



JANUARY 2009

COUNTRY SUMMARY

Democratic Republic of Congo (DRC)

Violence, impunity, and horrific human rights abuses continue in the Democratic Republic of Congo, two years after historic elections were expected to bring stability. Early in 2008 a peace agreement brought hope to eastern Congo, but combat between government and rebel forces resumed in August. During the year, hundreds of civilians were killed, thousands of women and girls were raped, and a further 400,000 people fled their homes, pushing the total number of displaced persons in North and South Kivu to over 1.2 million.

In western Congo, state authorities used violence and intimidation against political opponents, killing over 200 protestors and others in Bas Congo and arresting scores of supposed opponents, many of them from Equateur province, on charges of plotting against the government. Officials harassed press and civil society critical of the government.

Violence in Eastern Congo

Hopes for peace soared in January when the government and 22 armed groups signed a ceasefire agreement and the government launched the Amani Program to coordinate peace efforts. But slow progress in implementing the agreement, plus frequent violations of the ceasefire, gave way in late August to serious fighting in North Kivu between the forces of rebel commander Laurent Nkunda's National Congress for the Defense of the People (CNDP) and the Congolese national army. In October the CNDP stopped just short of taking Goma and unilaterally declared a ceasefire, demanding talks with the government. The CNDP, claiming to protect people of Rwandan descent and particularly Tutsi, also fought the Coalition of Congolese Patriotic Resistance (PARECO), made up of other Congolese ethnic groups and the Democratic Forces for the Liberation of Rwanda (FDLR), a group including Congolese and Rwandan Hutu, some of whom had participated in the 1994 genocide in Rwanda.

All parties to the combat committed grave human rights abuses, including killing hundreds of civilians, forcibly recruiting children and adults for military service, and widespread looting. Sexual violence against women and girls continued at its previously horrifying rate with more than 2,200 cases of rape recorded from January to June in North Kivu province alone, likely representing only a small portion of the total. Dozens of other women and girls were reported to have been raped following resumption of combat in August.

Violence in Bas Congo

In March police and other state agents used excessive force in quelling protests by the Bundu Dia Kongo(BDK), a political-religious group that promotes greater autonomy for Bas Congo province. Some protestors, armed with sticks and stones, used violence against police or officials. Police used disproportionate force, including grenades and machine guns against the protestors. As in operations in 2007, the police deliberately killed persons who were wounded, running away, or otherwise in no position to threaten them. Some 200 BDK supporters and others were killed, and BDK meeting places were destroyed. The police attempted to hide the extent of the carnage by dumping dozens of bodies in the Congo River and hastily burying others in mass graves. Police arrested over 150 persons suspected of supporting the BDK and tortured or ill-treated some of them. On March 21, the government revoked the authorization of the BDK to operate as a social and cultural organization, effectively making it illegal.

Political Repression

Security forces targeted political opponents, particularly those from Equateur province, the home region of former presidential candidate Jean-Pierre Bemba. They killed at least five and illegally detained scores of others, many of whom were tortured or ill-treated. At least a dozen detainees remain unaccounted for at this writing. Detainees were frequently accused of plotting a coup, but as of October 2008, no cases had been brought to trial.

On July 6, Republican Guards killed Daniel Boteti, the vice-president of the Kinshasa provincial assembly and a member of Bemba's Congolese Liberation Movement

(MLC). In May and June security agents arrested at least 15 persons from Equateur. They were held incommunicado for several months before 12 of them were transferred to Makala central prison, some of them showing visible signs of torture. In July another eight people from Equateur were arrested, illegally detained, and brutally beaten. Government officials refused to answer questions from United Nations human rights monitors about the location of other detainees.

In July the government released 258 prisoners from Makala central prison, including many who had been illegally detained since March 2007. The decision was taken to resolve problems of overcrowding in the jail and did not appear to have been based on a judicial review of the cases. At this writing, at least 200 other political prisoners remain in detention without trial.

