

**THE REPUBLIC OF CONGO
(BRAZZAVILLE)**

COUNTRY REPORT

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**Country Information and Policy Unit
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I. SCOPE OF THE DOCUMENT

1.1 This country report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The country report has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

1.3 The country report is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the country report on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

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2. GEOGRAPHY

2.1 The Republic of Congo is an equatorial country on the west coast of Africa. It has a coastline of about 170 km on the Atlantic Ocean, from which the country extends northward to Cameroon and the Central African Republic. The Republic of Congo is bordered by Gabon to the west and the Democratic Republic of Congo to the east, while in the south there is a short frontier with the Cabinda enclave of Angola. The climate is tropical, with temperatures averaging 21 degrees centigrade to 27 degrees centigrade throughout the year. French is the official language and Kituba, Lingala and other African languages are also used [2]. The country has an area of 342,000 sq km (132,047) sq miles. For administrative purposes, the country is divided into ten regions – Bouenza, Cuvette, Cuvette Ouest, Kouilou, Lekoumou, Likouala, Niari, Plateaux, Pool and Sangha. The principal centres of urban population are the capital, Brazzaville, and the main port of Pointe-Noire [1]. In 2001, the estimated population of the country was 3.1 million [3d].

2.2 The Republic of Congo plays an important role in the transport system that links Chad, the CAR and parts of Cameroon and Gabon with the Atlantic coast. All of the rail and much of the river portion of the system is located in the Congo. The port of Pointe-Noire is the terminus of this network. The river system is also of great significance as a transport artery throughout the country. The Congo-Ocean Railway carries mostly freight and links Pointe-Noire and Brazzaville. Other transport facilities including the road network are little developed owing to the great distances and dense equatorial forest. Large areas of the north have no road access. There are international airports

at Brazzaville and Pointe-Noire, as well as five regional airports and 12 smaller airfields [1].

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3. THE ECONOMY

3.1 The economy suffered serious losses from destruction and looting in much of the south during the 1997 civil war and the 1998-99 conflict, particularly in Brazzaville. Oil and timber exports are the country's main sources of foreign exchange. Although per capita gross domestic product was estimated in 2001 to be approximately US\$700, this figure included substantial oil export revenues, which were not distributed widely throughout the population. Approximately 70% of the population live in poverty. Lack of transparency and inefficient government has impeded economic development [3b].

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4. HISTORY

From Independence to Rule by Denis Sassou-Nguesso

4.1 The territory now known as the Republic of Congo came under French sovereignty in the 1880s. Pierre Savorgnon de Brazza, a French empire builder, competed with agents of Belgian King Leopold's International Congo Association for control of the Congo River basin. Between 1882 and 1891, treaties were secured with all the main local rulers on the river's right bank, placing their lands under French protection. Economic development during the first 50 years of colonial rule in Congo centred on the extraction of natural resources. After World War II, the French government gradually allowed greater freedoms for the Congolese people and a degree of administrative independence. The Congo eventually became a fully independent country on 15 August 1960 [3d].

4.2 The Congo's first president was Fulbert Youlou. He rose to political prominence after 1956 and was narrowly elected president by the National Assembly at the time of independence. Youlou's three years in power were marked by ethnic tensions and political rivalry. In August 1963, Youlou was overthrown in a 3-day popular uprising. All members of the Youlou government were arrested or removed from office. The military took charge of the country briefly and installed a civilian provisional government headed by Alphonse Massamba-Debat. His term in office was abruptly ended in August 1968 after a military coup. After a period of consolidation under the newly formed National Revolutionary Council, Major Ngouabi assumed the presidency in December 1968. One year later, he changed the name of the National Revolutionary Movement to the Congolese Labour Party (PCT). In March 1977, President Ngouabi was assassinated. An interim government was set up with Colonel Joachim Yhomby-Opango as the president. Accused of corruption and deviation from party directives, he was removed from office in February 1979 by the Central Committee of the PCT. The Central Committee then elected Colonel Denis Sassou-Nguesso as the president [3d].

4.3 Despite its stated socialist convictions, the Sassou-Nguesso regime adopted an increasingly pro-western foreign policy and a liberal economic policy. Persistent ethnic rivalries and worsening economic problems resulted in an increase in opposition to the Sassou-Nguesso regime during the late 1980s. An armed uprising in 1987 was suppressed by government troops with French military assistance. At the PCT congress in July 1989, Sassou-Nguesso was re-elected chairman of the party and President of the Republic for a further five-year term. A new government was announced in August 1989 [1].

4.4 After two decades of turbulent politics bolstered by Marxist–Leninist rhetoric, and with the collapse of the Soviet Union, the Congo gradually developed a multi-party political system. Multi-party presidential elections were held in August 1992, and Pascal Lissouba was elected President of the Republic of Congo, defeating Sassou-Nguesso [3d].

Civil Conflicts 1993 – 1999

4.5 The presidency of Lissouba was marked by a lack of political consensus and of power struggles between Lissouba and the opposition, consisting of Bernard Kolelas and former president, Denis Sassou-Nguesso. These events spilled over into civil war, initially in 1993/4 and again in 1997. The 1997 conflict was triggered by Lissouba's attempt to neutralise the militia of his political rival, Sassou-Nguesso. Kolelas, initially acting as a mediator, was appointed Prime Minister by Lissouba in September 1997. By effectively aligning himself with Lissouba, Kolelas' impartiality was undermined. The civil war continued until Sassou-Nguesso's forces captured Brazzaville and Pointe Noire, the country's major seaport, in October 1997 with the assistance of Angolan forces. On 25 October 1997, Sassou-Nguesso was sworn in as President. Lissouba and Kolelas fled the country following the coup and sought sanctuary in the West, Lissouba in the UK and Kolelas in the USA. Violence erupted once more in 1998 as militia loyal to Lissouba and Kolelas attempted to overthrow Sassou-Nguesso [1].

4.6 Violent clashes continued throughout 1998 between the Ninja militia, who were loyal to Kolelas, and Sassou-Nguesso's Government forces, particularly in the Pool region, the stronghold of the Ninja militia. In December 1998, the violence erupted into a full-scale battle for Brazzaville. The government forces, aided again by Angolan government troops launched offensives against the Ninjas. Sassou-Nguesso appointed a new Council of Ministers and charged them with bringing peace to the south. In January 1999, the Cocoyes, militia loyal to Lissouba also engaged the government forces in Niari, around the town of Dolisie. By the time the battle for the town ended in March 1999, it was largely destroyed. A similar fate befell Brazzaville, after the initial fighting in December 1998 which resulted in approximately 8,000 people fleeing to the Democratic Republic of Congo. The battle for the city again intensified in February 1999, leading to a further 10,000 fleeing to the DRC, but by March the rebels were forced to withdraw to the Pool region. Refugees began returning to their homes, to Dolisie in April and to Brazzaville in August. As a result of the continued success of the armed forces in re-establishing

order, the Government offered an amnesty to militia fighters prepared to renounce violence and surrender their arms. It also engaged in initial dialogue with the exiled opposition, though further discussion was dependent on a cessation of factional violence. In September 1999, the Government announced that it was in control of all of the urban areas in Pool [1].

4.7 In November 1999, the Government announced that it had reached an agreement with the militia loyal to Lissouba and Kolelas for a ceasefire and a general amnesty. The amnesty, however, did not include the opposition leaders in exile, Lissouba and Kolelas, and the Government announced its intention to continue to seek their prosecution for alleged war crimes. In December 1999, President Bongo was designated the official mediator between the Government and the militias. Following further discussions in Gabon, representatives of the armed forces and rebel militias signed a second peace agreement. The new agreement provided for further dialogue, for the integration of militiamen into the armed forces and for measures to facilitate the return of displaced persons. These two peace agreements effectively ended the civil war. By February 2000, it was estimated that some 2,000 former militiamen had surrendered to the authorities [1].

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Constitutional Referendum

4.8 In November 2000, the Government adopted a draft constitution, which included provisions for a presidential system of government, with a bicameral legislature and an independent judiciary. In April 2001, a national convention reaffirmed elements of the draft constitution, which was to be submitted to a referendum. The referendum on the draft constitution was held on 20 January 2002 and was approved by 84.5 percent of the votes cast, with a participation rate of 77.5 percent of the electorate [1]. The new constitution extends the president's term of office from five years to seven years and provides for a new bicameral assembly made up of a house of representatives and a senate. The new assembly does not have the power to remove the president from office [7a].

Presidential Elections

4.9 With the new constitution in place, the way was set for presidential elections, which were held on 10 March 2002. On 19 February 2002, the European Union announced that it was to send 44 election monitors to the Republic of Congo. Initially 12 candidates entered the electoral race but two were disqualified by the Supreme Court on 10 February 2002. Six of the remaining candidates threatened to pull out of the election unless the electoral law was modified [4r]. On 6 March 2002, two candidates, Martin Mberi and General Anselme Makoumbou carried out their threats and pulled out of the presidential race. They cited a lack of transparency in the electoral process as their reason [10a]. Furthermore, on 8 March 2002, Andre Milongo also announced that he was withdrawing from the race [7b]. In the event, the elections passed off peacefully [7d].

4.10 The results were as follows [11]:

Candidate	Percentage Votes Received
Denis Sassou-Nguesso – FDU (Forcés Démocratiques Unies – United Democratic Forces)	89.41%
Kignomba Kia Mbougou – UPADS (Union Panafricaine Pour la Démocratie Sociale – Pan-African Union for Social Democracy)	2.76%
Angèle Bandou (Le Parti Africain des Pauvres – African Party of the Poor)	2.32%
Jean Félix Demba Telo (Independent)	1.68%
Luc Adamo Mateta (Convention pour la Démocratie et la Republique – Convention for Democracy and the Republic)	1.59%
Come Mankasse (Union de Congolais des Républicains – Congolese Union of Republicans)	1.25%
Bonaventure Mizidy (Parti Républicain et Libéral – Republican and Liberal Party)	1.00%

4.11 Even before the election results were issued, opposition groups claimed that the election was fixed [7c]. However, Joaquim Miranda, head of the European Union (EU) observer team commented that despite “a significant number of irregularities, essentially of an administrative nature, throughout the country” these were “for the most part resolved by the authorities in a spirit of enabling the majority of people to vote”. Mr Miranda also praised the peaceful conditions that surrounded the elections. However, the Economist Intelligence Unit was more critical in its appraisal, particularly in reference to the government’s failure to establish an independent electoral authority. They said that; “The government’s refusal to establish an independent election body to oversee the voting certainly suggests that President Sassou-Nguesso was determined to stay in power by fair means or foul” [5b]. The Supreme Court later confirmed the election result [5h]. However, in the absence of any effective opposition, the result was never really in any doubt [5f][7c]. It was this lack of opposition during the presidential election, which drew criticism from the EU. Seemingly censuring oppositions groups, Brussels stated that it deplored the low level of participation by opposition parties throughout the electoral process and the withdrawal of several candidates in the days preceding the poll [5f].

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Legislative Elections

4.12 Despite the fighting in the Pool regions, the Government insisted that the first round of the legislative elections scheduled for 26 May 2002 should go

ahead, and official campaigning started on 10 May 2002 [17a]. In March 2002, a number of opposition parties, with the notable exceptions of Pan-African Union for Social Democracy (UPADS) and the Congolese Movement for Democracy and Integral Development (MCDDI), formed a new coalition to contest the upcoming legislative and local elections. This new umbrella of opposition groups was called Convention pour la Démocratie et le Salut/Convention for Democracy and Salvation (CODESA). CODESA was to be led by Andre Milongo [10b]. CODESA initially called on the Government to postpone the elections until the security situation in the Pool region had been resolved [28]. Although they boycotted the presidential elections, CODESA did participate in the legislative elections [17a].

4.13 In the aftermath of the presidential election, another coalition of opposition parties called “Plural Opposition”, consisting of UPADS, CNDD (National Rally for Democracy and Development) and the PCR (Congolese Renewal Party) amongst others, who boycotted the presidential election said that they would participate in the legislative and local elections. The party claimed that they boycotted the presidential election as transparency was not guaranteed. However, they could deploy representatives to the constituencies in which they had candidates in the upcoming legislative and local elections [4c].

