the sisters of prisoners to obtain from some highly placed person (e.g., a colonel or the prison director) services for the imprisoned brother in return for sexual relations.

The prisoners' legal situation could not be more precarious. They knew nothing of the fate awaiting them. If any explanation was given of the reasons for arrest, it was just an oral accusation (members of opposition parties were accused of being traitors, "anti-revolutionary", anti-Mobutu or of being out to destroy the country), or else they were forced to sign false depositions under torture.

But it was also possible that no charge was recorded against them. They were not involved in any hearing or trial. Detentions without charge or trial, as well as dormant

⁶¹ *Information Zaïre* (Zairian journal), n.43, September 1984.

files, were common. When a trial did take place, the prisoners generally had no right to a lawyer, and the sentence was passed without their having been able to exercise their legal rights, even though their sentence might be life imprisonment or death. Nor did they know for how long they were supposed to be imprisoned.

One Medical Foundation client was detained incommunicado and without explanation for a year, never being allowed out of his cell. He was not brought before any tribunal, received no visit or communication from his family, and was not allowed any medical treatment.

Illegal detentions were common. According to a Zaïrian daily in 1995,⁶² out of 185 detainees at the central prison at Kisangani, only 35 had been convicted. The other files were frozen, and those awaiting trial were kept for months before being brought to court. The only way to get a case heard more quickly was to pay. Imprisonment was ordered on the basis of presumption of guilt or under pressure from financially powerful plaintiffs. At Makala, in principle, only those who were sentenced to a term of imprisonment could be accepted, those detained by a warrant of arrest from a magistrate or by an officer of the judicial police. In 1992, of the 860 detainees only 131 were serving terms of imprisonment as a result of judicial decisions.⁶³ Nearly 680 others were in prison only on the basis of a warrant or a citation whose validity had long since expired, and some 50 persons had been arbitrarily detained.

The prescribed limits of preventive detentions in the gendarmeries were not respected at all; those accused found themselves detained for unlimited periods. Magistrates would prolong indefinitely the length of preventive detention with the result that when tribunals finally pronounced judgment, the convicted person had already served double or triple the time of the prescribed sentence.⁶⁴

Prisoners were abducted and held arbitrarily in some jails from which, for all they knew, they might never be released.

In general, life was cheap in prison. Those detained feared they might be executed at any moment, or succumb under torture. Every day, in prisons like Makala or the Tshatshi camp, prisoners were called at random and executed. Detainees lived in terror of being the next to be killed, and in fear of daily beatings or torture.

While conditions of detention were very bad in the official prisons, they were worse in the secret places of detention and in the improvised dungeons at the intelligence services. Torture was practised there systematically. Some cells were specially arranged for torture, in the premises of the AND (in the zone of Gombe), at CIRCO and at Tshatshi Military Camp. At CIRCO two cells were intended for persons left to die of hunger and from the effects of their wounds. In the other cells, 40 to 50 persons were crowded into 8m². The guards sometimes left corpses decomposing for several days among the living in the dungeons before taking them away.⁶⁵

Torture survivors report the same at the hands of the Civil Guard. They also tell of prisoners being given nothing to eat for more than twenty days.

⁶² *La Référence Plus*, n.645, 30 August 1995

⁶³ *La Référence Plus*, n.59, 7 May 1992

⁶⁴ *Umoja*, 20 May 1992

⁶⁵ *Info-Zaïre*, n.40, 1994

At the prison of Angenga no visits were allowed except those of priests and women from the church. It was they who brought food and medicines to the prisoners. The military who were on guard took a good portion of the rations intended for the prisoners. Interrogations took place at night. In the daytime the prisoners were made to do hard labour. Women were made to fill the cisterns with water, weed the fields, chop wood. Some prisoners "disappeared". The only food supplied consisted of a small quantity of poor-quality rice and beans. To feed themselves the prisoners were forced to cultivate the fields (under military guard) and cook whatever they had grown, which was particularly painful for people who were malnourished and in bad physical condition. Some of the women from the church who came to visit the prisoners, agreed to sell part of the prisoners' harvest and with the money buy what the prisoners had ordered (e.g., toothpaste).

The most ordinary and numerous prisons were the local district prisons, where prisoners generally stayed a short time and where the rape of women was a common practice. At the gendarmerie at Kitambo, for example, prisoners were beaten, electrocuted and threatened with death. Sometimes the gendarmes confiscated all their identity papers, including passports, which meant that they could not get a job upon release.

Yet again these practices went against Zaïrian domestic law. Law and regulations governed the deprivation of liberty, the organisation of prison life, conditional or final release, as well as the whole organisation of penitentiary establishments.

In the legal texts, preventive detention is clearly differentiated from imprisonment. Prior to being charged, the preventive detainee is supposed to be held not in a prison but in a remand centre [*maison d'arrêt*]. In Zaïre the exceptional character of this measure was not respected at all.

Where the organisation of prison life was concerned, the reality had nothing to do with the content of the legal texts. According to an official publication, "Prison life for the detainee is dominated above all by the concern for security, order and discipline, as also by the welfare of the detainee and the penal work organised there."⁶⁶ Thus the penitentiary's regulations should forbid "all individual acts liable to disturb good order ... all gifts, traffic or barter between detainees". The director of the establishment must take all necessary steps to prevent detainees escaping. But even more important, the regulations required the penitentiary administration to monitor with care the detainees' health and physical state as well as their food.

First, it was provided that the detainee's hygiene be respected. "Every penitentiary establishment should have sanitation installations and as many showers and sterilizers as possible. All measures relating to cleanliness and the upkeep of the buildings should be prescribed, items of bedding and clothes as well as washing facilities for detainees".⁶⁷ Thus the regulations required that detainees have a shower on arrival, have their clothes disinfected, their heads and beards shaved for reasons of hygiene and dignity, and be given clothing appropriate to the climate so that they would stay in good health. Their style of dress must not be in any way humiliating or degrading and should be kept in a

⁶⁶ Likulia Bolongo, "Droit et science pénitenciaires. Vers un traitement scientifique de la délinquance au Zaïre" (Penitentiary law and science. Towards a scientific treatment of delinquency in Zaïre), *PUZ*, 1981, p 81.

⁶⁷ Article 47 of Ordinance n.344 of 17 September 1965.

good state of cleanliness and repair. Walks and physical exercise were obligatory for health reasons.

As for medical care, doctors' visits were supposed to vary according to the importance of the penitentiary establishment, from one or several times a week to a daily visit to large prisons like Makala. Doctors were required to be assisted by male or female nurses attached to the penal establishment which contained an obligatory sick-bay. In urgent cases the doctor must visit the establishment and, if the situation required, the detainee must be transferred to hospital.

The prison diet was fixed by Article 61 of the Ordinance of 1965, by which detainees should receive food corresponding as nearly as possible to what they were used to and of sufficient quantity and quality to maintain the detainee in good physical condition. Three meals a day were prescribed by law.

Relations with the outside world should be maintained (with the aim of avoiding "the detainee's becoming inadapted to the family and prepare him or her for re-socialisation"⁶⁸) by means of visits, correspondence, short-term leave (two days in exceptional circumstances such as death of a close relative), or parole. Religious services were permitted within the penal establishment.

Article 64 of the Ordinance of 1965 made work obligatory for detainees held in prison. This applied to all those who were sentenced to imprisonment, including political prisoners and women. The only exceptions were those on remand, those who were ill, infirm or elderly, and those sentenced to death. The work was decided by regulations of the penal establishment, and should take account of the physical and intellectual aptitudes of each person.

Of course, none of these reasonably enlightened regulations mattered a jot. What happened, in reality, was torture.

Methods of torture

"Torture and ill-treatment of persons arrested by the security forces are reportedly commonplace in Zaïre and are employed with complete impunity. In particular, there have been reports that various forms of cruel, inhuman or degrading treatment, including electric shocks, sexual violence, mock executions and whippings are used to punish and humiliate persons suspected of supporting the opponents of the President of the Republic. The authorities, including the judicial authorities, are alleged to have refused to institute investigations into the cases of torture reported." (UN Commission on Human Rights, in a report on the human rights situation in Zaïre, dated 23 December 1994)

Prisoners detained because they were suspected of being opposed to the regime were routinely tortured. Torture was used not only to obtain information but also as part of the policy of terror and reprisal against the person sought, whether detained or not, and those near to him. The reputation of certain places of detention was widely known outside and increased the fear among the population about being arrested. Inside all places of detention the policy of terror and intimidation was pervasive. Disappearances, murders, arbitrary executions inside jails--all contributed to a climate of fear.

⁶⁸ Bolongo, *op.cit.*, p 86.

Our clients testify to the executions they witnessed and the fake executions to which they themselves were subjected. They tell of the threats against themselves and of the prisoners they saw taken out of their cells who never came back. They describe the beatings of which they were victims and witnesses. Guards obliged certain prisoners to beat others. They forced prisoners into sexual relations among themselves. Prisoners were threatened with death or torture; guards threatened to attack their families. Simply because they were related to the prisoner, members of the family in their turn were arrested or tortured or executed.

Prisoners were tortured to obtain information from them, to tell “the truth”, which often led them of course to sign false declarations. They were accused verbally (i.e., not officially charged) of being traitors who aimed to destroy the country and consequently must “pay”. If they refused to sign what the torturers wanted them to sign, they were beaten, tortured, raped. The women were invariably and repeatedly raped.⁶⁹ Among the men rape was also quite frequent.

Rape was not confined to interrogation; prisoners were also raped in their cells. At night the guards abused the prisoners. Rape was one of the forms of violence most commonly used as a means of torture and humiliation. It applied in all situations: at the time of arrest in front of members of the family, in the gendarmerie stations, in prisons and other places of detention. Age made no difference: very young girls were raped. Men in high places helped themselves to any women they desired. Mobutu’s youngest son, Kongolo, was known for his violence and cruelty. If he desired a woman, he ordered his bodyguard to arrange a tryst. If the woman refused, she was arrested, beaten and raped.

Torture was defined in Zaïrian law: “By physical torture should be understood the very grave infliction of suffering and acts of cruelty and barbarism exercised principally with the aim of causing suffering. Thus the following are considered physical torture: tightening the bonds of victims in a painful way; tying the wrists, arms and feet of a person very strongly with ropes; putting them in the full sunlight and leaving them there for several hours without giving them anything to drink or eat; intentionally poking out the eye of the person arrested.”

Although Article 67, paragraph 1, of the Penal Code condemns torture, it is only as an aggravating circumstance to offenses of abduction or arbitrary arrest. Torture was not a crime in and of itself. Torture could be prosecuted only as assault, and in any event, the Zaïrian judicial system being what it was, no prosecution could be initiated.

As stated above, the lives and conditions of prisoners depended on the attitude and behaviour of the guards. All Medical Foundation clients describe the violence and brutality shown by the guards. Apart from the interrogations during which prisoners were tortured and which usually went on outside the cell, prison life was punctuated by blows and ill-treatment. At the Tshatshi camp and at CIRCO, for example, every morning the prisoners were brought out of their cells and beaten by the guards for about half an hour (what the guards called “coffee time”). At the AND, the prisoners were beaten three times a day. The guards would also come into the cells at night and march in their military boots over the prone bodies and strike them. The women would be raped. In general, prisoners were exposed to violence at any time of the day or night.

⁶⁹ Article 170 of the Penal Code proscribes rape.

