

ZAIRE

TWO YEARS WITHOUT TRANSITION

"[The National Conference must produce] not only a new structure, but, especially, new leaders."

Bishop Laurent Mosengwo, President of the National Sovereign Conference.

"There will be no blockage or attempt to suspend [the National Conference], but a little reminder from time to time so that everyone respects the rules of the game . . . Overruling the chief serves no purpose. Getting on with him is called consensus."

President Mobutu Sese Seko, June 20, 1992.

CONTENTS

Introduction	2
I The Enforced Political Impasse	5
A Part One: The President's Unwilling Gift of Democracy, April 1990 to January 1992	5
B Part 2: The Popular Takeover of the Transition Process, January to June 1992	12
II Repression, Detention and Summary Execution	17
A Lubumbashi Massacre, May 11-12, 1990	20
B March of the Christians, February 16, 1992	25
III Security Forces	32
IV The Foreign Role	37
Conclusions	46
Africa Watch's Recommendations	46

Introduction

More than two years ago, on April 24, 1990, President Mobutu Sese Seko announced the end of the

one party state and the beginning of transition to multiparty democracy in Zaire. Since that time there have been five transition governments but no transition. As in the past, violence against the population continues and the security forces continue to exact a heavy price for opposition activity. During these two years, President Mobutu -- whose term of office actually expired last December -- has promised and cancelled elections, let discontented soldiers take out their rage on the population with impunity, and prevented a National Conference from laying the ground for a genuine transition.

But in the face of repression and the President's political machinations, popular pressure for change has continued to mount. An unprecedented wave of strikes and protests, together with strong international pressure, compelled the President to permit the reopening of the "Sovereign National Conference" in early April this year. On April 24, the Conference chairman, Bishop Laurent Mosengwo, challenged Mobutu's promises of "democracy", and announced that the substantive work of the National Conference would now begin.

As a result, the real challenge to President Mobutu's authoritarian rule begins now. Under the leadership of Bishop Mosengwo, the National Conference has progressed smoothly through a minefield of political traps. The Conference proceedings, which are widely followed on radio and television, have served to augment its already profound support within the society. Having now completed the general political debate, the Conference is expected to name a transition government this month.

The very existence of the National Conference is a sign of what *has* changed in Zairian society during the past two years -- the Zairian people are no longer willing to tolerate the all-encompassing repression that the President established during the previous 25 years. Before Mobutu's April 24 speech, all acknowledged opponents of the President were either in exile, in prison or under house arrest. Under the "Revised Revolutionary Constitution" of 1974, the repressive presence of the state was palpable in all aspects of life, even the most seemingly banal.

In the year before Mobutu's speech, at least six Zairians were beaten and detained for the sole crime of meeting with delegates of a U.S. human rights group. Zairian security forces seized photocopied articles from the U.S. press, letters from U.S. Congressmen and United Nations human rights documents. A government ministry, the Department of Citizens Rights and Liberties, went out of its way to justify the actions, and then, in documents submitted to the U.N., cynically claimed to have resolved the complaints of those attacked.

These were only the smallest aspects of a system which criminalized any activity outside the scope of the sole, legal "institution", the *Mouvement Populaire de la Revolution* (MPR). Over a quarter of a century, President Mobutu had succeeded in creating a system which eliminated most public dissent and denied all news of dissenters.

This situation began to change with the opening up of Eastern Europe and events in South Africa. Even before President Mobutu's April speech, a quiet insurgency was brewing against the absence of open public debate. By early 1990, the pervasive fear that characterized public discourse had noticeably diminished in the major cities. After the speech, it disappeared entirely.

Two events that occurred at either end of the current phase demonstrate both how much has changed within Zairian society and how little has changed within the circles that govern the country. The first was the attack on students on the campus of the University of Lubumbashi on May 11-12, 1990. It

occurred only two weeks after the President's democracy speech. As it turns out, for the government, the attack was little more than a routine disciplinary measure gone slightly awry. But for the Zairian public, the attack signaled a re-awakening. The government efforts to silence the spread of information about the massacre failed entirely. Independent newspapers, and even an eventual commission of parliamentarians appointed by the ruling party, contradicted the official government position on what had occurred.

The second event occurred on February 16, 1992. If the response to the Lubumbashi massacre announced the opening of a new era, the "March of Hope" signalled its fruition. As many as one million people marched in Kinshasa and other major cities to call for the reopening of the National Conference. It was the most sophisticated and well-planned march that the country had ever seen. As troops opened fire on the crowds, observers on the streets took photographs and immediately conveyed the information to domestic and international journalists. The government never had a chance to recast the facts of what had occurred. Instead it was left lamely (and without evidence) accusing the marchers of provoking violence.

The new public openness has compelled the security forces to change their strategy. They abandoned the effort to stop all public criticism. The most prominent political detainees were released soon after the President's April 24 speech, and long-term political detention diminished substantially afterwards. Instead, the security forces turned their attention to breaking up the strongest and most persistent cells of opposition. During the course of two years, the security forces routinely broke up political gatherings, harassed and intimidated the leading voices in the press and opposition political parties. In October 1991, armed troops bombed the leading opposition newspaper, *Elima*, ending its publication for the next five months. At the end of April 1992, 62 soldiers were being held without charge, reportedly on suspicion of opposition sympathies.

Throughout the country, violence against the population continues as before. In the east of the country an unexplained military rampage has led to more than 30,000 refugees crossing the border into Uganda, while, in the mineral-rich region of Shaba the local governor has contributed to a potentially explosive confrontation between "Shabans" and Zairians who were born in other regions.

Harassment by real and proclaimed soldiers is routine throughout the country. The appearance of chaos that results obscures the difference between official repression and banditry. When two Belgians were killed in Kinshasa in mid-May and early June 1992, the Zairian government went out of its way to deny confirmed reports that one of the killers was in army uniform.¹ The killings came several months after the government and opposition groups accused each other of planning to kill foreigners -- the government in order to create an atmosphere that would justify military intervention to restore "order" and the opposition in order to scare away foreign investment. Deaths of Zairians in circumstances similar to the two Belgians are never reported beyond the local press.

While the change in Zairian society has been fundamental, the change in attitude among Zaire's allies has been significant, but less impressive. All of Zaire's major western allies, France, Belgium and the U.S., support the National Conference. But of those three, only Belgium has definitively broken its links with the Mobutu regime. The other two governments have been only ambiguous supporters of the democratic

¹See Reuters New Service, "Brussels Insists Zairean Soldier Killed Belgian" June 6, 1992, 0914. Both Belgians were killed at informal roadblocks.

process. The U.S., in particular, continues to insist that President Mobutu's presence is necessary to assure stability during transition.

In addition to the efforts of individual countries, the United Nations human rights apparatus has begun to pay attention to Zaire after having neglected abuses in that country for years. However, there is a missing contingent in the international efforts aimed at Zaire. This includes the nations that directly support the Zairian security apparatus. During recent years, Israel, Egypt and South Africa have all had direct involvement with those forces most closely linked to the President by ethnic and regional loyalty.

If recent events are any indication, President Mobutu is not likely to permit the National Conference to go its conclusion without interference. In fact, he has already set into motion a series of initiatives to prevent a new government from being named. If such efforts fail, the President will likely be tempted to resort to force, as he did in trying to prevent the Conference last February. Rather than preparing for transition, the security forces appear in fact to be digging in their heels in preparation for such a confrontation.

In order to prevent the kind of bloodshed and destruction that have ravaged countries like Liberia and Somalia, foreign governments must take an active role now. They must definitively back the National Conference and break ranks with those elements of Zaire's discredited "Second" Republic that are capable of creating havoc that will prevent the emergence of a democratic third.

I The Enforced Political Impasse

A. Part One: The President's Unwilling Gift of Democracy, April 1990 to January 1992

Decreeing the Third Republic

President Mobutu's decision to decree democracy did not come without notice. The end of the Cold War and the changes in Southern Africa filtered their way slowly into the closed Zairian society. The sudden overthrow of Romanian president Nicolae Ceaușescu in December 1989 accelerated expectations of change. President Mobutu responded soon afterwards. In his traditional New Year's speech in 1990, the President announced a series of "Popular Consultations" aimed at gauging the concerns of the nation. At the same time, he made it clear that he had no intention of engaging in any fundamental political change. Perestroika was unnecessary for Zaire, he said, because Zaire had "authenticity".² Surprisingly, however, though it appeared as a manoeuvre to buy time and quell popular discontent, the "Popular Consultations" became the basis for the first open debate over the affairs of state in nearly 25 years.

Mobutu's April 24 speech was intended to announce the results of the Popular Consultations of the intervening months. More than 6,000 open memoranda had been submitted to the President during the course of the consultations. The vast majority called for fundamental change. The Zairian Bishops' Conference accused the President of creating an authoritarian state for benefit of a small minority. Employees at the Ministry of Foreign Affairs accused the President of running the state for the benefit of his native region of Equateur and his N'gbandi people.

In his speech, however, the President downplayed the contents of the memoranda and, stressed his own initiative, instead. He announced an end to the "Second" Republic that he had ruled for 25 years, but in actual content, he promised only limited reform. In the "Third" Republic citizens would be free to wear ties and to join political parties other than the MPR. But Mobutu was careful to protect his own position. As he had for more than a quarter century, he was to remain above political parties and legislative control, he told the Zairian people. The President was to be the "arbiter, better still, the ultimate recourse."

The general population chose to ignore the limitations in the President's speech and welcomed the end of single party rule with near jubilation. Almost immediately, the residents of the major cities began to exercise rights of free speech and political expression which had only been hinted at vaguely by the President. To all appearances, Zairians, -- at least those in the capital of Kinshasa -- put an end to 25 years of self-censorship and restraint within weeks of the Presidential discourse.

Continued Repression

The popular response had immediate repercussions. The security forces reacted to the surge of activity in the way that they had for most of the past 25 years. On April 30, days after he was released from two years of house arrest, security forces burst into the home of opposition leader, Etienne Tshisekedi, to

²The ideology of "authenticity" which was introduced in the 1970s was largely identified with "africanization". Among other changes, the country adopted the name, "Zaire" and citizens were required to drop their non-African names.

break up a gathering of friends and well-wishers. Several people were injured including Tshisikedi himself; twenty people were arrested. Three people were killed.

A few days later, Mobutu tried to backtrack and reassert control. On May 3, he issued a "corrective" before his rubber-stamp parliament. He chided the population for its haste and reminded them that, essentially, nothing had yet changed. In particular, no political parties were yet legal. The President then laid out a protracted plan for transition to "three party" democracy which would be completed by 1992.³

In the next week, students in Kinshasa protested the President's speech and the new "transition" government of Lunda Bululu responded with a severe crackdown. The protests spread quickly to campuses throughout the country. On the evening of May 11-12, the electricity was cut off to the campus of the University of Lubumbashi; unidentified commandos entered the campus through a military cordon and rampaged against students gathered in the darkness. The campus was closed off for days following the attack and the students were quickly ordered to return to their homes around the country. Soon afterwards, news of a massacre began to filter out from neighboring Zambia.⁴

The campus rampage left the citizens of Lubumbashi in a state of trauma for several months. Violence occurred on other campuses as well. The government acknowledged one student death in Mbuji Mayi; there were also reports of a student killed in Mbandaka. In the aftermath of the attack on students, all public higher education was brought effectively to an end. And despite a number of tentative reopenings since then, it has effectively remained closed.

As political opposition began to emerge into the open, the security forces waged open and clandestine battles to keep them in check.

- * On October 25, security forces attacked a gathering of the *Parti Lumumbiste Unifié* (PALU), holding 25 participants for more than a month in unacknowledged detention.⁵
- * On December 16, UDPS (the *Union pour la Démocratie et le Progrès Social*) leader Kibassa Maliba was encircled when his plane landed in Lubumbashi. Security forces set upon the crowd that had come to meet him and only allowed them to depart over a period of several hours that followed.⁶
- * On the night of December 18-19, 1990, a commando broke into the home of Joseph Iléo, leader of the PDSC (*Parti Démocrate Sociale Chrétien*). They ransacked the home, destroyed furniture and took

³The President's original plan was to permit only three parties to operate. One was to be the MPR and another, the opposition UDPS. The third party, referred to as "MPR-two" by the population, was intended to be the so-called nationalist wing of the MPR. But President Mobutu's own collaborators undermined his plan when they quickly broke into several factions.

⁴See discussion of the Lubumbashi massacre below.

⁵Zairian Human Rights League, *Rapport*, October-December 1990, at 118.

⁶*Id.* at 114, quoting the report of *La Semaine* December 1990.

party documents.⁷

During the early months of 1991, political gatherings were broken up constantly by security forces. One westerner who lived in the Limete neighborhood of UDPS leader Etienne Tshisikedi described the conditions there as "war-like". Soldiers were posted at major intersections. There were skirmishes almost nightly, leading to street chases and reports of deaths. On April 13, in Mbuji-Mayi, security forces broke up a UDPS gathering. A parliamentary commission reported that nine people were killed and 30 wounded. The UDPS reported that 19 had died. Similarly, in Lubumbashi, a meeting of UFERI (*Union des Fédéralistes et des Républicains Indépendants*) was broken up reportedly killing one and wounding 13.