4.14 Nevertheless, in May 2002 Lissouba, Kolelas and Yhombi-Opango issued a joint request to their militants to boycott the legislative polls. The three leaders of UPADS, MCDDI and RDD (Rally for Democracy and Development) respectively, stated that the level of transparency had not been met by the poll organisers. However, RDD representatives in Congo reneged on this decision. CODESA vice-president and chairman of the opposition RDD party, Saturin Okabe stated that the leaders in exile had lost touch with the grassroots people on the ground. Members of the MCDDI followed the RDD example, with the then Minister for Mines and Environment rejecting the call for a boycott [6k][17a].

4.15 The first round of elections to the 137-member Assemblée Nationale, which was held on 26 May 2002, was contested by some 1,200 candidates from more than 100 parties. Although more than one half of the candidates had no party affiliation, it was reported that many of these nominally independent candidates were allies of Sassou-Nguesso [1]. Accusations of disorganisation and a lack of suitable equipment dogged the elections. In some polling stations in Pointe Noire, the second largest city, voting was delayed as the ballot papers and accessories did not arrive on time [10c]. Voters found that, despite being registered for the presidential elections earlier in the year, their names were not on the voter register for this election [16e]. The electoral commission stated that the second round of parliamentary elections passed off peacefully in most areas although the turnout was low. One factor contributing to the low voter turnout was the more stringent requirements for voter identification. In the first round, voters only needed to show special voter cards to cast a ballot but in the second round, national identity cards, driving licences or passports were required. Not all voters

possessed these documents [7f]. The Government put the turnout for the first round at no more than 20 percent [5I].

4.16 The National Electoral Commission (CONEL) barred some candidates from running. It was reported that these disqualifications did tend to favour the PCT, Sassou-Nguesso's party. However, some presidential allies were also disqualified, most notably his brother, Maurice Nguesso, his finance minister, Mathias Dzon, and his aide Antoinette Olouo [5k]. Dzon and Maurice Nguesso were accused of distributing false documents to allow their supporters to vote, insulting a public officer and of making death threats [7f][16k]. Maurice Nguesso was also accused of destroying election material in the Talangai district of Brazzaville. Voting could not go ahead in Gamboma, Brazzaville on the scheduled day due to the problems attributed to Dzon [16k]. Olouo was accused of stuffing ballot boxes [7f]. Many of those accused of cheating were banned from running for office in the future, however, Dzon only received a warning about his behaviour [23]. Despite a request from the government for the European Union to monitor these elections, no observer team was sent [5j].

4.17 Despite candidates needing more than 50 percent of the vote to win, 55 of the 137 seats were decided in the first round on 26 May 2002 and 29 of these were won by the Government. Under the terms of the constitution, those seats without a candidate with 50 percent of the vote after the first round, would require a second round. Andre Milongo, thought to be the only significant challenger to Sassou-Nguesso in the March 2002 presidential election before he pulled out, won his seat of the Boko district in the first round with 59.65 percent of the vote [5i]. The second round took place on 23 June 2002, which completed the parliamentary elections. After the attack on the capital a week earlier by rebel Ninjas, the second round turnout was low [16d]. In areas where fighting had occurred such as Ouenze and Moundali, officials stated that the turnout was as low as 15 percent [5j].

4.18 Despite operations continuing against the Ninjas, the first round voting itself passed off relatively peacefully, although incidents of violence did occur, mainly in Brazzaville. Evidence of electoral malpractice was also apparent during the first round. In Tanlangai, a northern suburb of Brazzaville, 100 youths smashed voting booths and took ballot boxes, and also an election official was arrested in the same area. He was found with a box full of ballot papers [10d][16e].

4.19 The second round took place amidst tightened security after the 14 June attacks on Brazzaville by the Ninjas. The situation was calm and voting passed off peacefully [5j]. CONEL tightened the registration criteria and only accepted passports, driving licences or national identity cards as forms of identity. In previous elections, including the first round, constituents could use their special voter cards to be allowed to cast their vote. It is believed that this also accounted for the drop in voter turnout [7f]. Some voters commented that the Government had not produced such cards in 7 years – in which time many people had turned 18 and were thus eligible to vote, but did not have a national identity card. Others were reported as saying that due to the

numerous civil conflicts, many people had lost much of their belongings, including their national identity cards [5j].

4.20 Visits to three polling stations in separate district indicated that candidate representatives were able to observe the process and voters could cast their ballots in secret. Ballot boxes, however, in only one of the three locations were locked [5j].

4.21 The results are as follows [1][16c]:

Party	Number of Seats
FDU (of which were PCT)	83 (53)
UDR-Mwindanda	6
UPADS	4
Independents	19
Others	17
Vacant	8
Total	137

4.22 Notable casualties in the elections were the former Mayor of Pointe Noire, Thystere Tchicaya and the Minister for Petroleum Affairs, Taty Loutard [10j]. Thystere Tchicaya, of the Rassemblement pour la démocratie at le progrès Social (RDPS) party, was elected speaker of the House of Representatives on 10 August 2002. The RDPS is allied to the Sassou-Nguesso's PCT [6c]. No voting was held in 8 constituencies in the Pool region due to the security situation, therefore, only 129 seats were taken [6f].

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Local, Regional and Municipal Elections

4.23 Local elections were due to take place on the 23 June 2002, but were postponed by a week, to 30 June 2002. The Interior Ministry cited technical difficulties as the reason [6d]. Approximately 8,000 candidates contested 1,000 local and municipal council seats. These councillors would then in turn, elect the 66 Senators for the Upper House [6e].

4.24 Initially the opposition CODESA coalition urged its supporters to boycott the election, stating that there was generalised and massive fraud, falsification of results and the transformation of CONEL into an arbiter of disputes [6f]. However, on the day before the elections, Andre Milongo, leader of the UDR-M, the largest party in CODESA, stated that this was not the moment to withdraw from the electoral process, and urged his supporters to participate [6e]. Other CODESA parties maintained their boycott [6g].

4.25 Voting at some polling stations was delayed due to a lack of voting materials. At one Brazzaville constituency, ballot boxes, voting booths and voting slips were among materials still arriving at polling stations on the morning of the election [6g].

4.26 The PCT gained 333 of the 828 elective seats, while the success of constituent parties of the FDU ensured that supporters of the president held more than two-thirds of the elective seats **[1]**.

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Senatorial Elections

4.27 The democratic transition was completed on 11 July 2002 with the election of 66 Senators for the Upper House. The Senators are not elected by the people directly, but by the Local, Regional and Municipal councillors who themselves were voted into position during the previous month **[6h]**.

Party	Number of Seats
PCT (member of FDU)	56
CODESA	1
Independent	1
Others	2

[6i].

4.28 Six seats were vacant, representing the areas of Pool where voting in the legislative and local elections did not take place due to security reasons. The CODESA seat will be taken up by Jean Pierre Engouale of the Party for the Reconstruction of Congo (PRDC) for the Western Cuvette (Basin) region. The landslide for the ruling party meant that Sassou-Nguesso controlled both the Senate and the House of Representatives **[6i]**.

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“Ninja” Rebels Launch Attacks

4.29 In previous conflicts, the Ninjas were controlled by Bernard Kolelas, the former Prime Minister. The attacks launched in March 2002, however, were instigated by a faction of the Ninjas called Nsiloulou, led by Reverend Frederic Bitsangou (aka Ntoumi). The Ninjas’ claim that the current conflict was started when the Government sent 500 troops to Vindza, Pool region, the area of Ntoumi’s headquarters. Ntoumi claims that he sent some of his Ninjas to investigate but these men were fired upon by the government forces **[4g]**.

4.30 On 29 March 2002, less than three weeks after the presidential elections, a militia group launched a series of attacks around the Pool area and on 2 April 2002 the same militia killed two passengers during a raid on the Pointe Noire-Brazzaville rail service **[5ah][12c]**. Fighting between the Ninjas and the government army (Forces Armees Congolaise – FAC) escalated to encompass large areas of the Pool province (the province surrounding, but not including, Brazzaville) and even parts of Brazzaville. On 9 April 2002, a FAC operation in Brazzaville caused tens of thousands of people to flee their homes in the city **[5ai]**. On 10 April 2002, the UN estimated that at least 65,000 people were displaced from Brazzaville, with a further 15,000 displaced from the interior **[5p][13a]**. On the same date, however, the Mayor of Brazzaville appealed for calm, after which the situation there stabilised. The government forces removed many of their roadblocks and most international flights to the capital were unaffected by the situation **[13a][16h]**.

4.31 Despite government claims that the situation was under control and that the army were doing nothing more than routing out bandits, on 20 April 2002, reports emerged that Angolan reinforcements were arriving, and being deployed in the Pool region [10f]. Much of the Pool region was inaccessible to anyone but the military, raising concerns amongst aid agencies for the welfare of the people there [5q].

4.32 By 25 April 2002, the army claimed that it had secured the rail link from Brazzaville to Pointe Noire, the country's main port. Whilst the rail link was in jeopardy, fuel and other goods, became scarce in Brazzaville [12b][16g].

4.33 Fighting continued, however, in the Pool region, and as a result, on 15 April 2002, UNICEF stated that there were up to 250,000 internally displaced persons in the country [15]. On 17 April 2002, other UN sources put the figure at the much lower number of approximately 80,000 [5p]. A French news report stated that by 21 April 2002 the flow of refugees into the capital seemed to have stopped [10f]. The Angolan army, who helped Sassou-Nguesso come to power, supported the FAC in their military operations [16a][18].

4.34 By mid-May 2002, the UN estimated that at least 22,000 people were still displaced, but thought the actual figure to be higher. Aid agencies were allowed to visit Kinkala, where 4 government displacement camps had been established on 5 April 2002, but closed 9 days later. Previously, no aid agency had been able to reach Kinkala since 9 April [5g]. When the UN gained access to Kindamba, another town in Pool, on 2 June 2002 they found the situation was not as serious as they feared. UNICEF identified 8 cases of malnutrition in children and noted that people had been eating irregularly and lack proteins found in fish, chicken and red meat [5n].

Attack on Brazzaville

4.35 By 4 June 2002, the Government claimed that it had liberated the Pool region, and that the population were able to go about their business as usual [6o]. This claim included the town of Vindza, where the Ninja headquarters are located [16b]. However, on 14 June 2002, the Ninjas launched an attack against Brazzaville, focused on the area around the Maya Maya Airport [16i]. It is thought that the primary objective of the Ninjas was to destroy the attack helicopters that the Congolese Government forces employed against them. Government sources state that they were unsuccessful in their attempt [14]. Sporadic artillery and small arms fire at 04:00 signalled the start of the offensive. Residents of M'Filou, a northern suburb of Brazzaville where the initial attacks occurred, fled to the south of the capital. Government tanks formed a line around the airport, which is located 6 kilometres north of the city centre [6i].

4.36 The Ninjas were seen to be topless, wearing charms around their necks, in the belief that these charms would ward off bullets [16i]. Their attacks were described as determined and heavy shelling was again heard on the 15 June 2002 [10g]. Also on 15 June, a police station in Kinsoundi was attacked and burned by the Ninjas. Despite this, locals reported that the Ninjas said that

they were “not against the population but against soldiers”. The Ninja allowed people to flee their homes [17b]. The UN co-ordinator in Brazzaville stated that although many people were leaving their homes, the situation was not as bad as the 9 April 2002 situation, because the wards that were affected by this battle were not as populous as those affected on 9 April [10g]. Ten thousand people were believed to have fled [32].

4.37 60 Ninja rebels and 13 government soldiers were believed to be dead by the evening of 15 June 2002 [10g]. Six civilians were also thought to have died [12c]. Some reports put the number of dead at 100. On the same day, the airport reopened and thousands of people who had fled returned to their homes. However, the army’s heavy weapons could still be heard firing some 12 miles to the west of the city as the army pursued the rebels [16j]. The International Committee of the Red Cross (ICRC) evacuated 12 people who were seriously wounded and 5 serious medical cases to Brazzaville’s hospitals and moved 19 bodies to the morgue, without hindrance from the authorities [31].

