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ZAIRE

**REPORTS OF TORTURE AND KILLINGS
COMMITTED BY THE ARMED FORCES
IN SHABA REGION**

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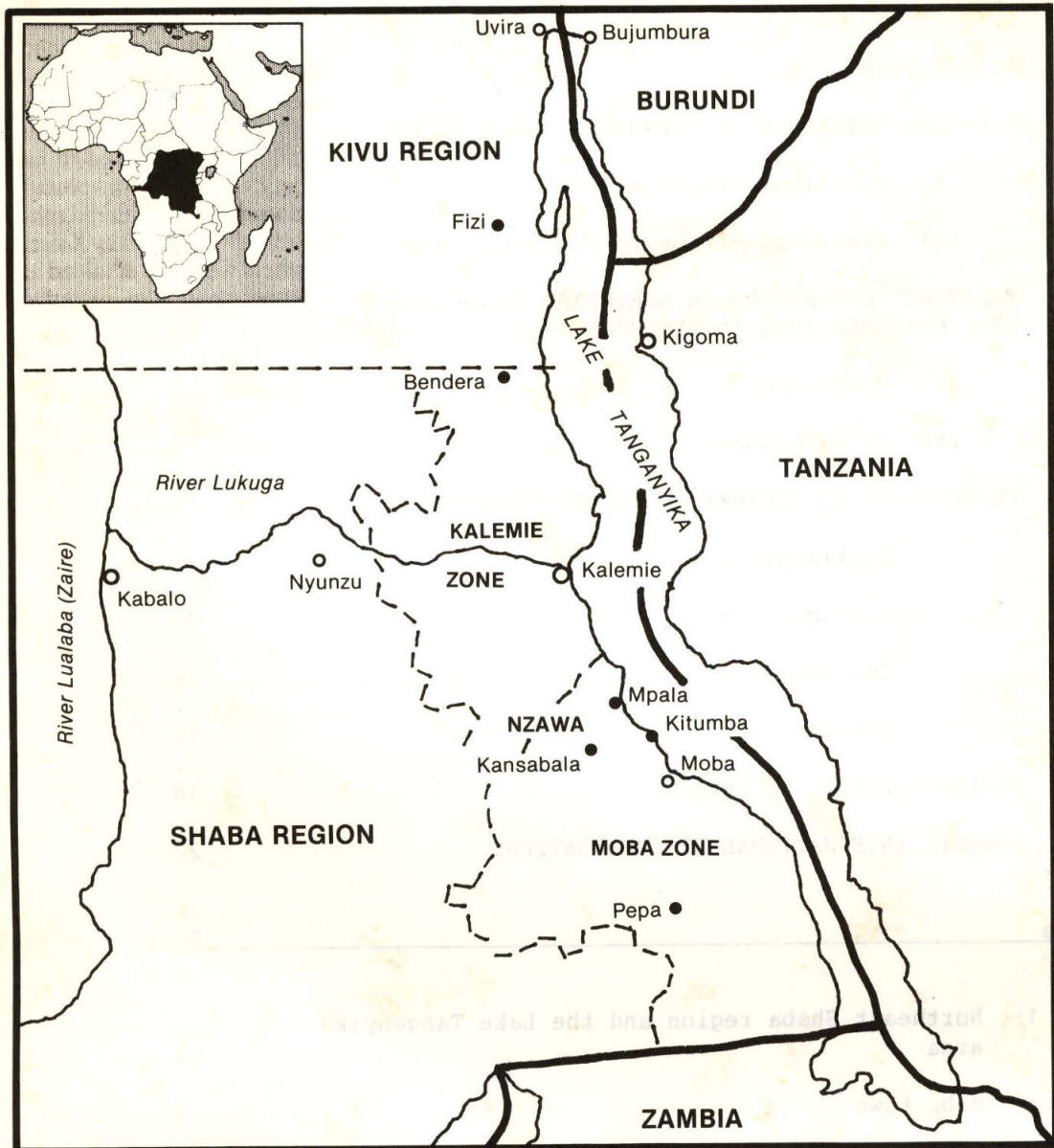
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1 INTRODUCTION

In November 1984 a small town in Zaïre's southern Shaba <1> province achieved international publicity for several days when it was overrun by armed opponents of the government of President Mobutu Sese Seko. Once the town, Moba, was recaptured by government troops two days later it received little further publicity. However, during the next few months Moba and the surrounding countryside were effectively placed under military rule and subjected to counter-insurgency operations which involved the arrest of hundreds of unarmed civilians, a significant number of whom became victims of either torture or extrajudicial execution.

The human rights abuses committed in Moba first received international publicity in May 1985, when the French newspaper, Le Monde, published the findings of a journalist who had visited Moba and collected details about violations of human rights which had followed Moba's recapture in November 1984. Among other incidents, it was alleged that 30 prisoners had been killed by soldiers on 10 February 1985 in the village of Katandala (or Kansabala), 40 kilometres northwest of Moba. However, the Zaïrian authorities denied these allegations, claiming that "everything was peaceful" in the vicinity of Moba.

From the beginning of 1985 onwards, Amnesty International has been receiving reports about human rights violations alleged to have been committed by the *Forces Armées Zaïroises* (FAZ), the Zaïrian Armed Forces, in the northeast part of Shaba province. However, the organization's investigations have indicated that serious abuses were not limited to the Moba area alone, but were also extensive throughout those parts of Shaba bordering on Lake Tanganyika, particularly in the town of Kalemie. Furthermore, it appears that the FAZ were already detaining and torturing suspected government opponents in this area before Moba was occupied by an armed opposition group in November 1984.

Amnesty International has collected reports about arrests, torture and extrajudicial executions in northeast Shaba, relating in particular to the period between July 1984 and July 1985. The sources of these reports include former residents of Kalemie and Moba and others who have visited the areas since November 1984. Access to Kalemie and Moba is difficult since the towns are 1600 kilometres from Zaïre's capital, Kinshasa, and 600 kilometres from the administrative capital of Shaba, Lubumbashi, and Amnesty International representatives have not visited the area. However, the organization has been able to interview individuals from both Kalemie and Moba, including former political prisoners, some of whom bear marks consistent with their allegations of torture. The testimonies of four of these former prisoners are reproduced below. All of them allege that while in military custody they were detained incommunicado without charge and without regard to any legal procedures; they also say they were held in harsh conditions and were subjected to torture. The

<1> Previously known as Katanga province

forms of torture reported include severe beatings and whippings, in some cases with barbed wire, burns inflicted with cigarettes, electric shocks applied to the genitals, and other forms of torture which resulted in intense pain in the hands or genitals.

In addition to the testimonies of former prisoners, details are given below of extrajudicial executions alleged to have been carried out in Moba, Kalemie and elsewhere between November 1984 and June 1985. Because of the difficulties and delays experienced in getting accurate information about events in northeast Shaba, Amnesty International has not received detailed reports about the human rights situation in this area in the second half of 1985, but is concerned that in the absence of action to prevent further killing and torture of prisoners, violations of human rights similar to those reported below may be continuing.

The background to the events of November 1984 and arrests in northeast Shaba are also outlined below and details are provided both of the legal powers of arrest and detention which may be exercised by the armed forces in Zaïre and of the measures which Amnesty International considers necessary to bring an end to the abuses committed by the Zaïrian Armed Forces.

