

The Marshall's Treason:  
'A 30-Million Dollar Story'  
& 'Cuts and Expenses'  
An investigation into the murder of Franck  
Ngyke Kangundu and the corrupt media  
climate in the Democratic Republic of Congo

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**Netherlands institute for Southern Africa**

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## **Foreword**

Before we travelled to Kinshasa (at least in the case of the two participants who didn't already live there), the question 'why investigate precisely the murder of Franck Ngyke?' was put to us several times. It wasn't difficult to understand why. Our motive was perceived, in line with the press statements made by media freedom organisations, as an outraged response to the silencing of a journalist, killed because of his profession. And there was a problem with that. Not a problem with the fact that we were outraged by the assassination of the man and his wife. The problem was, Franck 'Ngyke' Kangundu was not a 'normal' professional journalist. He had been described by his peers and media organisations in Kinshasa as a 'sold pen', a propagandist for the politicians who paid him. He had, therefore, most likely *not* been killed because of any professional work, be it of the reporting, opinionating, or investigating kind he had done.

Of course, nobody deserves to be shot by a death squad, and to be shot together with one's wife in front of one's children is even more horrendous a crime. But was it appropriate for us, as professional investigative journalists, to take on precisely this case as an investigation? Shouldn't we rather look at the general problems experienced by professional colleagues in the DRC?

However, we felt that it was important to investigate *precisely* the murder of Franck Ngyke Kangundu. We felt this because:

1. A professional death squad murder is different from an arbitrary arrest or an intimidatory visit by people in uniform. It is always important to investigate the use of military or para-military resources by powerful individuals to settle scores. And from the preliminary investigations, it looked like we were dealing with just that.
2. The case speaks volumes about the general problems experienced by professional colleagues in the DRC. Corruption in the form of paid propaganda pervades the DRC media. It makes it very difficult, if not impossible, for journalists to operate ethically, and, maybe more importantly, for DRC citizens to find proper information about the goings-on in their country. Because of this, in the run-up to elections on 30 July 2006, it appeared that the average inhabitant of the country was very likely not going to be able to cast a properly informed vote. Investigating the Ngyke case would, we hoped, help us to understand the prevalent practice of paid propaganda and misinformation campaigns in the Congolese media, as well as their consequences.

It has to be said in advance that ours was not a final or even exhaustive murder investigation. The team only had a week to look at the case on the ground, in conditions of extreme uncertainty and risk, and against a background of mistrust between people working in the media field themselves. We therefore mainly explored the following questions: who was Franck Ngyke Kangundu? Why would anyone have wanted to assassinate him? And, what does this murder tell us about the general situation of the media in the DRC?

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We are still pondering particularly this last question when, on 8 July 2006, another journalist is killed in Kinshasa. Bapuwa Mwamba (64) of the opposition weekly *Le Phare*. The method of the killing is the same: on his doorstep, in Kinshasa, at night, by armed men. In his case, too, the assailants leave when he is still alive. Like Franck Ngyke, he will bleed to death later. Kinshasa colleagues can't escape the impression that Mwamba, too, was 'punished' for 'hurting' the powers-that-be: he investigated diamond-smuggling mafias in West-Kasai Province and had, just days before the murder, written an article about the climate of 'intolerance and police intimidation' in the election campaign.<sup>1</sup>

The murders are added to a long list of events of intimidation, harassment and worse in the DRC. Not long ago, two journalists were assaulted for attempting to conduct interviews where they were not wanted. Journalists are often arbitrarily arrested, visited by men in uniform, detained illegally. Some disappear altogether.

It is the growing insecurity and sense of danger in media circles in Kinshasa that cause us to reflect once again on the prudence of our plans, and to ask ourselves what these plans actually are. Will we attempt to find out who the culprits of the Ngyke murder are, as JED – the local press freedom organisation *Journaliste en Danger* -- has announced at a press conference called to announce the imminent arrival of 'international experts'? Or should we change focus and merely try to arrive at an understanding of *why* Franck Ngyke and his wife Hélène Paka were murdered? After all, finding assassins is the police's job.

### **The motive**

The question of motive is always a deeper one than the simple 'who?' Anybody (with money and the right contacts) can hire a death squad. It is generally only the 'why' question that leads us to understand not only the murder itself, but also the context in which it took place. The context is the corrupt and crime-ridden media climate in the DRC. Which is also the subject of our research.

On the plane from Johannesburg to Kinshasa, a gentleman seated next to Evelyn presents himself as a communications operative of the Congolese electricity company SNEL. He asks her for what purpose she is going to Kinshasa. After being told that the purpose is a journalism training workshop, he soon broaches the subject of the murder of Franck Ngyke Kangundu, and how dangerous it sometimes is to be a journalist. 'There are people who say other journalists should investigate this murder,' ventures Evelyn. 'I would advise them not to do that,' the gentleman answers pointedly. 'There are forces who don't want anybody to meddle in this affair. I think it is much better just to train journalists.'

Subsequent events in Kinshasa seem, once again, to confirm the need to tread carefully. On the morning of our first working day, JED receives a message – the third such since

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<sup>1</sup> Bapuwa Mwamba, 2006, Pourquoi la transition est-elle bloquée au Congo, *Le Phare*, Edition No. 2875, Jeudi 06 Juillet.

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last year - that threatens murder and rape to its employees and their families – for no particular reason, and without a mention of our organisation FAIR (the Forum for African Investigative Reporters) or our investigation. JED's Tshivis Tshivuadi also informs us that a TV editor, the head of the Congolese Press Union (UNPC), Kabeya Pindi Pasi, has flown into exile after receiving similar threats. In his case, a TV programme he made on human rights violations by presidential hopeful Jean-Pierre Bemba had apparently angered the Bemba people (See also 'The case of Kabeya Pindi Pasi in paragraph 2.2).

It is only after two weeks in Kinshasa that we begin to understand the different kinds of threats and intimidatory tactics used against journalists and their interpreters. There are the letters and phone calls that can paralyse one with fear; unsettling encounters with people in the street who 'warn' you; visits by men in uniform; arbitrary arrests; and, most annoyingly, sudden bureaucratic demands on your office and equipment licences. Fortunately, these experiences are rarely followed by real physical attacks – if they want to beat you up or kill you, they do that without warning...

In terms of murders, besides the Ngykes' there have 'only' been six in the past 12 years. Two of these people were killed at the time of the Mobutu dictatorship, one during the civil war years of Laurent Kabila (Joseph's father), and three under the present government of Joseph Kabila. Of these three, interpreter Akite Kitembo was killed whilst interviewing local citizens in a war zone and activist Pascal Kabungulu was at least it is extremely likely that he was murdered – as a result of his published denunciations of natural resource theft by powerful individuals. Only Bapuwa Mwamba of *Le Phare* and the Ngykes have been murdered in the capital Kinshasa during this time, in both cases during the election campaign.

We haven't had time to seriously look at the murder of Bapuwa Mwamba and therefore also don't know whether the murder had anything to do with the fact that his Editor, Polydor Muboyayi, in his role as president of the Observatory of Congolese Media (Observatoire des Medias Congolais, OMEC), is currently dealing with a complaint by an opposition candidate against a pro-government TV channel.<sup>2</sup>

But what we *can* be sure of is a very simple fact: in both cases, the victims, Bapuwa Mwamba and Franck Ngyke Kangundu, were alive when their attackers left. Ngyke was shot and bleeding from his stomach, Mwamba from his leg. In both cases the attackers did not make absolutely sure their victims were dead. This means that, in both cases, the murders were not carried out to *permanently* silence the victims. It seems whoever wanted to hurt them did not aim for a situation where the victims would never be able to do something, or to talk about something, again. We can therefore conclude with a great measure of probability that the murders were intended to be punishments for something the victims had already done.

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<sup>2</sup> Jean-Pierre Bemba complained to OMEC about a propaganda film against him which was produced by the pro-government Tropicana TV. See also 'The case of Kabeya Pindi Pasi' in paragraph 2.2.

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Secondly, leaving one's victims alive usually also means that the perpetrators do not fear being identified later by the victim if the victim survives. Therefore, again in both cases – and most particularly in Ngyke's one, in which one of the attackers even engaged in conversation with his victim in full view and earshot of a witness (Ngyke's daughter) before shooting him and leaving – the attackers must have felt very well-protected indeed.

These two facts lead us to a first conclusion: namely that, in both the Ngyke and Mwamba cases, one should look for a vengeful and very powerful killer, who hits hard when his ire is raised. Both murders send a message to whoever wants to do whatever it was that the victims did to raise this ire: 'just try, and you'll be punished like they were.'

Which means that journalists in the DRC should tread even more carefully than they are already accustomed to doing...



## **1 The Marshall's Treason: 'A 30-Million Dollar Story'**

### **1.1 The Ngyke case**

#### **Introduction**

Eight months after the murder of Franck Ngyke Kangundu and his wife H el ene Paka, we have only recently seen the start of the trial against the 'suspects', which started in Kinshasa on 12 July 2006. Nevertheless, even though a trial – already dubbed a 'masquerade' by observers – has finally timidly begun, there are plenty in Kinshasa who still wonder about the real motives and culprits behind the double murder in Limete, Kinshasa, in the early hours of 3 November 2005, which left five children without parents to care for them.

To understand the motive for this assassination, we have to understand who Franck Ngyke Kangundu was. He was the proverbial *bon-vivant*, who loved wining and dining with the political VIPs of his country in his position as the Political Editor of *La R ef erence Plus*. He was invited into their houses and ate at their tables. If there were any indiscretions talked about at those occasions, he would certainly have been party to these conversations.

As far as his profession was concerned, Franck didn't like to worry too much about problems. There were nevertheless plenty of problems with his lifestyle. Seeing so many politicians from different sides on such an intimate level would confront one with difficult choices: in politics, alliances are always fragile, and engagements can easily be exchanged for others. Staying good friends with everybody, as Franck clearly tried to, would be a very difficult thing to do in the long-term, especially since the friends were often also benefactors. Benefactors always expect to be shown gratitude. But how is one to respond to them, if your 'thank you' to one will cause other friends, in an opposing camp, to cry 'betrayal'? The situation would have been particularly difficult with elections approaching, and the climate growing more and more tense, and cliques becoming the order of the day. In politics, a settling of scores can happen quickly and unscrupulously. In times like these, when the primary aim is to stay in power, everything goes.

It would seem that Ngyke, who didn't know how to keep his secrets well, became a victim in a major social crisis. The culprits are to be found amongst those opposing interests who fought each other through him and, even more sadly, through his wife, who happened to be in the wrong place at the wrong time. A loyalty crisis was most likely at the root of all this. It was therefore not professional independent journalism that evoked such a harsh response, but, on the contrary, a type of 'bonded' journalism that is all too common in the DRC. It is journalism that serves benefactors that causes one to be labelled a 'traitor' the moment one tries to escape this bond. It is a strong and harsh lesson indeed for those who know too much, who don't always know how to keep silence and who, more than anything else, don't stay blindly loyal to their sponsors.

### **The JED dossier**

Within two months of the assassination of Ngyke and his wife, JED produces a preliminary investigative dossier on the case.<sup>3</sup> In preparing the report, JED director Donat M'Baya Tshimanga and his team have:

- talked to colleagues and friends of the couple;
- taken testimony from the couple's children who witnessed the murders;
- been close to the judiciary investigation and themselves been called for interviews;
- researched articles written by Franck Ngyke as far back as archives allow; and
- investigated Franck Ngyke's past.

The dossier gives a fairly detailed picture of the journalist's life and work, as well as his final 48 hours. The great strength of the dossier is that it doesn't depend on assumptions, accusations, or even tip-offs: it is almost police-like (in the good sense of the word) in its methodology.

Attempts to deconstruct the incident by thinking out of the box – (Did the murderers maybe target H  l  ne Paka and Ngyke was only killed because he, rather than his wife, was in the wrong place at the wrong time? Could the murderers have had a personal, rather than a political motive?) – only have us reverting back to what is staring us in the face. There was suspicious activity directed at Ngyke on the part of Ngyke's main benefactress immediately before and after the murder. An assassin told Ngyke, before shooting him, 'we have come for you.' There is also evidence of 'double-dealing' by Ngyke -- i.e., serving two patrons who are enemies of one another -- in the period before the murder, and indications that this double-dealing had caused anger in the highest office in the land. There are, furthermore, indications of judicial sabotage that can only mean that powerful circles do not wish this crime to be solved.

Nevertheless, all this is still far from being a complete picture. To arrive at such a picture, the FAIR team in Kinshasa distilled four basic questions to work on:

1. Who was Franck Ngyke Kangundu, what life did he lead both professionally and privately, and who were his friends and enemies?
2. What caused the break-up with his main benefactress, two months before he was killed?
3. Can we distil meaning from events in his life in the two days immediately preceding his death?
4. What does the judicial process against his alleged assassins tell us?

These four questions are dealt with in the next four sections of this chapter.

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<sup>3</sup> Journaliste en Danger (JED), 2006, *Franck Ngyke : Le myst  re : Rapport d'enqu  te sur l'assassinat du journaliste Franck Ngyke Kangundu et de son   pouse H  l  ne Paka (du Novembre 2005 au 31 Janvier 2006)*, Kinshasa. The report (only available in French) can be downloaded from the website of Journaliste en Danger at <http://www.jed-afrique.org>

### **1.2 They called him 'Marshall'**

#### **Reconstruction of the life and personality of Franck Ngyke Kangundu**

Born in Kinzambi, Bandundu Province, in 1953, François Kangundu Kengy finished his primary and high school education in the town of Kikwit in the same province. He studied French literature at the University of Lubumbashi, commonly called 'Kasapa', in Katanga Province, and there made a friend who would stay close to him all his life: Baudouin Banza Mukalay, the later Vice President under Marshall Mobutu, supreme leader of the then-Zaire until his fall in 1997.

At the time, Lubumbashi University is known to be a recruiting pond for Mobutu's secret services. Many nowadays believe that Ngyke was recruited at the end of his studies, but there exists no proof of this. However, both his friendship with Banza and his early writings point to a strong feeling of sympathy on Ngyke's part with Mobutu's MPR (Mouvement Populaire de la Révolution). 'Franck's skilful imitation of Mobutu's voice and manner of speaking, always a hit at parties, even gets him the nickname 'Marshall', writes JED in its preliminary report.

In 1981, Ngyke moves to Kinshasa with a French-teaching degree. He starts his working life as a research assistant at the capital's Superior Trade Institute (Institut Supérieur de Commerce) and in 1985 starts teaching at Motema High School, where he will stay until 1988, when he begins his career as a journalist at Mobutu's megaphone, l'Agence Zairoise de Presse (AZAP).

In 1993, when the country is beginning to feel the moves made by the democratic opposition, Ngyke distances himself from AZAP and joins the then young and new *La Référence Plus*, put together by young graduates from the only journalism school in the DRC: the Institut de Sciences et Techniques de l'Information (ISTI). *La Référence Plus* quickly becomes popular, due to its taunting tone *vis-à-vis* the (by-now-weakened) Mobutu regime.

According to many sources -- including Ngyke's own family -- after Mobutu's downfall and the takeover by Laurent Kabila's AFDL (Alliance of Democratic Forces for the Liberation of Congo-Zaire), the new regime's secret service, the Agence Nationale de Renseignements (ANR), interrogates Ngyke on at least one occasion, probably more, about his 'Mobutist' history. The journalist, prudently, responds with a repeated series of loyalty pledges to the new administration. And loyal he seems. Ngyke even develops very strong friendships with two new AFDL (later re-named PPRD) leaders, Theophile Mbemba (now Interior Minister) and Marie-Ange Lukiana (now number two in the governing party after the President), who originate, like himself, from Bandundu Province. They, in turn, work to become close collaborators of Laurent Kabila's son, the new President since 2001, 'Petit Joseph' Kabila.

