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Human Rights Annual Report 2009 - Countries of Concern: Democratic Republic Congo

In 2009, the Democratic Republic of Congo (DRC) continued to struggle with the effects of more than a decade of regional and internecine conflict. Since 1998, the International Rescue Committee (IRC) estimates that over five million people have died directly and indirectly as a consequence of conflict in the DRC. The UN estimates that there are 1.6–1.7 million internally displaced persons (IDPs) in the DRC. Since the Sun City peace agreement to end the Congo wars in 2003, conflict in the region has continued between a variety of armed groups, with the main actors being the Democratic Forces for the Liberation of Rwanda (FDLR), the National Congress for the Defence of the People (CNDP) and the Congolese army (FARDC). In March, the CNDP signed a peace deal with the government of the DRC and integrated into the FARDC. However the integration process has led to its own problems as the already weak administrative systems struggle to assimilate the extra men.

Congolese men, women and children are at greatest risk of serious abuses in eastern DRC. However, human rights abuses, such as arbitrary arrest and detention, extortion, beatings, and sexual and gender-based violence occur throughout the DRC. The problems are compounded by the need for administrative and institutional development – the state has a limited presence in many parts of the country leading to a lack of education, employment, security and justice. The UK provides development assistance to the DRC to help it overcome these difficulties, while actively lobbying the government of the DRC to address human rights issues, including impunity for perpetrators.

On 4 July, the DRC government made the welcome announcement of a “zero tolerance” policy against human rights abuses committed by the security forces. However, action in this area has been limited and we continue to press for this policy to be implemented.

The DRC’s Universal Periodic Review (UPR) was carried out in December. The main themes raised were the need for greater action on impunity and sexual violence, increasing limits to freedom of expression, and the need for greater protection for human rights defenders. While the DRC made an effort to address the concerns raised during the UPR, they still have much work to do. We were disappointed that attempts to reinstate the special procedure mandate for the DRC at the Human Rights Council in March, which would have allowed increased international attention to these issues, was unsuccessful (see page 62).

Security Situation

The humanitarian situation in eastern DRC remains critical with reports that serious human rights abuses have continued throughout 2009. State security agents, militia groups and other actors are accused of committing serious abuses, including rape, summary executions and the use of child soldiers.

The Democratic Forces for the Liberation of Rwanda (FDLR)

Following the integration of the CNDP militia group into the FARDC, the FDLR is the main militia group active in eastern DRC. The FDLR is a Hutu militia group, some of whose leaders participated in the genocide in Rwanda in 1994. They are the major cause of insecurity in eastern DRC. Action against them is essential to bring peace to the region. Between 3 March and 31 December, the UN-supported Congolese military operation, *Kimia 2*, was carried out in the eastern provinces of North and South Kivu. Its objective was to reduce the threat to Congolese civilians in eastern DRC by forcibly disarming the FDLR.

Kimia 2 succeeded in ending FDLR control of major population centres, and reducing its control of mines and roads. However, there was a significant humanitarian cost. This military action is just one part of a comprehensive approach to tackling the FDLR, which also includes work to encourage them to voluntarily disarm and return to Rwanda, and action against the FDLR leadership in Europe.

In 2009, there was a significant increase in voluntary disarmament of FDLR combatants through disarmament, demobilisation, repatriation, resettlement and reintegration programmes. An average of around 100 FDLR combatants have returned to Rwanda each month, compared to an average of 50 in 2008. Between 1 January and 24 November, 3,396 FDLR combatants and dependants were repatriated to Rwanda.

We welcomed the arrest on 17 November in Germany of FDLR leader Ignace Murwanashyaka and his deputy Straton Musoni, both accused of committing war crimes and crimes against humanity in eastern DRC. A successful prosecution will be a big step towards tackling impunity, sending the message that such crimes will not be allowed to happen without consequence.

Congolese Army (FARDC)

Serious human rights violations are committed by elements of the Congolese army, including ex-rebel groups (CNDP and others) who were integrated into the army after an agreement with the DRC government in March. We welcome President Kabila's policy of "zero tolerance" of abusers, including those within the armed forces. We continue to push for the implementation of this policy across the board, and welcome the creation of joint MONUC-FARDC investigation teams in eastern DRC to examine allegations of abuses. There have been some recent convictions of FARDC members for rape, but victims have yet to receive any form of compensation from the DRC government. We welcome the announcement in November of the creation of a compensation fund for victims of sexual violence. The UN's Joint Human Rights Office will support the development of this fund.

Far more needs to be done to tackle impunity within the FARDC. Together with the EU, we will continue to push for further action against the five FARDC senior commanders accused of rape. We support the EU Army Reform Mission to the DRC, which assists the DRC government in reforming the FARDC. We continue to urge the DRC government to establish a vetting mechanism to remove the worst abusers from the FARDC. The UK is joint-funding a data collection exercise on the perpetrators of abuses, which should help in the creation of this mechanism.

Security Sector Reform

Far more needs to be done to reform the security sector in the DRC, to tackle impunity and address the root causes for human rights abuses. An ill-disciplined and underfunded national army has consistently exploited the local population. The National Congolese Police also bear responsibility for significant levels of abuse.

