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1. Introduction

At the end of November 1993 government troops in Kananga, the capital of West Kasai (*Kasai Occidental*) region, extrajudicially executed six unarmed civilians, including a Roman Catholic priest, and injured many others. The victims had tried to stop soldiers from looting and destroying property at Kananga bishopric and other parts of the town. In September 1993 gunmen believed to be members of the security forces in the Zairian capital, Kinshasa, shot and wounded an aide of an opponent of President Mobutu Sese Seko, two months after he had been released from custody.

These and other human rights violations occurred two-and-a-half months after Amnesty International published a report¹ on 16 September 1993 drawing the international community's attention to the deteriorating human rights situation in Zaire. The organization highlighted hundreds of extrajudicial executions, dozens of "disappearances", torture, unlawful detentions and politically-motivated ethnic or regional persecution which have been carried out since 1991 by members of the security forces and supporters or allies of President Mobutu Sese Seko. Amnesty International urged the international community -- including international and regional political or human rights bodies -- to take action to prevent the human rights crisis in Zaire from deteriorating further. Since the publication of the report human rights violations have continued which President Mobutu has failed to denounce or take measures to bring to an end. Those who have carried out politically-motivated killings and other human rights abuses before and after the publication of the September 1993 Amnesty International report have remained unpunished.

President Mobutu's office reacted to the report by issuing a statement accusing Amnesty International of attempting to destabilise Zaire. The statement claimed that Amnesty International was throwing oil on fire by publishing what it called "manifestly tendentious theses only aiming to sabotage political negotiations (*concertations*) with the purpose of destabilizing Zaire". The President's office claimed that a military unit criticized by Amnesty International, the elite *Division spéciale présidentielle* (DSP), Special Presidential Division, had played a determining role in quelling the mutiny in Kinshasa in January 1993 and re-establishing peace in North-Kivu region. The DSP is directly responsible to President Mobutu. The statement claimed that a United Nations (UN) humanitarian mission which visited Shaba and North-Kivu regions in August 1993 had acknowledged the importance of the role played by the DSP to re-establish and maintain social peace in the regions, and that local people had demanded the continued presence of the DSP in the areas affected by disturbances.

The statement failed to address Amnesty International's concern regarding the widespread violations of human rights by the security forces ordered or condoned by their commanders. On the contrary further human rights violations, including imprisonment and killing of people known to be or suspected of being opponents of President Mobutu, have continued to be reported since September 1993. Although most political detainees arrested before September have been released, others, including soldiers detained since early 1992 in life-threatening conditions at Irebu detention centre in Equateur region, continued to be held. The authorities are not known to have investigated reports of "disappearances", including that of **Thassinda Kilolo** who reportedly "disappeared" in Kinshasa in June 1993. The statement did not mention

¹Zaire: *Violence against democracy*, AI Index: AFR 62/11/93
AI Index: AFR 62/01/94 Amnesty International 2 February 1994

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what, if any, measures would be taken to bring an end to the impunity which continues to be enjoyed by the security forces, especially when peaceful opponents of President Mobutu and his supporters or political allies are the targets for unlawful violence by the security forces. There was no mention of any official investigation to identify the perpetrators of politically-motivated killings with a view to bringing them to justice and prevent their recurrence. By early December 1993 no-one was known to have been arrested or brought to justice in connection with the violence in several parts of the country, despite the fact that about 7,000 were reported to have been killed in North-Kivu region and hundreds in Shaba region.

Amnesty International is publishing further information about Zaire now to remind the international community that the human rights and humanitarian crisis which the organization reported in mid-September 1993 is still continuing. President Mobutu and his supporters have ignored appeals by Amnesty International and little has been done by the international community to compel the President to prevent a complete breakdown of law and order and take steps to establish the rule of law. Most of the last few months have been spent on negotiations on how much power President can or not share with his political opponents.

2. The political stalemate continues

The political crisis and power struggle which began in 1990 continues unabated, causing suffering and death to thousands of Zairians.

Zairian Roman Catholic bishops meeting from 30 August to 6 September 1993 concluded that " ... the Zairian state will die, assassinated by its leaders." Their letter to Zairians said:

For having dared to challenge dictatorship and the privileges of those living by it inside and outside the country, the population is subjected by its own leaders to pillaging, humiliation, kidnapping, forced displacement, massacres by the thousands and violence of every kind, which aims to subjugate and destroy it.

