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World Report 2020 - Democratic Republic of Congo

Felix Tshisekedi was sworn in as president on January 24, 2019, following long-delayed and disputed national elections, marred by widespread irregularities, voter suppression, violence, and interference from armed groups. More than a million Congolese were unable to vote in the presidential election because voting in three areas was postponed to March 2019, officially because of security and concerns over an Ebola outbreak in the east.

At his swearing in, Tshisekedi said his administration would “guarantee to each citizen the respect of the exercise of their fundamental rights” and end all forms of discrimination, promising that his government would prioritize “an effective and determined fight against corruption ... impunity, bad governance, and tribalism.” His administration released most political prisoners and activists detained during the country’s protracted political crisis, and those living in exile were allowed to return home. In March, Tshisekedi removed Kalev Mutondo as director of the National Intelligence Agency, where he was a principal architect of former President Joseph Kabila’s administration’s drive to repress dissent.

Many other senior security force officers, with long histories of involvement in serious human rights abuses, remained in their posts. Members of Kabila’s political coalition maintained a majority in parliament, as well as about two-thirds of the posts in the new government.

Some of the most acute violence in the country in recent years took place in Yumbi, western Congo, in mid-December 2018 when at least 535 people were killed. Most of the victims were ethnic Banunu, killed by ethnic Batende. In eastern Congo, numerous armed groups, and in some cases government security forces, attacked civilians, killing and wounding many. The humanitarian situation remained alarming, with 4.5 million people internally displaced, and more than 890,000 people from Congo were registered as refugees and asylum seekers.

Presidential Elections

Tshisekedi’s victory over opposition candidate Martin Fayulu in the December 30, 2018 elections was disputed by an independent observation mission from the Catholic Church. Leaked data from the state-controlled electoral commission (Commission

électorale nationale indépendante, CENI) and data gathered by the church showed that Fayulu won about 60 percent of the vote (<https://www.ft.com/content/2b97f6e6-189d-11e9-b93e-f4351a53f1c3>).

Fayulu’s supporters from an array of opposition political parties protested in many cities across Congo. Security forces often responded to protests, some violent, with excessive, including unnecessary, lethal force. Security forces killed at least 10 people and injured dozens during protests after provisional results were announced on January 10. At least 28 people suffered gunshot wounds in Kikwit, Kananga, Goma, and Kisangani when security forces dispersed demonstrators.

On the day after the elections, the government shut down internet and text messaging throughout the country, restricting independent reporting and information-sharing. The internet was restored on January 19.

Freedom of Expression and Peaceful Assembly

There has been a significant decline in political repression since Tshisekedi came to power. Many political prisoners and activists detained in previous years were freed, while activists and politicians in exile were allowed to return. However, some peaceful demonstrators continued to be arbitrarily detained or beaten by security forces.

On June 30, Congo’s independence day, police fired live ammunition, killing one person, during opposition protests in Goma against corruption and election fraud.

In July, security forces evicted thousands of illegal miners from a copper and cobalt mine in Kolwezi, Lualaba province, sparking protests outside the governor’s office and looting of shops.

Attacks on Civilians by Armed Groups and Government Forces

More than 130 armed groups were active in eastern Congo’s North Kivu and South Kivu provinces, attacking civilians. The groups included the largely Rwandan Democratic Forces for the Liberation of Rwanda (FDLR) and allied Congolese Nyatura groups, the largely Ugandan Allied Democratic Forces (ADF), the Nduma Defense of Congo-Renové (NDC-R), the Mazembe and Yakatumba Mai Mai groups, and several Burundian armed groups. Many of their commanders have been implicated in war crimes, including ethnic massacres, rape, forced recruitment of children, and pillage.

According to the Kivu Security Tracker, which documents violence in eastern Congo, assailants, including state security forces, killed at least 720 civilians and abducted or kidnapped for ransom more than 1,275 others in North Kivu and South Kivu in 2019. Beni territory, North Kivu province, remained an epicenter of violence, with about 253 civilians killed in more than 100 attacks by various armed groups, including the ADF. At least 257 civilians were kidnapped in Rutshuru territory, North Kivu province, often by armed groups.

The Fizi and Uvira highlands in South Kivu saw fighting between the mainly ethnic Banyamulenge Ngumino armed group and allied self-defense groups, and Mai Mai groups, comprising fighters from the Bafuliro, Banyindu, and Babembe communities, with civilians often caught in the middle. Clashes between armed groups in the South Kivu highlands surged in February, displacing an estimated 200,000 people over the following months.

In early June, violence resurfaced in parts of northeastern Congo’s Ituri province, where armed assailants launched deadly attacks on villages, killing over 200 civilians and displacing an estimated 300,000 people. At least 28 displaced people were killed in Ituri in September.