Table 11. Conditions of Detention and Methods of Torture in Prisons

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
Makala (112)	<p><i>General state of cells:</i> Crowded cells or else tiny individual cells, no bunk or bed, only a blanket provided. Some were left naked. Cells very dirty. A liquid was poured on the ground, causing burns and misshapen feet and toes.</p> <p><i>Food:</i> Fed once a day but also they could be left for days with nothing to eat. Sometimes the guards would spit in their food in front of them.</p> <p><i>Ill-treatment:</i> No medical care. The conditions of hygiene and food and the ill-treatment were such that the prisoners, left without medical care, were dying. Political prisoners and common criminals were mixed together. Certain persons had been left for as long as a year without leaving their cells. When prisoners were allowed out of their cells to walk down the corridors, the guards would beat them. Most of the time the food and medicines brought by their families (who had to bribe the guards) were kept by the guards. The family also paid the guards for</p>	<p>Sometimes prisoners were beaten near the river. Some of them were drowned and thrown into the river. The prisoners were forced to be present at the torture or killing of other prisoners or, yet again, to beat other prisoners themselves.</p> <p>They were threatened with violence or death. Beaten every day with cordelettes or truncheons,* with electrified truncheons. Electric shock by means of wires round their fingers. Whipped with supple, thorny sticks. Burned with cigarettes. Raped by guards, forced to have sexual relations with other prisoners. Guards came to beat them at any time. They would come into the cells at night and rape the female prisoners. The same prisoner was raped several days running by several guards at a time. Hung up by the feet. A piece of metal was placed between the fingers which were pressed hard against each other. Arm placed in the opening in a wall that was full of ants. Left kneeling on ground covered with bottle caps, both arms bound behind.</p> <p>Forced to stand naked for many hours facing the sun. Forced to empty latrines with bare hands and never allowed to wash. Some died from infections.</p>

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
	<p>their relative to escape.</p> <p><i>Status of prisoners:</i></p> <p>Some, throughout their period of detention, had never been questioned, nor accused, nor charged in any way nor ever appeared before a court. Or others still had false accusations made against them. They might be asked to sign papers whose contents they did not know.</p> <p>No access to legal representation. Some prisoners were condemned to death without any hearing taking place.</p> <p>Certain prisoners at Makala were taken to the presidential residence to be interrogated by the President.</p>	<p>The conditions for their release were that they present themselves once a week at the tribunal. But in most cases they would then be rearrested and beaten and tortured.</p> <p>Forced labour (four times a week to break stones, carry loads for building works, carry water or heavy stones). They were beaten if they worked too slowly or stopped to rest.</p>
Prison of Kasapa (6)	<p>Small cell too low for sitting or standing. No light or ventilation. Sparse food.</p> <p>The prisoners had to clean their cell with bare hands.</p> <p>No authorised visits.</p>	<p>Beaten with batons and cordelettes.</p> <p>Kicked. Whipped. Burned. Electric shocks.</p> <p>Forced to walk on their knees or over rough ground.</p> <p>Left in the sun for hours without water.</p> <p>Put in a barrel full of salt water after having been tortured.</p> <p>Forced labour in fields.</p>

* A cordelette was a fibre-and-plastic cord that the military wore round the waist.

Table 12. Conditions of Detention and Methods of Torture in Gendarmeries

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
<p>CIRCO (78)</p>	<p><i>General state of cells:</i> Cells small and dark. No window. No light or else light left on constantly. No ventilation. Dirty and stinking.</p> <p><i>Food:</i> Prisoners were left without food or water for several days. Food was brought by guards. They would open the door and throw a small piece of bread into the cell which the prisoners snatched. Water was given only irregularly and in small quantities, and even then the guards had to be begged to bring some.</p> <p><i>Ill-treatment:</i> Guards would come into the cells to beat the prisoners and ill-treat them. Prisoners would be left for several weeks before being questioned. Prisoners had no right to a visit. They no longer had any communication with the outside world. Sometimes members of the family managed to bribe the guards to let them visit.</p> <p><i>Status of prisoners:</i></p>	<p>Beaten when handcuffed. Beaten with truncheons, electricity cables and cordelettes. Kicked with their military boots, struck with fists. Beaten every morning at what they called “coffee time”. The guards spent half an hour every morning beating the prisoners.</p> <p>Left sitting or kneeling for hours. Forced to move rapidly forward on knees over rough ground.</p> <p>Burned with cigarettes.</p> <p>Kept in solitary confinement in a small cell in darkness.</p> <p>Hung up and beaten.</p> <p>Electric shocks.</p> <p>Sexual abuse, rape.</p> <p>Left on an anthill.</p> <p>Left lying in full sun for hours.</p> <p>Forced to carry a very heavy truck tyre on the head for hours.</p> <p>Threatened with death.</p> <p>General Bolozi conducted interrogations personally. He gave orders to kill or beat the prisoners. Even before the interrogations, it seemed to some survivors that decisions had been taken as to who would be killed and who left alive.</p>

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
	No charge was recorded against the prisoners. They never knew for how long they would be held prisoner.	
Matete (7)	<p><i>General state of cells:</i> Small crowded cells. Very dirty. No toilet facilities or washing facilities. No bedding.</p> <p><i>Food:</i> Dependent on the food brought by their families or the food shared by other inmates. Prisoners had to ask for water.</p> <p><i>Status of prisoners:</i> Released on condition of reporting twice a week to the military authorities with some political information to implicate others.</p>	<p>Beating with truncheons. Hitting. Punching. Kicking with boots. Beating during interrogation. Rape. Threats.</p>

Table 13. Conditions of Detention and Methods of Torture in the Military Camps

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
Kokolo (5)	<p><i>General state of cells:</i> Small cell without light. No room to lie down. Ground kept flooded. In a very unsanitary state.</p> <p><i>Food:</i> Food in small quantities and sometimes left without food for days.</p> <p><i>Ill-treatment:</i> The guards beat the prisoners.</p>	<p>Beaten regularly twice a day. Beaten with cordelettes. Soldiers would force prisoners to beat others. Threats of death. Forced to stay kneeling on wet ground for many hours, several time a day. Hanging with wrists and feet tied together with a rope which was hooked to a metal bar, and at the same time beaten with truncheons and sticks for 15 minutes. Every day some prisoners were executed.</p>

Table 14. Conditions of Detention and Methods of Torture in the Intelligence Services, at the AND and at SARM

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
<p>Agence Nationale de Documentation (48)</p>	<p><i>General state of cells:</i> Too small to lie down, overcrowded. Dark, no electric light or daylight. No bed. No toilet or means of washing. Very dirty. The prisoners had to ask permission to go to the toilet, which was not always given.</p> <p><i>Food:</i> No food or at irregular intervals in much too small amounts and of poor quality. Food was supplied by the prisoners' families. The guards kept half for themselves, if not the whole of it. Sometimes they ate in front of hungry prisoners.</p> <p><i>Ill-treatment:</i> The families had to bribe the guards not to beat their relative. The way prisoners were treated depended on whether or not they had relations with any sort of authority. Guards helped themselves first to any medicines brought by families.</p>	<p>Left blindfolded.</p> <p>Three times a day brought out of the cell to be beaten. Beaten with fists, kicks, cordelettes and belts, truncheons and rifle butts.</p> <p>Beaten in front of other prisoners to intimidate them.</p> <p>Blows and punches during interrogation.</p> <p>Threatened with death.</p> <p>Electric shocks (the person was placed in a barrel full of water through which an electric current passes for two or three minutes).</p> <p>Hung for several hours in the sun.</p> <p>Hung by the feet and beaten at the same time during interrogations.</p> <p>Burned with cigarettes.</p> <p>Shut in a barrel full of mosquitoes for ten minutes.</p> <p>Made to kneel looking at the sun for hours.</p> <p>Left lying in full sun for hours.</p> <p>Left standing for many hours.</p> <p>Kept in solitary confinement. Forced to crawl over rough ground.</p> <p>“Shaved” with broken glass.</p> <p>Left handcuffed for days.</p> <p>Sexually tortured, raped, sodomised.</p>

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
	<p><i>Status of prisoners:</i> No explanation about the reason for arrest. No verdict, sentence or proper charge.</p>	
SARM (15)	<p>Food provided very irregularly, once a week, and not enough (biscuit and rice). Guards were bribed to help prisoners escape.</p>	<p>Punched while fists and feet tied together. Beaten with cordelettes, kicked, whipped. Sexually abused. Burned with cigarettes. Stiff feather pushed up the nostrils. Head held down in a barrel full of rubbish. Hung by the ankles. Injection in the rectum of some substance with a syringe. Left kneeling on stony ground. Cut with bayonets. Threatened with death.</p>

Table 15. Conditions of Detention and Methods of Torture in the Security Services, under the DSP and the Civil Guard

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
Civil Guard HQ (45)	<p><i>General state of cells:</i> Small cells, without window or ventilation, overcrowded (or very tiny individual cell). No room to lie down properly. Unsanitary conditions. Forced to clean the floor of the cell every day with bare hands. The floor in the cell was kept wet, very cold water was thrown over the prisoners every day and this caused cases of pneumonia.</p> <p><i>Food:</i> The only food was bread and water in insufficient quantity.</p> <p><i>Ill-treatment:</i> If one of the prisoners died, the body was left in the cell among the other prisoners for several days.</p> <p><i>Status of prisoners:</i> Not officially interrogated. No charge brought against them. No explanation was given them as</p>	<p>Beaten with cordelettes, truncheons, wooden sticks. Kicked. Falaka (beating on soles of feet). Raped. Paper sometimes introduced into the vagina of women after they had been raped. Placed in a sack which was thrown from guard to guard, often letting it fall heavily to the ground. Or else shut in the sack and left in the sun. Burned with cigarettes. Electric shocks. Whipped with electric flex. Left on knees on rough surface with a weight on their shoulders. Threatened with death. Hung by the feet and beaten. Wooden or metal bar placed between the fingers which were then tightened together. This torture was known as the "3 Zs", referring to the three Zaires: the country, the river, the money. Forced to stay standing looking at the sun. Thrown against the wall of the cell. Head knocked against the walls and the floor of the cell. Undressed, powdered with sugar and placed in a hole crawling with red ants.</p>

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
	to know why they had been arrested. No contact with the outside world authorised.	
DSP camp. (17)	<p><i>General state of cells:</i> Small, dark cells, too low for standing, and overcrowded. No ventilation, in an unsanitary state.</p> <p><i>Food:</i> Never enough food and water. Prisoners were let out of their cell to be fed.</p> <p><i>Ill-treatment:</i> No medical care.</p> <p><i>Status of prisoners:</i> Never interrogated. No visitors or letter authorised.</p>	<p>Beaten with truncheons and cordelettes. Struck with machetes. Burned with cigarettes. Electric shocks to genitals and waist. Sexual abuse, rape. Scalded. Injected with some substance. Petrol poured into their ears, or else they had to drink it. They were also forced to drink their own urine. Hung for hours and beaten. Tied in a sack and left in the sun for hours. Hard labour seven days a week.</p>
Tshatshi (88)	<p><i>General state of cells:</i> Small cell without window, almost suffocating. Solitary confinement in a tiny cell or with several others in an overcrowded cell. Cell with hardly any light.</p>	<p>Beaten, struck with sticks, truncheons, cordelettes, metal bars. Kicked, whipped. Forced to punch other prisoners. Burned with cigarettes, metal bars. Threatened with rape and death.</p>

