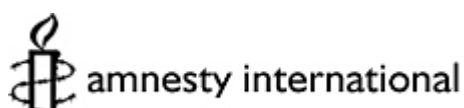


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Amnesty International Report 2009 - DR Congo

Head of state: Joseph Kabila
Head of government: Adolphe Muzito (replaced Antoine Gizenga in October)
Death penalty: retentionist
Population: 64.7 million
Life expectancy: 45.8 years
Under-5 mortality (m /f): 205/184 per 1,000
Adult literacy: 67.2 per cent

An upsurge of armed conflict deepened the human rights and humanitarian crisis in North Kivu province, eastern Democratic Republic of the Congo (DRC). The violence was marked by war crimes and other serious human rights violations by armed groups and government forces. These included the killing and abduction of civilians, widespread rape and other forms of sexual violence, and the recruitment and use of children as armed group fighters. By the end of the year, one in four of the population of North Kivu was displaced by conflict.

Ethnic and inter-communal tensions rose in other areas. Army, police and intelligence services across the country were responsible for serious and often politically motivated human rights violations. Little progress was made by the government to alleviate severe poverty or to rehabilitate the country's ruined infrastructure.

Background

Health professionals, teachers and civil servants staged lengthy strikes in protest at low pay and non-payment of salaries.

There was violent unrest in several parts of the country, including Bas-Congo province, where around 100 people were killed in the course of police operations in February and March.

In April the government signed a US\$9 billion mining and infrastructure deal with a consortium of Chinese companies. Accusations that the state was selling off the DRC's mineral assets cheaply provoked a parliamentary walkout in May. The sharp fall of world

mineral prices, however, threatened to leave tens of thousands working in the DRC's mining zones without income.

There were some positive developments, including a large release of political detainees in July and the adoption of a national law on child protection in June.

Armed conflict

Despite a January peace agreement, heavy fighting resumed in August in North Kivu between the National Congress for the Defence of the People (CNDP) armed group and the national army (FARDC).

In a major offensive in October, the CNDP captured large areas of the province and advanced to within a few kilometres of the provincial capital, Goma. The bulk of FARDC forces fled and went on sprees of killing, rape and looting, notably around the town of Kanyabayonga. By the end of the year, armed resistance to the CNDP was offered mainly by generally pro-government mayi-mayi militia groups, sometimes acting in collusion with the Rwandan insurgent group, the Democratic Liberation Forces of Rwanda (FDLR).

The fighting led to a fresh breakdown in relations between the governments of the DRC and Rwanda. The DRC government accused Rwanda of providing support to the CNDP; the Rwandan government accused the DRC army of collaborating with the FDLR. A December report by the UN Group of Experts largely confirmed both sets of allegations.

In Ituri district, Orientale province, a new armed group, the Popular Front for Justice in the Congo (FPJC), launched attacks in October against army positions and villages close to the district capital, Bunia. The FPJC claimed to unite within its ranks members of former Ituri armed groups whom it said were disaffected by unfulfilled government promises on demobilization and reintegration.

In Haut-Uélé district, Orientale province, attacks on civilian centres by the Ugandan Lord's Resistance Army (LRA) intensified throughout 2008. The LRA was responsible for unlawful killings, rapes, the systematic abduction of hundreds of children, and the burning of homes in Dungu territory. A military offensive by government forces of Uganda, DRC and South Sudan against LRA positions in the DRC began in mid-December. In apparent retaliation, the LRA attacked several towns and villages in the region in late December, unlawfully killing around 500 civilians, abducting hundreds of others, and forcing the displacement of approximately 50,000 people.

Government security forces failed to protect civilians in the conflict zones and were themselves responsible for many human rights violations, including killings of civilians, rape and torture. Civilian protection in the east remained wholly dependent on the overstretched UN (MONUC) peacekeeping force, with a strength of around 17,000. Although regularly intervening to protect civilian life, MONUC was incapable of protecting civilians in all circumstances and failed to intervene to halt a massacre in Kiwanja, North Kivu, in November. On 20 November, the UN Security Council authorized the temporary reinforcement of MONUC by an additional 3,000 peacekeepers. By the year's end, there were mounting calls for the deployment of an EU military force to North Kivu.

Unlawful killings

State security forces as well as Congolese and foreign armed groups committed hundreds of unlawful killings. All forces deliberately targeted civilians. A number of possible political killings were reported, often perpetrated by men in military uniform. These included Aimée Kabila, repudiated half-sister of President Joseph Kabila, shot dead at her home in Kinshasa in January, and opposition politician Daniel Botheti, murdered in Kinshasa in July.

A UN investigation concluded that around 100 people, mainly members of the Bunda dia Kongo politico-religious group, were killed during police operations in Bas-Congo province in February and March. The investigation blamed the high death toll on excessive use of force and in some cases extrajudicial executions by the police. The government, claiming that only 27 people died, failed to investigate the allegations or initiate criminal proceedings against those allegedly responsible.

Another UN investigation found that on 16/17 January, CNDP forces unlawfully killed at least 30 civilians around Kalonge in North Kivu.

- On the night of 5/6 November CNDP forces allegedly killed scores of civilians, mainly adult males, in house-to-house searches in Kiwanja, North Kivu. Eyewitnesses said that victims, described as "young fathers and newly-weds", were pulled from their homes and shot or stabbed to death. The killings appeared to be in reprisal for an earlier attack on the town by mayi-mayi forces.

Violence against women and girls

High levels of rape and other forms of sexual violence continued throughout the country, with a concentration in eastern DRC, where armed group fighters and government soldiers were the principal perpetrators. Many women and girls suffered gang rape, were raped more than once or were held in sexual slavery. Most victims did not receive medical or psycho-social care. The majority of rapists went unpunished and women and girls lived in fear of reprisals if they reported the rape or even sought medical treatment.