The pillaging, ethnic conflicts, kidnapping and carnage which we lament across the whole country, are unmistakable signs. They attest madness and moral death of the Zairian state unleashed against its own population, privatised and deliberately rendered inefficient. It has become incapable of:

- *administering justice, which is according to our traditions, one of the essential functions of our political leaders;*
- *disciplining its army, and thus give security to all its citizens;...*

In a memorandum to President Mobutu on 24 September 1993 the bishops repeated the concerns in their 8 September message, including inciting hatred and ethnic discrimination by political authorities. Concerning President Mobutu himself, the bishops said:

By concentrating in his hands all power and an unlimited right over the country's resources and keeping supreme control over the armed forces, the Head of State plays a determining and capital role. His personal responsibility is heavy and great, in the current catastrophic situation of the country, as well as

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in the future, in the quest for ways and means to bring about a viable and durable solution.

The bishops concluded that those opposed to political reform did so to prevent themselves being held to account or punished. They said:

... But the only way to guarantee to everyone the protection of the law is to go to great lengths to install in our country the rule of law.

President Mobutu and his supporters or allies are not known to have responded to the concerns raised by the bishops in their message or the memorandum to the President.

At the end of August 1993 President Mobutu's political allies belonging to a group known as *Forces politique du conclave* (FPC), Political Forces of the Conclave, and his opponents belonging to the *Union sacrée de l'opposition radicale* (USOR), Sacred Union of the Radical Opposition, began negotiations to end the political stalemate. In September FPC and USOR agreed on a single transitional power-sharing Constitution drawn from Zaire's former one-party Constitution and the transitional Constitution drawn up by the National Conference in 1992. The transitional government would be responsible to the transitional parliament to be known as the *Haut Conseil de la République - Parlement de la transition* (HCR-PT), High Council of the Republic - Transitional Parliament. An elected government would replace the transitional one on 15 January 1995, after parliamentary and presidential elections. The negotiations collapsed in December 1993 when the FPC and USOR failed to agree on a Prime Minister to head the transitional government. USOR insisted that Etienne Tshisekedi, the opposition Prime Minister and leader of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, retains the post. He was rejected by the FPC.

As in late 1992 and early 1993 monetary reforms became another source of tension between President Mobutu and his opponents. On 22 October 1993 the government set up by President Mobutu and headed by Prime Minister Faustin Birindwa introduced a new zaire currency. One new zaire was exchanged for three million old ones. The opposition claimed that the new zaire would further damage the economy as there were no foreign currency reserves to support it. Disagreements over the currency change resulted in arrests of President Mobutu's opponents. The disagreements also appear to have been one reason for an attack and looting at the end of November by soldiers on the bishopric and other parts of Kananga, the capital of West-Kasaï (*Kasaï Occidental*) region. At least six unarmed civilians, including a Roman Catholic priest, were killed in the incident. Newspapers which criticized the reform were closed down for several weeks.

3. Extrajudicial executions and attempted assassinations

At least six unarmed civilians, including a Roman Catholic priest, **Father (Abbé) Mukoma**, were extrajudicially executed at the end of November 1993 by soldiers at the bishopric and other parts of Kananga. The attack was reported to have been carried out by soldiers belonging to the 223rd army battalion. The six were killed when they tried to resist or stop soldiers from looting and destroying property belonging to the bishopric on the night of 28 to 29 November. The looting and violence by soldiers continued for several days, spreading to other Roman Catholic institutions and private homes and business premises in the town. President Mobutu is not known to have taken any action against those responsible or to have ordered an independent public inquiry into the killings and looting.

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Sources from Kananga said at the end of November that the attack was carried out to punish leaders of the Roman Catholic church in Kananga for their opposition to the new zaire currency introduced in October 1993. The bishopric was accused by supporters of President Mobutu of undermining the president's authority by offering social and economic services which the state had failed to offer the people of Kananga. Prior to the attack there were reports that several officials appointed by President Mobutu had visited Kananga and asked Kananga's Roman Catholic bishop to appeal to the people of Kananga to accept the new currency. The Archbishop was reported to have rejected the request on the grounds that he was not involved in political activities.

In early November there were reports that several hundred soldiers had arrived in Kananga from Kinshasa. People in Kananga apparently believe the soldiers were members of the DSP sent there to carry out attacks on President Mobutu's opponents.

Félix Mbayi Kalombo, a former army Colonel and security advisor to Etienne Tshisekedi, was shot and wounded in the right leg at his home in Kinshasa on the night of 20 to 21 September by men in civilian clothes thought to be members of the security forces. Some of the attackers kept watch on neighbouring homes to prevent the occupants from responding to calls for help. He was hospitalized for several weeks at *Clinique Ngaliema* hospital in Kinshasa. He reportedly went into hiding fearing for his life after he left hospital.

The shooting occurred exactly two months after he had been released untried from detention at the headquarters of the civilian security police known as the *Service national d'intelligence et de protection* (SNIP). He had been arrested on 26 March 1993 and accused of involvement in plotting to overthrow President Mobutu and carry out acts of sabotage and assassination of the President's supporters.

Lambert Tshitshimbi Katombe, another former army colonel and security advisor to Etienne Tshisekedi who had been detained in previous months, was also reported to have gone into hiding fearing for his life after being trailed by security agents in Kinshasa.

