

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	164
Land:	Den Demokratiske Republik Congo
Kilde:	MONUC
Titel:	"UN Mission in DR Congo. Monthly Human Rights Assessment: November 2006"
Udgivet:	11. december 2006
Optaget på baggrundsmaterialet:	2007

Monthly Human Rights Assessment: November 2006

Human Rights Division / MONUC

11 dec. 06 - 13.46h

Summary: Three mass graves identified in Bavi, Ituri District; Evidence of gross violations of human rights, including mass rape, perpetrated by PNC agents, in August 2006 found in Equateur; More than 600 street dwellers arrested in Kinshasa and 29 others in Kisangani; FARDC soldiers and PNC agents continue to commit human rights violations, including killing and rape; Politically motivated arbitrary arrests registered throughout the DRC.



Also, several new cases of attacks, looting, killing and abduction of civilians committed by Rwandan Hutu combatants registered in South Kivu; Lt. Colonel Sey, one of the suspects in the case of the murder of two MILOBs in Ituri in 2003, died in Bunia central prison, another suspect in the same case arrested in Ituri District; the situation in Beni central prison remains critical.

Main incidents

1. Civilians continue to fall victims in the course of military operations conducted by the FARDC against insurgents. According to preliminary information, at least five civilians were killed and 16 others injured during the fighting between FARDC soldiers of the 11th and 14th Integrated Brigades and FARDC (ex-ANC) soldiers of the 81st and 83rd Brigades loyal to renegade General Laurent Nkunda in Sake – 25 km west of Goma – on 25-28 November¹.

2. Nine IDPs, initially reported abducted,² are believed to be among at least 32 civilians summarily executed by FARDC soldiers of the Intervention Battalion of the 1st Integrated Brigade in Bavi – 50 km south of Bunia – in mid-September. Bodies of at least 32 victims, including women and children, were found in three mass graves near Bavi, on 22 November 2006. The bodies had allegedly been moved to Bavi from their original location, on 17 November, after the military involved in the killings found out that there was an investigation. The commander of the Intervention Battalion of the FARDC 1st Integrated Brigade, Captain Francois Molese, and three other officers were arrested by the Military Prosecutor. The judicial investigation is ongoing.

3. In Equateur province, the evidence was found that a group of PNC agents, together with two civilians, were responsible for mass rape, torture, cruel, inhuman and degrading treatment, looting and forced labour committed against residents of Bolongo-Loka – 530 km north-east of Mbandaka, on 5-6 August 2006. According to local sources, about 37 women and girls were victims of systematic rape and sexual assault on the part of twelve identified policemen.

Sixteen civilians, including seven women, were subjected to cruel, inhuman and degrading treatment and torture and twenty-seven others were allegedly victims of looting and forced labor as they were forced to transport the loot from Bolongo-Loka to Botewa – 45 km away. As a consequence of the incident, hundreds of villagers had to seek refuge in the nearby villages and forest. Nine perpetrators, including seven PNC agents and the two civilians involved in the violations, were arrested and are currently detained in a holding cell of the Military Prosecutor in Lisala.

4. On 21 November, the police guarding the Supreme Court fired warning shots and used tear gas to disperse the crowd gathered around the building and thus provoking several incidents of violence. As a result, unidentified men set alight a building adjacent to the Supreme Court's main courtroom. The hearing of Vice-President

Bemba's appeal to contest the IEC provisional results of the second round of the presidential elections was disrupted. Although no arrests or injuries were reported, election materials related to the legislative elections were reportedly destroyed. On 23 November, the Court reconvened at the Ministry of Foreign Affairs.

5. At least 500 street dwellers known as shégués were arbitrarily arrested by the PNC in Kinshasa after the exchange of fire between forces of Vice-President Jean-Pierre Bemba and Republican Guard soldiers took place in the city centre, on 11 November 2006. These arrests were followed by the round-up of more than one hundred shégués in several communes of Kinshasa, on 18 and 19 November.