The Political Standoff and the Push for a National Conference

At the political level, transition governments came and went almost unnoticed, as the President sought to manage the process of transition and split the opposition. President Mobutu appointed one so-called transition government under Prime Minister Lunda Bululu on April 25, 1990. It was reorganized on two occasions and eventually dissolved on March 14, 1991. The law on political parties was published on July 18, 1990, and then abrogated by the President three months later on October 6. On March 15, 1991, the President named a new "transition" government under Mulumba Lukoji which lasted until September.

The major opposition forces refused to participate in any of the so-called transition governments. While the President was announcing impending elections, they called for a "National Conference" to decide the future of the nation. Their primary concern was that the President would use his vast power to control the outcome of elections.

Initially, the President rejected calls for a Conference. When pressure continued to mount, he changed tactics and began to invest in financing political parties and civic groups to weight its potential outcome. The level of state expenditures in this domain was reportedly so significant that it was an important element in creating the conditions of hyperinflation that gripped the country soon afterwards.⁸ In the meantime, more than 200 political parties declared themselves, many of them with no apparent base of support.

On July 5, 1991, the leaders of the three major opposition parties responded to the President's manipulations by creating an opposition bloc, called the *Union Sacrée de l'Opposition* or *Sacred Union*. The three parties were the UDPS, UFERI and the PDSC. The importance of the *Union Sacrée* far exceeded the importance of the three parties or their initial purpose of promoting a National Conference. The bloc immediately rallied to its side all political parties and associations opposed to the managed transition. Surprisingly, this included many political parties headed by former Mobutu faithfuls.

President Mobutu immediately set about trying to break the unity of the *Union Sacrée*. He had frequently succeeded in the past in similar exercises. Throughout his presidency, Mobutu had managed to convince critical exiles to return to the fold. Between 1981 and 1990, he had succeeded in re-absorbing most of previous leadership of the UDPS. The leader of one of the other components of the *Union Sacrée*,

⁷*Id.* and Voix des Sans Voix, "Check-up", January 1992.

⁸Paper presented by Hughes Leclerq, CEDAF Conference on Zairian transition, May 22, 1992, Louvain la Neuve, Belgium.

Nguz a Karl-i-bond had been one of Mobutu's most vociferous critics abroad during the early 1980s. He wrote books and testified to the U.S. Congress against the Mobutu regime in uncompromising language. He then returned to Zaire in 1985 to be appointed Ambassador to Washington and eventually Foreign Minister.

But despite minor defections, the President was largely unsuccessful in his efforts to break the opposition bloc. He came closest to succeeding soon after the *Union Sacrée* was formed, in July 1991, when he made a surprise announcement appointing UDPS leader Etienne Tshisikedi as Prime Minister. Though the *Union Sacrée* has presented Tshisikedi as its sole choice for Prime Minister, the opposition bloc has insisted that the Prime Minister derive his authority from the National Conference. After a brief but uncertain delay, Tshisikedi turned down Mobutu's offer.

The National Conference eventually opened on August 7, 1991. But, it was shortlived. Problems regarding the credibility of many of the delegates created an immediate impasse. By September 7, after a series of walk-outs and cancellations, the Conference was effectively dead. A conflict among factions prevented a meeting scheduled for September 20.⁹

The September looting

It was in this vacuum that soldiers began the looting spree that set economic decay spiraling, eliminated thousands of jobs and led to the evacuation of substantially all expatriate workers in the commercial and industrial sectors. In the period that led up to the looting spree, inflation had been rising steadily, as mining production collapsed and the President met massive strikes by public employees with equally massive pay rises. Throughout this time, sporadic looting broke out across the country.

Nothing compared with the spree that began on September 23 however. According to the Zairian Human Rights League, tracts had circulated in military camps for the preceding week, calling on soldiers to take notice and act to improve their miserable conditions. On September 20, soldiers of the French-trained 31st Brigade refused to accept their pay checks.

By the night of September 22, news was circulating in Kinshasa that the soldiers planned to descend the next day on the center of town. On the morning of the 23rd, the soldiers of the 31st Brigade started the expected campaign that eventually extended to the entire country. French and Belgian troops were flown in immediately to protect their resources and evacuate westerners.

The looting that began on September 23 spread throughout the country, eliminating most of what remained of the modern productive sector, outside of mining. In the Kinshasa area, 75% of those jobs, or more than 90,000 positions, were lost. During the course of looting, at least 240 people were killed, some by soldiers and some in the course of other looting incidents.¹⁰ There were reports of looters killed as they tried to remove live electrical outlets. The Zairian businessmen's association reported \$890 million of property damage.

⁹See J-C Willame, "De la Démocratie 'Octroyée' à la Démocratie Enrayée", *Les Cahiers du Cedaf, Zaire, Années 90 Vol 1.*

¹⁰The Zairian Human Rights League estimates that twice this number were killed. The Zairian Red Cross told Africa Watch that 120 people had died in the Kishasa area alone.

No one has claimed that the extent of looting and destruction that occurred was intended by the Zairian authorities. However, unanswered questions about the government's attitude towards the looting and the looters have raised suspicions that it was not wholly unwelcome. As many observers commented in retrospect, the looting was too well organized to suggest a simple an explosion of chaotic anger.¹¹

The Zairian Human Rights League raised several questions about the looting. They noted that President Mobutu did not act to prevent action by the 31st Brigade, even though he was certainly informed. The League also pointed out that the national radio, which was under the control of the military security, beginning on the day of the looting, made no reference to the disturbances until the late afternoon when the Chief of Staff announced that soldiers were responding to the high prices of goods in the market. Later, the Minister of Defense, Ngbanda Nzambo-ko-Atumba, announced that the soldiers were led to mutiny by the opposition. In a frequently recurring, apparent ploy to draw the opposition into an attempted coup, opposition leaders Etienne Tshisikedi and Nguz a Karl-i-bond were approached by soldiers, but refused to cooperate.¹²

President Mobutu appeared on television for the first time on September 25, two days after the looting began. His first public statement was to pardon the soldiers who were involved. The effect of the President's announcement has been that looting has continued intermittently in Kinshasa and other cities since September. As recently as March 1992, soldiers launched a campaign of looting in the town of Kamina, south of Kinshasa. The spaces next to major military bases have been turned into permanent second-hand markets.

In the aftermath of the looting, inflation which had never risen to more than 10% per month in Zaire before 1990, sky-rocketed to 55% per month. Although Kinshasa has avoided famine, aid workers told Africa Watch that malnutrition centers are filled to three or four times capacity and that hyperinflation has put formerly self-supporting aid programs out of business. Health workers also report a much higher incidence of death from minor illness, due to the general decay of health conditions among the population.

Since the looting, there has been no semblance of economic policy. Many people report that new money does not pass through the Central Bank, but rather through the Presidential Yacht. New bills are printed with abandon in Germany under orders from the President. The value of the currency was pegged to the parallel market beginning in August 1991, and the only subsequent slowdown in inflation came during a brief period in April when there was an insufficient supply of bills on the market. The problem was solved by a new supply, first of 200,000 Zaire notes and then of 500,000 Zaire notes, equal in value to about \$1 by the last week of June 1992.

Splitting the Opposition

Following the looting and the evacuation of the foreigners, an eerie calm returned to the major cities. On September 28, President Mobutu met with the *Union Sacrée* and agreed to the formation of an opposition government. The *Union Sacrée* proposed UDPS leader, Etienne Tshisikedi for prime minister.

¹¹There were, for example, consistent reports that Belgian and Lebanese businesses were singled out and that Israeli businesses and American homes were spared in the looting. See, e.g., Braeckman, *Le Dinausaur*, at 362-363.

¹²Braeckman, *Le Dinausaur*, at 363.

After a struggle over ministries, Tshisikedi agreed to permit Mobutu to name the Minister of Defense and three others. The Tshisikedi government was then sworn in on October 16.

Immediately afterwards, President Mobutu announced that the Tshisikedi government could not assume office on the pretext that it failed to swear fidelity to the Constitution and the President. According to those close to Tshisikedi, the real reason was that Tshisikedi's first order was to block President Mobutu's control of the currency. On October 19, when Tshisikedi tried to enter the Prime Minister's office, he found the doors locked. On October 22, 1991, Tshisikedi was definitively replaced when Mobutu named Mungul Diaka, a discredited former member of the UDPS to succeed him as Prime Minister.

The appointment of Mungul Diaka did nothing to break the opposition's resolve. Soon afterwards, the President of Senegal's offered to mediate and, in the presence of President Abdou Diouf, the *Union Sacrée* and Mobutu signed a "code of conduct" for transition.

Because the transition agreement provided for a government coming out of the *Union Sacrée*, it was assumed that Etienne Tshisikedi, the official candidate of the opposition, would be named Prime Minister. However, on November 25, 1991, President Mobutu succeeded for the first time in breaking the opposition's united front when he appointed Nguz a Karl-i-Bond to the post. Though Nguz had switched sides before, he had succeeded in garnering renewed credibility as the head of UFERI and one of the founders of the *Union Sacrée*. Many opposition members had continued to mistrust him; however, and until he accepted the post of Prime Minister, they believed that influential members of his party prevented him from betraying the opposition.

The December Conference

Under Prime Minister Nguz, the National Conference reopened in early December, soon after President Mobutu's term of office officially expired on December 4. The Conference was composed of three sections -- political parties, public institutions and "civil society". The third component, which is by far the largest, is composed of professional associations, non-governmental organizations and individuals, depending on the region. In all there were more than 2,000 participants, many of whom were still suspected of representing "paper" parties and organizations financed by Mobutu.

Nevertheless, in contrast to the previous fiasco, the Conference quickly launched itself on a path of genuine transition. As soon as this became clear, the Conference was brought to an end. On December 12, the Conference elected as its president the respected chairman of the Bishop's Conference, Laurent Mosengwo Pasinya. Soon afterwards, it elected opposition leader Joseph Ileo as vice president. On January 19, as the Conference was gearing up for its substantive work, the Prime Minister intervened and announced its definitive suspension.

The suspension of the Conference had only the thinnest veneer of legitimacy and had to be defended by resort to dissimulation and, eventually, force. Mobutu hid behind Nguz, claiming that it was not his decision. Meanwhile, the suspension eliminated any remaining authority that Nguz carried within the opposition or the diplomatic community.

B. Part 2: The Popular Takeover of the Transition Process, January to June 1992

Mutiny at the Voix de Zaire

Before the National Conference was suspended, Zaire's political parties had largely failed to garner mass support in their efforts to disrupt President Mobutu's orchestrated transition. Prime Minister Nguz's suspension order galvanized the population and gave it the impetus for popular revolt that it had not previously had. In the immediate aftermath, strikes brought to a halt much of the economy that was still functioning. The main port of Matadi, for example, ceased to function except when soldiers were sent in to unload boats. The focus of all these efforts was the resumption of the National Conference.

One of the events that occurred during this time was the so-called mutiny at the *Voix de Zaire*. There were two facets to the mutiny: one was the takeover itself, the genuineness of which is seriously questioned; the other was the televised show trial that eventually back fired against its principal organizer, the Minister of Defense. The entire incident appears as little more than a pathetic and costly effort to tarnish the opposition.

The "takeover" came on the night of January 22, hours before a general strike called by the UDPS was to begin. In the increasing tension of the city, the strike call was expected to lead to violence. Defense Minister Ngbanda took to the airwaves and warned opposition parties against any threat to state security. The army chief of staff Mahele Lieko similarly warned the population.

At 11:00 p.m., soldiers of the 31st Brigade announced that they had taken over the radio station at the *Voix de Zaire*. The soldiers called for a resumption of the National Conference and then called on the Prime Minister and the President to step down. They very emphatically did not call upon the soldiers to rebel.

What appeared at first as genuine later raised considerable suspicions. At 3:00 a.m., the station was quietly retaken by "loyal" forces. The government immediately referred to an attempted "coup d'état" and accused the opposition of complicity. They used the opportunity to put soldiers in control of radio and television broadcasts for the next several days.

Defense Minister Ngbanda used the subsequent investigation for an extensive round-up of suspected civilians. In the days that followed, the editors of two independent newspapers, *Le Potentiel* and *Umoja* were called in for questioning. In the course of the judicial inquiry, Fernand Tala-Nga, leader of one wing of the opposition (the so-called *force novatrice de l'Union Sacréé*) was arrested in his home. A number of other opposition leaders went into hiding when they learned that they were sought by the authorities. The home of Etienne Tshisikedi was searched in the middle of the night on the allegation that he was harboring weapons.

In conversations with Africa Watch, broadcast journalists who work inside the *Voix de Zaire*, dismissed the possibility that rebel soldiers could have broadcast for more than three hours without the authorities cutting power to the station or retaking the studio. The thirty soldiers who were involved hardly occupied one floor of the massive building. On the other side, the television studios continued to function without interruption.

In addition, the *coup* reportedly left no traces. Zairian and foreign journalists reported the absence of any "bullet holes or other signs of a fight the government said occurred when loyal units

dislodged" the soldiers.¹³ Even after a verdict which failed to implicate any civilians in the "takeover", the Defense Minister appeared on television to insist that the "mutiny" was part of an attempted coup d'état that was planned in coordination with the UDPS call for a general strike.¹⁴

The trial itself, which opened on March 9, confirmed the efforts by the government to manipulate popular opinion and raise the specter of a violent overthrow of the government. The Zairian Human Rights League reported that 30 soldiers were to be tried but that only 11 were actually presented for trial. This included only the lowest grade soldiers, primarily teen-agers. The remainder, including all of the reported leaders of the coup, were reported to be "fugitive".