- A 16-year-old girl was held captive in an army camp in North Kivu for several days in February and raped nightly by an officer. Her mother came to the camp gate to beg for her release, but was turned away by the soldiers.

Child soldiers

An estimated 3,000 to 4,000 children were still serving with armed groups in 2008. Many children reportedly also still served with the army, although the FARDC formally ended the recruitment of children in 2004. UN and NGO child protection and community reintegration programmes for former child soldiers remained under-resourced.

There were new recruitments of children by armed groups in North Kivu and some other areas. Children were sometimes forcibly recruited in groups. Demobilized children were also targeted. The army also used children as porters during combat operations in North Kivu in September and October. The LRA reportedly abducted at least 160 children from several villages in Dungu territory.

- According to a former child soldier, two youths who had attempted to escape from an armed group in North Kivu in early 2008 were beaten to death in front of other child recruits. They were taken out of a pit in the ground and the commander then gave the order to beat them. Two soldiers and a captain pushed them down into the mud, kicked them and beat them with wooden sticks until they died.

Internally displaced people and refugees

More than 1.4 million people were internally displaced by conflict in North Kivu at the year's end, and a further 30,000 were forced to flee to Uganda. Most displaced people moved to areas close to Goma under government control. However, tens of thousands in less secure areas remained outside the reach of humanitarian assistance at the year's end. Many of those displaced were in extremely poor health following days or weeks of flight.

Outbreaks of cholera and other infectious diseases were reported in several camps for internally displaced people (IDPs). Standards of protection in the camps were often poor, with rape, shootings and robberies reported in a number of IDP sites. Belligerent forces failed to respect the civilian character of IDP camps.

- On 4 June, an attack allegedly by the FDLR on an IDP camp at Kinyandoni, North Kivu, resulted in at least three civilian deaths.
- A 16-year-old boy said he was forcibly recruited to fight for the CNDP from inside an IDP camp in Masisi territory in early 2008.

The CNDP reportedly destroyed IDP camps around the town of Rutshuru in October, and forced the camps' residents to leave.

Torture, other ill-treatment and arbitrary detention

Torture and ill-treatment were routinely committed by government security services and armed groups, directed particularly against perceived political opponents. Methods included beatings, stabbings, suspension from grilles or window bars and rape in custody.

There were regular arbitrary arrests by state security forces, especially of military or police officers with suspected affiliations to the Mouvement de Libération du Congo (MLC) political opposition and its leader, Jean-Pierre Bemba Gombo, or of individuals suspected of supporting the CNDP. Many detainees were held incommunicado for weeks or months in unofficial military or intelligence service detention.

Conditions in most detention centres and prisons were poor and constituted cruel, inhuman or degrading treatment. Deaths of prisoners from malnutrition or treatable illnesses were regularly reported.

Prisoner releases

In July the government ordered the release of 258 military and civilian detainees from Kinshasa's central prison. The detainees had been held unlawfully without trial for long periods, some since 2004, on suspicion of crimes against state security. While welcome, the releases appeared to follow no organized or transparent judicial process. A large number of political prisoners remained in detention.

Human rights defenders

Human rights defenders were physically attacked, abducted, and subjected to death threats and other forms of intimidation by government security forces and armed groups. Many defenders were forced into hiding or to flee by the conflict in North Kivu. Others were targeted because of their involvement in high-profile human rights cases.

Impunity

Impunity for human rights crimes persisted in the vast majority of cases, with only small numbers of low-ranking military personnel brought to justice. Prosecutions were undermined by frequent escapes from prisons and detention centres (at least 250 in 2008).

International justice

Four Congolese former armed group commanders or leaders were in International

Criminal Court (ICC) custody, awaiting trial. A fifth was the subject of an ICC arrest warrant.

Mathieu Ngudjolo Chui was arrested by the DRC authorities and surrendered to the ICC in February. He was accused with Germain Katanga, detained in 2007, of war crimes and crimes against humanity committed during and after an armed group attack in February 2003 on the village of Bogoro in Ituri.

Jean-Pierre Bemba Gombo, DRC Senator, President of the MLC and former Vice-President of the DRC, was arrested in Belgium in May under an ICC arrest warrant and transferred to the ICC. He was charged with crimes committed in the Central African Republic between October 2002 and March 2003, when MLC armed group forces allegedly carried out systematic rape and other abuses against civilians.

A temporary stay of proceedings against a fourth detainee, Thomas Lubanga Dyilo, the first person to be detained by the ICC in March 2006, was lifted in November. The stay was imposed in June after the trial chamber of the ICC held that the withholding of potentially exculpatory evidence by the prosecution violated the right of the accused to a fair trial.

In April, the Court unsealed an arrest warrant issued in August 2006 against Bosco Ntaganda for the war crimes of recruitment and use in hostilities of children under the age of 15 between July 2002 and December 2003, while he was a senior commander of an Ituri armed group. Bosco Ntaganda remained at large and Chief of Staff of the CNDP in North Kivu.

Death penalty

Military courts sentenced at least 50 people to death during the year, including civilians. No executions were reported.

Amnesty International visits

Amnesty International delegates visited the country in February and November

Amnesty International reports

- Democratic Republic of Congo: Open Letter to the Minister of Defence and Minister of Justice and Human Rights. Death in detention of Major Yawa Gomanza (13 May 2008)
- Democratic Republic of Congo: North Kivu – No end to war on women and children (29 September 2008)
- Democratic Republic of Congo: Crisis in North Kivu (21 November 2008)
- Democratic Republic of Congo: Open Letter to the United Nations Security Council on strengthening the arms embargo (15 December 2008)

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