

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	187
Land:	DR Congo
Kilde:	Amnesty International
Titel:	"Annual Report 2007"
Udgivet:	28. maj 2008
Optaget på baggrundsmaterialet:	2. juni 2008

DEMOCRATIC REPUBLIC OF THE CONGO

Head of state and government	Joseph Kabila
Death penalty	retentionist
Population	61.2 million
Life expectancy	45.8 years
Under-5 mortality (m/f)	208/186 per 1,000
Adult literacy	67.2 per cent

Political and military tensions in the Democratic Republic of the Congo (DRC) resulted in major outbreaks of violence in the capital, Kinshasa, and Bas-Congo province. Unlawful killings, arbitrary arrests and detentions, torture and other cruel, inhuman and degrading treatment by the security forces and by armed groups were common across the country, in many cases directed at perceived political opponents. Rape by security force members and armed group fighters continued at high levels. While security continued to improve in some provinces, a human rights and humanitarian crisis deepened in the two Kivu provinces in the east of the country.

Humanitarian needs remained acute nationwide with more than 1.4 million people displaced by conflict in the country. The delivery of vital social services, including health and education, was hampered by poor governance, a decayed infrastructure and underinvestment.

Background

A new government, formed in February, ended the interim power-sharing administration in place since 2003. Tensions between the government and Jean-Pierre Bemba, the main opposition presidential candidate in 2006, degenerated in late March. Up to 600 people were killed when fighting broke out in Kinshasa between government forces and Jean-Pierre Bemba's armed guard after he refused a government order to disarm. Jean-Pierre Bemba then left the country, and an uneasy co-existence between the government and political opposition developed.

State authority continued to be restored to previously insecure areas of the country. State institutions, though further consolidated, remained weak. A number of armed groups were successfully disarmed and demobilized, notably in Ituri District and Katanga province. However, without the promised assistance to re-enter civilian life, demobilized fighters were a source of local insecurity.

Conflict persisted in the Kivu provinces of eastern DRC. In August, fighting erupted in North-Kivu between the army and forces loyal to Tutsi commander Laurent Nkunda. The fighting, which also involved the Democratic Liberation Forces of Rwanda (FDLR) armed group and mayi-mayi militia, was characterized by grave breaches of international humanitarian law and led to increased tension between the DRC and Rwanda. In November, the two

governments agreed a "common approach" to end the threat posed by national and foreign armed groups in the DRC. A government military offensive, supported by the UN peacekeeping force, MONUC, against Laurent Nkunda's forces in December was inconclusive. Plans for a major national conference aimed at bringing peace to the Kivus were announced at the year's end.

Internally displaced people

More than 170,000 people were displaced by the fighting in North-Kivu between August and December, adding to around 200,000 displaced by insecurity there since the end of 2006. Overall, more than 1.4 million people were internally displaced in the DRC, while 322,000 were living as refugees in neighbouring countries.

Police and security forces

The national army, police force, and military and civilian intelligence services routinely operated with little or no regard for Congolese and international law, and committed the majority of the human rights violations reported. An increased number of violations were attributed to the police. Ill-discipline and poor command of these forces, and the widespread impunity they enjoyed, remained a major barrier to improved enjoyment of human rights. A Security Sector Reform programme, aimed at integrating former armed forces and groups into unified state security forces, remained only partly complete. Failure by the government and Laurent Nkunda to respect the national legal framework for army integration was a contributing factor to the violence in North-Kivu.

Civilian protection in the east remained almost wholly dependent on the overstretched MONUC forces. In November, the UN Secretary-General proposed benchmarks that should be met before any reduction of MONUC forces. These included the disarmament and demobilization or repatriation of armed groups in the east and substantial improvements by the DRC security forces in assuring security, protecting civilians and respecting human rights.

Unlawful killings

State security forces as well as Congolese and foreign armed groups committed hundreds of unlawful killings. During military operations, all forces deliberately targeted civilians or failed to take adequate measures to protect civilian populations. During the March fighting in Kinshasa, both government forces and Jean-Pierre Bemba's armed guard used heavy weapons in densely populated residential areas, causing hundreds of civilian deaths.

- On 31 January /1 February, 95 civilians were killed by the army and police, who used disproportionate force and in some cases extrajudicial executions to quell violent protests in Bas-Congo province. Ten security force members died in the disturbances.
- Government forces allegedly extrajudicially executed at least 27 suspected supporters of Jean-Pierre Bemba in Kinshasa in late March.
- In September, 21 bodies were discovered in mass graves in positions vacated by Laurent Nkunda's forces in Rutshuru territory, North-Kivu. Some of the bodies had been bound by their hands and feet.

Torture and other ill-treatment

Acts of torture and ill-treatment were routinely committed by government security services and armed groups, including sustained beatings, stabbings and rapes in custody. Detainees were held incommunicado, sometimes in secret detention sites. In Kinshasa, the Republican Guard (presidential guard) and Special Services police division arbitrarily detained, tortured and ill-treated numerous perceived opponents of the government. Many victims were targeted because they shared Jean-Pierre Bemba's ethnicity or geographical origin in Equateur province. Conditions in most detention centres and prisons remained cruel, inhuman or degrading. Deaths of prisoners from malnutrition or treatable illnesses were regularly reported.

- Papy Tembe Moroni, a Kinshasa journalist from Equateur province who worked for an opposition television station, spent 132 days in arbitrary detention before being released in April. During his time in police custody, he told Amnesty International, "I was beaten with lengths of wood and clubs as if they were killing a snake".

