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Democratic Republic of the Congo 2020

Poor households suffered increased food insecurity as a result of COVID-19 restrictions while prisons were chronically overcrowded. Armed conflicts and inter-communal violence continued in some provinces, resulting in hundreds of deaths and the displacement of hundreds of thousands of people. Government forces and armed groups continued to enjoy impunity for grave human rights violations, including extrajudicial killings and summary executions. Conflict-related sexual violence against women increased. The authorities continued to restrict the right to freedom of expression and media freedom. Journalists were imprisoned and human rights defenders were subjected to death threats and prosecution.

Background

The human rights situation remained dire and tensions within the ruling coalition persisted. The increase in violence, particularly in the east and the central parts of the country involving armed groups, including those from neighbouring countries, exacerbated the humanitarian crisis.

Thousands of armed group combatants, who surrendered their weapons early in the year in North Kivu, Ituri, South Kivu and Tanganyika provinces, were left without shelter, food or medical care and many rejoined their groups. The government's focus on controlling COVID-19 and other diseases diverted its attention from disarmament, demobilization and reintegration efforts.

On 18 March, the President announced measures to control the spread of the COVID-19 pandemic, including movement restrictions, border closures and a ban on gatherings of more than 20 people. On 24 March, the President announced a 30-day state of emergency which was extended on 23 April and confirmed by the Constitutional Court and Parliament. On 22 July, it was lifted following a slowdown in late June in COVID-19 cases and deaths, and restrictions were lifted in phases.

New appointments were made to the army and the judiciary but there was no significant change in the conduct of those institutions, which remained a major impediment to the protection of human rights.

On 23 November, the North-Kivu operational military court sentenced warlord Ntabo Ntaberi alias Sheka, leader of the Nduma Defense of Congo, to life imprisonment for serious crimes committed against civilians in North Kivu between 2007 and 2017. Charges included the rape of some 400 women, men and children in 2010. A member of the Democratic Forces for the Liberation of Rwanda was also sentenced to life imprisonment. Two Sheka collaborators were sentenced to 15 years in prison after a trial that lasted two years and in which 178 victims took part.

Right to health

The COVID-19 pandemic put immense pressure on an already underfunded and overstretched health system, and on poorly paid health workers who were also responding to Ebola, measles and cholera epidemics.

In September, the US government, via USAID, donated 50 new ventilators to the Democratic Republic of the Congo (DRC) government to boost the country's fight against the COVID-19 pandemic. Confirmed COVID-19 cases and related deaths reached 18,153 and 599 respectively by the end of the year.

By June, the COVID-19 infection rate had decreased but the 10th Ebola outbreak, which began in 2018, had affected at least 3,470 people and left some 2,287 dead, while the measles outbreak had killed around 6,000 people.

Prison conditions

Overcrowding continued to be one of the biggest concerns in prisons and was worsened by the COVID-19 pandemic. DRC prisons were among the most overcrowded in the world, with some facilities holding more than 300% over their intended capacity. Some prisoners went for days without food and others did not receive necessary medical attention, resulting in dozens of deaths. Twenty-five inmates died in Makala prison in the capital, Kinshasa,

from starvation and lack of medicine at the beginning of the year. In April, the government addressed the risk of COVID-19 infection in prisons by releasing at least 2,000 inmates. At the end of that month, 43 prisoners tested positive for COVID-19 at the Ndolo military prison in Kinshasa.

Right to education

The government closed schools, universities and other educational institutions on 19 March as part of its COVID-19 measures, affecting around 27 million students. The closure of schools increased the risk for many children of recruitment into armed groups, as well as to sexual exploitation, early marriage and child labour in mines. Schools were re-opened on 10 August.

Armed conflicts also disrupted the education of thousands of children, especially in the east.

Economic, social and cultural rights

COVID-19-related lockdowns and other restrictions had an adverse impact on low income households although the government took measures to alleviate hardship by, for instance, providing some essential services like water and electricity for a two-month period. Such households in urban and rural areas, and in the border regions, lost key sources of income due to the decline in demand for informal economy workers and those involved in cross-border trading.

The government continued in its failure to enforce environmental and labour protection regulations in the mining industry where many workers were exposed to toxic pollution which caused birth defects in the children of cobalt and copper miners.¹ Men, women and children worked in some mines without basic protective equipment like gloves and face masks. They also complained of respiratory diseases and urinary tract infections, among other health problems. The use of child labour, forced evictions to make way for mining projects, a lack of transparency over how mining rights were awarded, corruption, tax evasion and abusive transfer pricing were widespread.²

Excessive use of force

Following a ban on large public gatherings under COVID-19 restrictions, security forces used excessive force to disperse peaceful protests. On 9 July, mass protests took place in several cities against the appointment of the new Electoral Commission President. The police responded to the largely peaceful demonstrations with excessive force, killing at least one protester in Kinshasa and two others in Lubumbashi city. Many more were injured.

Unlawful killings

Armed conflict and inter-communal violence continued in areas of South Kivu, North Kivu and Ituri provinces in the east and led to the deaths of hundreds of people. Attacks by armed groups forced hundreds of thousands of people to flee their homes. According to the UN Joint Human Rights Office (UNJHRO), in the first half of the year, combatants from all armed groups carried out summary executions in which around 1,315 people, including 267 women and 165 children, were killed.

Violence attributed to the Allied Democratic Forces (ADF), an armed group operating in DRC and Uganda, soared during the year after the authorities launched preventive attacks on the group. Between 25 and 26 May, the ADF killed 40 civilians in Irumu territory, Ituri province, and was believed to be responsible for killing seven civilians on 15 August and for the deaths of 58 people in two September attacks in the same area. The UNJHRO accused the ADF of committing war crimes.

