

TABLE OF CONTENTS

| | |
|--|----|
| 1. Introduction | 1 |
| 2. Government frustrates UN inquiry into leaving the country | 2 |
| 3. Extrajudicial executions by government forces | 3 |
| 4. Unlawful detentions and ill-treatment of political opponents | 4 |
| 5. Persecution of human rights activists | 7 |
| 6. Muzzling the media | 8 |
| 7. Torture and other forms of ill-treatment | 9 |
| 8. Military court hands out injustice and death | 10 |
| 9. Conclusion | 11 |
| 10. Amnesty International's recommendations | 12 |
| To the DRC Government | 12 |
| To the international community | 12 |

DEMOCRATIC REPUBLIC OF CONGO

A year of dashed hopes

1. Introduction

Amnesty International is gravely concerned and disappointed that the change of government one year ago has failed to end a culture of human rights abuses and impunity in the Democratic Republic of Congo (DRC). Before and after it took power from the government of former President Mobutu Sese Seko on 17 May 1997, the *Alliance des forces démocratiques pour la libération du Congo* (AFDL), Alliance of Democratic Forces for the Liberation of Congo, has presided over numerous human rights abuses. They include extrajudicial executions by government forces, deliberate and arbitrary killings by armed opposition groups, arbitrary arrests, torture and other forms of cruel, inhuman or degrading treatment, unlawful detentions and unfair trials, some of which have culminated in death sentences and executions. Those particularly targeted include government opponents, human rights activists and journalists who have dared to challenge or speak out against human rights abuses. Some of those at risk have had to flee the country fearing for their lives.

Despite the widespread massacres and other human rights abuses that characterized the war that culminated in the overthrow of former President Mobutu in May 1997, many Congolese citizens hoped the worst was over and a new beginning was in the offing. Thirty-two years under Mobutu had been characterized by an erosion of the rule of law and no sector of Zairian society had remained unaffected. Most people in the newly renamed Democratic Republic of Congo did not know the new President, Laurent-Désiré Kabila, but believed any government that replaced Mobutu's had to be better. One year on, very little, apart from the name of the country, Zaire, appears to have changed for ordinary people in the DRC. For some, particularly in eastern DRC, the suffering and death caused by armed conflict has continued. Tensions between members of the Tutsi ethnic group known as Banyamulenge and those of other ethnic groups in the security forces have resurfaced, giving rise to fears of armed conflict between factions of the AFDL. This is in addition to the ongoing armed conflict between the AFDL and armed opposition groups.

Amnesty International is publishing this report on the anniversary of the coming to power of the AFDL to urge the international community to remain vigilant and to remind the new government of its legal obligations to protect and promote human rights. This document highlights human rights abuses which have occurred mainly since December 1997. It updates an Amnesty International report entitled *Democratic Republic of Congo: Deadly alliances in Congolese forests* (AI Index: AFR 62/33/97) which the organization published on 3 December 1997.

In order for the Congolese people to come out of their prolonged human rights nightmare, the government must earn the international community's respect by respecting the fundamental rights of its people, as well as those of others within its jurisdiction. People in the DRC have suffered horrendous abuses during previous decades and now, more than ever, they must be protected by those who are charged with authority over their destiny.

2. Government frustrates UN inquiry into leaving the country

After a year of repeated obstruction of a UN investigation into massacres and other human rights abuses which occurred, particularly during the war to overthrow President Mobutu, the UN Secretary-General decided to withdraw his investigative team on 17 April 1998. As reported in the Amnesty International report, *Deadly alliances in Congolese forests*, obstructions of the investigation began in March 1997, leading the UN Secretary-General to set up in July 1997 what he thought was an investigative team that would be more acceptable to the DRC Government.