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
	<p>Bedding consisted of a thin blanket or a sort of layer of bamboo.</p> <p>No sanitation arrangements.</p> <p>Water, sometimes boiling, was poured into the cell every day.</p> <p><i>Food:</i></p> <p>Food brought very irregularly and not enough. Prisoners were forced to go for days without eating.</p> <p><i>Ill-treatment:</i></p> <p>Had to ask guards permission to go to the toilet or to be able to wash, which was not always granted.</p> <p>Neither medical care nor medical visits provided. No visit or communication with the outside was authorised.</p> <p>They were authorised to leave their cells three times a week to wash and take a little exercise.</p> <p>Prisoners were beaten every morning for 15 to 20 minutes. The severity of the beating depended on which guards were on duty.</p> <p>Guards raped prisoners.</p> <p>Guards in military boots would come into cells where prisoners were lying and trample over</p>	<p>Raped.</p> <p>Forced to crawl across the ground.</p> <p>Left kneeling on bottle tops looking towards the sun for a long time. Tied in a sack and left in the sun.</p> <p>Forced to drink alcohol or boiling water.</p> <p>Every day prisoners were chosen at random and killed-- shot, drowned in the river, eaten by leopard.</p> <p>Injections.</p> <p>Electric shocks applied to genitals, the back and feet. Struck all over the body with electric truncheons.</p> <p>Torture called "go to Kilimanjaro". This lasted about five minutes after which cold water was thrown over them to bring them round.</p> <p>Cuts made in ears and penis.</p> <p>Scalded.</p> <p>Pepper rubbed into wounds, on genitals and introduced into the anus.</p> <p>Hung by wrists and ankles for hours.</p> <p>Hung naked by wrists, from a turning ceiling fan, beaten and sprayed with cold water at the same time.</p> <p>Left blindfolded and handcuffed.</p> <p>Some prisoners were put into very small cages (too small to stand up in).</p>

<u>Place</u>	<u>Conditions of detention</u>	<u>Methods of torture and ill-treatment</u>
	<p>them. Fake executions. Guards would take bribes to help someone to escape. They also demanded money to let prisoners leave their cells. There were some female guards who beat the female prisoners.</p> <p><i>Status of prisoners:</i> Neither interrogated nor charged. No judgement occurred. The guards appeared more lenient to prisoners from their own region or tribe or who spoke their own language.</p>	
Ekafela	<p>This prison was on an island formed by two arms of a river. The prisoners were in groups of seven accompanied by five military (one cook, two guards, an officer and one communications technician). Prisoners were lodged in military tents. Only straw to lie on. The food given them was insufficient in quality and quantity.</p>	<p>The prisoners' regime was as follows: prisoners were woken at 5 a.m. and had to work until 6 p.m. Then they were fed and sometimes allowed to go back to lie down. But two or three times a week they were forced to march or do military exercises after their meal until 8 or 10 in the evening. Their work consisted of tilling the fields, cutting wood, and making traps for animals.</p>

CHAPTER 7

FLIGHT INTO EXILE

Both gendarmes and officers helped prisoners to escape. Considerations of money, connections, family or tribal relations were taken into account. Thus if a guard noticed that one of the prisoners was of his tribe, he might suggest helping him to escape. He would contact the prisoner's family and make all the necessary arrangements. Even for political prisoners, escape by corruption was possible; it was rare for any official helping a prisoner to fear discovery.

This practice was quite common. Directors of prisons, far from respecting the regulation requiring them to prevent escapes, looked favourably on it. Our clients tell of their own experience in this regard; numbers of them have got away safely with their lives thanks only to guards, officers, or prison directors who have proposed or agreed (for money) to help them to escape. The director of the prison at Makala, for example, when he learned that a detainee was to be transferred to Tshatshi camp, told the prisoner concerned. The latter, aware of the danger that Tshatshi camp represented, agreed to put the director in contact with his family and to pay the sum demanded for escape.

The initiative for escape might come either from the family who tried to contact an officer, who himself passed his instructions to a lower rank accomplice, or from a guard or officer who approached the prisoner directly. In the latter case our clients tell how in spite of their mistrust and fears, they agreed to give their family's address and to follow the instructions they were given. It must be said that the majority of them had abandoned all hope and saw themselves condemned to die. A great variety of scenarios were arranged for the escape: a transfer of the prisoner to hospital, or a military uniform was procured for him, or the guard might arrange to let the prisoner out of his cell and out of the prison without being seen.

The family also had to look for a means of transport to take him out of the country. From Kinshasa the most easily accessible country is the Republic of Congo (Brazzaville). Brazzaville is only about twenty minutes by pirogue from Kinshasa. Apart from the risk of being arrested by the military, the voyage itself was without danger. The river is safe, children bathe in it and people wash there. Zaïrians are used to crossing the river to go to Brazzaville by pirogue or motor boat. Fishermen of both countries fish in the river. We make this point because the UK Home Office refused some Zaïrians refugee status during the Mobutu era on the grounds that they did not find it credible that an escapee could cross the Zaïre River without being eaten by crocodiles.

Traders and travellers make the journey daily from one country to the other. To avoid customs duties they do not use the official port (Ngobila Beach) to embark and disembark. Escaping prisoners generally had to get to fishermen's villages along the Zaïre River a little outside Kinshasa, such as Kinkole or Nsele. The river was less wide in these places and, above all, the crossing could be made far from military

patrols. The fishermen knew the river well and for payment would agree to take the escapees across.

The family also had to procure travel documents. Obviously it was out of the question for an escapee or other wanted person to travel under his own identity. So they would use the documents of a different member of the family or else obtain false documents. Again, with money it was possible to procure anything one wished in Zaïre, including false papers. The commerce in false identity papers was not restricted to escapees. Persons from Equateur had priority access to the best jobs and enjoyed every sort of privilege.⁷⁰ In order to find a job Zaïrians acquired for themselves false identity papers saying they were originally from Equateur.

Most refugees, then, had to travel under a false identity or perhaps with no papers at all. There were many reasons that could explain this. First, there was no question of their going home to collect their papers (or anything else either). The regular process of applying for a passport was much too long and bureaucratic. This required a person wanting to travel to go first to the Ministry for Foreign Affairs to obtain the necessary form (costing quite a considerable sum, up to 200 Belgian francs sometimes). Next, one had to go to the Parquet Général (Prosecution Department) which provided extracts from police records. The file was transferred from Foreign Affairs to the security services for examination of the applicant's record. If the AND ruling was favourable, the file returned to Foreign Affairs, and the applicant could come and get his passport. The fee to obtain a Zaïrian passport was reputed to be the most expensive in the world (about US\$150).

The traveller had still another visit to make before leaving the territory: to the ANI, which would add a stamp to approve the passport and hence departure from the country. The law stated that the ANI should keep passports. Thus a person wanting to travel had to go to the ANI to get his or her passport, and on re-entering Zaïre, return it to the ANI. In practice of course this was not done. People preferred to pay to keep it. They were actually afraid that their passport would be sold. So for escaping prisoners it was impossible to apply to a service that was looking for them. Moreover, in Zaïre it was possible to travel abroad without a passport. Even at the airport it was possible to evade passport control by bribing an officer.⁷¹

Escape or flight out of the territory was no easy decision either for the person concerned or for the family remaining behind.⁷² In spite of knowing that it was not possible for them to stay safely in their country and with their family, our clients bear witness to the difficulty of having to abandon their families. Often the spouse remained in the country with the children or had no means of immediate departure. In exile, they are often without news of their families, even today. Aware of the risk that the families of persons wanted by the government would be persecuted, these exiles feared (and fear) for the safety and lives of their families back home.

⁷⁰ See "A power built on nepotism and repression" in Chapter 1.

⁷¹ The Home Office refused asylum to some Medical Foundation clients because they did not believe that a person could leave the country via the airport without official documents.

⁷² See "Impact on families" in Chapter 4.

APPENDIX:

TORTURE AS A CRIME AGAINST INTERNATIONAL LAW

Torture, as institutionalised in Zaïre, constitutes without a doubt a crime against international law. Torture is proscribed by the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, obliging States to suppress such crimes. Zaïre signed and acceded to that Convention.

Article 1 of the Convention reads: "For the purposes of this Convention, the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

The criminal acts committed in Zaïre by officials of Mobutu's regime manifestly fulfill this definition with reference to the severity of pain, whether physical or mental, the intentionality, and the purposeful nature of these practices by public officials or persons acting in an official capacity.

Among the international instruments that protect individuals against torture and ill-treatment are the following:

Universal Declaration of Human Rights (1948)

Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

The four Geneva Conventions of international humanitarian law, governing the treatment of wounded and sick combatants in the field, or at sea, of prisoners of war, and of civilians during wartime (1949)

Common Article 3(1): "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...
- (c) Outrages upon personal dignity, in particular humiliating and degrading treatment..."

European Convention on Human Rights (1950)

Article 3: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” [This article effectively prevents a State Party from the forcible return of a person to a country where he is likely to suffer torture.]

Convention Relating to the Status of Refugees (1951)

Article 33(1): “No Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

Standard Minimum Rules for the Treatment of Prisoners (1955)

Rules 9, 12 and 13 regarding accommodation and sanitation;
Rule 20 regarding food and water;
Rules 22-26 regarding medical services;
Rule 27 regarding discipline;
Rule 31: “Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.”
Rule 32 regarding punishment by close confinement; and
Rule 33 regarding instruments of restraint.

International Covenant on Civil and Political Rights (1966)

Article 7: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

African Charter on Human and Peoples' Rights (“Banjul Charter”, 1981)

Article 5: “All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading treatment or punishment shall be prohibited.”

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

Article 3(1): “No State Party shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Article 3(2): “For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State

concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

Convention on the Rights of the Child (1989)

Article 37: “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...”

CHRONOLOGY

- 30 June 1960: The Belgian Congo became independent from Belgium as the Republic of Congo, with Joseph Kasavubu as President and Patrice Lumumba as Prime Minister.
- 5 July 1960: Moïse Tshombe, Prime Minister of the Province of Katanga, initiated a secessionist movement. Belgium sent in paratroopers (its actions and support for the secession of Katanga were condemned by the United Nations) and, under US influence, the UN intervened with a peacekeeping force.
- September 1960: President Kasavubu dismissed Lumumba. The government was taken over temporarily by Colonel Joseph Désiré Mobutu.
- December 1960: Lumumba was imprisoned.
- February 1961: Mobutu returned power to President Kasavubu.
Lumumba was murdered.
- 1963: President Kasavubu appointed Mobutu Commander in Chief of the Armed Forces. The civil war continued.
- July 1964: President Kasavubu appointed Moïse Tshombe as interim Prime Minister, which put an end to the civil war.
- Mar-Apr 1965: A power struggle developed between Tshombe and Kasavubu.
- 24 Nov 1965: Mobutu staged a coup, assumed all power and proclaimed the Second Republic.
- December 1965: Mobutu announced that he would restore the country to civilian rule in five years.
- 3 May 1966: The names of the cities were changed to African names.
- 2 June 1966: General Kimba and three other ministers, accused of conspiracy against the President, were hanged publicly, Whit Sunday (the Whitsun Hangings).
Mobutu set up the Popular Movement for Revolution (MPR), which was to remain the sole party for 25 years.
- June 1967: Adoption of a new Constitution.
- Oct- Nov 1967: General Mobutu was elected President, unopposed, and took office for a seven-year term.
- 4 June 1969: The army fired on a student demonstration. According to official accounts, six students were killed. Student associations were forbidden and replaced by the obligatory MPR's youth branch, the JMPR.
- 27 October 1971: Under the doctrine of "African authenticity" Mobutu changed the name of the country to Zaïre and his own to Mobutu Sese Seko Kuku Ngbendu Wa-Za-Banga.
- 30 Nov 1973: "Zaïrianisation" of private firms. They were nationalized.
- March 1977 and May 1978: Shaba wars. The National Front for the Liberation of Congo (FNLC), established in 1963 by Katangan separatists, invaded Zaïre from Angola taking much of Shaba region (formerly Katanga). However, the FNLC were repulsed on both occasions by the Zaïrian Army with the aid

of French and Belgium paratroopers, Moroccan and Egyptian troops and US logistical support. At the end of the first Shaba war in 1977, Mobutu in response to external pressures, announced his first “democratic reforms” which were brought to an abrupt end by the outbreak of the second Shaba war in 1978.