What appeared at first as a carefully staged show trial, broke down quickly as the young soldiers gave compelling testimony of their own ignorance and the torture that followed their arrest.¹⁵ One witness, Sergeant-Major Maloba, was arrested in open court. The Sergeant Major was apparently arrested for insulting President Mobutu, because he told the court he overheard the soldiers of the presidential division say:

If it were still the old days when President Mobutu reigned as the sole master, they [the defendants] would be put in sacks and thrown in the river.¹⁶

According to Attorney Kazadi Nkongolo of the Human Rights League, Moloba was still being held in a military detention cell as of the end of April, 1992.

The verdict of the court was considered a relatively major success for the human rights groups that organized the defense, particularly the Zairian Human Rights League. The military court rejected the allegations of attempted coup with regard to the 11 defendants, but convicted nine of the 11 to prison terms of either five or ten years. The remaining defendants, all of whom were reported to be in flight, were sentenced to death.

¹³ Robert Weller, Associated Press, March 21, 1992. Also Caroline Dumay in the French daily, *Libération*.

¹⁴ At the trial, the Military prosecutor sought to implicate the opposition in reliance on a reported telephone call from an opposition figure appointed to the short-lived government of Etienne Tshisikedi. The former minister reportedly telephoned a newspaper editor, Kin Kiey Mulumba, and told him that a "coup" was in progress. The prosecutor also relied on the text of opposition documents calling for a general strike. But he had trouble convincing the court or the general public that the soldiers were capable of reading the tracts.

¹⁵ The Human Rights League that after arrest, the soldiers testified that they were held at the underground prison facilities of the Special Presidential Division, at Camp Tshatshi, which are off limits to all observers including the ICRC. They testified that upon arrest they were undressed, beaten with whips and the butts of guns [coups de cross], and cut with bayonets. Several days after their arrest, they were reportedly taken to N'Sele, the MPR center sixty miles from Kinshasa. There, they testified that they were again tortured. One soldier, corporal Mulumba testified that he and his companions were raped by DSP soldiers. The Human Rights League believes that Corporal Mulumba may have been subject to specially harsh treatment because he was from the region of Kasai, which provides the backbone of support for the UDPS.

¹⁶ Quoted in report of defense lawyer Kazadi Ngongolo to the Zairian Human Rights League.

The Zairian Human Rights League has questioned the government as to the whereabouts of the "fugitive" officers, without result. They fear that the soldiers may actually have been killed. There has also been no response from the government as to the claims of torture made by the defendants during the trial.

The Catholic Church and the "March of Hope"

Before the soldiers came to trial in the so called "mutiny", an ad-hoc committee of Christians organized what was probably the largest protest march in Zairian history. On Sunday, February 16, following morning mass, as many as one million "Christians" marched through the streets of Kinshasa to call for resumption of the National Conference. Lesser numbers marched in other major cities. The security forces responded with lethal force. At least thirty people were killed in Kinshasa; hundreds were injured there and in other cities.

It is not surprising that the Christian organizers succeeded on a scale that dwarfed efforts by the Zairian political opposition. But it is even more significant that the march emerged from local clergy and lay church-goers, rather than the official church hierarchy.

The Catholic Church has been vitally important to the transition process in Zaire. The vast majority of the population identifies itself as Catholic.¹⁷ The established church has had an ambivalent relationship to Mobutu, at least since the early 1970s when the cult of personality and the ideology of "authenticity" brought the MPR-state into conflict with traditional catholic dogma. The first African Cardinal, Joseph Malula was frequently in conflict with President Mobutu directly. Even though he was officially reconciled before his death in 1989, he provided vital moral support to opponents of the regime.

During the 1990 Popular Consultations, the memorandum of the Catholic Bishops Conference was republished in the widely-read French weekly, *Jeune Afrique*. It had by far the most powerful impact on the Consultations process. Since then, the Conference intervened at critical moments to unblock the political impasse and focus attention on the National Conference.¹⁸ It came as no surprise that the chairman of the Bishops' Conference was the first and only serious choice for President of the National Conference.

Nevertheless, there have remained within the church hierarchy many leaders with close ties to the Mobutu regime. The successor to Cardinal Malula, the recently named Cardinal Etsou is one example. As a result, the church hierarchy has refused to stand behind any major popular action in opposition to Mobutu. Organs like the Catholic Commission on Peace and Justice which, in other African countries, have played a significant role in support of democracy and human rights have been moribund on the national level in Zaire because of the lack of support.

Thus, in organizing the February 16 march, local priests and lay leaders deliberately avoided

¹⁷ Aside from a small population of Muslims, the remainder of the population is primarily protestant or Kimbaguiste. The protestant churches are administratively organized within the ECZ (*Eglise Christ du Zaire*). Kimbaguism is a Christian sect with a significant following in Zaire and Congo.

¹⁸ In September 1990, the Bishops' Conference warned that the transition process had failed to reach beyond the capital city of Kinshasa. In February 1991, the bishops called for a national conference as the only means to escape the "resignation and disinterest" of the public authorities. In June 1991, the bishops again spoke out, this time, against the imbalances in the membership of the National Conference that was to fall apart soon afterwards.

involving the church hierarchy. Many of the organizers are the same individuals and groups that have been instrumental in creating the "Civil Society" section of the National Conference. The success of the march, and the high degree of organization that went into that success, is an indication of the increasing importance of the local churches and power of the "Civil Society."

The Sovereign National Conference

The massive pressure brought to bear by Zairians together with a concerted diplomatic effort by France, Belgium and the U.S. led President Mobutu to announce the reopening of the National Conference in late March. Beginning April 6, the Conference quickly progressed to point of declaring the sovereignty of its decisions and adopting the internal rules for further sessions. On April 24, the second anniversary of the President's 1990 speech, the Permanent Bureau was seated and Bishop Mosengwo laid out plans for the substantive work of the Conference. After completing a period of general political comments in June, the Conference is breaking into commissions to perform more detailed work. When the plenary sessions resume in early July, the Conference is expected to proceed quickly to the appointment of a transition government.

Despite the President's willingness to see the Conference resume, he has consistently denied it any authority. In periodic statements in the official press, the President has continued to insist that the only legitimate government will be named by him, with the approval of his parliament. In any event, he has stated on several occasions that he will not cede control over the military or the finances of the country.

The President's efforts to sabotage the Conference have included a "pilgrimage" to the Vatican, bribes to conference members and a public campaign to redirect the work of the Conference. In early June, the President met with the Pope in an apparently unsuccessful effort to draw his intervention. According to well-informed observers, Bishop Mosengwo's current activism has put him in a delicate position with some in the Vatican hierarchy. President Mobutu's meeting with the Pope was followed immediately by a meeting between the Pope and Bishop Mosengwo. Although there was no announcement from the Vatican at the time, Mosengwo gave a press conference in Belgium a few days later in which he restated the determination of the National Conference to proceed with its work, including the appointment of a transition government.

Before his meeting with the Pope, President Mobutu and his supporters in the National Conference had tried several other tactics to derail the Conference. In early April, one of the chief representatives of the "Presidential Movement" at the Conference distributed more than \$50,000 to members of the "Civil Society" contingent. According to the local press, the distribution of money followed a meeting between President Mobutu and the presidents of the regional contingents of the civil society in which members of the President's entourage suggested that the Civil Society contingent was being unfairly pushed aside by the political parties.¹⁹ After an investigation by the Conference which was completed in late May, the Mobutu's representative, Jacques Tshimbombo, claimed that the money was merely a sign of the President's largesse, and that he had no intention of trying to influence the Conference members.

The President has also tried to disrupt the Conference by insisting that the correct way to proceed was by immediate elections. In early June, the president's supporters again challenged the opposition to go to elections instead of the drawn out plan for transition that would begin with a referendum on a new

¹⁹See *La Référence Plus*; May 18, 1992, page 1.

Constitution and culminate only within one and half to two years.

The opposition plan for transition would, in fact, allow Mobutu to remain in office throughout the transition period. However, as practically all of the speeches at the National Conference have emphasized, the president would be allowed to "reign", but not to "rule". There is little chance at this point that the National Conference would be willing to compromise on any major portfolios in the transition government.

In the week of June 15, President Mobutu began what threatens to be the definitive onslaught against the independence of the National Conference. Early in the week, the official news service reported that the President rejected any authority by the National Conference to alter the provisional Constitution or appoint a transition government. On Saturday, June 20, Mobutu told national radio and television that he alone could exercise the sovereign power of the people. The National Conference had no authority over him, he said, and the only legitimate government would have to be appointed by him.

II Repression, Detention and Summary Execution

In Mobutu's Second Republic, state repression came to permeate all aspects of private and public life. Except for a few of the highest placed "barons" of the regime, no sector of the population was immune from the state's repressive interference. At its most routine, such interference took the form of roadblocks and identity checks by soldiers who were forced to raise their salaries on the streets. Where political freedoms or claims for basic rights were concerned, it took the form of large-scale suppression, arbitrary detention and, periodically, extrajudicial executions.

On the university campuses, repression has been almost routine throughout the Second Republic. The student protests in February 1989 led to the shut-down of university campuses throughout the nation. The government was forced to acknowledge one student death in Lubumbashi, but denied all other injuries or deaths. Students were only allowed to recommence after passing mandatory classes in "Mobutism". The party apparatus and its paramilitary youth wing, already strongly implanted on all of the university level campuses, was reinforced to ensure student discipline.

Public protests in other sectors faced the same response. A protest by largely elderly women in the streets of Kinshasa in April 1988 was violently broken up by security forces. The protest led to Mobutu's famous "Kamo" speech -- meaning "a butt of the head". In the widely re-broadcast speech, the President told young members of the ruling party not to wait for police or soldiers when there was a sign of disorder. "If you have shoes on your feet," he told the cheering crowd, "kick them! If you have hands, slap them! You have a head: Kamo!"

There have also been periodic massacres during the course of the Second Republic. A massacre of independent diamond miners in 1979 was indirectly responsible for the birth of the UDPS. Hundreds of people were reported to have died. In 1986, Amnesty International denounced a series of raids in Shaba between 1984 and 1986 that resulted in arbitrary detention, torture and summary executions. The President indirectly recognized the reports in 1986 when he reorganized the military intelligence unit, SRMA.²⁰ In 1986 and 1987, the killings continued in the North East of the country, according to reports from Bunia in North Kivu.

Because of the clamp on freedom of speech, it has never been possible to determine how many people died in state organized repression during the Second Republic and how many were injured. But the events have not been forgotten. In recent speeches before the National Conference, participants have called for investigations into many of the "crimes" that took place during Mobutu's rule, beginning with the death of the first elected Prime Minister, Patrice Lumumba.

Since April 1990, the most visible forms of state repression have diminished, at least in the major cities. But the appearance of chaos has reached such a point in Kinshasa, that each week there are suspicious reports of deaths and disappearances. For example:

- * **On January 18, 1992, Jean-Marie Katonga Kabuluku, an opposition supporter and previously a deputy in the National Assembly from the region of Etienne Tshisikedi, disappeared in Kinshasa. The family and human rights groups that have looked into the disappearance have not been able to**

²⁰See, below, *Security* section.

find any traces.

- * In the space of three weeks between late May and early June, 1992, two Belgian expatriates were killed by uniformed soldiers. After the second killing on June 6, the Belgian foreign ministry claimed that the killing occurred "at a road block by elements of the Zairian army, deliberately and with no reason." The Zairian government attributed the killings to bandits and revenge.

Since April 1990, most long-term political detention has disappeared, an active free press has come into existence and a number of significant human rights monitoring organizations have arisen. Nevertheless, the state keeps a strangle-hold on the official media, and periodically intervenes to punish journalists and human rights activists. For example:

- * In July 1990, the newspaper, *La Semaine* became the first newspaper to suffer retribution for its independent reporting. The owner, Jean-François David, a Haitian citizen who had lived most of his life in Zaire and was married to a Zairian, was expelled from the country. The editor, Banza Kakese, was brought in for questioning.
- * On October 22, 1990, Essolomwa Nkoy ea Linganga, the publisher of *Elima*, formerly a pro-government newspaper, was arrested and eventually prosecuted for stories that he published questioning the Zairian army's reasons for joining the fighting in neighboring Rwanda. No verdict was ever issued. Essolomwa was arrested again on May 11, 1990, on the basis of other articles he had published, while attending a hearing on the first charge.
- * The attacks on *Elima* continued throughout 1990 and 1991. On August 28, 1991, unidentified forces ransacked the offices, harassing journalists and destroying material. The offices of the newspaper were ransacked again on October 17 at 4:00 a.m. and then, at the same hour on October 25 three bombs were placed inside the printing plant, destroying the printing presses and ending publication of the newspaper for the next five months.
- * In the past months, the official media have not reported any news about the end of President Mobutu's term of office, protests, strikes or the negotiations to reopen the National Conference. Since April 1990, a number of employees of the *Voix de Zaire*, the official radio and television agency, have been fired, suspended or transferred for events ranging from possession of an opposition publication to broadcast of an interview with a discontented regional governor. On January 22, 1992, a technician, Mandambula Ngombe, was turned over to soldiers for a beating and then fired from his job after being found with an opposition pamphlet.
- * Following the February 16 March, Buana Kabue, director of the Zairian Human Rights League was detained by police and his office and home were ransacked. In May 1992, following his return from Europe, Buana was again threatened with arrest when he was caught in a gun battle outside the home of a close Mobutu supporter, Seti Yale. A Belgian woman, Simone Mariel, was killed in the battle. The government has continued to deny legal status to the League, which operates under the permanent threat of closure.
- * On January 19, 1991, Ngefa Atondoko, director of the Zairian Association for Human Rights (AZADHO) was arrested by agents of the Special Presidential Division (DSP) and taken to their headquarters at Camp Tshatshi. There, he was held for five hours, threatened with beatings, and eventually

released after severe warnings.

