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Amnesty International Report 2022/23; The State of the World's Human Rights; Democratic Republic Of The Congo 2022

The Democratic Republic of the Congo (DRC) continued to experience serious human rights violations, including mass killings in the context of armed conflict and inter-communal violence, a crackdown on dissent and ill-treatment of detainees. People from regions affected by armed conflict, including eastern DRC, were particularly affected amid mass displacement and a deepening humanitarian crisis. The authorities continued to show a lack of political will to hold the perpetrators of human rights violations to account. The right to education was violated.

Background

Armed conflicts continued in several parts of the DRC's territory, including in the provinces of Nord-Kivu, Sud-Kivu, Ituri, Tanganyika, Kasai-Oriental, Kasai Central, Kasai and Mai-Ndombe. The resurgence of the rebel group, March 23 Movement (M23), in Nord-Kivu province aggravated the security and humanitarian crisis in eastern DRC, while reigniting military and political tensions between the DRC and Rwanda. Tensions between the two countries sparked a new wave of anti-Rwanda and anti-UN protests.

There were new spikes of inter-communal violence in the central and western regions. Inter-communal violence between the Teke and Yaka tribal groups erupted in August in Kwamouth territory in the western province of Mai-Ndombe, amid unresolved land and customary power disputes. As of September, the violence had resulted in at least 150 deaths, hundreds of people injured, and more than 11,000 forcibly displaced. Hundreds of homes were burned down and property was looted, while violence spread to the neighbouring provinces of Kwilu and Kwango.

Uncertainty about the government's ability or willingness to implement constitutional provisions for the 2023 general elections continued to fuel political tensions, while the government's crackdown on dissenting voices intensified. Corruption and squandering of public resources persisted and remained largely unpunished, hindering the realization of President Tshisekedi's pledges to improve people's economic and social conditions, including his commitment to ensure universal access to basic education and healthcare.

Abuses by armed groups

Attacks on civilians in eastern DRC intensified. Military interventions by UN forces and East African Community armies such as Uganda and Burundi did not lead to a decrease in attacks against civilians

by armed groups.

Armed groups unlawfully killed more than 1,800 civilians and injured thousands in the eastern provinces of Ituri, Nord-Kivu and Sud-Kivu, according to the UN.

In Ituri, the Cooperative for the Development of the Congo (CODECO), an armed group composed mainly of members of the Lendu ethnic group, intensified indiscriminate attacks on the Alur and Hema ethnic groups. In one of their deadliest attacks, on 8 May, they killed at least 52 unarmed people including children and older people in the gold mining village of Kablangete, according to the Kivu Security Tracker. They also raped at least six women.

A preliminary UN investigation into attacks on 29-30 November found that M23 rebels killed at least 131 civilians and raped at least 22 women in the Kishishe and Bambo villages, Nord-Kivu province, in retaliation for clashes between M23 and rival armed groups.

Internally displaced people's rights

An additional 600,000 people were forced to flee their homes in 2022 according to UNHCR, the UN refugee agency, bringing the number of internally displaced people nationwide to nearly 6 million, more than in any other African country, and up from 5.5 million in 2021.

Armed groups continued their targeted attacks against internally displaced people in eastern DRC, killing hundreds of people and injuring many others, while further displacing tens of thousands. In Nord-Kivu alone, fighting between the Congolese army and the M23 rebels forced more than 200,000 people to flee their homes.

Data collected by the UN showed that at least 250 internally displaced people were killed during the year as a result of deliberate attacks against their camps in the east, with 180 killed in Ituri alone. On 1 February, CODECO fighters attacked the Plaine Savo camp in Ituri, killing at least 62 civilians and injuring dozens of others, according to the UN. The camp was home to more than 24,000 people who fled violence in Djugu territory in 2019. In June, armed men attacked the Rujagati camp in Nord-Kivu, killing seven civilians. In Sud-Kivu province, at least 10 members of the Banyamulenge community were killed between May and October during attacks against their internally displaced people camps around the towns of Minembwe and Fizi. On several occasions, the Congolese security forces and the UN Organization Stabilization Mission in the DRC – whose primary mandate is the protection of civilians – failed to prevent or stop these attacks, including when they had been warned through existing community alert mechanisms.

