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Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern

Democratic Republic of the Congo

The year 2010 saw a range of serious human rights abuses committed across the Democratic Republic of the Congo (DRC), including killings, rape and looting in conflict areas; harassment of journalists, political activists and NGOs; and impunity for human rights offenders. The main causes were continuing conflict, a lack of state capacity and presence in many areas, and an ineffective judicial system.

Our policy has been to work with the government of the DRC, providing financial and practical support. We aim to build the capacity of the state to enable it to protect its civilians and address human rights issues. We have consistently lobbied the DRC government, both bilaterally and with our EU partners, to implement necessary reforms and tackle impunity. We also work with NGOs and other local and international civil society groups and the UN peacekeeping mission to the DRC, which is an important tool in monitoring and addressing human rights abuses. The mission needs to work alongside the Congolese state including the

army and we continued to fund major security sector reform projects to improve the effectiveness and accountability of the Congolese army. However, progress has been slow. We also funded projects to disarm militia fighters and reintegrate them peacefully into the community.

The Parliamentary Under-Secretary of State Henry Bellingham visited the DRC in July. He pressed the government to implement essential reforms to the security sector and bring to justice those responsible for the death of prominent human rights defender Floribert Chebeya.

A UN mapping report of human rights violations committed in the DRC between 1993 and 2003 was published in October. The DRC reaction to the report and its recommendations was constructive. They proposed establishing a mixed court under Congolese jurisdiction with the participation of international judges to implement the recommendations. We believe that the report contains some valuable recommendations on potential mechanisms for justice and reconciliation, and we engaged with the relevant DRC authorities to follow up the Congolese Ministry of Justice's proposals.

The elections in November 2011 will be a key milestone in the development of the DRC. We will work with the government of the DRC, UN, EU and other donor states to ensure that they are conducted peacefully and serve to advance democracy in the country. We remain concerned that freedom of expression, particularly for dissenting voices and critics of the government, will continue to be threatened.

Elections

Preparations for the 2011 presidential and parliamentary elections began in 2010. We lobbied the government of the DRC to ensure elections take place as scheduled and that they are peaceful and credible. DFID is one of the largest donors to the electoral process with a total contribution of around £22 million by the end of 2010. This contribution is specifically focused on voter registration, supporting the transition to a new independent electoral commission and voter education. Our work with voters aims to encourage as wide participation as possible in the electoral process.

Although elections are nearly a year away, we are concerned over the role of government security forces in interfering in meetings of opposition parties and disrupting rallies. Monitoring and supporting the elections will be a priority for our Embassy in 2011, and we will work with the

EU and other partners to press for free and fair elections. This will include monitoring freedom of expression and of assembly.

Access to justice

The judicial system in the DRC remained flawed with a culture of impunity for perpetrators of even the most serious crimes. It lacks both resources and capacity in all areas. As a result, few cases reached court, with corruption a major problem within all areas of the legal system. However, the UN reported an improvement in the number of convictions for human rights offences in the latter part of 2010, particularly cases processed through the military justice system. In 2011, we will support reform in the military justice sector, focusing initially on sexual and gender-based violence offences.

Rule of law

Establishing effective rule of law is crucial for the successful reconstruction of the DRC.

Weaknesses within the judicial system are compounded by problems within the national police force, which is poorly resourced, trained and equipped. The UN reported that members of government security services, including the army and national police force, are involved in incidents of summary execution, sexual violence, pillaging and forced labour.

There are several ongoing cases before the International Criminal Court relating to crimes in DRC. The cases of Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui have been ongoing since 2009. Meanwhile the trial of Jean-Pierre Bemba Gombo, a former vice-president and runner-up in the 2006 DRC presidential elections, commenced in November. Mr Bemba is accused of offences committed in the Central African Republic. Callixte Mbarushimana was arrested in October by the French authorities, who were acting on an International Criminal Court warrant. We continued to lobby the government to hand over Bosco Ntaganda, an army commander, to the International Criminal Court.

We lobbied the government of the DRC to make the most of international assistance and implement urgently needed reform of the DRC security sector. The Department for International Development (DFID) is funding a £60 million programme over five years to promote improved security sector accountability and police reform in the DRC. The programme is focused on supporting the development of an effective police service that is responsive to the needs of communities, acts with respect for human rights and within which officers are fully accountable for their actions.

Death penalty

In November, the DRC parliament rejected by a large majority a bill aimed at abolishing the death penalty. In practice, however, there is a moratorium on carrying out the death penalty. We have repeatedly lobbied the government of the DRC at senior ministerial level to abolish the death penalty, including in relation to the specific case of Joshua French, a joint Norwegian and UK national sentenced to death. We have secured a specific commitment in this case that the sentence will not be implemented.

