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Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Democratic Republic of Congo

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The Democratic Republic of the Congo (DRC) made some progress towards addressing human rights issues in 2014. However, there was no marked reduction in the number of violations and abuses, and accusations persisted that the army, police and security agencies were complicit in killings, rapes, and the ill treatment of detainees. The DRC government attended the Global Summit to End Sexual Violence in Conflict and engaged with the Preventing Sexual Violence Initiative (PSVI) more generally. Despite this political commitment, women and girls continued to suffer in ongoing conflict in the DRC through rape, torture, and killing. Human rights abuses and violations, coupled with the further shrinking of political and civic space, reduced the ability for civil society groups and human rights defenders (HRDs) to operate effectively and hold those in power to account.

In 2014, our human rights objectives were focused on preventing sexual and gender-based violence (SGBV). We also exerted considerable effort to support initiatives to build greater stability in eastern DRC. These aimed to reduce the root causes of many human rights problems. UK-funded projects have assisted victims of SGBV in obtaining justice, including through expert assistance in documenting, collecting, and preserving forensic evidence, and by raising awareness of the levels of SGBV in the DRC. The UK strongly supported the efforts of the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO) in its mandate to protect civilians and target the armed groups that threaten the stability of the region. We

continued to work with the broader international community to encourage the DRC and its neighbours to find a political solution to the ongoing conflict.

Throughout the year, we raised our concerns with the DRC on a range of human rights issues. We highlighted the importance of extending state authority effectively and quickly to areas vacated by combatants as a way of reducing the risk to civilians posed by armed groups. We used the UK Presidency of the UN Security Council in August to focus attention on the need to resolve the conflict. We also emphasised the need to offer greater support for HRDs and those working to promote rights in the DRC. This included raising our profound concern at the expulsion in October of UN Joint Human Rights Office (UNJHRO) Director, and Representative of the UN High Commissioner for Human Rights, Scott Campbell, by the government of the DRC. The EU issued a statement on behalf of all member states expressing enduring support for the work of the UNJHRO and concern at the expulsion.

In 2015, we look forward to working with the new Government of National Unity appointed by President Kabila in December. Our principal human rights focus will remain preventing sexual violence. We will also monitor the situation of HRDs in the DRC, and encourage further commitments to freedom of expression. We will continue to encourage the DRC government to seize opportunities to bring greater security to its people and improve human rights, particularly by taking action against the biggest remaining armed group operating in eastern DRC, the FDLR, whose deadline for voluntary disarmament will expire on 2 January 2015. We will also continue to focus the region on implementing its Peace, Security and Cooperation Framework agreement.

Elections

Peaceful, free and fair elections in line with the DRC constitution are an important element in the continuing work to promote democracy, human rights and the rule of law. Work to promote greater democratisation continued to form a key part of our efforts to build long-term peace and stability in the region. We continued to encourage the publication of an election timetable and budget for Presidential and Parliamentary elections due in 2016, and to involve the opposition in election planning.

Freedom of Expression and Assembly

We encouraged the DRC government to ensure that the right to peaceful protest and freedom of expression was protected, and to work openly and constructively with all those seeking to uphold human rights in the DRC. The majority of protests and political gatherings in 2014 passed off peaceably, but DRC authorities were complicit in threats against journalists and HRDs. They also tolerated arbitrary arrests and even abductions. Violence, intimidation and threats directed at environmental activists campaigning against oil exploitation in the Virunga National Park were inadequately investigated by the authorities. In October, a Catholic convent was attacked, and priests were threatened in Lodja, after members of the Catholic and Anglican community highlighted their concerns over human rights abuses. The UK strongly condemned this violence. Together with EU partners, we made clear our objection to the arbitrary travel ban imposed upon opposition leader, Vital Kamerhe, which was eventually lifted by the authorities. We also raised concerns about allegations of violations against journalists and political opponents, including irregular judicial processes. These included the imprisonment of MP Diomi Ndonga and North Kivu MP Mohindo Nzangi, and the arrest of Jean Bertrand Ewanga, leader of the opposition Union for the Congolese Nation (UNC), following a public rally in Kinshasa in August. In September, the Supreme Court sentenced Ewanga to one year in prison for offending the head of state, members of the government, and parliament, even though the rally had been permitted. We issued a joint statement with EU colleagues condemning the heavy sentencing, and encouraging the DRC government to respect free expression and political activity, and to continue to engage in dialogue with the opposition.