- 1983: Creation of the National Documentation Agency (AND).
- 28 August 1984: Creation of the Civil Guard.
- 13 Feb 1986: Creation of the Presidential Special Division (DSP).
- 1987: Creation of the National Immigration Agency (ANI).
- 24 April 1990: Anticipating the process of democratisation, Mobutu announced his intention to set up a Third Republic, which was to lead to a liberalisation of the system and initiate transition to democracy. He ended the one-party system and promised to hold free elections within a year. A rapid process of political organisation began. Hundreds of associations and political groups demanded legal recognition from the government. The extent of the popular reaction frightened the authorities.
- 3 May 1990: In reaction Mobutu declared that no party had yet been legalised and that it would be necessary to modify the Constitution before holding elections because the Head of the State wished “to preserve his authority without exposing himself to criticism”. Students initiated demonstrations throughout the country, especially at the universities in Lubumbashi, capital of the Shaba region. The students demanded the resignation of Mobutu, who reacted by sending in his presidential guard (DSP) to stifle the protest.
- 11 May 1990: The troops stormed the university campus in Lumbumbashi at dawn, and more than 100 students were killed. Mobutu muffled the repercussions of the killings, but the European Community demanded investigation, and Belgium cut off all economic aid. The plan for opening up the country was shelved. The massacre at Lubumbashi generated a wave of popular anger which led to a series of strikes, like that at Gecamina, the country’s most important mining company, a state enterprise. In the US there were repeated calls for the cessation of aid to Mobutu.
- 8 April 1991: Under popular and political pressure Mobutu agreed to convene a National Conference, which was supposed to draft a new and more democratic constitution.
- July 1991: The main opposition parties amalgamated as the Holy Union of the Opposition, which became later on the Holy Union of the Radical Opposition, with Etienne Tshisekedi as President (USOR). These parties were: the Union of Independent Federalists and Republicans, UFERI; the Christian Social and Democratic Party; the Federalist Christian Democracy, and later on many others, like the UDPS led by Etienne Tshisekedi, and the Union of Independent Democrats.
- August 1991: The Sovereign National Conference opened. It was attended by 2,800 delegates, including four members of each political party, the mass media and nationalities. It was intended to prepare for an authentic transition to democracy by becoming a legislative authority, drafting a new constitution, drawing up legislation governing elections, the political parties, the mass media and the nationalities. It was also responsible for allocating powers during the transition and determining the status of the

armed forces. It was to restore the spiritual and moral values of the Zaïrian people.

- September 1991: Serious clashes occurred between members of the Holy Union and the security forces. The National Conference was subsequently repeatedly suspended, September to November 1991 and in January 1992.
- 23 Feb 1992: The Prime Minister, Nguza Karl I Bond, suspended the Conference, causing a faction of the army to rebel. They occupied the national radio station in Kinshasa and called for a change of government and for the National Conference to resume its activities. The demonstrators who were demanding Mobutu's resignation were harshly repressed by the main force of the army. The European Community suspended financial aid to Zaïre immediately, until the reinstatement of the National Conference. The US, France and Belgium agreed to increase the pressure on Mobutu and his government to speed up political change.
- February 1992: Following the January suspension of the National Conference, the security forces violently suppressed peaceful demonstrations calling for the reopening of the National Conference. A peaceful march in Kinshasa on 16 of February, organized by Christian religious leaders, "the Christian march", was broken up. The repression caused many deaths and injuries, and gave rise to attacks on opposition leaders. Acts of violence occurred throughout the country.
- March 1992: After meetings with Archbishop Monsegwo Pasinya, President of the National Conference, Mobutu announced the reopening of the National Conference. He appointed Etienne Tshisekedi as Prime Minister to replace Nguza Karl I Bond which led to outbreaks of violence, opposing Lunda people (Bond's tribal group) and Luba people (Tshisekedi's tribal group). Some 2,000 people were killed and thousands of Luba left Shaba because their homes had been destroyed. Security forces eventually intervened several weeks after the fighting broke out.
- The National Conference appointed 23 committees which were assigned various tasks, including the drafting of a new constitution. Two committees were also set up, one to investigate murders and cases of rape and the other to look into questions of corruption and property acquired dishonestly. The reports submitted by these committees led to an attempt by the President's supporters to put an end to the work of the National Conference.
- 4 August 1992: The National Conference established a transitional institutional order, in order to put an end to the political and institutional crisis in the country. It referred to the country as "Congo", defined the duties and powers of the President, of the Prime Minister, of the Supreme Council of the Republic and of the Courts. It was planned that the prime minister should be elected by the National Conference and that the election should be ratified by the President within 48 hours.
- 6 Dec 1992: The National Conference proposed an electoral time-table that was to begin in January 1993 and conclude with general presidential and parliamentary elections in August 1994. The members of the High Council of the Republic (HCR) were designated. The HCR became the transitional parliament. Monsignor Monsengwo was appointed President of the HCR.
- 11 Dec 1992: The President again suspended the work of the National Conference, and the military prevented deputies from entering the Conference. This action

gave rise to further demonstrations of discontent, and their repression resulted in deaths and injuries, as well as attacks against the press.

- 17 Dec 1992: The transitional parliament was able to meet for the first time, despite the fact that the President persisted in refusing to recognise the Prime Minister's authority.
- Galloping inflation caused the Prime Minister to declare that the "zaïre" would no longer be legal tender, placing a new currency in circulation. Mobutu ordered that troops receive their back pay in the old currency, regardless.
- January 1993: In Kinshasa, battles broke out between soldiers, furious of having been paid in worthless bills, and the DSP, causing several deaths, looting, arson and attacks by irate soldiers. The French ambassador, Philippe Bernard, was killed when the embassy was hit by tank fire.
- 24 Feb 1994: Mobutu's soldiers and tanks surrounded the building housing the HCR, demanding that the legislators approve the old currency which Mobutu had returned to circulation. With the worsening of the situation, the US, Belgium and France sent a letter to Mobutu, demanding that he resign in favor of a provisional government headed by Tshisekedi.
- March 1994: Mobutu responded by dismissing Tshisekedi. Faustin Birindwa replaced him.
- 14 June 1994: Mobutu appointed Leon Kengo wa Dondo, described as a moderate opposition leader, as Prime Minister.
- 15 Oct 1994: Kengo wa Dondo introduced another monetary reform, creating the "new zaïre", but no one really accepted the new currency.
- 1994: The genocide in Rwanda and the arrival of masses of refugees created great tension in eastern Zaïre.
- Mid-1995: The announcement that the transitional government would remain in power for two more years provoked a new wave of protests.
- July 1995: The confrontation between police and demonstrators calling for Tshisekedi to be nominated Prime Minister resulted in many dead and injured.
- October 1996: Laurent Kabila's forces invaded.
- May 1997: Mobutu fled Zaïre, and Kabila came to power.

ACRONYMS

AND	Agence Nationale de Documentation, National Agency of Documentation.
ANI	Agence Nationale d'Immigration, National Immigration Agency
AZADHO	Association Zaïroise de Défense des Droits de l'Homme, Zaïrian Association for the Defense of Human Rights.
BSRS	Brigade Spéciale de Recherche et de Surveillance, Special Brigade for Research and Surveillance.
CETA	Centre d'Entrainement des Troupes Aéroportées, Training centre for paratroopers.
CND	Centre National de Documentation, National Centre of Documentation (security service).
CIRCO	Circonscription militaire, military district.
CNRI	Centre National de Recherche et d'Investigation, National Centre of Research and Investigation (security service).
CNS	Conférence Nationale Souveraine, Sovereign National Conference.
DDE	Département de Documentation Extérieure, Department of External Documentation (security service).
DDI	Département de Documentation Intérieure, Department of Internal Documentation (security service).
DSP	Division Spéciale Présidentielle, Presidential Special Division.
FAZ	Forces Armées Zaïroises, Zaïrian Armed Forces.
FAS	Forces d'Action Spéciale, Special Action Forces.
FIS	Forces d'Intervention Spéciale, Special Intervention Forces.
MPR	Mouvement Populaire de la Révolution, Popular Movement for Revolution.
PALU	Parti Lumumbiste Unifié, Unified Lumumbist Party.
SARM	Service d'Action et de renseignement, Service for Action and Military Intelligence.
SNI	Service National d'Intelligence, National Service of Intelligence (security service)

SNIP	Service National d'Intelligence et de Protection, National Service of Intelligence and Protection.
UDPS	Union Pour la Démocratie et le Progrès Social, Union for Democracy and Social Progress.
UFERI	Union des Fédéralistes et Républicains Indépendants, Union of Independent Federalists and Republicans.
USOR	Union Sacrée de l'opposition Radicale, Sacred Union of the Opposition.
VSV	La Voix des Sans-Voix Pour les Droits de l'Homme, Voice of the Voiceless for Human Rights.

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EPILOGUE ON THE DEMOCRATIC REPUBLIC OF THE CONGO:

THE CYCLE OF HUMAN RIGHTS ABUSES CONTINUES

by Nicola Dahrendorf

Introduction

Following 32 years of authoritarian rule by former President Mobutu Sese Seko, Laurent Kabila officially seized power on 17 May 1997 after a seven-month military campaign and established the Democratic Republic of the Congo (DRC).

On 29 May President Kabila announced a schedule for democratisation, scheduling elections for May 1999. Kabila rules by decree and has established a transitional government, as well as governmental and court structures. The judiciary continues to be subject to executive influence.

A new national police force has been established under the Ministry of the Interior, as well as a National Security Council and the Congolese Armed Forces (FAC). The latter retains some residual police functions. As reports and testimonies by international humanitarian agencies and human rights organisations indicate, the security forces under both the Mobutu and Kabila regimes are responsible for serious and wide-spread human rights abuses against their own citizens as well as refugees on Zaïrian/Congolese soil.

The history and pattern of intimidation, abuse and killings which marked the march to power of Laurent Kabila and his Alliances des Forces Democratiques pour la Liberation du Congo-Zaïre (AFDL) are closely linked to the plight of Rwandan and Burundian refugees on Congolese soil. It is also inextricably intertwined with Rwandan politics. The post-1994 Rwandan government's actions, which have contributed to continuing ethnic adversity, are often characterised as a cycle of revenge for the genocide in Rwanda in 1994. Overall, the situation in the Great Lakes, in particular eastern DRC, Rwanda and Burundi, is today dominated by the irreconcilability of Hutu and Tutsi aspirations and mutual fears.

