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Amnesty International Report 2014/15

Democratic Republic of the Congo

Head of state: Joseph Kabila

Head of government: Augustin Matata Ponyo Mapon

The security situation in eastern Democratic Republic of the Congo (DRC) remained dire and an upsurge in violence by armed groups claimed the lives of thousands of civilians and forced more than a million people to leave their homes. Human rights abuses, including killings and mass rapes, were committed by both government security forces and armed groups. Violence against women and girls was prevalent throughout the country. Plans to amend the Constitution to allow President Kabila to stay in office beyond 2016 prompted protests. Human rights defenders, journalists and members of the political opposition were threatened, harassed and arbitrarily arrested by armed groups and by government security forces.

Background

The Congolese army, with the support of the UN peacekeeping force MONUSCO (UN Organization Stabilization Mission in the DRC), succeeded in defeating and disbanding the armed group March 23 (M23) in 2013. However, the conflict in eastern DRC did not end and other armed groups expanded their areas of operation and continued to target civilians.

In January, the government launched a military operation against the armed group Allied Democratic Forces (ADF) in Beni territory, North Kivu province. While “Operation Sokola 1” (“Operation Clean-up” in Lingala) forced the ADF rebels from their forest

base, they regrouped and in October launched a series of attacks, killing and kidnapping civilians.¹

Other armed groups remained active in North Kivu, Katanga, South Kivu and Ituri, committing serious human rights abuses against civilians.

Some fighters from the Forces Démocratiques de Libération du Rwanda (FDLR) participated in a demobilization programme run by MONUSCO and a few were confined in government camps. However, others carried on armed activities in the east of the country. The MONUSCO Demobilization, Disarmament, Repatriation, Resettlement and Reintegration programme included former FDLR child soldiers.

In July, President Kabila appointed Jeannine Mabunda as his special envoy on sexual violence and recruitment of child soldiers.

In November, several hundred magistrates went on strike over pay.

Abuses by armed groups

Armed groups committed atrocities against civilians in eastern DRC, especially in northern Katanga, Ituri, North Kivu and South Kivu. Abuses included unlawful killings, summary executions, forced recruitment of children, rape and sexual violence, large-scale looting, burning of homes and destruction of property. Attacks were characterized by extreme violence, sometimes ethnically motivated. Some of the fighting was for control over natural resources and trade. The violence was facilitated by easy access to weapons and ammunition.

Armed groups that committed abuses against civilians included: the FDLR; the ADF; Nyatura; the Lord's Resistance Army (LRA); the Nduma Defence of Congo (NDC) known as Mai Mai Sheka; and various other Mai Mai groups including Mai Mai Lafontaine, Mai Mai Simba and Mai Mai Bakata Katanga.

In June, attacks by Nyatura in Rutshuru territory, North Kivu, left at least four civilians dead and dozens of houses burned to the ground.

On the night of 6 June, in Mutarule, Uvira territory, South Kivu, at least 30 civilians were killed in an attack by an unidentified armed group. Most of the victims were from the Bafulero ethnic group. The attack took place just a few kilometres from a MONUSCO base.

Between early October and late December, the ADF allegedly carried out a spate of attacks on civilians in several towns and villages in Beni territory, North Kivu, and Ituri

district, Province Orientale, killing at least 270 civilians and abducting others. The assailants also looted civilians' property.

Between 3 and 5 November, FDLR fighters killed 13 people in Misau and Misoke villages, Walikale territory, North Kivu.

Violence against women and girls

Rape and other forms of sexual violence against women and girls remained endemic, not only in areas of conflict, but also in parts of the country not affected by armed hostilities. Acts of sexual violence were committed by armed groups, by members of the security forces and by unarmed civilians. The perpetrators of rape and other sexual violence enjoyed virtually total impunity.

Mass rapes, in which dozens of women and girls were sexually assaulted with extreme brutality, were committed by armed groups and by members of the security forces during attacks on villages in remote areas, particularly in North Kivu and Katanga. Such attacks often also involved other forms of torture, killings and looting.

Between 4 and 17 July, Mai Mai Simba combatants reportedly raped at least 23 women and girls in Mangurejipa village and mining sites located in surrounding areas in Lubero territory, North Kivu.

In October, dozens of women and girls were raped in Kansowe village, Mitwaba territory, Katanga province by special commando soldiers of the Congolese army deployed there to fight the Mai Mai Bakata Katanga armed group.

Between 3 and 5 November, at least 10 women were raped, allegedly by FDLR fighters, in Misau and Misoke villages, Walikale territory, North Kivu province.

Child soldiers

Armed groups recruited children. Many were subjected to sexual violence and cruel and inhuman treatment while being used as fighters, carriers, cooks, guides, spies and messengers.

Internally displaced people

The demise of the M23 armed group in 2013 facilitated the progressive closure of camps for internally displaced people (IDPs) around the city of Goma. However, due to

the upsurge of armed group violence against civilians, new IDP camps had to be set up for people fleeing human rights abuses. By 17 December, about 2.7 million people were internally displaced within DRC. Most of the displacement took place in connection with the armed conflicts in North Katanga, North Kivu, South Kivu and Ituri districts.

Torture and other ill-treatment

Torture and other ill-treatment were endemic throughout the country, and often took place during unlawful arrests and detention by state security services. Some cases of death under torture were reported. Police, intelligence officers and members of the presidential guard were all accused of responsibility for torture and other ill-treatment.