Fighting in Pool

4.38 By 30 July 2002, the UN estimated that 66,000 people were still displaced as a result of the fighting since March 2002. One third of this number were being assisted by the UN and its partner agencies in and around Brazzaville. The remainder were most likely living in Pool [4m]. This is in addition to the 30,000 Congolese who, by the end of 2001, had sought refuge outside of the country [33]. The number of displaced people had risen to approximately 150,000 by January 2003 [17e].

4.39 Fighting continued, despite pleas from NGOs to use dialogue to end the hostilities [4j]. Eleven people were killed in clashes between the army and the Ninjas in Mpayaka, Pool region in early August 2002 [5r]. Two soldiers and a civilian were killed on 1 August 2002 in a suspected Ninja attack on the Pointe Noire – Brazzaville train [5s]. Another attack on the same train line on 24 August 2002, wounded 30 and killed an unconfirmed number of people. After pillaging what goods the train was carrying, the Ninjas reportedly took hostage a number of soldiers who were acting as escorts [4i][10h]. The Government claimed that the train was bringing in food, medicine and fuel to the capital, but the Ninjas refuted this, claiming it was carrying weapons brought from Europe [10h][13c]. Train services between the two cities were suspended for over a week, resuming on 3 September 2002, although passenger services remain suspended as they have since the first attacks in April, earlier in the year [13b]. The Ninja continued to target the rail link, derailling a train again on 30 September 2002, killing 9 soldiers and wounding several others, including civilian stowaways [17c]. The central area of Pool, including Mayama and Kimpello were sealed off by government forces [13b].

4.40 Also, in August 2002, there were still reports of displaced people fleeing from the Pool region. In that month, 42 families arrived in Djambala, Plateaux region escaping fighting in Mpangala, Pool. Other displaced persons have fled

to the Plateaux and Bouenza regions, which border Pool, to the north and west respectively [5u][6m].

Treatment of Civilians Caught up in the Fighting

4.41 On 13 May 2002, rape survivors from the 1997 and 1998/9 civil wars were taking their cases to court with the assistance of Medecins Sans Frontieres (MSF). It was reported that over half of the 3,000 rape survivors were children or adolescents. Of the 332 rape victims that have gone through MSF's rehabilitation centres, 178 were minors. MSF claim that 64.3 percent of the rape victims have not pressed charges against their attackers. Victims had difficulty in identifying their attackers, as attacks mainly took place in forests, abandoned houses and jails and they were sometimes raped by more than one person. Rebecca Oba, director of human rights at the Congolese Ministry of Justice, encouraged women to pursue their claims stating that the amnesty for former militia fighters does not provide immunity in the case of rape [38].

4.42 The Government has been criticised by the UN Co-ordinator in Brazzaville for its use of MI-24 helicopters against villages in the Pool region. Each helicopter can carry 23 mm heavy machine guns and rocket pods. No one knows how many people have been killed or injured in these raids [30]. Joining the UN in their condemnation of the tactic of using helicopter gunships, the Bishop of Brazzaville claimed that their use is ineffective against the Ninjas, but the people most likely to be hit are women and children [4o].

4.43 Mary Robinson, the UN High Commissioner for Refugees at the time, expressed grave concerns on the issue. Ms Robinson stated that an unknown number of civilians were being killed and wounded in these indiscriminate attacks. Mary Robinson also remarked on other reports of human rights abuses. Ms Robinson commented on reports that dozens of females had been raped and that a number of young men have been abducted from camps for internally displaced persons and whose current whereabouts were unknown [4h].

4.44 Again, the UN Co-ordinator, William Paton, stated on 30 May 2002 that women were raped in Kindamba. The site was protected by government forces and accommodated 2,000 people. Mr Paton stated that soldiers entered the site, took women out, raped them and then brought them back later in the day [5n]. The Government's own figures estimate that some 3,422 women were raped between 1998 and 2002, according to a survey carried out in the southern regions of Kinkala, Nkayi, Sibiti, Dolisie and Pointe-Noire [5i].

4.45 In May 2002, 5,000 civilians who had fled the Pool region claimed that they had been forced from their homes in Mbanza-Ndounga, Goma Tsé-Tsé and Boko, by the Ninjas. Those who refused to leave were reportedly killed [9b].

4.46 Allegations of sexual abuse perpetrated by its staff caused the United Nations High Commission for Refugees to launch an investigation on 20 May

2002. In addition to these allegations, UNHCR staff were also accused of selling travel documents and refugee cards [5m].

4.47 In September 2002, Jacques Diouf, head of the UN's Food and Agriculture Organisation announced the initiation of a major nationwide food security programme. Pilot projects, to run with the assistance of 34 Vietnamese experts, commenced in September 2002. It is estimated that 32 percent of Congolese suffer from hunger [5aa]. On 14 January 2003, before the announcement of the repatriation of internally displaced people, the World Food Programme announced that it urgently required 4,000 metric tonnes of food aid to feed 30,000 until mid-2003 [5e].

4.48 In November 2002 the United Nations said that it was assisting 8,000 refugees on the outskirts of Brazzaville after they had fled the Pool region. The displaced people said they were fleeing from the lawless condition in the region that was evident in October. The UN said that there were no severe health problems but the lack of sanitation remained a cause for concern [4b].

4.49 In late November 2002, it was reported that government forces extrajudicially killed 9 people from Moutampa in the Mbanza-Ndounga district of Pool. The victims included a 17 year old male. Prior to being shot dead, the victims were allegedly severely tortured by the soldiers [9c].

4.50 On 4 December 2002, a government spokesman claimed that Ninja rebels had killed 17 civilians in the Pool province over the last four days. The incidence occurred in four different locations. This particularly spate of attacks started on 28 November in the village of Mfouati where five people were killed and a baby was set on fire [17f].

4.51 The Internal Human Rights Federation (FIDH) accused the rebels and government forces of committing numerous human rights abuses. In a statement made on 6 December 2002, FIDH claimed that the civilian population had endured summary executions, rapes, looting and had their villages devastated. The human rights body continued to say that no one had been tried for these crimes [10d].

4.52 The UN reported in January 2003 that 60,000 people had fled their homes in Pool as a result of "bombing, banditry and attacks on villages". Clashes between the Ninjas and government forces continued through the end of 2002 [12e]. The UN provided aid for approximately 84,000 of the 150,000 persons who were displaced at the time, but the remaining 60,000 were beyond the reach of the aid agencies [17e].

4.53 At least 10 people were killed in an attack on the village of Yamba in the Bouenza province, on 10 February 2003 according to the authorities. They claim that 40 Ninjas attacked the main police station, killing the police commissioner and approximately 10 civilians. The Ninjas looted shops before fleeing to Loulombo and Kimbedi in the Pool province [17g]. Other reports put the number of Ninja militia who participated in the attack at just eight [6k].

Amnesty International reported that over 170 people had been killed in Brazzaville in early 2003. Most of these were unarmed civilians [9b].

4.54 In light of the recent peace initiative, on 7 April 2003, the Government announced an agreement with humanitarian aid agencies, concerning the return of internally displaced people (IDP) to the Pool region. Emilienne Raoul, the Minister for Social Affairs said that the Government agreed to provide transportation for the returnees, who were assured of their “security and dignity”. Sory Ouane, the interim co-ordinator of the UN aid agencies, said the UN agencies would provide food and non food items, as well as youth training to start the reconstruction of the province. The aid agencies said that a rapid return of displaced people to their homes was necessary, as the conditions in the IDP camps were deteriorating [4f].

Demobilisation of Militia Fighters

4.55 In an effort to sustain peace, the United Nations Development Programme (UNDP), in partnership with the International Organisation for Migration (IOM) ran a programme to disarm former militia fighters and provide them with grants to initiate businesses. Since July 2000, US\$8 million was targeted at 15,000 former combatants, but only US\$3 million was actually donated by the international community. The scheme has stalled for lack of funds, although Sweden, the European Union and the Congolese Government have pledged more money for the programme [16f]. The programme has reintegrated 7,500 former fighters into civilian life through funds and training to start small businesses. Some 1,800 have been reintegrated, mainly into the army. Additionally, 12,000 small arms were collected and destroyed under the program [4p].

4.56 On 6 December 2002 officials announced the end of the IOM project. It had collected 20,000 weapons and reintegrated thousands of militiamen into civilian society. The Government has received 4.6 million Euros from the World Bank to continue its own reintegration programme [12d].

A New Peace Initiative

4.57 The continuation of violence in the Pool province forced the Government into the establishing a buffer zone around Brazzaville in an attempt to prevent Ninja infiltration of the capital city, which borders the Pool province. The zone also prevented fleeing civilians from reaching the city [5aa].

4.58 In November 2002, a plan was presented to the Government to end the hostilities. A committee established at the President's request issued a ten-point peace plan. Amongst these points were the replacement of army units in Pool, which were mainly comprised of ill-disciplined conscripts, with gendarmes, a withdrawal of all foreign troops, a general amnesty for surrendering Ninjas and full access to Pool for NGOs [4e]. The committee also offered to act as mediators between Sassou-Nguesso and Pasteur Ntoumi [5aa].

4.59 On 19 November 2002, President Sassou-Nguesso ordered the military to create a humanitarian corridor to enable Ninja rebels to leave the forests of Pool and pass safely to Brazzaville in order to disarm. The President guaranteed their safety, but added that there was a one-month ultimatum to take up his offer or face the consequences **[10d]**.

4.60 In his end of year speech made after the expiry of his own one-month ultimatum, Sassou-Nguesso repeated his offer to guarantee the safety of any militiamen should they surrender. Approximately 95 Ninjas, who had previously been located in Mindouli forest, handed themselves into the authorities during the last days of 2002 **[17h]**. The PanAfrican News Agency reported that, by mid-February 2003, around 400 militiamen had surrendered themselves **[5ab]**.

4.61 It was reported on 31 December 2002, that after three days of agitated debate, MPs had created an eleven-man commission to meet the rebels, in order to find a solution to the crisis. The commission was headed by André Milongo, the leader of the opposition **[17i]**.

4.62 Despite the ongoing effort to secure peace through the diplomatic channels, the authorities inaugurated a new army base in Kinkala on 16 February 2003. The base was opened by Chief of Staff Charles Mandjo, with the view to restore the state's authority in Pool **[5ab]**.

4.63 On 20 January 2003, United Nations aid agencies requested US\$60 million from donors in order to consolidate the peace process. The UN Children's Fund (UNICEF) stated that democratic institutions had been put in place and it was time to support this with international assistance, in order to create the durable peace that the Congolese people deserve **[17e]**.

4.64 In late January 2003, President Sassou-Nguesso's party, the Parti Congolais Travail (PCT) announced that it was willing to meet with Pasteur Ntoumi, the leader of the Ninjas. A spokesman for the PCT said that Ntoumi will be welcomed in Brazzaville, on condition that he lay down his arms and abandon violence **[4i]**.

4.65 A breakthrough in the drive for peace came on 17 March 2003, when the Government and the Ninjas issued a declaration in Brazzaville. The Ninja spokesman agreed to end hostilities, disarm his fighters and enable the state to restore authority in Pool. The Government, in turn, agreed to guarantee an amnesty offer to rebels, including provisions for integrating ex-combatants into the army **[4q]**. Les Depeches de Brazzaville reported that on 23 March 2003 the Minister for the Co-ordination of Government Activities, Isidire Mvouba, welcomed a delegation of 100 Ninja militiamen to Brazzaville. The Ninja delegation, lead by Prosper Miyamou, also known as Pistolet, entered the city on foot through the Kinkoula humanitarian corridor from Bouenza province **[36]**.

4.66 On 26 March 2003, the Government and Ninjas exchanged prisoners as part of the agreement to restore peace to the country. 21 Ninjas and 16

government soldiers as well as two women who had given birth in captivity were exchanged. The process was facilitated by the International Committee of the Red Cross [4k][5w].

5. STATE STRUCTURES

The Constitution

5.1 The 1992 constitution was suspended following the assumption of power by General Denis Sassou-Nguesso on 15 October 1997 [1]. In March 2001, a draft constitution was put before the NTC, which contained opposition leaders returned from exile, and on 12 April 2001 it was sanctioned [22]. The draft constitution also won overwhelming approval in a national referendum on 20 January 2002. 84.26 percent of vote's cast were in favour of the proposed constitution with just 11.29 percent voting against it. Despite calls by opposition parties for people to boycott the vote, 78 percent of the 1.6 million eligible voters participated in the referendum [4a].