According to his colleagues, Franck Ngyke Kangundu feels quite lucky having such access to the new powers that be. He offers his writing services to many in the new

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circles, and visits the party's offices frequently. Ngyke tells his friends that he 'has been contacted by the new government' and that he has 'agreed in principle'. When Theophile Mbemba is appointed Governor of Kinshasa, Ngyke becomes his 'secret communications advisor'.

On 12 March 2001, Mbemba becomes the first Cabinet Director for President Joseph Kabila. *La Référence Plus* archives from that time show that all articles concerning the activities and speeches of 'Cabinet Director', 'Interior Minister' and 'Bandundu governing party leader Mbemba' are all full of praise, and are all signed by Franck Ngyke or by the abbreviation of Kangundu, KGD. Not only does Ngyke occupy himself conscientiously with the marketing of his 'friend and big brother' Theophile Mbemba; he also attacks Mbemba's political enemies.

Later, however, Ngyke becomes closer and closer to his other friend in the governing party, Marie-Ange Lukiana Mufwankol. Lukiana had been Labour Minister in Kabila Snr.'s government and is now Deputy Secretary-General of the governing PPRD (Parti du Peuple pour la Reconstruction et la Démocratie). The Mufwankol and Ngyke families know one another from far back in Bandundu and, in the course of 2004, Ngyke starts calling her 'big sister' and 'Mama'; she invites him on all her travels.

At *La Référence Plus* offices, Franck Ngyke is often absent because of his trips with 'Mama', which earns him, from time to time, a reprimand from the editor. When he is at the office, he writes articles full of praise for Theophile Mbemba and Marie-Ange Lukiana.

In December 2004, however, there is a change in his relationship with Mbemba. That month, 'KGD' signs an article containing a rather vitriolic attack on his former 'friend and big brother', the Interior Minister. Could this be the result of the conflict that is starting to emerge, simultaneously, between Mbemba and Marie-Ange Lukiana, with Ngyke siding with the latter? The exact reason for the article is not clear, but the leadership struggle between the two Bandundu PPRD leaders is a fact. With this struggle raging, Ngyke's friendship with 'Mama' becomes stronger than ever. She rewards his journalistic marketing services with trips, subsidies and presents. Such relationships between politicians (or business people) and journalists are common in the DRC (see paragraph 2.2: 'Cuts and Expenses': the trade in information as a system), and Ngyke feels particularly lucky basking in the protection and favour of the woman who is virtually the number two in the governing party after Joseph Kabila, the President. His good connections with the powers that be are expressed in his lavish lifestyle and expenditure.

Franck Ngyke remains close to Lukiana, who, in turn, works hard and successfully to become herself closer and closer to the number one in the country: President Kabila. She has turned Bandundu Province into an important base for the PPRD government; Kabila himself visits the province thanks to her hard work, in spite of having to drive long hours over a rather neglected road.

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But there is another side to Franck Ngyke Kangundu. It is well-known in the circles of his colleagues and even by his son Djoudjou, that Ngyke has not given up on his old Mobutist friends and convictions. 'It became clear when we criticised dad for always writing positive articles on the PPRD,' remembers Djoudjou. 'On that occasion, he became very agitated and told us that he was 'just writing these things to help an old family friend' – namely Mama Lukiana. 'But I am still a journalist,' he assured us, adding that he would still write whatever he wanted.'

Ngyke's son Djoudjou puts two and two together quickly. There have always been papers -- articles -- that his father keeps in a special notebook. There are even prepared headlines, filed together with the phone numbers of 'friends in other publications'. Djoudjou himself delivers such articles and headlines to these 'friends', aware that this material could not be published in the pro-government *La Référence Plus*. Where did these articles come from? Djoudjou recalls two principal sources. One, his father's old friend and former Vice President to Mobutu, Baudouin Banza, and the other a famous artist: Maître (Master) Lyolo,<sup>4</sup> a sculptor who rose to great heights in the Mobutu era. The dictator apparently appreciated the artist so much that he appointed him Principal of the Kinshasa Académie des Beaux Arts, a position, according to political observers, traditionally reserved for Mobutu's secret service officials. Master Lyolo officially has no political interests at all. But Ngyke's son Djoudjou remembers distinctly his father's statement that 'this man always gives me political dossiers.'

The son is also aware that the political content of the dossiers Master Lyolo usually passes on to his father is of such a nature that it cannot be published in the pro-government *La Référence Plus*. 'My father told me even on the evening that he was killed that this man, Lyolo, always gave him stuff that he could not publish, because he 'had to work with these people.' ' Djoudjou took these people to mean the governing PPRD and Marie-Ange Lukiana, the virtual number two in the party and the Presidency.

Nevertheless, and despite incidental railings against this difficult situation, Franck Ngyke usually obliges and does his 'other' journalism – channelling anti-government reports he receives from his Mobutist friends to opposition media, on top of his official PR work for Mrs. Lukiana and the PPRD. He knows that others in the profession and in politics are aware of this 'double-dealing', and even criticise it, but he shrugs it off. 'He would even say to Mme. Lukiana that 'no matter what people say about me, I always bring the news I get from the other side personally to you', ' remembers Djoudjou, adding that this seemed to keep at least the friendship with Lukiana intact.

It also possibly helped that, according to Djoudjou, Ngyke used to 'consult' Lukiana on which articles should go into *La Référence Plus*, and which to other papers: a situation that Mrs. Lukiana, as a politician, could probably often use to her advantage in her

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<sup>4</sup> Master Lyolo has always denied that he gave Franck Ngyke Kangundu 'political papers'. However, in our view, Ngyke's son Djoudjou's testimony that he saw what Lyolo gave his father on the eve of the murder, and that Lyolo 'always' passed 'sensitive' papers to him, takes precedence over this denial.

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personal power plays within ruling party circles. According to political observers of the ruling party, she participated with gusto in such 'palatial' power games. And which politician would not love to have a friend who not only writes positive things about you all the time, but who also informs you first of all the new goings-on, discussions and plans both in your own and in the competing parties' circles?

Franck Ngyke's wife Hélène had perhaps more foresight than the 'double-dealing' journalist himself. She would, say the couple's children, regularly caution her husband to talk less and be more sensitive to 'things that should stay secret'. But Ngyke's personality wasn't like that: he just 'loved talking, joking and chatting too much', his friends and colleagues agree.

Nevertheless, for two years working with Lukiana, being her personal information service as well as an information channel for the opposition, all goes well for Franck Ngyke Kangundu. He and his family prosper, which is of course to the journalist's liking. ('He loved money,' agree all who knew him.) But then, in mid-October 2005, all of a sudden, he senses some chilling in the relationship with Lukiana. She doesn't phone him anymore, nor does she visit or invite him on her trips. Two, three trips go by without him being asked to accompany her. The journalist doesn't understand why. He has never written anything about her that wasn't good, solid praise, so what could be the matter?

When he phones her to ask about a specific occasion, the answer is a vague 'you know, the plane was just too small.' But Ngyke hears, days later, that other journalists have gone with Madame on that same small plane...

It is from that time in mid-October 2005, one and a half months before his assassination, that Franck Ngyke, for the first time in his career, finds himself without any protector in his country's circles of power.

### **Mama's choice**

Whatever the reason for the change in the attitude of 'Mama' towards Ngyke, it is almost certainly nothing personal. 'Whenever they had personal issues, they would fight, talk loudly, even shout into the phone,' recall Ngyke's children. 'Nothing like that happened now.' If it wasn't personal, then it was perhaps political?

In the weeks immediately before the break-up, in September 2005, all in Kinshasa's powerful elite are well aware that there are only months to go before elections will take place in the country, for the first time in 40 years. It is going to be a life-or-death kind of race for all those who owe their positions (and their 4x4s, their houses, their luxury vacations, the European and American schools for their children, and the shares always spilling off the government's lucrative natural resources contracts) to the transition. If one – or, in the case of officials, one's patron -- is not elected, one stands to lose everything. For people like Lukiana, there is only one sure-fire way forward, and that is to attach oneself inextricably to a winner.

The winner is very likely to be Joseph Kabila, the current transitional President. It is he who basks in the protection of Belgian EU Commissioner Louis Michel, it is he who is

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the middle-of-the-road, Western-friendly guy without an unsavoury personal past in the recent civil wars. It is precisely his blandness and his lack of any real relationship with any region or specific groups of people in the country that make him so ideal from the point of view of the international community. Western regimes, donors, businesses bet on 'Petit Joseph' to win and locally, even opposing party leaders have joined the PPRD. For the Lukianas of this environment, the electoral race is not so much about views or competing parties: it is about the favour of the favourite candidate. If Kabila likes you the most, you can't go wrong. And Kabila Jr. likes Marie-Ange Lukiana. She is one of his closest collaborators. She has made a Kabila base out of Bandundu Province and makes sure the party is always there for him.

Then, on 15 September 2005, something is published in a newspaper that angers the President. In fact, 'angers' is a massive understatement. The article causes him to be 'as enraged as he has never been before', according to the President of the Congolese Press Union, Kabeya Pindi Pasi, who has been woken up by an irate phone call from the Presidency, summoning him to the palace to 'explain himself'.

The offending newspaper article, in the weekly *Pool Malebo*, is headlined '30 million USD from DRC to Tanzania stoke fires,'<sup>5</sup> and says that President Joseph Kabila himself has channelled that amount of money from the DRC's state coffers to the education sector in Tanzania. Stoking fires this article does indeed do. The country is in the midst of a strike in its own education sector, with students and teachers marching in the streets in protest against the underfunding of schools and regular non-payment of teachers' salaries by the government. To be told that 'the government has no money', whilst reading that a lot of money has gone to schools in another country, causes the protestors to erupt in increasingly violent protests. Kabila, who intends to win an upcoming popular vote for a continued Presidency, finds himself considerably damaged. He is already vulnerable to the opposition's allegations that he is not a 'real Congolese' -- having lived in exile with his father, Mobutu opponent Laurent Kabila, only to return in 1998 when Kabila Snr. was installed as President -- and now this. The article virtually says that he cares more for Tanzania, which in the exile years was the Kabilas' main base, than for his own country.

Rumours say that the Presidency promises a big reward to whoever finds the source of the article.

It is difficult to judge whether the story of the 30-million dollars is true or not. There are those who claim to have seen a 'thank you' letter from Tanzanian missionary school circles to the DRC government, copied to their religious counterparts in the country, the Episcopal Conference. But the Episcopal Conference leadership denies there ever was such a letter. Without details of the origin of the payment -- was it a payment for a business contract? Western donor funding for the national education sector? -- or its destination (no direct beneficiary is mentioned), the incident has the distinct air of being a hoax.

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<sup>5</sup> *Pool Malebu*, 2005, 30 millions USD de la RDC à la Tanzanie allument le fue, 15 Septembre.

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But to the authorities, the police and the secret service, it is much more than just a hoax. It is seen as nothing less than an enemy-inspired attack on the Presidency, timed, as the headline indicates, to stoke as much 'fire' as possible in the midst of what is already a situation of massive political protest. To increase official suspicion even further, the publication that has carried the article, *Pool Malebo*, is an Editor, Patrice Booto, is known to be a scandal-monger as well as a blackmailer, in the habit of phoning subjects of his stories with 'offers to withdraw' in exchange, of course, for a token of appreciation. (President Kabila has, in discussion with JED and Reporters Sans Frontières (RSF), alluded to an attempt on Booto's part to blackmail even him with this story, but Booto denies this.)

The police go out to arrest Booto, but the latter has got wind of the backlash, fled, and gone into hiding. From that moment, police and the secret services, led by former Mobutu police head, former Interior Minister in the first Kabila Cabinet, now Chief of the ANR (l'Agence Nationale de Renseignements) secret police, Col. Mira Ndjoku, conduct a massive search for Booto *as well as* his source -- because Col. Ndjoku is well aware, as is *tout Kinshasa*, that Booto is not the main problem here. The cheap scandal agent Booto only traffics in stories; he doesn't produce them. Booto must have got the 30-million dollar story from somewhere else -- or rather, somebody else has used Booto to get his anti-Kabila story published. But who?

The hunt is important to Col. Ndjoku personally as well. His future, too, is at stake in this fluid pre-election year. He was Interior Minister once. Maybe he can be that again, if he does his job well and makes the Presidency happy...

The source of Booto's article is, in all probability, Franck Ngyke Kangundu. His son Djoudjou remembers his father giving him 'a story' to take to Patrice Booto at *Pool Malebo* just days before the offending publication. Djoudjou didn't look at the contents of the story then, but says that on the eve of his father's murder, Master Lyolo gave him two pages with 'a follow-up' on the same subject: the 30-million US dollars for Tanzania. 'So probably the first story started the same way,' Djoudjou says.

The question to be asked here is whether anyone in the circles of power, in September and October 2005, with Patrice Booto in hiding, could have suspected that Franck Ngyke Kangundu was involved. Or, more specifically, if Marie-Ange Lukiana could have known that it was her friend and PR man who had made President Kabila lose his temper. The answer is very likely 'yes'. First of all, because Ngyke talked to Lukiana as to a relative. And secondly, because Franck Ngyke himself wrote a bizarre political column in his newspaper *La Référence Plus* four days after the publication in *Pool Malebo* and the ensuing clampdown of the authorities on that newspaper and its Editor, in which he made efforts to distance himself from the allegations.

Ngyke's column, published in *La Référence Plus* of 19 September 2005,<sup>6</sup> quotes a purportedly 'anonymous Kabilist' saying that 'one can't even imagine for a moment that such diversion of funds can take place without the Presidency or the accounting

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<sup>6</sup> *La Référence Plus*, 2005, Les 30 millions USD de Joseph Kabila à Tanzanie: Un canular, 19 Septembre.



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chain reacting to it.... Some people try to cast doubt on the President's origins, trying to make him look like a foreigner or somebody from a shady background...' The item is written in a way that creates the impression that it is the journalist himself talking here, either at pains to appease the enraged Presidency, or in pretence of really being on Kabila's side. A colleague of Ngyke admits that the journalist himself is the author of the denial of Kabila wrongdoing, and that there is no 'anonymous Kabilist'.

Why does Ngyke, who is no Kabilist, pretend to be one? And why issue such a strong denial to a story that hasn't even been carried by his own newspaper?

In secret service circles, the suspicion that *Pool Malebo*'s source was in fact the old information-trader and double-dealer-with-Mobutist-sources Franck Ngyke, would have arisen pretty fast. And Mme. Lukiana, who has many friends in these circles, including Col. Mira Ndjoku himself, would hear of the suspicion, and of the seriousness with which the offence is regarded, pretty quickly, too.

It explains why, from early October 2005, 'Mama' Lukiana, Franck Ngyke Kangundu's 'big sister' from the same birthplace as the journalist, with all her family and friendship ties with the Ngyke family, stops socialising with this journalist and looks for other friends in media circles. To her, instead of an asset, 'Ngyke' has now become a liability. It can cost her her close relationship with the President. And elections are only six months away.

It is seemingly only Franck Ngyke Kangundu himself who doesn't understand what he has done.

### **1.3 48 hours in Kinshasa: reconstruction of the last two days before the murder**

The days 1 and 2 November 2005 in Kinshasa are full of turmoil. The starting shot is a phone call, the day before on 31 October, from 'super cop' Col. Mira Ndjoku to journalist Alain Nkoy, a friend of the still-fugitive Editor of *Pool Malebo*, Patrice Booto. Col. Ndjoku, who has, according to some of Nkoy's colleagues, in the past worked with a family member of Nkoy, asks him to find Booto and convince him to, in Nkoy's own words (spoken later in an interview with JED), 'surface, apologise to the President and work for him.'