Two hundred and sixty-nine men were sent to an agricultural camp in Katanga to participate in the National Service programme, on 16 November. Other detainees, including children, women, students, the sick and the handicapped, were allegedly released. Six women were charged with begging and vagabondage and are currently detained at the Kinshasa main prison (CPRK).

6. At least 29 street dwellers, together with eight other civilians, including minors, were reportedly arbitrarily arrested, beaten and seriously injured by PIR³ agents following a clash between the police and shégués in Kisangani, on 22 and 23 November. Seven minors were reportedly released after the intervention of UNICEF and local NGOs. The remaining victims are currently detained in a police holding cell.

Politically motivated violations

7. A woman, a MLC witness at voting centre 1039 in Kinshasa during the second round of presidential elections, allegedly disappeared on 30 October. The disappearance might be linked to the fact that on the day of the elections, 29 October, the woman protested against the collection of blank bulletins by an identified vehicle. She also allegedly requested to verify the procès verbaux of all polling stations at voting centre 1039 after the centre was closed.

After the argument started, the police intervened and the woman has not been seen since. She was finally located at Kin-Mazière where she was detained by the PNC Special Services for two weeks. She was questioned by the Military Prosecutor of Kinshasa/Gombe and subsequently later charged with espionage, treason, illegal detention of weapons of war and organisation of an insurrection. She was transferred to the CPRK together with four other women, on 22 November.

8. In South Kivu, two cases of arbitrary arrests related to elections were reported. Seven national police officers were arrested by the Military prosecutor and have been detained in Bukavu central prison since 2 November 2006. Two of them were allegedly arrested for supporting political parties other than PPRD, and the five others for not wearing uniforms when accompanying the Minister of Environment to Bukavu. The arrests might be linked to the fact that the seven were arrested for supporting Vice-president Jean Pierre Bemba in the run-off.

9. A civilian, a MLC/L supporter, was arbitrarily arrested by the ANR in Uvira, on 16 November 2006. An ANR representative could not explicitly state the official motive for the arrest. According to local sources in Uvira, the ANR compiled a list of all MLC supporters and has started locating them. The civilian was released on 17 November 2006.

10. A first-round presidential candidate and a member of Vice-President Bemba's legal team was reportedly arrested, together with her driver, by the Police Special Services (Kin Mazière) and is currently detained in Kinshasa main prison (CPRK). The victim was allegedly arrested on 21 November when she went to Kin Mazière to enquire about the whereabouts of six of her collaborators who had been arrested by the police the previous evening. She was charged with "Organisation d'un Mouvement Insurrectionnel" and illegal detention of weapons of war by the Military Prosecutor of

Gombe/Kinshasa who had issued an arrest warrant and subsequently ordered her transfer to the CPRK.

11. Five women, believed to be MLC members, claimed to have been arrested and detained in Kin Maziere from 1 to 22 November 2006, when they were transferred to the CPRK. The detainees were allegedly charged with "espionage, violation de consigne, mouvement insurrectionnel", illegal detention of weapons of war and treason.

12. A civilian, an MLC militant has allegedly been in ANR custody since his arrest by PNC/GIM⁴ elements in Kisangani, on 17 November. The victim was arrested following a private dispute between him and his partner, a PPRD militant.

13. A journalist of a private television station, RTK, was allegedly arrested by the PNC Special Services in Kinshasa, on 25 November. According to sources, he was arrested during a live TV broadcast on the insecurity in the city of Kinshasa caused by the lack of electricity supply in several areas. The police had allegedly advised the victim to control the interventions of the callers to his live programme before they decided to visit the station. A cameraman was also arrested that day. The cameraman was released the following day, while the journalist remained in detention in Kin-Maziere until 29 November.

FARDC soldiers continue to be the major perpetrators of human rights violations in all the provinces

14. According to a local source, a deaf-mute civilian was killed by a soldier of the FARDC 122nd Brigade in Linda – 1 km west of Mwenga – 172 km south-east of Bukavu – on 30 October. The victim was reportedly shot twice as he could not obey orders given to him. The perpetrator was arrested and is currently detained in a holding cell in Mwenga.