4. Detention of journalists and President Mobutu's opponents

Journalists and members of political parties opposed to President Mobutu continued to be arrested and detained between September and December 1993. All those detained were prisoners of conscience who had not used or advocated violence against the President or his supporters. Some were charged with offences related to the security of the state but none were brought to trial. Some were given provisional release, but at the end of 1993 many remained in custody without trial.

4.1 Detention of journalists and attempts to silence critical newspapers

Kalala Mbenga Kalao, an editor of a column known as "Nation" in *Tempête des tropiques* newspaper, was arrested on 25 August 1993 in Kinshasa's Lemba district. He was reportedly subjected to beatings by members of the *Garde civile*, Civil Guard, a branch of the armed forces, who arrested him. He was arrested because his newspaper had published the identities, units, ranks and place of origin of high ranking officers of the security forces. The statistics reportedly showed that about 70 per cent of the officers belong to the same ethnic group, Ngbandi, as President Mobutu.

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He was first detained at the *Institut supérieur des bâtiments*, Higher Institute for the Building Trade, which the Civil Guard has turned into its offices and a detention centre. He was subsequently transferred to a detention centre of the *Service d'action et de renseignements militaires* (SARM), Military Action and Intelligence Service, where he was interrogated and asked to reveal the source of his information. He was released on the orders of the armed forces Chief of Staff, General Eluki Monga, on 21 September 1993. The ceremony was broadcast on Zairian television. Before his release the military procurator had reportedly announced that Kalala Mbenga Kalao would be tried by a military court. Under Zairian law civilians can only be tried by military courts during martial law or a state of war. A local human rights group informed Amnesty International in October 1993 that more than 70 untried political detainees, including more than 40 from Kasai, were being held in September at the SARM detention centre. It was unclear by December 1993 how many of these were still held.

At the end of September 1993 **Céléstin Kandolo Mulumba**, editor of *Le Potentiel* newspaper, went into hiding after he was summoned to appear before a Kinshasa procurator. Responding to an earlier summons on 28 April 1993 he was arrested and accused of possessing stolen goods and theft of documents belonging to the Procuracy (*recel et vol des documents appartenant au parquet de la République*) because his newspaper had published an article about a procurator's letter to the Minister of Justice demanding that Nguz a Karl-i-Bond, President Mobutu's Minister of Defence, returns four government vehicles. Céléstin Kandolo Mulumba subsequently appeared before a local level court known as a *Tribunal de paix* which granted him provisional release. He was redetained as the procurator appealed to two higher courts, both of which confirmed the decision of the *Tribunal de paix*. He was released without trial on 8 June 1993.

Michel Luya, editor of *Le Palmarès* newspaper, was in early August assaulted by soldiers at the Ministry of Communications where he had just been notified by the Minister of Communications of a three-month suspension of the newspaper. Michel Luya was reportedly told that the suspension was because the newspaper had published articles likely to disrupt public order.

On 27 October 1993 the government appointed in March 1993 by President Mobutu issued an order preventing the publication of *Umoja* newspaper for three months because it had published a USOR statement rejecting the issuing of the new zaire currency. The government had earlier warned that anyone opposing the monetary reform would face the "rigours of the law". It was unclear whether the temporary ban had been lifted when *Umoja* reappeared on 11 November 1993. *Salongo*, *La Renaissance* and *Elima* newspapers were also temporarily banned on 9 November because of their criticism of the monetary reform. The ban against *Salongo* and *Elima* were lifted two days later, although it remained unclear whether it remained in force against *La Renaissance*.

4.2 Detention of members of opposition political parties

Most of the arrests in late 1993 of members of political parties opposed to President Mobutu appear to have occurred in eastern Zaire's North and South-Kivu regions. They were arrested because they opposed the monetary reforms introduced in October or criticized President Mobutu's economic mismanagement.

At least two local leaders of the UDPS in Goma, the capital of North-Kivu region, were arrested on 15 November. **Denis Kiriza** and **Amisi Molisho** were arrested following a UDPS demonstration to protest

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against spiralling inflation which they blamed on the new zaire currency. They were held for five days without charge or trial in a detention centre, reported to be underground, belonging to the Civil Guard in Goma and then released apparently uncharged. There were reports that they were tortured while in Civil Guard custody. Prior to these arrests local military commanders in Goma had reportedly ordered soldiers on 27 September 1993 to loot a local UDPS office.

On 15 November members of the DSP arrested **Déo Kambale**, a leader of the UDPS in North-Kivu's northern town of Butembo, apparently because he was seen reading a copy of *Umoja* newspaper which contained articles critical of President Mobutu. He was subsequently transferred to Goma and held at the headquarters of the Gendarmerie in Goma, known as the "CIRCO" (*circonscription militaire*). He was transferred to a detention centre in Kinshasa. By mid-December his legal status, conditions and place of detention were still unclear.

