

DEMOCRATIC REPUBLIC OF THE CONGO

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Head of state: **Joseph Kabila**
Head of government: **Augustin Matata Ponyo Mapon**
(replaced Louis Koyagiolo in May,
who replaced Adolphe Muzito in March)

The already precarious security situation in eastern Democratic Republic of the Congo (DRC) deteriorated gravely due to the proliferation of armed groups, including the newly formed March 23 group, easy access to ammunition and weapons and violations by the Congolese armed forces. Both armed groups and government security forces threatened, harassed and arbitrarily arrested human rights defenders, journalists and members of the political opposition.

Background

On 28 April, newly re-elected President Joseph Kabila appointed a new government after months of disputed election results.

The national army, Forces Armées de la République Démocratique du Congo (FARDC), continued a reconfiguration process, which involved, in parts, the integration of armed groups into the army. This restructuring was unco-ordinated and ultimately opened the door for armed groups to take control of areas vacated by FARDC.

In April 2012, FARDC defectors in North and South Kivu formed the March 23 (M23) armed group, following a call to mutiny by General Bosco Ntaganda, who is under indictment by the International Criminal Court for crimes against humanity and war crimes. The M23 claimed to be fighting for the Congolese government to fully respect the 23 March 2009 peace agreement.

Clashes between FARDC and armed groups heightened insecurity and thousands were forced to flee their homes. Violent clashes between FARDC soldiers and the M23 took place between April and September and again in November when the North

Kivu capital Goma fell under M23 control for 11 days. Other armed groups were allegedly also involved and widespread human rights abuses were committed by all parties.

Attacks by armed groups against the civilian population increased.

The peacekeeping force MONUSCO (UN Organization Stabilization Mission in the DRC) took various measures to address security gaps and increased its presence in areas abandoned by the FARDC, but its already overstretched resources greatly limited its ability to provide adequate protection to civilians.

In 2012, the UN Group of Experts on the Democratic Republic of the Congo, Amnesty International and several international NGOs documented Rwandan support to the M23, including by facilitating and supporting recruitment for the M23 in Rwanda and through the supply of weapons and ammunition.

Following the renewed fighting between the M23 and FARDC in November, and the M23's temporary takeover of Goma, negotiations between countries in the Region started on 9 December under the aegis of the International Conference for the Great Lakes Region.

Abuses by armed groups

The redeployment of FARDC troops to fight the M23 in eastern DRC created security vacuums in other localities. This allowed various armed groups, such as the Raia Mutomboki, Nyatura, Forces Démocratiques de Libération du Rwanda (FDLR), Burundian Forces Nationales de Libération, Mayi Mayi Sheka, and Alliance des Patriotes pour un Congo Libre et Souverain, to commit serious human rights abuses as they expanded their military operations into those areas.

Abuses included unlawful killings, summary executions, forced recruitment of children, rape and sexual violence, large-scale looting and destruction of property and were characterized by extreme violence, sometimes ethnically motivated. The situation was fuelled by easy access to weapons and ammunition.

■ On the night of 13 May, in Bunyakiri, Kalehe territory, South Kivu province, at least 20 civilians were unlawfully killed and others wounded in an attack reportedly carried out by the FDLR, which took place a few kilometres from a MONUSCO base.

Other armed groups have continued to be active in the north east, including the Lord's Resistance Army

(LRA), the Mayi Mayi Lumumba and the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU).

Violence against women and girls

Women and girls bore the horrific cost of intensified hostilities and were widely subjected to rape and other forms of sexual violence committed both by the FARDC and armed groups. Women and girls at particular risk were those in villages targeted for looting and intimidation operations by armed groups and the national army, as well as those living in camps for displaced people, who often had to walk long distances to reach their fields.

■ Between April and May, M23 combatants reportedly raped several dozen girls and women in the Jomba area in Rutshuru territory in North Kivu, where the M23 established its base. Most of those attacked had been displaced by the conflict.

Sexual violence was more pervasive where the national army lived alongside the population.

■ In late November, the UN reported that the FARDC were responsible for at least 126 cases of rape within a few days in Minova where the national army had retreated after the fall of Goma on 20 November.

Elsewhere in the country, members of the national police and other security forces continued to commit acts of rape and sexual violence.

Rape survivors were stigmatized by their communities, and did not receive adequate support or assistance.

Child soldiers

Children were recruited by both armed groups and the FARDC. Many were subjected to sexual violence and cruel and inhuman treatment while being used as fighters, carriers, cooks, guides, spies and messengers.