Prisons and detention issues

Prison conditions in the DRC are very poor. Many institutions lack basic security and there are frequent cases of mass escapes. One example concerned Gemena prison, from which 167 out of 210 detainees escaped in November. Prisoners suffer poor health, disease and malnutrition. The death in custody of Armand Tungulu in October provoked international condemnation of detention conditions in DRC.

Disappearance and imprisonment without charge are commonplace in the DRC. In 2010 there were several cases of human rights defenders and journalists being held for periods of several days or weeks without their families being informed of their whereabouts, and without access to legal representation or any explanation for their detention. Our Embassy closely monitored high profile cases and raised our concerns with the government. Cases that we raised included journalist Tumba Lumembu, held without charge for 57 days, and the arrest and detention of Nicole Mwaka Bondo, a human rights defender from the NGO Toges Noires.

Human rights defenders

Human rights defenders continued to face serious threats, intimidation, and violence throughout 2010. In early June, the murder of Floribert Chebeya, a prominent human rights activist and executive director of NGO *Voix des Sans Voix* (Voice of the Voiceless), elicited widespread condemnation from Congolese civil society and the international community. He was last heard from en route to a meeting with the inspector-general of the Congolese National Police, John Numbi. President Kabila pledged to bring the perpetrators to justice, whilst the international community offered assistance with the investigation.

Our officials had met Mr Chebeya regularly, including a few weeks before his death. Henry Bellingham issued an immediate statement expressing our deep concern at the circumstances surrounding the death of Mr Chebeya and called for a credible and transparent investigation to bring the perpetrators to justice. In July, Henry Bellingham discussed the situation with Prime

Minister Muzito during his visit to Kinshasa, reiterating UK concerns. We continued to press the DRC authorities to take action throughout the year. Following an investigation the trial of six suspects began in December.

Mr Chebeya's case is the first of 11 deaths of human rights defenders since 2003 to reach trial. While Mr Chebeya's family and supporters are disappointed that Mr Numbi will only be appearing as a witness, he has been suspended from his post. Our Embassy, along with EU partners, attended hearings of this case and we will continue to monitor the trial in 2011.

We also provided practical help to civil society through our implementation of the EU guidelines on protecting human rights defenders. The EU embassies in Kinshasa, including ours, meet routinely with representatives from local NGOs, and the EU has appointed a liaison officer to act as a contact point for civil society.

Freedom of expression

Journalists and NGOs reported that freedom of expression deteriorated in 2010 as they continued to face threats and violence from local and state authorities. This trend was confirmed by the UN Joint Human Rights Office in Kinshasa.

In April, journalist Patience Bankome was murdered by men in uniform at his house in Beni, North Kivu. He was the fourth journalist to be killed in recent years, and the case drew the attention of the international community. President Kabila was quick to condemn the incident. Two soldiers have been convicted for the killing.

We provided £11 million in 2010 to a media fund (co-funded by France and Sweden) to support the professional development, independence and economic viability of the Congolese media. This programme included support to the prominent NGO Journalists in Danger which campaigns for freedom of the press.

Women's rights

Women continued to face extremely high levels of sexual and gender-based violence throughout 2010. Nearly two-thirds of married women reported being physically or sexually abused by their partners. There are also extremely high levels of conflict-related sexual violence. All the regional armed actors in the DRC's various conflicts are guilty of offences. The DRC authorities have a stated policy of zero tolerance of sexual violence, but this has not been

implemented. The lack of discipline and accountability in the Congolese army means that they are often a threat themselves, rather than a source of protection. To address this we funded a project to reform the Congolese army with the long-term goal of enabling it to provide better protection to civilians.

In August, reports of the mass rape of more than 300 men, women, and children in Walikale district, eastern DRC, shocked the local and international community. The attacks took place within 30 km of the UN peacekeeping mission's operating base. This served to highlight the difficulties in providing civilian protection, particularly in areas with poor communications infrastructure. Minister for Europe David Lidington made a statement condemning the attacks and calling for the perpetrators to be brought to justice. We also pressed for the UN peacekeeping mission to implement key recommendations made by UN Assistant Secretary-General Atul Khare to enhance efforts to protect and defend civilians, and in particular for the mission to improve their communications with the local population. In October, the mission captured and handed over to DRC authorities Colonel Mayeli of the Mai Mai Cheka militia, alleged to be one of the commanders leading the attacks. However, by the end of December no suspects had been brought to trial.