Nkoy passes the message to Booto, who responds to the overture by delegating his wife and Nkoy himself to go and talk to Col. Ndjoku. When Mrs. Booto and Nkoy meet Ndjoku, the latter gives the wife of the fugitive Editor 200 US dollars with the message that nothing will happen to Booto as long as he apologises and, more importantly, gives Ndjoku the source of his 'millions for Tanzania' article.

And so it happens that on 1 November 2005, a Wednesday, Patrice Booto presents himself, together with his wife and Alain Nkoy, at a meeting with Col. Ndjoku. It is at that meeting, according to Nkoy, that Booto and the secret police chief 'put their heads

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together in a corner' and talk without being overheard. Nkoy has the distinct impression, he will tell JED later, that it is in that conversation that Booto tells Mira Ndjoku the name of his source.

On that same day, Franck Ngyke Kangundu, overseeing some repairs to his car at a local garage, receives a phone call from Mama Lukiana, the first call in a long time. She sounds warm and friendly enough, too, and when Ngyke understands the reason for the call, this makes him even happier. Could he, asks Mama, organise a meeting at short notice between herself and a friend of Ngyke's, the director of the sugar factory of Kwilu Ngongo, a Mr. Mavungu?

Mr. Mavungu, in need of some protection from 'up there' now that rumours about mismanagement of his factory have been circulating in the newspapers, had asked Ngyke to set up a meeting between him and 'the lady' for some time now. He had even promised Ngyke a 'present' if he could give him his wish. This is why the journalist is happy: not only is Mama talking to him again, but he is going to get the long-awaited 'present' from Mr Mavungu.

He makes a few phone calls and a meeting for the next day, Thursday 2 November 2005, is fixed.

On that day, 2 November, towards 11am, Col. Ndjoku, Booto and Nkoy are meeting in a restaurant in a suburb on the outskirts of Kinshasa, officially to negotiate terms for Booto's surfacing. He has committed the crime of 'defamation', says Ndjoku, so there will have to be some kind of judicial action, but maybe he, Booto, can get off lightly. Ndjoku says he has invited a legal counsellor to the Presidency to join the group and give some ideas. They wait and wait but the 'counsellor' doesn't pitch: he apparently has to attend an urgent Cabinet meeting, and will excuse himself later.

When Booto and his group move back to town in a taxi, following Col. Ndjoku in his jeep, the taxi is suddenly – at the Galerie Saint Pierre, in full view of JED and other press freedom NGO offices -- sandwiched by police Special Branch cars and stopped. Booto and the other occupants of the taxi are marched into the police's cars and taken to Kin Mazière, Special Branch headquarters. Col. Ndjoku turns his jeep around and follows them.

When in Kin Mazière, Booto and his group are led before Special Branch Chief Col. Raus Chalwe. Col. Ndjoku bursts in and asks Col. Chalwe, right in front of the 'prisoners': 'But Colonel, what kind of methods are these? Isn't it a bit easy for you to barge in when others have already done the job?' Ndjoku's attempt to play 'good cop' versus Chalwe's 'bad' one doesn't fool Booto, who will tell JED later that he doesn't believe for a minute that Ndjoku could really have been upstaged by Chalwe.

After this incident, Ndjoku leaves Chalwe's men to interrogate Booto, specifically again on the source of his story. Booto mentions a few names, but whether any of these have anything to do with the story at all is doubtful, especially in view of the fact that all thus mentioned – and duly arrested and interviewed -- are quickly released again. It

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is all a masquerade, believes Booto's colleague Alain Nkoy: he is sure that Col. Ndjoku, who has left the hapless editor to Col. Chalwe, already has Booto's source.

Meanwhile, like Booto, Franck Ngyke Kangundu has been confronted with a cancelled meeting in the suburbs. And in his case, too, the reason for the cancellation is an urgent meeting at the Presidency.

Upon arrival with Mr. Mavungu, the director of the sugar factory, for their meeting at Mrs. Lukiana's home, the men are told that there is no meeting: 'Madame' has gone out. 'But how is that possible?' the journalist asks, bewildered. 'She herself has called this meeting?' After the security men at the gate, Mrs. Lukiana's husband Prof. Lukiana, confirms to the two men – in a rather dry tone, the journalist will recall later in the day -- that 'she has been called away by the Presidency.'

Franck Ngyke drives back with Mr. Mavungu to the latter's home, where the two are told by security guards watching the properties in this particular wealthy area that they have noticed a car following Ngyke's vehicle. After the strangely cancelled meeting, this news makes the journalist very nervous, to the extent that Mr. Mavungu offers to arrange for Ngyke to leave with him and pass a quiet two weeks in the rural area of Kwilu Ngongo. The journalist at first accepts, then changes his mind, realising he still has to fetch his wife from a family visit and take her home.

Back in town, Ngyke's son Djoudjou and his nephew Papitjo, both of whom returned home from the cancelled meeting with Mama Lukiana using public transport, find their father and uncle busy finding a seat at a pavement cafe. They hop off the bus and join them, realising soon that Ngyke is very upset about what happened. 'He kept saying 'I don't understand what happened, all the [Lukianas'] cars were there.' He thought she had been home and she did not want to see him,' recalls Djoudjou. 'And he could not understand why. She herself had asked for the meeting, after all.'

Arriving home towards the afternoon, Franck Ngyke tells his children that 'the day has started badly' and that he is not going to work. He will instead take a nap, he says. He puts on his pyjamas and goes to bed.

When he gets up, it is time to get something to eat. He dresses and leaves with his daughter Grace to buy chicken for a late family lunch. After returning with the chicken and preparing the meal, just as they are sitting down to eat, the phone rings. It is Master Lyolo, the artist and former Principal of the Académie des Beaux Arts of Kinshasa, and still a teacher at the same institution. Lyolo says he has something for the journalist. Would he care to drop by and get it? Ngyke agrees.

The journalist, driven by his son Djoudjou, arrives at the Arts Academy towards 5pm. He gets out to see Lyolo in the garden. Djoudjou stays in the car, from where he can see the two men talking. He recalls seeing them chatting and joking with other visitors in a group, then withdrawing together to talk, just the two of them, for about 45 minutes. He also sees papers change hands from Lyolo to his father. When Ngyke re-enters the car he has two sheets of paper in his hand which, according to Djoudjou, 'look like a fax'. Djoudjou looks at the papers and sees that the subject is the same story that has caused

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so much rioting in the Kinshasa streets: the 30-million US dollars that President Kabila is alleged to have channelled to Tanzania.

'It's a follow-up on the earlier story,' Ngyke explains to his son, adding that he intends to publish it still this evening and that he will therefore be going to work after all. Happy, however, the journalist is not. 'Dad was a bit disturbed by this, saying that Lyolo always gave him stuff like this, stuff he could not publish because he had to work with 'these people', says Djoudjou. 'And Lyolo, Papa said, didn't even give him any reward for his trouble. However, he also said he would find a way, as usual, through another newspaper.'

According to Djoudjou, his father then, still in his presence, took his mobile phone to call Mrs. Lukiana to discuss the matter with her. 'He said to Mama, there is this very sensitive matter and can we discuss it, even tonight? Mama Lukiana phoned back a little later, to save him air-time, I think, to accept. She wanted to meet him so she could see the new information herself.'

That evening, it is already midnight, H  l  ne Paka waits, at a cousin's house where she is visiting, to be picked up by her husband after his work. He doesn't arrive, so she decides to go and look for him at the newspaper's offices. To her surprise, he isn't there either. When he finally arrives, they leave together. Has Ngyke been with Mme. Lukiana? Whether he explains his whereabouts and reasons for them to his wife or not, she nor he will never be able to tell. When they arrive at their home in the Rue Limete, they find a gang of five men waiting for them. One of them tells Franck Ngyke: 'we have come for you.'

At about 1am that morning, Friday 3 November 2005, Grace Kangundu, daughter of Franck and H  l  ne, is woken by the sound of hooting from the street: the sign that her parents want her to open the gate. She duly stumbles out of bed and descends to open the door, but before she puts her hands on the door handle, a shot rings out. She hears the voice of her mother exclaiming, in Lingala, 'na yo mpe' which means 'not you too'. H  l  ne Paka has recognised one of the assassins on her doorstep.

When Grace opens the door, her mother has already been shot twice, in the front and in the back: payback for having openly recognised and denounced a killer. The third shot hurts her brother Djoudjou, who has come running, in the stomach. He falls down, too, unconscious. Grace realises that one of the men has cocked a gun at her father, telling him that 'we have come for you.' She overhears what seems, strangely, to be a protracted negotiation, in which her father offers money, the car, anything, to save his life. She hears the man answer 'the one who sends us has more money than you.' The assassins, it is clear, feel very, very secure. They have time to talk with and taunt Ngyke, even though they have seen nephew Papitjo quickly scaling a fence to, in all probability, fetch the police. The police station being nearby, how can they be so relaxed? Do they know something the Ngyke-Kangundus don't?

The assassin with the cocked gun asks Franck Ngyke if he 'remembers the phone call he received earlier', and then shoots him in the stomach. The five grab the two cell phones belonging to the couple and then, finally, leave. Two hours later, when the

police finally arrive at the house, Franck Ngyke is dead. His wife H el ene had died already when the assassins were still there.

### **1.4 The judicial process: indications of sabotage**

Within hours of the murder, Master Lyolo's fax – the evidence linking Franck Ngyke Kangundu to the story of the 30-million US dollars -- disappears from the journalist's vehicle. Not only the fax, but his notebook – the one with Patrice Booto's and other friends, as well as 'channelled stories' details in it, disappears, too. 'The Lukianas took these papers,' run the accusations published, months later, by the weekly *Le Soft*. The paper writes this on the basis of the JED dossier, which in turn bases itself on the fact that Prof. and Mrs. Lukiana seem to have really wanted to take care of the car, as much as they have wanted – it is true -- to take care of the Kangundu children, who have, after the tragic death of their parents, spent these three months cared for at the Lukianas' home.

The Lukianas deny most strenuously that they would have anything to do with the disappearance of evidence. In a letter to *Le Soft*, published the week after the story with the accusations, Prof. Lukiana points out that police had access to the car for days before their, the Lukianas', drivers eventually took it to their home.

With Djoudjou still in hospital and the rest of the family stricken by sadness and funeral preparations, nobody can be sure of who took what from the vehicle and when. The one thing that is clear is that police, who should have searched the car and sealed and labelled all contents immediately, did not do their job.

The simple activity of not doing a job is within days compounded by very real misconduct, probably, sadly, caused by local and international pressure on the authorities to find the killers. The police do find 'killers': five young men are picked up from the Kinshasa streets and beaten and tortured until they confess that it was them...

The captain who has had the five arrested can't produce an explanation for why he thought it was them. Again, there is outrage in the media. The men are released and the captain imprisoned instead, with police chiefs admitting that this was grave misconduct, probably motivated by the bounty of 5000 US dollars, promised by the Presidency to the cop who catches the Ngyke assassins.

Within weeks, other 'this time real' assassins are caught. The police insist that these new 'assassins' have been caught in possession of the Ngyke couple's cell phones and that they have confessed to the crime. The police even take their five new captives to the Ngyke home to film a 'reconstruction of the crime'. However, when one watches the thus-compiled police video, it is clear that the prisoners have to be told by their captors what to do every step of the way during the 'reconstruction'. ('Did I stand there? Oh no, of course, I stood there.') When, finally, the camera wanders down to show the 'murder weapon' taken from these suspects upon their arrest, the shot is of one single, very old, very crooked, wooden-handled rifle, of which there are thousands in the streets of Kinshasa. Sources within the Kinshasa police team that filmed the

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'reconstruction' will confirm to us later that it did seem to them, too, that the prisoners, who live at the far other end of town, had very clearly never before in their lives set foot in Limete, the suburb where the Ngyke family lived.

Furthermore, it is very unlikely that H  l  ne Paka would have known any one of these five poor and unconnected men from the other side of town. And she did know at least one of the assassins -- that much is clear from her remark 'na yo mpe' ('not you too') to one of the armed men who waited for her and her husband on the evening of the murder, the remark overheard by daughter Grace. H  l  ne's recognition, as well as the comments made by the armed men and also overheard by Grace ('don't you remember who called you last on your cell phone' and 'the one who sends us has more money than you') point to murderers of a different status, more likely hailing from the higher-level political and secret service circles in Kinshasa that the Ngykes themselves were also familiar with.

The only piece of evidence the police present of the new five suspects being the real assassins is the mobile phone they say they have recovered from the group: Franck Ngyke Kangundu's phone. But proof that this is in fact Ngyke's phone is not forthcoming. 'We even went to the prison where they are holding these people,' relates Franck's daughter Grace Kangundu. 'They allowed us to see all the cell phones and SIM cards they took from the people in their cells. We tried all the phones and SIM cards, one by one. Our parents' phones were not there.' (It has to be noted here that even the state having the phone would of course not necessarily be proof that it got the phone from these suspects.)

Up to now, witnesses Grace, Papitjo and Djoudjou Kangundu haven't been asked to identify the suspects either. Bizarrely, the five suspects remained in jail for months without being presented to the children in a line-up. 'I asked', says Djoudjou. 'In the end I stopped asking because the Attorney-General, Guy Ilunga, told me that he himself had received threats. After that, he suddenly was no longer on the case.'

Judicial authorities have so far only interrogated the President of Journaliste en Danger (JED), who compiled the dossier on JED's preliminary investigation, and the Ngyke Kangundu children. Mrs. Lukiana, Master Lyolo and secret service Chief Col. Mira Ndjoku have not been called. 'I got fed up,' comments JED's director Donat M'Baye Tshimanga. 'I ended up asking if there was a complaint against me. Maybe somebody had accused me and Franck's children of the crime? They said no, that was not the case.'

When the trial finally commences on 12 July 2006, the Ngyke Kangundu children at last get to see the suspects. They don't recognise any of them. 'I hear they live very far away from us, and that they are again alleged to have come to our house to rob us. And we know that that isn't true,' says Djoudjou Kangundu, by now left without much hope that he will ever see justice done. 'They still haven't shown the cell phones they see they have, either.'

Meanwhile, four of the five who were arrested as the 'real assassins' six months ago, continue to languish in Kinshasa's central prison. At the start of the trial on 12 July,

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three of the suspects were finally presented to the court. They are Second Lt. Joel Mungandu Kimbawo, 2nd Lt. Didier Awatimbine and Warrant Officer Papy Munongo. A fourth suspect, an uncle of 2nd Lt. Mungandu who would have been called – according to the state's version of events -- by Mungandu from murder victim Ngyke's cell phone shortly after the murder, with the message that there is 'mourning in the family', is not presented to the court. Nor is the fifth suspect, Serge Kabungu. Why? For unexplained reasons, the Mungandu uncle has been released two weeks before the trial, and Serge Kabungu is left in his prison cell and not brought to court.

The state's case relies entirely on Franck Ngyke's cell phone (the mobile the state says it has recovered from the suspects), on the number of Joel Mungandu's uncle they say has been called from the phone, and on the conversation Mungandu had with his uncle on Ngyke's telephone about a 'death in the family'. The police have constructed from this that Mungandu delivered the message to his uncle that Ngyke was now dead.

It is, however, not so much the – rather strange, as we will see below -- story about Ngyke being the 'death in Mungandu's family' that is interesting in this respect. It is the part about knowing *what was said* on Ngyke's phone. Because it cannot be true, as the state has alleged, that it has simply obtained the contents of the alleged conversation between Mungandu and his uncle 'from the cell phone company', as if cell phone companies routinely keep transcripts of all conversations conducted by their clients on their cellphones: they don't. Cell phone companies only record the contents of what is being said on the phone if an authority – a secret service, perhaps, or a judge requested to allow this by the police -- has arranged for this particular number to be tapped. That is generally the procedure for phone-tapping in most countries. *The state is therefore saying that Franck Ngyke Kangundu's telephone was being listened to.*

And that is, most probably, the only element of the state's case that bears some truth. Ngyke was chased by secret service Chief Col. Mira Ndjoku and followed by a strange car before the murder: why would his phone not also be tapped by Col. Ndjoku's men? For the rest, the police's assumption that a remark to an uncle in the Mungandu family about a death in that family would necessarily refer to the murder of Ngyke, falls flat when it is taken into account that there was, that day, a death in the Mungandu family. Mungandu's grandmother's body was laid out for vigil at the family home.