Soldiers in the FARDC often do not receive pay, proper equipment, housing or uniforms. As a consequence, when they are deployed they often prey off the local population. Recent integration of CNDP forces into the FARDC has added to this confusion. Basic administrative reform is imperative so that the FARDC can become a properly accountable and effective force. We continue to work with the DRC government to achieve this through:

- > providing UK-funded expertise to support the DRC government develop a plan to garrison its soldiers, which should make it easier to ensure that food and pay reach them;
- > supporting police reform, and developing capacity within DRC institutions, notably within the DRC parliament, to hold the security sector to account through DFID's Security Sector Reform and Accountability Programme; and
- > supporting FARDC training and refurbishing some of their training centres. This includes building a centre for military administration training; refurbishing the Army Logistical School; and providing training both in the responsible use of arms and ammunition and in logistics and communications to 225 junior officers, which will help strengthen the chain of command.

In addition, through our financial contributions to the EU's Common Foreign and Security Policy (CFSP) budget we support two EU missions operating in the DRC, which offer advice and expertise to the authorities on police and military reform. The EU Army Reform Mission provides advice to the FARDC on administrative and organisational matters, including registering members of the armed forces and helping ensure soldiers receive their salaries. The

EU Police Reform Mission to the DRC provides training and advice to the DRC authorities on police reform.
Protection of civilians

Protection of civilians is the highest priority for MONUC, whose mandate was renewed in December. We welcome the measures that MONUC has taken to improve civilian protection in 2009. These include the implementation of Joint Protection Teams, whereby civilian and military staff deploy together to work with local communities and understand their protection needs; and MONUC's policy of making support to units of the FARDC conditional on their human rights performance. In November, following reports that soldiers of the FARDC 213th brigade had committed serious human rights violations against the civilian population in North Kivu, MONUC withdrew logistical support from this brigade. We fully support this decision.

International Criminal Court

Bosco Ntaganda, ex-Military Chief of Staff of the CNDP rebel group, which was integrated into the FARDC in March, is accused by the International Criminal Court (ICC) of committing war crimes in Ituri in 2002 and 2003. Despite his arrest warrant being made public, the DRC authorities have yet to hand him over to the ICC. This is an issue of extreme concern to the UK. The UK Ambassador regularly stresses to the DRC government the importance of complying with the ICC's arrest warrant.

Sexual Violence

Sexual violence continues to be a weapon of war in eastern DRC. Human Rights Watch report that between January and September, over 7,500 cases of sexual violence in North and South Kivu were recorded – double the number for the same period in 2008. Reported cases of sexual violence only represent a fraction of the problem as victims are often either afraid or ashamed to come forward.

The UK continues to lobby the DRC government to address the issue of sexual violence and hold perpetrators to account. We also played a prominent role in international discussions of the problem, including at the Security Council. We co-sponsored UNSCR 1888, which reaffirms the obligations of states to end impunity for gender-based violence and to address sexual violence in peace-process and mediation efforts.

In addition to our advocacy efforts, in 2009 we also supported practical efforts to tackle the problem through:

- > security sector reform and human rights training for the FARDC;
- > funding a women's rights NGO to publish guidance, translated into local languages, on practical ways to deal with sexual violence information on victim's rights;
- > supporting a Justice Rehabilitation project in eastern DRC, whose work includes improving women's access to justice and raising awareness of the 2006 law on sexual violence; and
- > contributing £35 million to the UN's Humanitarian Pooled Fund in 2009–10, which has helped treat some 40,000 victims of sexual violence over the last two years.

Child Soldiers

The use of child soldiers is widespread in the DRC. This is reflected in the charges faced by all the Congolese defendants indicted by the ICC. The DRC has made considerable progress in recent years in releasing child soldiers from the FARDC. But the integration of rebel groups into the FARDC has led to increased numbers of child soldiers in the army. We continue to raise this issue with the DRC authorities.

In 2009, we funded the Congolese children's rights umbrella NGO REJEER to support their lobbying and awareness-raising activities related to the law on child protection, which was passed earlier in the year. We are now focused on pressing for the Ministerial decrees necessary to implement this law.

Freedom of Expression

Journalists continue to face intimidation by local and national authorities. A Radio Okapi journalist was killed in Bukavu in August, the third journalist in three years to be killed. Judicial follow-up in these cases has been either very poor or nonexistent. In July, the French broadcaster Radio France Internationale, widely listened to in DRC, had its signal cut by the DRC government who accused the station of demoralising troops fighting in the east. In September, death threats were sent to three female journalists in Bukavu. Revised accreditation letters for international correspondents now state that they are subject to the military penal code, an attempt to limit the circumstances in which they can report on-going military operations. The UK and EU partners, together with the representatives of the US, Canadian and Swiss governments, have formally raised concerns about the security of and working conditions for journalists with the Communications Minister.

Human Rights Defenders

In March, we lobbied for the release of a prominent human rights defenders Floribert Chebeya, from the NGO, "The Voice of the Voiceless". In September, members of the human rights organisation, ASADHO, received multiple threats after publishing a report accusing the Congolese authorities of corruption in Katanga. The president of ASADHO in Katanga was sentenced to one year in prison, in absentia, on 21 September. We continue to follow up on cases of concern.

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