5.2 Under the terms of the new constitution, the term of a presidency is increased from 5 to 7 years, renewable once. The president can also appoint and dismisses ministers. The post of Prime Minister has been abolished [6a]. Presidential candidates must be between the ages of 40 and 70 and have been a permanent resident in the country for at least 24 months. Additionally, 3 doctors appointed by the Constitutional Court must proclaim the candidates as healthy [19]. With regard to the legislature, a new bicameral assembly was established comprising of a lower house, a 137-seat House of Representatives, and an a upper house, the Senate, which consists of 66 seats [5h]. The House of Representatives members are directly elected for a 5 year period and the Senate members are indirectly elected for a 6 year term (one third of members, each 2 years) [22]. The assembly does not have the power to remove the president, and the president does not have the power to remove the legislature [5b].

Citizenship and Nationality

5.3 The legal basis of citizenship is the Congolese Nationality Code and the regulation which brought it into effect on 29 July 1961. Citizenship can be acquired by birth, descent, naturalisation and marriage. A foreign national can become a naturalised citizen after ten years of residence in the Congo. Citizenship can be acquired by a foreign national by marriage to a Congolese citizen after five years of communal living in the Congo [8].

5.4 Birth within the territory of Congo does not automatically confer citizenship. The exceptions are as follows:

- a child born of unknown or stateless parents
- a child born of foreign parents, at least one of whom was also born in the Congo

The Government of Congo reserves the right to repudiate citizenship claims that fall into the above two categories [8].

5.5 Citizenship can be acquired by descent by:

- a child of a Congolese mother and father, regardless of the country of birth
- a child, at least one of whose parents is a citizen of Congo and the other of whom was born in Congo, regardless of the child's country of birth
- a child born in Congo, at least one of whose parents is a citizen of Congo [8].

5.6 Voluntary loss of citizenship is permitted by law. Renunciation must be approved by the Government and approval can take up to a year. The following are grounds for involuntary loss of Congolese citizenship:

- a Congolese national who has entered into the service of a foreign state
- a naturalised citizen convicted of certain crimes less than ten years after naturalisation [8].

The 1961 Nationality Code states that a Congolese national who voluntarily acquires a foreign citizenship will lose his Congolese citizenship but dual nationality is now permitted under the 2002 constitution [8][19].

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The Political System

5.7 The Republic of Congo is a sovereign, secular and democratic state in which the president is the head of state, head of the executive and the head of government. The president is directly elected by an absolute majority of votes cast for a term of seven years, renewable once. The president has the power to appoint ministers, senior civil servants, military staff and ambassadors. The president is also the supreme head of the armed forces and the President of the Higher Council of Magistrates and possesses the right of pardon. The president chairs the Council of Ministers. The legislature consists of a bicameral parliament of a National Assembly and a Senate. Deputies are directly elected to the National Assembly for a renewable term of five years. Senators are elected indirectly by local councils for a term of six years [1].

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The Judiciary

5.8 The judiciary is overburdened and subject to influence from political spheres. During the course of the civil war, much of the legal infrastructure was destroyed. Few case decisions and judicial records managed to survive the civil war. This is also the case for legal texts and other such documents. [3a].

5.9 MSF Mission Chief Phillippe Cachet described the judicial system as confusing and there are no sessions for the suspects to be accused. He added that that the court system is only partially in place and that sessions are irregular **[38]**.

5.10 The judicial system consists of local courts, courts of appeal, the Supreme Court and traditional courts. In addition, two new judicial bodies were added under the 2002 constitution - the Constitutional Court and the High Court of Justice. The function of the Constitutional Court is to supervise elections and judge the constitutionality of laws and the function of the High Court of Justice is to try a president accused of treason. In rural areas, traditional courts continue to handle many local disputes, especially property and probate cases and domestic conflicts that cannot be resolved within the family **[3b]**.

5.11 In general, defendants are tried in a public court of law presided over by a state-appointed magistrate. The defence has access to prosecution evidence and testimony and the right to counter it. In formal courts, defendants are presumed innocent and have the right of appeal, however, the legal caseload far exceeds the capacity of the judiciary to ensure fair and timely trials. Some cases never reach the court system **[3b]**.

5.12 Amnesty laws were in place for any acts committed during the three civil wars of the 1990s. However, this amnesty does not cover the political "authors" behind the fighting **[3a]**.

5.13 OCDH, and other NGOs have urged the Government to ratify the Rome Statute of the International Criminal Court (ICC), which the country signed on 17 July 1998. The NGOs comment that if the Government is serious about ending the reign of impunity and bringing those perpetrators of crimes committed during the recent wars to justice, then it must ratify the ICC **[5y]**.

5.14 Retraining of magistrates and administrative staff has begun as well as reconstruction of the judicial infrastructure **[41b]**. However, Medecins Sans Frontiers (MSF) announced in late February 2003 that it would help victims of rape take private legal action as the state's criminal courts in the country had not sat in more than four years **[17d]**. However, this appears to be tempered by the UN article on MSF activities, stating that no rape case judgement had been rendered to date **[5ab]**.

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Legal Rights/Detention

5.15 The 2002 constitution prohibits arrest and detention however, the security forces have frequently committed such acts. The Code of Penal Procedure requires that a person be apprehended openly and that a lawyer be present during initial questioning. The Code further stipulates that warrants be issued before arrests are made and that detainees be brought before a judge within three days and either charged or released within four months. In practice, the Government has often violated these legal provisions. Detainees

are usually informed of the charges made against them. Lawyers and family members are usually given access to detainees [3b].

5.16 Amnesty International (AI) has reported that arbitrary arrests, detention and mistreatment of suspected criminals in custody still occurs in the Republic of Congo. AI state that Congolese political leaders play down these human rights offences because the victims are alleged criminals, not political prisoners [9c].

5.17 Following a major multi-sectoral human rights conference in Brazzaville at the end of January 2003, activists called for the Government to bring outdated laws in line with international conventions. Participants in the conference included human rights NGOs and lawyers as well as officials from the prison service and the justice ministry. Other recommendations that were made included teaching human rights in schools and working to increase the understanding of human rights in public bodies, particularly the police [5ac].

5.18 The Republic of Congo has the death penalty in force for crimes against the state and other serious offences such as murder. Amnesty International, however, has classified the country as abolitionist in practice as an execution has not been carried out in over 10 years. It is believed that the Government has made an undertaking not to carry out executions [9a].

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Internal Security

5.19 The police, Gendarmerie and armed forces comprise the security forces, though the distinction between the role of each is unclear. The police forces should be the first to react to incidences with the Gendarmerie and army supporting if necessary. However, joint operations are common [3a]. The armed forces have been involved in combating the Ninja rebels, with the additional assistance of the Angolan army units stationed in the country [4d].

5.20 There were reports of security forces summarily executing soldiers responsible for abuses. For example, one soldier shot and killed a superior officer in August 2001. This soldier was then arrested and summarily executed himself [3a]. Other examples of extrajudicial killings were evident, and these reports continued in 2002. This includes one report that alleged that soldiers were summarily executed for killing a family. There were no reports of police killing suspects who attempted to flee arrest [3b].

5.21 A survey of 2,000 persons conducted by the police in August and September 2001 indicated that, of the 81 percent who had had contact with police, more than 65 percent were dissatisfied with their treatment [3a].

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Prisons and Prison Conditions

5.22 Prison conditions in 2002 were reported to be poor due to overcrowded facilities and scarcity of resources to provide food or health care to the inmate. There are prisons in Brazzaville and Pointe Noire and to a lesser degree in

the smaller, more remote towns of Owando, Ouessou and Djambala. The Government continues to repair prisons but, as with their attempts to improve food and medical facilities, its efforts are hampered by a lack of funds. Women have been imprisoned with men, as have children with adults. Additionally, pre-trial detainees have been held with convicted criminals [3b].

5.23 The police perpetrated beatings and extortion on individuals in their custody. In 2000, 17 prisoners who served 16 months in Impfondo prison, in the north of the country, filed a civil action in Pointe Noire alleging that they were tortured and suffered other inhuman treatment in prison. By August 2001, they filed a complaint to the Belgian National Court [3a].

5.24 Local and international human rights non-government organisations (NGOs) have been able to visit prisons throughout the country. As well as the International Committee of the Red Cross (ICRC), numerous local NGOs such as the Congolese Observatory for Human Rights (OCDH), the Association for the Human Rights of the Incarcerated (ADHUC) and a Catholic Church organisation have visited prisons [3b].

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Military Service

5.25 In August 2001, the army numbered 8,000, the navy about 800 and the air force 1,200. There were 5,000 men in paramilitary forces, comprising 2,000 members of the Gendarmerie and 3,000 of the People's Militia. The latter was in the process of being absorbed into the national army in August 2001. The president is the Supreme Commander of the armed forces [1]. The minimum age for recruitment into the armed forces is 18 [39].

5.26 Military conscription does not exist in the Republic of Congo. There has been no conscription in the Republic of Congo since 1969. Enlistment into the armed forces is voluntary. There is no known legal provision for conscientious objection [25][39].

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Medical Services

5.27 AIDS infection rates are highest among young people in the 15-49 years age bracket. In 2001, the AIDS pandemic was accountable for 14 percent of all deaths in the Republic of Congo and became the first cause of hospitalisation in that year. HIV/AIDS treatment is available in the Republic of Congo but the treatment is basic [6a]. 40 percent of all hospital beds in the Republic of Congo are occupied by HIV/AIDS victims [5ae]. The Republic of Congo has the third largest prevalence of HIV/AIDS in central Africa. In 2000, the rate was 14.7 percent for Pointe-Noire, the second city and 5 percent for the capital, Brazzaville [5af]. In response to the HIV/AIDS pandemic, United Nations agencies and the Government, together with other agencies, have set up a nutrition project for people living with HIV/AIDS and their families. The pilot phase of the emergency project was launched in November 2001 in Brazzaville and Pointe Noire. The World Food Programme initially planned to assist 5,000 people living with HIV/AIDS and their families but the pilot project has catered for more than 17,350 people [5a].

5.28 Major pharmaceutical companies have an agreement with the Government to sell anti-retroviral drugs at a fraction of their market price. Furthermore, the Government has agreed to then subsidise this reduced price, making the drugs even cheaper [6a][35]. Thanks to a partnership with the German pharmaceutical company, Boehringer Ingelheim, the drug Viramune, which helps prevent transmission of AIDS from mother to child during labour, is available cost-free [5z].

5.29 The Government launched a National Council for the Fight Against AIDS and Sexually Transmitted Diseases in July 2003, with President Sassou-Nguesso serving as the group's president. Speaking during a ceremony in Brazzaville, the president called on the Congolese people to change their mentality and behaviour in an effort to fight the disease [5c].

5.30 At a recent seminar, Health Minister Alain Moka stated that despite the prevalence of HIV/AIDS in the country, the level of medical treatment available was lagging far behind other nations. He stated that about 10% of the country's population may be infected, with about 300 people newly infected each day nationwide. Only about 100 people with HIV/AIDS have access to adequate treatment. Monthly anti-retroviral treatment for an HIV/AIDS patient in the Republic of Congo costs about 350,000 francs CFA (US\$619) in July 2003 - roughly equal to the national average annual income [5c].

5.31 In 2001 the UN rehabilitated 58 integrated health centres throughout the country. By the end of 2003 they aim to have done the same with a further 180 integrated health centres and 21 district hospitals [41b].

5.32 An outbreak of Ebola was reported in January 2003 in north west Congo. By early April, the Red Cross announced that the outbreak appears to have been contained. However, the disease killed 120 out of the 135 it infected [7g].

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The Education System

5.33 Education is free and compulsory for children from age 6 to age 16. Primary education begins at age 6 and ends at age 12. Secondary education comprises of two cycles, the first cycle lasts for 4 years and the second cycle lasts for 3 years [2]. Despite this, the number of females attending secondary school has progressively declined, which is a trend that continues into university. Adult literacy levels are at 77 percent, but drop to 70 percent in the case of women. Girls are known to exchange sex for better grades. Sometimes this is done voluntarily, though sometimes it is done under pressure [3a].