In addition to lack of cooperation by the authorities themselves, the team faced other forms of hostility which appeared to be orchestrated by the authorities. In December 1997, local chiefs in Mbandaka reportedly demanded money before they would allow exhumations of mass graves. The team returned to Mbandaka in early 1998 only to be forced to leave in late March in the face of threats by "local people" armed with spears and machetes, accusing the team of desecrating traditional graves. On 8 April Amnesty International called on the UN Secretary-General to withdraw the investigative team from the DRC and present to the UN Security Council a report of its findings, as well as an account of the difficulties and obstacles it encountered. Earlier, the investigative team had complained about the arrest and harassment of some people who had provided information to it. While in Mbandaka, the team reportedly dug up a mass grave which they found empty, but with apparent evidence that bodies had been removed, raising questions as to why traditional graves should have been empty. The UN Secretary-General finally decided to withdraw the team after one of its members, Christopher Harland, had been arrested in Goma and subsequently detained for a day at Ndjili airport in Kinshasa. It was reported that his documents, including names of witnesses, were taken from him and photocopied by security officials, raising fears for those who provided information to the team.

A deputy leader of the team had resigned in December 1997 and another one in February 1998. Andrew Chigovera, a Zimbabwean deputy prosecutor reportedly said in his resignation letter, "I have great difficulties in believing that an environment conducive to the conduct of a proper, independent and impartial human rights investigation exists or that it will ever present itself". When withdrawing the team, the UN Secretary-General

said that the investigation would continue outside the country, apparently led by the UN Special Rapporteur for the DRC, similar to an investigation authorized in March 1997 by the UN Commission on Human Rights. The AFDL authorities rejected the rapporteur who they accused of bias against them, leading the UN Secretary-General to set up his own team with a view to breaking the deadlock.

3. Extrajudicial executions by government forces

Unarmed individuals and groups of people have been targeted for a variety of motives, particularly for their known or suspected support for armed government opponents. Most of the reported killings have taken place in parts of eastern DRC, particularly North and South-Kivu provinces, where armed conflict between Congolese, Ugandan and Rwandese insurgents on one side, and forces of the governments of the DRC, Uganda and Rwanda on the other.

One of the most recent massacres took place between 25 March and 7 April 1998, when about 54 Rwandese refugees and at least 100 Congolese civilians were extrajudicially executed by AFDL forces in Shabunda, South-Kivu province. Soldiers from Mugogo and Luntukulu in Walungu territory reportedly attacked civilians in Kakulu village where the 54 refugees had been living. Congolese civilians were reportedly targeted because they allowed the refugees to live in their village. The victims reportedly included **Wandjo**, chief of Lwamba locality and his assistants known as **Camile** and **Cléophace**. The soldiers reportedly burned houses and looted domestic animals and other household property in the villages of Kakulu, Lwamba and Kizila-Bwasi which constitute the locality. Survivors are said to have fled the locality.

As many as 900 civilians in and around the town of Butembo in North-Kivu province are reported to have been killed by AFDL forces, apparently supported by Ugandan and Rwandese government forces, between 20 February and mid-April 1998. The killings took place in the context of joint operations by the forces of the three governments against their armed opponents from the three countries. In mid-February armed government opponents known as *mayi-mayi* reportedly occupied Butembo after beating government forces there. In subsequent days reinforcements of government forces arrived and retook the town. Between 20 and 23 February government forces reportedly killed as many as 300 unarmed civilians accused of supporting the *mayi-mayi*. Following further *mayi-mayi* attacks on government forces in early April, government forces reportedly surrounded the area and began killing males of fighting age. At the end of April, sources in the area claimed that as many as 600 may have been killed. A local AFDL commander reportedly announced on radio that the population of Butembo was considered as an enemy and would be shown no pity. Further north in Beni, as many as

40 civilians accused of collaborating with the *mayi-mayi* were reportedly killed by government forces between 2 and 6 April.

A number of people accused of witchcraft have been killed by AFDL soldiers on the orders of officials. For example, at least four women in and around Limangi, Walikale territory, were reportedly extrajudicially executed by soldiers in connection with the death of one of their colleagues. His fellow soldiers reportedly said that unmarried women were responsible for his death. On 18 December 1997 a woman known as **Kahindo** was severely beaten, shot in the chest and her body thrown in Osso river. Another woman, **Shimirayi** from Rungoma village was beaten to death and her body thrown into Mweso river. On 21 December two women were reportedly extrajudicially executed at Pinga and their bodies thrown into Mweso river.