Unlawful killings

In western DRC, in response to the inter-communal violence, members of the Congolese army and police, deployed as reinforcements from the capital, Kinshasa, were accused by local human rights groups of committing serious human rights violations, including summary executions, rape, arbitrary arrests and looting of property. In December, the Bandundu military garrison tribunal sentenced three Congolese army officers to death and prison terms of between one and nine years for several crimes, including killing three civilians in the towns of Fadiaka and Bagata in November. A further 28 soldiers were awaiting trial at the end of the year, in connection with similar crimes in the region.

Denial of humanitarian access

More than 64% of the DRC's population lived on less than USD 2.15 a day, according to the World Bank, while 27 million people, including 3.4 million children, faced food insecurity according to the World Food Programme.

In addition to physical constraints such as the poor condition of roads, relentless attacks by armed groups and military operations made humanitarian access increasingly difficult. This was particularly the case in the eastern provinces, which host the majority of internally displaced people. In Nord-Kivu, particularly in the city of Beni, the increased use of explosive devices posed a threat to humanitarian workers and other civilians. Suspected combatants of the Allied Democratic Forces (a Ugandan rebel group considered a terrorist entity by the Congolese and Ugandan governments) carried out multiple attacks on the Beni-Kasindi road, an important trade route between the DRC and Uganda, limiting humanitarian access. In Rutshuru territory, areas controlled by the M23 rebel group were almost completely cut off from humanitarian access, including essential healthcare services, from May onwards. Widespread checkpoints manned by armed groups, and other deliberate movement restrictions imposed by both government forces and armed groups in Ituri, Sud-Kivu and Nord-Kivu, prevented communities from accessing vital assistance such as food, water and healthcare.

Attacks against aid workers

Attacks against local and international aid workers continued, especially in the eastern provinces, resulting in at least four people being killed, several wounded, and 10 abducted during the first half of the year alone. On 7 January, the NGO, Concern Worldwide, said three of its employees were abducted by armed men wearing masks, who attacked their convoy in the town of Kahumba in Masisi territory. They were released a week later. In May, another two humanitarian workers were abducted in the same area and freed after eight days, according to OCHA.

In some areas, recurrent attacks forced several humanitarian organizations to suspend their activities or even leave entire districts permanently. In March, for example, seven humanitarian organizations suspended their activities in the Kamango health zone, leaving more than 300,000 people without humanitarian assistance in northern Nord-Kivu, according to OCHA.

Right to truth, justice and reparations

No substantial progress was made towards systematically and appropriately addressing widespread impunity for crimes under international law and other serious human rights violations committed in the DRC since the 1990s. Nevertheless, additional steps towards a "transitional justice" agenda were made, although the government continued to emphasize reconciliation and reparations as opposed to accountability. In March, it launched public consultations on transitional justice across the country, with the stated aim of collecting people's opinions on appropriate justice mechanisms. In October, with the UN Joint Human Rights Office's support, the government set up a commission composed of Congolese experts, with the mission of developing a "national transitional justice strategy." In December, a bill setting out "basic principles for protection and reparation for victims of conflict-related sexual violence and victims of crimes against the peace and security of mankind", was enacted. The bill was prepared by a commission established under the First Lady's leadership.

In February, the International Court of Justice delivered its long-awaited judgment, determining reparations due to the DRC from Uganda as a result of the latter's breach of international

humanitarian law during its armed activities on DRC territory between 1998 and 2003. The court ordered Uganda to pay the DRC USD 325 million in five annual instalments of USD 65 million, starting on 1 September 2022. The amount awarded included USD 225 million for damage to people, USD 40 million for damage to property and USD 60 million for damage relating to natural resources. In September, the government confirmed receipt of the first instalment in line with the court's order. It did not make public how the reparations to people would be allocated.

Freedom of expression, association and assembly

Authorities intensified their crackdown on the rights to freedom of expression, association and peaceful assembly. They continued to use the Covid-19 pandemic and the extended "state of siege" (a form of martial law) in Ituri and Nord-Kivu as pretexts to ban or suppress public meetings and demonstrations by individuals and groups considered to be critical of the government.

