

Tutsis from their own country. The SR stated that the presence of members of the Zaïrian armed forces, associated with the Kimia and Mbata operations aimed at disarming the militias, had caused insecurity to increase because of their complicity in acts of violence perpetrated by the Interahamwes and the Hutu militias.

Two urgent appeals were addressed to the former government: the first related to death threats against a representative of the Zaïrian Human Rights Association; the second followed reports of the massacre of members of the Banyamulenge people.

**Mercenaries, Special Rapporteur on the use of:** (E/CN.4/1997/24, paras. 24, 111)

The report refers to information indicating that over 300 European, mainly Belgian, French and Serb, and African mercenaries had served with the Zaïrian armed forces in the armed conflict between them and the Banyamulenges guerrilla fighters, Tutsi secessionists who controlled part of the territory of eastern DR Congo prior to the change of government. The report also notes that mercenaries had acted as military instructors for the former government's troops in Kisangani and Moba.

**Sale of children, child prostitution, child pornography, Special Rapporteur on the:** (E/CN.4/1997/95, para. 42)

The Special Rapporteur (SR) refers to the refugee camp in Goma and notes that approximately 10,000 children lived there without their parents. The report notes that these children are classified as "unaccompanied children" by international organizations and cites information indicating that they are used as currency in the makeshift cities. The report states that the children are either forced to sell themselves to stay alive or their bodies are bartered for food and favours by adults assigned to look after them.

**Torture, Special Rapporteur on:** (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 572-579)

The report notes that 15 newly reported cases of torture were transmitted to the previous government as well as cases that had been sent in 1995. Five urgent appeals, most in conjunction with the Special Rapporteur on the situation of human rights in DR Congo, were also sent and related to the situations of 13 individuals or groups. The government did not reply to any of the communications.

#### ***Mechanisms and Reports of the Sub-Commission***

**States of emergency, Special Rapporteur on:** (E/CN.4/Sub.2/1997/19/Add.1, Section I)

The report notes that a state of emergency has been in force since September 1996 and a curfew was imposed in the capital 13 May 1997.

#### ***Other Reports***

**Cooperation with UN representatives, Report of the S-G to the CHR:** (E/CN.4/1997/50, para. 20)

The report of the Secretary-General notes that the President and two members of the NGO Voix des sans voix were arrested by members of the Service d'action et renseignements militaires (SARM) in Kinshasa after having inquired about the human rights situation in eastern Zaire. The report notes that the organization's President had met with the

Special Rapporteur on the situation in DR Congo three days before his arrest.

**Detention of international civil servants, Report of the S-G to the CHR:** (E/CN.4/1997/25, para. 38, 62-63)

The report of the Secretary-General summarizes information received from the World Food Programme related to the continuous risk faced by WFP staff in Goma prior to the change in government.

### **ECONOMIC AND SOCIAL COUNCIL**

The report of the Secretary-General on ways and means to support follow-up to the Fourth World Conference on Women (E/1997/64) refers to the resolution adopted by the Commission on Human Rights, prior to the change of government in DR Congo, and the concern expressed at the lack of improvement in the human rights situation, and, in particular, violence against women.

### **GENERAL ASSEMBLY**

The Special Rapporteur's report (A/52/496) includes commentary on: the joint mission on the massacres which occurred in eastern Zaire; the investigating team appointed by the Secretary-General; activities of the SR; the relationship between the SR and the authorities of the former Zaire and of the Democratic Republic of the Congo; the international obligations of DR Congo; the Office of the UN High Commissioner for Human Rights in the DR Congo; the war of liberation and institutional change; the demise of the former regime; the installation of a new regime and authority in the so-called "liberated" territories; the new power structure; transboundary nationality; promises of a new democratic order and the reality; the continuing war in Northern Kivu; activities of the Conseil de la résistance et de la libération de Kivu; calls to resistance by generals of the former Zaïrian armed forces; violence against Cabindan leaders in Bas-Congo; the situation in refugee camps; a review of human rights under the Mobutu government; and, human rights in the liberated areas under the Kabila government.

The report notes that under Kabila, the institutions of government are the President, the Government and the courts and that no provision has been made for a legislative body, even as a formality. The President is the Head of State and exercises legislative authority through decree-laws discussed in the Council of Ministers; ministers are appointed and dismissed by the Head of State, to whom they are accountable; and the President can relieve judges of their functions and where appropriate, dismiss them on the proposal of the Supreme Council of the Judiciary. The report states that political subordination to the regime can be seen in the functioning of the judiciary as evidenced by the fact that: there is absolute impunity for those responsible in all cases of human rights violations; only opponents of the government are brought to the court; and journalists are frequently summoned for writing articles critical of the regime or demanding greater freedom. As well, the confiscation of property acquired illegally by senior officials of the Mobutu regime does not mean that such property is returned to the state; rather it is simply appropriated by the confiscating authorities. The report notes that the judicial branch is functioning only in Kinshasa and