Reports of the rape of at least 13 women by government soldiers on the night of 1 January 2011 in Fizi territory, South Kivu, were particularly concerning. The UN Joint Human Rights Office in Kinshasa has carried out subsequent investigations.

The DRC is one of the priority countries identified in our national action plan on implementing UN Security Council Resolution 1325 on women, peace and security. Our work will focus on four key areas: raising the profile of the issue throughout the DRC; supporting the Ministry of Gender and organisations working to increase the political participation of women; reform of the security and policy sectors, as well as strengthening the DRC legislative framework; and relief and recovery through DFID infrastructure programmes.

Special Representative of the UN Secretary-General on Sexual Violence in Conflict Margot Wallstrom visited the DRC twice in 2010. We will continue to work with her office in 2011.

Children's rights

In many parts of DRC poor infrastructure, poverty, and a lack of development means that there is little access to education for many children. Since 2007, DFID, through its community

recovery programme in the east, has built 553 classrooms and rehabilitated 835 more. A DFID humanitarian programme provided school kits, vaccinations, and therapeutic nutrition assistance for 90,000 children, and reunited children with their families.

Child soldiers continue to be recruited by militia groups, including the Lord's Resistance Army and the Democratic Forces for the Liberation of Rwanda (FDLR). There are also child soldiers in Congolese army uniforms. Through the European Defence Reform mission, we funded a biometric census project to give accurate data on soldiers in the army allowing child soldiers to be identified and removed.

In December, the UK, France and the US successfully pushed for UN sanctions against Lt Col Innocent Zimurinda of the Congolese army for serious human rights abuses, including his role in the recruitment of child soldiers.

Minorities and other discriminated groups

In October a bill was introduced by an MP to the Congolese Assembly which would criminalise homosexuality. The bill, which would also criminalise the promotion or encouragement of homosexuality, carries sentences of up to five years imprisonment. After being declared admissible by the Assembly, the bill was referred to the Parliamentary Socio-cultural Committee for scrutiny. A delegation of representatives of EU embassies in Kinshasa met the head of this Committee to outline the EU's opposition to this proposal. In addition, our Ambassador also outlined our opposition to the criminalisation of homosexuality in meetings, including with the minister of justice. The bill remains under consideration by the parliamentary committee and our Embassy will continue to lobby against its introduction.

Conflict

The DRC has suffered the effects of conflict for more than 15 years. In 2010, the army, with the support of the UN peacekeeping mission, secured some successes, such as a reduction in numbers of fighters in some of the main armed groups, and many surrenders, including those of senior officers. But civilian populations, particularly in the east, continue to face insecurity owing to the presence of armed groups and DRC security forces. Small armed groups are able to terrorise large areas, as is the case with the Lord's Resistance Army.

We are working to reduce the conflict and its negative impact on the civilian population through a multi-donor humanitarian fund which is administered by the UN. The UN pooled fund is used

by various NGOs and civil society organisations on humanitarian projects.

Protection of civilians

The UN Security Council has invested considerable effort and political credibility in the UN's effort in DRC. We contribute approximately £62 million a year to the mission through assessed contributions. With a force of around 20,000 peacekeepers and police, in addition to its civilian contingent, the UN peacekeeping operation in the DRC is considered to be a flagship for UN peacekeeping.

The mission's top priority, as defined by the Security Council, is to protect civilians. The mandate also includes the disarmament and demobilisation of armed groups, security sector reform, and providing logistical support to national elections in 2011. The mandate permits robust peacekeeping, meaning that troops can use force to protect civilians, although the mission mainly provides logistical support to the government in conducting joint operations.

The UN mission has often been criticised by NGOs and the media for failing to implement fully its mandate in the face of hostile rebel combatants, and in particular for failing to prevent atrocities such as the mass rapes in Walikale in 2010, despite their proximity. However, their presence is considered by most to prevent the violence from getting worse. Recent joint operations have met with more success, and the mission's policy of conditionality has resulted in support being withdrawn from those army battalions which contain human rights offenders.

Adoption of UN Security Council Resolution 1925 to renew the mandate for the UN peacekeeping mission followed extensive negotiation with President Kabila on the drawdown of UN troops. President Kabila had previously requested that the UN withdraw from the country, but their presence remains important to allow humanitarian and human rights organisations to carry out their work. Although 2,000 troops withdrew in 2010, decisions on future numbers will be informed by joint assessments of the security situation by the DRC government and UN mission.