

one or two other major cities, meaning that three quarters of the population have no access to the judicial system.

The Special Rapporteur describes the human rights situation in DR Congo under the Kabila government and notes a number of elements, including: the fact that all power is in the hands of one person; a climate of terror prevails throughout the country because of the way in which the Alliance won its victory; the fate met by the Rwandan refugees in the camps and the settling of scores, some of which date back 32 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; and, there is terrible stigmatization — to be accused of genocide or of being, for example, a Mobutu supporter, an Interahamwe Hutu or a Bembe can be sufficient grounds for being killed, looted, stripped of one's property, arbitrarily detained, tortured or exiled.

Specific human rights considered include: right to life related to the death penalty, political murders, enforced disappearances, arbitrary deprivation of life through excessive use of force in repressing crime or dissidence, arbitrary deprivation of life through abuse of power shielded by impunity, and death by torture; the right to physical and psychological integrity — related to public beatings of AFDL opponents and to torture and ill-treatment (beatings, rape, urinating in the mouths of prisoners, electric shocks and beatings using a plank with nails, amputation of fingers with a bayonet); the right to security of the person — related to sudden arrests or house raids; the right to liberty — related to arrest of political leaders, house arrests and restrictions of varying duration on the right to enter and leave the country; and, the right to privacy — related to inspection of private correspondence sent to areas controlled by AFDL.

The report details a number of areas in which the right to due process is violated, including: failure to carry out enforceable sentences in favour of defendants; threats against defence lawyers; replacement of ordinary judges with soldiers without training; establishment of a military court which may try civilians but under military rules of procedure and stipulating that its decisions cannot be appealed or contested; summary dismissal of judges; lack of judicial charges; use of arbitrary arrest and the absence of effective remedy; arbitrary transfer of prisoners from one location to another; and, absence of guarantees of the right to be heard by an independent and impartial tribunal.

With regard to freedom of opinion the report notes that, while newspapers may circulate freely, they are available only in Kinshasa, they contain little news, have limited circulation, and are published only in French. The report suggests that the authorities are wary of freedom of expression, as reflected in, for example: the high accreditation fee (US\$ 100) which the foreign press is required to pay; the creation of an inspectorate for the public audio-visual media, clearly with censorship in mind; the call by the Minister of Information in May 1997 to the public press to "receive instructions from AFDL", meaning that any reporting must be approved by AFDL; the expulsion of independent journalists from the public

media, accused of being Mobutu supporters; the frequent confiscation of equipment during public demonstrations; the requirement that secular private radio stations pay 40 per cent of their revenues to AFDL (20 per cent for religious stations); the advertising ban on private radio stations; the requirement that regional radio stations broadcast news and announcements from the Alliance twice a day; the obligation sometimes to reveal sources or issue denials; and, the requirement, in some places, that news programmes be approved by the Alliance. The one-party system is characterized in the report as reaching its height in public television and radio, as seen by the fact that programmes praising the new authorities are broadcast non-stop and AFDL alone has access to those media and the public media are the voice of AFDL, while no news, announcements, interviews or opinions of dissident sectors are allowed. The report also notes that: no segment of civil society or non-governmental organization has access to the public media; it is impossible to hear news from abroad because Congolese National Radio and Television (formerly OZRT) only broadcasts national news; editors and journalists have been arrested, and, Alliance agents have confiscated all video cassettes and film from journalists covering events unfavourable to the government, for example, a student demonstration.

On the issue of economic, social and cultural rights, the report notes the absence of measures designed to ensure respect for these rights and cites: the negative influence of the deteriorating economy, the very high inflation rate; the low rate of investment in health, education and housing; and, the lack of protection arising from the conflict which led to, for example, a cholera epidemic attributed to soldiers and civilians fleeing from the east with no effort by the state to help the afflicted. With regard to children, the SR reiterates previous concerns related to extreme poverty, education, health problems, and recruitment of children by the former FAZ. The commentary on the situation of women notes that conditions had not improved for women and, in some cases, had worsened as a result of the armed conflict and shortages of basic necessities.

The report concludes by stating that the Congolese do not enjoy, and will not enjoy in the foreseeable future, the human right to democracy. The report recommends that the government:

- ▶ begin immediately a process of building democracy and promptly initiate a dialogue with the democratic forces that made it possible to end 32 years of authoritarianism;
- ▶ establish an effective separation of powers and a fully functioning multi-party system;
- ▶ guarantee the independence of the judiciary;
- ▶ give the judiciary jurisdiction over the investigation of property misappropriated by dignitaries in the former government;
- ▶ investigate, with due respect for procedural guarantees, crimes committed during both the former and current regimes and ensure that the executive branch cooperates fully with the judicial branch in this;
- ▶ adopt measures to end impunity;
- ▶ ensure that the new armed forces are nationally representative and not dominated by one ethnic group, region or political tendency;