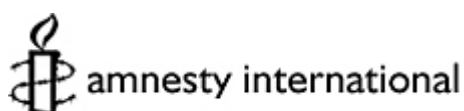


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Amnesty International Report 2010 - Democratic Republic of the Congo

DEMOCRATIC REPUBLIC OF THE CONGO

Head of state: Joséph Kabila
Head of government: Adolphe Muzito
Death penalty: retentionist
Population: 66 million
Life expectancy: 47.6 years
Under-5 mortality (m/f): 209/187 per 1,000
Adult literacy: 67.2 per cent

Serious violations of international humanitarian and human rights law were committed in eastern Democratic Republic of the Congo (DRC) by armed groups and the national army, notably in the context of government military operations against the Democratic Liberation Forces of Rwanda (FDLR) armed group. Government military, intelligence and police services were responsible for serious and sometimes politically motivated human rights violations across the country, including frequent arbitrary arrests, acts of torture and other ill-treatment, and sexual violence. Scores of people were sentenced to death; no executions were reported. There were growing official restrictions on the freedom of the press and a number of threats or attacks against human rights defenders. Relations between the DRC and Angola deteriorated, culminating in a reciprocal arbitrary mass expulsion of migrants and refugees in September.

Armed conflict

In January, Congolese and Rwandan government forces launched a joint military offensive against the FDLR in North-Kivu province. Rwandan forces withdrew in February. A second offensive against the FDLR, known as Kimia II, was launched by the national army (FARDC) in March, with the support of the UN peacekeeping mission to the DRC, MONUC. Kimia II was extended to South-Kivu province in July and continued in both provinces at the end of the year. In October, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions described military operations against the FDLR as "catastrophic" from a human rights perspective.

The military operations followed a rapprochement between the governments of the DRC and Rwanda and a peace deal in early 2009 to end the rebellion by the Rwanda-backed National Congress for the Defence of the People (CNDP) armed group in North-Kivu. As part of the peace deal, large numbers of CNDP and other armed group fighters were hurriedly integrated into the FARDC and took a leading role in anti-FDLR operations. The government failed to vet, train or properly pay these newly integrated forces. Former armed group chains of command were left intact. Lack of effective government control over these forces contributed to poor respect for human rights by the FARDC.

MONUC's support of Kimia II, although authorized by UN Security Council resolution, was criticized because of war crimes and other serious human rights violations committed by the FARDC and, in retaliation, by the FDLR. MONUC's strength at the end of the year stood at around 20,000 personnel, concentrated in eastern DRC.

FARDC military operations, supported by Ugandan government forces and MONUC, continued against the Lord's Resistance Army (LRA) in north-eastern DRC. The LRA was responsible for violations of international humanitarian law, including the killing and abduction of civilians.

In June, a government and UN Stabilization and Reconstruction (STAREC) Plan for eastern DRC was announced. The plan aims to consolidate security and state authority, assist war-affected populations and relaunch economic activity. A key part of the plan involves progressively deploying police as well as administrative and judicial authorities to replace the FARDC in the east. The plan faced considerable challenges, not least the continuing insecurity in the east and the absence of essential government reform of its armed forces.

Inter-communal violence flared around Dongo, Equateur province in the north-west in November, leaving at least 100 people dead and an estimated 92,000 displaced.

Unlawful killings

Armed groups and government forces were responsible for hundreds of unlawful killings and attacks on humanitarian personnel, committed particularly in the context of Kimia II.

- In the course of anti-FDLR operations, FARDC soldiers unlawfully killed at least 100 civilians, mostly women and children, in a refugee camp at Shalio, Walikale territory, North-Kivu province, between 27 and 30 April.
- In apparent retaliation, on 10 May the FDLR unlawfully killed at least 96 civilians in Busurungi, Walikale territory. Some of the victims were burned alive in their homes.

Violence against women and girls

Military operations in eastern DRC were attended by an upsurge in rapes. High levels of rape were also reported in other areas of the country unaffected by conflict, including the cities of Lubumbashi and Kinshasa.

