

Commentary is provided on the February 1998 mutiny of the Banyamulenge, as well as the August 1998 rebellion in which there was an uprising of Banyamulenge and Rwandan soldiers in Kinshasa. The government's response to the rebellion is noted as having included incitement to hatred of the Tutsis (who were called "viruses, mosquitoes, garbage" that should be eliminated), which prompted the civilian population to become involved in the conflict placing it at serious risk of becoming a military target. The report notes that towards the end of August, and at President Kabila's government's request, Zimbabwe and Angola intervened in support of his regime; thus, with Rwanda and Uganda openly backing the rebels, there were at least five countries involved.

The report states that violations of international humanitarian law by the government were based on a policy of ethnic cleansing and included: summary executions of Tutsis or persons thought to be Tutsi; arbitrary detentions, including of women and children, and journalists accused of supporting the rebels; sexual assault of Tutsi women as a war tactic; and recruitment of children for war activities. Violations by rebel forces included: arbitrary detentions and deportations; torture; the rape of women belonging to indigenous ethnic groups as acts of war; obstruction of humanitarian assistance; and forced recruitment of civilians, including children.

Commentary on the power structure notes, *inter alia*: the President continues to exercise full executive and legislative powers, including the power to dismiss judges; all political parties are still banned; the Legislative Assembly was not installed in August as planned; there is no fixed timetable for the referendum to approve the Constitution; on 1 June 1996 a Ministry of Human Rights was established but, as of the date of the report, had had no visibility; and the election timetable remained uncertain.

With regard to human rights, the report notes, *inter alia*: military courts have continued, after conducting irregular trials, to impose the death penalty frequently, with 56 persons executed in the first three months of the year; reports continued to be received related to enforced disappearances; abuse of power by members of the army; torture — including beatings and rape of women and girls — sometimes causing death; evictions from legally held land; theft and pillaging of homes; kidnappings for ransom; arrest and detention without charge or trial of, for example, journalists, foreign correspondents, political leaders, human rights defenders, anyone suspected of pro-Mobutu sympathies, or of supporting the Mai-Mai or the Interahamwe; house arrest and restrictions on movement for those released; reports of unauthorized prisons, including on the property or in the homes of high government officials; poor conditions in prisons; use of the military court to try all types of cases and not just those involving crimes committed by soldiers and police officers; failure to guarantee and respect international standards of due process; official censorship and other practices violating freedom of information and expression; the banning of political associations; and

actions against non-governmental human rights organizations, including ransacking of offices, threats, bans and attacks against, and imprisonment of, their leaders.

The report notes that the government has established institutions for human rights which it calls "non-governmental", including Solidarité entre Nous, the Congolese Union for the Defense of Human Rights and, following the dissolution of the Federation of Congolese Businesses, the creation of the National Association of Congolese Businesses.

On economic, social and cultural rights, the report refers to, *inter alia*: an absence of measures to ensure the right to health, noting cases of cholera, bacillary dysentery, malnutrition and meningitis; the fact that civil servants and teachers were either not being paid at all or paid only sporadically; and the fact that parents still pay for schooling, preventing many students from taking final exams. With regard to children, the SR referred to estimates that approximately 10,000 children are in military service. The situation of women was noted as including, *inter alia*: cultural discrimination, particularly in the area of education; rapes in prison and in connection with the war; and that during the ethnic conflict in Kivu, single women were considered by Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) troops to be witches and cannibals and were beaten, tortured and killed.

The SR endorsed all of the recommendations of the Secretary-General's Investigative Team and further recommended that the government, *inter alia*: put an end immediately to all persecution of political leaders, human rights advocates, journalists and members of the opposition; allow the full operation of all political parties; restore freedom of association and freedom of expression; stop immediately the operation of the military court and its practice of ordering summary executions; and take a flexible approach to the popular will as expressed in the agreements of the National Sovereign Conference.

Resolution of the General Assembly

The 1998 session of the General Assembly (GA) adopted by consensus a resolution on the situation of human rights in the DR Congo (A/C.3/53/L.47). The GA, *inter alia*: recalled that DR Congo is a party to the International Covenants on Human Rights and other human rights instruments; taking note of the report of the Investigative Team of the Secretary-General; expressed concern at the deterioration of the situation of human rights in DR Congo, aggravated by the ongoing conflict; urged all parties to the conflict to take the necessary measures to prevent all violations of human rights and international humanitarian law by forces under their command and to abstain from inciting ethnic hatred and from persecuting civilians on the grounds of nationality or ethnicity; expressed support for all regional efforts aiming at a peaceful settlement of the conflict; stressed the need for the government to assist and protect the civilian population, including refugees and internally displaced persons; encouraged the government to continue to allow the