15. On 17 November, a civilian died in Bunia hospital after he was seriously injured by a FARDC soldier of the 13th Integrated Brigade at the market in Marabo – 30 km south-west of Bunia the previous day. The victim had been shot in his leg as he refused to give money he had been asked for. The perpetrator was arrested, tried and sentenced to death by the Bunia Military Court, on 18 November.

16. In Goma, a 12-year-old boy was injured after a FARDC soldier shot at him, on 14 November. The perpetrator forced his way into a private house and aimed a gun at the back of a civilian residing there. As the latter tried to resist, the perpetrator opened fire. A bullet pierced the wall and hit the victim in his left calf.

17. A civilian reportedly sustained gunshot injuries when three FARDC soldiers broke into his residence in Bukavu and shot him in his shoulder, in the night of 22-23 November. Valuables, a mobile phone and several other items were reportedly stolen.

18. A civilian was seriously injured when a FARDC soldier shot at him in Bagira – 7 km north of Bukavu – in the night of 17 November. The victim was allegedly intercepted in front of his residence by the perpetrator who aimed a gun at him and ordered him to drop his belongings. As the victim threw his mobile phone into his house, he was ordered to lie down. The aggressor then shot thrice and two bullets hit the victim in backside and a thighbone.

19. Two civilians were allegedly seriously injured during an armed robbery committed by a group of five FARDC soldiers in Mbuji Mayi, in the night of 26-27 November. According to the testimonies gathered, the perpetrators broke into a private house and looted it holding its residents at gunpoint. When the victims claimed that they did not possess any US dollars, they were shot at and injured.

20. A woman was allegedly raped by a FARDC Captain, also known as a pastor, in Kinshasa, on 29 October. She was allegedly administered a sleeping drug and raped when she came to the Captain's house to be freed of a curse. The perpetrator was arrested and is currently detained in a holding cell of the High Military Prosecutor in Kinshasa.

21. A 15-year-old girl was allegedly raped by a FARDC soldier of the 109th Military Brigade under the commandment of Lt. Col. Mutupeke in Uvira, on 5 November 2006. According to the victim, two FARDC soldiers invited her and a neighbour to share a meal, with which she was given a drug. After she lost consciousness, the perpetrators allegedly took her to the bush where she was beaten and raped. She was later taken to a house of a military where she was raped several times until she was released four days later. No judicial action has been taken either by the FARDC Commander or by the Military Prosecutor.

22. A FARDC soldier of the Force Naval⁵ is allegedly responsible for the rape of a minor in the village of Ndobobo – 700 Km north-east of Mbandaka, on 17 November. The incident took place after the alleged perpetrator took the victim to his house promising her money.

23. In Uvira, a woman claims to have been a victim of severe beating and looting committed by two FARDC soldiers of the 110th Military Brigade under the commandment of Lt. Col. Mosala, in the night of 1-2 November 2006. Two of the group of four FARDC soldiers allegedly broke into her house, beat her on the head with machetes and took all her belongings, house utensils and money, while two others were on guard outside the building.

24. A retired Colonel of the ICCN (Congolese Institute for the Conservation of Nature), together with his driver and two bodyguards, was reportedly arbitrarily arrested and subjected to cruel, inhuman and degrading treatment perpetrated by soldiers of the FARDC 9th Integrated Brigade in Rutshuru – 70 km north of Goma – on 8 November. According to the victim, he was whipped several times and questioned on the orders of the Commander of the FARDC 9th Integrated Brigade Colonel Mayanga (ex-ANC). The victims were released the same day after the intervention of the Deputy Commander of the 9th Brigade and filed a complaint with the Military Prosecutor and the Commander of the 8th Military Region.

25. A civilian was allegedly threatened with death, beaten and otherwise mistreated by a group of FARDC soldiers speaking Kinyarwanda in Chazi village – 55 km south-west of Bukavu – in the night of 6-7 November. The victim was allegedly beaten, ill-treated and tied up after the assailants broke into his residence and looted it. Another groups of FARDC soldiers stationed in the vicinity failed to intervene when they were called for help.