5.34 Traditionally the Republic of Congo has had comparatively strong education system, with high enrolment rates. However, the series of civil wars and natural disasters had taken its toll on participation in schools. Enrolment

rates dropped by 19 percent between 1980 and 2000 for elementary schools. [41b].

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6. HUMAN RIGHTS

6A. Issues

Overview

6.1 The US State Department Human Rights Report for the Republic of Congo covering the year 2002 reports that the Government's human rights record is poor. Security forces have been responsible for extrajudicial killings, as well as summary executions, rapes, beatings, physical abuse of detainees and citizens, arbitrary arrest and detention, looting, solicitation of bribes and theft. There have been credible reports that the Government deployed undisciplined forces during 2002 in the Pool region. Domestic violence and societal discrimination against women are serious problems and discrimination on the basis of ethnicity is reported to be widespread [3b].

6.2 The Amnesty International Country Report on the Republic of Congo covering the year 2002 reports that the human rights situation deteriorated significantly during 2002 after armed conflict flared up in April 2002. Hundreds of unarmed civilians were unlawfully killed and hundreds of women were raped by government soldiers and opposition combatants. At least 50,000 people were internally displaced by the fighting between the security forces and opposition militias in the Pool region and in Brazzaville. Houses were destroyed and villages were burned [9b].

6.3 The new constitution, which came into force in 2002, provides for the protection of human rights and the democratic transition was completed in the same year, with the election of the President, a two-tier parliament and local, municipal and regional councils [2].

6.4 The Government has been criticised for its handling of the renewed activity of the Ninja militia and allegations of human rights abuses have come from international organisations and from within the country [5s][5v]. Reports have emerged that government soldiers have raped women and have used helicopters to attack villages in the Pool region [5o][5s][6n].

6.5 A further source of friction has been the elections themselves, with sections of the opposition claiming that they were not transparent [6f]. Violence and allegations of malpractice were evident during the first round of the legislative elections and the lack of opposition representation in the presidential poll attracted international criticism [5I].

6.6 The constitution prohibits acts of torture and cruel, inhuman, or degrading treatment, however, the security forces have sometimes used beatings to coerce confessions or to punish detainees. There have been reports that undisciplined government forces have committed human rights abuses such

as summary executions, rape, looting and other violent acts, primarily in the Pool region but also in Brazzaville [3b].

6.7 During negotiations in April 2002 for the surrender of Ninja militia members in Brazzaville, shots were fired in some southern neighbourhoods of Brazzaville, which caused the residents of the area to panic and flee. Some army and police forces, who were in the area to ensure security during the surrender negotiations, robbed, beat and in some cases raped the fleeing citizens. The soldiers were eventually replaced with more disciplined troops but no action was taken against the responsible soldiers at the end of 2002 [3b]. Twelve soldiers, however, were dismissed in April 2002 following charges of looting in Brazzaville during an operation to clear the Ninjas from the southern suburbs [5q]. Amnesty International called the dismissals a rare and inadequate measure in curtailing looting by security forces [9c]. In the peace proposal submitted to the President in November 2002, the issue of why a market has been established next to the train station in Brazzaville to sell goods looted by the security forces in the Pool province was raised. The market is in full view of the Ministry of the Interior [4e].

6.8 In mid-January 2003 the National Assembly adopted a law to create a national human rights commission. The commission is a requirement of the constitution that came into force in August 2002. Justice Minister Jean-Martin Mbemba described the commission as an essential instrument for protecting human rights in Congo. The commission will have 39 full members and 14 associate members from human rights NGOs, civil society organisations and public institutions. The President will appoint the members of the commission, which will have a president, two vice-presidents an administrative/financial officer and a rapporteur [5ad].

6.9 The commission will have numerous roles. Firstly, it will provide countrywide education for all levels of society on human rights. Secondly, the commission will promote human rights with elected officials and police authorities. It will also provide human rights reports to the Government [5ad].

6.10 Human rights NGOs have bid a cautious welcome to the commission. Most welcomed the establishment of such a body, but are eager to see how effectively the commission will work and how it will impact on the human rights situation in the country. Opposition parties believe that the new body does not have sufficient powers, as it would only be a civil party in any prosecution case. This means that it does not have the power to summon those accused of human rights abuses [5ad].

6.11 The French-based NGO, International Federation of Human Rights Leagues (FIDH), have named Congolese General Norbert Dabira, who lives in France, in a judicial complaint. The FIDH accuse him of torturing refugees who had just returned from the Democratic Republic of Congo in 1999. When a group of refugees arrived in Brazzaville, 353 were arrested and then disappeared. They are widely believed to have been executed. The procedure also named President Sassou-Nguesso, the Interior Minister Pierre Oba and commander of the Presidential Guard, Blaise Adoua [5t].

6.12 On 11 September 2002, it was reported that the Congolese Government stated that these allegation have “no legal grounds” and that General Dabira should not go before Meaux High Court **[10i]**. Despite this, the French court requested a written deposition from the President Denis Sassou-Nguesso. Sassou-Nguesso claims that he has not received such a request and so will not be providing a deposition **[10e]**.

6.13 The Government filed a petition on 9 December 2002 before the International Court of Justice in an attempt to block the Interior Minister Pierre Oba from being tried for crimes against humanity and torture in France. The petition also said that a warrant instructing police to examine President Denis Sassou-Nguesso as a witness violated the criminal immunity of a foreign head of state **[5d]**.

6.14 Investigators in the Congo itself have begun questioning police and army officers over the disappearance of the 353 refugees. Authorities in Brazzaville have stated that there will be a thorough investigation and the examining magistrate has said that a number of officers may be charged if there was sufficient evidence **[17c]**.

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Freedom of Speech and the Media

6.15 The 2002 constitution provides for freedom of speech and of the press, but also criminalises certain types of speech such as incitement to ethnic hatred, violence or civil war. In practice, the Government generally respects the right of freedom of speech and of the press **[3b]**.

6.16 There is no government-owned newspaper. In 2002, 15-20 private newspapers appeared weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles disparaging of the authorities. The print media do not circulate widely beyond Brazzaville and Pointe Noire. In 2001, the Press Law was amended. While maintaining monetary penalties for defamation and incitement to violence, the law no longer requires prison terms for editors, including cameramen, and other working members of the press **[3b]**.

6.17 The most widely accessible media is radio, in which the Government effectively maintains a monopoly. Radio Brazzaville, a state-owned station, broadcasts for approximately 18 hours a day. Radio Congo, also state-owned, broadcasts for 24 hours **[3b][41b]**. The news coverage and the editorial lines of the state-owned media generally reflect government priorities and views. The broadcast media reports the activities of the ruling party and its allies without airing alternative political views **[7e]**. A local FM radio station rebroadcasts Radio France International, Voice of America and BBC radio transmissions **[3b]**.

6.18 There are two internet companies in Brazzaville. The Government-controlled Internet provider folded in autumn 2002. Those who can afford it

can access the Internet direct through satellite and internet providers in Brazzaville, Pointe-Noire or the DRC. There are several internet cafés in the Republic of Congo [3b].

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Freedom of Religion

6.19 The 2002 constitution provides for freedom of religion and also forbids discrimination on the basis of religion. The Government at all levels protects this right in practice and does not tolerate its abuse, either within the Government or outside government. There is no official state religion [3c].

6.20 Approximately one half of the population are Christians, of which 90 percent are Roman Catholics. There are a small number of Kimbangu Christians, who retain many traditional Christian beliefs but incorporate other elements introduced by the founder, Simon Kimbangu. These other elements include recognising Simon Kimbangu as a prophet and ancestor worship. There is a small Muslim community consisting of 25,000 to 50,000 people, most of whom are immigrants from North and West Africa [3c].

6.21 The remainder of the population follow animist beliefs, or are of no religious affiliation. Some of these mystical and messianic practices have been associated with political opposition groups [3c]. For example, members of the Lari, who make up large numbers of the Ninja rebel group have gone into battle wearing religious charms to protect them from bullets [16i].

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Freedom of Assembly and Association

6.22 The constitution provides for the freedom to hold demonstrations and public meetings [19]. The Government generally respects these rights in practice. Groups wanting to hold public demonstrations are required to inform the Ministry of the Interior in advance [3a]. Authorisation for public demonstrations or public meetings can be withheld by the Government on public order grounds. There were no reports that the Government withheld permission for any public meeting or demonstration to take place in 2002 [3b].

6.23 The law permits associations, political parties and other groups to form freely provided that they respect principles of sovereignty, territorial integrity, national unity and democracy. All groups, political, social or economic are generally required to register with the Ministry of Interior, which in August 2002, was divided into the Ministry of Security and Police and the Ministry of Territorial Administration. No political parties were banned or suspended in 2002 and the parties of some prominent leaders of the former government continue to operate [3b].

6.24 UPADS, the party led by former president Lissouba still operates and contested the March 2002 presidential elections, with Kignomba Kia Mbougou as its candidate [11]. UPADS also won seats in the legislative and local elections later in 2002. The party formed and lead by Bernard Kolelas, the

MCDDI, is also free to participate in the political arena. The MCDDI failed to win any seats in parliament and only managed to win 4 seats in the local elections [6h][16c]. From their places of exile, Kolelas and Lissouba both called on their respective parties to boycott the legislative elections. This call was rejected by the party leaders in Brazzaville, who decided to contest the election [6k][17a].

6.25 Many former opposition political figures have returned to Brazzaville and have resumed their political activities. Also, civil servants who served under the previous regime and who supported the opposition groups, were allowed to return to their previous employer [3a].

6.26 Prior to the start of the recent electoral process, the UN commented that encouraging signs were evident with regard to freedom of speech. Furthermore, there were no reports of politically motivated harassment of political parties during the electoral process [41a].

6.27 In their April 2003 report “A Past Which Haunts the Future”, Amnesty International stated that they received few reports of political prisoners. Although AI did believe that arbitrary arrest, unlawful detention and mistreatment in custody did occur, when such incidents happened, the victims were ordinary criminals with no political connections in “virtually all cases” [9c].

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Employment Rights

6.28 Workers have the right to form unions and the Government respects this right in practice. Most workers in the formal sector are union members and unions have made efforts to organise workers from the informal sector. Forced, compulsory and bonded labour is illegal, but it does occur [3a]. With the exception of state representatives, the constitution acknowledges the right to strike, subject to law [19].

People Trafficking

6.29 The law does not specifically prohibit people trafficking and there are reports that people are trafficked to, from and within the country. A study by the International Labour Organisation in Cameroon found that children had been trafficked between the Republic of Congo and other northern and west African countries [3a].

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Freedom of Movement

6.30 The constitution provides for the freedom of movement within the country, foreign travel, emigration and repatriation. The Government has, however, imposed some limitations on these rights. Military and police checkpoints, which at times interfered with the movement of civilians, operated during 2002. Soldiers have frequently extorted money and mobile telephones for private individuals and commercial traders to permit passage

through these checkpoints. There were no reports that the Government intervened to prevent the return of anyone to the country in 2002 [3b].

6.31 Since the restart of Ninja activity in the Pool region in March 2002, the Government sealed off areas of Pool. The central area of Pool, including Mayama and Kimpello were sealed off by government forces [13b]. Additionally, people in the towns of Pool were forbidden to leave. When the United Nations flew in supplies to the town of Kindamba on 2 June 2002, the armed forces had just started allowing people to go back out into their fields to search for food [5n]. The UN reported that repeated attacks by the Ninja and abusive protection by the military meant that free movement of the population in the affected areas was not possible [5r]. It was estimated that 2,000 people remained in Kindamba under heavy army guard since the Ninja attacked on 31 March 2002 [5o].

6.32 Former Prime Minister Bernard Kolelas has reportedly tried to re-enter the country twice, despite the outstanding charges against him. However, on each occasion it is believed that the Government has intervened and the airlines have refused to fly Mr Kolelas. Other ministers, including the former President, Pascal Lissouba, who were tried and convicted in absentia would not be able to return [3a].