In addition, throughout the past two years, there has been sporadic state sponsored violence in cities in the interior of the country, including Mbuji Mayi, Lubumbashi and Kisangani. Of particular concern are the recent events in Shaba and the North East of Kivu:

- * **In early 1992, soldiers of the 41st Brigade were sent on a "disciplinary promenade" in the North East of the country in order to counter minor rebel activity. According to refugees who fled to neighboring Uganda, the soldiers stole everything they could get their hands on and devastated villages. By the end of April 1992, more than 30,000 refugees had settled in the Ugandan district of Bundi-Bugyo.**
- * **The Governor of Shaba, Kyungu wa Kumwanza, made a series of inflammatory speeches beginning in November 1991, inciting violence against non-Shabans, many of whom have lived in the region for years. In early January 1992, violence erupted in the town of Fungurume and spread to the villages of Kapolowe, Biowa, Kipushi, Kasenga and Lukufa. There was widespread pillaging and destruction of property. The Governor later sent bands of youths into the neighborhoods of Lubumbashi, on successive days, to destroy independent newspapers sold at kiosks.**

Two events of government repression have marked the transition period, both because of their ferocity and because of the role which they have played in transforming Zairian society: the Lubumbashi Massacre of May 11-12, 1990 and the "March of the Christian: of February 16, 1992.

A Lubumbashi Massacre, May 11-12, 1990

The Lubumbashi massacre has cast a shadow over all of the events in Zaire over the past two years. Two "government" investigations, one judicial investigation and a trial, have not conclusively indicated who participated in the attack on the students nor how many students were killed or injured. Against massive evidence to the contrary, the government has continued to insist that it was not involved and that only one student was killed.

But despite government efforts to staunch the flow of information, news of the attack continues to emerge. In February of this year, the UN Special Rapporteur on Summary and Arbitrary Executions completed the most detailed report of the massacre to date.²¹ Most recently, in May 1992, a former political advisor to the military intelligence force, SARM, confirmed reports of the attack to the National Conference. The advisor, Mukengele reported to the Conference that an internal SARM report established 52 deaths and seven serious injuries.²²

When reports of a massacre began to emerge from neighboring Zambia in late May 1990, the Zairian government quickly denied the reports and sought to block an independent investigation. Local judicial investigators were also blocked. In the days following the attack, the students were sent home and the campus was closed. The Prosecutor General in Shaba, Ntesa Ne Mpemoziki, reported that his investigation had been stopped by superiors. He was recalled to Kinshasa soon afterwards and then, in September, transferred to Kisangani, hundreds of miles from Lubumbashi. No successor was named for the next year.

Local assemblymen and the newly-independent press, however, refused to accept the government denials. On May 25, 1990, in a rare break with party discipline, a group of regional assemblymen in Shaba expressed their belief that a "death commando" had operated on the Lubumbashi campus. The letter of the assemblymen was republished in the press along with independent reports of the attack.²³

Eventually, in response to domestic and international pressure, the Zairian government permitted a parliamentary investigation into what had occurred. The report of the Parliamentary Commission did little to abate pressures for an international investigation, but it did make the original government position increasingly implausible.

²¹Report of the Special Rapporteur, Mr. S. Amos Wako, submitted pursuant to Commission on Human Rights resolution 1991/71 on his mission to Zaire, 8-11 May 1991; E/CN.4/1992/30/Add.1 (Asterixed version -- i.e., "unedited") Commission on Human Rights; Forty-Eighth Session; Agenda item 12; Summary or arbitrary executions. The Report is composed of 93 pages of text and eight pages of appendices, including charts indicating control of the security forces and maps of the campus.

²²Zaire Human Rights League, *Tribune des Libertés*; Nuuméro 05-19, Week of 14 to 21 May, 1992.

²³One of the first such articles, in the newspaper *La Semaine* of June 11, concluded in a front page editorial that "The question is no longer to know whether or not there was a massacre on the campus of the University of Lubumbashi." The question was who had perpetrated the massacre and how many had died. The answer would never be known, the newspaper reported, until the students could be heard.

The Parliamentary Commission characterized what had occurred as an attack which was "premeditated and the product of meticulous planning". Its report identified the central role played by Gata Lebo Kete, the director of the National Immigration Service (ANI) as well as the role played by other local security leaders, the regional governor, Koyagialo Ngbase te Keregbo and the Rector of the University, Aloni Komanda. Finally, the Report conveyed for the first time officially, the massive destruction to the university campus and the "psychological climate of fear and trauma in which all of Lubumbashi" continued to live.

Another investigation was undertaken by the Regional Assembly of Lubumbashi. When the results of the inquiry were nearing completion, however, the text was seized and quashed. In his February 1992 report to the United Nations, Special Rapporteur Amos Wako concluded that "this was done upon the orders of the central authorities".²⁴ Several months later, copies of the Regional Report began to surface in Europe and the United States. Major portions of the report were eventually published in the Zairian press.

State v. Koyagialo et al.

Over the next several months, there was no noticeable progress in the investigation or prosecution of those responsible for the Lubumbashi attack. The university remained closed and judicial officials in Lubumbashi were excluded from further investigation. Eventually, a number of the regional officials identified by the Parliamentary Commission report were arrested and brought to Kinshasa pending trial -- along with Lubumbashi student leader, Digekisa Piluka.

In March 1991, President Mobutu announced that the trial of Lubumbashi suspects would soon begin in Kinshasa. The trial was scheduled to open before the Supreme Court in Kinshasa on March 8.²⁵ After various delays and procedural matters, the trial finally got under way during the month April and concluded with the judgment on May 16.

The trial took place in Kinshasa, hundreds of miles from the site of the event. The charges against the regional officials reflected the government's position that the affair concerned a student rivalry that had gotten out of hand. The regional officials were charged primarily with failing to intervene effectively to protect people in danger. The student defendants, on the other hand -- only one of whom was in custody -- were charged with conspiracy and attempted murder.

The proceedings before the court were largely fair, given the fact that the prosecutor had done no investigation. It had to rely on prior investigations, including the quashed report of the regional assembly. The court convicted the Shaba governor Koyagialo Ngbase to 15 years of prison, and Commander Gata to 13 years. Two other military officials were also convicted, Lokoya Lanza and Lokombe Bano Kande, to 12 and 11 years respectively. The Rector of the university was acquitted as were the electricians who were responsible for cutting off the electricity to the campus on the night of the attack.²⁶ But the court verdict

²⁴Wako Report at 71.

²⁵Although it was unusual for the Supreme Court to act as the court of first instance, it is not unheard of, particularly where one of the defendants benefits from a special political status, as was the case with Governor Koyagialo. On the other hand, there is no appeal from a such a decision.

²⁶A number of students, including Digekisa were convicted. However, by the time of the judgement, none of the

did nothing to establish the scale of the destruction in Lubumbashi or responsibility for the attack beyond local security leaders.

The United Nations Report

At the time that President Mobutu announced the trial of the Lubumbashi suspects, he sought to silence foreign critics by announcing that he would invite United Nations Special Rapporteur Amos Wako to attend. The President probably perceived little risk in his mission. Because of the constraints on their time and the absence of significant support and research staff, the Special Rapporteurs are severely limited in the fulfillment of their tasks. In addition, Zaire had been largely successful in manipulating the UN human rights machinery in the past.²⁷

When the terms of the mission were worked out, there was nothing to indicate that it would bear particular fruit. Mr Wako had only four days to conduct his mission and, in the meantime, had entered the government of Kenya as Attorney General. Many speculated at the time that the good relations between Kenyan President Daniel Arap Moi and Mobutu would further preclude any positive results from the mission.

The Special Rapporteur came to Zaire while the trial was progressing. He used the opportunity, however, to lay the ground-work for a full investigation. His report takes a balanced view of the protestors on the campus, and even raises questions about criminal violations they may have committed. But without ambiguity, the report implicates the central authorities, including the office of President Mobutu, in the planning and carrying out of the attack on the campus.

The Special Rapporteur's Analysis and Conclusions

According to the Special Rapporteur, the Lubumbashi attack was intended to kill some, injure many, and terrify all; but in the context of Zaire, it was little more than a routine disciplinary measure gone slightly awry.

In analyzing the events that led to the attack, the Special Rapporteur noted that one relatively minor incident had disproportionate impact. In the early evening of May 10, a car escorting Rose Baramoto Koto, a close relative of General Kpama Baramoto, was stopped by students and cited for violating the internal traffic regulations. General Baramoto is a close relative of President Mobutu and the leader of one of the most feared security forces, the *Garde Civile*. Rose Baramoto got out of her car and confronted the students, who responded with epithets and then assaulted her as her driver fled.

As for the attack itself, the Special Rapporteur concluded that there were in fact two raids on the night of May 11-12. One composed of a loose band of local security forces together with Ngbandi students who had earlier fled the campus; the other made up of commandos sent from Kinshasa belonging to the

students was actually in custody, Digekisa having escaped from prison and gone to Belgium on May 1.

²⁷From 1986 to 1990, Zaire's "Human Rights" minister, Nimy Mayidika Ngimbi frequently appeared at the UN in Geneva to argue the case of Zaire and prevent any outspoken criticism from emerging. Previous United Nations reports were of little impact, due in part to their cautious and deferential tone. See for example, *Report of Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission on Human Rights resolution 1989/33, Addendum, Visit by the Special Rapporteur to Zaire*.

military intelligence service, SARM (*Service d'Action et de Renseignements Militaires*).

The first group, the "Gata group", was composed of 100 to 150 people. "The group's overall strategy," the Special Rapporteur concluded, was "in a word, to cause as much physical and material damage as possible to the persons and property of the students..." The group was commanded by someone referred to as the "*doyen*". Two sub-units were guided by former university students. "The actual killing and attempted killing, on the other hand, was for the most part, the responsibility of the military elements within the group."²⁸

The SARM troops arrived around 10:00 p.m. and took up position on the Lubumbashi campus for their mission, code named "scorpion". When they arrived, they learned of the "clumsy rampage" in progress. "The SARM troops held their position until the Gata group had completed its final rounds and relative quiet had returned to the campus."

Between 3:00 and 3:30 a.m., the SARM troops began their attack. "A contingent of between 25 and 40 highly trained commandos separated into several teams, some assigned to handle the dormitory blocs and on the upper campus and others on the lower campus. Each team included among its members a so-called '*équipe de nettoyage*' (clean-up crew), whose job it was to remove the bodies of those dead or wounded as a result of their colleagues' blows."²⁹

Sometime between 3.45 and 4.15, the SARM commando regrouped and departed with the bodies of those they had killed. About one hour later, the ambulances and other vehicles were permitted to penetrate the military cordon, where they rounded up the wounded and began the more extensive clean-up operation. Later that day, the remaining students were evacuated. On the morning of May 12, the Governor Koyagialo ordered all the students to leave the campus and provided them with free passage back to their place of origin. The university itself was closed and the campus was sealed off entirely for several days.

Deaths

The death toll from the night's carnage has been actively disputed. Only one student has ever been identified by name. Ilombe Ilombe died in the Gecamines South Hospital on May 17, 1990, as a result of a cranial fracture.³⁰ Most reports received by the Special Rapporteur confirmed that three corpses were visible at dawn, "two by bloc 7 and one behind the toilets by bloc 5."³¹ For the rest, the Parliamentary report indicates that 29 students were treated in hospitals around Lubumbashi for injuries; a number of students were sent to South Africa for treatment.

Initial student claims put the number of dead at 150. Later, rumors began to circulate of soldiers

²⁸Wako Report

²⁹*Id.*

³⁰*Id.* at 63.

³¹*Id.* at 64.

who had counted 350 dead. The Belgian consul reported that he had information about 12 students who had died. Everyone who sought to determine the number reported that the disarray and climate of fear that reigned in the city prevented any final determination.

The Special Rapporteur's estimate echoes the low initial count of the Belgian consul. He estimates that "ten to twelve students lost their lives in the Gata attack."³² The death toll from the SARM attack was probably even lower. However, the Rapporteur notes that "at least 34" more were seriously injured and that many more students are "missing". About the missing, he says, some apparently went into hiding in Zaire or into exile in other countries, but he leaves the possibility open that more may have died. "Given the climate of fear which prevails owing to a belief, well founded or otherwise, in the omnipresent power of the state security apparatus, coupled with the ambiguous role which some of the missing students apparently played in the events of 8-12 May 1990, it seems unlikely that most of these missing persons will declare themselves in the near future."³³

The Special Rapporteur's estimate seems low given his description of the night's events, the number of people involved and their purposes. On the other hand, the estimates of 300 or more seem obviously exaggerated. Perhaps it adds to the credibility of the Special Rapporteur's report that he so clearly rejected the more extravagant claims made by dubious witnesses to the event. But following his precise description of the events and the many lacunae which he points out in the investigation carried out by the Zairian judicial officials, it is disappointing that the Rapporteur felt compelled to produce any ostensibly definitive number at all.

