Democratic Republic of Congo

The human rights situation in the Democratic Republic of Congo (DRC) remained grave. All sides in the country's ongoing armed conflicts continued to attack civilians and commit other serious human rights abuses. Military operations against foreign and domestic armed groups in the east and north were on a smaller scale than in previous years. Efforts to integrate armed groups into the national army were hampered by former rebel leaders, such as Bosco Ntaganda, who flouted orders from the army's central command and pursued their own interests. Ntaganda is facing an International Criminal Court (ICC) arrest warrant but remains in charge of military operations in eastern Congo.

Preparations for elections preoccupied Congolese authorities and international partners for much of the year. The months before the elections were marked by threats and physical attacks against opposition members, media, and human rights defenders. The United Nations peacekeeping mission in Congo (MONUSCO) continued to implement its civilian protection mandate and supported logistics for the elections, but was hampered by a serious shortage of helicopters, which impeded its mobility and effectiveness.

President and Legislative Elections

Much attention was focused on preparing for elections set for late 2011 as President Joseph Kabila sought a second term. In January Kabila's government pushed a hasty constitutional change altering the voting system for presidential elections from a two-round to a single-round poll. A month later a close Kabila ally, Pastor Daniel Mulunda Ngoy, was sworn in as head of the National Independent Electoral Commission (CENI). Opposition groups protested the changes, which they said were designed to benefit Kabila.

Politically motivated human rights violations increased as elections approached. UN investigators reported 188 cases before the official campaign began in October. Violence perpetrated by police and other state security services included restrictions on political activities, unnecessary force against demonstrators, and arbitrary arrests primarily directed toward opposition parties, their supporters, and journalists. For example, on October 6 the police violently crushed a demonstration by the Union pour la Democratie et le Progres Social (UDPS) opposition party in Kinshasa, using teargas and firing live rounds
in the air. One person was killed and at least 10 others were wounded. Some candidates and their supporters also used inflammatory language and hate speech, inciting youth groups and others to use violence against their opponents.

**Attacks on Civilians**
The east and the north of the country remained volatile and were marked by frequent attacks on civilians, particularly sexual violence against women and girls. Nearly 1.7 million people are displaced, including the newly displaced, and a further 476,000 are refugees in neighboring countries.

In the east, the army continued military operations against the Democratic Forces for the Liberation of Rwanda (FDLR), a predominately Rwandan Hutu rebel group, and the Allied Democratic Forces (ADF), a Ugandan rebel group, though on a reduced scale from previous years. The government opened secret negotiations with the FDLR to encourage the group to disarm and resettle in another part of Congo, but the talks failed.

As in the past, government soldiers frequently killed and raped civilians and pressed them into forced labor or looted their belongings. In one case, on the night of January 1 soldiers raped at least 67 women and girls and arbitrarily detained and tortured dozens of other civilians in Fizi, South Kivu. Also in January soldiers raped at least 47 women and girls in Bushani, North Kivu, and looted and burned some 100 homes.

Government soldiers also attacked civilians while fighting in the north against the Lord’s Resistance Army (LRA), a Ugandan rebel group with a long record of atrocities. The worst attacks were against the Mbororo nomadic cattle herders who frequently traverse the border between Congo and the Central African Republic (CAR). At least 35 Mbororo women and girls were raped. Some women were taken to army camps where they were held and repeatedly raped. Soldiers also beat and arbitrarily detained Mbororo men and pillaged their cattle. The army claimed the Mbororo were aligned with the LRA, but provided no evidence to support the claim.

Armed groups also attacked civilians. In the east, the FDLR and Congolese armed groups occupied areas vacated by government soldiers when they were temporarily recalled for training, attacking civilians who resided there. For example, in May FDLR combatants attacked numerous villages in Masisi territory, killing six civilians, raping two women, and abducting at least 48 people whose whereabouts remain unknown. In Bwale, South Kivu, in January and February at least 65 women and girls were raped by FDLR combatants during four attacks.
In the north the LRA carried out at least 250 attacks against civilians and continued to abduct children and adults, although deadly attacks were less frequent than in previous years. In LRA-affected areas in Congo, CAR, and South Sudan, 2,400 people were killed and 3,400 were abducted by the LRA since September 2008. The Ugandan army, in coalition with armed forces from neighboring countries, continued its military operations against the LRA. No progress was made in apprehending three of the LRA’s top leaders sought by the ICC for war crimes committed in northern Uganda, and relations between the coalition partners began to deteriorate. Congolese army and MONUSCO efforts to protect civilians in LRA-affected areas remained inadequate, though some efforts were made to avert attacks around the 2010 Christmas period, a time of previous LRA violence.

Abuses by Bosco Ntaganda
The Congolese army’s attempts to restructure and integrate former armed groups into its ranks continued to be fraught with problems. The creation of new regiments mixing government soldiers with former rebels caused confusion and weakened command and control. It further permitted former rebel leader Bosco Ntaganda to increase his power base by expanding his parallel command over parts of the army and local administration.