2 POLITICAL SITUATION IN NORTHEAST SHABA REGION

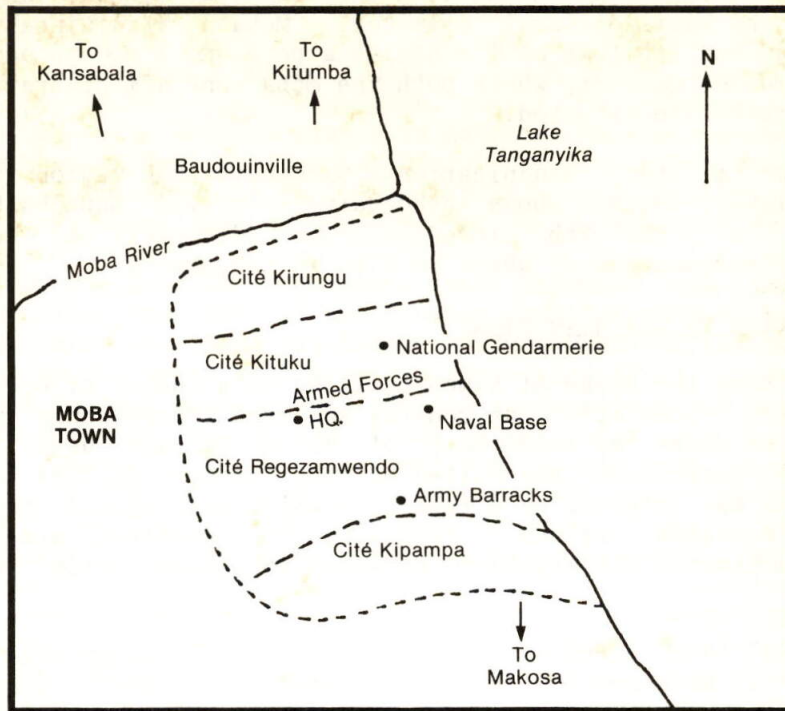
i) Political organization

Shaba province, or "region" as it is known in Zaïre, is divided into a number of sub-regions for administrative purposes. The sub-region which runs along Lake Tanganyika up to Kivu region in the north is called Tanganyika sub-region, the administrative capital of which is the port of Kalemie (see Map 1). The sub-region is made up of six zones, of which the two bordering Lake Tanganyika are Kalemie zone to the north and Moba zone further south. Both of these zones are further subdivided for administrative purposes into *collectivités* (town or village groups), four in Kalemie zone and six in Moba, and each *collectivité* is made up of a number of *localités* (villages in rural areas or wards in towns). Each administrative division from *collectivité* upwards has a government-appointed head or commissioner, but *chefs de localité*, village or ward chiefs, are local headmen appointed according to tradition.

In addition to being Tanganyika sub-region's administrative capital, Kalemie is also an important port and commercial centre with a population of about 60,000. It contains an army base, Camp Mahito, on the southwest side of the town, and also a naval base, the main Zaïrian naval base on Lake Tanganyika, on the north side of the town. Both camps contain their own detention centres, which are used for detaining civilians as well as military personnel. In the middle of the town there is also the *Etat-Major des FAZ*, Zaïrian Armed Forces Headquarters, where prisoners have been held, and the National Gendarmerie's detention centre, known as the *Permanence*. Finally, the town also contains a branch office of the national security service, the *Agence nationale de documentation* (AND), National Documentation Centre, where prisoners may also be held. Amnesty International is consequently aware of five separate locations in Kalemie where political detainees have been held. In addition, the town has an ordinary prison for Tanganyika sub-region, but political detainees are not known to have been held there.

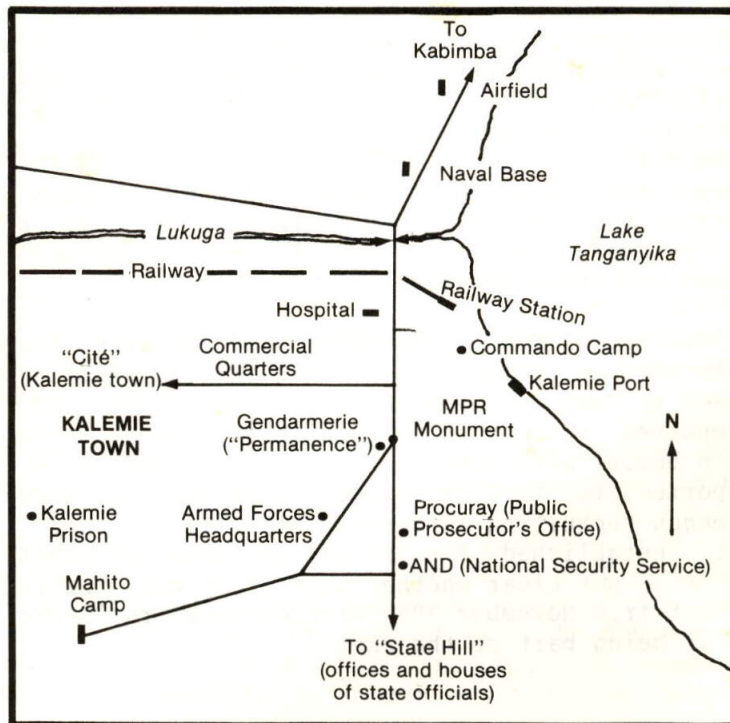
Moba Town

Showing the town's four wards and main detention centres



Kalemie Town

Showing the main military camps and detention centres



Note: these maps are not to scale, and were compiled on the basis of information provided by informants.

Moba is much smaller than Kalemie, but before November 1984 it had a population of about 8,000, its own fishing fleet and, like Kalemie, was also used by smugglers travelling to neighbouring Tanzania and Zambia. Gold is found throughout the highlands which run down the west side of Lake Tanganyika, and this often forms the basis of local commerce. Moba's traditional centre is known as Kirungu and the town also contains a port and a modern administrative centre in Regezamwendo quarter, where both the Moba zone administrative offices and military barracks are situated.

In terms of military organization, Tanganyika sub-region forms part of Zaïre's first military region, whose headquarters is in Lubumbashi. It is similarly part of the 8th *circonscription* (district) of the National Gendarmerie, the headquarters of which is also in Lubumbashi.

ii) Armed opposition to the government

Shaba region has been the scene of armed conflict on a number of occasions over the past 25 years. Soon after the country achieved independence in June 1960, secessionist forces under the leadership of Moïse Tshombe were involved in fighting central government and United Nations' troops. In 1964 the northeast part of the region was affected by a rebellion which also spread through Kivu, Haut-Zaïre and Bandundu regions. Following the rebellion, armed opposition groups remained active in the highlands between northeast Shaba and southern Kivu regions.

In 1977 and 1978 parts of Shaba region were overrun by armed government opponents based in neighbouring Angola. However, northeast Shaba was not directly affected by this insurrection. Nevertheless, throughout the 1970s an armed opposition group known as the *Parti de la révolution populaire* (PRP), Popular Revolution Party, resisted government forces in the highlands along the Kivu-Shaba border. The PRP was located in two areas in particular, known as Ewabora and Wimbi. In reaction to these activities, Kalemie zone and the zones of Fizi and Uvira in neighbouring Kivu were classified by the armed forces as "operational zones" where counter-insurgency operations were in progress. However, by the early 1980s violent confrontations between armed opposition groups and government troops were reportedly rare and, following the announcement of a partial amnesty for government opponents in May 1983, members of the PRP are reported to have held a number of meetings with the authorities to discuss the terms of the amnesty. Furthermore, the two sides are also reported to have engaged in various forms of commerce, exchanging commodities such as gold for food and other provisions.