Death Penalty

The death penalty remains in place in DRC. A moratorium on its use means that there have not been any executions for over ten years. In 2014, we used bilateral meetings with DRC government ministers and senior officials to outline our principled opposition to the death penalty in all circumstances.

Torture and Cruel, Inhuman or Degrading Treatment

Amid concerns that prosecutors remained unaware of the provisions of the 2011 law criminalising torture, the DRC government worked to disseminate the law across the 11 provinces in the early part of 2014. This included roadshows and the Vice Minister for Human Rights visiting provincial capitals.

Research published in June by UK-based charity Freedom from Torture, reported that persecutory rape, including gang rape and multiple rapes, was rife beyond the DRC's areas of conflict, and was used routinely by state officials to punish politically active women in Kinshasa and across the country. We raised these shocking allegations with the Vice Minister for Human Rights and pushed for an investigation. Whilst the DRC

government did not acknowledge that the violations had taken place, it took the initiative to conduct surprise checks on police detention facilities. Those found to have been arbitrarily detained were released, and facilities, where human rights violations including torture were found to have taken place, were closed.

In October, the UNJHRO issued a report into “Likofi”, a Congolese National Police (PNC) operation aimed at combating violent street crime. The report, released on 15 October, documented serious human rights violations, including extrajudicial killings and forced disappearances carried out by the PNC between November 2013 and February 2014. Embassy officials raised concerns at a senior level, including with the DRC Minister of the Interior, about the allegations made in the report.

Given the seriousness of the allegations, and following the UNJHRO report, the UK suspended its bilateral Security Sector Accountability and Police Reform programme in November. We pressed for a full and transparent investigation into the Likofi allegations and the responsible officers to be suspended. Efforts to stabilise the DRC require a reformed army, police, and justice sector that can provide effective security across the whole country. It is crucial that the security sector operates under democratic control and follows the rule of law.

Conflict and Protection of Civilians

Conflict in the DRC continued to take a significant toll on the population in 2014, leading to widespread death and displacement, food insecurity, and the destruction of homes and livelihoods. Of the estimated 77 million residents of the DRC, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that more than 2.7 million people were internally displaced. In addition, over 442,000 had found refuge in neighbouring countries. Insecurity was compounded by a lack of access to basic services, and a significant reduction in harvests. Over 50% of the total figure of internally displaced persons (IDPs) came from just two regions of eastern the DRC: North and South Kivu. The lack of basic services and infrastructure in these regions of eastern the DRC was exacerbated by the enormous humanitarian needs caused by ongoing conflict.

Over 40 armed groups continued to commit human rights abuses in eastern DRC. The rise in attacks on civilians by armed groups across the year was deeply troubling. In the latter part of 2014, there were major attacks on villages in Beni territory. MONUSCO subsequently significantly increased its presence in the Beni area in an attempt to protect civilians more effectively. We made a statement condemning the attacks, which left over 200 dead, and calling for those responsible to be held to account.

The UK continued to lobby for the perpetrators of human rights abuses and violations to be brought to justice. In March, the International Criminal Court (ICC) convicted Germain Katanga, a former rebel leader transferred to the ICC by the DRC government in 2007, of one crime against humanity (murder) and four war crimes (murder, attacking a civilian population, destruction of property, and pillaging) committed in February 2003 during an attack on the village of Bogoro, in Ituri district. Katanga was acquitted of other charges, including of sexual violence, as personal culpability could not be proved.

Women's Rights

SGBV remained extremely prevalent in the DRC in 2014, perpetrated by both civilian and military actors. Violence against women and girls is strongly linked to gender inequalities and socio-cultural norms, and is tied up with strong ideas about masculinity, the breakdown of traditional structures, and the militarisation of society. In order to tackle this, the culture of impunity must be addressed. In May, a military court in Goma ruled on cases against 39 Congolese soldiers charged with rape and other serious crimes committed in Minova in November 2012. Despite reports of over 100 victims, only two soldiers were convicted of rape.

The UK remained fully committed to playing a full part in efforts to end SGBV in the DRC. At the Global Summit to End Sexual Violence, a specially convened DRC Country Forum reconfirmed the DRC's commitment to tackling SGBV. Another key success was the launch of work on the first Action Plan for the Congolese Army on tackling Sexual Violence. This was a significant step, particularly given that a UN report issued in April estimated that the DRC's Armed Forces were responsible for over a third of the rapes committed in the eastern part of the country. President Kabila's appointment in July of Jeanine Mabunda as his Personal Representative for Sexual Violence and Child Recruitment was also a welcome development. Ms Mabunda committed to working with Congolese groups, the international community, and others to address SGBV in the DRC comprehensively, and drew up a strategic plan to bring together work on the issue. 2014 saw two critical gender gaps filled in MONUSCO with the appointment of a Senior Gender Adviser to the Sexual Violence Unit, funded by the Netherlands, and a Gender Field Adviser/Child Protection Officer, seconded from the British Army.