Ntaganda continued his brutal campaign against perceived opponents, both military and civilian, by ordering assassinations, arbitrary arrests, and other forms of intimidation. Troops under his command were implicated in attacks on civilians. He continued to recruit children and thwarted efforts to demobilize them. He blocked judicial investigations into abuses committed by his loyalists, violated a government export ban on minerals from eastern Congo, and used his influence in the military to confiscate land and expand his business interests.

Despite the flagrant abuses, the government did not enforce the ICC arrest warrant against Ntaganda. Officials said they feared his arrest could disrupt the integration of former rebel groups into the army and harm diplomatic relations with Congo’s neighbor, Rwanda, which supports Ntaganda. Failure to arrest Ntaganda further harmed peace and stabilization efforts.

Journalists and Human Rights Defenders
Congolese human rights defenders and journalists continued to be targeted in 2011. On June 21 Witness-Patchelly Kambale Musonia—a journalist and talk show host at Radio Paysanne, a community radio station in Kirumba, North Kivu—was shot dead by unidentified armed men following a broadcast about the trafficking of weapons. On March
24, government soldiers in Baraka, South Kivu, threatened a human rights defender from Federation des Femmes pour la Paix for her activities in defense of rape victims.

Threats increased as elections approached. On September 6, unidentified armed men threw tear gas, gasoline, and incendiary grenades into the studio of Radio Lisanga Télévision (RTLV), a private television station favorable to opposition candidate Etienne Tshisekedi. In June armed men attacked and injured an RTLV presenter. In Fungurume, Katanga province, Dédé Ilunga, a journalist with Radio Océan, was arbitrarily arrested and detained by police for 17 days in September following a broadcast criticizing President Kabila’s development program. He was released without charge.

Journalists covering demonstrations and political rallies were also repeatedly targeted. In August security guards at a ruling party congress at a Kinshasa stadium attacked cameraman Serge Kembila of Radio Télévision Groupe l'Avenir (RTGA) for filming empty seats and confiscated his footage.

Congolese authorities have largely failed to investigate and prosecute those responsible for the attacks. In one exception, a military court in Kinshasa found five senior police officers guilty of murdering Floribert Chebeya Bahizire, the executive director of Voice of the Voiceless, and his driver, Fidèle Bazana, in June 2010. At this writing three of the five remained at large. Congolese human rights groups criticized the trial for failing to take into account the role of the national police chief in the murder.

**Justice and Accountability**

There was mixed progress in the government’s efforts to hold perpetrators of serious violations to account.

Congo’s judicial officials had some notable successes in prosecuting sexual violence and other crimes. Following the January mass rape in Fizi, South Kivu, a military court found 10 soldiers and their commanding officer guilty of crimes against humanity. In March another military court sentenced 11 soldiers, including three officers, for crimes against humanity committed in Katasomwa in September 2009. On March 25 the High Military Court in Kinshasa began the trial of Gen. Jérôme Kakwavu, on war crimes charges for rape and torture. Kakwavu is the first general in Congo’s history to be arrested on rape charges.

No progress was made in apprehending the perpetrators of a mass rape of 387 women, men, and children, committed by a coalition of armed groups in Walikale territory, North
Kivu, in July and August 2010. One of those facing an arrest warrant for the crime against humanity of rape, Ntabo Ntaberi Sheka, ran as a candidate for the National Assembly. Efforts to combat impunity also suffered a serious blow with the promotion and growing power of Ntaganda, living openly in Goma, and the escape from prison of Gedeon Kyungu Mutanda and many of his co-perpetrators, who had been found guilty of crimes against humanity in 2009. Authorities had ignored many earlier requests from civil society to incarcerate Mutanda at a maximum security prison.

The Congolese government took action in response to the 2010 human rights “mapping report” published by the UN Office of the High Commissioner for Human Rights (OHCHR), which documented 617 incidents of serious violations of international humanitarian law between 1993 and 2003. In August the government presented a draft law to parliament to establish a specialized mixed court with national and international judicial staff to try those responsible for the most serious crimes. Congolese civil society groups strongly supported the draft legislation, but the Senate rejected it and asked the government to harmonize its proposal with other draft laws to combat serious human rights violations.

International trials against those responsible for crimes continued. In Germany two FDLR leaders stood trial for war crimes and crimes against humanity. At the ICC three former Congolese armed group leaders were tried for similar crimes and judges deliberated whether the case of a Rwandan FDLR leader would move forward to trial.

**Key International Actors**

International actors focused their attention on the elections. The UN Security Council renewed MONUSCO’s mandate with a continued focus on protecting civilians, though UN member states failed to provide it with the logistical capabilities it required.

OHCHR took few steps to follow-up on its “mapping report.” Few diplomats and UN officials raised public concerns about the government’s failure to arrest Ntaganda, though some said they raised it privately.

United States President Barack Obama announced in October that the US would send 100 military advisors to central Africa to help regional forces apprehend LRA leaders and end the group’s violence. The US also said it would withhold US$1.3 million in foreign military financing until the Congolese government takes concrete steps to end its use of child soldiers.