Before the occupation of Moba in November 1984, however, there continued to be some armed resistance to the government in northeast Shaba apparently coming from PRP groups based in Ewabora and Wimbi. In October 1984, for example, PRP guerrillas are reported to have clashed with government troops at Bendera, a village near Shaba's border with Kivu region. In mid-1984 a third centre of opposition is reported to have developed, based on Mount Nzawa, northwest of Moba, and to have begun recruiting members in Moba. This group, like those in Ewabora and Wimbi, established itself in an area not usually patrolled by government forces. It is not clear whether this group was initially affiliated to the PRP or not, but from November 1984 onwards local residents appear to have regarded the group as being part of the PRP.

When Moba was occupied by an armed opposition group in November 1984, government representatives claimed that the group had come across Lake Tanganyika from Tanzania. The Tanzanian Government denied this allegation. People living in Moba at the time have claimed that the group came from the direction of Mount Nzawa, not across the lake. Between November 1984 and January 1985, PRP groups based further north also carried out a number of operations in the Kalemie area. They abducted, on 14 November 1984, a French civilian, Andre Lézy, who was living in Kalemie. He was eventually released in June 1985. They staged an ambush on soldiers outside Kalemie at the end of November 1984, attacked the town's airfield on 9 December 1984 and briefly occupied Kalemie's naval base on the night of 14/15 January 1985.

During 1985 the Zaïrian Government has repeated its claim that armed government opponents have entered the country from Tanzania or Burundi, alleging that these opponents have been trained in using explosives in Libya. Opposition groups, such as the *Parti de libération congolaise* (PLC), Congolese Liberation Party, are said to have been responsible for recruiting young men in order to send them into Zaïre to set off explosions. After these allegations were made by the government, Amnesty International received reports from May 1985 onwards of the arrest of a considerable number of young men accused of being "Gaddafistes", or supporters of the Libyan leader, Colonel Mu'ammarr Gaddafi. Many appear to have been detained arbitrarily on the basis of no evidence other than that they were travelling away from home and were not known to the soldiers who arrested them; they were consequently accused of being government opponents who had recently returned to Zaïre after training abroad. Some of these arrests seem to have been carried out with the aim of extorting ransoms from prisoners. However, these arrests are reported to have been most numerous in Kivu region, near Zaïre's border with Burundi, and not in Shaba.

In June 1985 government representatives announced that an armed opposition group had launched a further assault on Moba and had been repulsed. Two soldiers were said to have been killed and two members of the armed group which had launched the assault were said to have been captured. However, individuals from Moba have claimed that it was at this time that government troops launched a major counter-insurgency drive against armed opposition groups in Ewabora, Nzawa and Wimbi, and that there was no opposition attack against Moba.

Apart from the armed opposition groups, a number of other political opposition organizations were reported during 1984 to be active in the Kalemie area, although they are not known to have been involved in acts of violence. These included the *Muungano wa Wananchi Wanamapinduzi wa Kongo-K* (MWAMKO), the Kongo-K (Kinshasa) People's Revolutionary Movement, and several groups advocating the political and cultural union of the "Lualaba" area, the Kiswahili speaking provinces of Shaba, Kivu and Haut-Zaïre.

Before the events of November 1984 in Moba, political arrests had already been reported earlier in the year in both Kalemie and Moba. In mid-1984 a number of arrests occurred in Kalemie, apparently in response to a campaign calling on people to boycott the presidential election in July 1984, for which President Mobutu Sese Seko was the only candidate. Two arrests of a political nature were reported in Moba in the first half of November 1984. These were of two men apparently suspected of being in contact with the opposition group based at Nzawa: Kalabe Kimbokoto Alphonse, a local notable and member of the Shaba regional assembly, and Katele, a clerk working for the Moba *collectivité*

administration. They were arrested by soldiers in early November 1984 and taken to Kalemie for questioning. However, they were released uncharged on about 11 November 1984.

3 MILITARY OPERATIONS IN NORTHEAST SHABA REGION FROM NOVEMBER 1984 TO DECEMBER 1985

i) Moba zone

On 13 November 1984 armed government opponents occupied Moba town. They apparently met little resistance from the local army garrison, which consisted of about 100 men. They remained in the town for two days. At the time of the attack they are reported to have killed about 10 soldiers in combat and subsequently to have executed a number of townspeople accused of "collaborating" with the government. When an airplane landed at Moba airstrip piloted by a Canadian missionary and carrying two army colonels who were apparently unaware that the town was under rebel control, the officers were captured and the pilot shot dead.

While the armed opponents remained in Moba, large numbers of the town's inhabitants either fled to hide in the countryside or sought refuge in the town's hospital and Roman Catholic mission.

On 15 November 1984 government forces recaptured Moba. According to government sources they inflicted some 122 casualties on the rebel force during the course of the fighting. However, Moba residents interviewed by Amnesty International have claimed that the armed opposition group abandoned the town as soon as they saw military aircraft overhead and that most of the casualties occurred when soldiers opened fire on unarmed civilians or, in apparent error, on other units of the government forces.

The armed forces, in particular the 31st Airborne Brigade of "paracommandos" (paratroops), accompanied by the 13th Naval Brigade which had previously been based in Moba, immediately began searching Moba for armed rebels or civilians who had supported them in some way. They are reported to have arrested people in their homes and in the hospital and also when those who had sought refuge outside the town began returning home. Soldiers are also reported to have set fire to and destroyed a considerable number of houses, including most residences in the Karondja 1 and Karondja 2 areas, and the Sante we Leza primary school. Prisoners are reported to have been taken to the armed forces' headquarters, to the local airstrip, to the local zone administration's offices and to other temporary detention centres. When the military authorities concluded that there was serious evidence of a prisoner's complicity with the armed government opponents, the individual is said to have been executed without receiving any trial or other form of hearing. Among those reported to have been executed in this way during the first week following Moba's recapture (whose names have been cited by all the former inhabitants of Moba interviewed by Amnesty International) were:

- 1 Katele, the clerk previously arrested in early November 1984;
- 2 Kaponda Joseph, a headman in Kirungu;
- 3 Kasinde Joseph, a tax collector in Moba;
- 4 Kasinge Edouard, a headman in Moba;
- 5 Ng'anga, described as a practitioner of local religion and magic.

In addition to these victims, whose deaths appear to have been widely reported because of their prominence in Moba, others who were executed extrajudicially are said to include two tailors, Torbo and Yalulu, and a decorator, Nkonzi.

During the month following Moba's recapture a considerable number of local notables are reported to have been detained by the armed forces. Some, such as Kalinde, the head of Kituku *localité*, are reported to have been tortured (his leg is said to have been broken as a result). Some are said to have been able subsequently to pay ransoms to arrange their release. Further arrests of local headmen in both Moba and the surrounding countryside were reported in February 1985, when they were apparently taken to Kalemie for questioning but then released. A local official of the ruling party, the *Mouvement populaire de la Révolution* (MPR), People's Movement for the Revolution, was evidently also detained for about a month at this time.

Apart from local chiefs and notables, who seem to have been the first targets of arrest, individuals suspected of smuggling, such as Kapapa, who operated two boats on Lake Tanganyika, and Ntomba, a trader, were detained, apparently because they were suspected of maintaining links with government opponents based across the lake in either Tanzania or Zambia. Those arrested also included fishermen, such as Kaburo Etienne, and others whose work involved travelling outside Moba, such as a Greek merchant and a gold prospector, Kiatengwa. Others detained included the wife and children of Kalabe Kimbokoto Alphonse, who had been arrested in early November but escaped arrest following the events of mid-November; a photographer, Zumba David; and a doctor, Muri, who lived in Pepa, a village south of Moba. All these prisoners were detained in harsh and crowded conditions in military custody, and in some cases tortured, before their release was arranged, usually on payment of a ransom or after some other outside intervention. A considerable number of girls attending the Institut Alfajiri secondary school are also reported to have been questioned about allegations that they had aided and hidden armed rebels and several were allegedly raped during their interrogations.

