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Democratic Republic of Congo (DRC)

Events of 2009

Violence and brutal human rights abuses increased in the Democratic Republic of Congo throughout 2009. Two military campaigns by the Congolese army, in the east and north, resulted in a dramatic increase in violence against civilians by both rebel and government forces. At least 2,500 civilians were slaughtered, over 7,000 women and girls were raped, and more than 1 million people were forced to flee their homes. This pushed the total number of displaced people to over 2 million, the vast majority with limited or no access to humanitarian assistance, often forcing them to return to insecure areas to find food. United Nations peacekeepers supported Congolese army military operations and struggled to give meaning to their mandate to protect civilians.

Impunity, already endemic, was further entrenched with the promotion of Bosco Ntaganda to the rank of general, despite a warrant for his arrest from the International Criminal Court. In July the government announced a policy of "zero tolerance" for human rights abuses committed by its soldiers, but only made a handful of arrests. Violent attacks against human rights defenders and journalists continued throughout the country.

Violence in Eastern and Northern Congo

In January 2009 the political landscape changed dramatically in eastern Congo. Congolese President Joseph Kabila and Rwandan President Paul Kagame struck a deal to rid each other of their enemies. Rwanda put a stop to the rebellion of the Congolese Tutsi-led National Congress for the Defense of the People (CNDP) by arresting its leader, Laurent Nkunda, and forcing its fighters to integrate into the Congolese army. In exchange, the Congolese government agreed that Rwandan soldiers could enter eastern Congo for five weeks of joint military operations against the Democratic Forces for the Liberation of Rwanda (FDLR), a Rwandan Hutu rebel group, some of whose leaders had participated in the 1994 genocide. Following the brief operation, both governments pressed UN peacekeepers to support a second phase of military operations to finish the job. Under pressure and believing they could better protect civilians by being part of the operations, the UN agreed.

The military operations were disastrous for civilians. The FDLR launched deliberate and targeted retaliatory attacks on civilians, killing and raping to punish the population for their government's change in policy toward them. In the worst single incident, the FDLR massacred at least 96 civilians in the village of Busurungi in North Kivu province on the night of May 9-10 by chopping them with machetes or burning them to death. The Congolese army failed to protect its own citizens from such attacks and itself targeted civilians who it perceived as FDLR collaborators, as well as Rwandan Hutu refugees. In one incident between April 27 and 30, Congolese army soldiers attacked camps in the Shalio Hill area and deliberately killed at least 129 refugees. Many of the victims were clubbed to death.

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MONUC, the UN peacekeeping force in Congo, struggled to balance its mandate for civilian protection with its support to the Congolese military operations. Although the peacekeepers made some notable efforts to protect civilians, which undoubtedly saved lives, in many cases they arrived too late or not at all.

By October 2009 the military operations had succeeded in demobilizing 1,100 combatants from the ranks of the FDLR's estimated strength of 6,000. But it came at a high price: between January and September over 1,300 civilians had been slaughtered in North and South Kivu, the majority of them women, children, and the elderly; thousands of civilians were abducted and pressed into forced labor; and more than 900,000 people fled for their lives. The FDLR and Congolese soldiers pillaged their belongings and then burned an estimated 7,000 homes to the ground. Already poor, civilians were left with nothing.

Attacks in northern Congo by the Ugandan rebel group Lord's Resistance Army (LRA) also caused immense harm to Congolese civilians. When the Ugandan army scaled back military operations in Congo against the LRA in March 2009, civilian protection was largely left to the Congolese army and UN peacekeepers. LRA killings and abductions of civilians continued, leading to the displacement of over 200,000 people throughout the worst affected areas of Haut and Bas Uele districts of Orientale province. (See also [Uganda chapter](#).)

Sexual Violence

The military operations in eastern Congo were accompanied by brutal rape. In a region already labeled "the worst place in the world to be a woman," the situation deteriorated further. An estimated 7,000 cases of sexual violence against women and girls were registered at health centers across North and South Kivu in the first seven months of 2009, nearly double the number of cases in 2008. In April 2009 the Congolese government and MONUC adopted a strategy to combat sexual violence, but it did not halt the increase in rape.

Sexual violence cases tried at military courts did increase during 2009, although only four officers were held to account. Funds aimed at efforts to protect women from rape remained shockingly low. In May UN Security Council ambassadors on mission to Congo handed the government a list of five senior officers they said were responsible for rape, including a general, Jerome Kakwavu, and demanded the officers be held to account. By October two had been arrested.