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6B. Specific Groups

Refugees

6.33 The constitution provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol and the Government grants asylum to refugees from other countries in practice. In 2002, the country had a small number of Burundians and approximately 7,000 Rwandans, largely members of the Hutu ethnic group, who fled camps in the eastern part of the DRC in 1996 and arrived in the country mainly in 1997. The Government, in collaboration with the UNHCR has integrated approximately 2,000 of these refugees in the north central regions of the country, however, some have remained loosely grouped in an encampment north of Brazzaville and others have been integrated informally into Congolese society. Humanitarian NGOs have reported that there were 20,800 Angolan refugees in Pointe Noire at the end of 2000. Of these, approximately 3,000 continued to receive some UNHCR assistance in camps during 2002. The remaining approximately 16,000 have been integrated into local communities or have been repatriated. More than 100,000 refugees and several hundred combatants, including DRC troops, have fled to the northern Cuvette and Likouala regions of the country due to fighting in the DRC's Equateur Province since 1999. Some have been repatriated to Kinshasa. There were no reports of the forced return of persons to a country where they feared persecution during 2002 [3b].

Women

6.34 Under the terms of Article 8 of the constitution, women have equal rights to men and the law guarantees their advancement and representation in all aspects of political life [19]. However, women are under-represented in the executive, legislative and judicial branches of government [24]. Nevertheless, in 2002, some improvements were made. 300 women were among the 1,200 candidates competing in the May/June 2002 legislative elections [5k]. Additionally, in the cabinet reshuffle in August 2002, the number of female ministers rose from 2 to 5 [6j].

6.35 Speaking in late January 2003, the UN Committee on the Elimination of Discrimination Against Women asked the Government to address laws that were discriminatory to women. Whilst commending the Congolese Government for acknowledging serious obstacles to gender equality, the committee cited several laws in the fields of labour, taxation, criminal and family law. The Republic of Congo ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1982 [5ag].

6.36 During the civil conflicts of 1993, 1997 and 1998/9, as many as 60,000 women were raped. In some areas such as Pool, during these civil wars, rape appeared to be used systematically [41a]. Women also suffered from other forms of violence and it is thought that the physical and psychological impact of this is extremely deep [24]. Brazzaville newspapers, quoting a UNICEF report, claimed 27,000 women had been raped in the preceding 10 years [6b].

6.37 During the recent civil conflict in the Pool region, there have been reports that many women are stating that they have been raped by men in uniform. As much of the areas of fighting are sealed off, these reports have not been verified, but organisations who work with these women fear that government forces are amongst the culprits. This has attracted much concern from the United Nations High Commissioner for Human Rights, Mary Robinson [5m]. On 27 May 2002, a UN spokesperson stated that rapes by the military are frequent [5r]. The Government's own figure have put the number of victims at 3,422 over the past 4 years according to a recent survey [6i].

6.38 In late February 2003, MSF said that it would help victims of rape from Congo's civil conflict to prosecute their attackers through private legal action. The MSF head of mission in Congo, Phillippe Guerin said that the criminal court had not convened in over four years [17d]. However, this appears to be tempered by the UN article on MSF activities, stating that no rape case judgement had been rendered to date [5ab]. A study carried out in Brazzaville by MSF between March 2000 and January 2003 showed that more than 600 rapes were committed in the city between these times. Victims included a six month old baby girl and four men. A third of all of the rape victims were aged 13-17, and a quarter between 18-25. Only 2.4 percent of the 445 victims tested positive for HIV, but other infections were passed on, as well as other physical and psychological traumas associated with rape [17d].

6.39 Domestic violence, such as beatings and rape, against women are widespread, though are rarely reported to the authorities. It is usually handled

within the extended family. There are no specific statutes for domestic violence, such charges fall under general law regarding assault **[3a]**.

6.40 Female Genital Mutilation is not practiced indigenously, although it may be more common in migrant communities, particularly those from Mali and Mauatania, where it is more widespread **[3a]**.

6.41 The purchasing power of women in the Congo is considerably lower than that of men. GDP per capita for men is US\$1,297 but only US\$706 for women. Similarly, in terms of literacy, the rate for men is 85.7 percent, compared to 71.5 percent for women. Although there is a general downward trend, life expectancy for women is higher than men, at 51.1 years compared to 46.7 **[24]**.

6.42 As an economic downturn still affects the Republic of Congo and unemployment is a serious problem, even women educated to diploma level are finding themselves forced to work in the informal sector to support their families **[24]**.

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Children

6.43 According to Human Rights Watch, both the Government and the militias have used child soldiers **[21]**. The Coalition to Stop the use of Child Soldiers claims that 6,000 children are being used by both the Government and the militia groups in the country, recruiting males between the age of 15 and 35 **[25]**. Child labour is illegal but this law is not vigorously enforced **[3a]**.

6.44 According to MSF, approximately 600 women were raped between March 2000 and January 2003. A third of these rape victims were aged 13-17. Some were younger, the youngest victim being a six-month-old baby. Only 2.4 percent of the 445 victims tested positive for HIV, although other infections were transmitted. Physical and psychological traumas associated with rape were also recorded **[17d]**.

6.45 The Directorate of Employment and Human Resources in partnership with the United Nations conducted a survey into child labour. 3,155 children were sampled from the main cities of Brazzaville, Pointe Noire, Nkayi, Dolisie and Ouessou. The results found children of 5-16 engaged in sales activities and no longer at school. 40 percent of those surveyed were orphans **[41b]**.

6.46 The number of street children appears to be growing, particularly after the civil conflicts of the late 1990s. These numbers are swelled by children from the Democratic Republic of Congo (DRC) who cross over the Congo River in search of a better life. UNICEF estimates that at least 20 percent of the children on Brazzaville's streets are from the DRC, although some NGOs put this figure at 50 percent **[3a]**.

6.47 Although street children are not actively mistreated by the Government nor any vigilante group, they are vulnerable to criminal gangs and to sexual exploitation **[3a]**.

6.48 In 1992, 92 percent of births were registered. However, in 2002 that figure had fallen to 44 percent. Registering births is largely economically inaccessible to most people **[41b]**.

Childcare Facilities

6.49 In 2000, an estimated 137,000 children, 11 percent of all Congolese children, were orphans. Most are hungry, poorly clothed and receive no education. Some have to take on the role of head of household and provide for their brothers and sisters. Traditionally, it is only the son or nephew who are recognised as heirs, and thus stand to inherit their parents possessions. Orphans are exposed to exploitation, drugs and HIV/AIDS **[41b]**.

6.50 There are few orphanages in the Republic of Congo. A church group has recently opened one as a pilot project with the approval of the Government, but it initially only had a capacity of 8 children, which is expected to expand in the future **[27]**. The International Red Cross (IRC) operates three daytime safe havens in Congo, two in Brazzaville and one in Pointe-Noire. IRC also helps reunite these children with their families and assists with education and apprenticeships **[37]**.

6.51 The wife of President Sassou-Nguesso has offered a large piece of land for the construction of an orphanage, to another church group, World Outreach. Additionally, the Ministry of Health has given two vacant buildings to World Outreach, one for an orphanage and the other for a school for the orphans **[29]**.

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Ethnic Groups

6.52 Discrimination on the grounds of ethnicity is outlawed by the constitution but in practice it occurs. Former civilian employees of the Government have been encouraged to return to their former jobs even though they are from ethnic groups that opposed the Government during the civil wars and the disturbances that followed **[3b]**. Since the restart of hostilities in March 2002, there have been reports that men in uniform have perpetrated rapes against civilian women in the Pool region. Also, there have been reports of men of fighting age in the Pool being apprehended by the authorities **[5m]**.

The Bakongo

6.53 The largest ethnic group in the Pool region are the Bakongo, also known as the Kongo. The Lari are the largest sub-group of the Bakongo. The Vili are also a sub-group of the Bakongo and are mainly found on the Atlantic coast and in Brazzaville. In the past the Vili have been known to form alliances with the Nibolek, of the Bouenza, Niari and Lekoumou regions **[40]**. In 2002, the security forces arrested "southern" men on suspicion of involvement with the Ninjas **[3b]**.

The Batéké

6.54 The Batéké are the second largest ethnic group accounting for 21 percent of the population. They are found mainly north of Brazzaville, stretching over the Gabonese border. The Boulangui are the third largest of the main ethnic groups **[40]**.

The M'Bochi

6.55 The M'Bochi are the largest sub-group of the Boulangui, accounting for 14 percent of the country's population. Former head of state Yhombi-Opango is of the Kouyou sub-group of the Boulangui, and the current President, Sassou-Nguesso is M'Bochi **[40]**.

Pygmy Tribes

6.56 A small number of Pygmies, or Bambenga, live in Congo, comprising just 1.5 percent of the population **[3a][13d]**. They are marginalised in most areas of society, partly by their geographic isolation, usually living amongst the heavily rainforested areas, and partly due to societal attitudes of the majority Bantu tribes. Historically, the pygmies have been exploited by other more powerful tribes, and this is still evident today **[13d]**. Poor access to basic amenities, educational facilities and health care are problems which UNICEF are trying to help address by providing local schools, health centres and funding micro-agricultural projects **[5x]**.

6.57 Just as former cabinet ministers of the previous government have been allowed to return to the country, so too have former civil servants who are members of ethnic groups that have opposed the Government, been allowed back into their posts **[3a]**.

6.58 The ethnic divisions that were apparent in the 1997 and 1998/9 civil wars are still widespread in society today. From the de facto division of some urban neighbourhoods to the job market and consumer purchasing, ethnic discrimination has been evident **[3a]**.

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Homosexuals

6.59 Homosexuality is not illegal in the Republic of Congo, however, societal attitudes may vary **[3a][20]**.

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Journalists

6.60 The Government exercises only moderate control over the country's media and there is very little evidence of repressive measures directed against journalists **[7e]**. The "Reporters Without Borders 2003 Annual Report on the Republic of Congo" covering the year 2002 reports that despite a presidential election in March 2002 that was disputed by the opposition and renewed violence in the south of the country between rebels and government

forces, the situation of press freedom seems to have stabilised in the country. No more arrests of journalists were reported in 2002 and cases of threats and harassment became less frequent in that year [34].

6.61 The state-owned news media remained under strict government control in 2002, however, and self-censorship was standard practice. Journalists know that certain subjects are very sensitive and exercise due caution. The witch-hunt against journalists who worked in the government of former president Pascal Lissouba, continued in 2002. Several of these journalists leave the country every year. This was again the case in 2002 [34].

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Annex A

Chronology of Main Events

1958

In November, the Republic of Congo becomes autonomous in the French Community.

1960

On 15 August 1960, the country becomes independent from France.

1961

In March, Youlou is elected as President.

1963

After worker and ethnic tensions, Youlou transfers power to a provisional government with Alphonse Massamba-Debat as its leader. In December, Massamba-Debat is elected president.

1964

Mouvement National de la Revolution (MNR) formed as the sole legitimate political party, on Marxist-Leninist principles.

1968

In August, Massamba-Debat deposed by Captain (later Major) Marien Ngouabi in a military coup. New party, the Parti Congolais du Travail (PCT) also founded on Marxist-Leninist principles replaces MNR.

1970

In January, the country is renamed the People's Republic of Congo.

1977

In March, Marien Ngouabi is assassinated by pro-Massamba-Debat supporters in an attempted coup. Massamba-Debat subsequently executed. In April, Colonel (later Brigadier-General) Jacques-Joachim Yhombi-Opango appointed Head of State.

1979

In February, Yhombi-Opango steps down in the face of floundering support. Committee appointed by the PCT takes power. In March, Colonel (later General) Denis Sassou-Nguesso, leader of the committee, is appointed as president.

1987

In July, 20 army officers are arrested on charges of undermining state security. A committee established to investigate their activities concludes that it was an attempted coup, implicating Yhombi-Opango. He is imprisoned.

1989

In September, legislative elections are held. First time that non-PCT candidates ran.

1990

In August, Yhombi-Opango released. In September, Marxism-Leninism abandoned as official party ideology.

1991

In January, constitutional amendments to allow political parties are endorsed. Army instructed to disassociate itself from PCT.