A number of soldiers from Moba garrison were also arrested. The garrison commander, Captain Kisimba, was sent for trial by court martial on charges of failing to follow orders at the time of the opposition attack on Moba. On 8 December 1984 he was convicted and sentenced to 10 years' imprisonment.

The total number of arrests and killings of prisoners in Moba town cannot be estimated by Amnesty International. Individuals from Moba claim that dozens were shot in late November 1984 and that further arrests and occasional executions continued well into 1985. In early 1985, for example, a man previously involved in smuggling returned to Moba from Zambia and was accused of carrying messages for government opponents: he was reportedly executed in the presence of his father. A former prisoner has reported that in July 1985 five

detainees were executed extrajudicially at night outside the armed forces' headquarters in Moba.

Amnesty International is seriously concerned about the reported extrajudicial execution and torture of prisoners arrested in Moba from November 1984 onwards. The organization is also concerned about the complete absence of legal procedure governing the arrests: no effort appears to have been made to ensure that suspects were arrested or remanded in custody in accordance with Zairian law and none of the civilians arrested in Moba is known to have been charged or brought to trial.

Within a few days of the recapture of Moba by the armed forces, troops launched a counter-insurgency operation in the surrounding countryside. During this operation a number of people suspected of being rebels, such as Maliabwana, were reportedly captured and executed. Troops are also reported to have followed the trail of armed government opponents northwards to the lakeside village of Kitumba, where they apparently learned that several villagers had joined the rebels. Apparently in reprisal, troops are reported to have barricaded a number of men into a house and set it on fire, burning alive all those inside.

In February 1985 government forces launched a further drive against the armed opposition group based at Nzawa, northwest of Moba. Although they apparently did not encounter armed opposition, they reportedly found provisions abandoned by the government opponents and interpreted this as evidence that local villagers in Kansabala *collectivité* had been providing the supplies. The Kansabala chief is reported to have been arrested and about 30 unarmed civilians are said to have been arrested in Kansabala village and executed. It seems that the chief may have been one of those killed. The troops also destroyed houses, not only in Kansabala, but also in nearby Kazongwe, Kapakwe and Kumbula.

Counter-insurgency operations reportedly continued later in the year. On a number of occasions, troops are alleged to have recruited porters from among the political detainees held in Moba and to have subsequently executed them : two primary school teachers who had been imprisoned for several months, Kakuji and Tshela, reportedly went missing in this way in July 1985. In September 1985 official sources announced that the armed forces were organizing exercises in Moba zone, but Amnesty International does not have information about more recent military operations in the Moba area.

ii) Kalemie zone

Less than two weeks after the occupation of Moba in November 1984, armed men are reported to have ambushed a group of soldiers on a road six kilometres west of Kalemie. Following this incident, arrests began in Kalemie town of individuals suspected of being in contact with government opponents. The groups for arrest were often similar to those in Moba. Among the first to be arrested, for example, were two boat owners, Essoba Paul and Kithima Mukosumaili, who were taken into military custody : it is not known if they were subsequently released. Two other boat owners, Ayuba and Kazebwa, are also reported to have been arrested by soldiers, and in this case they are alleged to have been executed subsequently. As in Moba, smugglers and others operating boats on Lake Tanganyika were suspected of transporting or supplying armed opposition groups.

The number of arrests increased each time that PRP groups near Kalemie were active. For example, arrests occurred after the murder of a local headman at the beginning of December 1984 and also after a PRP attack a month later on Kabimba, a lakeside village with a cement factory 50 kilometres north of Kalemie. The local headman, Moni, is reported to have been killed by members of the PRP after he began organizing a private militia, known as the "Simba moto" ("Burning lions"), to combat armed opposition groups.

The arrests were carried out by soldiers and also, in Kalemie town, by Gendarmes (the National Gendarmerie is a police force which is separate from the FAZ but also under the control of the Department of National Defence). In many cases the grounds for arrest did not appear to be based on direct evidence of involvement with opposition forces: members of certain ethnic groups were arrested if they had only recently arrived in the town, and a man who had recently returned to Kalemie after studying in the Federal Republic of Germany was arrested, apparently because he had a new identity card, which was taken as evidence that he had been infiltrated into Kalemie only a short time before to take part in a rebellion.

Prisoners arrested in Kalemie on political grounds were detained in most cases at the armed forces headquarters building, Mahito army camp, or Kalemie's naval base. Some were held at the National Gendarmerie detention centre (the *Permanence*), but were interrogated by soldiers. Like detainees in Moba, they were held incommunicado, without charge and without any sort of legal procedures being followed. Those who were questioned seem in most cases to have been subjected to beatings and torture. Furthermore, they were often deprived of food and water for several days at a time and were kept in deliberately harsh and degrading conditions.

Most of the arrests reported to Amnesty International in Tanganyika sub-region following the November 1984 events in Moba were of individuals detained on the basis of extremely weak evidence. In most cases where substantial evidence of complicity with armed opposition groups was available, it appears that those detained were executed without any judicial proceedings. Ethnic origin, particularly of WaBembe in Kalemie and of BaLubalolo and BaTabwa in Moba, appears to have been interpreted by soldiers as an aggravating factor, if not a sufficient reason for arrest. Occupation too was a reason for suspicion and arrest, particularly if it involved travelling or traversing Lake Tanganyika. In Moba zone, local traditional chiefs appear to have come under suspicion collectively, although this does not seem to have been the case in Kalemie zone. In all cases, it appears that after suspects were arrested, few efforts were made to obtain independent evidence of their complicity with armed opposition groups. In most cases detainees were tortured in order to coerce them into making self-incriminating confessions. Other forms of criminal investigation do not appear to have been used, just as the legal procedures governing arrest and detention were not respected.

4 TESTIMONIES OF TORTURE BY FORMER PRISONERS

The four testimonies reproduced below were all given to Amnesty International representatives who interviewed them and, in several cases, found physical evidence in the form of scars which appeared consistent with the torture described by the victims. The first three testimonies are from individuals who were detained in Kalemie between June 1984 and January 1985. The fourth is from a man held in Moba between May and July 1985. In all four cases the informants have asked Amnesty International not to make their names public, as they fear reprisals both against themselves and against members of their families.

Testimony 'A'

A man aged about 24, he was a teacher in Kalemie at the time of his arrest in August 1984. He was apparently suspected of involvement in a campaign during July 1984 to boycott the presidential election. He was imprisoned for about one month.

"I was arrested at about 8 o'clock in the evening on 6 August 1984. Two soldiers knocked at the door of my house in the 'cité' <1> in Kalemie and said I had to go with them. My arrest occurred soon after the election at which President Mobutu Sese Seko was re-elected for a third seven-year term of office, and before the election tracts had been distributed and posted up in Kalemie, calling on people to boycott the election. There was not much other way of demonstrating your opposition to his re-election, as President Mobutu was the only candidate. I had been aware that the tracts were circulating.

"Before they took me away, the soldiers used their belts to strap up my arms tightly behind my back. I was wearing nothing but a pair of trousers at the time. They also used their belts to hit me. Then they grabbed me by the waistband of my trousers and literally lifted me off the ground, before marching me from my home to the office of the AND (security service) at the other end of town.

"They had not told me why I was being arrested, nor was anything explained when we got to the AND office. They did not even untie my arms but pushed me directly into a tiny cell, where I found one other prisoner. It was another teacher from the school where I worked. The cell was absolutely tiny and neither of us had enough room to lie down. I suppose it measured about 1.5 metres by 1.5 metres. It did not have a window, so no light could get in, although it was ventilated by a brick with holes in it at the top of the wall and by a gap above the door, which was otherwise solid.

