

on the premises of the state radio station Voix du Zaïre, and four men who were allegedly arrested in Likasi in 1994 by soldiers and detained for almost two months before being transferred to Kinshasa. Since then their whereabouts have remained unknown. Two cases concerned villagers from Kitshanga who were reportedly arrested by members of the Zairian Armed Forces in September 1996 as they were on their way to Goma, the capital of North Kivu. Another case concerned a man who is said to have been arrested by members of the Service d'actions et de renseignements militaires, also in September 1996.

The report notes that the government did not provide the Working Group with any information on these cases.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 13, 14, 18, 19, 27, 37, 42, 47, 62, 63, 86, 94, 101, 102, 107–108; E/CN.4/1998/68/Add.1, paras. 136–144)

The report notes that many allegations were received concerning violations of the right to life in the DR Congo. Cases transmitted to the government related to, *inter alia*: a death sentence imposed in January 1997 by a court martial following an accusation of spying for the Alliance of Democratic Liberation Forces (AFDL), noting that only 24 hours were allowed to appeal against the sentence; an incident involving 30 to 40 civilians who were allegedly killed in May 1997 at Uvira, in Southern Kivu, by members of the AFDL, noting that the victims were taking part in a peaceful demonstration to protest against the assassination of five persons who had allegedly been abducted and executed by members of the AFDL; reports that some 300 AFDL soldiers had been sent to the area of Shabunda, in Southern Kivu, for the purpose of monitoring and protecting the repatriation of refugees to Rwanda, noting the need to ensure that the AFDL soldiers fulfilled their task of providing protection with no other intention; and, death sentences handed down against eight soldiers after being convicted of mutiny by a military court, noting that the soldiers had reportedly demonstrated because their salaries had not been paid and there was no opportunity to appeal against the conviction.

The Special Rapporteur expressed concern at the persistent obstacles raised by the authorities to the holding of full, independent, and impartial investigations into grave allegations of massacres and genocide.

Mercenaries, Special Rapporteur on the use of: (E/CN.4/1998/31, paras. 39–42)

The report refers to the use of mercenaries by the Mobutu government, primarily in its effort to prevent Kisangani from falling into the hands of the Alliance of Democratic Forces for the Liberation of Congo-Zaire. The Special Rapporteur (SR) stated that the former government drew on approximately US\$50 million in public funds to pay and arm mercenaries in an attempt to remain in power. Information received indicated that the mercenaries hired to defend Mobutu came principally from Angola, the Federal Republic of Yugoslavia (Serbia

and Montenegro), Bosnia and Herzegovina, South Africa, and France. Smaller numbers of Belgians, Britons, and Mozambicans also fought as mercenaries. The report notes that the private security firm Executive Outcomes, based in South Africa, was mentioned as a provider of mercenaries, a fact that the company immediately denied; the reports were also repudiated by the governments of several countries in connection with their nationals, stating that they had no involvement in the alleged hiring of mercenaries. The SR stated that there is some evidence of the actual presence of mercenaries who attempted to defend the Mobutu government and who, after the fall of Kisangani, generally chose to leave the country. The SR has asked the current government for accurate and verifiable information in order to clarify what actually happened.

Torture, Special Rapporteur on: (E/CN.4/1998/38, para. 86; E/CN.4/1998/38/Add.1, paras. 85–86)

The report notes that an urgent appeal was sent on behalf of members of the non-governmental organization Action Group for the Development of Human Rights, who were arrested at Kamituga in August 1997. An appeal was also sent on behalf of members of the political party Forces du Futur, who were allegedly arrested in November 1997 and taken to the gendarmerie headquarters in Kinshasa, where they were beaten.

GENERAL ASSEMBLY

Special Rapporteur of the Commission on Human Rights

The Special Rapporteur's (SR) interim report to the 1998 General Assembly (A/53/365) contains information on, *inter alia*: the continuing ethnic armed conflicts in Kivu; the August rebellion; violations of international humanitarian law attributable to the government; violations attributable to rebel forces; the power structure and the armed forces; the rights to life, physical and psychological integrity, security and liberty of person; the rights to due process, expression, opinion and association; economic, social and cultural rights; and the situation of children and women. A number of Annexes to the report contain brief information on cases taken up by the SR. The report reflects information received up to 31 August 1998 and notes that 37 communications were sent to the government related to 236 complaints of violations affecting more than 3,500 people.

The SR stated that ethnic wars continued to rage in North Kivu, affecting the entire population, including Hutu refugees as well as Congolese ethnic groups such as the Nyanga and Nande and the Bembe, Fulero and Lega from the southern part of the country. There were serious clashes, attacks and burning of property resulting in numerous deaths, injuries and displaced persons. Town records were burned and massive searches were conducted for Mai-Mai militiamen, remaining Interahamwe militia and former members of the Rwandan armed forces (FAR).