- In June, an NGO medical centre reported receiving around 60 new cases a month of women and girls who had been raped in southern Lubero territory, North-Kivu, by FARDC, FDLR and other militia forces.

Children's rights

A new Child Protection Code was adopted in January. The law sets out a range of administrative, judicial, educational and health care measures to protect children. It criminalizes, among other things, acts of torture, abduction, trafficking of and sexual violence against children, and the enrolment or use of children in armed forces or groups and the police. Implementation remained weak, however.

In January, the UN Committee on the Rights of the Child concluded that the government and armed groups were responsible for wholesale violations of the Convention on the Rights of the Child, including recruitment and use of children in armed conflict, abductions, trafficking, torture and other ill-treatment, arbitrary arrest and unlawful detention of children, as well as high levels of sexual violence and economic exploitation. It expressed concern at high rates of infant mortality and low rates of school enrolment, particularly of girls. In November, the UN Children's Fund UNICEF reported that more than 43,000 children were working in mines in the DRC.

- In April, Amnesty International delegates witnessed children working at a gold mine at Gone, Mwenga territory, South-Kivu province. Other miners were using mercury, without protection, to soak up particles of gold from mud in the riverbed.

Child soldiers

An estimated 3,000 to 4,000 children were serving with armed groups in eastern DRC, including new recruits. The LRA abducted several hundred people, mainly children, from Orientale province, north-eastern DRC, to hold in domestic or sexual slavery and to use as fighters. Many children also still served with the army, although the FARDC formally ended child recruitment in 2004. They included children associated with armed groups who were integrated into the FARDC in early 2009. The army also used children as porters during operations. UN and NGO child protection and community reintegration programmes for former child soldiers remained under-resourced.

Internally displaced people and refugees

By the end of the year, around 2 million people were internally displaced, including hundreds of thousands displaced by the Kimia II offensive. Around half of the displaced were children. Tens of thousands of displaced people in less secure areas remained outside the reach of humanitarian assistance. Many were in extremely poor health following days or weeks of flight.

An estimated 160,000 DRC nationals were expelled from Angola to the DRC between January and October, peaking in September (see Angola entry). These arbitrary mass expulsions were carried out under deplorable humanitarian conditions and accompanied by other human rights violations, including sexual violence, torture and other ill-treatment by Angolan security forces. A large number of those expelled reportedly drowned during river-crossings or were asphyxiated in overcrowded vehicles. In September, in retaliation, the DRC authorities expelled thousands of Angolan nationals, including an undetermined number of people recognized as refugees. In October, both countries agreed to stop the expulsions.

Arms trade and exploitation of natural resources

In November, the UN Group of Experts concluded that the FARDC, as well as the FDLR and other armed groups, continued to benefit from systematic exploitation of DRC's mineral and other natural resources. The Group's report highlighted instances of gold smuggling by the FDLR to Uganda, Burundi and the United Arab Emirates; of collaboration between FARDC officers and the FDLR; and of suspected arms trafficking to the FDLR from Tanzania and Burundi. The report alleged that the CNDP had retained control of much of its weaponry, despite integration of its forces into the FARDC. It presented evidence of states' failure to comply with the UN arms embargo and sanctions, claiming that such instances "seriously undermined the credibility of the sanctions regime".

- In April, an army sergeant told Amnesty International that systematic military exploitation took place at a large cassiterite mine in Walungu territory, South-Kivu province. He said that the profits were split between two FARDC army brigades and the regional army headquarters in Bukavu.

Torture and other ill-treatment

Torture and other ill-treatment remained common in military, police and intelligence service custody. Armed groups were also responsible for such abuses. Conditions in all detention centres and prisons constituted cruel, inhuman or degrading treatment. Scores of prisoners and pre-trial detainees died from starvation and treatable illnesses. Rape and other sexual abuse of female prisoners were widespread. There were frequent mass escapes from prisons and detention centres, including by army personnel accused or convicted of human rights violations.