In its immediate response to the Rapporteur, the government of Zaire rejected any attack on it, but agreed to further communication with the Special Rapporteur. The Zairian response was interpreted to imply a willingness to reopen the investigation of what occurred in Lubumbashi. However, there has been no indication since then that they have done so.

B March of the Christians, February 16, 1992

Planning for the March

In late January, a group of lay Christians, loosely organized in the "Lay Coordinating Committee" signed a call for a "March of Hope" to involve all of the major religious denominations of Kinshasa. The two principal organizers were Pierre Lumbi, a development activist from Kivu in the east of the country and François Kandolo, a long time political activist who heads a business training center in Kinshasa. The coordinating committee worked together with a number of young parish priests, including Abbé José Mpundu, an activist priest who recently authored a brochure on "Evangelical non-violence". Although the church hierarchy was informed of the planned march, it was not involved in organizing.

The call for the march was published in the independent newspapers and preparatory meetings were held at churches around the city. At every step in the planning process, organizers stressed the principles of non-violent protest. As march organizers and participants told Africa Watch, the marchers

³²*Id.*

³³*Id.*

were instructed to meet force with prayer and song.

The Lay Coordinating Committee notified the urban authorities and the governor of Kinshasa of the planned march. The authorities ordered it stopped, putatively on the grounds that the Lay Committee had no legal status. They called on the population to avoid "illegal demonstrations". On February 14, the Governor of Kinshasa summoned the leaders of the major churches to account. According to government statements, the church leaders declined any responsibility for the march. As late as 5:00 p.m. February 15, however, march organizers spoke to the governor by telephone to confirm that the march would, indeed, proceed.

The plan for February 16 was actually for a series of marches to start at churches and to conclude at five rallying points around the city. The path to be followed had been widely published. The marches began as planned between 9:00 and 9:30 a.m. The atmosphere, according to participants, was festive, with marchers chanting and singing religious songs. The exact numbers of participants are unknown, but most observers agree that there were several hundred thousand, possibly as many as one million.

The Military Response

Because of the public planning for the march, the military had ample time to prepare. On the morning of February 16, soldiers from a variety of units were posted throughout the city. One nun told Africa Watch that marchers from her church in the Njili neighborhood were encouraged by soldiers, who warned them about the dangers posed by other troops. The same story was repeated at other locations. But it was particularly true of the 31st Brigade based near Njili (the units responsible for initiating the September looting).

In most cases, however, soldiers blocked the route to the marchers. Tear gas and water cannons were used in a number of locations, including inside at least one church. The Minister of Defense, himself, was on the streets commanding troops. In the end, at least 33 people were killed. Most of the confirmed deaths, and many of the substantial injuries resulted from soldiers opening fire on the crowd.

Attack on Religious Figures

The most consistent element in the military strategy was to scatter marchers and remove identifiable religious figures. In most cases, clergymen and lay church leaders marched at the head of a column, usually in clerical robes. A number of priests were singled out for beatings and other abuse during the march. Foreign religious figures caught in the melee were deported with fanfare afterwards.

Most of the priests interviewed by Africa Watch in April requested anonymity, indicating the continued high level of fear despite the calm that reigned in the city after the opening of the National Conference. One priest described the events beginning with the preparation for the march. At every step in the preparation, he explained, including the last call on Sunday morning, the principles of non-violence were repeated. On the morning of the march itself, the priest asked those who felt unable to contain their anger to refrain from marching. As the priest described the march from his parish:

After about one kilometer, we met a unit of officers in training. They encouraged us to continue. Then, after about another kilometer of walking, another group of marchers came running towards us. We talked and decided not to run if we were confronted, but to sit down in prayer.

Before we finished our discussion, a jeep came careening into the crowd. People ran. I moved away a bit, but the jeep came right up to me. It stopped a few centimeters away. A major jumped out with a soldier at his side and said, in Lingala, "That's the one in charge; arrest him." They threw me onto the floor of the jeep and began to beat me and stomp on me with their boots.

One of the soldiers, belonging to the Special Presidential Division took a bayonet and carved a ridge across the center of the priest's scalp. Africa Watch saw pictures taken of the priest immediately afterwards. When he was interviewed in April, his head still bore scars.

Another of the soldiers recognized the priest because he often performed mass at Camp Tshatshi, the DSP base. As other soldiers were arranging to imprison the priest on the military base, the soldier intervened. "He told the others, 'this one you've beaten enough; let him go.'"

At the time this priest was interviewed, he was in hiding as a result of a suspicious incident which followed the march. In early April, two people claiming to be soldiers stole the car belonging to the monastery where he lives and, in the course of the theft, shot the priest through the midsection. Although, it appeared to be a simple theft, the subsequent involvement of the military left members of the monastery concerned that it was in fact part of a planned retribution against the residents.

One priest of European origin described his experience several kilometers away. He departed with 200 to 300 parishioners from his parish in the Limete district of Kinshasa, moving towards the Kasavubu Bridge rallying point. The marchers were set upon by a truck of soldiers, reportedly belonging to the Garde Civile. As he described the attack:

The set upon us. Some were extremely cruel; while others said, "we are on your side; but we have orders."

The soldiers initially threw the priest to the ground, together with the parish *mokambi* (deacon). "Then one of the soldiers said, 'let them go,' and we were released."

All this happened between 9:00 and 10:00 a.m. For the next several hours the group met no further trouble. Then, at about 1:00 p.m., while returning on the Poid Lourde in Kingabwe, they were set upon again.

We met a convoy of thirty cars. Some people said that it was escorting Nguz (the prime minister) and Mbemba Saloana (a major businessman). The convoy stopped and a group of men in civilian dress got out. Then soldiers in uniform came. They arrested the *mokambi* and grabbed me by the shirt. They began to beat me with their fists. I just let myself fall. While I was lying on the ground, they began to kick me with their shoes. Each time that I would try to stand up, they would beat me on the back with the butt of their rifles. Then finally, I got up and started to run. While I ran they beat me with paratrooper belts; one person hit me hard on the side with his baton.

Although he was "black and blue" all over, the beating caused no internal damage and the priest returned home after brief hospital treatment.

According to an inquiry by the human rights group, the *Voix des Sans Voix*, 43 Zairian clergymen and other religious figures were arrested during the march and brought to the prison of the *Garde Civile*. At 7:00 p.m., all but one were delivered to the Archdiocese of Kinshasa. The government quickly seized upon the fact that European priests and religious leaders had been involved in the march. Despite intervention by Cardinal Etsou, the Archbishop of Kinshasa, the three Europeans in custody were all deported, including a lay brother, Bernard Kips and two priests, Léon Heyson and Rodriguez Santiago. Father Heyson had reportedly been in the country for more than 20 years.

Deaths and Injuries

The independent estimates of deaths range from 33 to more than 60. The *Voix des Sans Voix* collected the names of 209 people who were injured and required treatment ranging from outpatient treatment to major surgery. What is unprecedented about this particular attack in Zairian history is that the reports of deaths were immediately communicated to the press and confirmed in photographs. Because human rights monitors were on the streets and information passed quickly by cellular telephone, there was no opportunity to deny what had occurred, only to try to minimize it and shift the blame.

The government acknowledged 17 deaths. However, the government figure is apparently based on the Zairian Red Cross, whose figures only represent the number of deaths which it reported. An official of the Red Cross told Africa Watch that a full count of deaths would have to await a collaborative effort by all of the emergency medicine teams that were involved. In one of the more recent counts, the *Voix des Sans Voix* listed the names of 27 people who were killed, together with eight unidentified bodies.

St. Joseph's Church and Reports of Mercenaries

At least eight of the deaths occurred in the vicinity of St. Joseph's church in Matonge, one of the thickly populated quarters close to the center of town. It was here that pictures were taken of the bodies lined up on the ground. And it was also from here that have emerged the most persistent and plausible reports of mercenary involvement in the repression.

One demonstrator, interviewed in late April at the hospital where he was being treated for a broken and displaced femur, described the progress of the marchers from his parish in nearby Yolo district. His testimony is consistent with other testimony gathered by the *Voix des Sans Voix* and pictures taken in the vicinity. According to the demonstrator, a large number of parishes had come together on Avenue Kapela as it neared the major intersection with Avenue de l'Université. The group of marchers numbered in the thousands when a detachment of the *Garde Civile* set upon them from Avenue de l'Université. The marchers began to run when the soldiers started shooting in the air. Many of the clergy, remained however, and the marchers returned. As the demonstrator continued:

The soldier said, "Disperse or we will shoot." The priests said, "Stay. When they shoot, get on your knees and pray." Meanwhile, church members circulated among the crowd, urging everyone to be calm.

We remained without moving for thirty minutes. Then, slowly, we began to advance towards Avenue de l'Université. A jeep (model Mitsubishi Pajero) came driving towards us and the crowd began to scream. The soldiers in the Pajero began to shoot into the crowd. One boy was hit in the stomach and was carried off to the clinic.

We eventually crossed the 20 meters to the Avenue de l'Université. As soon as we entered the avenue, soldiers blocked our route and began to shoot into the air. Then, one soldier shot into the crowd and a ten year old boy was hit in the head.

The boy was later identified as Mwati Boyoma Boko, whose father was reportedly a soldier in the *Garde Civile*. The death stirred the crowd to confront the soldiers directly. The boy was picked up and carried to the front of the lines. The soldiers gave way as the crowd began to march while singing religious hymns. When they reached the Kauka Roundabout, another group of soldiers let them pass. Then as they entered the Avenue Victoire leading towards St. Joseph, the soldiers opened fire on the crowd.

The crowd rushed forward; then a few marchers returned to collect the bodies of six more marchers who had fallen. When they reached the crossing point before the Avenue Kalamba, they met another unit of soldiers who formed a belt to block their progress. The witness interviewed by Africa Watch explained that he was at the front of the marchers, slowly pushing against the line of soldiers.

One of the marchers went over to the soldiers and tried to speak with them. We were face to face. The soldiers were talking to each other in a language that we couldn't understand, but they wouldn't talk to us. It wasn't English that they were speaking and it wasn't any of the National languages. Even if it were Ngbani [the language of people from the President's ethnic group], I would have at least understood a few words.

One of soldiers shot into the air and killed a man sitting in front of his house away from the march. Eventually the marchers reached St. Joseph and laid the bodies down in the church.

The witness left the group at that point and began his way back home. Another group of marchers was arriving from one of the distant neighborhoods. A group of soldiers, apparently the same group that had earlier shot upon the marchers, blocked the route and then began chasing demonstrators into the small streets and alley ways. This witness fell against a chair and was beaten by a soldier with the butt of his gun.

At about the same time, another witness interviewed by Africa Watch was arriving at the head of a group of marchers who were coming from far away Mungafula. Dr. Christophe Mpiana, a veterinarian and well known labor leader, told Africa Watch that he was marching at the head of column which found itself sandwiched between soldiers blocking the Kauka Circle in front of them and others blocking their retreat on Avenue de l'Université. There was shooting from behind.

One of the officers, a major in red beret, ordered the group to come to a halt. The soldiers were identifiably Zairian. Dr. Mpiana reportedly approached the officer:

I explained the situation to the major: "We are stuck between your forces. We can't go either way. Tell the soldiers behind to let us go and we will return."

According to Dr. Mpiana, the major replied that he would be willing to help but, "those people behind us don't speak our language. On one side (indicating his right) they speak English and on the other side (indicating his left) Portuguese or their own languages." He indicated that the English speakers were "Sudanese" and the Portuguese speakers, "Angolan".

Dr. Mpiana told Africa Watch that he prevailed on the major to accompany him to the rear of the line where he could attempt to negotiate with the foreign troops. If they spoke English, he said, he could at least make an effort to explain the situation.

Among the "Sudanese", Dr. Mpiana said he found a soldier who had studied in Kisangani (in northern Zaire) and understood French. The troops agreed to give way. When he crossed the street to the "Angolan" side, one of the soldiers recognized him. Dr. Mpiana said his name was Adolphe Mena Kumbundu, an Angolan with whom he had studied in Lubumbashi. Adolphe then belonged to the FMLN faction of Angolan rebel leader Holden Roberto, based in Zaire and actively supported by the United States and Zaire.

"Christophe," he called, "Don't you recognize me? It's me -- the *Angolais*" using the name we called him then. We talked together. He said that they were from a division belonging to Savimbi. In fact, he said, there were a lot of Savimbi troops still in Zaire and they were just waiting to take over [Angola].

Mena Kumbundu reported to Dr. Mpiana that his troops had come up from their base at Kamina on February 14, at the request of the prime minister. "We even made plans for him to come visit my family," Dr. Mpiana explained, though the plans were not kept, possibly because the troops departed following the march.