■ In March and April, in advance of the creation of the M23 armed group, children were abducted and forcibly recruited by defecting FARDC soldiers, particularly in Masisi territory in North Kivu.

On 4 October, the DRC government signed an Action Plan, adopted in the framework of Security Council Resolutions 1612 (2005) and 1882 (2009), to end the recruitment of children. The agreement outlined specific measures for the release and reintegration of children associated with the government security forces and the prevention of further recruitment.

MONUSCO continued to carry out Demobilization, Disarmament, Repatriation, Resettlement and Reintegration of FDLR soldiers, which included child soldiers.

Internally displaced people

Due in part to the escalating conflict in eastern DRC since April, the number of internally displaced people increased this year to more than 2.4 million, which is the highest number of internally displaced people since 2009. By 1 November, some 1.6 million people were internally displaced within North and South Kivu alone. Many of those internally displaced were civilians fleeing forced recruitment by armed groups.

■ In July, thousands of people, mostly women, children and the elderly, were displaced when the M23 fought the national army and took control of the town of Bunagana in Rutshuru territory.

Torture and other ill-treatment

Torture and other ill-treatment was endemic throughout the country, and often took place during unlawful arrests and detention by state security services.

Death penalty

Military courts continued to sentence individuals, including civilians, to death. No executions were reported.

■ On 30 May, a military court in Uvira sentenced two soldiers to death in their absence, and several other officers to life in prison, for participating in the call to mutiny by General Bosco Ntaganda in April.

Impunity

Impunity continued to fuel further human rights abuses. Efforts by judicial authorities to increase the capacity of the courts to deal with cases, including cases involving human rights abuses, had only limited success; many older cases did not progress. The Ministry of Justice's initiatives in 2011 to address impunity for past and current crimes under international law were stalled and victims continued to be denied access to truth, justice and reparations. Court rulings were not implemented and key cases, such as the Walikale and the Bushani and Kalambahiro mass rapes of 2010 and 2011, progressed no further.

Although the Ministry of Justice and Human Rights asked the civil and military judicial authorities in February to open investigations into allegations of electoral violence, there was little evidence of any progress in the investigations during the year.

Unfair trials

Lack of independence of courts, violations of the rights of defendants, unavailability of legal aid, and corruption were some of the factors hindering fair trials.

The fundamentally flawed Congolese military justice system maintained exclusive jurisdiction over the crimes of genocide, crimes against humanity and war crimes – including in cases with civilian defendants.

Prison conditions

The prison system continued to be severely under-funded, failing to address decaying facilities, overpopulation and extremely poor hygiene conditions. Dozens of inmates died in prisons or hospitals as a consequence of malnutrition and a lack of appropriate medical care. Insecurity for detainees was increased by a failure to effectively separate women from men, pre-trial detainees from convicted prisoners, and members of the military from civilians.

Human rights defenders

The security situation for human rights defenders in the east deteriorated throughout the year. Defenders faced increasing intimidation and were often subjected to arbitrary arrests or death threats by state security forces, the M23, and unidentified armed men, severely hindering their work.

From July, when the M23 took control of Rutshuru town in North Kivu, human rights defenders had to close their offices. Many fled after they received repeated death threats through text messages, anonymous phone calls, and visits at night by armed men. Similarly, at the end of November when the M23 took temporary control of Goma, many human rights defenders based in the town fled for safety.

On 6 December, the National Assembly adopted a law establishing the National Commission on Human Rights. The Commission, if created, would seek to help authorities meet their human rights obligations.

Arbitrary arrests and detentions

Arbitrary arrests and detentions continued to be systemic throughout the country. Security services, in particular the national police, the intelligence services, the national army and the migration police, carried out arbitrary arrests and, frequently, extorted money and other items of value from civilians during law enforcement operations or at checkpoints. In the western provinces in particular, security forces carried out arbitrary arrests for private interests, or to obtain illegal payments.

Political opposition activists were subjected to arbitrary arrests during the post-electoral period. An opposition leader was arrested in February by security services and allegedly tortured and otherwise ill-treated before being released a few days later.

■ Political opponent Eugène Diomi Ndongala went missing on 27 June on his way to sign a coalition charter with other political parties. He was released 100 days later, having been detained incommunicado by the intelligence services (Agence nationale de renseignements) in Kinshasa without access to his family, lawyer or a doctor, despite a chronic medical condition.