Between mid-January and July 1997 some of the gravest human rights violations in the world were committed in the Great Lakes region, with a large international presence and humanitarian organisations present nearby. Access to the areas where abuses took place was strategically denied, under the pretext that so-called "military operations" were being carried out. All movements and delivery of food and medical care were also severely curtailed.

The wide-spread human rights abuses in the eastern part of the DRC were viewed by the international community largely as a humanitarian problem. International attention, negotiations and energy were focused on how to return widely dispersed Rwandan Hutu refugees. There were other victims as well, which included Burundian Hutu refugees and members of the Congolese Hutu and other ethnic and political groups. The United Nations High Commissioner for Refugees (UNHCR), the lead agency for refugees, and foreign governments who were thought to have

influence on the AFDL seemed to be focusing their activities on gaining access to and repatriating refugees to Rwanda. Due to a number of political constraints, they were unable to intervene sufficiently to prevent the killing of Rwandan Hutus. The fate of those who were unable or unwilling to return to Rwanda was ignored, as were human rights abuses committed by the AFDL against unarmed civilians.

The purpose of this Epilogue is to provide a brief overview of the situation to-date in DRC, focusing on activities of the new government and its treatment of Congolese civilians and refugees on Congolese soil. It summarises a number of reports produced by governmental, intergovernmental and non-governmental organisations, as well as first-hand testimonies collected in mid-1997, primarily in eastern DRC and other parts of the country.

EASTERN ZAÏRE (UNTIL MAY 1997)

A brief description of the situation in former eastern Zaïre serves to chart the beginnings of Kabila's progress towards Kinshasa and illustrates the appalling human rights and humanitarian situation created by his march. It also indicates the complexity of the ongoing inter-ethnic rivalry which the AFDL exploited to assist its pursuit of power.

In late October and November 1996 AFDL troops attacked refugee camps in eastern Zaïre. Amnesty International reports (see below) state that "a wanton pattern of killing of Hutus... was established as early as December 1996". However, killings of refugees began in October 1996 in the camps along the Zaïrian border with Rwanda and Burundi. Camp inhabitants dispersed, walking hundreds of miles and setting up make-shift camps along the routes.

Refugee camps were deliberately targeted as of November 1996 when some 700,000 Rwandan, mainly Hutu, refugees returned across the borders into Rwanda from camps in eastern Zaïre. There were reports of killings of Burundi and primarily Rwandan refugees by the Kabila-led AFDL.

Refugee movements took place also in a westward direction into the interior of Zaïre. Many claimed that these were Rwandan Hutu extremists escaping retribution for involvement in the 1994 genocide. This marked the beginning of the steadily deteriorating humanitarian and human rights situation, during which refugees, internally displaced Zaïrians and the local population suffered.

The camps in eastern Zaïre, in North and South Kivu were established after what was clearly an organised exodus of Rwandan (primarily Hutu) refugees in July and August 1994, following the genocidal killings of predominantly Tutsis and moderate Hutus in Rwanda, in April and May 1994. The camps accommodated former members of the Forces Armées Rwandaises (ex-FAR) and Interahamwe who held an authoritative grip over the remainder of the refugee population in the camps, controlling food supplies and most aspects of camp management and acting as the main interlocutors for humanitarian aid agencies working there. Given this power structure, the camps became a staging ground for the Hutu ex-militia to conduct cross-border operations into Rwanda.

Attacks by the AFDL forced humanitarian agencies to leave the three main centres for the delivery of aid and services to camps, in Bukavu and Uvira, in South

Kivu, and Goma, in North Kivu, during the last week of October and the first week of November 1996.

According to UNHCR estimates there were more than 1.2 million Rwandan and Burundian refugees in the Zaïrian camps when the AFDL attacks began. Some 900,000 returned to Rwanda by April 1997. It is estimated that over 340,000 remained in Zaïre, dispersed and hiding in the hills of Kivu, in areas controlled by the AFDL, or making their way north-west into dense tropical rainforest, ahead of the AFDL's advance. Of these, nearly 200,000 remained unaccounted for by the time Kabila seized Kinshasa. (Source: UNHCR/Médecins sans Frontières, see Bibliography (I.ii) statistics).

By mid-December 1996 make-shift camps were set up again, when groups of refugees resurfaced at Tingi-tingi and Amisi in North Kivu until the AFDL attacked these camps in February 1997. Most refugees fled towards Ubundu, in the Kisangani area, in Equateur region. Another group took the road towards western Zaïre, and traversed the country as far as Kinshasa in the far west, or the Angolan border in the south.

In mid-January the AFDL attacked refugee camps set up a month earlier in Shabunda, South Kivu, and large numbers fled into the forest in the Shabunda area. Hundreds, perhaps thousands, attempted to return to Rwanda. By March 1997 the AFDL had captured much of eastern Zaïre. It is now clear that military patrols "hunted" refugees and conducted a systematic operation aimed at the elimination of Rwandan Hutu refugees, under the pretext of conducting military operations against ex-FAR and Interahamwe. One of the big problems was that refugees moved in mixed groups of armed Hutu militia and unarmed civilians.

Human rights reports

A great number of human rights reports document Laurent Kabila's rise to power, primarily in the context of the confused refugee situation in eastern Congo, and more recently the activities of the AFDL government since. The reports fall into two categories:

- a) Before the official establishment of the DRC, and as eastern Zaïre was disintegrating into violence and chaos, a number of unpublished reports were produced by organisations involved in refugee work, which documented human rights abuses. Reports were also published by NGOs working with refugees and the UN Human Rights Investigation Mission, as well as Amnesty International and Human Rights Watch.
- b) After the official establishment of the DRC government, reports documenting and calling on the DRC government to stop the continuing tide of abuse against citizens of DRC and refugees on Congolese soil.

A number of common themes emerge from all the reports, primarily emphasising the pivotal role of the Rwandan government, especially in contributing to the situation in eastern Zaïre. All reports further conclude that President Kabila's government must be held accountable for the threat to, intimidation and killing of refugees and Congolese on the territory of the DRC.

Key points made in all reports can be listed as follows:

- All reports of agencies who operated in the DRC are in agreement on the nature of what occurred: large groups of Rwandan Hutu refugees, which included armed elements and unarmed civilians, were being targeted and killed in large numbers throughout 1997, primarily by members of the forces of the AFDL, assisted by the Rwandan Patriotic Army (RPA).
- Congolese civilians who have assisted refugees or have spoken out against the AFDL both pre- and post- May 1997, or are human rights activists, have also been abducted, detained, tortured or killed. These events are not confined to eastern Zaïre/DRC but are spread throughout the country.
- Massacres are reported to have occurred as early as October 1996, initially in South Kivu, then in the North Kivu region in March 1997. Further large-scale massacres occurred south of Kisangani in late April and further west of Mbandaka in mid-May.
- Humanitarian NGOs were used to attract refugees out of the forest who were then killed.
- Access was severely restricted. The security situation made access to the local and vulnerable refugee population extremely difficult and potentially dangerous. The frequently used pretext of areas being inaccessible because of “military operations” or “exercises” proved to be particularly ominous.
- When it became known that horrendous massacres had taken place and the locations were identified, largely as a result of testimonies of survivors and villagers, a systematic disposal of bodies by respective military patrols operating in these areas took place before any international organisations had access.
- Witnesses to killings and other abuses, who were either refugees themselves or Congolese nationals, were intimidated, and often abducted.
- The Congolese civilian population was twice trampled, confronted first by retreating Interahamwe, ex-FAZ and ex-FAR, who raped, pillaged and killed on their way through and out of South Kivu in particular. Then the AFDL arrived, accusing the local population of having assisted or harboured troops of the former Rwandan and Zaïrian regimes.
- The situation was and is complex. Villages and roads are intermittently assaulted by different groups: Rwandan military, AFDL, troops of Mobutu’s ex-FAZ, members of the Hutu ex-FAR. Therefore, no one set of identification papers or explanations ensures protection for local civilians.

Human rights reports since May 1997

The following is a brief summary of salient human rights reports published abroad since May 1997. This list is not exhaustive and serves as an indicator to chart not only Kabila’s progress, but also how the extent of human rights violations and the massacres in particular were gradually uncovered and brought into broader public focus.

Médecins Sans Frontières, “Forced Flight - Humanitarian Assistance Constrained in Eastern Zaïre, December 1996 to May 1997” (published 16 May 1997)

The report summarises the humanitarian situation and the events which took place in eastern Zaïre in the five months from December 1996 to May 1997. It provides a catalogue of abuses in eastern Zaïre and focuses specifically on refugees who were forced to move from North Kivu camps to the Kisangani area, the situation of refugees and the local situation in the Shabunda area of South Kivu, and briefly touches on conflicts in the Massisi area.

UNHCR (Report to The Executive Committee of the High Commissioner's Program, 30 May 1997; Emergency Appeals for the Great Lakes, dated May 1997)

UNHCR underlines the complexity and difficulty of conducting its humanitarian program and providing protection to refugees in view of the deteriorating security conditions and lack of access in eastern Zaïre. This was further exacerbated by the difficulty of actually locating widely dispersed refugees who had fled into densely tropical rain forest in the interior of the country. Earlier reports emphasised that all efforts should focus on locating refugees, the provision of emergency health and food aid, and a swift airlift and repatriation of refugees to Rwanda; and that monitoring inside Rwanda needed to be strengthened to ensure that returnees were treated in an acceptable manner. A recurrent theme in all UNHCR reports, reiterated in this one, is the emphasis placed on the humanitarian relief aspect of refugees, and the agency's inability to gain access and provide protection.

Physicians for Human Rights, "Investigations in Eastern Congo and Western Rwanda" (16 July 1997)

This report describes the widespread insecurity and fear affecting local citizens, refugees and displaced persons. It targets particularly the involvement of RPA troops in widespread atrocities, citing both eye-witness accounts of killings and signs of mass graves, as well as individual villagers who were victims of attacks. It points out that the situation was complicated by the fact that there were indeed armed Interahamwe and ex-FAZ who either themselves had committed these acts or had masqueraded as Rwandan soldiers while doing so. Finally it echoes others in underlining the reign of fear and extreme insecurity under which the report was compiled.

Human Rights Watch

Human Rights Watch (HRW) issued a number of reports in the course of 1997 and early 1998 chronicling the initial abuse and killings which took place in Zaïre, and President Kabila's inability to restore the rule of law after seizing power. The 1997 reports ("Attacked by All Sides, Civilians and the War in Eastern Zaïre"; "Forced to Flee, Violence Against the Tutsis in Zaïre"; "Prison conditions in Zaïre" *et al.*) acknowledge that there were "thousands of unarmed non-combatants as well as soldiers of the former Rwandan army (ex-FAR, Forces Armées Rwandaises) and militia responsible for the genocide of the Tutsis in Rwanda in 1994. The reports document the "ruthless disregard for civilians", and illustrate the complex dilemma for humanitarian action in having to deal with armed and unarmed groups. A further report ("Uncertain Course-Transitions and Human Rights Violations in the Congo") documents President Kabila's lack of progress since seizing power, in not living up to the transitional agenda of holding legislative and presidential elections in two years, as well as the severe crack-down on political opponents, the media and human rights

activists. A further report (“What Kabila is hiding”) refers to the denial and physical obliteration of evidence about killings of predominantly Rwandan Hutu refugees.