Shortly after meeting the "Angolan" troops, the marchers began to retreat. At that moment, the Defense Minister, Ngbanda appeared in a truck, recognized Mpiana and ordered his arrest, together with a catholic priest, Père Misakambo. According to Dr. Mpiana, Ngbanda told his soldiers that he wanted to see Mpiana "in flames" -- making reference to reports that a soldier in Lemba had been burned to death by demonstrators. The soldiers then began to beat Mpiana with the butt of their guns. From the floor of the minister's truck, Dr. Mpiana recognized Bompese Bokolombe, the president of the Zairian Red Cross. Mr. Bompese obtained the release of two men and had Dr. Mpiana taken to the Ngaliema clinic where he was treated for broken ribs.

Inside St. Joseph's church, where hundreds of marchers had sought sanctuary, eight bodies were lined up on the ground. Forces of the DSP sealed off the area and ordered priests and civilians to evacuate. When they failed to follow the orders, troops smashed windows and launched tear gas canisters inside.³⁴ The parish priest was ordered to yield up the bodies to the soldiers. At first he refused, but eventually he was forced to relent.

Regional Marches

In addition to the march in Kinshasa, there were similar marches in several other cities including Kikwit and Mbuji Mayi. In some locations, including Kikwit, where it was led by the local Bishop, the march reportedly occurred without incident. In Mbuji Mayi, in Kasai Occidentale, two people were reportedly killed.³⁵ In Kisangani, where 500-600 people marched, one nun, two priests and twelve congregants were arrested and held overnight.³⁶

³⁴ See for example, Kin-Kiey Mulumba, "Zaire says Protesters Responsible for Deaths" Reuters 2/16 2020.

³⁵ Zairian Human Rights League, March update, at 25.

³⁶ *Renaître, Bimensuel chrétien d'information et d'opinion*, No. 6, April 15, 1992, 8-9.

Government Response

In the aftermath of the march, the government placed the entire responsibility for deaths and injuries on the marchers and the march organizers. The Information Minister, Kitenge Yezu blamed radical priests for the march and said "the organizers were totally responsible for what happened ... and will carry it on their conscience."³⁷ Zairian television reported that demonstrators had faced the "full rigor" of the law. The Prime Minister insisted that the military had properly carried out its task. He announced that the organizers of the march would be prosecuted. In contrast, the governor of Kinshasa acknowledged that there were some regrettable excesses by armed forces. He referred in particular to an attack carried out by guards posted in front of the residence of the "Maître" of the Kimbaguiste church, the only major church organization to come out against the march. President Mobutu made no public response to the march.

In the days that followed, a number of the groups and individuals involved either in planning the march or in reporting it to the domestic and international press were subject to threatening forms of harassment. According to the Zairian Human Rights League, on March 2, soldiers sought to pick up François Kandolo, Pierre Lumbi and Buana Kabue. They sought out the three men on the street and at their regular place of work. François Kandolo of the *Comité Laïc de Coordination* was served with a judicial order to appear before a magistrate. Buana Kabue of the Zairian Human Rights League and a consultant to the League were held for several hours by judicial officials while the League offices and Buana's home were searched. Ngefa Atondoko of the Zairian Human Rights Association received letters suggesting that his life was in danger. Several of those threatened, including Ngefa, went into hiding.

With the announcement that the National Conference would begin again in early April, the government dropped further pursuit of the march organizers. However, not surprisingly in light of their position on the march, the government has taken no action to investigate the excesses of soldiers on the day of the march.

Another march was called by the lay organizing committee for March 1, 1992. But on this occasion, participation was far more limited and government suppression more effective. According to the Zairian Human Rights League, four people were killed, including two children and one soldier killed by his own grenade. The League reported that Mayombo Zenon, Batumba Kuali, Sundi Mungili, Nseke, Basele Wele and Muenzi Kitombele and three others were arrested and held throughout the month of March and into the month of April. They were eventually released in the last week of April.

³⁷Kin-Kiey Mulumba, "Zaire says Protesters Responsible for Deaths" Reuters 2/16 2020."

III Security Forces

One of the recurrent demands expressed during the Popular Consultations in 1990 was for an end to the limitless power of the security forces that had held sway over the population throughout the Second Republic. The President admitted as much. As he told *Jeune Afrique*, "The will of the people was very clear on this subject. It demanded the restructuring of the security forces with a view to guaranteeing the full exercise of individual liberties."³⁸ He promised such a restructuring. Aside from a minor reshuffling of the deck, nothing of the sort has occurred.

President Mobutu well understands the power of armed forces. Twice, in 1960 and in 1965, he displaced elected leaders by military coup. Since then, he has been careful both to nourish his military power and to ensure that no single individual or single force is ever in a position to use it against him. The President has distributed the military power of the state among an overlapping network of military and paramilitary forces, each of which serves under the personal leadership of one of his close collaborators.³⁹

As recent events bear out, it is these forces and their chiefs who represent the most palpable threat to the democratic transition. The Lubumbashi massacre and the repression of the "March of Hope" were their natural responses to a movement that threatens to take away their "Second Republic" prerogatives.

The specialized security forces and paramilitary intelligence units maintain substantial independence from each other and from the other organs of the state. They maintain their own detention facilities and their agents benefit from legal and *de facto* privileges that prevent any investigation or prosecution of offenses. While the Intelligence units are often composed of university graduates, informed observers describe current leaders of the specialized security forces alternately as "thugs" or "bandits". All of them are from the Ngbandi ethnic group and are related to the President directly or by marriage.

Aside from President Mobutu, himself, no single individual has played a more visible role in obstructing the democratic transition than the current Defense Minister Ngbanda. But he is just one of many whose entire status and authority depends on Mobutu's continued hold on power. With the exception of the current armed forces Chief of Staff, who is exceptional both because he is a career soldier and because he is not from the President's ethnic group, none of these men has indicated any willingness to cooperate with the National Conference.

Specialized Security Forces

The known security forces include the Civil Garde, the Special Presidential Division (DSP) and the

³⁸ *Jeune Afrique*, May 21, 1990 at 19.

³⁹ In fact, almost all of Mobutu's closest advisors are linked to the security apparatus. From the position of intelligence chief or security advisor to the president, people like Seti Yale, Nkema Liloo, Mokolo wa Mpombo and Nimy Mayidika Ngimbi have put their mark on every aspect foreign and domestic policy, while making themselves rich at the same time.

Kinshasa Garrison of the National Police ("Gendarmerie Nationale"). At the same time, the government has frequently formed strike forces to operate unacknowledged in the urban areas.⁴⁰ Since 1991, there are credible reports of such a force operating in Kinshasa known to the population as "les hiboux" or the "owls".

* ***The Civil Guard* is currently composed of about 10,000 soldiers. It was created as an elite border guard in 1983-84 with West German funding and trainers. The West German government dropped out soon afterwards, however, and in 1987, the Egyptian government took over training. The unit was then transformed into a general purpose paramilitary force. Until recently, there were 20-25 Egyptian trainers teaching military instruction together with four military doctors.**

The Civil Guard is headed by Kpama Baramoto, who goes by the ornate title of *Elite Général de Paix*. It is an indication of the personalized nature of repression in Zaire that one of the major incidents that led to the massacre of students in Lubumbashi involved a close relative of Kpama Baramoto who was harassed and insulted by students on the campus.⁴¹

* ***The DSP* is composed of about 7,000 soldiers and is commanded by General Nzimbi. According to some sources, it was formed in part out of the elite Kamanyolo Division, a unit initially trained and armed by North Korea and China. In 1982, in exchange for reestablishing diplomatic relations, Israel assumed responsibility for training and arming the DSP and the Kamanyolo Division. The number of Israeli trainers diminished over the years, from a high of about 16 (not including embassy support personnel) to three or four before the September looting.**

The DSP serves President Mobutu directly; it is reported to be the most loyal and the most ethnically homogenous, though DSP troops did participate in the September looting in Kinshasa. In February, DSP forces were actively involved in the suppression of the Christian demonstration. Because of its closeness to the Presidency, the DSP functions with virtually no external oversight. At its Camp Tshatshi base, where demonstrators, soldiers and opposition politicians have frequently been detained, neither the International Red Cross nor the Zairian Justice Ministry is allowed access.

* ***The Gendarmerie Nationale* is putatively a unit of the National Army. However, under General Bolozi, another close relative of the President, the Kinshasa Garrison effectively escapes the direct control of the chief of staff. The *Gendarmerie Nationale* performs routine police functions in the city. It also has its own intelligence unit known as the *Brigade Spéciale de Recherche et de Surveillance* (BSRS) and holds prisoners in a lock-up located in its headquarters at the Circonscription Militaire de Kinshasa in Lingwala.**

* ***Les Hiboux* - Beginning in 1991, Zairians began to report clandestine paramilitary assaults by soldiers, baptized "les Hiboux" or the "Owls", because the assaults took place at night. The Zairian**

⁴⁰During the 1980s for example, there was a succession of forces known to the opposition, but initially unacknowledged by the government, including the *Force d'Action Spéciale* (FAS) and *Force d'Intervention Spéciale* (FIS).

⁴¹See above.

Human Rights League reported a number of such assaults throughout the year. The Owls were identified by their recent model Mitsubishi "Pajeros", a jeep-like, all terrain vehicle. One western military observer described the soldiers as part of a "dirty tricks" brigade.

The Zairian Human Rights League published detailed accusations about the training and operations of the *Hiboux* in October 1991. The League reported that they were commanded by Lieutenant-colonel Dondo a former battalion commander of the DSP and a relative of the President. According to the League, the *Hiboux* were drawn from the DSP, the FIS and the French trained 31st Brigade to form a special intervention force. The force is reportedly trained and armed by South Africa at the Kitona base in Bas Zaire. The League reports that thirty two South African trainers arrived in March 1991.⁴²

Paramilitary Intelligence Units

The specialized security forces are assisted by smaller units belonging to civilian and military intelligence, primarily the *Service Nationale d'Intelligence et de Protection* (SNIP), and the *Service d'Action et de Renseignements Militaires* (SARM).

* **SNIP** is the direct successor of the Belgian *sûreté*, already known as a formidable intelligence force during the colonial period. It continued under a series of directors, including Mokolo wa Mpombo, President Mobutu's best travelled foreign emissary. From the mid-1980s until April 1990, SNIP -- which was then known as the *Agence Nationale de Documentation* -- was headed by Ngbanda Nzambo-ko-Atumba and was engaged in a wide variety of intelligence gathering and paramilitary operations. Ngbanda has since become Defense Minister and has, reportedly, retained control over the paramilitary force that he created (known as the *Force d'Intervention Spéciale* or FIS), allowing SNIP to focus on intelligence gathering under its new director, General Likulia Bolongo.

* The military intelligence force, **SARM**, was reconstituted in 1986 after its predecessor was dissolved on the stated grounds of human rights abuses.⁴³ Until recently, SARM was commanded by General Mahele Lieko Bokungu, the only leader of a major military or paramilitary force who is not from the Ngbandi ethnic group (though, like the remainder of leading security advisors to the president, he is from the same region of Equateur). Following the September 1991 looting, General Mahele was named Army Chief of Staff.

⁴²In January 1991, *SouthScan* magazine reported that a Kinshasa newsweekly owned by the wife of the Prime Minister, Nguz a Karl-i-Bond, provided further details to many of the claims previously made by the Zairian League. The newspaper reported that the South Africans provided weapons, ammunition, and vehicles, including Casspir armored personnel carriers. Their task included teaching techniques of urban counter-guerrilla war. The newspaper reported that a Zairian Captain Belenge was chosen to work directly with the South Africans because of his good English. The training, according to the newspaper, lasted three months. "Zaire: Revelations of SA training may undermine Mobutu", *SouthScan* Vol. 7 No. 1 January 10, 1992 at 5.

⁴³The previous military security force, known as SRMA, was dissolved following a purported investigation into arbitrary detention and executions reported by Amnesty International. However, as Amnesty pointed out at the time, SRMA didn't exist at the time the abuses occurred. See Amnesty International, *Zaire, -- Reports of Torture and Killings Committed by the Armed Forces in Shaba Region*, March 1986, and *Summary of Concerns* for 1987.

Before April 1990, the AND and SARM were perhaps the primary forces engaged in the suppression of political opposition. It was SARM forces which ensured the house arrest of Etienne Tshisikedi in 1989. Agents of the two organizations engaged in frequent violent raids on the home of opposition supporters during which they inevitably destroyed property and stole valuables, leaving the Government an excuse to claim that bandits had committed the crime.⁴⁴

Mercenaries

In addition to specially trained Zairian troops, there are increasing reports that the Zairian government is recruiting and using foreign mercenaries as well as seeking foreign military trainers.⁴⁵

When French aid to Zaire was suspended in the fall of 1991, President Mobutu told French journalists that it made little difference, since he had contracted with "friends in Paris" to bring 50 French soldiers to Zaire. *New African* magazine reported that there were intensive recruitment activities being carried out in Europe. Two Europeans who were reportedly involved, Paul-Louis Balbeur and Jean Bultot, have a long history of involvement in Zaire. Balbeur told journalists that he had fought alongside the famous French mercenary Bob Dénard in the 1960s. Jean Bultot reportedly taught "practical shooting" to security guards in South Africa. According to *New African*, his "links to the Zairian military establishment came out during his trial for trafficking of weapons several years ago in Belgium."⁴⁶

The National Army

There exists no effective counterweight to the specialized forces and mercenaries. The national army exists largely in name alone. Its 20,000 soldiers are ill-equipped and poorly trained. Opposition leaders told Africa Watch that, according to their estimates, the Kinshasa garrison could not withstand more than 48 hours against the specialized forces.