26. A civilian was allegedly subjected to cruel, inhuman and degrading treatment at the FARDC headquarters in Isiro – 660 km north-east of Kisangani – between 6 and 8 November 2006. The victim had been arrested by a FARDC Major, the head of DEMIAP⁶-Isiro, in connection with a 'diamond' case, on 6 November. Two days later, he was transferred to Isiro central prison and released on the same day.

27. In Uvira, a civilian was allegedly subjected to cruel, inhuman and degrading treatment by four FARDC soldier of the 12th Integrated Military Brigade under the commandment of Lt. Col. Ngonga, on 5 November 2006. The victim was beaten with rifle butts on several parts of his body, including his left eye. The victim had his belongings and money extorted by the perpetrators. One of the perpetrators was arrested by military intelligence office (Bureau II) of the 109th Military Brigade under the commandment of Lt. Col. Mutupeke.

28. The head of Katoyi neighbourhood in Goma was allegedly seriously beaten by two FARDC Military Police officers of the 4th Company of the 11th Integrated Brigade, on 7 November 2006. The victim was allegedly punished for having tried to organise a manifestation in front of the 8th Military Region headquarters to protest against the systematic harassment of the civilian population by the FARDC military police officers in Goma.

29. On 20 November, FARDC soldiers based in Cubu – 41 km east of Mahagi, Ituri District – allegedly arbitrarily arrested six civilians and subjected them to cruel, inhuman and degrading treatment. Four of

the victims were released after they had been severely whipped. The perpetrators also fired in the air to disperse the crowd of civilians that had gathered at the place of the incident. Due to the arbitrary arrests and ill-treatment regularly committed by the FARDC soldiers based in the Cubu area, many civilians have fled their homes and sought refuge in Uganda.

30. On 22 November, a human rights defender was allegedly arbitrarily arrested by an intelligence officer of the FARDC 120th Brigade in Lulingu – 150 km west of Bukavu. The victim was illegally detained in the FARDC holding cells for three days, threatened with death and accused of spreading malevolent messages about the soldiers of the Brigade in question. The arrest is believed to be closely linked to the victim's professional activities as he is working on the problem of sexual violence committed by FARDC soldiers of the 120th Brigade.

Most of the human rights violations committed by the PNC during the month in review constituted arbitrary killings and acts of sexual violence

31. A woman was reportedly killed by a policeman in Musenge – 30 km south of Walikale, 120 km west of Goma – on 3 November. The perpetrator shot a bullet at a civilian as the latter resisted the extortion of his donkey. The bullet pierced the wall of the victim's house and hit the woman in the head killing her on the spot. The killer, together with another policeman, was reportedly arrested.

32. In the night of 15-16 November, a civilian was allegedly shot dead by a group of armed persons, including two women, wearing PNC uniform in Bipemba neighbourhood in Mbuji Mayi. The assailants reportedly broke into the victim's residence searching for money and aimed a gun at him. The victim was then forced outside and fatally shot as he refused to give money he had been asked for. Two mobile phones and several other items were stolen.

33. In identical circumstances, another civilian was killed on the spot when a group of eight armed men wearing military and police uniforms shot in his chest in Kanshi neighbourhood of Mbuji Mayi in the night of 23-24 November. On the same night, a civilian had three fingers amputated when an armed group in military and PNC uniforms reportedly tried to force their way in his residence.

34. A woman was allegedly wounded in her left arm when policemen fired at a group of civilians in Bipemba neighbourhood in Mbuji Mayi, on 2 November. The victim was allegedly among a group of about 20 persons who gathered near a private residence that had been looted by the same policemen. The perpetrators fired at the civilians trying to disperse them.

35. A woman and her child were allegedly seriously injured when seven armed PNC officers broke into their house in Mbuji Mayi, in the night of 6-7 November. The victims were wounded during the shootout that followed. The perpetrators looted the house and left.