"We spent the night in the cell without getting anything to drink or eat and were not bothered again until the next morning, when some soldiers came and opened the cell. They pulled us out and after the belts were untied from our arms we were both trussed up again with some rope in the position known as 'sur commande' (on command). This means our arms were tied with our elbows pulled together behind our backs, our legs were then tied up as well and our ankles tied to our wrists. They then lifted us up and took us out into a courtyard,

<1> The residential part of the town, as opposed to the commercial or administrative districts

where we were laid on our backs and instructed to stare at the sun.

"Of course, it was not possible to do so for long, and when I looked away, I was lifted up in the air by one of the soldiers who hung me by the ropes attached to my ankles and wrists and then dropped me onto the ground. Water was then thrown onto the ropes so that when they dried out they would contract. I have still got some scars on my arm and back which were caused by the ropes biting into my flesh.

"The soldiers then produced some rubber truncheons, known locally as 'ndembo'. These are about 45cm long and quite thick, and are used by Gendarmes in Zaïre to keep order. The soldiers then began whacking us all over our backs, buttocks and legs, as we lay on the ground. I do not know how long the beating went on, but it seemed like a long time. During this session and subsequent ones the soldiers shouted 'You'll tell us everything', but they did not say what we were going to tell or what we were supposed to have done.

"After the beating, our legs were untied, although the ropes on our arms were left on, and we were both put back in the same cell. That evening we finally received something to eat, some beans and sweet potato, which we managed to get into our mouths, although we did not get anything to drink until the next day.

"The following morning we were once again tied up 'sur commande' and beaten. Indeed, this routine went on for between a week and 10 days. Sometimes our arms were untied as well as our legs after the beatings, and sometimes the soldiers gave us something to drink. Otherwise, the same treatment went on and we got a little to eat each evening. We did not see any other prisoners, although we sometimes heard them screaming. I think there were at least two other small cells in addition to ours.

"Finally, one morning about 10 days after our arrest, instead of beating us, the soldiers took us to see an AND adjudant who had an office in the same building. He questioned me first for about three hours. I was not tied up, nor did he hit me, although he did start threatening me when he was not satisfied with my answers.

"First of all he showed me some copies of the tracts calling for a boycott of the elections. He asked me if I knew who had produced or distributed them, which I did not. Then he asked me if I knew an opposition political party known as the MWAMKO. Again, I did not, but he kept on asking me and trying to find out if I was related to the MWAMKO leader in any way, as, like me, he came from Kivu region. He eventually started threatening me by saying he would hand me back to the soldiers. Then the interrogation ended and it was my colleague's turn. When his turn ended we were both put back in our cell.

"About a quarter of an hour later the soldiers came for us again and accused us of having been 'joking' with the Adjudant. Then they took us out to the courtyard again and made us lie down with our weight on the tips of our fingers. Then they lifted our legs up into the air and started beating us with truncheons again - and all the while we were supposed to be standing on the tips of our fingers!

"We were eventually put back in the cell and then taken for questioning by the Adjutant again the next morning. He asked the same sort of questions, but as I did not offer him any new information, he started saying that as I would not tell the truth he would pass me over to others.

"On the following day we were taken out of our cells early, had our arms tied and were then kicked and told to get moving. We were put in a landrover and driven up the road to Mahito military camp. We were taken to a building in the middle of the camp known as the 'QG' (*Quartier général*, headquarters). Then we were pulled out and dumped in a cell together. This one was a bit larger than at the AND, but still had no window.

"Several hours after our arrival, we were taken out, tied up '*sur commande*' and taken outside, behind the QG, where we were laid in the sun for about three hours. Then we were untied and put back in the cell, but were not given anything to eat or drink.

"The next morning we were tied up again and taken outside. The routine in the military camp was a bit the same as at the AND, but this time the soldiers had whips about 60cm long, quite thick ones, made of something like goatskin, which they proceeded to use on us. I think I got something like 20 strokes while I was lying face down on the ground. It hurt a lot.

"We were subjected to this routine for about 10 days at the QG before we were taken for questioning there. Then we were taken to a soldier who was referred to as the 'S2' (the unit commander for security and military intelligence). He had two soldiers with him. He asked me some of the same questions about the tract, about the MWAMKO and its leader. However, when I said I did not know anything he ordered his two soldiers to light some cigarettes, and then they started burning me with these all over my hands, arms and body. After a few minutes, when I had not supplied any new information, the 'S2' told them to stop.

"That evening I was beaten again while I had to stand on my fingers and after that I was interrogated every second day on two more occasions. On the day when I was not questioned I was beaten in both the morning and the evening, and the soldiers also threatened that I would be killed and stabbed their bayonets into the ground near where I was lying.

"The second interrogation in the 'S2's office began as before but when he saw that I had no new information to offer, he told the soldiers to take me out 'over there'. They took me into a room nearby which was lit by a dim red light. I was left alone for a few minutes and then I suddenly realised that there were two men in civilian suits in there as well. I could also see some machinery of some sort on the wall.

"I was wearing no clothes at all by this time. The men pushed me towards the wall and placed a metal clip on my penis. The told me to talk fast or else. Then one of them turned on a switch and a pulse of electricity and pain went through me. I began screaming and he kept on turning the switch on and off. The other one waved a piece of paper at me and I began shouting anything which came into my head. I do not know what I said: anything I thought of, I suppose. It went on for a long time, perhaps as long as 30 minutes. Then I lost consciousness. They took me back to my cell, where from then on I was held by

myself.

"The next day I was given a chance to recover, before being subjected to the same ordeal on the following day. The 'S2' asked the same questions again and said he had all the statements which I had made the day before. Then I was taken to the red room once more and subjected to electric shocks on my penis.

"At the third session two days later I was not tortured. However, that day I was whipped again in the evening. Then I was left alone in my cell and one of the soldiers told me that I was to be transferred to Kinshasa. It was at that point that I managed to escape."

Observations

This informant has scars which appear consistent with his allegations of torture. He has seven round scars which are the same as those caused by cigarette burns, four on his left hand and wrist, one on his right hand and two on the left side of his body. He has scars which could have been caused by a whip lash on his left elbow and on his right forearm. He also has two scars on his left side and the left side of his back.

Testimony 'B'

A man aged about 29, he was a trader based in Kalemie at the time of his arrest in June 1984. He was apparently found in possession of documents produced by opposition groups. He was detained for six and a half months.

"On arrival in Kalemie on 28 June 1984 we were taken straight to the army's *Etat-Major* (military staff headquarters) in town, where we were held for four days. The Gendarmes handed us over into military custody and we were taken directly to see an army officer, who was probably the 'S2', that is the local head of the army's security and intelligence service.

"During this first interrogation we were beaten and kicked. The officer questioned us together about the documents found in our possession and our origins. When I said I was a muBembe, he immediately replied that I must be a rebel. He asked us a lot about the documents found in our baggage and about which political parties or leaders abroad we had contacted.

"After being questioned and beaten, we were put in a cell behind the *Etat-Major* which was half underground. I think there were two cells there. We remained there for four days and nights and during that time received absolutely nothing to eat or drink. The day after our arrival we were questioned again, but this time in our cell. Then, after four days, we were taken out of the cell, tied up and taken down the hill to Kalemie's military camp, Camp Mahito. We were taken right through the camp to a building on the other side, towards the town's central prison. The building contained a large cell, containing a number of other prisoners, both soldiers and civilians. We were untied and put in the cell.