Threats to Journalists and Human Rights Defenders

On August 23, 2009, Bruno Koko Chirambiza, a journalist for Radio Star, was murdered by a group of eight armed men some 150 meters from a police post in Bukavu, eastern Congo. He was the third journalist killed in the city since 2007. Three female journalists in Bukavu received death threats in September 2009, prompting MONUC to publicly call on the Congolese authorities to take action to guarantee the safety of journalists.

On July 26 the Congolese government suspended Radio France International (RFI) after it broadcast a program detailing problems within the Congolese army. The minister of communications and the media said RFI was inciting soldiers to revolt. In August three local radio stations were threatened with closure if they continued to retransmit RFI's programming.

In May armed men threatened to kill Anicette Kabala, the executive secretary of Parliament of the Young Girl (PAJEF), a women's organization in Kalemie, if she did not drop cases of girls who had filed rape complaints. Her brother was shot and killed when he tried to intervene. On October 1, armed men raided the home of another female human rights defender

in Bunia and threatened to rape and kill her and her daughter for their role in trials taking place at the ICC.

In July Golden Misabiko, the Katanga provincial president of the National Association for Human Rights (ASADHO), was arrested by the National Intelligence Agency (ANR) after publishing a report about illegal exploitation at a uranium mine. He was tried and sentenced for spreading false information and threatening state security. He fled into exile. Four of his colleagues received death threats. Robert Ilunga Numbi, the president of the Friends of Nelson Mandela for the Defence of Human Rights (ANMDH) was also arrested by ANR agents in Kinshasa on August 31. He was detained incommunicado for nine days before being charged with disseminating false information, for a press conference he gave denouncing abuses of workers' rights.

Justice and Accountability

The fight against impunity was seriously undermined by the promotion of Bosco Ntaganda to the rank of general, despite an ICC arrest warrant for war crimes he committed in Ituri between 2002 and 2004. Other known human rights abusers were also integrated into the army, including Jean-Pierre Biyoyo, who previously had been convicted by a military court for the recruitment of child soldiers but had escaped from custody soon afterwards. The government justified its failure to make arrests of senior army officers by claiming it prioritized peace over justice. Local and international human rights groups protested the policy.

A few crucial cases helped to buck this somber trend. On March 5, 2009, the Mai Mai commander Gedeon Kyungu Mutanga, along with 20 co-accused, was convicted by a military court in Katanga for crimes against humanity and other charges. Also in March, 11 soldiers in Walikale, North Kivu, were convicted of rape as a crime against humanity. On July 27, in a rare case against an officer, Col. Ndayabaje Kipanga was sentenced in absentia to life imprisonment for crimes against humanity relating to rape charges. He escaped custody before the trial.

On January 26, 2009, the ICC began its first-ever trial. Former Congolese warlord Thomas Lubanga Dyilo faced charges of war crimes for his use of child soldiers in the conflict in Ituri. The opening day's proceedings were broadcast across Congo. The trial of two other Ituri warlords, Germain Katanga and Mathieu Ngudjolo Chui, commenced on November 24.

Key International Actors

Encouraged by the historic rapprochement between Congo and Rwanda, governments and international donors were reluctant to raise concerns that might upset the new relationship. Some privately raised concerns about Ntaganda's promotion, but few pressed effectively for his arrest. A number of diplomats, notably United States Secretary of State Hillary Clinton and UN Secretary-General Ban Ki-moon, visited eastern Congo and raised human rights concerns, especially on sexual violence. But they all stopped short of putting pressure on the Congolese government or MONUC to suspend military operations until measures for civilian protection were in place. In October, following a mission to Congo, the UN special rapporteur on extrajudicial executions became a rare voice loudly raising concerns about abuses committed during the military operations. In November the US special envoy for the African Great Lakes region marked a change of approach by calling the human cost of the military operations "unacceptable."

MONUC provided logistical and operational support to Congolese military operations. But contrary to the UN's own legal advice and its mandate from the Security Council, it did not put in place conditions to ensure respect for human rights before operations began. In November 2009 MONUC suspended its support to one army unit in North Kivu that it said had committed serious violations, but continued its support to other units. MONUC's ongoing support to the military

operations raised serious questions about its implication in the abuses.

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