Freedom of expression

Freedom of expression was significantly curtailed, particularly in the post-electoral period and following increasing control of the east by M23. The main targets were political opponents and journalists who were threatened or arbitrarily arrested. TV, radio and newspaper outlets were subjected to arbitrary suspension of their operations by the authorities, as well as arson attacks and other damage to their premises by unidentified actors.

■ On 30 November, the Superior Audiovisual and Communication Council suspended Radio Okapi's broadcast in Kinshasa without notification following a radio show featuring an interview with an M23 spokesperson.

International justice

On 10 July, the International Criminal Court sentenced Thomas Lubanga Dyilo, the alleged founder and president of the Union of the Congolese Patriots and commander in chief of its armed wing, the FPLC, to 14 years in prison. On 14 March, he had been convicted of the war crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities in Ituri district.

On 13 July, the ICC issued an arrest warrant for Sylvestre Mudacumura, alleged commander of the armed branch of the FDLR, for nine counts of war crimes allegedly committed between January 2009 and September 2010 in eastern DRC.

A second arrest warrant was issued in July for Bosco Ntaganda for three counts of crimes against humanity as well as four counts of war crimes. The Congolese authorities refused to arrest and surrender Bosco Ntaganda prior to his defection from the Congolese army in April.

On 18 December, the ICC acquitted Mathieu Ngunjiri Chui, the alleged former leader of the Nationalist Integration Front of crimes that were perpetrated in Bogoro village of Ituri district in February 2003.

Amnesty International visits/reports

🚗 Amnesty International delegates visited the DRC in February, May and September.

📄 Democratic Republic of Congo: The Congolese government must arrest and surrender Bosco Ntaganda to the ICC (AFR 62/004/2012)

📄 "If you resist, we'll shoot you": The Democratic Republic of the Congo and the case for an effective Arms Trade Treaty (AFR 62/007/2012)

📄 Petition containing 102,105 signatures delivered by Amnesty International to the Minister of Justice and Human Rights (AFR 62/008/2012)

📄 The Human Rights Council must act for better protection of civilians and an end to threats and intimidation against human rights defenders, journalists and political opponents (AFR 62/011/2012)

📄 Democratic Republic of Congo: Letter to the five permanent members of the Security Council (AFR 62/015/2012)

📄 Democratic Republic of Congo: ICC acquits Congolese armed group leader (AFR 62/017/2012)

📄 Canada: Court decision in Kilwa Massacre case denies right to remedy for victims of corporate human rights abuses (AMR 20/002/2012)

📄 DRC urged to stop violence as it plays host to Francophonie Summit in Kinshasa, 10 October 2012

📄 DRC must investigate assassination attempt on activist Dr Denis Mukwege, 26 October 2012

📄 DRC: Civilian protection urged as tens of thousands flee escalation in fighting, 19 November 2012

DENMARK

KINGDOM OF DENMARK

Head of state:

Queen Margrethe II

Head of government:

Helle Thorning-Schmidt

A European Parliament report recommended that Denmark conduct an independent investigation into its involvement in the US-led rendition programme. A suspension of the transfer of detainees to the Afghan intelligence service by Danish armed forces was lifted despite the real risk of torture and other ill-treatment faced by those transferred. Immigration detention practices in relation to vulnerable people remained a cause for concern.

Torture and other ill-treatment

In April, the government established a commission to examine Denmark's involvement in the Iraq war, including claims that the army transferred detainees to the Iraqi authorities despite allegedly knowing that they would be at risk of torture or other ill-treatment. In October, it emerged that Danish soldiers were in possession of video footage apparently showing detainee mistreatment by Iraqi soldiers.

■ According to reports in December, 11 Iraqis were effectively prevented from bringing a court case against Denmark for allegedly transferring them to the Iraqi authorities despite knowing they would be at risk. The men had been denied legal aid and were required to pay a deposit of 40,000 kroner each as security before the case could proceed, an amount none of them could afford.

In October, the suspension of transfers of detainees by Danish armed forces to the Afghan intelligence service, the National Directorate of Security (NDS), was lifted despite the real risk of torture and other ill-treatment that those held by the NDS faced. As a result, on 20 October and 23 November, Danish armed forces in Afghanistan transferred Afghan detainees to the NDS facility in Lashkar Gah.

Counter-terror and security

In September, a European Parliament report recommended that Denmark conduct an independent investigation into its alleged complicity in the CIA's rendition programme. A study