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Democratic Republic of Congo

Crippled by continuing conflict among its four main component parties, the transitional government of the Democratic Republic of Congo (DRC) ended two years in power with much of the eastern region still not under its control. Faced with overwhelming logistical problems, the transitional government postponed elections scheduled for June 30, 2005 and will likely hold them in the first half of 2006. Security services committed election-related abuses throughout 2005, including the January shooting in Kinshasa of dozens of demonstrators protesting elections delays and the later detention of political activists for months without charge elsewhere in the country. Focused on assuring elections, few Congolese or outsiders worked effectively to curb ongoing violence against civilians or to address crucial post-conflict challenges, such as delivering justice for the many grave violations of international humanitarian law committed in Congo in the last decade.

Unconvinced that elections will bring results they favor, some belligerents to the war that officially ended in 2002 have kept their troops from being integrated into the new national army, as stipulated in the final peace accords. In late 2004 and in 2005 troops from the former Congolese Rally for Democracy-Goma (RCD-Goma) refused integration and fought the national army in several clashes in the eastern DRC. Armed groups which remained outside the peace process also fought each other, the national army and the U.N. peacekeeping force known as MONUC. Representatives of one such group, opponents of the Rwandan government known as the Democratic Force for the Liberation of Rwanda (FDLR), announced that they would disarm and return to Rwanda, but only a few hundred did so in 2005.

In 2005, combatants from armed groups as well as government soldiers deliberately killed, raped, and abducted civilians and destroyed or looted their property in repeated attacks, particularly in eastern Congo. A feeble justice system failed to prosecute these recent crimes and did nothing to end impunity for war crimes and crimes against humanity committed during the previous two wars. The September 2005 discovery of mass graves from 1996 in the eastern region of Rutshuru served as a reminder of the unpunished mass slaughter of civilians in Congo in the last decade.

Government Soldiers and Armed Groups Target Civilians

The government failure to integrate troops of former belligerent groups into the national army and to properly train and pay its soldiers underlay some military abuses. Military abuses such as those that occurred in December 2004 in North Kivu where government soldiers and combatants refusing integration fought and killed at least one hundred civilians, many of them targeted on an ethnic basis, were repeated elsewhere in 2005. In Walungu, South Kivu, government soldiers raped civilians and

looted property during operations against the FDLR in late 2004 and early 2005. In Equateur, poorly paid and undisciplined troops went on a rampage in July 2005, killing, raping, and stealing from civilians.

As government soldiers tried to take control of Ituri and parts of North and South Kivu, Maniema and Katanga in late 2004 and 2005, both they and the combatants fighting them committed grave violations of international humanitarian and human rights law. In Ituri, which experienced widespread violence against civilians in previous years, more than fifteen thousand members of armed groups agreed to lay down their weapons, but others who refused to disarm increased attacks on MONUC peacekeepers and government soldiers. In February 2005 nine peacekeepers were killed in an ambush north of Bunia, the main town. Combatants refusing disarmament took control of areas near the towns of Boga and Kilo in August and September 2005, forcing thousands of civilians to flee their homes.

In North Kivu, where authorities illegally distributed hundreds of firearms to civilians in late 2004, there was little progress in 2005 in recuperating the weapons, some of which were used by civilians to harm, rob, or intimidate others.

Foreign Armed Groups

The continuing presence of Ugandan and Rwandan rebel combatants in eastern Congo threatens regional stability by providing a pretext for intervention by the Rwandan or Ugandan governments. In mid-2005 the Ugandan government facilitated a meeting of Ituri combatants who forged a new alliance to fight the Congolese government and MONUC. Under pressure from the international community, the Ugandan government later expelled these 'warlords' from Uganda, but took no action to arrest them. In September 2005 Uganda threatened to invade Congo after some rebel Lord's Resistance Army (LRA) troops, opposed to the Ugandan government, briefly crossed into the Congo.

In March 2005, under pressure from their former backers in the Congolese transitional government, FDLR rebels said they would give up military struggle and return to Rwanda. Most FDLR combatants stayed in Congo but split into several factions. One such group, calling itself the "Rastas," killed, kidnapped for ransom, and raped civilians around Walungu, South Kivu. The African Union proposed sending a force to disarm the FDLR but by late 2005 had not put any troops in the area.

Civil and Political Rights

In January and June 2005, security forces killed dozens of men, women, and children protesting electoral delays in Kinshasa, Mbuyi Mayi, Goma and other towns. In May 2005, the national security service arrested over one hundred people, primarily from southern Katanga, supposedly suspected of planning a Katangan secession attempt. They detained some for months without charge. In hundreds of cases throughout the country, police and other agents of security services arbitrarily detained and tortured citizens with the intent of extorting payment from them. Authorities arrested and closed the operations of journalists who criticized those in power, such as a television station of Vice President Jean-Pierre Bemba, who is likely a chief challenger of President Kabila in the up-coming elections. In another case

the Information Ministry in January 2005 ordered certain broadcasters to discontinue political programming and live phone-in programs. In July, authorities arrested a Kinshasa editor after his newspaper reported that a government minister had misappropriated U.S. \$300,000.

Illegal Exploitation of Resources

As in the past armed groups profited from the illegal exploitation of resources and fought to control rich mining areas and lucrative border posts. In gold-rich Ituri, for example, armed groups fought over mines at Kilo and Bambu in September 2005. Local organizations as well as international observers report growing corruption and fraud by officials linked to the exploitation of resources. Multinational companies sought to sign new mining deals or revitalise old ones, further complicating efforts to ensure effective national control over resources. A Congolese parliamentary commission investigating contracts signed during the war years for the exploitation of minerals and other resources reported many irregularities and recommended ending or renegotiating the contracts, a measure awaiting action by parliament.

Threats to Human Rights Groups

Congolese human rights activists face significant intimidation and violence, abuses that are rarely punished. After Pascal Kabungulu, a prominent activist, was assassinated in Bukavu in July 2005, two soldiers were arrested in connection with the killing, but their commander forced authorities to release them. In June 2005, the national security service arrested a well-known activist in Lubumbashi, saying he was linked to the May secession attempt in Katanga. When other activists protested his arrest, six of them were arrested and mistreated while in detention. Activists and members of civil society in North Kivu received anonymous threats and visits by armed men to their homes in January 2005, after they denounced war crimes committed by local troops and the distribution of weapons to civilians by provincial authorities. Four felt so threatened that they fled the country.

Delivering Justice

Despite national and international proclamations about the importance of accountability for past crimes, numerous persons suspected of violations of international human rights and humanitarian law continue to occupy posts of national or local responsibility, including in the newly integrated army. In exceptional cases, authorities responded to international pressure by arresting several armed group leaders from Ituri in early 2005 and by issuing arrest warrants for other military figures who resist government control. The prosecutor of the International Criminal Court (ICC) is investigating war crimes and crimes against humanity in Congo, an effort that may eventually bring some major perpetrators to justice.

Key International Actors

MONUC peacekeepers were posted outside of urban areas in early 2005, helping to deter human rights violations in some places. But MONUC troops are still too few to protect civilians throughout the country. In September 2005, the Security Council authorized deployment of an additional 841 MONUC police during elections and provided a further three hundred peacekeepers.

The United States, the United Kingdom, and South Africa are working to keep the peace process from collapse, helping resolve disagreements among partners in the national government and seeking a solution to disarming the FDLR. Focused on making elections happen, donors have not yet addressed how to assure political space or deliver justice after elections.