On 9 December 1997 an unnamed detainee in Walikale was extrajudicially executed in reprisal for the escape of three local chiefs accused of illegal possession of firearms and support for the *mayi-mayi*. The chiefs, **Kibira-Bianja** of Nsuka, Walikale territory, **Jules Kabatama** of Mweso and **Mutaka** of Kalembe, both in Masisi territory, had escaped on 8 December after they had reportedly been subjected to torture. Government troops bombarded Mera in Wanianga sub-district (*chefferie*), Walikale territory, around 10 December but it is unclear how many civilians died as a result. Soldiers reportedly burned most homes and looted property in the area after the bombardment.

The involvement of members of the Rwandese Patriotic Army (RPA) in fighting and human rights violations has been widely reported in eastern DRC. For example, about nine men and one woman near Bukavu were reportedly killed on 11 December 1997 by members of the RPA after *mayi-mayi* fighters had been seen passing through the area escorting members of the Rwandese armed opposition groups crossing to Rwanda. On 22 December more than 40 local people in Bunyakiri, South-Kivu province, were reportedly killed by Congolese government troops after clashes between government forces and *mayi-mayi* fighters.

4. Unlawful detentions and ill-treatment of political opponents

The AFDL has maintained a ban on opposition political party activity which it imposed since it came to power. Opposition leaders who have insisted on exercising their rights to freedom of association and expression have been arrested and detained as prisoners of conscience. Some have been beaten at the time of their arrest and others tortured in custody. Many of these leaders and their supporters had been subjected to similar human rights abuses under former President Mobutu.

One of the most prominent opposition leaders targeted is **Etienne Tshisekedi**, leader of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress. He was arrested in the capital, Kinshasa, on the night of 12 February 1998, two days after he met Reverend Jesse Jackson, the United States President's special envoy, then visiting Kinshasa. DRC government officials refused to meet Jesse Jackson in an apparent protest at his meeting with government opponents and calling for a lifting of the ban on political party activity and for respect for human rights. Soon after his arrest he was banished to Kabeya-Kamwanga village in Kasai-Oriental province where soldiers have been deployed to prevent him from leaving. He has not been charged with any offence. The authorities have stated in public that he will not be allowed to leave the area until the ban is lifted shortly before general elections which the authorities have said will take place in 1999.

The banishment of Etienne Tshisekedi took place soon after three political detainees had been transferred from custody in Kinshasa to Lubumbashi in Shaba province. They include **Joseph Olengha Nkoy**, leader of the *Forces novatrices pour l'union et la solidarité* (FONUS), Innovative Forces for Union and Solidarity, who was transferred on 30 January. He was arrested on 20 January 1998 and held at Kokolo military barracks. In addition to previous detention under former President Mobutu, he had been arrested several times by security agents of the AFDL government since mid-1997.

Also transferred to Lubumbashi on 30 January was **Arthur Z'Ahidi Ngoma**, leader of the *Forces du futur*, Forces of the Future. He and several of his supporters, **Ingele Ifoto**, **Justin Kampembe** and **Jean-Marie Lukudji**, and about 10 journalists were arrested on 25 November 1997 while Arthur Z'Ahidi addressed a press conference launching his political group at his home. The journalists were briefly detained and released after they were severely beaten. However, one journalist, **Mossi Mwassi** of South African origin and a correspondent for the British Broadcasting Corporation (BBC) and Voice of Germany was rearrested on 4 December. He was first held at the headquarters of the Gendarmerie known as the *Circonscription militaire* or "Circo" and transferred to a detention centre of the *Agence nationale de renseignements* (ANR), National Intelligence Agency, on 8 December. He was subsequently moved to the *Centre pénitentiaire et de rééducation* (CPR), Penitentiary and Reeducation Centre, formerly known as Makala prison, on 16 January 1998. He was charged with endangering the security of the state, forgery (*faux et usage de faux*) and trading of favours (*trafic d'influence*). He was released on 12 April when all charges against him were reportedly withdrawn.

