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The Democratic Republic of the Congo (DRC) experienced political unrest during the year with protests over the end of President Kabila's mandate. Demonstrations were met with excessive use of force by security agents as well as violations of the rights to freedom of expression, of association and of peaceful assembly. Armed conflicts continued in the east: armed groups committed numerous abuses against civilians, including summary executions, killings, abductions, acts of sexual violence and looting of property; and security forces carried out extrajudicial executions and other human rights violations. Both the armed forces and the UN peacekeeping force MONUSCO (UN Organization Stabilization Mission in the DRC) were unable to protect civilians adequately.

Background

Political disagreement over whether President Kabila could stay in office after his second term ended on 19 December triggered numerous protests. In March, the National Independent Electoral Commission announced that the elections could not be held within the constitutional timeframe. In May, the Constitutional Court ruled that the President could remain in office beyond 19 December until his successor was in place. In October, it ruled again that the presidential elections could be deferred. The opposition and civil society questioned the legality of the second judgment as it was issued by five judges instead of the seven required by law. An agreement following a dialogue led by the AU that deferred the elections to April 2018 was rejected by the majority of the political opposition, civil society and youth movements. On 31 December, following mediation by the Catholic Church, a new agreement was signed by representatives of the majority coalition, the opposition and civil society organizations. The agreement included commitments that President Kabila would not stand for a third term and that elections would be held by the end of 2017.

The political uncertainty contributed to increasing tensions in the east of the DRC, which remained beset by armed conflict. Heightened intercommunal and ethnic tensions in the prolonged pre-electoral period, coupled with weak administrative and security responses, fuelled violence and recruitment into armed groups.

The joint DRC armed forces-MONUSCO operation "Sokola 2" continued efforts to neutralize the Democratic Forces for the Liberation of Rwanda (FDLR) – an armed group based in eastern DRC comprising Rwandan Hutus linked to the 1994 Rwanda genocide. The operation failed to capture FDLR commander Sylvestre Mudacumura.

Hundreds of South Sudanese fighters affiliated to the Sudan People's Liberation Army-In-Opposition (SPLA-IO) crossed into the DRC following fighting in the South Sudanese capital Juba in July (see South Sudan entry).

A worsening economic crisis exacerbated already high levels of poverty, and there were outbreaks of cholera and yellow fever resulting in hundreds of deaths.

Freedoms of association and assembly

The right to freedom of peaceful assembly was violated, mostly in connection with protests against an extended term for President Kabila. Numerous protests, most organized by the political opposition, were declared unauthorized even though DRC law and international law only require organizers to notify local authorities, not obtain authorization. By contrast, assemblies organized by the Presidential Majority, the ruling coalition, largely took place without interference by the authorities.

Blanket bans on public protests were imposed or maintained in the capital Kinshasa, the cities of Lubumbashi and Matadi, and the provinces of Mai-Ndombe (ex-Bandundu Province) and Tanganyika.

During the year, 11 activists from the youth movement Struggle for Change (LUCHA) were convicted of offences because they participated in or organized peaceful protests. In addition, over 100 activists from LUCHA and the pro-democracy youth movement Filimbi were arrested before, during or just after peaceful protests. These and other youth movements, who called on President Kabila to stand down at the end of his second term, were branded as insurrectionary. Local authorities declared them “illegal” due to their lack of registration even though neither national nor international law makes registration a precondition for establishing an association.

The authorities also prohibited private meetings to discuss politically sensitive issues, including the elections. Civil society and political opposition parties faced obstacles renting facilities for conferences, meetings or other events. On 14 March, a meeting at a hotel in Lubumbashi between Pierre Lumbi, President of the Social Movement for Renewal (MSR), and MSR members was forcefully stopped by the National Intelligence Agency.

Government officials, including the Minister of Justice and Human Rights, threatened to close human rights organizations under restrictive interpretations of laws governing NGO registration.

Excessive use of force

Security forces consistently broke up peaceful protests using unnecessary, excessive and sometimes lethal force, including tear gas and live ammunition.

On 19 September, security forces killed dozens of people in Kinshasa during a protest calling on President Kabila to step down at the end of his second term.