Amnesty International, “Memorandum to the DRC Government: Amnesty International Recommendations for Legal Reform” (3 December 1997)

The report covers human rights abuses committed in the DRC since March 1997 and shows what is termed a “sustained pattern of atrocities” against Rwandan, Burundian and Congolese Hutu, as well as against Congolese nationals from other ethnic groups. Amnesty argues that crimes against humanity have been committed on a large scale and have been consistently denied by the leaders of the country. Amnesty urges governments and international organisations to use their influence with the DRC government and calls on the new government “to sign a new contract with all the people of the DRC, regardless of their ethnic origin, beliefs, sex, race, religion or language”.

Amnesty International - Urgent Action Appeals

A number of appeals relating to individual mistreatment, torture, abuse and illegal detention were issued by Amnesty since July 1997.

An appeal dated February 1998 (“Civil Liberties denied”), for example, denounces the arrest, detention and ill-treatment of many Congolese citizens: namely, 31 members of an opposition political movement, L’Union Pour La Democratie et le Progres Social (UDPS), a journalist, a Protestant pastor, trade unionists, human rights activists and lawyers, and a politician several of whose family members were raped.

The wide range of arrests is indicative of the desire to suppress any form of political opposition, critical expression in the media or freedom of association.

U.S Department of State 1997 Human Rights Report: Democratic Republic of the Congo (published January 1998)

The State Department emphasises that security forces of both governments (Zaire and DRC) were responsible for a host of abuses: extra-judicial killings, disappearances, torture, rape, arbitrary arrests by the security forces. The report also points out that the authorities have not as yet punished or shown any intention of punishing the perpetrators; that the judicial system remains plagued by lack of resources, inefficiency and corruption; that political party activities remain suspended; that limitations continue to be placed on freedom of speech through the harassment and arrest of newspaper editors and journalists, and on freedom of movement; and that the government has resisted the United Nations efforts to investigate human rights abuses.

In summary, reports dating back to May 1997 show the confused and desperate situation in which refugees and Congolese civilians were placed in eastern DRC. They also chart the increasingly oppressive measures taken by President Kabila and his government over all areas of civilian life. Particular concern is expressed repeatedly about the lack of a rule of law and related institutions to protect individual rights.

A catalogue of killings

Eastern Zaïre was only the beginning of widespread killings and massacres against refugees and Congolese civilians. Evidence soon mounted of atrocities taking place in many other parts of the DRC.

Precise figures of the original refugee camp population vary. However, it is estimated that some 150,000 or more, predominantly Hutu refugees, were killed. There do not appear to be known statistics of how many Congolese were murdered or disappeared; however, it is thought to be in the tens of thousands.

Eastern Zaïre: Access was denied for months to humanitarian organisations working in the region of South Kivu. Reports by Amnesty International, as well as internal reports based on a mission by Médecins Sans Frontières (MSF) to the Bukavu-Shabunda area report the uncovering of large numbers of skeletons, remnants of belongings and fresh mounds of earth indicating mass graves. Reports state that at the end of March 1997, “scores of people” had been killed north of Kachingu, on the road to Lulingo.

The Tingi-tingi refugee camp was dispersed as a result of an attack when the RPA and Kabila troops advanced between 1-3 March 1997. Amnesty, UNHCR and MSF all cite eye-witness reports.

Similarly, in the space of four days, from 21-24 April, some 80,000 people in Kasese and Biaro camp near Kisangani disappeared, with thousands presumed killed and buried hastily. Eye-witness testimonies taken by individual humanitarian workers describe the indiscriminate nature of shooting, raping and killing.

Many refugees in these and other camps were described as already being in a “catastrophic” condition when they arrived.

Eye-witnesses reported brutal incidents in Massisi, historically an area of inter-ethnic conflict, which was particularly targeted by Rwandan and AFDL troops during the war. Nearer Goma, a clear example of the indiscriminate brutality concerns a local worker with Save the Children Fund UK. He had been leading a group of refugees from a collection point, Karumba, where refugees assembled to be led in comparative safety back to Rwanda. On 29 May 1997, the Save the Children Fund worker was shot dead, together with the child he was carrying on his back as well as four Rwandan refugees.

Beyond the East: Evidence of massacres in other parts of the country began to mount. One of the first reports of this kind emanated from Mbandaka in the Equateur region of north-western DRC, on the bank of the Congo River, separating the DRC from the neighbouring Republic of Congo (Brazzaville), where extensive killings and atrocities took place on 13 May 1997. A Washington Post article of 11 June 1997 stated that the killings were ordered by two colonels of the RPA. Amnesty (see “Deadly Alliances in the Congolese Forests”) reports that “despite his seniority, a Congolese AFDL General was reportedly powerless to prevent the killings.”

People were enticed out of the forest by civilians speaking Kinyarwanda to obtain food and were killed on arrival at a collection point, in the forest around Mbandaka. Yet the authorities consistently denied that there were massacres, or, as in the case of Mbandaka, they claimed that some of those killed were armed.

Use of humanitarian organisations to facilitate human rights abuses

During the long march by refugees which began effectively in October 1996, humanitarian agencies distributed food and medical supplies to make-shift camps as and when access was granted to these areas. However, settlement in these camps enabled the AFDL and supporters to locate refugees and kill many hundreds of them, after denying access to the humanitarian agencies.

As Physicians for Human Rights put it: "Attacks on refugee clusters apparently occur as refugees pass through the forest to designated and announced UNHCR collection points. Few survivors of these attacks on refugees have been found: refugees either emerge unscathed as witnesses or die outright or slowly from their injuries before reaching medical attention."

Killings and abuses against Congolese

Though fewer in number, the reports about abuses against Congolese citizens usually show that they were drawn into the refugee debacle.

Local villagers state that the majority of attackers spoke Kinyarwanda. The local population "largely refused to take part in the killings, and took personal risks hiding refugees, providing them with food or suggesting to wear white bands around their heads so as to appear like AFDL supporters" (Physicians for Human Rights).

In North Kivu, Nyiragongo district, Congolese from various ethnic groups known or suspected to have offered assistance to Hutu refugees were attacked and killed by members of the AFDL. Cold-blooded killings were reported. Amnesty ("Deadly Alliances in Congolese Forests") reports::

"On the morning of 12 May a local AFDL commander based at anearby military post..... arrived at a village, ostensibly to seek assistance of the local chief and his people to join AFDL fighters to track down Interahamwe in hiding. A short distance from the village the AFDL combatants reportedly ordered the local people to lie on the ground before opening fire on them."

This was unfortunately not an unusual occurrence. Many reports have been received of people killed after being summoned to meetings or to assist the AFDL.

Another area of serious tension, was around Uvira, in South Kivu province, between members of the AFDL and members of the Vira, Bembe and Fuliro ethnic groups, who were thought to be opposed to Tutsi domination. Members of these ethnic groups were killed on suspicion that they were armed or in opposition. One such incident took place on 26 May 1997, when some 120 civilians were apparently gunned down in Uvira town during a demonstration about ten killings the previous night.

In Rutshuru district 200 Congolese along with Hutu and Rwandan refugees were massacred between 12 and 19 April, and bodies of the victims were burned in village houses.

The picture is complex: whilst killings took place particularly in North and South Kivu, reportedly by AFDL and RPA troops, there were clashes between armed opposition groups, consisting of the mayi-mayi (a Congolese armed group from North

Kivu), and members of the former Rwandese Interahamwe militia and ex-FAR (Forces Armées Rwandaises), and members of the previous Rwandan government.

Prisons

According to the State Department report, the Kabila government operates 220 known prisons and other detention facilities, all taken over from the previous Mobutu regime. In some places in eastern DRC, especially Goma, official prisons were destroyed during the fighting, and prisoners are held in military and security cells. The practice of using unofficial detention sites, such as private houses, also occurs.

Prison conditions are life-threatening, although it is reported that the government began work on the main Kinshasa prison, Makala, at the end of 1997. Prisoners rely for food and medical care on family members; living conditions are harsh and unsanitary, with no access to sanitation or potable water; infectious diseases are rampant; rape of female inmates is common. As shown in Chapter 6 of this report on prison conditions in the former Zaïre, these aspects of severe human rights abuses continue under the new regime.

The International Committee of the Red Cross (ICRC) and some religious or human rights organisations had access to prisons under Mobutu. This ceased for the first five months after the AFDL came to power. Selective access to prisons was granted again to the ICRC in September 1997.

Torture

Many of those abducted by the AFDL are subjected to torture and ill-treatment. Women have been beaten across the chest and raped. Amnesty reports that men have been beaten, including on their abdomens and genitals, and some detainees have received as many as 40 lashes twice daily.

Detention centres notorious for torture in eastern DRC include: Katindo military barracks, in a cell known as Israel, and at the headquarters in Goma of the Agence Nationale des Renseignements (ANR), also the Gendarmerie headquarters, locally known as CIRCO (Huitième circonscription militaire).

Reports of torture and rape include members of a religious order in Kanaga, West Kasai region, and also children, abducted from Lwiro hospital near Bukavu in South Kivu, who were ill-treated.

Killings and rape were also reported implicating members of the FAZ and its allies in former eastern Zaïre since 1993, when intercommunal violence broke out in North Kivu. By September 1996 this extended to South Kivu. Most FAZ were attempting to flee the advancing AFDL and its allies, killing, raping and pillaging on the way. Notorious mercenaries assisted them, such as one Serb colonel who saw a clear chain of command between himself and President Mobutu. Killings and ill-treatment of civilians occurred frequently when they refused to hand over property to the troops.

Human rights mission of inquiry

In March 1997 Amnesty International submitted a Memorandum to the UN Security Council calling for the establishment of a Commission of Inquiry to investigate reports of human rights abuses in eastern Zaïre. ("Zaïre: AI's

Memorandum to the UN Security Council: Appeal for a Commission of Inquiry to investigate reports of atrocities in eastern Zaïre, AI Index: AFR 62/11/97, published 24 March 1997”).

The United Nations High Commissioner for Human Rights requested the Special Rapporteur for Zaïre, Roberto Garretón, to conduct an investigation. He led a fact-finding mission to gather information on mounting allegations of human rights abuses throughout the country. The mission’s movements were restricted, as was access to most areas. The Special Rapporteur issued a report on the human rights situation in Zaïre in April 1997 on the basis of second-hand accounts through agencies and selected individuals. This included findings that serious atrocities had been committed by the AFDL against Rwandan Hutu refugees and that a reign of terror had been exercised over the local population.

These allegations were denied by the AFDL and led to a refusal on their part to allow a follow-up mission to areas then under the control of the AFDL. In a further attempt, a joint mission was sent to eastern Zaïre in April 1997, to investigate abuses of human rights and humanitarian law, to be led by the Special Rapporteur on Zaïre, and accompanied by the UN Special Rapporteur on Extra-judicial, Summary or Arbitrary Killings and by a member of the Working Group on Forced or Involuntary Disappearances. The mission was denied access to the region, and no investigation occurred.

After taking power, President Kabila eventually accepted a second investigative team appointed by the UN Secretary General. Terms agreed to in July 1997 were that the inquiry would cover a period commencing as of March 1993. This would predate the Rwandan refugee exodus and chronicle events which led to the genocide in Rwanda in April 1994 and thus allow for human rights abuses by different parties to the conflict to be properly dealt with in the findings. In August 1997 a new investigative team was deployed. However, after its arrival they were refused freedom to move around the country as widely as they had wished, in particular to eastern DRC. They were then accused of violating the agreed terms reference for the investigation. With the investigative team’s efforts consistently frustrated, leaders were recalled to New York in early October 1997. Meanwhile the AFDL continued their denial that any massacres, killings or abuse of any sort had occurred.