The state's case against the other two 'assassins', Didier Awatimbine and Papy Munongo, is, if possible, still weaker than that. These two were arrested only because their names and numbers appear in Joel Mungandu's contact book.

### **1.5 Conclusion**

If we accept the theory that Franck Ngyke Kangundu and his wife H  l  ne Paka were assassinated in revenge for the '30-million dollar story', and that the culprit is someone of considerable power – and it is very difficult not to accept this -- we will have arrived at an answer as to the question of the motive. Ngyke was known a person with old

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Mobutist sympathies, who worked, to earn a living, as a propagandist for the new powers that be: the governing PPRD of Joseph Kabila.

In the conditions of near-civil war which continue to reign in the country, clearly one cannot get too far in serving two sides at the same time. And that, it seems, is precisely what the 'Marshall' did: he went too far. He caused very real problems for the highest authority in the land – the PPRD and the Presidency -- and it is by all accounts the President himself who felt damaged and hurt by what Ngyke did.

We cannot ignore the fact that a tail was put on Ngyke at the height of the hunt for the source of the 30-million dollar story; we cannot ignore the near-certain probability that his phone was tapped. We also have to acknowledge that, for Ngyke to be presented with 'follow-up' evidence on the same 30-million dollar story on the eve of his murder, a day after the 'channel' of the earlier story – *Pool Malebo* Editor Patrice Booto -- had been arrested by Secret Service Chief Mira Ndjoku, very likely amounted to a trap. If the powers who felt hurt by that story still needed any proof that it was Ngyke who had been the source of it, they received it that evening: not only did Ngyke accept the follow-up story on the same subject from Master Lyolo, he also promised to publish it still that same evening – and used the phone to call his former PPRD sponsor, Marie-Ange Lukiana, to inform her of this.

Hélène Paka often said that her husband should manage his secrets more carefully and not talk so much about everything with just about everybody. If you have to 'deal double', you have to make very sure that the one side will never know what you are doing for the other. Being found out will likely get you seen as a traitor, and 'treason' is the word that has been bandied about in Kinshasa, for what Ngyke did...

Lastly, it has to be noted that Master Lyolo, who was Ngyke's friend, did not necessarily know what he was doing when he passed the follow-up story to Ngyke. The people who passed this 'mortal' fax on to him to give to Ngyke were very likely the old Mobutist secret service people who always used this channel for their anti-Kabila campaigns. Lyolo was an old Mobutist. So was Ngyke. And so was secret service Chief Col. Mira Ndjoku – the latter, of course, now successfully merged with the new administration...

### **The question 'who'**

Though we did say we were not going to even try to point to a culprit in the case of the murder of the Ngykes, we will say a few words about what *kind* of killer would have had the power to carry out all the machinations seen in and around this case. Not only did this killer have death squads at his command; it seems as if he could also have put spanners in the wheels of the judicial process and launch false tracks.

This indicates we are probably not dealing with a single 'bad person' in the form of Marie-Ange Lukiana, who has been pinpointed as the main suspect by *Le Soft* newspaper and others. Lukiana is important, but likely not important enough to give orders to the secret services – to chase Ngyke, to listen to his phone, and to have him followed -- *and* set up a trap through the Mobutist information channel Master Lyolo,



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*and* have the police arrest the wrong people (twice), *and* stop the judiciary from staging a witness parade, *and*, all the while, successfully hide her own 'death squad'. Also, the fact that Franck Ngyke himself always spoke openly with his 'big sister' Marie-Ange Lukiana, something he even did on the eve of his murder about the information he had just received from Lyolo, shows that she would not even have had to go through all that. She could just have asked him if he was the source of the story, and he would have told her. Anyway, she most probably already knew: it must have been why she took care not to be seen in his, Ngyke's, company after the article that was so offending to her direct boss, Joseph Kabila, appeared.

Lastly, it would be very stupid indeed for an assassin to arrange to meet with an intended victim the day before the murder and then, in front of witnesses, not show up. Such bizarre behaviour would surely draw public attention to one's relationship with the victim and one -- if one were planning to murder this particular friend -- would really not want to do that.

No, the power that carried out all the above-mentioned machinations was probably higher than Mme. Lukiana: high enough, even, to have used the lady and her spouse to organise a suspicious and attention-drawing meeting a day before the intended murder, and to have used them even for purposes of trying to hide evidence. In such a situation, being the number two in the party and desirous of continuing in that position, one would do a lot to ensure that the boss stops being angry...

*Le Soft* has also accused Interior Minister Theophile Mbemba, together with Mrs. Lukiana. However, the newspaper does not explain why it thinks the two, who by all accounts are involved in a frantic inner-party power struggle for the favours of the President, would team up to get back into his favour – how would that help one against the other?

Mbemba alone then? But if he had anything to do with this, his efforts certainly backfired: he is the main publicly-identified 'culprit', and as such even the President now ostensibly stays far, very far, away from him.

But maybe there is still another possibility. Maybe there is a power that not only has surveillance people, secret service chiefs and an obedient police and judiciary at his disposal, but also a vast array of dependents who will gladly be of service when it comes to launching false tracks<sup>7</sup> in order to safeguard one's good name. We could very

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<sup>7</sup> Many plots have been aired and published that point at Mrs. Lukiana as a culprit. Police have said – again, using Ngyke's cell phone in their argument -- that the murder victim received a phone call 'from England' just before he was killed. This has caused people to think of Mrs. Lukiana, who has a brother in London. Of course, anything the Kinshasa police have to say on the matter of the murder should be treated with the greatest of caution, in view of the fact that they have now, most probably, *twice* arrested the 'wrong' culprits, but the police are not the only ones who have spoken of an 'English plot'. Also President Kabila himself has mused, in the presence of *Journaliste en Danger's* Donat M'Baya Tshimanga, that he was 'hearing things about London', saying that Mrs. Lukiana told him that she wanted to take the Kangundu children to spend time in London, and that that was now the 'second thing about London'. Then, there are the theories that have been bandied about by *Le Soft* Editor Kin Kiey

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well be dealing here with the highest echelons of power in the land: a Presidency supported by secret service honchos, closer even to the President than the ministers themselves. Only these regions would be able, not only to execute the perfect murder, but also to ensure that 'anti-Kabilists' can be punished without even a mention of the name Kabila. And to do it in this manner would have been the most urgent condition, in the year before the elections, in which that name is carried by the main candidate. It will be interesting to see who, in the new administration after the elections, will be the DRC President's new favourites.

### **And now..**

Studying the Ngyke case leads to some pessimism about the possibilities for professional journalism in the DRC and maybe also in other, similarly tormented, countries in Southern Africa. Can we only hope to make a living as journalists if we write and broadcast exactly what our editors and sponsors want? Ngyke wanted to make a good living and he did so by going against his true feelings, acting as a propagandist for a party he wasn't even in favour of – only to be killed, ironically, for 'treason', likely by forces within this party.

The situation is worse when one thinks of the other, more recent murder of opposition journalist Bapuwa Mwamba. Mwamba was really on the side of the opposition and it showed in what he wrote. That is what likely got *him* killed, again ironically, in the run-up to 'free and fair' elections in his country...

How to get out of such a situation, of 'bought' media, of intolerance against those who don't want to 'stay blindly loyal to their sponsors', or simply against those who don't happen to agree with the most powerful party?

'Maybe we can do that by stubbornly developing professional journalism,' says a Kinshasa colleague who helped write this report, but who suffers from 'a bit of fear' when it comes to identifying himself. He thinks, though, that he might actually stay alive a bit longer by refusing to align himself with a certain political party or interest group – at least in his writings. 'I won't attack someone because someone else pays me. Therefore, individuals will, I hope, not see me as their personal enemy. When I investigate something -- it can be corruption, trade, crime, whatever -- I try to understand the situation, and then to explain it to my readers, without saying one politician is good and the other bad. In that way I hope I won't be hated or seen as a traitor by anybody.' And with a smile: 'at least, I can only hope.'

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Mulumba. He seems not just to think, but to *know*, that the culprits are Mrs. Lukiana and Interior Minister Theophile Mbemba: even though the two are personal enemies they would have, according to Mulumba, planned the murder together. Here, we have to ask how Mr. Mulumba can possibly be so sure of a theory that, at the very least, is in need of some explaining (see our doubts in the main text). During an interview that took place in the Grand Hôtel Kinshasa suite where he lives, he seemed to have more information even than the judiciary. One can also not help noting that Mulumba has, in the course of his publications on the Ngyke murder and his campaign against Mrs. Lukiana and Mr. Mbemba, become personally very close to the Presidency (see more on Mulumba and his relations with the governing PPRD party in the second chapter).

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Another colleague adds that 'one will still have to choose one's words with caution. If somebody high up steals, I won't say 'this guys steals,' I will say 'he abuses his position.'

It has been meeting, and working with, Kinshasa colleagues such as these two – and there are quite a few more -- that has taught the two 'internationals' not to be too pessimistic. The fact that there are at least a dozen – those are the ones we met, there must be many more -- journalists who, in spite of risks, temptation and poverty, feel pride in their profession and take their codes of conduct as journalists seriously, makes us wonder if, given the same conditions and pressures, *we* would behave as conscientiously and professionally as they do...

The dozen, some of whom were already members of FAIR (the Forum for African Investigative Reporters) and some of whom have since joined, are daily working away, informing the public as well as they can, investigating wherever they can, publishing wherever they can and, in doing so, quietly building a new journalism and a new, fair and independent press. We can only applaud them.

## **2 Cuts and expenses: how the media in the DRC are financed**

### **2.1 A brief history: from the one-party state to full-blooded commerce**

May 17, 1997 marked the end of Mobutu Sese Seko's reign. On that day, the rebels of the ADFL (Alliance of Democratic Forces for Liberation) entered the capital Kinshasa. A few days later their leader, Laurent-Désiré Kabila was proclaimed president of a country that also changed its name, from Zaire to the Democratic Republic of the Congo, DRC. Shortly before the takeover, state monopoly on information ended but one must realise that – unfortunately - the whole Mobutist system of “public information” had already been thoroughly corrupted and politicised. In the early 1990s, the situation was so bad that one newspaper of those days talked about “one minister, one newspaper”. One also had to contend with the widespread disease of “information according to protocol”, which had to be diligently copied by the medias whose only purpose was indeed to either serve the weakening dictator or some politician or other. This practice of media personnel having a double function (information orderly and owner or personnel of a media house) persists until today. This would, under normal circumstances not be a major problem, unless one aspires to be another Sylvio Berlusconi. But in the unique context of the DRC, this role mixing is troubling. After all, only 11 years ago, over 90% of the media was controlled by politicians; today that percentage has dropped to 60%, still an unwholesome situation.

Mobutu himself is the historical source of this distasteful state of affairs. He would get newspapers “up and running” through his generosity, while making sure that nothing even resembling journalism was practiced at these journals. Journaliste en Danger (JED), a Congolese media lobby group, has tracked the origins of this political financing of the media and published an (unnamed) paper on the subject, in French. According to this document, among the earliest titles to profit from this presidential largesse were *Le Potentiel*, set up and until recently run by Modeste Mutinga (today the boss of Congo's official media watchdog, see paragraph 2.4); *Le Soft*, set up and still run by Tryphon Kin-Kiey Mulumba (see paragraph 2.2); *Le Phare*, set up and still run by Polydor Muboyayi (who is also the head of a self-regulatory media body, see paragraph 2.4) and other including *Le Palmarès*, *Forum des As*, and Franck Ngyke Kangundu's former employer, *La Référence Plus*. All these were paid to publish – by the head of state. Something similar was going on in the electronic media: one did not leave the building for a report until one had received, in advance, a certain amount of money to cover the costs that would supposedly be incurred.

Given this context, the story of the television station TKM is remarkable. Based in Kinshasa, TKM was the first independent TV station in the country, beginning its broadcasts two months before the fall of the Mobutu regime. Quite a number of journalists who have attempted to change the face of the Congolese media used to work

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for TKM. One of them is Pascal Amisi, who is now director of Audio Team, a small multimedia company that – among other things – takes care of the website of a very modest newspaper called *AfricaNews*. He was also a Reuters correspondent and has worked as a freelancer for international development agencies. 'TKM started in 1997,' he recalls, 'and I was part of the operation. We certainly had our fair share of problems, first and foremost political.' One of them was the fact that the owner was Ngongo Luwowo, a journalist, businessman and apparently previously close to Mobutu. It did not stop TKM for being taken to task over the way it presented the news. On The 15th of February 1997, the ministry of Information briefly closed the station. Then it was accused of having stolen equipment that belonged to the state-owned Zairian television station OZRT and again threatened with closure by the then Prime Minister, Kengo wa Dondo. 'The threat consisted of the fact that we had to be subjected to an inquiry by the Office of Dishonestly Acquired Public Goods,' Amisi says. This was the office established to inquire into theft during the reign of Mobutu. TKM managed to survive until the arrival of Laurent-Désiré Kabila – but then the station was transformed to a second official broadcasting corporation. That meant the end to its editorial independence, the disappearance – ironically enough – of a lot of its equipment and general bad management.

What is most striking in the account Amisi (and some of his former colleagues) give of those halcyon years is that money apparently never was a problem. 'We had money, thanks to advertising. How much? Let's say we could count on USD150,000 a month. But you must also realise that at that time there were maybe four or five TV stations operating.' These days, there are over 40. In addition, the kind of journalism practised at TKM was a complete novelty and the fact that there was advertisement money available for the station may be testimony to the value that was attached to keeping this kind of journalism alive in those days.

'The downturn came with the war and certainly also with the government policy of forcing companies to pay into the war effort,' assesses one of our Congolese colleagues. As early as 1998, another war had started. This time, Kabila was the target and one of the instigators was Jean-Pierre Bemba, an old Mobutu associate. Soon, other groups joined in and so did Rwanda and Uganda, Kabila's old backers who had turned against him. Kabila himself was supported by troops from Angola and Zimbabwe, among others. It became "Africa's first World War" and the neighbourly interveners had the objectives: getting a slice of Congo's riches.

The rise of Kabila changed nothing about the privatisation of Congo's natural resources and the conflicts surrounding them. The only thing that changed were the actors. "Exit", more or less, for the Belgians and the French; "entrance" for the Anglophones from the US and Canada. Their mining companies had already started negotiations with Kabila for mining concessions before he reached Kinshasa. In a booklet entitled "The privatisation of change", which was published by the Antwerp-based research institute IPIS in 1997, this process was documented. By contrast, the mining giants from South Africa, De Beers and Anglo-American, found the transition from Mobutu to Kabila

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more difficult<sup>8</sup>. South African influence has grown significantly with the replacement of Laurent-Désiré Kabila by his son Joseph, following the assassination of the former and certainly with the highly active involvement of the South African government with the Congolese peace process that resulted in the Global and Inclusive Peace Accords of 2002. This was the deal that ushered in the process of which the recently conducted elections of July 30, 2006 formed an integral part. For five years, there have been renewed intensive contacts between South African and Congolese businessmen and their respective governments<sup>9</sup>.

So in essence the same principle applies, only the actors have changed. It is the same mechanism that can be seen in the media, and especially the way in which it has been drawn into a system of political malfeasance. Pascal Amisi confirms that the war and its interaction with the political scene have changed the face of the media, including his own old employer TKM. No longer capable of getting its funding from advertising, political financing had to be invited in. Amisi was among a group of journalists who decided that the whole point of working for TKM had been lost, and abandoned ship.