Military authorities, appointed under the "state of siege", continued to arbitrarily arrest and detain critics, and to ban and suppress demonstrations, with impunity. Demonstrations considered favourable to the authorities were allowed to go ahead while those deemed critical were banned or violently suppressed.¹ Civil society and opposition activists were arbitrarily arrested and detained, often without trial, for criticizing the "state of siege" or the government, or otherwise exercising their human rights. In April, a military court in Beni city, sentenced 12 activists from the civil society movement, *Lutte pour le Changement*, to 24 months in prison for "inciting the public to disobey the laws". The activists had been arrested in November 2021 for staging a peaceful sit-in at the city hall to protest against the extension of the "state of siege" without a proper assessment of its impact on the security situation. They were eventually released in August after the Court of Appeal of Nord-Kivu quashed the military court's decision.

Across the DRC, the right to freedom of peaceful assembly remained the exception rather than the rule. Administrative authorities in Kinshasa, as well as the cities of Lubumbashi, Matadi, Kisangani, Kolwezi, Kananga, Tshikapa, Mbuji-Mayi, Bukavu, Kalemie, Kindu, Lisala and Gbadolite, unlawfully and systematically banned all demonstrations deemed critical of President Tshisekedi or his government.

In July, UN soldiers and Congolese police officers in the eastern cities of Goma, Butembo, Beni and Uvira responded disproportionately to violent demonstrations against the prolonged UN presence in the DRC and its failure to ensure civilian protection. At least 36 people were killed, including 29 demonstrators and bystanders and seven UN personnel, according to the government. The outcomes of investigations into these incidents promised by the Congolese and UN authorities remained unknown and nobody was held accountable.

On 21 September, a peaceful demonstration organized by the National Union of Doctors in Kinshasa was unlawfully banned by the city's governor and subsequently suppressed by the police with brutality, resulting in several demonstrators being arrested and others injured. Although the minister for human rights denounced this particular incident, no concrete steps were taken to rescind the governor's arbitrary ban, to hold both the governor and the Kinshasa police commander to account, or to provide the victims with access to justice and effective remedies.

Inhumane detention conditions

As a result of severely limited holding capacity and dilapidation of prisons, as well as the widespread use of arbitrary arrests and prolonged pretrial detention, the state of prisons nationwide continued to

deteriorate at an alarming rate; thousands of detainees were held in inhumane conditions.

Most prisons remained overcrowded, with some, like Goma prison, holding up to 1,000% above their intended capacity. The abusive use of pretrial detention – around 75% of inmates were pretrial detainees – and the challenges faced by prosecutors and courts in dealing with the backlog of cases, made the situation worse.

Overcrowding, security and safety deficiencies, and lack of access to basic goods and services such as clean water, electricity and medicine resulted in thousands of inmates experiencing starvation, and physical and mental ill health, among other consequences. According to the UN, at least 120 inmates nationwide died of starvation or from ill-treatment.

Mass prison escapes were frequent, with four such cases recorded in 2022. In August, more than 800 inmates escaped from Butembo prison in Nord-Kivu, following an attack on the prison by suspected combatants of the Allied Democratic Forces.

Right to education

The government's free education scheme continued for the third year. The government said the scheme allowed thousands of children from low-income families to access primary education. Nevertheless, an increasing number of parents, teachers' unions and students denounced serious shortcomings in the scheme's implementation. They highlighted the inequality of resources which favoured urban over rural schools, inadequate school infrastructure and furniture, overcrowded classrooms, and insufficient and irregular salary payments to teachers, among other challenges. According to UNESCO, more than 2 million school-aged children remained out of school, despite some progress recorded in recent years, and the quality of education remained poor.

In areas affected by armed conflict and inter-communal violence, frequent attacks on schools continued, and many schools were used as internally displaced people's shelters. UNICEF said that more than 420 schools and 180,000 children were affected by the attacks on, or occupation of, schools due to the conflict in eastern and western DRC.

1. [Democratic Republic of the Congo: Justice and Freedoms Under Siege in North-Kivu and Ituri](#), 10 May

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