In November, General Jerome Kakwavu became the first Congolese general to be successfully prosecuted for rape, and was sentenced to 10 years' imprisonment. In December, Lieutenant Colonel Engangela, also known as “Colonel 106”, was sentenced to life imprisonment by a military tribunal in South Kivu for crimes against humanity committed between 2005 and 2007 in eastern DRC. This included a sentence of 20 years for rape.

The EU issued a statement, on behalf of member states, recognising the important step that the verdict represented, and commending the DRC on progress made in the fight against impunity.

We held meetings with a range of women's rights groups across the DRC. June saw the formal launch of The UK National Chapter XII: Human Rights in Countries of Concern 135 Action Plan (NAP) for the implementation of UN Security Council resolutions on Women, Peace and Security, designed to strengthen the UK's ability to reduce the impact of conflict on women and girls, and to promote their inclusion in conflict resolution. The Implementation Plan published in December, contained detailed information about the activities that we will be pursuing under each of the pillars of the NAP in the DRC.

2014 saw other significant milestones in the fight against impunity. In June, the ICC Pre-Trial Chamber confirmed charges of 13 counts of war crimes and five counts of crimes against humanity, including murder, rape, and sexual slavery, against Bosco Ntaganda, the former rebel leader, who remains in custody awaiting trial. In December, the ICC Appeals Chamber upheld the previous decision of the Trial Chamber to convict militia leader Thomas Lubanga to 14 years for the war crimes of recruiting child soldiers, and using them in conflict. The significance of the verdict in the Lubanga case was referred to in a statement by the Foreign & Commonwealth (FCO) Minister for Human Rights, Baroness Anelay. The verdict was a powerful reminder that those who commit war crimes will be held accountable for their actions; it also represented the first ever final judgement of the Appeals Chamber.

Children's Rights

We remained fully committed to ending the recruitment and deployment of child soldiers and to protecting children affected by armed conflict. Following the Global Summit to End Sexual Violence in Conflict, the then FCO Minister for Africa, Mark Simmonds, hosted a roundtable discussion with the then DRC Deputy Prime Minister and Minister for Defence and Veteran Affairs, Luba Ntambo, and then DRC Gender Minister, Inagosi, to discuss progress on the children and armed conflict agenda. The discussion provided an opportunity to review and share experiences of countries that have successfully put an end to the practice. The DRC ministers voiced their commitment to end child recruitment, and to implement the DRC's National Action Plan.

We supported a project, led by War Child, to run a helpline to support vulnerable children affected by conflict and insecurity in eastern DRC. The aim of the project was to reduce the number of children being recruited by armed groups, while helping them successfully to re-integrate into society following demobilisation.

Other Issues

In October it came to light that over 100 demobilised combatants and their dependents had died in a remote "disarmament, demobilisation and reintegration" (DDR) camp in Kotakoli, Equateur province, after officials failed to provide adequate food and health care. Human Rights Watch researchers alleged that 42 demobilised combatants and at least five women and 57 children died at the camp since being moved there in December 2013. The DRC government expressed regret for the deaths at Kotakoli, and highlighted that provision of supplies to the camp was hindered by the remoteness of the area, which is almost inaccessible by road.

We lobbied the DRC government at a senior level for a full and thorough investigation into what happened at Kotakoli and for the camp to be closed and the individuals relocated to a more accessible location. We also supported the issuing of a statement by the President of the UN Security Council on 3 October referring to the obligation on the DRC government to guarantee humane conditions in all DDR camps.

In December, local authorities in North Kivu began a programme to close internally displaced persons (IDP) camps and encourage inhabitants to return home. This led to residents of these camps being forced to leave makeshift shelters, which were subsequently destroyed.

Whilst we recognise the government's right to close camps, closures must be undertaken in a way that reflects the DRC's obligations under the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention). This includes the respect of humanitarian principles and the rights and dignity of the IDPs affected, including the right to voluntary return. We worked closely with the wider humanitarian community to support an ongoing dialogue with the DRC on this issue. We hope that the dialogue led by OCHA and the UN Refugee Agency can be maintained in order to identify long-term solutions for those currently located in camps around Goma and across North Kivu.

This publication is part of the [2014 Human Rights and Democracy Report](#).