If there was any confirmation needed that under the new regime of LD Kabila nothing had changed, look no further than the “story of one million dollars”. Following the old Mobutist method, Kabila “gave” one million to “help the press”. The law that regulates government subsidies to the media was already in place: Law 96/002, which Mobutu had signed less than a year before his ouster. It is still in force and contains two specific articles on government finance for the media (see also paragraph 2.4). But Kabila, bizarrely, chose to ignore the existing regulation and fell back on the tried and tested method of “semi-official” financing, as the JED document puts it mildly. The money was placed in a Fund and then dished out among a few. The prime beneficiaries were Michel Lady Luya (*Le Palmarès*) and the then minister of Information. This action stung many others, not least because all felt they had the right to a part of the bounty, just as it was in the old days. From then on, Lady Luya has not been on friendly terms with the likes of Modeste Mutinga and Polydor Muboyayi, who both pulled their hands of the whole affair. Whether principles played a role in the whole saga cannot be recalled. The remainder of the money was simply distributed among various other media bosses. The General Secretary of the National Union of the Congolese Press (UNPC, the Congolese press union that fights for the interests of its members and wants to instil respect for the principles of the profession) sums it all up: “That million dollars was never for the press. It was clearly a case of corruption, with the aim of having a media that would simply support the incumbent. They have all eaten the money, it was a complete shambles...” In short, nothing appeared to have been learned from the sorry tales of the Mobutu era. And Kabila’s million effectively killed the dream of a free, independent and self-financing media in the DRC.

There is another awful side effect of the way the Congolese media has been politicised, by way of cash. It consists of the absence of any clear editorial line. In its stead is a

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<sup>8</sup> See “De Beers in Secret Deal with rebels”, *Mail & Guardian*, April 18th 1997 and “Business at war for Zaire’s wealth”, *Mail & Guardian*, April 25th 1997

<sup>9</sup> See for example “Charm Offensive” in the monthly magazine *Business in Africa*, October 2001

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stance that is informed by the line of whatever political party deems it necessary to pay a newspaper for having its opinions published. This may have terrible results, such as the implication of certain Congolese media in the infamous hate campaign against “foreigners”, as instigated by the political class around Kabila in the early stages of the 1998 war. Explains Belhar Mbuye, former journalist for *Le Soft* and *Le Potentiel* and currently involved in his own newspaper called *Echos des Grands Lacs*. ‘During this war we succumbed to this tendency of hate. When the word “Rwandan” was mentioned, it simply meant “Tutsi”. This could - and did - provoke witch-hunts. Especially when the regime was attacked from the East, there was no shortage of politicians that said that “the Rwandans” were “vermin” that had to be “smoked out” and so on.’ Sadly, this also appeared in print.

Peace negotiations were conducted in South Africa and this resulted in a Global and Inclusive Peace Accord at the end of 2002. The war that started in 1998 and claimed an estimated 3 million lives, directly and indirectly, has officially come to an end. But it is a shaky peace. Since June 30, 2003 there has been a transition government under the so-called “4+1 formula”. This transition government should now be replaced by whatever issues from the July 30, 2006 elections.

“4+1” simply meant one head of state and no fewer than four vice presidents. Among them were the leaders who had started the war and their militias, which still maintain a presence in the areas they control. They were also among the chief candidates for the presidency. The main ones were:

- Joseph Kabila, president, son of Laurent-Désiré Kabila, who took over after the assassination of his father in January 2001, candidate of the PPRD (the People’s Party for Reconstruction and Democracy);
- Jean Pierre Bemba, vice president, son of a millionaire businessman and a friend of Mobutu, former warlord and head of the MLC (Movement for the Liberation of the Congo);
- Azarias Ruberwa, vice president, leader of another armed group, the Congolese Rally for Democracy (RCD).

All told, there were 33 candidates, among whom one could also find one of Mobutu’s sons, a former governor of the Central bank in Mobutu’s days (Pierre Pay Pay wa Syakassighe), other Mobutists, even older-style followers of Patrice Lumumba (Congo’s first prime minister who was assassinated in an elaborate Belgian-US plot) and other opportunists and political entrepreneurs. The veteran politician Etienne Tshisekedi boycotted the poll. The UN Mission in Congo (known by its French acronym MONUC) was tasked with ensuring that all went according to plan and in good order. In the end, the poll went ahead and at the time of writing the results are yet to be announced. If no candidate wins an outright majority, there must be a second round, for which no date has been set.

As always, politicians have a huge influence on what is published and broadcast. Was it previously “one minister, one paper”, these days it is “one politician, a whole crowd of papers and radio/TV stations”. First among equals is Joseph Kabila; his party and family run the editorial line of a raft of newspapers: *Le Palmarès*, *La Référence Plus*, *Le Soft* (see paragraph 2.2) and *Uhuru*, plus the television stations Télé Horizon 33 and Kasai Horizon Radio Télé. Digital Congo, another network, is also part of the Kabila

estate; it is owned by Joseph's twin sister. This amount of leverage ensures wall-to-wall coverage of all key individuals within the PPRD, headed, of course, by the president. Jean-Pierre Bemba's MLC owns two TV stations in Kinshasa and owns radio stations in Gbadolite and Kinshasa. At least three newspapers (*Elima*, *Le Révélateur* and *Pot-Pourri*) are considered close to the MLC. Azarias Ruberwa and his RCD own Afrika TV. Another presidential candidate, Catherine Nzuzi wa Mbombo, owns Global TV and is known to have journalists put behind bars if they do not see things her way, as happened to the unfortunate soul who wrote an unfavourable piece about her in *L'Alerte*, July 2005.

Behind these hornets' nests, foreign interests lurk. Among those, neighbouring countries that continue to be politically, economically and militarily involved in the DRC and those European and American countries that have their vested interests<sup>10</sup>. It is no secret that the preferred candidate of the "international community" is indeed the incumbent. Among our Congolese colleagues, some have expressed their belief that nobody outside the DRC wants to see a strong and viable Congolese state. The reason? "The main international interest has always been and continues to be: a totally free market in the Congo Basin." In other words: it matters little who runs the affairs in Kinshasa, the rumour-mongering capital, so long as the unencumbered removal of the country's natural resources continues. Ultimately, what we are looking at is the sell-out of what should be a country's public good, at the expense of the Congolese. The system benefits foreigners and, certainly, a small but very powerful minority – the same political class that has managed to get its hands on the Congolese media.

This then is the framework within which Congolese journalists are supposed to do their work. The political climate is vile and replete with personal attacks (violent ones as well). Hyperbole takes the place of argument and from time to time xenophobic discourse rears its head. Working according to the fundamentals of one's profession is a daily challenge and not everyone is up to it.

### **2.2 Cuts and expenses: the trade in information as a system**

The first part of our report contained a quote that is worth repeating. We are referring to the words of Djoudjou, son of Franck Ngyke Kangundu, when he talks about "the other journalism" of his late father. 'Among the things that [my father] wrote...there were articles that his own newspaper, *La Référence Plus*, which had become pro-Kabila, would never publish.' And then, Djoudjou continues: 'I passed [these articles] on to friends who worked for other newspapers. Papa had a list of their telephone numbers in his pocket book. He would keep the headlines of the stories he gave to these other journalists in his book, with the numbers.' We have already hinted at the conclusion that if Franck Ngyke Kangundu was indeed a journalist, he was also a political actor with old Mobutist loyalties who nevertheless helped steer his newspaper towards a

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<sup>10</sup> See for example: "Report of the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of Congo", S/2003/1027, United Nations Security Council, October 23rd, 2003.



course that was sympathetic to those currently in power. But too much pragmatism puts you on a slippery slope and in the end, Kangundu was not far from being a “merchant of political information”, which is quite a dangerous profession.

There is a whole gamut of activities that fall under “brown envelope journalism”: paid stories, paid for opinions, “contributions”, “travel expense coverage” and so on. In the DRC the generic name for this is the French word *coupage*. Almost everything that appears in print is the result of *coupage*. Journalists are paid for planting stories, accusations, political points of view or whatever happens to be damaging to the name, reputation and the chances of some politician or other. Those that do the paying are of course *other* politicians. What you get is a press that is permeated by the practice of *coupage*, or “brown envelope journalism” as the English-speaking world knows it.

Of course, we will not denounce the fact that journalists need financial means to do their work. One must pay them for their work, compensate the expenses they make in the course of their professional activities. These are normal, facilitating exchanges. It becomes problematic when the contents of an article, a report or an opinion – let us not even begin to discuss the separation of fact and opinion! – are dictated by obscure payments coming from unknown sources. It becomes problematic when corruption becomes part of the system because it kills all journalistic credibility, both for the newsmaker and the news consumer. It should come as no surprise that in a small sample poll conducted about media consumption habits of the Kinois (inhabitants of Kinshasa), close to 40% of the people asked replied that they put their faith in...Radio Trottoir, local parlance for the rumour mill. The three radio stations most listened to (and therefore the media that are used the most by the Congolese) are a foreign one (Radio France International), one that is kept afloat with foreign money (UN Radio Okapi) and only one really local station. This should send a clear message to a media world where the *raison d'être* of the profession – getting as close as possible to the truth - is replaced by the trade in (political) information. Let us examine two more examples of this phenomenon.

### **I. The case of Kabeya Pindi Pasi**

In May 2006, the Television station Tropicana, where Kabeya Pindi Pasi is the chief programme maker, broadcast a documentary on crimes committed by Jean-Pierre Bemba's MLC militias in the Central African Republic (CAR), where they had rear bases, at least in during one phase of the 1998-2002 war. Pindi Pasi had gone to the CAR to document the crimes committed there by the MLC.

A few days after the airing of the film, its maker disappeared. According to Tropicana and the UNPC (the Congolese press union of which Pindi Pasi is the president), he was in exile. Kasonga Tshilunde, the UNPC's general secretary told us that his boss was in hiding in Nairobi. 'He has received death threats on the phone. I am in touch with him. Look, here is the country code of the place where he phones me. It's 254, the code for Kenya.'

Pindi Pasi's detractors have accused him of cashing “travel expenses” to the tune of US\$20,000, allegedly provided by the PPRD, president Kabila's party. In an interview that he granted after the trip, the cameraman who filmed the documentary in the CAR

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told our colleague that he remembers having seen “a lot of dollars” and that the Congolese embassy had gone to Bangui airport (the capital of the CAR) to welcome the documentary makers. Not only that, embassy staff had accompanied the television crew to the places where the MLC had allegedly committed its crimes. Another confirmation comes from an even higher authority: Modeste Mutinga, these days the president of the Media High Authority, the official media watchdog (HAM, see paragraph 2.4), told us that the documentary had been realised ‘with the help of the government.’

Of course, Tropicana's version differs radically. Kibambi Shintwa, the station's general director declares: ‘There all sorts of people who come to us because they want a report on Tropicana: NGOs, politicians, institutes... If the objective is to get the public to know this or that particular organisation, we will help them out. But it will be under the banner of PR and the demanding party will pay for our service. That is clear. And if the objective is to have a report made, the editors will decide. We have made this documentary in Bangui because we wanted to re-start the public debate in Congo.’ And the idea that the PPRD would have paid for the documentary? Kibambi replies with one word: ‘Ridiculous’.

The MLC was manifestly unhappy about the film. First, the group of Jean-Pierre Bemba used its own television stations to denounce the Tropicana documentary and begin a round of accusations, including the story about the “travel expenses”. Tshilunde does not believe the US\$20,000 is correct. ‘First, the MLC must stop threatening our general secretary and if they feel wronged, let us have an investigation. Personally, I don't know of any occasion when Mr. Pindi Pasi would have taken any *coupage*. Neither do I believe that the welcome in Bangui on the part of the Congolese embassy was anything extraordinary.’ Who to believe?

In the meantime, the MLC lodged a formal complaint against Tropicana. It passed its grievance on – but not to the official media watchdog, the HAM. Instead, it elected to take its case to the Media Observatory (OMEC, see paragraph 2.4), which is a self-regulating body set up by the Congolese press union and considered to be less influenced by Kabila's political party than the HAM. OMEC has confirmed that it has the dossier in its care. The outcome of this investigation will prove Pindi Pasi's innocence or otherwise.

Still, there are a number of surprising sides to this story. First of all, the facts that were presented in the Tropicana documentary are not new at all. For example, the alleged crimes against humanity were spelt out extensively in a profile on Mr. Bemba that appeared in the weekly magazine *Jeune Afrique* (a Paris-based publication that is traditionally close to the corridors of French-African power and as a result well-informed and unreliable at the same time). In other words: why this documentary? Why at this point in time? What was there to add? And in addition: why go to the CAR when there is more than enough to report on the killings, the rapes and the mutilations committed on the Congolese side of the Obangui river that runs between the two countries? Tentative answer: because that was never the intention. Journaliste en Danger (JED) thinks that Pindi Pasi was sent to the CAR to do a hatchet job on Bemba. Of course, Kasonga Tshilunde, Kabeya's colleague at the UNPC refused to share this theory but he realised that he had to be consistent: ‘Look, if our president is found

guilty of having taken money then obviously he will have to go.' And then there were people in Kinshasa who simply did not believe that Pindi Pasi had fled, ever. They reckoned that our friend was sitting quietly in Kinshasa somewhere and that he would resurface sooner or later. They have been proved right on at least one count: Pindi Pasi did indeed resurface, on July 12, the date that the trial of the supposed assassins of Franck Ngyke Kangundu and his wife finally got under way. Re-establishing himself at the helm of the UNPC, he also announced a "day without newspapers" and a protest march in Kinshasa against the horrible climate that journalists had to work in. The protest duly took place on July 17.

### **II. The case of the "opinion polls"**

'We are Number One. We are the paper of reference. When Mobutu was in power, we captured 35% of the readers market.' This is the forceful declaration of professor Tryphon Kin-Kiey Mulumba, the founder and editor of the weekly *Le Soft*. Mulumba, known among his colleagues as "the professor", has had an extraordinary career. He was the last minister of Information ever to have served under Mobutu. That was when the Government of National Salvation held power, in April and May 1997. He then became the spokesman for the RCD rebel movement of (vice president) Azarias Ruberwa and media advisor for the Rwandese president Paul Kagame. These days, he declares himself independent. Mulumba is credited with the first attempt to structure the media in his country along professional lines, a first in his country, in 1995.

During the months in the run-up to the elections, his weekly newspaper dedicated its front page and between six and eight inside pages to the results of an "opinion poll", exclusively made for the paper by an outfit called Les Points. Their methodology is not sufficiently clear. By contrast, the frontrunner was never in doubt: President Joseph Kabila, followed by a small band of likely runners-up and a larger group of also-rans. In May, the second and third positions were occupied by Nzanga, the son of the late former president Mobutu and Pierre Pay Pay. Shortly before the elections, Nzanga had been replaced by Bemba, the same man whom Mulumba characterised as "a very dangerous man" who, according to the professor, was "born with a golden spoon in his mouth."

Unfortunately, Freddy Panda who is carrying out the polls for *Le Soft*, was unable of unwilling to talk to us. The reason given was: fear. But perhaps there was another explanation for his silence. For, according to our sources, the whole "opinion poll" has been a scam. 'All these figures are fantasies'. Fantasies that were, still according to our sources, financed by the PPRD (Kabila's party), which then used the HAM (the purported official media watchdog, see paragraph 2.4) as the channel through which *Le Soft* was supplied with the financial means to pay Les Points to produce its fabricated figures. The amounts involved were said to be as high as US\$6,000 per month. In other words: there never was a poll, this whole operation was set up to favour Kabila and his party, the newest patrons and clients of *Le Soft's* founder and editor.