In March, conference of 1,100 delegates founded to consider the future of the country.

In April, a conference annuls the constitution. The National Assembly is dissolved with other national and regional institutions.

In June, A Higher Council of the Republic established to oversee the implementation of these schemes. Andre Milongo is appointed as Prime Minister. The country reverts back to its former name, the Republic of Congo.

1992

In January, there is army unrest.

In March, a new constitution is approved in a referendum.

In June/July, National Assembly elections are held. Union Panafricaine pour la Democratie Sociale (UPADS) won 39 of the 125 seats, Mouvement Congolais pour la Democratie et la Developpement Integral (MCDDI) won 29 and PCT, 18.

In July, Senate elections are held. UPADS again win most seats with 23 out of the 60 available.

In August, Pascal Lissouba, leader of the UPADS wins the Presidential Election, defeating Bernard Kolelas in a run-off. The incumbent President, Sassou-Nguesso, is beaten into third place.

In September, a UPADS-PCT pact enables Lissouba to form a government. PCT pull out of the pact, citing that they have not received the promised amount of ministerial posts as their reason. PCT later form an alliance with Union pour la Renouveau Democratique (URD), a grouping of 7 opposition parties. With a parliamentary majority, URD and PCT demand the right to form a government.

In October, a vote of no confidence in the government is made.

In November, the Prime Minister announces the resignation of his government. President Lissouba dissolves parliament and promised new parliamentary elections in 1993.

In December, the military intervene, advising both parties to form a transitional government.

1993

In May, the first round of the legislative elections are held. UPADS and its allies (collectively called the Mouvance Presidentielle (MP)) wins 62 of the 125 seats, URD-PCT, 49. URD-PCT claim electoral irregularities and boycott the second round.

In June, the MP wins 69 seats following the second round. Lissouba forms government. Bernard Kolelas, head of the opposition group MCDDI and chairman of URD-PCT, demands new elections and urges his supporters to follow a campaign of civil disobedience. Political and ethnic violence ensues. Then Supreme Court rules that electoral irregularities did occur in the first round.

In July, a state of emergency declared. The Government and opposition negotiate a truce and agree to a committee of international adjudicators to examine the results of the first round. Later, the Supreme Court nullify the results of the second round.

In August, the state of emergency is repealed.

In October, The second round is rescheduled. UPADS and its allies secure 65 seats, and their majority. URD-PCT win 57 and agree to take their places in the assembly.

In November, Confrontations between the militias and the security forces re-ignites. By the end of 1993, 2,000 people have died.

1994

In January, a ceasefire is reached.

In February, a committee of international adjudicators rule that result of 8 constituencys in the first round held in May 1993, were unlawful.

In September, 6 opposition parties, including Sassou-Nguesso's PCT, form the Forces Democratiques Unies (FDU). Affiliated to URD.

In December, Reconciliation talks take place between the Government and opposition.

1995

In January, 2,000 fighters who supported the opposition are to be integrated into the armed forces. Government resigns. A new coalition council of ministers appointed, including MCDDI representatives. FDU refuse to participate.

In August, public demonstrations are banned.

In September, the National Assembly pass laws restricting freedom of the press.

In October, the Government announce drive to make the armed forces more reflective of the ethnic composition of the country.

In December, the MP and opposition groups sign peace pact, under which the militias were to disarm and 1,200 are to be integrated into the security forces.

1996

In February, 5 soldiers out of 100 who mutinied over pay and conditions were killed. The 100 men were from former militias integrated into the army. FDU suspend the integration of their men into the armed forces.

In March, the Government agree to increase the number of militias who can be integrated in the armed forces. FDU resume co-operation with the process.

In August, Militias claiming loyalty to the FDU occupy a town in central Congo. FDU changes names to Forces Democratiques et Patriotiques (FDP).
– Yhombi-Opango resigns as Prime Minister. David Charles Ganao, of the Union des Forces Democratiques (UFD) appointed.

October, Senate elections are held for 23 of the 60 seats. MP wins 12, FDP 10 with 1 independent.

1997

In January, Sassou-Nguesso returns to Congo. First visit since 1995. Numerous small-scale mutinies occur.

President Lissouba accused of ethnic favouritism, promoting officers from the south, and dismissing officers from the north, many of whom were appointed in Sassou-Nguesso regime.

In February, 19 opposition parties including the PCT and MCDDI make a series of demands of the government. None are met.

In May, an inter-militia conflict again arises.

In June, the Government attempts to disarm militias associated with Sassou-Nguesso and the FDP rapidly escalate into open conflict between the various militias and the army fractures along factional lines. Brazzaville is divided into three zones, one loyal to Lissouba, one to Kolelas and one to Sassou-Nguesso. Soon the conflict involves just Lissouba and Sassou-Nguesso. Efforts by Kolelas, President Bongo of Gabon, a UN-OAU joint representative to mediate in the conflict fail. With the numerous ceasefires not holding, French troops evacuate foreign nationals from Brazzaville. Despite pleas for them to stay, with their mission complete, the French troops leave.

In August, the fighting intensifies and escalates to encompass the north.

In September, Lissouba appoints a government of national unity, assigning Kolelas to lead it. This undermines Kolelas' neutrality as a mediator. Sassou-Nguesso rejects the 5 seats in the Council of Ministers that is offered to him.
– Lissouba forms the Espace Republicain pour la Defense de la Democratie et l' unite Nationale (ERDDUN) out of those organisations still loyal to him.

In October, Sassou-Nguesso, with assistance from Angolan troops seizes Brazzaville. Later in the month, he is inaugurated as President. Lissouba and Kolelas flee the Republic of Congo, subsequently ending up in the UK and USA respectively.

In November, a new transitional government is appointed which outlaws and disarms all party militias.

1998

In January, 1,420 delegates were convened to a Forum for Unity and National Reconciliation, including most political parties, but the ERDDUN refuse to participate. The Forum approved a 3 year transitional period, 75 member National Transitional Council (NTC) was formed to act as a legislative body. The NTC was elected by the Forum in mid-January.

In May, France normalises relations with Congo, and resumes military assistance.

In November, arrest warrants for Lissouba, Kolelas and Yhombi-Opango for genocide and war crimes are issued.

In December, fighting in the Pool region around Brazzaville that had been rumbling on throughout 1998 culminated in a battle for Brazzaville between Kolelas' so-called "Ninja" militia on one side and the Government forces with Sassou-Nguesso's militia (the "Cobras") backed by Angolan troops, on the other. 8,000 residents flee to the Democratic Republic of Congo (DRC). Both sides claim victory. Later in the month Government forces, backed by Angolan troops launch offensives in the south against the Ninjas. The Republic of Congo and the DRC sign a non-aggression pact.

1999

In January, a new Council of Ministers formed. Fighting continues around Brazzaville and in the south west, particularly around the town of Dolisie. Heads of state from DRC, Angola and Republic of Congo meet to discuss the conflicts in their countries.

In February, an additional 10,000 people are estimated to have fled from south of Brazzaville to the DRC.

In March, Rebels withdraw to the Pool region. Residents start to return to the areas south of Brazzaville

In April, Residents start to return to Dolisie after government forces secured the town in March.

In May, the army secure Kinkala, the capital of Pool.

In August, large scale return of residents to the area south of Brazzaville. The army secure the Brazzaville-Pointe Noire railway line. Sassou-Nguesso issues an amnesty for any militia prepared to renounce violence and hand in their weapons.

In September, 600 Ninja militia take advantage of the amnesty.
- 4 former ministers under Lissouba voluntarily return from exile to Congo.

In October, 12 senior officers under Lissouba, released and reintegrated into the armed forces. The army claims that it now controls all towns in the Pool region.

In November, the Government announces that they have agreed a ceasefire with Lissouba's Cocoye militia and Kolelas' Ninja militia. However Lissouba and Kolelas claim this is a fabrication.

In December, the NTC legislated for an amnesty for combatants. This excludes the leaders in exile, who are still charged with war crimes. President Bongo of Gabon is appointed as an official mediator between the government and the militias. The result is the signing of a second peace agreement. Heads of state from DRC, Angola and Republic of Congo sign an agreement on, amongst other things, border security.

2000

In February, since the peace agreements were signed, an estimated 2,000 militia men have surrendered. Government acknowledges that it will not be feasible to integrate all militia personnel into the armed forces. It is estimated that half of the 810,000 displaced people had returned.

In May, Kolelas convicted of running a private prison and causing prisoners deaths in the 1997 civil war. Kolelas refutes this and asks for an International investigation. Justin Koumba announces that a referendum will be held by early 2001 to determine the type of government the republic will have.

In July, President Bongo of Gabon announces that thus far, he is satisfied with the implementation of the peace process, but urges continuing dialogue.
In August, Escalation of reconciliation talks. Freight services restored on the Brazzaville-Pointe Noire rail link. Front Patriotique pour la Dialogue la Reconciliation Nationale (FPRDN) established to represent the opposition in exile.

In November, the Government adopts a draft constitution, stating that there should be a bicameral legislature, an independent judiciary and a maximum of 2 terms of 7 years for the President.

In December, the Government announce that 12,000 militia and 13,000 weapons had been surrendered thus far. Approximately the same amount of militia and weapons were thought to still be active. The Government announces that 11 of the 14 urban centres in the Nairi region, remain under

rebel control. The Rassemblement pour la Democratie et la Progres Social (RDPS), formally of ERDDUN, join the coalition government.

2001

In February, a committee is established to set up National Reconciliation talks.

In March, national reconciliation talks held on a national and regional basis. Despite being boycotted by opposition parties who cited security risks for their abstentions, 2,200 representatives from public institutions, civil societies and political parties did attend. A technical committee was established to monitor the dialogue process in the absence of opposition parties. A Congolese human rights group claims mass graves containing bodies of people killed in 1998-1999 have been discovered at Mbanza-Ndouna, Pool. The Government refute this claim.

In April, National Reconciliation talks continue. Opposition parties, including the FPDRN participate. Lissouba and Kolelas still abstain.

In May, Martin Mberi of the UPADS resigns from the government, citing the continued exclusion of Lissouba from the Reconciliation talks and the proposed powers of the President under the draft constitution as his reasons.

- 2 civilians and a soldier died in clashes between government forces and suspected supporters of Kolelas, in Mindouli, 200 kilometres south of Brazzaville.

In July, – Families of 353 missing people demand a parliamentary enquiry into what happened to them. It was reported that they were arrested in May 1999 on their return from the DRC where they had sought asylum.

- Rocket attack on the home of the Minister of the Presidency, who is responsible for defence. No one is injured.

- Alliance pour la Democratie et la Progres (ADP) is formed by a coalition of opposition parties. Lead by former Prime Minister Andre Milongo. ADP said they will field one candidate for the upcoming Presidential election in 2002.

- PCT and RDPS were expected to form an alliance with 20 other parties to support Sassou-Nguesso in the elections.

In December, – Lissouba convicted in absentia of treason and embezzlement.

Sentenced to 30 years hard labour and a £23 million dollar fine. Yhombi-Opango sentenced to 20 years hard labour after being found guilty of embezzlement.

2002

In 20 January, Constitution approved with 84.26% yes vote, in a referendum.

On 8 March, Andre Milongo withdraws from the Presidential race, stating that the vote has already been rigged.

On 10 March, Presidential elections held.

On 14 March, It is announced that the incumbent President, Denis Sassou-Nguesso has won the Presidential elections with 89% of votes cast for him.

On 29 March, Ninja rebels break the peace and launch armed operations.

On 2 April, Ninjas attack the Pointe Noire-Brazzaville train. 2 civilians die.

On 5 April, Ninjas attack areas north west of Brazzaville.

In April, 50,000 residents of Brazzaville and 15,000 residents of Pool flee their homes as fighting between rebel militias and government forces resumes.

On 10 April, Mayor of Brazzaville urges people to return to their homes.

On 22 May, Government reports that it has recaptured Kimba.

In 25/26 May, Government reports that it has recaptured the town of Vindza, where the headquarters of the Ninja are believed to be located.

On 26 May, First round of the Legislative elections take place.

On 2 June, UN gains access to Kindamba, delivering humanitarian aid.