Arthur Z'Ahidi's three supporters were reportedly still held at the CPR at the start of May. Arthur Z'Ahidi was reportedly charged with endangering the security of the state (*atteinte à la sûreté de l'Etat*) for violating the ban on political activity. Around March he and Joseph Olengha Nkoy were transferred to Buluwo prison near Likasi in Shaba. On 14 April Faustin Munene, deputy minister of the Interior announced that they and **Anselme Masasu Nindaga**¹, a former security advisor to President Kabila and leader of an armed wing of the AFDL, had escaped from custody. After two days of widespread speculation that the detainees may have been secretly executed, the authorities announced that Arthur Z'Ahidi Ngoma and Anselme Masasu Nindaga had been rearrested. Although the authorities announced a day later that Joseph Olengha Nkoy too had been rearrested, this information was soon dismissed as untrue, amidst growing concern for his safety. Arthur Z'Ahidi and Anselme Masasu were reportedly shown on Congolese television on 27 April. On 1 May the Minister of the Interior announced that Joseph Olengha Nkoy too had been rearrested.

In eastern DRC, local community leaders have been detained on suspicion of sympathising with armed opposition groups such as the *mayi-mayi*. For example, more than 10 prominent persons in South-Kivu, including traditional chiefs, university lecturers and opposition party leaders were arbitrarily arrested at the end of January 1998 and detained for up to two-and-a-half months. Their arrest took place when President Kabila and several government ministers were visiting Bukavu while returning from a summit in Uganda. **Désiré Rugemanizi**, chief of Kabare, was reportedly severely ill-treated by members of the ANR in Bukavu before his release on 12 February. The ANR was apparently trying to force him to reveal his alleged links with the *mayi-mayi* and their financial backers. **Pierre Ndatabaya**, chief of Ngweshe was also ill-treated before his release on 4 February. Others held by the ANR and released on 4 February are **Kamola Mudherwa**, vice-President of South-Kivu Chamber of Commerce, **Chubaka**, a former UDPS official in South-Kivu, and **Mushegera**, a technician of a German government-funded development organization known as *Gesellschaft für Technische Zusammenarbeit* (GTZ), Society for Technical Cooperation.

Three of those arrested in Bukavu on 27 January were transferred soon after to the CPR prison in Kinshasa. They are **Masu Ga Rugamika**, rector of the *Université libre des pays des Grands lacs* (ULPGL), Free University of the Great Lakes Countries, **Espoir Majagirol Bulangalire**, former rector of the *Université évangélique en Afrique* (UEA), Evangelical University in Africa, and **Augustin Babunga**, a lecturer at the UEA.

¹In January 1998 a military court found Anselme Masasu's brother, Justin Nindaga, guilty of inciting soldiers to rebel following his brother's arrest on 25 November 1997 and sentenced him to 20 years' imprisonment with hard labour. There are reports that their father, Nindaga Rwambibi Juju was arrested in early December 1997 but it is unclear if and when he was released.

They were released on 13 April without charge or trial. The whereabouts of several other detainees were still unclear at the start of May. They include **Mulighi Mabanze**, chief of Wakabango who was arrested on 15 January by the ANR in Kindu. Amnesty International believes that they and others arrested with them in January were prisoners of conscience detained because they criticized human rights violations, including killings of unarmed civilians, by members of the AFDL, and government policies in eastern DRC.

5. Persecution of human rights activists

During the final seven years of former President Mobutu's rule, Congolese human rights activists had developed a culture of standing up for their rights and denouncing them in numerous reports. Journalists and church ministers had also become vociferous against bad governance, leading to the former government formally acknowledging the existence of opposition political parties. All these categories of human rights activists have come under severe attack since the AFDL came to power.