True or false? On the face of it, one would qualify such a system as both convoluted and even Byzantine but on closer inspection it must be said that such a financing system fits very well in the logic that permeates Congo's media landscape. After all, *Le Soft* is busy gluing itself to the PPRD and president Joseph Kabila. This began after an

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interview that Mulumba had with the president on February 17, 2006. Mulumba claims that this meeting has completely changed his outlook on the president – and that outlook was distinctly negative if not condescending, as can be gleaned from earlier editions of *Le Soft*. It is clear that the professor's umpteenth turnaround serves other causes, including the continued survival of his newspaper, which serves once again as a propaganda organ of the powers that be.

Mulumba occupies a luxury suite in Kinshasa's most prestigious hotel, the Grand Hôtel de Kinshasa. His office is graced with two brand new Apple Macs. It is impossible to finance this operation, characterised by Mulumba himself as "a small family enterprise". The average rate for a room in the hotel is US\$194 per night. Mulumba claims that the hotel pays US\$15,000 for a (badly visible) pop-up window that appears automatically if one visits the website *lesoftonline*. Even if we are generous and take this as the price a suite fetches, it leaves the professor with 289 days left to pay. Who covers that? It would appear that all one needs to do is to regard the changing editorial line of *Le Soft* and the remarkable similarity it has to a weathervane, to have an educated guess.

These two stories illustrate a problem that goes beyond the cases presented here. With the pervasive existence of brown envelope journalism, all information becomes suspect. The credibility of the media is constantly in doubt. The big question must be: why on earth would one want to drag the media's reputation through the mud so thoroughly? We have already highlighted the history and especially the actions of Congo's politicians that have brought nothing positive at all. But there are also fundamental financial problems that beset all media houses and that must also be considered if one wants to fully explain the crisis. We will discuss these below.

Number One: it is very difficult to get money to start a newspaper, radio or television station, even though setting up a radio station is a great deal cheaper than starting a paper or a TV network. In the absence of bona fide local finance, sources of money become political and thus obscure and suspect. The sources are never revealed. Alain Nkoy Kasies (the same individual who in November 2005 was asked by "super cop" Mira Ndjoku to basically deliver Patrick Booto to the police, see the first part of our paper) now runs a small paper called *AfricaNews*. He told us how he got the money to set it up. 'We received some US\$5,000 from an external partner to set up the paper. This was a businesswoman from Asia who just liked to have some fun with her money. I knew her when I was still working for *L'Avenir*.' And Collette Tshomba Ntundu, founder, owner and director of the *Uhuru* newspaper, told us: 'I just went to the bank. And I will not give you the details of how I run this business.' Belhar Mbuyi had 'some money,' with which he started *Echos de Grands Lacs*. 'I did not have a lot of money. I saved a bit, I made the rounds and finally I had put enough money together to afford a few computers.' No one told us unequivocally where their money had come from, which is of course their right. And one can easily understand this, given the jealousy and vindictiveness that are part and parcel of the personal relationships in the Congolese media world. The one question that remains is the following: could financial transparency contribute usefully towards less noxious personal relationships among the professionals?

Number Two: financial problems persist once a media operation is up and running. Each issue of a newspaper and each radio or television production requires money that has to be found, not an easy task. Nkoy Kasies of *AfricaNews*: 'The printers are not very expensive, as they don't use the latest technology. We buy the newsprint, the printing plates, in short all that is necessary to go to print. Let's say that for each edition we need approximately 500 dollars, of which about 120 goes to the printer's.' (The circulation of his paper is around 500.) Belhar Mbuye has similar figures. 'For one edition, we need about 250 dollars. Then there are the other costs, like the office, the electricity, our computers, maintenance, the rent. For this, you have to add another 700 dollars.' These figures may seem moderate, but the circulation figures of all these newspapers are very low and the revenues from sales and advertisements are frequently not even enough to cover costs. JED has estimated that most of the papers that hit the streets in Kinshasa have circulations that do not surpass 500. Which brings us immediately to the next subject.

Number Three: the absence of any opportunity to make money commercially. The good times of TKM are well and truly over. For the moment, it is impossible to have a media operation, be it television, radio or a newspaper that will have sufficient income from advertising to be economically viable and editorially independent. There is simply not enough money available. One example is the television station Tropicana. The station will send a bill of 400 dollars for a 10 to 15 minute report made for reasons of public communication. That is largely insufficient to pay the day-to-day running of the station.

From the standpoint of the very few commercial enterprises that have money to spend for publicity campaigns, the Congolese context demands of them to consider two things: the media outlet and the political linkages. In the DRC, as in much of the rest of Africa, the media with the largest audience is the radio. Almost everyone owns a radio, batteries can be bought virtually everywhere and if one does not like one channel one moves to another at the switch of a button. One is, for instance, not obliged to buy various newspapers to have different points of view. In Western circles that are willing to give aid to the press in "developing countries" there is a tendency to overestimate the written word, often at the expense of underestimating the power and the range of the spoken word. It does not really matter that much if Kinshasa boasts of well over 200 different newspapers. As already noted, their circulation figures barely top 500, with a few rising above 1000 copies. What is more, half of the output gets returned unsold. In other words, the vast majority of newspapers are simply dead in the water, economically speaking. Compared to radio, newspapers in the DRC and elsewhere have three other disadvantages: they usually are written in foreign languages, they are mostly available in the urban centres (and many do not even stretch beyond the capital) – and...they are written! This looks obvious but becomes seriously problematic when one considers that in the DRC, for one, more than half the population is illiterate. Two-thirds of the people interviewed for a small poll about media consumption said that they never read newspapers. But they listen to the radio, where newspapers are read and discussed. So while the influence of newspapers spreads beyond their immediate ambit, the fact remains that their circulation figures remain unsustainably low.

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What is available in terms of advertising revenue must also contend with a politically controlled market. Belhar Mbuye of *Echos des Grands Lacs* is a small player and he obviously lacks the political connections. 'I have a friend in Goma who runs a hotel. If he likes, he can use advertising space in my paper.' Something similar goes for all these papers. The bottom line is spelt out by Alain Nkoy Nkasies of *AfricaNews*: 'If you want advertising contracts with large enterprises, you will need political connections. The person who owns the media house is the one who receives advertisement, via an intercessor. The latter is a political figure, always. Before the elections – a quite possibly afterwards too – the most important party was the presidential one, Joseph Kabila's PPRD. In order to have advertising revenue of any importance, you need someone who can intercede on your behalf inside the PPRD.'

This helps explain why some newspapers attract considerable advertising, while others do not. Collette Tshomba Ntundu is a trained journalist and she is at the head of a growing media empire, based on the daily paper *Uhuru*. She is also editor and director of a women's magazine called *Awa* ("here" in the Lingala language) and the owner of two printing presses. She is also a member of parliament for the Alliance for the Renewal of the Congo, a party that was founded by Olivier Kamitatu, former general secretary of the MLC and himself the leader of Parliament between June 2003 and March 2006. Tshomba estimates that 80%-90% of the revenues of her paper come from advertising. That may be normal in a regular media environment but for the DRC this is exceptional. 'I have had contacts [with companies] right from the moment my newspaper started,' she states. The results are remarkable. No other paper in Kinshasa has such a density of regular publicity in every edition: Vodacom (the South African mobile phones giant that is aggressively expanding its market in the DRC), SNEL (the national electricity utility), BIAC and Stanbic (a French and South African bank) and then in the interior the Vodacom adverts continue across entire pages. Every corner of every page in the *Awa* magazine also carries the Vodacom logo. How does she explain her success? 'It is a question of confidence. This is I, Collette Tshomba, this is the person they have confidence in. It is down to the credibility of an individual.' She does not give us her advertisement tariffs. In its document, *Journaliste en Danger* offers another explanation for this remarkable story. According to JED, Tshomba benefits from her connections with high party officials in the PPRD, including the president whose marriage was extensively covered in *Uhuru*. This comes closer to the logic of the Congolese media market and may explain better why she remains assured of advert income. From the standpoint of commercial enterprises, it is obviously better to have your publicity carried in a newspaper that is favourable towards the presidential party. After all, the circulation numbers of *Uhuru* alone (1,000; although Ms Tshomba says it is 1,250) do not justify such a wealth of permanent advertisement contracts with so many companies.

This is not an isolated case. The same JED document cites the case of L'Avenir, a media group that owns a newspaper (*L'Avenir*), a radio station and a television network (RTGA-Radio Télévision Groupe L'Avenir). This group was founded in 1997 by Pius Mwabilu Mukala. Like almost everyone else in the Congolese media he started out being close to Mobutu's dying regime, then managed to turnaround and attach himself to the incoming regime of Laurent Désiré Kabila (largely through the mediation of Yerodia Abdoulaye Ndombasi, currently one of the four vice presidents of the country)

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and has followed his man of confidence into the PPRD. Given such a track record, it can hardly be a surprise that Mukala's publications also manage to attract a sizeable number of advertisers. His newspaper (circulation 1,500) carries messages from BIAC, the Union of Congolese Banks and the DRC government. The score of another prominent newspaper, *Le Potentiel*, is not bad either: Malu Aviation, Stanbic and the UN family (especially the UNDP, which is a partner of the official media watchdog HAM of which the founder of *Le Potentiel*, Modeste Mutinga, is the president). Professor Tryphon Kin-Kiey Mulumba, whom we met earlier, demands US\$1,000 to US\$1,500 for a page in his weekly. His revenue remains assured by his ancient Rwandese contacts, although that may have to change if he grows still closer to the PPRD. For now, Kigali supplies him with two full pages of adverts for hotels, restaurants, mobile phone services and the like. No other newspaper carries this amount of adverts from a neighbouring country.

Even if the production costs of a newspaper, documentary, report, look modest, this does not take into account the most obvious cost item of them all: the journalists and their salaries or remunerations. Belhar Mbuyi of *Echos des Grands Lacs* puts 500 dollars into the pockets of his three journalists; that is just above 150 dollars per person. Collette Tshomba pays her journalists an amount that is 'slightly above the realities of the market. Their remunerations also depend on their production. They can range from 50 dollars for those who produce only a few articles per month to 500 dollars for those who write every day. I also pay for the transport of my journalists. This adds another 30 to 40 dollars per month. Kin-Kiey Mulumba reckons that her pays his editor-in-chief 500 dollars per month, his journalists about 150 and his interns about 110 dollars per month. Kibambi Shintwa, director at Tropicana television, is quietly worried. 'Every month I have to delay paying my workers. For instance, last April I had to wait until day 10 before I could pay them. And it's getting worse as our income drops.' There are other colleagues who have not been paid for months<sup>11</sup>.

Life in Kinshasa is expensive. Rent, electricity (if it functions), transport, education for the children – nothing comes cheap. So the conclusion is clear: 'Nobody lives off his salary,' says the director of *Le Soft*. And the CEO of *Uhuru* confirms: 'We turn journalists into beggars. As a result, the brown envelope becomes a very seductive object – and it gets taken. Mulumba echoes what other media bosses have been telling us: 'There are journalists who make US\$2,000 to US\$3,000 from the system of "coupage". They are never going to stop.'

Of course, there are colleague who want to work in accordance with the ethics of their profession. But they get flak from their brothers and sisters: 'What? You don't take the cash? You are crazy...' In this fashion, true journalism almost disappears completely. Mulumba is not the only one who told us that it is virtually impossible to distinguish between an article or report that has been paid for and one that is the result of

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<sup>11</sup> This may be a good moment to explain why our interviewees quote dollars when discussing financial matters, rather than Congolese francs. This is the result of the complete dollarisation of the Congolese formal economy. Congolese francs are widely in use, but mostly in ordinary daily street market exchanges.

journalistic craftsmanship. And it gets even worse. Pascal Amisi states: 'There is never any money for investigative journalism.' Therefore, all those so-called scandals, revelations and other "news items" that make it to the front page of the Kinshasa newspapers are the result of settling political scores, manipulated information and other political cost-benefit analyses. Not journalism.

One can say that the situation as it existed in old Zaire has now metastasised. Zaire has lefty the media a terrible legacy: the uncomfortably close linkage between media content and the political arena. These ties and the brown envelope system are twins and together they have driven a stake through the heart of Congolese journalism. The consequences go even beyond the borders of the DRC. Normally, when a colleague is in trouble – usually with the authorities – the first international reaction among colleagues is usually: what can we do to help? Sadly, the Congolese context pushes us in another direction. Here, the first questions are: who or what has caused this trouble? Are the problems this journalist faces the result of the work he or she has been doing as a professional? Was it a journalistic inquiry that got our colleague into trouble? Or was it something else, say a paid-up report planted in the media to trap or embarrass some political adversary or other? At this point, we would like you to cast your mind back, once again, to the extensive enquiry in the first part of our report and apply the questions we have just given to this case. Failure to ask these pertinent questions leads to the muddle and confusion put out by the likes of Human Rights Watch<sup>12</sup>, with which we have serious problems. For Human Rights Watch and other human rights NGOs, every attack against a journalist constitutes an attack on free expression. But given this particular context one needs to analyse deeper before making such pronouncements. It goes without saying that Franck Ngyke Kangundu and Bapuwa Mwamba and others did have the absolute and inalienable right to their lives, which was taken away from them. But international NGOs create a muddle if they confuse civil rights issues (i.e. crimes committed against individuals that happen to be journalists) and the grand cause of freedom of expression.

It remains an interesting historical question whether the politicians (to begin with the presidents that Zaire/DRC has been saddled with) have created the rot in the Congolese media or whether the decay came from within. It is probably a combination of both and studying the genesis of this problem may yield important lessons. What is already clear is that politicians are the mortal enemies of a free press and that journalists who become too closely tied to politicians cease to be journalists. This is the case all over the world. In the Netherlands, political journalism has become a series of hollow rituals. Politicians are rarely, if ever, taken to task about their pronouncements or actions. The journalists who are supposed to do this frequent the same bars as the objects of their supposedly professional interests. The media in Italy are yet to overcome the extremely problematic heritage of Sylvio Berlusconi, who epitomises the phenomenon under discussion here. In the search for a way out of the morass, the DRC needs far better examples. And for this, there is no need to search beyond Africa. In a number of African countries we find excellent examples of journalists doing their work: Senegal,

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<sup>12</sup> See, for instance, "Democratic Republic of Congo: Journalists and human rights defenders under fire. A Human Rights Watch briefing paper", *Human Rights Watch*, June 9th 2006.



Botswana, South Africa, Mali and others. But what do the Congolese media practitioners themselves consider possible solutions? We will find out next.

### **2.3 Ways out? Congolese comments.**

Local and foreign communications experts, international media NGOs like Reporters Sans Frontières, analysts, Congolese media watchdogs – everyone finds the situation of the Congolese media deplorable. There is not one media boss, editor, manager, CEO or observer for that matter who has not condemned this poor excuse for a system known as “*coupage*”. They realise also that the consequences of having mercenary journalists publish factoids and opinions with the help of dirty money can be grave. In a polarised climate, such as exists around the elections, it is quite possible to hire a hack, in order to plant stories that incite hatred and xenophobia. This has happened before (see paragraph 2.1). Logically, in the run-up to the elections, the official media watchdog (HAM, see the next paragraph, 2.4) banned all incendiary speech.

But in spite of their condemnations of brown envelope journalism, those who could do something about it pronounce themselves unwilling or unable to do something about it. Tryphon Kin-Kiey Mulumba simply asks: ‘Tell me, what would you like me to do. I just close my eyes.’ Kibambi Shintwa of Tropicana would like to pay a decent salary. ‘I’m not going to give you any details but I pay my workers already about four times what a government worker gets. And my journalists are allowed to leave for reports with their travel expenses paid.’ But in the end, no salary is enough to cover living expenses in this very expensive capital and as far as the media owners are concerned, it will remain this way. Tshomba talks about “market conformity”. Mulumba also says “no” to salary increases. ‘No, what is needed first is a change in mentality. If you give a guy US\$2,000 he will buy luxury goods. The Congolese happen to be gluttons...’