Sexual violence

High levels of rape and other forms of sexual violence continued across the country, particularly in the east. Soldiers and police, as well as Congolese and foreign armed group members, were among the main perpetrators. An increasing number of rapes by civilians was also reported. Many rapes, notably those committed by armed groups, involved genital mutilation or other extreme brutality. The FDLR armed group and an FDLR splinter group, Rasta, abducted women and girls as sex slaves. Few perpetrators of sexual violence were brought to justice. A 2006 law which strengthened judicial procedures and penalties for crimes of sexual violence was not widely implemented. Rape survivors continued to be stigmatized, suffering social and economic exclusion. Few had access to adequate medical care. The continuing rape crisis is part of a broader pattern of violence and endemic discrimination against women in the DRC.

- Mayi-mayi fighters were allegedly responsible for the mass rape of around 120 women and girls in Lieke Lesole, Opala territory, Orientale province, between 21 July and 3 August. A judicial investigation was in progress at the year's end.
- On 26/27 May, FDLR or Rasta fighters reportedly killed 17 people, including women and children, and abducted and sexually assaulted seven women, in Kanyola, South-Kivu province. The women were later rescued by the army.

Child soldiers

Many hundreds of children remained in the ranks of Congolese and foreign armed groups and some army units. A government programme to identify the children and separate them from the armed forces was largely inoperative by the year's end. Programmes for reintegrating former child soldiers into civilian life remained weak in many areas of the country. Around 5,000 former child soldiers were awaiting reintegration assistance at the end of 2007.

In North-Kivu, Laurent Nkunda's armed group and opposing mayi-mayi militia recruited large numbers of children, many of them by force. Nkunda's forces allegedly targeted schools for forced recruitment. Insecurity in North-Kivu

undermined NGO programmes aimed at unifying families and reintroducing former child soldiers into the community. Former child soldiers who had been reunited with their families were among those taken by armed groups.

- In October, more than 160 girls and boys, aged between seven and 18, were sheltered at a stadium in the town of Rutshuru, North-Kivu. They had fled attempts by Laurent Nkunda's forces to forcibly recruit them. Other children were feared captured by armed group fighters or lost in the forest.

Human rights defenders

Human rights defenders continued to suffer attacks and death threats, believed to be perpetrated mainly by government agents. Journalists and lawyers were routinely attacked, arbitrarily arrested or intimidated because of their professional activities.

- A woman human rights defender was raped by a security official during a work visit to a detention facility in May. In September, the daughters of another woman activist were violently sexually assaulted in their home by soldiers.
- In June, Serge Maheshe, a journalist for the UN-sponsored Radio Okapi, was murdered in Bukavu in circumstances that were not satisfactorily investigated. After an unfair military trial, four people were sentenced to death in August, including two friends of the victim who were convicted on the basis of the uncorroborated testimony, later retracted, of two men who confessed to the killing. An appeal was pending.

Justice system

The civilian justice system was absent or barely functioning in many areas, and hampered by a lack of independence, resources and personnel. Trials of civilians by military court continued, despite being unconstitutional. Many trials, especially by military courts, were unfair. Death sentences continued to be passed, the vast majority by military courts, but no executions were reported. There were lengthy delays in bringing people to court, although trials themselves were often summary. There were frequent instances of political and military interference in the administration of justice.

- Théophile Kazadi Mutombo Fofana had been held in unlawful pre-trial detention in Kinshasa's CPRK prison since September 2004. He was illegally extradited from the Republic of Congo in July 2004, on suspicion of involvement in an alleged coup attempt in Kinshasa, and tortured in security service detention. To date, he had not appeared before a court or been allowed to challenge the lawfulness of his detention.

Impunity - international justice

Impunity persisted in the vast majority of cases. There were, however, a growing number of national - predominantly military - investigations and trials for human rights abuses, including a handful for war crimes and crimes against humanity. Prosecutions were undermined by frequent escapes from prisons and detention centres.

- In October, the government surrendered Germain Katanga, former commander of an Ituri armed group, to the International Criminal Court (ICC). He was indicted by the ICC on charges of crimes against humanity and war crimes allegedly committed in Ituri District in 2003. He was the second Ituri armed group leader to

be transferred to the Court, after Thomas Lubanga Dyilo in March 2006. Other men, arrested by the Congolese authorities in early 2005 on charges of crimes against humanity in Ituri, remained in pre-trial detention in Kinshasa's CPRK prison. The military judicial authorities extended their detention several times, in breach of Congolese legal procedure, but made no attempt to bring them to trial.

- In February, the Bunia (Ituri) military court convicted 13 soldiers of war crimes for killing more than 30 civilians in the village of Bavi in late 2006. The same court convicted six armed group members for the war crime of killing two MONUC military observers in May 2003. The court applied the provisions of the Rome Statute of the ICC in both trials.
- In June, a military court acquitted all defendants, including military officers and three foreign employees of the multinational company Anvil Mining, of war crimes charges in connection with the 2004 Kilwa massacre in Katanga province. Four of the 12 defendants were convicted of unrelated crimes. There was apparent political interference in the trial. The acquittals were widely condemned as a setback in the struggle against impunity in the DRC.

Amnesty International visits/reports

- Amnesty International delegates visited the country in May and June.
- Democratic Republic of Congo: Disarmament, Demobilization and Reintegration (DDR) and Reform of the Army (AFR 62/001/2007)
- Democratic Republic of Congo: Torture and killings by state security agents still endemic (AFR 62/012/2007)
- Democratic Republic of Congo (DRC): Escalating violence in North-Kivu deepens risk of mass ethnic killings (AFR 62/014/2007)