One of the most recent measures taken against a human rights organization was the banning of the *Association zairoise de défense des droits de l'homme* (AZADHO), Zairian Association for the Defence of Human Rights, on 3 April 1998. The ban was announced by the Minister of Justice who reportedly accused the association of involvement in political activities to destabilise the government and of receiving foreign funds. Over the past year several AZADHO members had been threatened and forced to flee the country and others questioned or detained by members of the security forces. For example, its vice-president, **Pascal Kambale**, had been interrogated by members of the National Security Council who wanted to know AZADHO's sources for its report on the February massacres by the AFDL in Butembo. In mid-March the authorities seized copies and templates of the AZADHO annual report. In early May, **Freddy Kitoko**, the leader of its branch in Lubumbashi was in hiding after soldiers went to his office looking for him on 4 April. On 20 March **Floribert Chebeya Bahizire**, President of *La Voix des sans voix* (VSV), Voice of the Voiceless, was assaulted at his home by armed men who also threatened to kill him and took money from him. Soon after the ban was announced, the government issued an order for all human rights groups to seek official registration. On 10 April the government published a list of 22 human rights groups allowed to operate in the DRC and denied recognition to more than 100 others.

In late November 1997, **Roger Sala Nzo Badila** and **Nyabirungu Mwene Songa**, both leading members of the *Centre national des droits de l'homme* (CENADHO), National Human Rights Centre, were arrested and detained by the ANR in Kinshasa. They were reportedly detained in connection with an article published earlier in the CENADHO newsletter criticizing the AFDL's human rights record. Roger Sala was also reportedly accused of links with Amnesty International on the basis of letters found

in his possession. They were charged with endangering the security of the state in January, before their release on 12 February.

Paul Nsapu and **Sabin Banza**, leaders of the *Ligue des électeurs*, Electorate's League, were arrested on 27 April and detained by the ANR. They were arrested on their way from a meeting at the Belgian Embassy in Kinshasa. In early April, the DRC authorities accused Belgium of involvement in terrorism against the AFDL Government. The two human rights activists were still held at the start of May. **Didier Kamundu**, a human rights activist based in Goma fled the country in April 1998 after soldiers were reported to be searching for him. In March 1998 he received a Reebok human rights award for his work.

Church leaders too have been targeted for criticising the authorities or their human rights record. For example, **Théodore Ngoye Ilunga wa Nsenga**, a Protestant pastor, was arrested on 16 December 1997 after he criticized during a church service the DRC's new national anthem and the printing of President Kabila's portraits on cloth. He was charged before the military court with endangering the security of the state and insulting the head of state (*offense à la personne du chef de l'Etat*). He was still held without trial at the CPR prison at the start of May. **Father Léonard Kamalebo**, a Roman Catholic priest in the diocese of Uvira, South-Kivu province, went into hiding in January 1998 after he learned that he was being sought by government soldiers. He was editor of *Munanira* journal which has criticised the new government and he has expressed disagreement with the Diocesan Development Bureau in Uvira, which he reportedly accused of supporting the government. Two other priests, **Monseigneur Koko** and **Monseigneur Mbombole**, who had criticised church authorities for supporting for the AFDL, were killed by AFDL combatants in September 1996.

Trade unionists have been detained for peacefully demanding their labour rights. For example, three leaders of the postal workers' union, including its Secretary General, **Makiona Benga**, were arrested on 9 March 1998 after they filed a notice to strike in protest at non-payment of salaries for seven months. They were released without trial at the start of April. **Stève Mbikay** and two other leaders of the Solidarity Trade Union were arrested on 17 January 1998 and held until 14 April because they protested during a television program at the dismissal of workers at the *Office national des transports* (ONATRA), National Transport Office.

6. Muzzling the media

Journalists have been detained, ill-treated and their newspapers seized and radios silenced by the authorities, simply because they exercised their right to freedom of expression. For example, **Michel Ladi Luya**, editor of *Le Palmarès* newspaper was arrested on 11 April