Cutting costs is another way of increasing revenue and one area that has been looked into is the delivery system for newspapers. At present, vendors buy the papers at a low price and then resell them on the streets for 500 Congolese francs, slightly more than one dollar. Their mark-up is between 10% and 15%. One central and efficient delivery system would liberate newspaper owners from this cumbersome delivery system and quite obviously save money. Only *Uhuru* has its very own delivery system and again this is a costly option.

‘The only thing that can save us is pooling our efforts,’ says Kibambi Shintwa, who is unhappy about the proliferation of products in the media sector. ‘It’s the law of the jungle, which means that some come through, others don’t.’ Pascal Amisi agrees to a point: ‘Right now, we have 40 television channels in a market where there is space for five at the most. What they do is promoting certain politicians, pastors...’ Indeed: whatever. But given the jealousies and the inordinate influence of politicians that permeate the media world in the DRC, this situation of oversupply is bound to persist. Which also means that a free and independent media will remain a pipe dream. Indeed, getting rid of the influence of politicians is the sweetest dream of them all. In this, media watchdogs like HAM (see paragraph 2.4) could be formidable partners. But many consider the official media watchdog itself too politicised. Still, Kibambi (and

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others) do not want to give up their dreams of better days, for a variety of reasons, not the least being very practical. 'Now, listen,' Kibambi says. 'Why would you want to remain CEO of a company and make US\$10,000 while you can be editor-in-chief in a much larger news organisation and make three times as much money?'

Among journalists, there is a considerable group that has immersed itself so much in the mercenary system of *coupage* that they are effectively lost for the profession. Still, everyone pays lip service to the basic morals and ethics of the profession. Only a small group of dedicated (and mostly young) journalists has respect for these professional fundamentals and make attempts to engage in what can only be called investigative journalism – in a media climate that does not encourage this kind of work at all.

Still, everyone attends the obligatory workshops, writes articles denouncing these corrupt practices and so forth. Prior to the elections, the HAM announced restrictions on certain types of discourse that are known to have sewn hatred. This was in response to Jean-Pierre Bemba's talk about "Congolité", which is a reference to Joseph Kabila's supposed non-Congolese origins, a political trick that has been employed in numerous African countries. In response, Kabila qualified Bemba as a "thief" or worse. Words like "rooster" and "bird" were also banned. Innocuous at first sight, in the DRC these words are known to be the introduction to rabid xenophobia. "Rooster" means "real Congolese", while "bird" refers to "foreigners" (read: Rwandese, basically: Tutsis).

The Congolese press association UNPC, like the HAM, appeals to the ethic fundamentals of the profession. General secretary Kasonga Tshilunde likes to 'sensitise public opinion. What we also demand is a living wage for journalists. Unfortunately, the State does not have any policy as regards salaries. But we want to take action against large media enterprises. We would like them to have regular contracts with their workers.' In one word: collective action, the hallmark of a union. And if there are no results? 'Well, we can always go to the limit and call a strike.' The UNPC is also busy with the distribution of new Press IDs that can be had for 10 dollars. So this could be another opportunity to get rid of some bad apples. So will the ones who engage in mercenary activities be denied their cards? No, not quite, thinks Tshilunde. 'You cannot always see this from the exterior'.

The UNPC's own media watchdog (OMEC, see paragraph 2.4), has also issued a Professional Code for journalists. It contains information that belongs to the standard baggage of anyone who has come through the first year of a course in basic journalism. OMEC's president put a few finer points on the "revolution of mentality" that was so desired by *Le Soft*'s director Mulumba. Polydor Muboyayi says: 'We live in a country where corruption has become a normal resource. That must change. We must get back to a situation of good governance on all sides and the State must give the right example. I started working as a journalist in 1970. In those days, the journalist was a gentleman!' Ill-placed nostalgia? Who can tell. But even if one senses, from time to time, a strong desire to have a media scene that is normal and not corrupt, the terrible twins (the financial situation of the media market and the influence of politicians) have until now wreaked havoc with all good intentions.

## **2.4 The laws and the institutions**

Law 96/002 was signed by Mobutu on the 22<sup>nd</sup> of June 1996 in Gbadolite. The text, however, was not published until August 2001, when it finally appeared in the Official Journal of the DRC. The law contains two articles, numbers 17 and 18 about government support to the media. We reproduce the complete texts here.

### “Article 17

The State may furnish indirect aid to private press enterprises in terms of granting preferential tariffs for the importation of material that is necessary for the production and distribution of information, particularly paper, equipment and film.

### Article 18

The public authorities may agree to granting direct subsidies in the form of indirect aid to those private companies that make such demands on condition that they dedicate at least 50% of their programmes to cultural, educational and social broadcasts.”

These articles have never been put into practice. Instead of these legal measures, there have been politically motivated gifts.

Law 04-017 of June 30, 2003 created the High Media Authority (Haute Autorité des Médias, HAM) as a public entity and one of the accompanying agencies for the transition (i.e. from war to peace). The agency is formally independent and according to the law, its mission is (among others) |”...to guarantee to the citizens their right to pluralist, credible and objective information...guarantee the neutrality and even-handedness of the media ion dealing with social and public powers...regulate the public and private media sector...take action in terms of mediation should a conflict arise” (Article 9). Action on the part of the HAM may be demanded by “all moral or physical persons as the result of a complaint against any and all professional and/or enterprise of the press.” (Article 16). The institute may impose sanctions against newspapers and/or radio or television stations if these engage in spreading articles and/or broadcasts that violate ethical rules or even “refuse to provide in formation as demanded”. Whatever does one think of the universal practice of protecting one’s sources?

In terms of public funding of the press, the law says that the HAM “will make sure that any and all government aid...is given...in full respect of the principles of equal treatment.” But as there never had been any help given to the media from public funds, these articles have never been put into operation and it is very doubtful if they ever will. There simply is no state institution that is professionally occupied with either giving or monitoring government aid to the media. There are no real rules for financing the media and there is no legal or judiciary opinion about the corruption that is now endemic in the media world. The leaders of three major media-related institution, HAM, UNPC and OMEC, all, have their opinions about brown envelope journalism (needless to say: they all condemn it), but they simply have no means, legal or otherwise, to improve the situation. With one possible exception: Modeste Mutinga, president of the HAM, had asked for 4 million US dollars for the operations of his organisation but the government only gave him the puny sum of half a million dollars, a few weeks prior to the elections. Mutinga immediately classified the amount, ostensibly to be managed by the UNPC, as

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“insignificant”. For some in the media profession, this episode carries distinct echoes of what went on previously with the millions of Mobutu and the one million cash from Laurent-Désiré Kabila (see paragraph 2.1). Others actors (in some cases even the same ones) – same actions. Kasonga Tshilunde of the Congolese press union told us this: ‘Listen, those 4 million dollars, just forget them. The money does not exist. It was only dreamed up by the State, in order to facilitate access to the media for all the presidential candidates. We have made a detailed plan, explaining how we would spend those 4 million dollars. We never heard anything and now (just a few short weeks for the elections, ed) it is too late.’

Modeste Mutinga became president of HAM on June 9, 2003. Mutinga is also the founder of the newspaper *Le Potentiel*. At the HAM's head office, he enjoys the position, the salary and the attitude of a minister. (The interview with one of our researcher was interrupted numerous times for the signing of letters, the receipt of documents brought in by his minders.) His salary is paid for by the State. All this is a dramatic change for Mutinga, who was subjected to various instances of maltreatment under the regime of Laurent-Désiré Kabila. Today, he is the media referee and also filled with ambition to have his own media empire, even though he has declared that he no longer has any dealings with *Le Potentiel*.

There is a standoff between Mutinga and the minister for the press and information, Mova Sakanyi. The object is of course a contest of competencies between the two institutions, HAM and the Ministry of Information. According to our sources, the roots of this conflict go very deep: Sakanyi comes from the southern province of Katanga and was previously very close to the late president Kabila, the father. Sakanyi was part of the regime that caused Mutinga a large amount of grief. Mutinga, by contrast, comes from Kasai province and is also considered to be close to Etienne Tshisekedi and his party UDPS. What is not clear is the extent to which this conflict clouds the vision and the judgement of both institutions. However, *Journaliste en Danger* (JED) has made a largely positive assessment of the judgements and sanctions issued by the HAM. But a few mysteries remain. One of the more important ones is the question mark that hangs over the case of Patrick Booto and his paper *Pool Malebo*. The HAM closed that paper following the now infamous episode of the 30 million dollar story (see the first part of our paper). It was claimed that someone had approached the HAM with a formal complaint about that story. This, however, has never been proved. Before abruptly terminating the interview with one of our researchers Mutinga made the mistake of saying the following in answer to a question about this case: ‘No, we have not been approached. And in any case, it is much too long ago, I don't recall this case.’

The life history of HAM's second vice president makes riveting reading. Dominique Sakombi Inongo is a member of the political bureau at the PPRD, Joseph Kabila's party. Without a doubt he is as loyal to this Congolese president as he previously was to Kabila's father Laurent-Désiré and before that to the Marshall Mobutu Sese Seko himself, whom Sakombi served as information minister. In those days, he helped give birth to a propaganda innovation of the highest order: at the beginning of every televised national news bulletin Mobutu descended from the heavens on a cloud. Sakombi also was the governor of Kinshasa for a while and counted Franck Ngyke Kangundu among his friends. Perhaps we must apologise for being rather baffled by the

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fact that this individual, who obviously has no compunctions about serving whoever happens to be in power, should have been chosen for this important position that will co-determine the future of the media in the DRC.

Many people who continue to dominate the Congolese media landscape and the two laws we have briefly discussed here share a tradition of distrust of journalists. The emphasis is always on issues of sanctions and immunity. Libel cases are the ones most frequently brought against the media. The sources of a journalist need no protection; in their stead we protect the egos of politicians... The biggest mistrust is reserved for investigative journalists. Law 96/002 enumerates a large number of "press crimes" and has a list of penalties for all of them. Law 04-017 that established the HAM has a very large number of articles about sanctions and immunities. And certainly, the HAM itself has been accused many times of having become yet another instrument in the hands of the PPRD, even though the sanctions that have been handed out so far seem fairly balanced politically. (This alleged politicisation of the HAM may explain why Jean-Pierre Bemba's MLC decided to lodge its complaint about the Tropicana documentary (see paragraph 2.2) at the self-regulatory media watchdog OMEC, rather than the HAM.) The least one can conclude is that because of the amount of power invested in the HAM, there exists a temptation to abuse it.

It would be wrong to conclude that the problem with the law and the institutions charged with carrying them out is only political in nature. There is clearly a problem with the laws themselves. A journalists congress, held in March 2003 in Kinshasa considered the 1996 law "deadly for liberty". One of our colleagues has said: "The most serious intimidation that we face is indeed the law itself. Here in the DRC, we have a law that can send you to jail if you do your work. Even worse: you can go to jail for doing your work well." The libel laws basically forbid anyone to say anything about anybody. "Even if you have proof," as one of our colleagues explains. "It means that even if I can prove with documentary evidence and all that someone important is a crook, that person can still throw me in the slammer." The other law that is bothersome is the one that covers state secrets and prohibits journalists from having access to information that actually tells what the state is doing. The health budget, the education budget, crime figures, you name it – it is a state secret. Is it any wonder that journalists resort to rumour mongering and having you back covered politically?

In her interview with Modeste Mutinga, Evelyn classified this legal situation as 'ridiculous. You are the guardians of the fundamental code of ethics of the profession. And at the same time you put people in jail and close down newspapers, using outdated laws. How can one work as a professional journalist?' Mutinga's answer was that it was, indeed, not possible. 'Not now at least. Maybe after the elections.' Kasongo Tshilunde, the UNPC's secretary general, declared that he was of the same opinion as the boss at the HAM.

These two laws promote the twin ideas of "Do Nothing" when asked to encourage journalists to do their work and "Punish". Absolutely nothing reveals a willingness to improve the working conditions of journalists, while it is common knowledge that better pay is one way of guiding journalists towards more respect for the profession's basic ethics. Which is why Congolese journalists not only demand decent working

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conditions but also that press offences should be decriminalised. This is what Mutinga himself had to say on the subject. This quote is from a rather convoluted address that he gave at a Kinshasa journalists conference in May 2004, organised by JED, with the help of the international media support group Panos and British aid money. 'Finally, we must be deeply aware of the following reality: decriminalising press offences for the sake of giving press freedom an objective content does not imply a confirmation of irresponsibility or impunity. On the contrary, it gives a heightened responsibility to journalists.' Later on, he said the following: '...we propose that the legislator makes a law that will simply end the practice of sending people to prison for press offences. This new law will turn the media house into the journalists' disciplinary agents (this is what self-regulation means) and will consider the High Media Authority (HAM) as the agency of appeal for these cases.' At least, this discourse recognises the system of self-regulations, something our colleagues have been striving for. But we are still waiting for the legislator's initiative...

There is already one attempt to self-regulate: the Congolese Media Observatory (Observatoire des Médias Congolaises), known by its French acronym OMEC. It was created in March 2003, by the Congolese press union UNPC and is intended to be the kind of self-regulatory media body that exists all over the world. OMEC gets support from Panos and British overseas development aid. The institution intervenes in cases when someone lodges a complaint and claims being "aggrieved". The director is Polydor Muboyayi, who is also editor in chief of a daily newspaper, *Le Phare*. But he would like to keep these functions separate. What happens if OMEC gets a complaint about *Le Phare*? 'In that case, I leave. I do not want any ambiguity.' Let us hope he keeps his word.

OMEC receives complaints from ministries, political parties and others. Each case is examined, a conclusion is arrived at and, if required, the journalist will be summoned before the Disciplinary Commission of the UNPC. The ultimate sanction can be the withdrawal of one's press card. But before anything else, OMEC's function is that of a teacher. Muboyayi: 'Journalists must be aware that there are activities that are allowed according to the fundamentals of the profession and that there are others that are not allowed, not only because of our own code of ethics but because the law forbids it. If you exaggerate a bit, you might say that a journalist must be a saint in a very unsaintly environment.'

In the area of sanctions and education, there are institutional problems with the HAM. 'Our relations are good at the personal level,' says Muboyayi. 'There are instances that the HAM asks our opinion. This happened not so long ago when a television network was threatened with closure; we did not prevent the closure but made the sanctions lighter. But the point is that our good institutional relations must not depend on personal friendships.' Fair comment, especially when one realises that the problem between the HAM and OMEC lies elsewhere. Muboyayi, again: 'The HAM is the creation of politicians, who are the enemies of the press. They only want one thing: close the media down. This is the reason that the HAM was given so much power and this situation must change. We need balance. Let the journalists first be their own judges.' Which is of course a plea for more power to accrue to OMEC. The

Kabeya/Tropicana/MLC/Bemba case (see paragraph 2.2) will give us a good idea of what self-regulation can accomplish.

### 2.5 Ways out: the options

**a. Government support.** The founder and editor of *Le Soft* remembers the old example of a former French president, Charles de Gaulle, who shortly after the Second World War gave money to one Hubert Beuve-Méry and the order to start a newspaper. An elegant idea – be it one with strings attached - and the product of this presidential intervention exists till this very day under the name its founder gave it: *Le Monde*. Certainly, Beuve-Méry was a Gaullist, like the president he served. So what is the difference with the DRC? There is one: the editorial content of *Le Monde* has not changed with every twist and turn at the top of France's political system.

In the DRC, many want some state intervention to help the media. 'The State never pays,' complains one colleague. 'There is never any money.' On the other hand, as we pointed out earlier, government subsidies come with risks attached. And these risks are, mostly, political, as the numerous stories of presidential "gifts" to the media have shown. Were there to be any official help available for the Congolese media, then its distribution should happen under the strictest possible rules. As we have noticed before, at present there is no regulatory framework to properly manage official subsidies to the media.