On 14 June, Ninja rebels attack Brazzaville. Their objective appears to be the Government forces attack helicopters based at Maya Maya Airport. Fighting continues to 15 June.

On 23 June, second round of the Legislative elections take place. Sassou-Nguesso and his allies win a majority.

On 30 June, Local, municipal and regional elections. The ruling party and its allies win most of the seats.

On 8 July, General Dabira, now living in France, was questioned for more than 4 hours by the two French magistrates investigating the disappearance of 353 people

On 11 July, senators are elected to the Upper House. Again, Sassou-Nguesso and his allies win a majority.

On 14 August, President Sassou-Nguesso is inaugurated.

On 18 August, Cabinet reshuffle.

On 24 August, Pointe Noire – Brazzaville train attacked again. Ninjas are thought to be responsible. No casualties reported, but it is thought that government soldiers have been captured by the Ninjas.

On 24 September, Sassou-Nguesso claims he has not received a request for a deposition from the French court investigating the disappearance of 353 people in Brazzaville.

On 29 September, nine soldiers are killed and numerous others are injured in a mine attack on the Point Noire – Brazzaville train service.

In November, Flotation of peace plan. Sassou-Nguesso announces humanitarian corridor for surrendering Ninja fighters.

2003

On 17 March, announcements are made by the Ninjas and the Government stating that they are committed to peace.

On 26 March, prisoner exchange between government and Ninja forces, supervised by the ICRC.

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Annex B

Political Organisations [1][2][26]

ACD (Alliance pour la Citoyennete et la Démocratie)

Founded in 2000. President: Godefroy Mavungu

ADP (Alliance pour la Démocratie et la Progres)

Founded in 2001. A coalition of opposition parties led by André Milongo.

CNDD (National Rally for Democracy and Development)

Leader: Former Minister of Works, Lambert Galibali.

CNRS (Convention Nationale pour la Republique et la Solidarite/Convention for the Republic and Solidarity)

Founded December 2001. Leader Martin Mberi.

CODESA (Convention pour la Démocratie et le Salut/Convention for Democracy and Salvation)

Founded in March 2002 as an umbrella group of 16 opposition parties to fight the legislative election in May and June 2002. Leader André Milongo. Comprises of the CNRS, Congolese Renewal Party, UPDS and the UDR-M, amongst others.

ERDDUN – (Espace Républicain pour la Défense de la Démocratie et l'unité Nationale)

Coalition of opposition parties founded in 1997. Leader Bernard Kolelas.

FDU – (Forcés Démocratiques Unies/United Democratic Forces)

Founded 1994 as an alliance of six political parties, this grew to 24 by 2001. Supports the incumbent regime of President Sassou-Nguesso. Has the largest share of seats in Parliament and in local assemblies. Leader: Gabriel Oba Apounou.

FURC – (Front uni des Républicains Congolais)

Founded in 1994 on development on a non-ethnic and non-regional basis. Chair: Raymond Timothée Mackita.

MCDDI – (Mouvement Congolais pour la Démocratie et la Développement Intégral/Congolese Movement for Democracy and Integral Development)

Founded in 1990. President: Bernard Kolelas. Secretary-General: Michel Mampouya. Founding member of URD. Initially opposed the government of President Lissouba and formed a coalition with PCT in 1992. In 1995, however, it joined the ruling (UPADS) coalition government. In July 1994 Kolelas became Mayor of Brazzaville. In 1997 Kolelas, after holding the post of Prime Minister for a matter of months, fled the country after Sassou-Nguesso came to power.

Mouvement National pour la Liberation du Congo Rénové

President: Mpika Mpika Niangui (Paul Moulery)

MNLC – Mouvement National pour la Liberation du Congo/National Movement for the Liberation of Congo

Leader: Buissy Nguari. Formed in January 2002 by former members of the National Resistance Council (CNR).

MURC – (Mouvement pour l'unité et la Reconstruction du Congo)

Founded in 1997 as an alliance of 3 parties. Joined the FDU coalition in 2000.

PCR – (Parti Congolaise du Renouveau/Congolese Renewal Party)

Founded in 1992 by ex PCT member and former Agriculture Minister Grégoire Lefouaba. Formally a part of the Presidential Tendency.

PCT – (Parti Congolais du Travail/Congolese Labour Party)

Founded in 1969. From its inception, the PCT was the sole legal party until 1990. Largest party of the ruling FDU coalition. President: Denis Sassou-Nguesso.

Presidential Tendency

Grouping of parts that formed a coalition government in the 1993 elections. Consisted of UPADS, RDD, UFD, PCR, UDC and the UDPS amongst others.

PRP – Parti du Renouveau et du Progrès

Leader: Henri Marcel Doumanguele

POTP – (Parti pour l'unité, le travail et la Progrès/Party for Unity Work and Progress)

Founded in 1995 by former members of the MCDDI. Leader: Didier Sengha.

RC – (Rassemblement de Citoyens)

Founded in 1998 to promote solidarity and tolerance. Leader: Claude Alphonse Silou.

RDD – (Rassemblement pour la Démocratie et la Développement/Rally for Democracy and Development)

Founded 1990 by Jacques-Joachim Yhombi-Opango. Chairman: Saturnin Okabe. Formed part of the coalition government of Lissouba's UPADS government from mid 1992-1997.

RDPC – (Rassemblement Démocratique et Populaire du Congo)

Leader: Jean-Marie Tassoula.

RDR – (Rassemblement pour la Démocratie et la République)

Founded 1990. Leader: General Raymond Damasse Ngollo.

RDPS – (Rassemblement pour la démocratie at le progrès Social)

Founded in 1990 by Jean-Pierre Thystère-Tchicaya, who retains the leadership. Formally a part of the URD coalition. The RDPS defected from ERDDUN to the FDU in December 2001.

UDC – (Union pour la Démocratie Congolais)

Founded in 1989 by Sylvain Bemba, whilst in exile in Côte d'Ivoire. Aligned to UPADS. Chair: Felix Makosso.

UDPS – (Union pour la Démocratie et la Progrés Social/Union for Democracy and Social Progress)

Founded in 1993. President: Jean Michel Boukamba-Yangouma.

UDR – Union pour la Démocratie et la République/Union for Democracy and the Republic)

Leadership: Jean-Pierre Thystère-Tchicaya (RDPS) and Bernard Kolelas (MCDDI). Founded: Mid1992. Formed as an alliance of 7 parties, the two largest being the RDPS and the MCDDI.

UDR-M (Union pour la démocratie et la République-Mouinda/Union for Democracy and the Republic - Mouinda)

Founded in 1992. A supporter of the former UPADS government. Leader: André Milongo.

UFD – (Union des Forcés Démocratique/Union of Democratic Forces)

Chair: Sébastien Eba. A former member of the Presidential Tendency that supported Lissouba's government.

UPADS (Union Panafricaine Pour la Démocratie Sociale/Pan-African Union for Social Democracy)

Founded by Pascal Lissouba. Secretary-General Martin Mberi. Currently an opposition party. Gained 2.8% of the votes in the 2002 Presidential election.

UPRN – (Union Patriotique pour la Réconstruction Nationale/Union for National Reconstruction)

Leadership: Mathais Dzon. Formed in 1993. In September 1994, UPRN joined the FRU.

URN (Union pour le Redressment National)

President: Gabriel Bokilo.

Union Patriotique pour la Démocratie et la Progrés

Secretary-General: Celestin Nkouma.

Union Patriotique des Forces Ninjas/Patriotic Movement of Ninja Forces

Found in 1999. The political wing of the Ninja militia, loyal to the former Prime Minister, Bernard Kolelas.

Union pour le Progrés du Peuple Congolais

Founded 1991.

Annex C

Militia Groups

The Cobra/Forces Démocratique and Patriotique (FDP)

Militia loyal to President Denis Sassou-Nguesso. Strongholds have been the north of the country. Fought along side Denis Sassou-Nguesso in the 1997 and 1998/9 civil wars. Now largely integrated into the army.

The Cocoyes/Coyote

Originally formed from the Réserve Ministérielle and Zoulous neighbourhood self defence groups of Mfilou, Brazzaville. Its heartland is in the Niari, Lekoumou and Bouenza regions. Militia loyal to ex-President Pascal Lissouba. Fought for Lissouba in the 1993/4, 1997 and 1998/9 civil conflicts. Formed the military wing of the Conseil National de Résistance during the 1998/9 war. Also formed an alliance with the Ninjas in the same conflict, called the Resistance Self-Defence Forces. It is not thought that the Cocoyes now exist as a cohesive fighting force.

The Ninjas

Militia loyal to former prime minister Bernard Kolelas. Opposed to the Government. Fought against Lissouba's Cocoyes in the 1993/4 civil war, but sided with the Cocoyes in the 1997 and 1998/9 civil wars against Sassou-Nguesso. Formed the Resistance Self-Defence Forces with the Ninjas in the 1998/9 war. Initiated military action against government forces on 29 March 2002. Stronghold is in the Pool province. Divided into the pro-Kolelas faction and the Nsiloulou faction lead by the Reverend Frederic Bitsangou (aka Ntomui). Also known as the FADER (Forces d'auto-défense et la résistance or Self-Defence and Resistance Forces), the armed wing of CNR (Conseil national de résistance).

MARCO – (Mouvement d'action et de resistance du Congo)

Considered to be the armed wing of Espace Républicain pour la Défense de la Démocratie et l'unité Nationale (ERDDUN).

The Falcons/Foucons

Militia of former prime minister Yhombi-Opango.

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Annex D

Prominent People

Frederic Bitsangou aka Pasteur Ntoumi

Leader of the Ninja rebel faction that was recently fighting the Government. Stated that he would come to Brazzaville if he were offered the post of general in the armed forces. The Government rejected this proposal.

Bernard Kolelas

Mayor of Brazzaville in 1994 and Prime Minister in 1997. A Lari, Kolelas' main support, and that of his Ninja militia, comes from the Pool region. The Lari ethnic group comprise a large portion of the Ninjas, but not exclusively so. After defeat in 1997, Kolelas fled to the USA and is now in Abidjan, Côte d'Ivoire. In May 2000, he was convicted in absentia of running a private prison, mistreating prisoners and causing their deaths. He was sentenced to death and ordered to pay compensation. Kolelas has denied the charges.

Pascal Lissouba

Formed the UPADS party in 1991. President from 1992-1997. Ousted by Sassou-Nguesso after losing the 1997 civil war. Fled to the UK. Cocoyes militia is loyal to him, though whether it still exists as a fighting force is not known. The Cocoyes stronghold, and Lissouba's, was the Niari, Lekoumou and Bouenza regions. Lissouba is of the Nibolek tribe. Lissouba was convicted of treason in absentia in December 2001 and sentenced to a fine of £23 million and 30 years hard labour.

Andre Milongo

Former World Bank official. Appointed Prime Minister on 8 June 1991, a post he held until 2 September 1992. Presidential candidate in the 2002 elections. Although he was considered to be the only credible opposition to Sassou-Nguesso, he pulled out of the race two days before polling day. Leader of the coalition of parties, CODESA of which his UDR-M party belongs.

Denis Sassou-Nguesso

President from March 1979 to August 1992 and October 1997 to the present day. Originally a soldier, Sassou-Nguesso came back to power following his victory over the incumbent President Lissouba and Prime Minister Bernard Kolelas in the 1997 civil war. Assisted by the Cobras, a militia loyal to him, and numerous foreign sources, most notably Angolan government troops. Sassou-Nguesso is a member of the Mbochi, a sub-group of the Boulangui ethnic group.

Jean-Pierre Thystère Tchikaya

Head of State from 5 to 8 February 1979, former Mayor of Pointe Noire from 1994-97, was twice a cabinet minister from 1971-74 and in 1993. Now speaker in the House of Representatives. President of the RDPS political group.

Jacques-Joachim Yhombi-Opango

Former Chief of Staff. Became Head of State in March 1977. A member of the Kouoyou ethnic group, a sub-group of the Boulangui. Following a collapse in support, he surrendered his powers in February 1979. Detained in 1987 for alleged complicity in plotting a coup. Released in August 1990. Prime Minister from 23 June 1993 until 27 August 1996.

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