and detained for two days because his newspaper published a statement issued by Etienne Tshisekedi who was banished in February. The statement reportedly reaffirmed his determination to continue his peaceful fight for democracy. **Ipakala Abeiye**, director of *La Référence Plus*, was arrested on 18 April and held for two days after his newspaper published an article claiming that AFDL officials had private detention centres where detainees were tortured to death and buried in mass graves in Kinshasa's Ma Campagne and Synkin districts. **Modeste Mutinga**, editor-in-chief of *Le Potentiel*, was detained on 25 February 1998 after an article in his newspaper claimed supporters of the AFDL from Kasai were unhappy about the arrest of Etienne Tshisekedi. In March 1998 Amnesty International was concerned for the health of **Albert Bonsange Yema**, editor-in-chief of *Le Palmarès*, who was being denied medical care and appropriate diet for his diabetes and rheumatism while in custody at the CPR prison. He was arrested in early February 1998 after his newspaper published an article criticising the arrest of Joseph Olengha Nkoy. He was reportedly beaten with truncheons at the time of his arrest. It was reported at the start of May that he was tried by the State Security Court on the charge of endangering the security of the state and the prosecution demanded a one year prison sentence. The court, which reportedly tried him inside the CPR prison, had not yet ruled on its verdict.

Radio stations which have broadcast information thought by the authorities to be against the AFDL have been forced to close. These include *Radio Amani* of the Roman Catholic church in Kisangani, the capital of Oriental province. In early December 1997 the authorities imposed a brief ban on broadcasts of the Voice of America, British Broadcasting Corporation and Radio France International by local radio stations. The ban was lifted after protests from foreign media and embassies in Kinshasa. In some cases copies of newspapers belonging to government opponents have been seized by the authorities. For example, copies of the Brussels edition of *Le soft* newspaper were seized in November 1997 and again in February and March 1998. Soldiers occupying *Elima* newspaper since November 1997 looted its premises before they left on 22 December.

Government media journalists have also been persecuted for their independent journalistic activities. They include **Pontien Tshisungu** of the government-controlled *Radio-Télévision nationale congolaises* (RTNC) who was detained in Goma on 6 December 1997 because he reported that a convoy in which a Congolese Government minister had been travelling had been attacked in Rwanda by an armed group. He was released on 20 December without charge or trial but denied access to studios. Several journalists were dismissed in early December 1997 because they worked for foreign media.

7. Torture and other forms of ill-treatment

Many of those arrested have reportedly been beaten at the time of their arrest and tortured in custody, particularly in private detention centres and those belonging to the security forces. For example, **Jean-Baptiste Makoko**, treasurer of *Groupe Lotus* human rights group in Kisangani sustained an arm injury when three soldiers arresting him on 10 December 1997 beat him up. He was accused of seeking to photograph bodies of dead soldiers at Kisangani hospital and spying for UN human rights investigators. He was held in military custody until his release without charge on 16 December.

Torture also often includes rape of women by members of the security forces. For example, soldiers raped two sisters of **Eugène Diomi Ndongala Nzomambu** when they came to arrest him in Kinshasa on 10 December 1997. He is the President of the *Front pour la survie de la démocratie au Congo* (FSDC), Front for the Survival of Democracy in the Congo, and former member of parliament and deputy minister under former President Mobutu. **Arlette Fula**, aged 22 and **Charlotte Ndongi**, aged 21, were reportedly raped repeatedly. Eugène Diomi was himself denied treatment for appendicitis and was only allowed treatment after a public outcry. He was released on 24 January.

About 30 members of the UDPS, including **Vovo Bossongo**, a woman, and **Honoré Kabeya**, were reportedly subjected to torture, including with electroshock batons, after their arrest on 17 January 1998. The victims described the batons as black with rubber cover, and about 40 centimetres long. They were reportedly taken to the *Circo*, locked up in cells and then let out in twos into the compound and subjected to torture. Talking about his torture experience, Kabeya said, "They wanted me to lie down but I resisted and so they forced me. They touched me with an electroshock baton on the genitals. I felt some kind of current in my body and I fell down".

Some victims have died from injuries sustained during torture. For example, **Albert Nsinga** died on 22 December 1997 at Kikwit hospital after he succumbed to torture injuries. He had been arrested on 11 December and subjected to severe beatings while in custody before he was admitted to the hospital. **Fifi Ngombo**, died on 29 November 1997 from her injuries after she was repeatedly raped and beaten by soldiers while in custody at Kikwit's Kingoma central prison. She had been arrested in November 1997 after she had been accused of having an abortion.