**b. International aid from foreign governments, international institutions or the United Nations.** This is what Collette Tshomba, among others, would like to see. 'If you really want to help the press, you must intervene internationally, in the same way as the Hironnelle Foundation is helping Radio Okapi.' Development aid to the media in developing countries has become another cottage industry. Hironnelle, Panos, the publishers of this report (NiZA), and numerous others have been catching this relatively new bandwagon. Congolese media and institutions such as Radio Maendeleo, JED and the UNPC, are all receiving help from abroad. There are at least three problems with international aid. These points form part of a much larger debate about the advantages and disadvantages of international development aid as a whole. However necessary and long overdue, the contents of this debate go beyond the scope of this paper.

The first and most obvious problem is that there are too many examples of NGOs and other actors who claim to "help" the media in a given country, whilst not being aware of the actual situation on the ground. An example from Côte d'Ivoire, known to Bram, may serve to illustrate the point. An international NGO went to that country to do something about "hate media"...which do not exist. The newspapers suffer from occasional bouts of hysteria – especially on their front pages – and their articles are mostly written by political hacks, not journalists. Such a denigration of the media profession is already regrettably enough but it would be wrong to assume that such malpractice constitute "hate media". NGOs that make their way to the DRC must similarly revisit their assumptions before getting involved.

The second problem concerns bias and mainly concerns NGOs. We have spoken to quite a number of editors who believe that the foreign NGOs who come into the DRC are politically inclined, mostly towards the opposition. 'These NGOs are terribly partisan,' one of them complained. It is true that certain among them only support opposition media, which may be explained by a sense of justice and fairness or by the simple fact that in the eyes of an NGO "everything on the government side is bad". It would be useful if NGOs remind themselves from time to time that their first role in any country is that of voluntary visitor and it is indeed their duty to explain their presence, first and foremost to their "partners" and, if need be, to the authorities.

The third problem is almost universally overlooked or underestimated and has to do with the results of international aid. Like all aid, media aid is targeted and this has resulted in the creation of enclaves of excellence and a new class of "jet set journalists" who no longer have a lifestyle that is comparable to their colleagues in the same country. When the donors leave, these high flyers have no desire to return to the drudgery of a local media house that is not receiving any support and is unwilling or incapable of paying its workers a decent salary. So we will find these journalists pursuing their careers...in the offices of other international NGOs, UN institutions or outside their home countries. At the personal level, problems have at times arisen from a certain (real or perceived) arrogance on the part of the elite journalists. Some of our Congolese colleagues pointed this out, sadly, with regards to their fellow journalists working for the heavily subsidised UN station Radio Okapi.

**c. A real media market: dream on...** In the DRC there are many media houses, big and small. They consist of one or more newspapers, possibly in combination with one or two radio stations and/or television networks (although the latter also operate on their own) and increasingly also focused on the new media, predominantly the Internet. Among the smaller ones, there is Audio Team, the content provider for the website infocongo.net, which also contains the articles written for *AfricaNews*. Pascal Amisi, its director explains his company. 'We have been around since 1998 and we work in the area of multimedia. We make documentaries for the UN and local television and we have many plans and projects we'd like to carry out. Above all else, we would like to work with the commercial sector, away from politics. And in terms of contents, I would love to make a documentary about the plunder of our natural resources.' That is indeed a major theme, crucial for the DRC's future. But it is also impossible to realise such a film at this juncture; as long as one cannot be sure where the money will come from to cover the "travel expenses". But faith lives on in Amisi: 'It must be possible: being independent and attracting enough advertisement revenue.' Yes, even in the DRC. For now, infocongo's website contains articles that cover current affairs and two adverts, one from Rawbank and another from the Grand Hôtel de Kinshasa. They would like to rope in Vodacom but until now this has been without the desired result...

There are other, larger enterprises. Among them are Le Soft/Le Soft International/lesoftonline of Kin-Kiey Mulumba, Modeste Mutinga's Groupe de Presse le Potentiel, the Uhuru/Awa group of Collette Tshomba, the group L'Avenir/RTGA of Mwabilu Mukala and Palmarès/Mirador, which belongs to Michel Ladi Luya, the great beneficiary of Laurent-Désiré Kabila's one million US dollars. All share the same ambition: become a national media operation. They would like to do this in a media



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market situation in which they will play the key roles. This is what Mulumba calls "normalisation".

### **Radio Okapi**

It is a well-oiled machine. Radio Okapi, the radio service of the UN Mission in the DRC (MONUC) is in full swing. There is a studio in Kinshasa, six regional offices, 18 partner radio stations and between 60% and 80% of all Congolese are able to listen to its broadcasts. Radio Okapi makes programs in support of the Dialogue Among the Congolese (which is also the name of their most popular show). There are also programs for the young, for women (men apparently have no need for these services) and the evening broadcasts are filled with the music that fuels that great Congolese pastime: dancing.

'Our editorial line is strictly independent,' explains Yves Laplume, a veteran radio maker from France and now co-director of Radio Okapi. 'MONUC has no influence on our content. Even if there are scandals that involve MONUC personnel, we report them.' So the UN spokesperson has never phoned to tell the editors "do this or don't do that"? Laplume says it categorically: 'Never.' The listening public is large and happy with the programs. Radio Okapi is the station most listeners tune into and it only shares this top position with Radio France International.

Radio Okapi employs 200 persons. 140 of them are journalists and they earn the following salaries: entry-level journalists: US\$650; journalists: US\$800; editors: US\$1,000 and editors-in-chief: US\$2,000. '*Coupage* is strictly forbidden,' says Laplume. 'If someone is found out, he or she will be fired on the spot.' With salary levels at 12 times the "reality of the market", one could conclude that engaging in brown envelope journalism is a lot less attractive than working for a large media organisation. Radio Okapi has also published a small booklet containing guidelines for behaviour that is permitted and forbidden. Radio Okapi's journalism must be exact, factual, clear and balanced. Facts and opinions should be separated – a normal journalistic practice. And journalists do not pay their sources, take "presents" or fake identities to get their hands on information. They are also not allowed to make public pronouncements about any of the existing political parties. The rules reflect those of the MONUC personnel in general.

Radio Okapi has an US\$8m budget, half of which is paid for by MONUC. The other half comes from the Swiss Hironnelle Foundation (a media organisation that supports media in countries where conflicts have rendered the media climate difficult, such as Sudan, East Timor and the DRC) and a handful of European countries (including The Netherlands, the UK, and Switzerland). What would happen if these donors stop their support? Laplume: 'This must go on. We must do everything to keep this going. Okapi needs between 7 and 10 million dollars per year. That money must come from outside, from the United Nations Development Program, the World Bank, the European Union. And certainly, one must start looking for local finance too. With advertising money, Okapi could become a big private radio station, next to RTNC (Radio Télévision Nationale Congolaise, the state-run station, ed.).

But is Radio Okapi not an enclave? Laplume thinks that it is but he does not see it as a problem. 'Listen, we now have a group of journalists that have been well-trained and know their jobs and even if Radio Okapi ceases to broadcast there will be a generation of really professional journalists. We have had students from the School for Journalism here, they were interns here and we have taken the best ones, without any favouritism at all. What you see here is the result.'

If one takes the professional basics and fundamentals as points of departure, the predominance of these media figures poses a number of problems. First among them is the persistence of financial sources that are unclear and therefore suspect. If the

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Congolese media consumer had the opportunity to take a really close look at the media, he would observe an unedifying dance of musical chairs, of which the only objective appears to be to occupy a position that will permit their owners to influence the flow of money. There are gradual differences, of course, but the underlying problem is the same.

The second problem concerns the tendency among these media houses to accept money without making sure where it comes from and for what political purpose it has been given. 'It takes an investment of US\$150,000 to create a national newspaper,' says Tshomba. And if someone brought that money in? She does not hesitate: 'I'd take it and realise my dream.' Mulumba would do the same. 'If someone gave me a million dollars, I'd take it and produce the best newspaper in the Congo.' Not all are this direct, especially the smaller ones appear to have some qualms about accepting money with their eyes closed. Belhar Mbuyi of *Echos des Grands Lacs* says: 'So you want to give me tens of thousands of dollars. Why? Is it a gift or does this donor want to create a company in which he participates? And what does he want editorially, once this has been done? Kibambi Shintwa of the rather larger television station Tropicana admits that he has been approached with money. 'Yes, the origins of those gifts were political. I have politely refused.' But what if the money comes from a businessman or women? 'Oh yes, we can negotiate.' In short: money given for political reasons is the murderer of all editorial independence and renders investigative journalism impossible.

The third problem is constituted by the refusal of the current crop of media owners to help put an end to the problems of corruption by paying their journalists a living wage (and citing "the reality of the market" and "first a mentality revolution" as excuses. It is an attitude that consists of pronouncements against the system of brown envelope journalism but persisting in an ostrich policy as regards what they themselves could do. In other words, the individuals who have the ambition of becoming Congo's Rupert Murdoch (or worse: Silvio Berlusconi) are ready to embrace the fundamental professional principles of journalism but are unwilling or unable to take measures that will ensure the realisation of those principles in practice. In their hands, the future of the Congolese media is not assured.

At the end of the day, it is up to the journalists themselves to decide: how to work and where to work, part of a media house, independently, with or without the problems associated with the practice of "*coupage*". From the outside, what appears to be best for the time being is to support those individuals who are working on specific cases of which they have developed a great deal of information and knowledge. One such, for instance, is the case of APEC (a special fund set up by donors to facilitate voter education and much more but which has not been functioning well, to put it mildly, ed.). Others could be added: the role of Vodacom in the country's economic and political arenas, the plunder of natural resources, a more in-depth look into the origins and solutions to the problem of corruption in the media, and so on. The Forum for African Investigative Reporters (FAIR) has built up a body of home-grown knowledge and experience about these and other cases and it would appear to us that this network could be an efficient means to improve the quality of journalism in the DRC. FAIR is an association of African investigative journalists, working in 10 countries on the continent. They work individually but can also join forces in order to cover major

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international or multinational cases. FAIR works with foreign colleagues on dossiers that touch the West and Africa at the same time (such as the activities of multinational corporations or development aid). FAIR's objective is to encourage African journalists to improve the quality of their work and engage in investigative journalism. FAIR can be found on the Internet at [www.fairreporter.org](http://www.fairreporter.org).

## **Abbreviations**

ACP	Agence Congolaise de la Presse
AFDL	Alliance des forces démocratiques pour la libération du Congo
AMP	Alliance pour la Majorité Présidentielle
AZAP	Agence Zaïroise de la Presse
CAR	Central African Republic
DfID	Department for International Development (United Kingdom)
DRC	Democratic Republic Congo
FAIR	Forum for African Investigative reporters
HAM	Haute Autorité des Médias
HRW	Human Rights Watch
IFASIC	Institut facultaire des sciences de l'information et de la communication
IPIS	International Peace Information Service
ISTI	Institut des Sciences et Techniques de l'Information
JED	Journaliste en Danger
KGD	Franck Ngyke Kangundu
MLC	Mouvement pour la Libération du Congo,
MONUC	Mission de l'Organisation des Nations Unies en République Démocratique du Congo
MPR	Mouvement Populaire Révolutionnaire
NGO	Non-Governmental Organisations
NiZA	Netherlands Institute for Southern Africa
OMEC	Observatoire des Médias Congolais,
OZRT	Office Zaïrois de Radio et Télévision
PPRD	Parti du Peuple pour la Reconstruction et le Développement
RCD	Rassemblement Congolais pour la Démocratie
RFI	Radio France Internationale
RTGA	Radio Télévision Groupe l'Avenir
RTNC	Radio Télévision Nationale Congolaise
SG	Secrétaire Général
SNEL	Société Nationale d'Électricité
TKM	Télé Kin Malebo
UDPS	Union pour la Démocratie et le Progrès Social
UIJPLF	Union Internationale des Journalistes francophones et de la Presse de langue française.
UN	United Nations
UNDP	United Nations Development Programme
UNPC	Union Nationale de la Presse du Congo

## **Authors**

### **FAIR**

The Forum for African Investigative Reporters (FAIR) is a professional association of investigative journalists in Africa. Its mission is to enhance, deepen and build investigative journalism as a profession throughout the continent. FAIR was established in May 2003 by 15 investigative journalists from six African countries on the basis of the awareness that, firstly, investigative journalists have a vital role to play to enhance the African public's right to information about all matters of social development and social justice; and, secondly, that African investigative journalists at present face many obstacles, ranging from lack of encouragement and low pay to life-threatening situations. FAIR was established to help investigative journalists help and support each other in order to overcome these obstacles.

FAIR works to achieve its goals through:

- professional support for African investigative journalists;
- provision of resources and networking services for African investigative journalists;
- facilitating cross-border partnerships in investigative stories throughout Africa;
- facilitating access to information on Africa archived in the West, as well as linkages to West-based colleagues
- initiatives to support aspiring African investigative journalists through training and placement
- support for, and promotion of, methods of best practice in African investigative journalism

The FAIR includes since 2005 also members from the DRC.

FAIR : [www.fairreporters.org](http://www.fairreporters.org)

### **Bram Posthumus**

Bram Posthumus (1959) is an independent journalist. He works predominantly in Western and Southern Africa on three themes: politics, economy and music/ arts. His articles appear (amongst others) in media in the Netherlands, the United Kingdom and South Africa.

### **Evelyn Groenink**

Evelyn Groenink is a Dutch born investigative journalist. She lives with her family in Johannesburg, South Africa. Her investigative articles on arms trafficking, political assassinations, questionable commercial contracts between Western countries and Africa and the political situation of South Africa have been published in media in The Netherlands, France and South Africa. Evelyn Groenink has recently started as co-ordinator for the Forum for African Investigative Journalists (FAIR).

## **NiZA: Netherlands Institute for Southern Africa**

The Netherlands Institute for Southern Africa (NiZA) works to further democratisation processes in southern Africa. NiZA supports civil society organisations that fight to achieve improvements in the areas of **freedom of expression, human rights** and **economic empowerment**, on all levels, from local to regional, even trans-national. Because a strong civil society is an essential element in a true democracy.

NiZA was created by the merger of the three biggest anti-apartheid organisations in the Netherlands<sup>13</sup>. Solidarity with people's struggles was our guiding principle then, as it is today.

Necessary changes in southern Africa are closely connected to decisions made by northern governments and international institutions like the IMF and the World Bank. That is why NiZA strategically links its activities in southern Africa to lobbying and public campaigns in the North. Using press, publicity, campaigns and policy influence in Europe and the Netherlands, NiZA keeps southern Africa on the agenda. NiZA has compiled a unique documentation centre, which poses an important source of information from researchers, journalists and students from the Netherlands and abroad.

### **Media and Freedom of Expression Programme**

The Media Programme's overall goal is to enable media and other information outlets to seek, receive and impart information and ideas that contribute to more democratic and open societies where governments are more accountable to public needs and interests and where citizens are increasingly able to make more informed decisions and participate in democratic processes.

The media programme aims to achieve its overall goal by pursuing the following 4 objectives:

- Improved ability of partner organisations to influence the media and freedom of expression policy and legal environment at national, regional and international levels;
- Improved ability of partner organisations and their target group to disseminate and to obtain access to information;
- Improved ability of partner organisations to train media professionals to produce and disseminate more balanced and accurate information on key political, social and economic issues;
- Improved ability of partner organisations to improve the financial sustainability of media outlets

The programme goals and objectives are derived from our problem and country analyses as well as outcomes of discussions with partner organisations and other key stakeholders.

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<sup>13</sup> Eduardo Mondlane Foundation, the Institute on Southern Africa and the Holland Committee on Southern Africa