In October 1997 the DRC government agreed to another attempt to conduct an investigation by the UN Secretary General’s investigative team. A number of obstacles remained. The leader of the investigative team returned to Kinshasa on 11 November 1997 to begin investigations and deployed members of the team to Mbandaka in December. The team withdrew to the capital for security reasons when confronted by protests from local people.

Subsequently the team was allowed to extend its investigation into “alleged massacres” in DRC until May 1998 and was cleared to proceed with witness interviews and forensic examinations in Kisangani. The Human Rights Investigation Mission was due to produce a report for the UN Secretary General by the summer of 1998.

As the situation now stands (June 1998), the entire UN Human Rights Investigation Mission has been withdrawn, and some of the key human rights groups have been officially banned from operating.

Prior to the Mission's withdrawal, a number of reservations had been expressed about the outcome of their findings.

- *Amnesty* points out that there is uncertainty over who is responsible for making recommendations, and that there is no indication of "the time frame in which the recommendations would be published or action taken on the basis of the team's conclusions". It calls for an inquiry to establish at what level these human rights abuses were ordered, encouraged or condoned by the AFDL leadership. *Amnesty* believes there is a case to answer that genocide or other crimes against humanity were committed particularly against members of the Hutu ethnic group.
- Concern has also been expressed over reports that an agreement was reached between the United Nations and the DRC government about non-interference in Congolese internal affairs.

In addition, a major pre-occupation voiced by *Amnesty* is that the longer the actual investigation is delayed, the greater the risk of destruction of evidence, and witnesses being intimidated or murdered. In this context it is important to note that the report planned for publication in early summer 1998 would have been some 18 months after the first reported mass killings occurred.

Involvement by foreign governments

In a July 1997 interview with the *Washington Post*, Rwandan Vice-President Paul Kagame stated clearly that the Rwandan government had planned and led the military campaign that led to the destruction and dispersing of refugee camps in eastern Zaïre.

"The impetus for the war, Kagame said, was the Hutu refugee camps....Hutus had been buying weapons and preparing a full-scale invasion of Rwanda....."

He spoke of a three-fold strategy: to "dismantle the camps" and to "destroy the structure" of the Hutu army and militia units based in or around the camps; to bring them back to Rwanda or more ominously "dealing with them there (in Zaïre)"; and to topple Mobutu.

These statements were affirmed by President Kabila, according to Human Rights Watch (1997 Congo Report). On a visit to Kigali on 9 September 1997, Kabila publicly thanked the Rwandan government for their active support during the war.

The present Rwandan government had clear political interests in assisting Kabila to take control and hence support the establishment of a Tutsi-led, Tutsi-friendly government, as opposed to the Mobutu regime which had close links with the previous Rwandan regime. All human rights reports conclude that the vast majority of killings between September 1996 and throughout 1997 were perpetrated by the AFDL and RPA, who "carried out a deliberate and calculated policy in the DRC to kill large numbers of mainly unarmed Hutu, using direct violence or other methods" (*Amnesty*, 3 December 1997).

The widespread foreign involvement in assisting the AFDL's march to power is now widely accepted and documented by human rights organisations, based on individual eye-witness reports and testimonies. The AFDL had important backing by

Rwanda, Burundi, Uganda, Angola, even South Africa and other neighbouring states. There are reports of Ugandan government troops in Beni, North Kivu; however, none tell of killings of civilians by Ugandan troops. Burundian government troops and Tutsi militia were clearly involved in attacks against Hutu Congolese and Burundian and Rwandan refugees in South Kivu province.

Apart from Rwandan involvement in the form of both regular soldiers and mercenaries of the Rwandese Patriotic Army (RPA), there are reports of fighters from as far away as Somalia, Eritrea and Ethiopia whose involvement in killings and abuses remains unclear. Units were often ethnically mixed. Non-Tutsi combatants often refused to take part in the killings, which led to internal dissension.

Mobutu himself received support from an eclectic group: members of the armed Angolan opposition group, Unita, as well as mercenaries, in particular Serbs and Croats, led by a former Belgian colonel.

The involvement of the United States government in training of RPA soldiers since 1994 has received a certain amount of media coverage, following a July 1997 report by Physicians for Human Rights. It is unclear however to what extent there was additional military participation in the events of February to May 1997. A detailed study is yet to be conducted on the flow of arms to the AFDL troops, with reference to who supplied them and by what routing.

However, the US government has been somewhat conspicuous in its tolerance towards grave human rights violations. Human Rights Watch goes as far as stating that "US officials in Rwanda and Washington covered up the Rwandan presence in DRC and obfuscated the number of civilians at risk in the region..." (HRW World Report, 1998)

There are allegations against European governments of not recognising the grave nature of the atrocities and abuses in DRC. Indeed, a mission undertaken by the European Commission in May/June 1997 initially recommended the resumption of structural aid in light of the "positive political environment". However, there were dissenting voices in Brussels, most notably Emma Bonino, the European Commissioner responsible *inter alia* for humanitarian issues, as well as the Belgian Minister of Co-operation, Reginal Moreels. Both recognised the seriousness of the situation in Zaïre. When the extent of killings in the eastern part of the country became more widely known, Emma Bonino likened the region to "a slaughterhouse".

In addition, the international acquiescence to the atrocities can be seen to have undermined efforts to secure justice for the Rwandan genocide. As Human Rights Watch put it: "failure to insist on justice for the victors in the DRC while prosecuting the genocidal losers of the Rwandan conflict risked sending the message that it was not violations of international law that were being punished but rather such violations in defeat."

The situation now

Regional power structures which replicate the governmental pattern in Kinshasa have been put in place in many provinces. In some regions governors from some of the political opposition parties to Kabila were installed by an essentially cosmetic process of elections, consisting of simple hand raising in stadiums. This democratic method appears to have been for the sake of appearances. International

observers and Congolese alike all assert that civilian structures wield no real power and that important decisions are still in the hands of the military authorities.

Amnesty International has issued a number of Appeals stating that “hundreds of people have been arrested in the various parts of the DRC since the AFDL took power on 17 May 1997. The vast majority of these arrests are reported to be arbitrary, carried out without arrest warrants, by soldiers who do not have legal power to make arrests under Congolese law.”

It goes on to say that detainees are held “incommunicado, sometimes in unofficial detention centres such as private residences. Reports of ill-treatment and torture are common.”

Many reports document the arbitrary detention of critics of the AFDL and arrests of opposition politicians and human rights activists. An additional problem cited is the lack of access to detention centres and the arbitrary imposition of the death penalty for minor offences.

On 18 February 1998, the UN Special Rapporteur on the Situation of Human Rights in the DRC issued an urgent press release, appealing to the authorities of the DRC to “take all necessary measures to rectify the deteriorating situation of human rights in the country.”

There are reports of summary executions by military courts of bandits and other armed attackers without allowing any access to legal representation, notably in Goma, Bukavu and Kinshasa.

Stringent curbs were made on freedom of expression and freedom of association which culminated in the arrest of Etienne Tshisekedi wa Mulumba, the president of the main opposition party, the UDPS, on 12 February 1998, and the arrest of dozens of other members of the UDPS the following day. Etienne Tshisekedi was arrested at his house in Limete, Kinshasa, on the night of 12 February 1998 and sent under armed guard to his natal village outside Mbuji Mayi. This action, somewhat reminiscent of strategies adopted by former President Mobutu against Tshisekedi and other political activists, was apparently undertaken as a result of his violation of a ban against political activity.

According to a report by UN Integrated Regional Information Network for Central and Eastern Africa (UN IRIN Updates) of Friday 13 February 1998: “Kabila defended his decision to send opposition leader Etienne Tshisekedi to his home village saying he was ‘happy’ there. ‘When political activities kick off just after the transitional period ... he can come back and resume his political activities if he so desires’, he added.”

Concerns exist for Tshisekedi, as for others in detention, of severe ill-treatment and prolonged detention without trial or any access to legal representation.

Other accounts tell of the treatment of opposition groups: for example on 20 January 1998, the president of the Forces Novatrices pour l’Union et la Solidarité, Joseph Olenghankoy, was detained and transferred to Lubumbashi to a prison of the L’Agence Nationale des Renseignements (ANR).

As the UN Special Rapporteur for Human Rights, Roberto Garretón, points out, all political activities except those of the ruling AFDL continue to be suspended.

In fact the AFDL has officially banned political party activities outside the AFDL and suspended the Zaïrian Constitution, which nominally guaranteed freedom of association and the right to hold peaceful demonstrations.

Restrictions on freedom of expression are also exemplified by the fact that a number of journalists have been arrested. Periodically newspaper editors are detained and released, such as Poydor Muboyayi Mubanga, editor-in-chief of the Kinshasa daily *Le Phare*, who was arrested on 8 September 1997 and charged with “spreading false news and inciting ethnic hatred” and was released on 26 November 1997. On 18 November newspaper editor Bonsai Ema was arrested for “spying for the UN mission”. Ten journalists were detained and whipped by police in Kinshasa on 25 November 1997, because they had attended a press conference of the leader of an opposition movement, Z’ahidi Ngoma, who apparently was also arrested that day.

On 30 November 1997 the relaying of foreign radio stations by local stations was banned. All FM transmissions of Radio France International, BBC broadcasts and Voice of America are now unobtainable. Foreign correspondents have been accused by Information Minister Raphael Genda of engaging in a disinformation campaign against the DRC. (Index on Censorship, June 1997 and January 1998).

According to a UN IRIN report of 26 February 1998, the use of hate media in certain parts of the country has come to light in eastern DRC, “evoking memories of the Rwandan genocide and reopening the debate on the influence of air waves in fomenting civil unrest”. This makes reference to the use and legacy of the now infamous Radio Television Libre des Milles Collines (RTLM), which played a major role in fomenting the massacres in Rwanda in April and May 1994. The so-called “Voix du Patriote” operates intermittently in the South Kivu region of Bukavu. It is said to have the backing of the ex-Forces Armées Rwandaises (Ex-FAR), ex-Forces Armées Zaïroises (FAZ) and Interahamwe militia. When it was first heard in November 1997, it urged the “visitors (Tutsis) to go home”, saying that “the country has been sold to the Tutsis”. It uses religious songs and programs to attract its listeners, and broadcasts in a variety of languages, including Kishwahili, Kinyarwanda, French and local vernaculars.

Leaflets were then distributed by a clandestine anti-Tutsi group, Front de Libération contre l’Occupation Tutsie (FLOT), created in October 1997. FLOT together with its political wing, Union des Forces Vives pour la Libération et la Démocratie en RDC-Zaïre (UFDL), consists of disparate ethnic groups opposed to the Banyamulenge and brought together under the umbrella of the Interahamwe. For this reason, the Voix de Patriote is believed to have links with the former Radio Télévision Libre des Milles Collines (*supra*). Reportedly three Rwandan Interahamwe officers are being held in Bukavu’s jail in connection with the broadcasts.