There are elite units of the regular army, including for example the 31st Parachutist Brigade trained by France and the 41st Brigade trained by the Chinese. However, these units are treated with suspicion. The so-called Chinese Brigade, is a tank brigade without a single functioning tank. The 31st Brigade has been the object of special mistrust. It reportedly outperformed the DSP in regular combat, in 1990, when Mobutu sent troops to aid his ally President Habyarimana in Rwanda. It began to gain a "pro-people" reputation, particularly after reports that its soldiers encouraged marchers on the day of the February 16th massacre. In response, it has been broken up and dispersed around the country. Only one thousand of the five thousand troops remain in Kinshasa. In addition, the "mutiny" at the Voice of Zaire, believed by many to have been set up by the defense minister, led to the prosecution and conviction of a number of soldiers in the 31st Brigade.

There are also been recent reports of a crackdown within the army and security forces to insure

⁴⁴See, for example, *Zaire: Repression as Policy* 48-70 and 112-116.

⁴⁵For years, observers have reported the presence of Central African and Gabonese soldiers in the Special Presidential Division. The claim regarding Central Africans was particularly credible because of the fluid border in the north of the country which is home to the President's Ngoni ethnic group.

⁴⁶François Misser, "Belgian Mercenaries for Zaire", *New African*, April 1992 at 40.

the loyalty of the forces. In April 1992, the Zairian League reported the names of 62 soldiers of the Zairian Air Force who were arrested and taken to a disciplinary center in the village of Iribu in the President's region of Equateur. The League reports that the 62 airforce soldiers, together with an unknown number of other soldiers, were identified by superiors as exhibiting hostility to the Mobutu regime. According to the League, none of the soldiers has been accorded due process in accordance with the military criminal code.

IV The Foreign Role

Zaire has long drawn support from major western powers as well as other countries in Africa, Asia and the Middle East. While the principal western allies, France, Belgium and the United States have sought to create some distance from the regime over the past two years, they retain important interests in the country. Only Belgium, the country with the largest military and economic assistance program to Zaire, has broken definitively with the Mobutu regime. France and the United States continue to provide important moral support to the President.

Zaire's other allies -- principally Morocco, Egypt, Israel and South Africa -- have played an essential role in arming and training the security forces that support the President or, in the case of Morocco, in intervening militarily in time of need.⁴⁷ These nations have not taken the same distance from the Mobutu regime during the past two years. They have remained outside the international measures taken to encourage democratic change and have refrained from condemning gross excesses against the population, even when the troops they have trained are implicated.

The Western Allies

Of the western powers, Zairians hold the United States most responsible for President Mobutu's rise and continued hold on power. As Howard University Professor Nzongola Ntalaja told the National Conference in late May, "If France and Belgium have their part in the responsibility for the Zairian debacle, the lion's share goes to the United States."⁴⁸ Mobutu's links to the United States, and in particular his close contacts with the CIA, extend to the period before he became president. Since then, the United States continued to support Mobutu in the face of mounting evidence of corruption, mismanagement and human rights abuses. Belgium, the former colonial ruler, has been the major provider of direct aid and support to the Mobutu regime since independence. France became a major donor beginning in the mid-1970s. All three nations have been actively involved both in economic and military support.

The Cold War provided the justification for much of this support. The U.S. overtly feared that Mobutu's predecessor, the nationalist leader Patrice Lubumba, would become "another Fidel Castro". In contrast, under President Mobutu, western interests were protected; Zaire even allowed itself to serve as a base for U.S. military and diplomatic operations aimed at neighboring states. For almost 20 years, the U.S. worked through Zaire to finance and support Angolan rebel movements aimed at the overthrow of the government in Luanda.

During this time, the State Department actively defended the Mobutu regime and even sought, on occasion, to prevent the disclosure of information that would tarnish President Mobutu's image abroad. At least one high level U.S. diplomat left the foreign service, openly citing his experience in Zaire. As political officer in the U.S. embassy at the time of the second Shaba war in 1978, Robert Remole was prevented from filing reports, even to the human rights division of the State Department, unless they concerned incidents which had already been reported in the press. In 1980, he returned to Washington to testify against the U.S.

⁴⁷In 1977 ("Shaba I"), King Hassan II of Morocco, one of Mobutu's most steadfast allies, sent 1,500 troops to help repel the forces seeking to capture the region of Shaba.

⁴⁸Reprinted in *Elima*, May 20, 1992.

government's policy in Zaire and its request for continued economic and military assistance.⁴⁹ His experience was far from unique. A number of other embassy personnel during this period were actively opposed to U.S. policy, but demonstrated their displeasure in less overt ways.⁵⁰ Even in 1989, by which time State Department human rights reporting had greatly improved, the embassy in Kinshasa continued to avoid reporting certain details that were embarrassing to the Mobutu regime.⁵¹

With few exceptions, the other major western powers similarly supported the Mobutu regime and defended it against censure. In 1982, French President Mitterand agreed to attend an event in Kinshasa despite an ongoing crackdown on the opposition UDPS. His Africa advisor justified the position at the time, declaring that France was not in a position to "systematically and vociferously condemn a government policy which is morally reprehensible."⁵² Belgium, as well, avoided discussing human rights problems in its former colony. In 1989, Belgium's Foreign Minister Marc Eyskens dismissed human rights abuses in Zaire as merely incidental mishaps, or "*bavures*", using the same word frequently cited by Zairian authorities.

By 1990, the major justification for western support to Zaire had come to an end. The Cold War was largely over and negotiated settlements were underway or completed throughout southern Africa. By January 1991, the most important source of Zairian leverage over the United States, the war in Angola, officially came to an end.

Initially, the U.S. government appeared willing to reexamine its relationship to President Mobutu. In the spirit of liberalization that followed President Mobutu's April 24 speech, the U.S. Embassy in Kinshasa opened its doors to members of the Zairian opposition. The annual human rights report, which normally changed little from year to year, was re-written from scratch to reflect a more engaged and better informed criticism. But when security forces attacked students at the University of Lubumbashi in May 1990, the U.S. response was timid in comparison with its western allies.

The government of Belgium broke its links with Zaire when President Mobutu refused to accept an international investigation of the incident, withdrawing its 430 *coopérants*, of which 80 were military advisors and trainers.⁵³ The cut-off cost Zaire \$100 million dollars a year in aid.⁵⁴ France joined in the call

⁴⁹Testimony of Robert Remole before the U.S. Congress, Subcommittee on Africa, March 5, 1980.

⁵⁰Interviews with State Department and former State Department diplomats who served in Zaire between 1978 and 1982.

⁵¹For example, in 1989, when opposition leader Etienne Tshisikedi was under house arrest in a well known location in Kinshasa, Zairian government officials were publicly insisting that he was free. See *Zaire: Repression as Policy*, at 150. When a member of the State Department human rights bureau in Washington visited Kinshasa the same year, her U.S. Embassy hosts told her that they didn't know where he lived and there wasn't time to confirm whether or not he was in fact free. However, the State Department human rights report noted that he "was kept under various degrees of arrest, house arrest or surveillance during most of 1989."

⁵²Quoted in T. Treffon, *French Policy Toward Zaire during the Giscard D'Estaing Presidency*, Les Cahiers du Cedaf, 1989 at 100-101.

⁵³Cedaf, *supra* note 9.

for an international investigation and also reacted with public gestures intended to show its displeasure. The European Community responded with a cut-off of assistance and strong statements of condemnation. The government of Canada intervened to ensure that the prestigious Francophone conference, scheduled to occur in Kinshasa, was removed to another location.

Although the U.S. ultimately condemned the attack on the students and called for an investigation, it fell short of its allies both in timing and language. As a result, the U.S. response appeared to Zairians as an afterthought, rather than a reflection of genuine condemnation. Claims by the U.S. that it was engaged in behind-the-scenes diplomacy did nothing to affect the perception that the U.S. continued to back the President.

Equally, while Congress reduced and eventually cut off economic aid to Zaire, the effects of this act were mitigated by the Bush Administration, which never ceased to oppose the cut-off, and also gave Mobutu symbolic acts of support. As late as the budget proposal for fiscal year 1992, the State Department continued to urge Congress to appropriate military aid to the government of Zaire.

There was little change in policy among the major western allies during the year from May 1990 to April 1991. Belgium remained firm in its opposition to President Mobutu despite mounting pressure. In April of 1991, after the verdict in the Lubumbashi trial, the new Zairian Prime Minister, Mulumba Lukoji, sought to reestablish ties. After a short hesitation, Belgium rejected the overtures. The Belgian government continued to insist that no reconciliation was possible until full light was shed on the Lubumbashi attack.⁵⁵ Belgium's ambassador to Zaire was quoted as telling Mgr. Monsengwo, that there was no way for Belgium to reestablish cooperation with Zaire without it appearing as support for the discredited president "Belgium has wasted too much time with Zaire," he was quoted as saying, "and it is impossible to continue with President Mobutu."⁵⁶

The U.S. and France, in contrast, maintained a low profile. In France, a relatively open split developed between the Foreign Ministry and the office of the President on Zaire policy. French diplomats acknowledge that the office of the President has blocked diplomatic initiatives against the Mobutu regime.⁵⁷

During this time, the U.S. continued to reassure President Mobutu of its continued support, while urging him to accept democratic change. On April 9, 1991, President Bush delivered a letter to President

⁵⁴C. Braeckman, *Le Dinausaure: Le Zaire de Mobutu*, (Fayard) 1992.

⁵⁵See Cedaf, *supra* note 9. The government laid down two other conditions as well, that the government of Zaire should end all measures taken against Belgian interests in the spring of 1990 and that Zaire should reach an agreement with the IMF and the World Bank.

⁵⁶Quoted in Cedaf, *supra* note 9.

⁵⁷French policy on Africa is divided between the Foreign Ministry (*Quai d'Orsay*) and the office of the President (the *Elysée*), but the President's advisor on Africa has historically dominated. This has also been true in recent years under President Mitterand. Since 1981, the President's primary advisor on Africa has been his son, Jean-Christophe Mitterand. See S. Smith and A. Glaser, *Ces Messieurs Afrique* 1992.

Mobutu which reflected this approach.⁵⁸ In his letter, President Bush thanked the President for Zaire's support during the Gulf War and assured him that "despite the restrictions imposed by the Congress, Zaire remains one of the principal beneficiaries of U.S. aid in Africa." He went on to complement the Zairian president for initiating the democratic process and urged him to persist "despite the opposition of those around you who desire to maintain the status quo." He assured President Mobutu that "the U.S. supports you, as well as other concerned Zairian political leaders while you are taking part in a process [of democratization]."

Congressional objection to Zaire's human rights record resulted in the complete cut off of new aid to Zaire, starting in fiscal year 1991. In August 1991, the "Brooke" amendment led to a cut off of continuing U.S. assistance for Zaire's failure to repay debts to the United States. In her letter to the Prime Minister informing him of the shut down of USAID programs, the new U.S. Ambassador, Melissa Wells, pointed out that she could imagine "no possibility of a resumption of development programs in Zaire" until there was a "government benefitting from vast political support" that put into place a structural adjustment program approved by the IMF and the World Bank. The shut down resulted in a loss of \$13 million dollars intended for Zaire.

The September looting spree put renewed pressure on the Western nations to respond. When the looting first erupted in Kinshasa, Belgium and France sent in troops immediately to protect their interests and evacuate foreign nationals. The two countries were concerned that their intervention not be interpreted as support for President Mobutu. At the time, French government officials made some of their strongest statements yet in personal opposition to President Mobutu.⁵⁹ With the backing of the Foreign Minister, Roland Dumas, the French Ambassador Rethoré used the presence of French troops to apply active pressure to President Mobutu to accept a compromise with the opposition.⁶⁰

The U.S. participated in the evacuation but it did not coordinate its response with the governments of France and Belgium. The U.S. reportedly failed to attend a first coordination session organized by the two countries. At a second meeting in late October, press reports indicated that the Assistant Secretary of State for African Affairs, Herman Cohen, was unable to reach an agreement without returning to Washington for consultation. The absence of a U.S. response was widely perceived as a vote of confidence for President Mobutu at a time when U.S. allies were treating him coolly. When President Mobutu told reporter Steven Smith of *Liberation* that the U.S. continued to support him, his statement reflected, at the very least, the popular conclusion drawn from U.S. conduct at that time.⁶¹

Soon afterwards, the U.S. began to harden its position towards the Zairian president. In his

⁵⁸The Zairian government initially released portions of the letter that were most supportive of the President, of which there are a number. In order to correct any misimpression, the U.S. Embassy decided to release the entire French text.

⁵⁹The French State Secretary for Humanitarian Affairs, Bernard Kouchner, attacked President Mobutu as a "walking bank account" who should return the money that he had stolen from his citizens. The Foreign Minister, Roland Dumas, expressed regret that he could not use similar language to express his disdain for Mobutu. *Le Monde*, September 29, 1991.

⁶⁰*Le Monde*, September 26, 1991 at 3; Braeckman at 364.

⁶¹*Liberation*, October 28, 1991.

