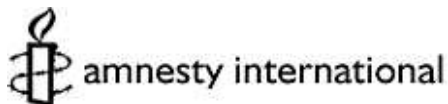


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Amnesty International Annual Report 2011 - Democratic Republic of the Congo

Head of state: **Joseph Kabila**
 Head of government: **Adolphe Muzito**
 Death penalty: **retentionist**
 Population: **67.8 million**
 Life expectancy: **48 years**
 Under-5 mortality (m/f): **209/187 per 1,000**
 Adult literacy: **66.6 per cent**

Civilians in eastern Democratic Republic of the Congo (DRC) were subjected to serious human rights violations throughout the year by government forces and armed groups. An armed group besieged Mbandaka in April; the town returned to government control after two days of fighting during which soldiers allegedly committed extrajudicial executions, rapes and arbitrary detentions. Foreign and Congolese armed groups committed abuses, including the mass rape of more than 300 people in July and August in North Kivu. The security services were also responsible for politically motivated human rights violations. Prominent human rights defender Floribert Chebeya was killed in June.

Background

The national army, Forces Armées de la République Démocratique du Congo (FARDC), led several military operations against armed groups in eastern and northern DRC. Operation Amani Leo, which was launched in January against the Democratic Liberation Forces of Rwanda (FDLR), conducted operations throughout North and South Kivu. FARDC soldiers reportedly subjected civilians to forced labour and arbitrary detentions as well as seizing property and livestock. The UN provided some logistical and planning support to Amani Leo. The FARDC also led operations against the Lord's Resistance Army (LRA) in Province Orientale and against the Allied Democratic Forces/National Army for the Liberation of Uganda (AFD/NALU) in the Grand Nord region of North Kivu, which led to displacement of civilians.

On 4 April, an armed group, the Mouvement de libération indépendante des alliés (MLIA), attacked Mbandaka, capital of Equateur province, controlling parts of the city for two days. Congolese security forces deployed in response allegedly killed, raped and arbitrarily detained civilians.

Impunity for human rights violations remained rife. Known perpetrators of crimes under international law were not removed from their posts or brought to justice. In March the President announced that the UN peacekeeping mission in the DRC (MONUC) was to leave by June 2011. The mission was renamed the UN Stabilization Mission in the DRC (MONUSCO) from 1 July as part of a compromise with the DRC government. MONUSCO's mandate was extended until at least June 2011, and the government agreed that UN troops would be withdrawn only after demonstrable improvements in security.

In September, the DRC ratified the Optional Protocol to the UN Convention against Torture, which requires it to grant access to places of detention to national and UN observers. In March, during the UN Universal Periodic Review, the government opposed a recommendation to grant UN observers access to detention centres, including those of the National Intelligence Agency (Agence nationale de renseignements, ANR) and the National Guard.

A government reshuffle in March removed the position of Minister for Human Rights. Responsibility for human rights promotion was transferred to the Minister of Justice. In April the government launched a Human Rights Liaison Committee to improve communications between human rights organizations and the authorities.

In December, opposition leaders announced their candidacy for presidential elections in 2011. The announcement coincided with incidents of violations of the rights of journalists and opposition parties to freedom of expression and to freedom of assembly.

Abuses by armed groups

Attacks on civilians by the LRA were particularly intense in February and March. The LRA abducted civilians and forced them to fight. In the Bas Uélé district of Province Orientale, 80 people were reportedly killed by the LRA between 22 and 26 February. As of July, over 300,000 people were displaced in Haut and Bas Uélé as a result of LRA attacks.

The FDLR were a constant threat to the civilian population in the Kivus and Maniema province and were responsible for unlawful killings, abductions, looting and burning of homes. An FDLR battalion in Walikale territory, North Kivu, joined forces with the Sheka Mayi-Mayi group and perpetrated a number of abuses in the territory. Shabunda territory in South Kivu was regularly attacked by the FDLR; 40 villagers were abducted in March.