"We spent the next four and a half months in this cell without being taken for questioning again. The other prisoners in the cell were allowed out once a day to receive something to eat or drink. However, the military guards were



told we were 'dangerous' and could not leave the cell. Furthermore, our relatives were not allowed to bring us anything to eat or drink. We would have starved to death if the other prisoners had not given us a few morsels. Then, after a week, some dry *chikwange* (cassava dough) was smuggled in each day. However, we lost a lot of weight and became very weak.

"So we stayed in the cell, without ever being allowed out of the cell. We thought we would stay there forever. Then came the events of 13 November 1984, when rebels occupied Moba, although, of course, we were not aware of this at the time. However, suddenly we heard guards outside the cell whispering about us and suggesting that we might be killed.

"On 18 November 1984 we were woken up at night and taken out of the cell and tied up by our hands and feet. We were put in the back of a landrover and driven through Kalemie. At first we did not know where we were going, but when we heard the noise of the vehicle going across the bridge over the River Lukuga, we realized. Then we arrived at the Naval Base, where we were bundled out at a building where some officers were waiting for us. I do not know if they were army or navy officers.

"The officers started by asking us about what our plans had been. Then they sent for guards armed with rubber truncheons (*ndembo*). One started beating me all over, beginning with my feet, then working his way up my legs, body, arms and head. After that it was the turn of my companion.

"While I was being beaten, I was asked if I knew what had happened at Moba and if I was a smuggler. They apparently thought that if we had been in contact with government opponents abroad, we would have been aware of the plans to attack Moba. They were also suspicious of smugglers who had of course been in contact with people on the other side of Lake Tanganyika.

"When they learned that I was a muBembe, they immediately said I must be a rebel. They also asked me if I knew Nguza Karl-i-Bond (a former First State Commissioner <Prime Minister> and, at the time of this interrogation, an opposition leader based outside Zaïre) and the MWAMKO. However, I denied knowing anything about the documents in my baggage.

"After we had been beaten and bruised all over, we were untied and made to balance on our hands with our legs high up on the wall. Of course, we were both too weak to stay like this for more than a few minutes, and once we collapsed the guards started beating us again. The beating eventually stopped and we were told to stand up and then to squat down. Of course, by this time every movement hurt.

"The officer in charge of the interrogation started asking more questions, demanding to know who had 'sent us'. Then he instructed a guard to get a cord. This was attached to a heavy stone at one end and was then looped around my genitals. The stone weighed a lot and must have been about 15 cms in diameter.

"At first the stone stayed on the ground. Then I was made to jump up in the air. As I did so, the string tightened, cutting into my penis and testicles. I had to jump up three or four times, and each time it caused me agonizing pain. Then the cord was removed, leaving a nasty cut on my penis, and was put on my companion, who was subjected to the same treatment.

"After this, the officer told the guards to beat us again. This time they attacked us all over. Eventually I tried to stand up, but was immediately knocked over again. My head cracked against the ground, and I lost consciousness. When I eventually came to, I found that I had lost a lot of blood and that two of my teeth had been broken.

"After I was knocked out, the guards evidently went on hitting my companion. He was kicked in the ribs and also had the bones in his right hand fractured when he put his hand up to shield himself from a blow with a wooden stick rather than a truncheon.

"I received some medical treatment from a military medical orderly and we were eventually put into a large cell near the office where we had been tortured. We remained there for about a week. We were held with about 12 other prisoners, of whom three were held for political reasons. We were not questioned again, and I was attended to on the morning after our interrogation by the same medical orderly, who cleaned the wound on the back of my head with some alcohol and put a bandage on.

"Once again, the duty guard at this cell was instructed not to give us anything to eat or drink. For two days we received absolutely nothing, but then the other detainees began giving us bits to eat. We stayed in the cell all the time, except when we were allowed out to the toilet.

"Some of the other prisoners were taken out at night, but we do not know what happened to them. None came back.

"After a week in the large cell, the five of us who were held for political reasons were moved to a new and much smaller cell. It was filthy and contained half a petrol drum which we had to use as a toilet. There was no window and it was ventilated only by a few holes at the top of a wall. It was only about two metres long and two metres wide. It had a solid metal door, and no light penetrated the cell. The only time we were allowed out was when we were occasionally called out to empty the petrol drum. However, fortunately one of the other prisoners was able to get food from his family and he passed on some to us. However we got very little to drink.

"Apart from the two of us arrested at the end of June 1984, there was one accused of deserting from the armed forces, another who was believed to have a brother who had joined an armed opposition group, and a third who had just returned to Zaïre after studying abroad.

"We stayed in the cell for one and a half months and had just one more interrogation in that time. That was at the end of December, when the two of us were called out in the middle of the night. This time we were threatened but not beaten. An officer and five guards questioned us outside in the darkness. They said we had been detained for a long time without explaining anything, so we were to be transferred to Lubumbashi and thence to Kinshasa, where we would probably be killed. Once again he asked us how we had received a letter from the MWAMKO. Then he asked us to decide if we wanted to go on living or to die. Finally we were put back in the same cell.

"We were finally able to escape on 15 January 1985."

Observations

He has a scar on the back of his head which could have been caused by a fall when he was being beaten. His companion, who was also interviewed by Amnesty International, has evidently suffered a fracture of a bone in his right hand which has reset awkwardly.

Testimony 'C'

A man aged about 25, he was a student who was on holiday, staying with his family at the time of his arrest in Kalemie in December 1984. He apparently came under suspicion because he was a member of the Bembe ethnic group and not usually resident in Kalemie.

"I was arrested at the beginning of December 1984 at my home in the *cité* in Kalemie. It was early in the morning when some Gendarmes came to the house and called for me. They did not say why I was under arrest, but started tying me up and beating me. Then they walked me down to the Gendarmerie detention centre, known as the *Permanence*, hitting me as we went.

"When we arrived at the *Permanence*, which is situated on the roundabout with an MPR monument, I was put straight into a cell without being told why I was there or having my name registered. There were already three other prisoners in there. I remained in the cell with them all day, without being questioned or getting anything to eat or drink.

"The next morning, all of us were taken out of our cell and marched from the *Permanence* to another office, known as the *Etat-Major*. The guards pulled me into a room, saying I had to 'pay my respects to Mukalaye' (Mukalaye is a deity of the BaTabwa and BaLuba ethnic groups). There was indeed a statue in the room, but 'paying my respects to Mukalaye' meant subjecting me to a form of torture. There were four soldiers, one of whom put three bits of wood between the fingers of my right hand. The others held me. The bits of wood had a cord tied around the top which the guard began tightening, putting increasing pressure on my fingers until I thought they were going to be crushed. One of the others began beating me on the back with a rubber truncheon.

"The hand-squeezing operation was repeated twice more, always on my right hand, which by the end was badly swollen. And all the while the guards were shouting at me, telling me to talk and to explain how I had come across from Tanzania and also to cite the names of all my friends.

"After an hour or so, I was taken to another office to be questioned. An officer in uniform talked to me, saying he wanted to show pity and asking if I was a member of the PRP. When I said I was not, he instructed the guards to take me back to see Mukalaye. I was tortured again, and then taken back to the officer, and later tortured yet again. Every time that morning they applied the pressure to my right hand. The interrogating officer asked me endlessly about the PRP and their headquarters in Wimbi and activities in Tanzania. Of course, I could not tell him anything. I was eventually put back in my cell, where I was held with one other political detainee. He had been subjected to the same ill-treatment and was bleeding on his back. Finally that day I received something to eat when my family brought some food to the *Permanence* and paid the guards to give it to me.

"All that week I was interrogated every morning and subjected to the same routine of 'greeting Mukalaye' and having my hand - always the same hand - squeezed. However, it was only one session each morning instead of several. The rest of the time I was held in a cell at the *Permanence*, except when we were allowed to the toilet, once a day, early in the morning. The cell was dark, with a solid door and no window and only a small ventilator to let air in. Whenever the guards came to fetch me, they called me 'Mulele' and 'Kabila', the names of rebel leaders.