November 6 testimony to the U.S. Senate, the administration's top Africa policy maker acknowledged the obstructionist role that the President had been playing. Assistant Secretary Cohen told the Senate Africa Sub-committee:

Recent events have proved beyond any doubt that the present regime under President Mobutu has lost the legitimacy to govern Zaire during the transition to democracy.⁶²

But the Assistant Secretary did not go as far as many Congressmen and Senators wanted. He continued to insist that President Mobutu's presence in the country was necessary for the transition process. In the same testimony, he also appeared to countenance Mobutu's tactics for holding power when he referred to the security forces as the "glue that held Zaire together" in the past.

The first major change in U.S. tactics came in January 1992, after Prime Minister Nguz suspended the National Conference. For the first time, the U.S. joined France and Belgium in a joint *démarche* aimed at President Mobutu. Representatives of the three countries met in France and then sent their representatives to present the *démarche* to President Mobutu aboard his yacht on the Zaire river.

The primary purpose of the joint *démarche* was to pursue the reopening of the National Conference. Following their meeting with the Zairian President, the three western allies also paid a visit on the provisional president of the Conference, Bishop Mosengwo. However, while the *démarche* signalled an important vote of confidence for the Conference, its impact was dulled by President Mobutu's manipulation of western policy makers. When the three diplomats arrived at their meeting with the President, they were surprised to find that not only did President Mobutu already have a copy of the *démarche*, but he was aware of the various drafts that had been considered and rejected.⁶³

Following the February attack on the Christian demonstrators, the U.S. responded immediately and decisively, in emphatic contrast to its prior practice. U.S. Ambassador Melissa Wells, who, as ambassador in Mozambique had made a reputation for her engaged diplomacy, visited hospitals as the attack was occurring and succeeded in eliciting a strong condemnation from the State Department by the next day. The joint meeting with President Mobutu and the western emissaries occurred on February 18, two days after the attack. The U.S. ambassador used the occasion of the meeting to raise the event with him and subsequently with the Prime Minister and Interior Minister.⁶⁴

Non-Western Support

⁶²Testimony of Herman Cohen to the Foreign Relations Africa Sub-Committee of the U.S. Senate, November 6, 1991.

⁶³When asked how this could have happened, one of the diplomats -- who was present at the meeting -- shrugged his shoulders and commented that President Mobutu had "high level friends" in the capitals of all three of the countries involved.

⁶⁴In this and subsequent statements, the State Department insisted on the importance of the National Conference, which it qualified as "the best hope for a peaceful transition to democracy." The February 17 Statement was followed by another on February 25, in support of Bishop Mosengwo's efforts to reopen the Conference in the face of strong government opposition. In that statement, the State Department reiterated its call for prosecution of those who opened fire on the February 16 demonstrators.

Zaire has been of special interest to a number of African and Middle-Eastern countries as well. Morocco, Egypt and Israel have all provided substantial support to the Mobutu regime. President Mobutu's close ties to the Moroccan King resulted in his direct military support during the first Shaba war in 1977. Under President Nasser and then again under President Mubarak, Egypt has had substantial numbers of military and technical advisors in the country. It is an indication of President Mobutu's continued good relations with the two countries that both received him on official state visits as recently as April 1992. Israel had close relations with Zaire from independence until diplomatic relations were cut off in 1973, and then again from 1982 until the present. Both the Israeli President and the Prime Minister visited Zaire on official state visits in the early 1980s.

The primary significance of the non-western nations is currently the support which they provide to the specialized security forces. Israel, Egypt and South Africa have all played a significant role in this domain. In recent months, a coalition of human rights groups, *Droits de l'Homme, Maintenant*, has written to the governments of each of these countries, asking them to recognize the violent impact of their aid and to contribute to the democratic process in the country. There has been no reply in the three months since the letters were delivered.

Israel - Zaire was the first African country to reestablish diplomatic relations with Israel following the massive break-off that followed the 1973 "Yom Kippur" war. Before 1973, a number of Zairians, including President Mobutu and General Nzimbi, had been brought to Israel for parachute training. As a condition of reestablishing relations, Israel became involved in forming, training and arming the DSP and the Kaminyolo Division, which by then had fallen on hard times and lacked the most rudimentary equipment.⁶⁵ The Kaminyolo Division was eventually dissolved and Israeli trainers then concentrated their attention on the DSP and, more particularly, according to Belgian journalist Colette Braeckman, on its 400 man "Dragon" division.⁶⁶

According to the Israeli embassy in Kinshasa and diplomatic observers, Israel withdrew its remaining military trainers after the September looting campaign. One high military official has remained in the country but the embassy reports that he has no role in the Zairian Security forces.

On the other hand, Israel has one of the few embassies that acknowledges having close contacts with the Defense Minister Ngbanda. Ngbanda was First Secretary and then Ambassador to Israel after Zaire reestablished diplomatic ties with Israel in May 1982.⁶⁷ Although Israeli diplomats have told the opposition that they have no interest in bolstering the regime of President Mobutu, they have made no public statement in opposition to the use of force by the DSP during the February 16 march or before.

Egypt - Trainers arrived in Zaire in 1987 to take over training of the Garde Civile. Egyptian sources

⁶⁵ According to informed Israeli sources, there were two other conditions, (i) that Israel stimulate investment and (ii) that Israel use its good offices in order to promote support for Zaire in the United States, particularly among American Jews.

⁶⁶ Braeckman, *Le Dinausaure*, at 60-63.

⁶⁷ Emmanuel Dungia, *Mobutu et l'argent du Zaïre* at 71. In 1985, Ngbanda returned to Zaire to head the political police, the AND.

say that their trainers engaged only in routine police and border controls and that they were never involved in the command structure of the Civil Guard. The trainers remained in the country after the September 1991 looting. However, foreign diplomatic observers report that they had left the country by spring 1992, leaving behind only one or two military doctors. In late April, however, President Mobutu visited Egypt; soon afterwards Zaire announced that it had concluded an important contract to assure the delivery of petroleum products. However, many foreign observers claim that Mobutu was seeking to reestablish military cooperation.

South Africa - Zaire does not have diplomatic relations with South Africa, however, the substantial South African interests are handled out of an economic affairs office. The official role of South Africa in the training of the specialized forces has remained obscure. South Africa has acknowledged providing conventional military training in Zaire but insists that the training ended in July 1991.⁶⁸ The government also denies that it was involved in training for nonconventional warfare. Foreign diplomatic observers report that South African trainers returned to the country again after July 1991 and that training continued in the spring of 1992.

Current Directions

In the present circumstances, many Zairians have exaggerated expectations of what the western governments are willing to do to support a democratic transition. A number of opposition leaders told Africa Watch that they expected the western governments to send in troops to disarm the security forces and ensure a peaceful transition to democracy. The western embassies uniformly dismissed such expectations.

But there is also a widespread belief that the primary reason that President Mobutu remains in the country is because of continued U.S. support. When the National Conference was cancelled in January, many Zairians openly blamed the U.S.. The cancellation was followed by a noted increase in violence against Americans. Gerald Scott, the political officer at the U.S. Embassy was attacked as he drove through a crowd in an official car. A U.S. journalist was seriously harassed by a crowd when she disclosed that she was American. The response of U.S. diplomats has not always helped the situation. Although the U.S. response to the February 16 march helped to assuage anti-U.S. fervor, Assistant Secretary Cohen stirred up further anger when, in an interview following his February 27 meeting with President Mobutu and Mgr. Mosengwo, he stated that President Mobutu "continued" to support the democratic transition.

The outburst of anti-U.S. anger calmed in the last week of March when the U.S. Embassy delivered a letter from President Bush to President Mobutu. The contents of the letter have not been made public. However, soon after the letter was delivered, President Mobutu announced that the National Conference would reconvene on April 6. Many Zairians believe that the letter was responsible for President Mobutu's decision to reopen the conference.

In contrast to what are perhaps exaggerated expectations from the Zairian opposition, the western nations tend to exaggerate their own impotence. U.S. diplomats are dismissive of the notion that they can convince the President to leave the country. However, this appears disingenuous at a time when the U.S. continues to support President Mobutu's presence in the country despite mounting popular and Congressional pressure. During appearances before the U.S. Senate in November and again on February 5,

⁶⁸See for example, François Misser, "Belgian Mercenaries for Zaire", *New African*, April 1992 at 40.

senators pressed Assistant Secretary Cohen on this subject. A resolution adopted by the House and Senate called on President Mobutu to step down. Several senators and congressmen have individually written to the Secretary of State to the same effect. However, Assistant Secretary Cohen has insisted that President Mobutu's continued presence is necessary "to ensure stability".⁶⁹

At a recent Washington conference, the chairman of the Africa Subcommittee of the Senate confirmed to participants that support for President Mobutu went well beyond the State Department. He confirmed that Zaire policy in the U.S. was coming directly from President Bush who felt that there was no sufficient reason for dropping support to the U.S.'s long time friend, the President. French policy appears to be at a similar impasse. There are reports that, on a number of occasions, the French ambassador to Zaire has been prevented from taking measures that would indicate a complete rupture with President Mobutu. The measures were blocked by President Mitterand's office, which continues to maintain close contacts with President Mobutu's supporters.

Beginning in March 1992, Zairian human rights groups have written to the U.S. and other nations to urge them to take concrete action to increase pressure on President Mobutu and his entourage. The human rights coalition, *Droits de l'Homme, Maintenant* and the Lay Coordinating Committee that organized the February 16 march have called on western governments to deny entry to Zairians who were involved in the February 16 repression or engaged in blocking the democratic process and to freeze their bank accounts abroad, among other things.⁷⁰ The response from the western nations has thus far been tepid. In late May, Assistant Secretary Cohen responded to *Droits de l'Homme, Maintenant* that the United States would consider these options, though they presented "legal and budgetary problems".

In fact, at the time the letter was delivered, U.S. Embassy officials confirmed that Defense Minister Ngbanda, who was actively involved in the February 16 crackdown, was on a "private visit" to the U.S.. President Mobutu was in France on another private visit shortly thereafter.

⁶⁹February 5 response to question of Senator Kassebaum. According to the U.S. administration, President Mobutu ensures stability through his control over the security forces; November 6 response to Senator Simon.

⁷⁰Letter of March 20, 1992, from *Droits de l'Homme, Maintenant* to President Bush and Memorandum of the Lay Committee for Coordination.

Conclusions

There have been dramatic changes in Zaire during the past two years. But none of them are reflected in the structure of the government or the security forces. The government of President Mobutu has changed its strategy, but not its goals. The President has continually reaffirmed the fact that though he has tolerated the reopening of the National Conference, he will do everything possible to prevent it from achieving its goal. The conduct of the security forces in repressing the "March of Hope" on February 16 is an indication of what may be in store when the Sovereign National Conference asserts real "sovereignty" over the affairs of state, and event which now appears imminent.

Besides the President himself, it is his coterie of security force chiefs who are most committed to stopping the democratic process. They have nothing to gain from a transition. Despite his high position, for example, the current Minister of Defense Ngbanda was directly involved on the streets of Kinshasa in repressing the February 16 march of Christians.

Mobutu provides a last, illusory hope to these recalcitrant security force commanders. So long as he continues to dangle the prospects of continued rule, they continue to prepare the means of enforcing that dream. Contrary to the U.S. position that Mobutu is necessary to assure the loyalty of these forces in transition, it is his presence which prevents them from acknowledging the current reality. If President Mobutu is not fully and publicly isolated from power over the process of democratic transition, the prospects for democracy and human rights are severely hampered.

Africa Watch's Recommendations

Africa Watch calls on the Government of Zaire to:

- * **Recognize the authority of the National Conference to establish an interim Constitution and government with the full authority to guide the affairs of state until a referendum and elections;**
- * **Subject the security forces and army to the complete control of the government established by the National Conference;**
- * **Begin the process of reintegrating the Specialized Security Forces into the national army.**
- * **Conduct a full investigation into the Lubumbashi Massacre, and bring those responsible to trial;**
- * **Conduct a full investigation into the repression of the "March of Hope" and bring those responsible to trial.**

Africa Watch calls on the western governments, particularly France, Belgium and the United States to:

- * Recognize the full authority of the National Conference to guide the affairs of State, and consult with the National Conference regarding all issues of diplomacy and aid;**
- * Support the process of integrating the Specialized Security Forces into the national army;**
- * Cooperate with *Droits de l'Homme, Maintenant*, the coalition of Zairian human rights groups, in developing policies that will prevent Zairian human rights abuses from taking advantage of western refuge and leaving the country with impunity;**
- * Condemn the manipulations of the transitional process perpetrated by President Mobutu.**

In particular, Africa Watch calls upon the United States to reverse its current position that the continued presence of President Mobutu is necessary for the transition process. The U.S. Administration should immediately, publicly and emphatically distance itself from Mr Mobutu and his coterie of security force chiefs and advisers.

Africa Watch calls on the United Nations to pursue its investigation of the Lubumbashi massacre and other human rights abuses previously undertaken by the Commission on Human Rights.

Africa Watch calls on Zaire's other allies, particularly Israel, Egypt and South Africa, to:

- * Firmly declare their opposition to the abuses of human rights carried out by forces which they have trained or equipped;**
- * Cease any further training or equipping of such forces;**
- * Declare their willingness to assist in the democratic transition, and in particular, in the integration of the Specialized Security Forces.**