Other local armed groups, including the Mayi-Mayi, the Alliance Pour le Congo Libre et Souverain (APCLS) in Masisi, the Coalition of Congolese Patriotic Resistance (PARECO) in North Kivu, the Forces Républicaines Fédéralistes (FRF) in Fizi in South Kivu, the Front de Résistance Patriotique d'Ituri (FRPI) and the Front Populaire pour la Justice au Congo (FPJC), were also active. Armed groups attacked MONUSCO bases in North Kivu in August and October, and attacked and abducted humanitarian workers on a number of occasions.

Unlawful killings

Armed groups and government forces were responsible for hundreds of unlawful killings of civilians and attacks on humanitarian personnel. Civilian resistance to theft, forced labour and other abuses by armed forces was frequently met with unlawful killings and other acts of violence.

- In February, the FDLR allegedly abducted 15 women and killed five of them in Mwenga territory, South Kivu.

- At least 20 people detained in the military jails of Mbandaka, Equateur province, were allegedly executed by FARDC soldiers on the night of 4/5 April.
- On 21 May, a woman was allegedly shot dead in Kalehe, South Kivu, by an FARDC soldier for refusing to carry military supplies.
- On 1 July, two FARDC soldiers reportedly killed a man, raped his 12-year-old daughter and killed another man who tried to rescue them in a village in Walungu territory, South Kivu. Two other women in the household were ill-treated and several houses were looted.

Sexual violence

Rape and other forms of sexual violence were widespread, committed by government security forces, including the National Police, and armed groups. Insufficient access to health care and impunity for perpetrators aggravated the situation for rape survivors. Members of security forces responsible for sexual violence were often protected by superior officers or allowed to escape by prison staff.

- Between 30 July and 2 August, more than 300 women, men and children were raped in a series of attacks on 13 villages in the Walikale territory, North Kivu, by a coalition of the FDLR, Mayi-Mayi and deserters from the FARDC. During the attacks, villagers were rounded up, roads and communication were blocked and the assailants systematically looted houses and raped those seeking to hide or escape.
- Within one week in April, 16 cases of rape by government forces were reported, including a case of gang rape by National Police officers, during fighting in Mbandaka, Equateur province.
- On 6 August, 10 women were reportedly raped in Katalukulu, Fizi territory, by FARDC soldiers, apparently in reprisal for a Mayi-Mayi attack.

Child soldiers

Children continued to be recruited and used by armed groups in eastern DRC. The LRA and the FDLR abducted children and used them as fighters or as domestic and sexual slaves.

Many children also served in the FARDC. Some were former members of armed groups who had not been identified during integration into the FARDC in March 2009. Others were new recruits. Although the FARDC formally ended recruitment of children in 2004, the Child Protection Code adopted in January 2009 was largely unimplemented and the government had no plan of action to separate children from armed forces as required by UN Security Council resolutions 1539 (2004) and 1612 (2005).

Internally displaced people and refugees

The number of internally displaced people rose to nearly two million in August. Most were in North and South Kivu and Orientale provinces. Living conditions were very poor both within camps and within host communities and the displaced were vulnerable to attacks by armed groups.

After the attack on Mbandaka in April, the number of refugees in neighbouring Republic of Congo reached more than 114,000, with about 18,000 in the Central African Republic. About 33,000 people were internally displaced within Equateur province. In Province Orientale, the LRA attacks of December 2009 and February and March 2010 led to the displacement of over 300,000 people.

Between September and November, more than 6,000 Congolese citizens were expelled from Angola. According to humanitarian workers, more than 100 reported having been raped in

Angola (see Angola entry).

Torture and other ill-treatment

Acts of torture and other ill-treatment were committed by armed groups and government security forces.

- On 20 August, FARDC soldiers in Kasando, North Kivu, reportedly tortured five people, including two children, arrested after an attack on the MONUSCO base in Kirumba. They received between 40 and 120 lashes each, and some had their feet and hands burned and mutilated. They were transferred to the Military Prosecutor in Goma.