36. Two civilians were allegedly tortured by PNC commander Paulin in the PNC Commissariat in Musienene – 17 km south of Butembo – on 3 November 2006. Both civilians had been arrested the previous day in connection with diamond embezzlement and were tortured so they would confess the facts.

37. A 7-year-old girl was reportedly raped by a PNC agent in Muya municipality, in Mbuji Mayi, on 28 October. The perpetrator took advantage of the absence of the victim's parents to enter their residence where he raped the girl. The victim's sister managed to escape as the perpetrator also tried to rape her. The rapist was arrested and is currently detained in a holding cell of the Military Prosecutor.

38. A 16-year-old pregnant girl was reportedly threatened with death and raped by a policeman while in detention in Eringeti police station – 65 km north-east of Beni, on 4 November. The perpetrator was arrested and detained in the holding cells of the Military Prosecutor in

Beni.

39. A minor was allegedly raped by two PNC officers in Bibakabo village – 750 km north-east of Mbandaka, in the night of 26-27 November 2006. The victim was allegedly raped while detained illegally in the PNC holding cells.

40. A woman was reportedly raped by a police commandant in Mahagi, Ituri District, on 7 November. While in police custody, the victim was taken to the private residence of the Commandant on the pretext to separate her from the male detainees where she was later raped.

41. According to a local NGO, a civilian was subjected to cruel, inhuman and degrading treatment while in police custody in Pangi – 85 km south-east of Kindu – on 6 November. The victim was arrested on suspicion of theft and detained in a police holding cell where he was whipped both night and day as the policemen wanted him to disclose information regarding his alleged accomplices.

42. According to a local source, three women were arbitrary arrested, illegally detained and subjected to cruel, inhuman and degrading treatment by a judicial police officer (OPJ) in Kailo – 72 km north-east of Kindu, on 6 November 2006. The victims were arrested on the suspicion of stealing money. During three days in detention, they were tied up. Later, the OPJ invited a local sorcerer in order to identify the one who was responsible for the theft. The sorcerer used a heated machete which he applied to victims' bodies in order to extract information. The local source claims to have seen the burns on the victims' bodies consistent with the allegations.

43. According to a local NGO, two civilians were arbitrarily arrested, illegally detained and subjected to cruel, inhuman and degrading treatment by a police commandant in Kikungwa – 15 km of Kalima, near Kindu – on 22 November. The victims were arrested for non-payment of a private debt by the man and detained in a police holding cell. The woman was later released while the man was whipped several times in an attempt to extract money from him.

Other security services implicated in human rights violations

44. ANR agents continue to commit human rights violations in Lubumbashi. Thus, a DGM agent, believed to be an MLC supporter, was arbitrarily arrested, together with four other civilians, including a minor, on 2 November. The victims were detained in ANR custody where they were allegedly subjected to cruel, inhuman and degrading treatment for more than three days. They were reportedly whipped several times, handcuffed and thrown on the ground. Four of the victims were later released, while one victim remains in ANR custody.

Civilians continue to be killed and abducted by armed Rwandan Hutu groups in South Kivu

45. Two civilians from Tshulwe died on 14 October and three others, from Mule, died on 15 October following cruel, inhuman and degrading treatment inflicted by the Rwandan Hutu combatants. The victims were among two groups of civilians (total 29 persons) abducted by Rwandan Hutu near Kalonge – 65 km north-west of Bukavu, on 9 October⁷. On 26 October, the remaining civilians from Mule were released after the requested ransom money was collected. Two of the persons released died later from the injuries sustained while in captivity.

46. In the night of 5-6 November, one civilian was reportedly killed and another sustained gunshot injuries and seven others were abducted when a group of Rwandan Hutu combatants launched an attack on Mwirama village – 65 km south-east of Bukavu.

47. A young girl was reportedly killed and another abducted during an attack on Murali village – 52 km south-east of Bukavu, on 7 November. In the same night, a civilian received a bayonet wound and four others were abducted when Lushebere village – 85 km north

of Bukavu – was attacked and looted.