Justice and Accountability

In July, a three-judge panel at the International Criminal Court (ICC) unanimously found the rebel leader and former army general Bosco Ntaganda guilty of 13 counts of war crimes and 5 counts of crimes against humanity committed in Ituri in 2002 and 2003. The charges included murder and attempted murder, rape, sexual slavery, attacking civilians, pillaging, displacement of civilians, attacking protected objects, and recruiting and using child soldiers. The judges found that Ntaganda and others agreed on a common plan to attack and drive the ethnic Lendu population out of Ituri through the commission of crimes. In November, the ICC sentenced him to 30 years in prison.

[IMG]

July 8, 2019 Video

Video: Verdict on Former Congolese Warlord

The International Criminal Court’s (ICC) conviction of the Congolese rebel leader Bosco Ntaganda sends a strong message that justice may await those responsible for grave crimes in the Democratic Republic of Congo.

Troops under Ntaganda’s command also committed ethnic massacres, killings, rape, torture, and recruitment of child soldiers in the Kivus, including when Ntaganda commanded troops in the Rwandan-backed National Congress for the Defense of the People (CNDP) and M23 armed groups, and while he served as a general in the Congolese army. His trial at the ICC only dealt with crimes related to the Ituri conflict.

The Congolese army announced on September 18 that its forces killed Sylvestre Mudacumura, the FDLR’s military commander, and some of his lieutenants. Mudacumura had been wanted by the ICC since 2012 for nine counts of war crimes.

The Congolese trial, which started in June 2017, into the murders of United Nations investigators Michael Sharp and Zaida Catalán and the disappearance of the four Congolese who accompanied them in March 2017 in the central Kasai region was ongoing at time of writing.

In February, a military court in Goma found Marcel Habarugira, a former Congolese army soldier turned warlord, guilty of the war crimes of rape and use of child soldiers committed while leading a faction of an armed group known as Nyatura (“hit hard” in Kinyarwanda). Habarugira received a 15-year prison sentence. His group, which received arms and training from Congolese army officers, carried out many atrocities in 2012.

A trial against Congolese security force members arrested for allegedly using excessive force to quash a protest in Kamanyola, eastern Congo, in September 2017, during which 38 Burundian asylum seekers were killed, and more than 100 others wounded, started on June 28 and was ongoing at time of writing. Six members of the security forces faced charges of murder and attempted murder before a military court in Bukavu, South Kivu province.

The trial of Nduma Defense of Congo (NDC) militia leader Ntabo Ntaberi Sheka, who surrendered to the UN peacekeeping mission in Congo (MONUSCO), began (<https://www.hrw.org/news/2018/11/29/dr-congo-mass-rape-trial-crucial-justice>) on November 27, 2018 and was ongoing at time of writing. Sheka was implicated in numerous atrocities in eastern Congo, and he had been sought on a Congolese arrest warrant since 2011 for alleged crimes against humanity, including mass rape.

On June 7, Congolese authorities issued an arrest warrant against warlord Guidon Shimiray Mwiswa, Sheka’s former deputy and the leader of Nduma Defense of Congo-Rénové (NDC-R) armed group, which has been responsible for widespread attacks on civilians in North Kivu. He is wanted for “participation in an insurrectional movement,” “war crimes by child recruitment,” and “crimes against humanity by rape.” Despite these allegations, NDC-R continued to collaborate with the Congolese army in the area the group controls, which is larger than that of any other armed group in Congo. Human Rights Watch was unaware of any attempt by Congolese authorities or UN peacekeepers to arrest Guidon. He was sanctioned in 2018 by the UN Security Council and the United States.

Congo’s military justice officials investigated the December 2018 Yumbi killings—in which at least 535 people were killed—and arrested dozens of suspected assailants and instigators. A trial was yet to start at time of writing.

Key International Actors

In February, the US State Department imposed visa restrictions on three electoral commission senior officials, the then-president of the national assembly, and the president of the Constitutional Court, accusing them of corruption and obstructing the

presidential election. In March, the US Department of the Treasury’s Office of Foreign Assets Control (OFAC) imposed financial sanctions on the same three electoral commission officials.

In May, justice ministers attending the International Conference on the Great Lakes Region meeting in Kenya said that greater efforts were needed to “uphold human rights, promote justice, and eradicate impunity.” To achieve these goals, they approved a series of specific recommendations.

In March, the Security Council unanimously adopted a resolution extending the mandate of MONUSCO for nine months and called for an independent strategic review of the mission.

ecoi.net summary:

Annual report on the human rights situation in 2019

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