Summary and recommendations

The cycle of political mismanagement and human rights abuse known under Mobutu continues in the new DRC. Congolese citizens in particular, and refugees on its soil, have suffered a seemingly endless cycle of human rights abuses over the last few decades by agents of the government or other armed groups. The abuses were perpetrated largely by state institutions and consisted of disappearances, arbitrary arrests, unlawful detentions, torture and other forms of cruel, inhuman or degrading treatment or punishment. Overall the same methods of systematic suppression have

been continued by the AFDL government from the Mobutu regime it overthrew. Government opponents both in the political and media spheres are affected. The use of the same prisons and torture centres used under the Mobutu regime are not only continuing, but new detention facilities are being set up on an ad hoc basis to deal with political and ethnic dissent.

The process of democratisation promised by President Kabila, both to foreign governments who supported him and to international organisations, as well as to Congolese citizens, appears to have been halted. Indeed, Kabila rejected pressure to hold elections “until peace prevails” in a public broadcast on 16 February 1998. He stated that a census would be held by August of this year and a referendum and draft constitution by October. Elections would then follow, but no date has been set.

To date the most comprehensive recommendations for legal reform and the proper establishment of a rule of law were made by Amnesty International, (“Memorandum to the DRC Government: Amnesty International’s Recommendations for Legal Reform”, December 1997). It calls for and details a process for the establishing of an independent judiciary, the creation of an effective police force, the curtailment of the detention powers of the security branches and national legislation and practices to provide safeguards for all persons deprived of their liberty. It also requests the DRC authorities to take steps to implement the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Zaïre acceded to in March 1996, and the International Covenant on Civil and Political Rights.

With regard to refugees, the report asks the government to renounce refoulement and to abide by the 1951 Convention relating to the Status of Refugees to which Zaïre acceded in 1965, and the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa, which Zaïre ratified in 1973.

Addressing the past:

Before any attempts are made to deal with the past, issues of responsibility and accountability need to be resolved. Military leaders responsible for massacres are discussed in some detail by Human Rights Watch (1997 Congo Report). It has to be noted that in addition to being President of Congo, Kabila was also Minister of Defence and Commander-in-Chief of the armed forces. He clearly lacked political control over all soldiers allied to the AFDL.

A serious issue was and is the failure on the part of both President Kabila and of the Rwandan Vice-President Paul Kagame, to acknowledge, and then to take responsibility for gross violations, abuses and killings. With the presence and brutal activities of troops of mixed nationalities who had their own agendas, it appeared that no clear control existed over the armed forces chain of command. This allowed for disparate and brutal activities in certain parts of the country, which are still continuing.

Amnesty suggests the establishing of a fully independent and impartial body for the DRC, empowered to investigate reports of human rights violations or failure by the judiciary to award redress to victims. It could be argued that a body of this sort should exist on an ongoing basis, along the lines of a Human Rights Commission.

Foreign governments supporting Kabila need to put greater pressure on making his government accountable for his bloody march to power as well as the current repressive human rights and humanitarian situation in most parts of the country. In addition similar pressure needs to be placed most notably on the Rwandan government.

In practical terms and to assist this process, a number of measures should be pursued by those with international influence on President Kabila and his government: a more permanent human rights presence, an investigative and monitoring assistance in the training of judiciary, police, legal reform, prison reform (Amnesty International). Given the extent of destruction and poverty in the majority of rural areas of DRC, financial attention needs to focus on the restoration of infrastructure, health facilities and training of health personnel (Physicians for Human Rights).

The establishment of an International Criminal Court could have wide-ranging implications to address the brutality of recent events in Zaïre/Congo and would also add legitimacy to a more effective functioning of the War Crimes Tribunal for Rwanda.

All in all, a dialogue needs to be established at all levels with the DRC government. Conditions need to be laid down which linked the ongoing discussions on development aid to assist in the rebuilding of infrastructure with the deplorable human rights situation. Pressure needs to be placed on President Kabila and his government to provoke a willingness to engage in reforms and a process of democratisation as well as an acknowledgement and recognition of past abuses to ensure that the cycle of violence and revenge is halted.

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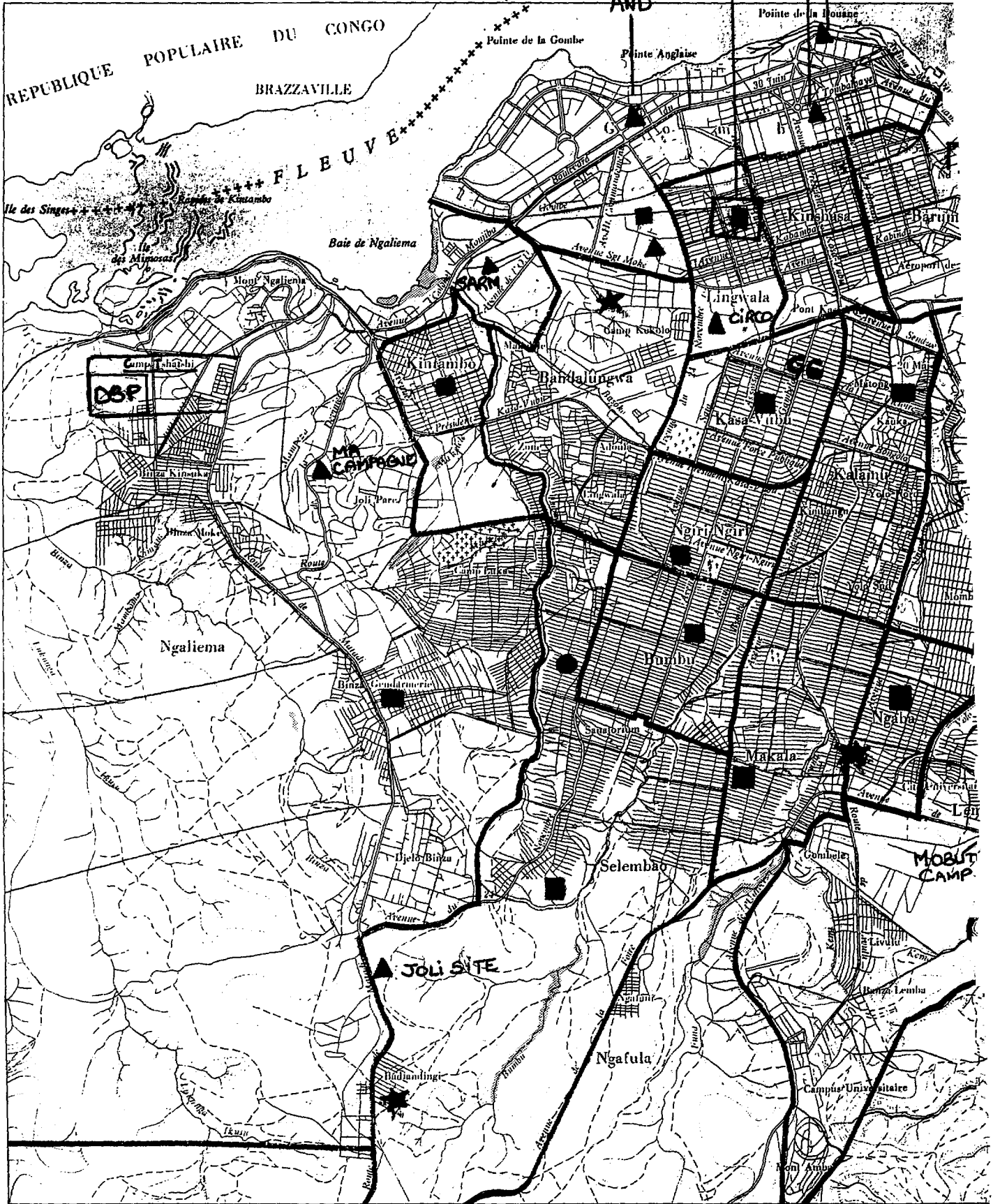
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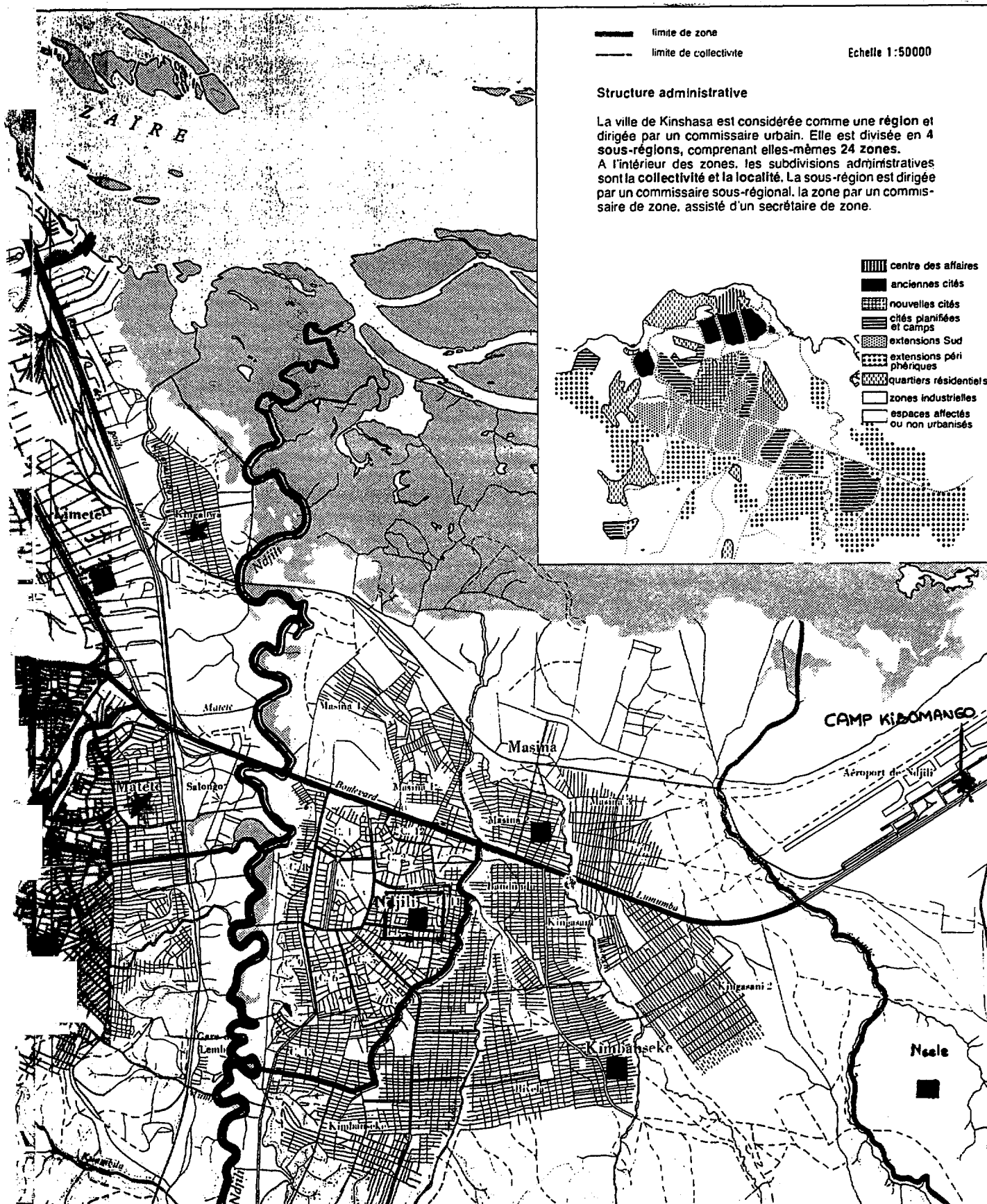
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