Communal violence

In Tanganyika district, Katanga, tensions between the Batwa and Luba intensified and led to a violent confrontation between the two communities. This added to the insecurity already caused by the activities of the armed group Mai Mai Bakata Katanga. The violence was marked by a deliberate targeting of civilians and serious human rights abuses. Members of both communities committed killings, abductions and acts of sexual violence. They used children in the violence and burned down and looted houses.

In June and July, more than 26 Batwa women and girls were captured and raped in Longa village, Kabalo territory, Katanga. Another 37 women from the same village were kidnapped and kept for sexual purposes by alleged Luba militias in Luala. At least 36 more women were raped when they were trying to flee to Nyunzu.

Impunity

Impunity continued to fuel further human rights violations and abuses. Efforts by judicial authorities to increase the capacity of the courts to deal with cases, including cases involving human rights abuses, had only limited success. Efforts to ensure accountability for crimes under international law committed by the Congolese army and armed groups also achieved few visible results.

The verdict in the trial for the mass rape of more than 130 women and girls, murder and looting committed in and around the eastern town of Minova by Congolese soldiers fleeing the advance of M23 rebels in November and December 2012 was handed down on 5 May 2014. Despite overwhelming evidence of mass rape in Minova, including

victim and witness testimonies, only two soldiers of the 39 on trial were convicted of rape. Other accused were convicted of murder, looting and military offences.

The M23 leader, General Bosco Ntaganda, had turned himself in at the US embassy in Kigali in 2013 and asked to be transferred to the International Criminal Court (ICC), which had issued a warrant for his arrest in 2006. Other M23 leaders in exile in Uganda and Rwanda continued to enjoy impunity for the crimes they had reportedly committed in Rutshuru and Nyiragongo territories.

In May, parliament rejected a legislative proposal on the domestication of the Rome Statute of the ICC, along with a proposal to create specialized criminal chambers to deal with crimes under international law committed before the entry into force of the Rome Statute.

Unfair trials

The judicial system was weak and suffered from a lack of resources. The courts were often not independent of outside influence and corruption was widespread. Legal aid was not available, so that many defendants did not have a lawyer, and the rights of defendants were frequently violated.

Prison conditions

The prison system continued to be under-funded. Prisoners and detainees were held in decaying facilities, with overcrowding and unhygienic conditions. Dozens died as a result of malnutrition and lack of appropriate medical care.

Insecurity for inmates was increased by the failure to separate women from men, pre-trial detainees from convicted prisoners and members of the military from civilians.

Human rights defenders

The demise of the M23 armed group contributed to some improvement in the situation for human rights defenders in Rutshuru and Nyiragongo territories. However, human rights defenders and trade unionists across the country continued to face threats, intimidation and arrest by state security services and armed groups. Some were forced to flee after they received repeated death threats through text messages, anonymous phone calls, and visits at night by armed men.

Arbitrary arrests and detentions

Arbitrary arrests and detentions continued to be routine throughout the country. Security services, in particular the national police, the intelligence services and the national army, carried out arbitrary arrests. They also frequently extorted money and items of value from civilians during law enforcement operations or at checkpoints.

A number of political opposition supporters who attended demonstrations calling for political dialogue and protesting against attempts to amend the Constitution were arbitrarily arrested and ill-treated.

Freedom of expression

Freedom of expression was significantly curtailed. In particular, opposition to the prospective amendment of the Constitution was severely repressed. Peaceful meetings and demonstrations were routinely banned or violently disrupted by the security services.

The main targets of repression were political opponents, members of civil society organizations and journalists. Some were arrested and ill-treated, some imprisoned after unfair trials on trumped-up charges. For example, one political opponent of the government – Jean Bertrand Ewanga of the opposition party Union pour la Nation Congolaise (UNC) – was imprisoned on charges of insulting the President. The Canal Futur television station, reportedly owned by opposition leader Vital Kamerhe, remained closed by the authorities throughout the year.

On 16 October, following the release by the UN Joint Human Rights Office (UNJHRO) of a report on extrajudicial executions and enforced disappearances during a police operation in Kinshasa, Scott Campbell, Head of the UNJHRO, was declared persona non grata by the Minister of the Interior and expelled from the DRC.² Other UNJHRO officials also reported receiving threats after the report's publication.

Refugees and asylum-seekers

More than 170,000 DRC nationals were expelled from the Republic of Congo to the DRC between 4 April and early September. Among them were refugees and asylum-seekers. Some of the expelled were allegedly arrested and detained incommunicado in Kinshasa.

Little assistance was provided by the DRC government, and as of September, more than 100 families were living on the streets of Kinshasa without tents, health care, food or any assistance.

International justice

On 7 March, the ICC convicted Germain Katanga, commander of the Force de Résistance Patriotique en Ituri (FRPI), of crimes against humanity and war crimes. The crimes were committed on 24 February 2003 during an attack on the village of Bogoro, in Ituri district. On 23 May, he was sentenced to 12 years' imprisonment.

On 9 June, the International Criminal Court (ICC) Pre-Trial Chamber II confirmed charges of war crimes and crimes against humanity against Bosco Ntaganda allegedly committed in 2002 and 2003 in Ituri district.

Sylvestre Mudacumura, alleged commander of the armed branch of the FDLR, remained at large despite the issuance by the ICC of an arrest warrant for war crimes on 13 July 2012.

1. DRC: Civilian death toll rises as rebels embark on campaign of sporadic slaughter, <https://www.amnesty.org/en/articles/news/2014/10/drc-civilian-death-toll-rises-rebels-embark-campaign-sporadic-slaughter/>
2. DRC: Rescind expulsion of UN official and investigate extra-judicial killings and disappearances (AFR 62/002/2014) <https://www.amnesty.org/en/documents/AFR62/002/2014/en/>

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