A Roman Catholic priest and at least two other people were arrested in Bukavu, the capital of South-Kivu region at the end of October 1993. One of those arrested was **Ferdinand Chimanuka**, a member of the *Parti démocrate et social chrétien* (PDSC), Christian Democratic and Social Party, and President of an umbrella organization in Kivu for political parties opposed to President Mobutu, known as *Plateforme des parties politiques de l'opposition au Kivu*. He was arrested on 23 October and accused of inciting people to reject the new zaire currency (*avoir incité la population à refuser le nouveau zaire*). He was transferred to Kinshasa's Makala prison where he was believed to be still held in mid-December 1993. On 16 November he reportedly appeared before a magistrate who ruled that he should be provisionally released. The authorities rejected the magistrate's ruling and redetained him. Sources close to his defence lawyers said that his case file contained no evidence against him.

5. Amnesty for common-law prisoners

On 23 November 1993, the eve of the 28th anniversary of his seizure of power, President Mobutu announced an amnesty commuting death sentences and reducing prison sentences for convicted prisoners. The amnesty did not apply to prisoners whose cases had not been the subject of definitive ruling on by the courts, unconvicted detainees, those tried *in absentia* or convicted of violent crime, endangering the security of the state, embezzlement or infringement of foreign exchange regulations. This appeared to effectively rule out untried political detainees. The identities or numbers of the beneficiaries of the amnesty were not made public.

The amnesty appeared not to have been extended to people detained, many of them without trial, for political reasons, many of whom were prisoners of conscience. President Mobutu failed to use the occasion to condemn human rights abuses and introduce safeguards against human rights abuses. Indeed a few days later soldiers extrajudicially executed civilians in Kananga.

6. Recommendations to the international community

As Amnesty International pointed out in its September 1993 report on Zaire, President Mobutu and others who have the power to bring about an end to the current crisis in Zaire have shown no interest in doing so. All efforts and resources appear to be diverted towards crushing opposition by all means, including extrajudicial executions. In September Amnesty International appealed to all governments which are members of the Organization of African Unity (OAU) to address and condemn human rights violations in

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Zaire. The organization asked the United Nations (UN) and its member states to press President Mobutu and his supporters who exercise authority over the security forces to extend full cooperation, as requested by the UN Commission on Human Rights at its 1993 session, to UN special rapporteurs, particularly the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances.

Because of the continuing unabated political and human rights crisis, Amnesty International is now urging governments with representatives in Zaire to ask to visit areas where human rights violations have occurred in order to ensure that they and others in the international community have accurate and first hand information about the human rights situation. These governments should, on the basis of such information, condemn human rights violations in Zaire and put pressure on President Mobutu and others who order or condone these violations to take steps to bring them to an end.

Recently the OAU set up a new Mechanism for the Prevention, Management and Resolution of Conflicts. Amnesty International has welcomed the recent statement of the Secretary General of the OAU on 1 December 1993 in an address to the African Commission on Human and Peoples' Rights recognizing the close link between the resolution of conflict and respect for human rights. The organization is urging the OAU to ensure that the new conflict resolution mechanism addresses the human rights situation as an essential component of its work to resolve the current crisis. The OAU should consider appointing representatives to monitor, investigate and report human rights violations in Zaire and make recommendations to these organizations and the Zairian authorities on ways to bring about respect for human rights in Zaire.

In July 1993 the UN Secretary General appointed a special representative to Zaire. The special representative, Lakhdar Brahimi, held talks with Zairian leaders in July, September and October 1993. The content of the talks was not made public. In August a UN humanitarian mission visited Zaire to assess humanitarian requirements in Shaba, North-Kivu, West and East Kasai and Kinshasa regions, and identify ways by which those needs could be effectively addressed. In early December the UN launched an appeal for 84.2 million US dollars in emergency humanitarian assistance for the areas visited by the humanitarian mission. Amnesty International is calling on the UN to use its contacts with Zairian leaders to promote guarantees for the respect of human rights and ensure that these are built into any political settlement.

The UN Secretary General's representative does not seem to have an express mandate to monitor, investigate and report on human rights violations or to make recommendations to address these violations. The UN Secretary General has recognized, however, on other occasions that respect for human rights is an essential component of conflict resolution. For example, he stressed in his 25 May 1993 report on the UN Angola Verification Mission II (UNAVEM II) that "respect for human rights constitutes a vital, indeed a critical component, among measures to resolve, on a long-term basis, conflicts of this nature, including efforts to promote enduring conditions of peace, national reconciliation and democracy" (S/25840, paragraph 26).

Amnesty International urges the UN Secretary General's special representative to take effective steps to monitor, investigate and report on human rights violations and make recommendations to address these violations.