

Concerning human rights in the liberated areas and under the Kabila government, the report sets the context by noting, *inter alia*: all power is in the hands of one person; a climate of terror prevails because of the way in which the Alliance won its victory, related to the fate met by the Rwandan refugees in the camps and the settling of old scores going back some 30 years; the regime is a military regime which has absolute control over the country; with the exception of Kinshasa, where newspapers are in circulation, the country is in a state of complete disinformation — there are no newspapers, radio stations are controlled by AFDL, there is no postal service and the telephone service is not working; there is stigmatization — to be accused of genocide or of being, *inter alia*, a Mobutu supporter, an Interahamwe, a Hutu or a Bembe can be sufficient grounds for being killed, looted, stripped of one's property, arbitrarily detained, tortured or exiled; and, there is no mechanism whatever for popular participation.

Violations of human rights are reviewed, including: reinstatement by the AFDL of the death penalty; the handing out and/or execution of death sentences in cases, for example, immediately following conviction by the Military Court in an irregular trial for a crime committed a few minutes earlier or involving soldiers who rioted in protest against the non-payment of wages without a right of appeal of the sentence; the assassination of a founding member of the AFDL; killings carried out in the name of "settling scores"; and disappearances involving, for example, the removal from hospital of Hutu soldiers by AFDL, persons missing after having been detained, and Rwandan refugees, including children, after being accused of genocide. Excessive use of force in repressing crime or dissidence resulting in deaths in some cases was noted, including death resulting from abuse of power shielded by impunity, and various methods of torture.

Also noted were: beatings, looting, attacks on property in the countryside, the killing of livestock, house raids by the AFDL on the pretext of searching for weapons; arrests on political, religious, cultural and trade union grounds; a ban on leaving the country for more or less lengthy periods; the use of secret or clandestine prisons; the failure of the government to respect the independence of the courts; establishment of a military court in which civilians may be tried under military rules of procedures and in which decisions may not be appealed or contested; and errors and arbitrary decisions by the courts.

The report further notes: the expulsion of independent journalists from public media; confiscation of media equipment during public demonstrations; the requirement that secular radio stations must pay 40 per cent and religious stations 20 per cent of revenue to the AFDL; a ban on private radio stations; the requirement that regional radio stations must broadcast news and announcements from the Alliance twice a day; the requirement that news programmes be approved by the Alliance; the prohibition on FM radio stations broadcasting information from abroad that is critical of the government; the prohibition on journalists from state-

run media working as foreign correspondents; lack of access for all segments of civil society, political parties and NGOs to the public media or any outlet to express themselves; and, the prohibition of all demonstrations, including demonstrations held in private venues and the violent suppression of demonstrations that are held.

In the section dealing with economic, social and cultural rights, the report notes that there was no improvement in living conditions in the country, particularly for wage-earners. Other areas addressed include: the ongoing failure of the government to pay salaries to members of the civil service; the military presence in universities in response to student unrest; the announcement by the government that as of the 1998 academic year education would be free; a resurgence of traditional medicine because "modern" medications are too expensive for most people; and the occurrence of epidemics of monkey pox, urinary bilharziasis and cholera.

The commentary on the situation of children refers to the recruitment of children by the AFDL and the fact that children as young as 11 years carry heavy weapons and engage in combat. The report states that because these children are not trained and have a limited ability to handle weapons they have been corrupted and have participated in robberies and killings. The report notes that UNICEF has started a programme for these children, who continue to steal and engage in armed robbery after they have been demobilized.

Concerning the situation of women the report addresses a number of points, including that: the number of women in government is extremely limited; the government has yet to discuss amendments to the Civil and Family Codes that have been suggested by women's organizations; women who dress as they please have been severely punished, for example, instances in which AFDL soldiers beat young women in jeans or trousers; and, cases of violence — including sexual violence and torture against women generally and representatives of women's organizations specifically — have been frequent in the context of detention or as a result of action by soldiers for political reasons or to intimidate local populations.

The report recommends that the government, *inter alia*:

- ♦ begin immediately the process of building democracy, in part by establishing a dialogue with the democratic forces that made it possible to end 32 years of dictatorship and agreeing on electoral timetables;
- ♦ institute an effective separation of powers and a fully functioning multi-party system during the transition process;
- ♦ guarantee the independence of the judiciary and give it jurisdiction over the investigation of the improper acquisition of property by former dignitaries of the Mobutu government;
- ♦ investigate, with proper respect for the needs of due process, crimes committed during the former regime