- Twenty women detainees were raped at Goma's Muzenze prison during an attempted mass escape in June. The women were attacked in their cells by a group of military prisoners armed with weapons smuggled into the prison.

Death penalty

Military courts sentenced scores of people to death during the year, including civilians. No executions were reported.

Human rights defenders and freedom of expression

A number of human rights activists were arbitrarily arrested and ill-treated in custody. There was an increase in death threats against human rights defenders and journalists, usually received by mobile phone text message. Two human rights defenders were prosecuted after their organizations published reports critical of the authorities. Trade unionists and journalists were arrested after they alleged corruption by government ministers and other officials. The government threatened that local and international journalists would be tried before military courts if they published articles considered insulting to the army.

- In September, Golden Misabiko, President of the NGO African Association for the Defence of Human Rights in Katanga province (ASADHO/Katanga), was sentenced in his absence to 12 months' imprisonment, with eight months' suspended, for "spreading false information likely to alarm or incite the population" after ASADHO/Katanga published a report alleging complicity by state officials in illegal mining at Shinkolobwe uranium mine.
- Robert Ilunga, President of the Friends of Nelson Mandela (ANMDH) human rights NGO, was arrested by the intelligence services in Kinshasa in August. He was accused of "spreading false information" and "defamation" in relation to an ANMDH report that alleged mistreatment of workers at a factory in Kasangulu, Bas-Congo province. The report alleged that a "leading lady" was involved in the company, which the authorities believed referred to Olive Lembe, the wife of President Joséph Kabila. After nine days' incommunicado detention, Robert Ilunga was transferred to Kinshasa's central prison. He was granted provisional release by a Kinshasa court in October. No trial date was set.

Impunity

In July, the government announced a policy of "zero tolerance" for human rights violations committed by its forces. A number of soldiers and mainly junior officers were prosecuted by military field court in the Kivu provinces for human rights violations, including rape. The government, however, refused to surrender Bosco Ntaganda to the International Criminal Court (ICC), where he was wanted on war crimes charges. It also refused to suspend from duty, pending investigation and trial, other senior army officers suspected of serious human rights violations. Bosco Ntaganda and many of these officers had FARDC command roles in Kimia II. In March, a military court sentenced former militia leader Kyungu Mutanga, alias Gédéon, to death for war crimes, crimes against humanity, insurrection and "terrorism" committed in Katanga province between 2004 and 2006.

International justice

German authorities arrested Ignace Murwanashyaka, president of the FDLR, and his deputy, Straton Musoni, in November. The arrests, on charges of crimes against humanity and war crimes committed by the FDLR in eastern DRC, reportedly followed a year-long investigation and were the first arrests of senior political or military leaders for crimes committed in the Kivu provinces. Other leaders accused of war crimes and other serious human rights abuses in the DRC remained abroad, free from prosecution. They included Laurent Nkunda, ousted military head of the CNDP, held in Rwanda since January.

The trial before the ICC of Thomas Lubanga, charged with the war crimes of recruiting and using children under the age of 15 in hostilities, began in January. The trial had not concluded by the end of the year. The ICC trial of Germain Katanga and Mathieu Ngudjolo Chui began in November. They had been jointly charged with war crimes and crimes against humanity, including the recruitment and use of children aged under 15, murder, rape and sexual slavery. Charges of war crimes and crimes against humanity against former DRC Vice-President Jean-Pierre Bemba Gombo, in ICC custody since July 2008, were confirmed in June 2009. His trial was expected to start in 2010.

Amnesty International visits/reports

- Amnesty International delegates visited the country in March, July and October.
- Democratic Republic of Congo: Submission to the UN Universal Periodic Review (AFR 62/009/2009)
- Democratic Republic of Congo: Open Letter to President Kabila regarding Bosco Ntaganda (AFR 62/011/2009)
- Democratic Republic of Congo: More prosecutions should follow for war crimes in the Kivus (AFR 62/019/2009)
- Democratic Republic of Congo: Governments launching offensives against armed groups must take precautions to avoid civilian casualties, 20 January 2009

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