Protests against Kabila’s refusal to leave power broke out again on 19 and 20 December. Dozens of people were killed by the security forces in Kinshasa, Lubumbashi, Boma and Matadi. Hundreds were arbitrarily arrested before, during and after the protests.

Security forces also killed protesters participating in demonstrations over other grievances in Baraka, Beni, Ituri and Kolwezi.

Freedom of expression

The right to freedom of expression was restricted and constantly violated in the pre-election context.¹ Politicians who advocated against an extension of President Kabila's second term were particularly targeted.

Military police detained opposition leader Martin Fayulu for half a day in February while he was mobilizing support for a general strike calling for respect for the Constitution. In May, the police in Kwilu Province prevented him from holding three political meetings.

The police prevented Moise Katumbi, former Governor of the then Katanga Province and a presidential aspirant, from addressing public gatherings after he left President Kabila's party, the People's Party for Reconstruction and Democracy. In May, the prosecutor opened an investigation against Moise Katumbi for alleged recruitment of mercenaries, but later allowed him to leave the country to receive medical care. Another court case was then brought against Moise Katumbi, relating to a real estate dispute, and he was sentenced in his absence to three years' imprisonment. This rendered him ineligible to stand for the presidency.

On 20 January, the Minister of Communication and Media decreed the closure of Radio-Television Nyota and Television Mapendo – both owned by Moise Katumbi – on the basis that they had not complied with their tax obligations. The state-run media regulatory agency, Higher Council for Broadcasting and Communication, said that taxes had been paid and called for the stations to be reopened. Despite this, both remained closed.

Dozens of journalists were arbitrarily detained. On 19 and 20 September, at least eight journalists of international and national outlets were arrested and detained while covering the protests. Several of them were harassed, robbed and beaten by security forces.

On 5 November, the signal of Radio France Internationale (RFI) was blocked and remained blocked at the end of the year. Around the same time, the signal of Radio Okapi, the UN radio station, was interrupted over a period of five days. On 12 November, the Communication and Media Minister issued a decree barring radio stations without a physical presence in the DRC from having a local frequency. The decree stated that, from December, the stations could only broadcast through a Congolese partner radio station with the agreement of the Minister.

Human rights defenders

At least three human rights defenders were killed by known or suspected security agents in Maniema, North Kivu and South Kivu provinces. A police officer was convicted of the killing of the human rights defender in Maniema and sentenced to life imprisonment; the sentence was reduced to 36 months on appeal. A trial in relation to the killing in North Kivu started in September.

The authorities increasingly targeted human rights defenders who took a public stand on the presidential term limit or documented politically motivated human rights violations. Many defenders faced arbitrary arrest, harassment and increased pressure to stop their activities.

In February, the South Kivu government promulgated a decree on the protection of human rights defenders and journalists. At the national level, the UN, the National Human Rights Commission and several human rights NGOs worked on a proposal for a law to protect human rights defenders, but it has not yet been discussed in parliament.

Conflict in eastern DRC

Human rights abuses remained rampant in eastern DRC, where conflict continued. The absence of state authorities and gaps in the protection of civilians led to deaths.

Abuses by armed groups

Armed groups committed a wide range of abuses including: summary executions; abductions; cruel, inhuman and degrading treatment; rape and other sexual violence; and the looting of civilian property. The FDLR, the Forces for Patriotic Resistance in Ituri (FRPI) and various Mai-Mai armed groups (local and community-based militias) were among those responsible for abuses against civilians. The Lord's Resistance Army (LRA) continued to be active and commit abuses in areas bordering South Sudan and the Central African Republic.

In Beni area, North Kivu, civilians were massacred, usually by machetes, hoes and axes. On the night of 13 August, 46 people were killed in Rwangoma, a neighbourhood of Beni, by suspected members of the Allied Democratic Forces (ADF), an armed group from Uganda that maintains bases in eastern DRC.

Violations by the security forces

Soldiers committed human rights violations during operations against armed groups. They also extrajudicially executed civilians protesting against the lack of government protection.

Violence against women and girls

Hundreds of women and girls were subjected to sexual violence in conflict-affected areas. Perpetrators included soldiers and other state agents, as well as combatants of armed groups such as Raia Mutomboki (a coalition of groups), the FRPI and Mai-Mai Nyatura, a Hutu militia.