48. A woman was reportedly killed, a man injured and 14 others abducted by a group of Rwandan Hutu in Nzibira village – 75 km south-west of Bukavu – in the night of 11-12 November 2006. According to a local source, the perpetrators looted the village and forced the abducted persons to carry the loot.

49. Rwandan Hutu are also allegedly responsible for the abduction of five civilians in Lushebere village – 85 km north of Bukavu – in the night of 6-7 November 2006. According to local sources, the perpetrators also looted the village. The whereabouts of the abductees remain unknown.

Administration of Justice

50. Kwisha, a former militiaman, believed to have shot a Jordanian MILOB in Mongbwalu – 50 km north of Bunia – in 2003, was arrested in Adidi – 4 to 5 km from Mongbwalu, on 29 November 2006. The suspect is transferred to Bunia for prosecution by the Congolese judiciary.

51. One of the suspects in the case of the murder of two MILOBs in Ituri in 2003, Lt. Colonel Sey, died in Bunia central prison, on 13 November 2006. Lt. Colonel Sey was HIV positive. He had been transferred to Bunia for trial on 19 October⁸. Due to high rank of the suspect, the case was handled by the Kisangani Military Prosecutor who had interrogated Lt. Colonel Sey and six other suspects in this case during his mission to Bunia. The Military Prosecutor in Bunia will now handle the case.

52. On 6 November, an FARDC Lieutenant of Naval Forces was found guilty of rape, which he committed in the night of 17-18 October 2006, and sentenced to 20-year prison term by the Military Tribunal in Kalemie. The convicted was also dismissed from the army.

53. On 16 November 2006, the Military Tribunal of Kalemie sentenced a PNC officer for 15 years in prison for the rape of a heavily pregnant woman in Tumbwe, near Kalemie, in June 2006. The victim was raped by the perpetrator while in detention in PNC holding cells. The accused is also to pay 115.000 FC in court charges and taxes and the equivalent of \$2.000 US to the victim's family.

54. ANR officers in Beni regularly interfere into the administration of justice and get involved in cases outside their jurisdiction with the purpose of receiving monetary gain. On 17 November, ANR agents allegedly tried to interrogate a doctor who had carried out a medical examination of a victim of rape committed by a civilian on 15 October. The agents claimed that they had decided to investigate the case themselves and initially demanded \$100 US for the doctor's interrogation.

55. On 27 November, a PNC officer was sentenced to the capital punishment after he was found guilty of killing a civilian taxi driver in Matadi, on 26 November 2006. The Congolese State is to pay the equivalent of \$250.000 US in Congolese francs to the victim's family. The condemned has five days to file an appeal.

Detention Centres

56. The situation in Beni central prison remains critical. One detainee was killed by guards of the central prison as he was attempting an escape, in the evening of 3 November 2006. The victim, a former Mayi-Mayi combatant, had been arrested during FARDC operations and was in preventive detention in the prison. He received at least six bullets fired by FARDC soldiers of the 2nd Integrated Brigade guarding the prison. After the incident the soldiers continued to fire shots in order to discourage other detainees from trying to escape. Another detainee allegedly died due to malnutrition while in detention in this facility, on 25 November 2006. At the same time, the Director of the prison abuses his power and regularly demands remuneration for the release of detainees on parole.

57. On 3 November 2006, an arbitrary arrest of a minor by the police near the central prison of Kindu provoked a revolt among the prisoners. The boy was arrested and had his belongings extorted by the guards as he was leaving the establishment, where his was visiting his relative, and transferred to the PNC holding cells. Upon receiving the news of the arrest, the prisoners threw stones, created barriers and attempted an escape. The situation returned to normal after the minor was released.

58. On 21 November, five detainees escaped from Mbandaka prison after having been threatened and having their belongings extorted by a policeman guarding the facility.

1 Some of the incidents under investigation took place in October 2006.

2 See HRD Month Assessment for September 2006

3 Police d'Intervention Rapide

4 Groupe d'Intervention Mobile

5 Navy

6 Military Intelligence

7 See HRD Monthly Assessment October 2006

8 ibid