"At the end of the week, I was told that my case was to be referred to the procuracy and I was moved to a larger communal cell with about 20 other prisoners. It was so crowded that we could not even lie down to sleep at night".

Observations

He had two small scars on his right hand, one on his third (middle) finger and one on his fourth finger. Both are situated near the base of his fingers. These marks could have been caused by squeezing his fingers against pieces of wood. This form of torture has also been reported elsewhere in Zaïre. The swelling on his hand had completely disappeared by the time he was examined.

Testimony 'D'

A man aged about 38, he was a teacher in Moba at the time of his arrest in May 1985. He was apparently suspected of having been in some form of contact with government opponents, although he was never informed of the reasons why he fell under suspicion. He was detained for two and a half months.

"I was arrested at the school where I worked in Moba with two other teachers. We were taken to the FAZ headquarters in the centre of Moba without being told why we were being arrested. We arrived at about 1400 hours and were put straight into a cell there which contained a total of about 20 prisoners, all of them apparently accused of some political offence or other.

"The next morning the three of us were called out and taken for questioning. I was the first and was taken into an office next to the cell. I was interrogated for about two hours. First of all they asked me about my background and were rude when they heard I was a muBembe. Then they asked me whether I was in contact with a particular political party (MWAMKO) and its leader, but I did not know anything about it and told them so. They also asked me if I had ever travelled outside Zaïre, but I explained that I had not.

"Obviously I had not given the answers which they wanted, so they subjected me to two kinds of torture. They whipped me with barbed wire on my back, sides and chest, which began bleeding. They also beat me on the soles of my feet with a stick.

"Eventually they stopped, after about two hours, I think. Then they tied up my arms and pushed me into a corner of the room while the two others were interrogated. They were given the same treatment as me and the second one was very badly tortured when they discovered that he was a North Shaba muLuba (muLubalolo) and therefore related to Kabila Laurent, the PRP leader.

"We were eventually put back in the cell with the others and left there. We were not questioned again. I spent a further two and a half months there. During that time we never received food or drink in any systematic way and could not get food brought in from outside. Soldiers would occasionally throw in a few small bananas, which they covered with *pilipili* (chilli pepper) to make them less edible. We only got tiny amounts of water to drink after repeatedly pleading or crying. We were never allowed out for exercises, but were occasionally involved in emptying the butt which served as a WC in the cell.

"The most remarkable incident occurred in July 1985, when 10 prisoners, all Moba residents, were brought in one evening. Later that night five of them were taken out: these were evidently the ones who the soldiers suspected seriously of being in contact with rebels. We heard a series of gunshots outside. Then some of us, including me, were told to come outside to bury the bodies. Just near the headquarters building was a tree where the five men were lying with bullet wounds all across their bodies. We dug a hole to put them in and noticed a series of other graves just nearby. The soldiers laughed at our terror and nodded towards these graves, indicating what was likely to be our fate.

"The next morning soldiers came again to fetch 15 of us. Fortunately, I was left behind. The 15, who included the two men who were arrested with me, were told that they were to act as porters during a military operation. However, none ever came back and I am sure that they were all killed by the soldiers.

"At the end of July 1985 I managed to escape".

Observations

He has two sets of horizontal scars on the left side of his chest and his left side. In both cases there are three prominent scars, each about three centimetres long. These lacerations could have been caused by barbed wire.

5 MILITARY POWERS OF ARREST

Under the terms of the law, the Zairian Armed Forces exist to guarantee national security, not to act as a law enforcement agency. They do not have extensive powers to imprison civilians, but may arrest and try individuals who are not members of the armed forces if they are suspected of committing certain offences, such as belonging to an armed opposition group. The Military Justice Code specifies the circumstances in which civilians may be arrested by soldiers and prosecuted by the *Auditorat militaire*, the military procuracy, but these are

strictly circumscribed by the law. For example, it is only during times of international conflict that military courts have jurisdiction over all offences against the security of the state (Article 345 of the Military Justice Code). Zaire's ordinary code of penal procedure, which stipulates the procedures to be followed when someone is taken into custody, is applicable to prisoners detained by either the civil or military authorities.

Under the terms of the law, the only circumstances in which a person suspected of endangering the security of the state may be detained without being referred for investigation by the civilian or military procuracy and without eventually being brought to trial are if the Head of State or State Commissioner for Territorial Administration (Minister of the Interior) orders that person's administrative detention. The armed forces have no legal powers of administrative detention.

Under the terms of Article 51 of the Constitution, the Head of State is empowered to impose a state of emergency on all or part of the country. During such an emergency, the armed forces may be empowered to detain, and try by military tribunal, civilians accused of breaking the law in any way. However, no such state of emergency is known to have been formally imposed on northeast Shaba region since 1978. Nevertheless, even before November 1984, Kalemie zone (together with several zones in southern Kivu region) was already classified as an "operational zone" where the armed forces were engaged in counter-insurgency activities. This status does not give the armed forces any special powers of detention, but does allow members of the armed forces on active service to carry out arrests: officers and non-commissioned officers are entitled to exercise powers of arrest while they are engaged in operations to maintain or restore public order, but are thereafter required by law to hand over any prisoners within as short a time as possible to the military or civilian judicial authorities.

Military courts may also try members of insurrectionist groups ("*des bandes insurrectionnelles*"). This is regardless of whether or not such groups are operating in areas where a state of emergency has been declared (Article 127.6 of the Military Justice Code). This law appears to be the only legal basis for the arrest and imprisonment of civilians by soldiers in northeast Shaba region during 1984 and 1985.

In two zones classified as "operational zones" in Kivu region - Fizi and Uvira - Amnesty International has every year since 1980 received information about the arbitrary detention of civilians at both major military camps and minor military posts in villages. In many cases, civilians have been arbitrarily detained without charge or trial for many months before arranging their release by payment of a ransom. Even in cases where prisoners have proved definitively that they were innocent of all the offences which they were suspected of committing, it appears that they have still been obliged to pay money in order to secure their release. In all these cases, civilians have been detained without having their cases referred to the military procuracy, whereas by law it is only the procuracy which is empowered to order the detention of prisoners for more than a few days. In just a few cases, prisoners accused of involvement with opposition groups are known to have been transferred to the custody of the AND, the national security agency, in Bukavu, but such cases are relatively rare. Many of the prisoners arrested by soldiers, therefore, appear to have been arbitrarily and apparently illegally imprisoned by military units in order to

coerce them in to paying ransoms. In addition, such detainees have usually been subjected to harsh and degrading treatment while in military custody.

In cases in both south Kivu and northeast Shaba where prisoners arrested by the armed forces have been suspected of committing political offences, they have been referred not to the military procuracy, but rather to the head of the local military unit's intelligence and security service, known as the "S2" (or, at the level of regional commands, known as "T2"). It appears, therefore, to have been left to the commanding officers of individual military units and to local military security operatives to decide how to interrogate and whether to detain prisoners suspected of supporting armed opposition groups. It is not clear whether the widespread abuses which have consequently been committed have been as a result of specific instructions on how prisoners should be dealt with, or due rather to negligence by senior officers to inform both officers and ordinary soldiers of their limited rights under the law to detain civilians. In either case, however, it appears that members of the armed forces have committed serious offences under the terms of Zaïre's Military Justice Code. Among the articles which appear to have been breached are the following:

Acts of violence or brutality against civilians:

Article 472

"Every member of the armed forces who is guilty of acts of violence or serious ill-treatment of civilians in time of war or in a region in which a state of siege or a state of emergency has been declared or during a policing operation aimed at maintaining or restoring public order is punishable by death."