Death penalty

Military courts sentenced scores of people to death during the year, including civilians. No executions were reported. On 25 November, the National Assembly rejected the proposal to discuss a draft law on the abolition of death penalty.

Administration of justice

Lack of resources and political interference paralyzed courts throughout the country and led to strikes by magistrates in March in Kisangani and Kasai Oriental. Courts were overwhelmed with cases, resulting in excessive periods of pre-trial detention. Trials fell short of fair trial standards, judgements were seldom enforced and victims rarely received reparations. Military authorities and the government interfered in cases before the military and civilian justice system. Commanders in the field ignored arrest warrants issued by military prosecutors against members of their units, blocking the work of military justice authorities.

Scores of civilians were tried in front of military courts in breach of international fair trial standards. In October, the National Assembly started to discuss a draft law on implementation of the Rome Statute of the International Criminal Court which would require war crimes and crimes against humanity to be tried by civilian courts.

On 12 August, an FARDC company of former armed group members laid siege to the Military Prosecutor's Office in Goma. They succeeded in forcing the release of a commander who had been arrested for refusing in July to redeploy his troops to the area in Walikale where mass rapes by armed groups took place a few weeks later.

Prison conditions

Prisons lacked the resources to meet international minimum standards. Prisoners were not guaranteed even one meal a day and had inadequate access to health care. Dozens died in prison as a result of the poor conditions, and many more died in hospital after undue delays in being transferred. Prison facilities were in a state of decay that impeded the effective separation of women from men, and of detainees from convicted prisoners. Cases of rape within prison and police detention facilities were reported.

Human rights defenders

Human rights defenders were attacked, abducted, and subjected to death threats and other forms of intimidation by government security forces and armed groups. Many defenders in North Kivu who spoke out against abusive army commanders were forced into hiding or to flee the region. Others were targeted because of their advocacy in individual human rights cases. The ANR, which was subject to no independent oversight or judicial control, violated the right to freedom of expression of human rights defenders and journalists.

- On 2 June, Floribert Chebeya, a prominent human rights defender, was found dead in his car in Kinshasa. He and his driver had gone missing the day before after going to meet

the General Inspector of Police, at his request. The driver remained missing. Eight police officers were charged with the murder and their trial began in November. The General Inspector of Police was suspended but not charged.

Freedom of expression – journalists

Scores of journalists throughout the country were threatened, arbitrarily arrested, prosecuted, intimidated, warned by state authorities not to report on certain subjects, and sometimes killed for their work. Radio France International broadcasts were restored after a year's suspension by the government, which had banned international reporting on military operations.

- On 5 April, cameraman Patient Chebeya was killed by armed men in front of his house in Beni, North Kivu.

International justice

On 1 October, the UN reported on a mapping exercise documenting the most serious violations of human rights and international humanitarian law committed within the DRC between March 1993 and June 2003. The report raised hopes of justice for crimes under international and national law for thousands of victims and human rights defenders. While not binding under Congolese law, the report amplified the obligation of the government to investigate the violations, bring those responsible to justice, and ensure victims received effective reparation.

- Proceedings continued before the International Criminal Court (ICC) against Thomas Lubanga, charged with recruiting and using children under the age of 15 for the armed group Union des Patriotes Congolais (UPC) in Ituri. In July, the trial nearly collapsed when the Prosecutor refused to comply with a ruling by ICC judges to disclose the identity of an intermediary to defence lawyers. The appeal chamber ruled in October that the trial could continue.
- On 11 October, French authorities arrested Callixte Mbarushimana, Secretary of the FDLR, following an arrest warrant issued by the ICC. He had been living as a refugee in France.
- In October, the DRC Minister of Justice reiterated the government's refusal to surrender Bosco Ntaganda to the ICC, which had sought him since 2006 on charges of recruitment and use of children.
- Proceedings in the ICC case of Jean-Pierre Bemba, former Vice President of the DRC charged with crimes against humanity committed in the Central African Republic, were dominated by challenges to the ICC's jurisdiction by defence lawyers. The trial eventually began on 22 November.

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