8. Military court hands out injustice and death

A military court known as the *Cour d'ordre militaire*, Military Order Court, set up in August 1997 to try cases of undisciplined soldiers has presided over unfair trials and sentenced dozens of soldiers and civilians to death. More than 50 of these have been executed since January 1998. Most of those tried by the court have no access to legal counsel and are automatically denied the right to appeal to a higher court against their

conviction and sentence. Only President Kabila has powers to commute sentences imposed by the court. So far, only the death sentence imposed by the court on a 15-year-old child soldier, **Malume Mudherwa**, found guilty of shooting dead a Red Cross volunteer on 28 March 1998, is known to have been commuted by the President on 18 April 1998.

Those executed after being sentenced to death by the military court include two soldiers executed in Bukavu on 6 January 1998. On 15 January 19 soldiers were executed in Goma and on 27 January 21 soldiers were executed in Tshatshi military barracks in Kinshasa. On 3 March two soldiers and 14 civilians convicted of murder, armed robbery and other violent offences were executed in Lubumbashi.

Some people have been executed without even a pretence of a judicial process. For example, in early March 1998 one soldier accused of rape and another of shooting and injuring a colleague were executed in Kamanyola barracks near Bukavu on the orders of a top military commander.

It was reported on 27 April 1998 that the military court had sentenced to death three soldiers, including **Kale Muhoza**, found guilty of rebellion and six civilians, including **Mwanza Kibambi**, found guilty of armed robbery. They reportedly appealed for presidential clemency.

Increasingly, the court is being used to try civilians accused of political offences. For example, **Matthieu Ka Bila Kalele**, a university lecturer, and **Jean-François Kabanda**, a freelance journalist, were sentenced by the court to two years' imprisonment in January 1998. They were arrested on 24 October 1997 and later charged with endangering the security of the state, on the grounds that they published an article calling upon the population to oppose Rwandese and American influence. They were convicted of spreading false rumours, an offence different from the original charge. On 30 January 1998 they were transferred from the CPR prison to Lubumbashi where they were still held at the start of May.

9. Conclusion

There are no excuses for the new DRC Government to order or condone human rights abuses after it came to power promising to promote the rule of law. Most Congolese citizens have not experienced any change in their human rights situation. Indeed in some cases, such as freedom of expression and association, there has been a clear reversal of the gains achieved since April 1990 when opposition political parties were formally recognized.

The international community must refuse to be complacent in the face of these ongoing serious human rights abuses. The silence and complicity by world governments during past decades eroded the rule of law in the former Zaire and could do exactly the same in the new DRC. Now is the time to draw a line against tolerance of human rights abuses and for protection and promotion of internationally recognized human rights standards.

10. Amnesty International's recommendations

Amnesty International is making recommendations which, if adopted, would go a long way to end state-sanctioned human rights violations in the country. A government which fails to adopt measures to protect human rights has no legitimacy before the people.

To the DRC Government:

- Take measures to ensure that members of the security forces do not perpetrate human rights violations and that those who do are identified and given a fair trial in accordance with international standards, without recourse to the death penalty.
- Release unconditionally all political prisoners held solely because they exercised their right to freedom of expression and association without using or advocating violence.
- Cooperate with and provide political support to local and international human rights organizations to promote and protect human rights, ensuring that they and their members are protected from persecution by government or security officials.
- Cooperate with the UN to establish the truth about the massacres and other human rights abuses which occurred in the DRC since March 1993.

To the international community:

- Sustain pressure on the DRC Government to cooperate with investigations into human rights abuses which have occurred in the country and encourage and provide resources to the DRC Government to protect and promote human rights.
- Denounce human rights abuses whenever and wherever they occur in the DRC, regardless of the identity of the victims or perpetrators.
- Prevent any supplies of small arms to the DRC Government and armed opposition groups until they can demonstrate that the arms will not be used

against unarmed civilians; prevent supplies of equipment such as electroshock batons which are likely to be used to carry out torture in the DRC.