Reprisal killings:

Article 523

"Reprisal killings are considered to amount to murder and to be punishable as such."

Confiscation of property:

Article 525

"Whoever, in time of war or in a region in which a state of siege or a state of emergency has been declared or during a policing operation aimed at maintaining or restoring public order, is guilty of imposing collective fines, or of requisitioning illicitly or illegally, or of confiscating, plundering, seizing or exporting out of the territory of the Republic by any means goods of any sort, including chattels and money, is punishable by between 10 and 20 years' penal servitude.

"If the offences are accompanied by ill-treatment or followed by other offences, the guilty person is punishable by death."

Illegal and unauthorized detention:

Article 527

"Whoever, during hostilities, without acting under orders from the appropriate authorities and excluding cases where the law allows the arrest of suspects, arrests, detains or confines any individuals whatsoever is punishable by between 15 and a maximum of 20 years' penal servitude."

Article 528

"If the detention or confinement lasts more than 15 days, the penalty is life imprisonment."

Illegal detention involving threats or torture:

Article 529

"If the individual arrested, detained or confined has been threatened with death, those guilty are punishable by life imprisonment."

"But if the individuals arrested, detained or confined have been subjected to torture, the penalty is death."

In addition to constituting offences under national law, the detention without charge or trial of civilians, the use of torture, and the extrajudicial executions of prisoners by members of the armed forces also constitute serious violations both of Zaïre's Constitution and of universally recognized fundamental human rights set out in international law. The constitutional rights which have been abused are:

Article 13

"Everyone has the right to life and security of person. No-one shall be subjected to torture or to inhuman or degrading treatment. No-one shall be executed except in the cases and according to the forms prescribed by law."

Article 15 paragraph 2

"No-one shall be prosecuted, arrested or detained except under the terms of the law and in the manner prescribed by law."

The basic rights described in the Universal Declaration of Human Rights which have been violated may be summarized as:

Article 3

"Everyone has the right to life, liberty and security of person."



Article 5

"No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9

"No-one shall be subjected to arbitrary arrest, detention or exile."

It should also be pointed out that common Article 3 of the Geneva Conventions for the Protection of War Victims similarly prohibits torture and cruel, humiliating and degrading treatment and extrajudicial executions of prisoners by the armed forces in armed conflicts "not of an international character" as defined in the Conventions. Whether or not the Government of Zaïre deems the conflict in northeast Shaba to fall within this definition, the spirit of common Article 3 is clearly relevant to the situation.

6 AMNESTY INTERNATIONAL RECOMMENDATIONS

Amnesty International recognizes that it is the responsibility of the Zaïrian Government under national and international law to prevent and to punish crimes of violence, whether of a political or other nature. However, all such government actions have to be in conformity with international standards for the protection of human rights.

Amnesty International's mandate is based on human rights principles proclaimed by the international community through the United Nations and other intergovernmental bodies. These international standards define the obligations of governments in protecting the rights of individuals. It is the principal role of Amnesty International to ensure that governments respect these rights.

When governments curtail the human rights which Amnesty International defends, the organization urges them to take all necessary steps to restore these rights.

Amnesty International condemns under any circumstances the torture or killing of prisoners by anyone, whether agents of the government or organizations such as armed opposition groups. When offences are committed by opposition groups, Amnesty International considers it is within the jurisdiction of governments to determine criminal responsibility and to bring those responsible to justice. The exercise of such authority by states must, however, conform to their commitments in international law.

It is clear that Zaïre's laws place severe limits on the powers of the armed forces to arrest and imprison civilians and that they are prohibited by law from using torture or carrying out extrajudicial executions or reprisals. However, in northeast Shaba region these laws have not only been violated, but no efforts appear to have been made to prevent or punish such violations. It is clear, therefore, that if the violations of fundamental human rights described above are to be prevented, the highest authorities of Zaïre must intervene to ensure that the armed forces respect the country's laws. In particular, the high command of the armed forces should issue and implement clear public

instructions to all members of the armed forces that the torture or extrajudicial execution of prisoners will not be tolerated under any circumstances and that those responsible for acts of torture or extrajudicial executions will be brought to justice.

With respect to the reports of torture and extrajudicial execution described above, Amnesty International believes that the Head of State should establish an impartial body to investigate all complaints and reports of torture and extrajudicial executions. Its findings and methods of investigation should be made public. The four testimonies of former prisoners alleging torture, which are cited in chapter 4 above, were submitted to the Zaïrian authorities in December 1985 in order to facilitate such investigations. Amnesty International considers that there is an urgent need for an independent investigation into allegations of torture in places of imprisonment under military control including those situated at the armed forces' headquarters and the airstrip in Moba, and the armed forces' headquarters in Kalemie, together with those at the town's Mahito army camp and its naval base. There also appears to be an urgent need for an independent investigation into allegations of extrajudicial executions at these military installations, together with a formal inquiry into the allegation that unarmed civilians have been murdered by soldiers in villages northwest of Moba, particularly in Kansabala *collectivité*. Victims of torture and their dependents, and dependents of those who have been executed extrajudicially, should be afforded redress for their material and moral sufferings.

In April 1984, Amnesty International published a 12-point program of practical measures for the prevention of torture and in January 1985 the organization elaborated a special version of this program for Zaïre. Although torture is illegal in Zaïre, Amnesty International believes that further government action is urgently needed to reduce and eventually abolish its use. The following points in the program are especially relevant to the situation in northeast Shaba region, together with Amnesty International's principal recommendation that the high command of the armed forces should make a public declaration condemning torture and extrajudicial executions:

- 1 The authorities should ensure that all detainees are brought before a judicial authority, either civilian or military, promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.
- 2 Relatives and lawyers should be informed promptly of the whereabouts of detainees. No-one should be held in secret or unacknowledged detention.
- 3 All places of imprisonment, including military establishments, should be open to regular independent inspection, both by the appropriate national authorities and by an international humanitarian body with the appropriate expertise.

It is clear too that if civilians are to be held in military custody, every effort should be made to ensure that their conditions of imprisonment conform with those described in the Standard Minimum Rules for the Treatment of

Prisoners, which were approved by the United Nations' Economic and Social Council in July 1957 and May 1977. In particular, in view of the allegations of general ill-treatment and harsh conditions of imprisonment which civilian detainees in military custody have made, specific instructions should be issued to all members of the armed forces involved in the custody, interrogation, or treatment of prisoners, that:

- 1 Prisoners should under all circumstances be provided with food and drink every day, including their first day in custody.
- 2 Prisoners should not be subjected to beatings and the use of military belts, truncheons or whips to hit prisoners should be specifically prohibited.
- 3 Prisoners should be allowed to receive visits from relatives soon after their arrest and at regular intervals thereafter.



Information from Amnesty International

This paper is part of Amnesty International's publications program. As part of its effort to mobilize world public opinion in defence of the victims of human rights violations, Amnesty International produces a monthly Newsletter, an annual report, and reports, briefings and other documents on countries in all quarters of the globe.

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ZAIRE: HUMAN RIGHTS VIOLATIONS IN SHABA REGION

Amnesty International describes the arrest, torture, execution and in some cases "disappearance" of hundreds of people in southeast Zaire since 1984. The victims include unarmed civilians as well as armed opponents of the government of Mobuto Sese Seko, who have been subjected to abuses after being taken into custody. This document contains testimony from four former prisoners held without charge or trial and tortured by government troops. Amnesty International makes recommendations to the government to prevent human rights violations recurring and calls on the Zairian Government to establish an independent and impartial inquiry into the abuses and to make the findings public.