Child soldiers

Hundreds of children were recruited by armed groups, including the FRPI, Mai-Mai Nyatura, joint forces of the FDLR and its official armed wing Forces Combattantes Abacunguzi (FOCA), and the Patriotic Union for the Defense of the Innocent (UDPI). Child soldiers continued to be used as combatants and also to cook, clean, collect taxes and carry goods.

Communal violence

Intercommunal violence between the Hutu and Nande communities escalated in Lubero and Walikale Territories of North Kivu. Both communities received support from armed groups – the Hutu community from the FDLR and the Nande community from Mai-Mai groups – which resulted

in high death tolls and extensive damage to civilian property. In January and February, the fighting reached alarming levels. On 7 January, the FDLR killed at least 14 people from the Nande community in the village of Miriki, south Lubero Territory. When the local population staged protests against the lack of protection following the attack, the army fired live bullets, killing at least one protester. A few weeks later, at least 21 people from the Hutu community were killed, 40 wounded and dozens of houses burned in attacks by Nande militia.

On 27 November, over 40 people were killed during an attack on a Hutu village by a Nande self-defence group.

In Tanganyika province, clashes between Batwa and Luba communities revived in September resulting in many deaths and much material damage. Continuing clashes resulted in summary executions, sexual violence and mass displacement. According to local chiefs and civil society organizations, over 150 schools in the district were burned down during intercommunal clashes.

Refugees and internally displaced people

Fighting between the army and armed groups caused high levels of displacement. In February, over 500,000 Congolese refugees were registered in neighbouring countries. By 1 August, 9 million internally displaced people (IDPs) were registered in the DRC, the majority of them in North and South Kivu Provinces.

Following allegations that members of armed groups, especially the FDLR, were hiding in the camps, the government closed several IDP camps that had been set up in collaboration with UNHCR, the UN refugee agency. The closures affected an estimated 40,000 displaced people, led to further displacement and insecurity, and were widely criticized by humanitarian organizations. During the closures, numerous displaced people were victims of human rights violations by soldiers.

Torture and other ill-treatment

State agents as well as members of armed groups perpetrated acts of torture and other cruel, inhuman and degrading treatment. The National Intelligence Agency was responsible for abductions and forms of prolonged incommunicado detention that breach the right of detainees to be treated with humanity and the absolute prohibition of torture or other ill-treatment.

Impunity

Very few state agents, especially at senior levels, or combatants of armed groups were prosecuted for and convicted of human rights violations and abuses. A lack of both funding and judicial independence continued to pose major barriers to accountability for such crimes.

On 11 October, Gedeon Kyungu Mutanga surrendered with over 100 Mai-Mai combatants to the Haut-Katanga Province authorities. He had escaped from prison in 2011 after being sentenced to death for crimes against humanity, insurgency and terrorism.

Prison conditions

Overcrowding, dilapidated infrastructure and under-funding contributed to dire prison conditions. Most of the prison population comprised detainees awaiting trial. Malnutrition, infectious diseases and an absence of appropriate health care led to the deaths of at least 100 prisoners. An estimated 1,000 prisoners escaped.

Right to an adequate standard of living

Extreme poverty remained widespread. According to the World Food Programme, an estimated 63.6% of the population were living below the national poverty line and lacking access to basic needs such as adequate food, safe drinking water, sanitation, adequate health services and education. According to the estimates, over 7 million people were food insecure and nearly half of all children under the age of five were suffering from chronic malnutrition. An economic crisis led to a sharp fall in the value of the Congolese franc against the US dollar, hitting hard the purchasing power of the population.

Right to education

Although the Constitution guarantees free primary education, the school system continued to function because of the institutionalized practice of school fees covering teachers' wages and school expenses. Youth activists who protested peacefully in Bukavu, South Kivu, against the school fees at the beginning of the school year in September were arrested and held for short periods.

Armed conflict had a severe impact on education. Dozens of schools were used as IDP camps or as military bases for the army or armed groups. Thousands of children were unable to attend school because of the destruction of schools or the displacement of teachers and pupils.

1. Democratic Republic of the Congo: Dismantling dissent – repression of expression amidst electoral delays ([AFR 62/4761/2016](#))