Threats to Journalists and Human Rights Defenders

On March 7, Nsimba Embete Ponte, editor of *L'Interprète*, was illegally detained at the National Intelligence Agency (ANR) prison in Kinshasa for writings critical of President Kabila. His colleague, Davin Ntongo Nzovuangu, was arrested several days later. After the private television station Global TV broadcast coverage of a press conference by opposition parliamentarian Ne Muanda Nsemi, the spiritual leader of the BDK, state agents raided its offices on September 12. They then arrested Global TV journalist Daudet Lukombo, charged him with inciting rebellion for his role in the broadcast, and confiscated essential broadcasting equipment. Two other journalists who covered the same press conference also reported receiving death threats.

In Ituri, northeastern Congo, activists working for the local human rights organization Justice Plus were threatened and fled the country after they called for justice for crimes committed in the district. In North Kivu a women's rights activist was threatened when she sought justice for an attack against her family by Congolese soldiers.

Justice and Accountability

Near total impunity for grave violations of international humanitarian law continues, with very few perpetrators arrested and prosecuted by national authorities. In a

February 2008 report, the UN special rapporteur on violence against women concluded that “due to political interference and corruption, perpetrators, especially those who belong to the State security forces, go unpunished.” In one exceptional case, a military court in Katanga continued proceedings against Gedeon Kyungu Mutanga and 25 others accused of committing war crimes and crimes against humanity between 2004 and 2006, one of the largest war crimes trials in Congo’s history.

The International Criminal Court (ICC) provided some hope for victims seeking justice. On February 6, the ICC took custody of Ituri warlord Mathieu Ngudjolo Chui, who was charged with war crimes and crimes against humanity. On September 26, the court confirmed the charges against Ngudjolo and Germain Katanga, another Ituri warlord arrested in 2007. The case is expected to go to trial in 2009. On April 28, the court unsealed an arrest warrant for Jean-Bosco Ntaganda, military chief of staff for Nkunda’s CNDP, for crimes allegedly committed in Ituri. Procedural errors in the prosecution of Thomas Lubanga Dyilo, the first Congolese arrested by the court, delayed the proceedings and raised questions about the efficacy of ICC justice in the minds of some victims.

At the request of the ICC, Belgian authorities arrested Bemba in May to face charges of responsibility for war crimes and crimes allegedly carried out by his forces during the 2002-2003 conflict in the Central African Republic. The ICC was also investigating the conduct of Bemba’s troops in Congo, but has not filed charges in that case.

Key International Actors

The escalating crisis in eastern Congo spurred diplomats from the European Union, African Union, United States, and UN to intervene to facilitate the January peace agreement and to assist in its implementation. After serious combat resumed and Nkunda’s troops approached Goma in October, international leaders flocked to Congo and Rwanda, seeking an end to the fighting and the ensuing humanitarian crisis.

MONUC, the UN peacekeeping force, fulfilled its mandate of protecting civilians in some places, but its limited numbers and capacities prevented the force from

providing effective protection in many situations. When confronted by violations to the ceasefire, MONUC troops attempted to halt advances by Nkunda's CNDP but not those of Congolese army soldiers, leading some Congolese to question the neutrality of MONUC. In some cases, angry civilians stoned UN troops whom they believed had taken sides in the conflict.

Human rights violations in western Congo received less attention than combat-related abuses in the east. Few international actors publicly criticized the excessive force used by the police in Bas Congo, or the illegal detention and torture of political opponents. In April the Belgian government raised some of these concerns. In protest, Congo recalled its ambassador from Belgium.

In March the UN Human Rights Council failed to renew the mandate of the independent expert on the human rights situation in the Congo despite the evident need for continued monitoring. Once the Congolese government made clear its opposition to a continued mandate, EU states failed to honor pledges to support the post. In September key donor nations agreed to establish the post of independent special advisor on human rights linked to the peace process in eastern Congo, but by November they had not named a person to the position.

Congo is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in December 2009.