Meanwhile, government forces were accused of killing 14 civilians and injuring 49 others in the first half of the year. They also arbitrarily arrested and detained 297 civilians.

Between March and June, ethnically motivated attacks by militias resulted in around 444 civilian deaths in Ituri and the displacement of more than 200,000 people. Most killings were carried out by fighters from the Lendu community, and the majority of victims were ethnic Hema and Alur residents.

There were reports of inter-communal clashes in May and June between Alur and Hema communities in Ituri. Clashes between the Twa and Bantu communities in Tanganyika province left at least 100 people dead.

Violence against women and girls

There was an increase in sexual violence against women and girls, particularly in the context of the conflict in the east. In May, the UNJHRO reported 79 such cases, up from 53 in April, against women who were attacked by armed groups. While armed groups were the main perpetrators, state security forces were also accused of responsibility for at least 26 cases of sexual violence against women between April and May.

Extrajudicial executions

Extrajudicial executions remained prevalent across the country. While armed groups were responsible in the majority of cases, state agents also carried out such killings, particularly in conflict-affected areas. The UNJHRO reported that state agents were responsible for extrajudicially executing at least 225 people, including 33 women and 18 children, in the first half of the year.

In July alone, there were at least 55 extrajudicial executions at the hands of the security forces, around 11 of whom were women and two children. In the same period, armed groups summarily executed 248 people, including 34 women and 11 children. State agents and armed group combatants were rarely prosecuted for these and other human rights violations and abuses. A lack of funding and judicial independence continued to pose major barriers to the achievement of accountability.

Human rights defenders

Human rights defenders and human rights organizations continued to be targeted by the authorities as a means to prevent them from carrying out their work. In July, Nobel Peace Prize laureate Denis Mukwege received death threats via social media, phone calls and in direct messages after he made demands for accountability and justice for human rights crimes committed in the DRC.¹ Also in July, the Senate President threatened to have Jean-Claude Katende, a lawyer and President of the African Association for the Defence of Human Rights, disciplined by the Kinshasa Bar Association and brought to court. The threats were connected to the lawyer's social media posts in which he called for the Senate President to be brought to justice on various charges.

In September, Dismas Kitenge, head of the Lotus Group, an NGO which documented human rights violations in Kisangani, and his family members received death threats from unidentified sources. The threats came soon after he met the Minister of Human Rights, with whom he discussed his NGO's plans to denounce the impunity enjoyed by a senior military officer who was alleged to have committed serious human rights violations in Kisangani between 1998 and 2002.

Five community human rights defenders faced charges in connection with their criticism of a palm oil company operating in Tshopo province. Iswetele Eswetele Mokili, Dominique Kamatinanga Zuzi, Antoine Swimbole Lingele, Robert Esumbahele and Franck Lwange Etiota had peacefully protested against the company after it violated an agreement with the community to build a school, health centre and a water supply before exploiting land used by the local community. They were held in poor conditions at Kisangani Central Prison, 300kms from their homes, for more than six months before being released on bail on 27 March. Their trial was pending at the end of the year.

Freedom of expression

The authorities subjected media workers to threats, intimidation, harassment, violence, arbitrary arrests and detention, and prosecution. They accused journalists and media houses of disturbing public order or breaching professional ethics. Numerous journalists were detained on trumped-up charges.

On 7 February, Dek'son Assani Kamango, a journalist with Radio Omega, was arrested on allegations of “insulting the Maniema provincial authority”. On 9 May, Christine Tshibuyi, a Kinshasa-based reporter, received threatening phone calls after she published an article about attacks on journalists in Mbuji-Mayi town in Kasai Oriental province. The same day, a four-wheel drive vehicle of the type commonly used by the Republican Guard, rammed the front of her car, forcing her to crash into a wall. A man who was accompanied by four security force officers slapped her around the face, causing her to bleed. She said she reported the incident to the authorities but no investigation was carried out.

On 17 June, the Mongala provincial authorities revoked the credentials of 13 journalists, ordered the temporary closure of five radio stations, and suspended the broadcasting of several television and radio programmes deemed to be of a political nature.

Indigenous Peoples

The authorities failed to honour commitments made to the Indigenous Twa people in connection with their forced eviction from the Kahuzi Biega National Park in the east. Since 1975 the community had been evicted in waves and had received promises that they would be provided with alternative land of equal quality, education and employment opportunities, health services and the release of members of their community who had been arrested for entering the National Park. Meanwhile, negotiations between the Park authorities and Twa representatives, concerning alternative land for the community, remained stalled.

In February, six Twa men, including key negotiator Chief Jean-Marie Kasula, and two Twa women, were found guilty of illegal activities in the Park. Their one-day trial before a military tribunal fell far short of international standards for fair trial and they were sentenced to between one and 15 years in prison. Four of the eight were released on bail from Bukavu prison in August. An appeal against their convictions had not been heard at the end of the year.

1. [Democratic Republic of the Congo: Alarming research shows long lasting harm from cobalt mine abuses \(Press release, 6 May\)](#)

2. [South Africa: Mining gathering must confront human rights violations \(Press release, 3 February\)](#)
3. [Democratic Republic of the Congo: Concrete actions must be taken to protect Denis Mukwege after death threats \(Press release, 4 September\)](#)

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Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
[T \(Telefon\)](#) +43 1 589 00 583
[F \(Fax\)](#) +43 1 589 00 589
info@ecoi.net

[Contact](#)
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