
Democratic Republic of Congo

After eighteen months in power, the transitional government of the Democratic Republic of Congo (DRC) remains fragile, far from its goals of peace and effective administration of this huge central African nation. Installed after five years of civil war, the uneasy coalition of former belligerents is plagued by mistrust, dissatisfaction among troops not yet fully integrated in a new national army—including an aborted rebellion by some of them, and challenges from armed groups outside the peace process. It also faces continued interference from neighboring countries, in particular Uganda and Rwanda.

In eastern Congo, soldiers of the national army and combatants of armed groups continue to target civilians, killing, raping, and otherwise injuring them, carrying out arbitrary arrests and torture, and destroying or pillaging their property. Tens of thousands of persons have fled their homes, several thousand of them across international borders. After the attempted rebellion and a massacre of Congolese refugees in neighboring Burundi, ethnically-based fear and hatred have risen sharply, emotions that are amplified and manipulated by politicians and some civil society leaders.

An over-stretched United Nations peacekeeping force, the U.N. Organization Mission in Congo (MONUC), contributes little to protecting civilians outside of a few urban areas and itself has come increasingly under attack.

With a weak coalition in Kinshasa, divisions in the army, and growing ethnic tensions in the east, the DRC is ill-prepared to address the complex political and logistical obstacles to elections that are now set for mid-2005. Failure to address these fundamental problems increases the likelihood of more conflict, potentially destabilizing the entire region.

Continuing Violence against Civilians

During 2004 government soldiers and armed combatants engaged in numerous skirmishes for control over local areas in eastern DRC. In many of these incidents they committed grave violations of international humanitarian and human rights law, particularly in Ituri, North and South Kivu, Maniema, and Northern Katanga. In the northeastern district of Ituri, known for high levels of violence in prior years, MONUC soldiers limit abuses in Bunia, the main town, but fail to curb abuses by armed groups organized on an ethnic basis in the countryside. Further to the northeast, combatants attacked civilians at the village of Gobu in January 2004, killing at least one hundred of them. In September, another fourteen civilians were slain at Lengabo, only a short distance from Bunia. Women and girls suffer

systematic sexual violence in many zones of conflict and in the Mongbwalu area, some eighty Hema women accused of being traitors to local communities were summarily executed.

In May and June 2004 dissident soldiers rebelled and captured the South Kivu town of Bukavu from government forces. Members of both forces committed war crimes, killing and raping civilians, some of whom were targeted on an ethnic basis. Thousands of government troops arrived to defeat the rebels, many of whom were Tutsi or Banyamulenge, an ethnic group related to Tutsi. Some of the rebels then fled to Rwanda while others retreated to North Kivu. Following the rebellion, thousands of Banyamulenge civilians and others associated with them in South Kivu feared reprisals and fled to Rwanda or Burundi. Over 150 of those refugees were massacred in mid-August at Gatumba refugee camp just inside the Burundian border. Most of the attackers were Burundian rebels, but some spoke Congolese languages and may have come from DRC.

Increasing Ethnic Hostility

The Bukavu revolt and the Gatumba massacre sharply increased fear and hatred between Tutsi and Banyamulenge peoples and other ethnic groups in eastern DRC. In some places animosity against Tutsi and Banyamulenge is generalized to all Rwandaphones, people linguistically or culturally linked to Rwanda. After Banyamulenge civilians were killed in Bukavu, some Banyamulenge and Tutsi leaders charged that government soldiers and people of other ethnic groups were committing genocide against them. In June 2004, Rwandan government authorities—many of them Tutsi—threatened to invade Congo to defend Tutsi and Banyamulenge. After the Gatumba massacre, they repeated the threat, backed by Burundian Tutsi military officers. Many Congolese who had suffered under Rwandan occupation from 1996 to 2002 fear another Rwandan attack and charge that Banyamulenge and Congolese Tutsi intend to help the Rwandans, as some of them have done in the past. When Banyamulenge refugees tried to return from Burundi in October, crowds in the town of Uvira stoned them and attacked the MONUC troops protecting them. Political, military, and civil society leaders manipulated tension between ethnic groups, even producing fake documents meant to prove that others planned attacks against them.

Questions of land use and ownership and of citizenship underlie many of the conflicts among ethnic communities in eastern Congo; they are complicated by laws that are poorly written or inconsistently applied. The government is trying to address these issues through the necessary reform legislation.

Illegal Exploitation of Resources

In 2003 an independent panel of experts established by the U.N. Security Council documented links between the illegal exploitation of resources and conflicts in the DRC but since the publication of its report only Belgium has launched investigations into possible breaches of international business norms by corporations registered in its territory. The DRC government, committed to reviewing unfavorable contracts signed during the five years of war, has made little progress in doing so. Local organizations as well as international observers report growing corruption and fraud by officials.

Meanwhile leaders of armed groups in the DRC continue to profit from the illegal exploitation of resources and to fight for control of lucrative border posts or strategic mining areas. In 2004 such groups fought for access to resources like gold, cassiterite, and cobalt in North Kivu, South Kivu, Ituri and parts of Katanga. In July the Security Council renewed an arms embargo on eastern Congo and the mandate of a panel investigating its enforcement, but it limited the scope and hence the effectiveness of the investigations by not authorizing inquiry into the financing of weapons purchases.

Civil and Political Rights

Local and national officials continue to harass, arbitrarily arrest, or beat journalists, civil society activists, and ordinary citizens. Combatants of armed groups, including those officially integrated into the national army, continue to prey upon civilian populations, collecting illegal “taxes” and extorting money through illegal detention or torture.

Making Justice Work

The pervasive culture of impunity is one of the greatest obstacles to lasting peace as well as to ensuring civil and political rights in the DRC. Despite national and international proclamations about the importance of accountability for past crimes, numerous persons suspected of violations of international human rights and humanitarian law continue to occupy posts of national or local responsibility, including key positions in the newly integrated army. Integrating abusive commanders into a new army may buy their compliance with the transitional process in the short term, but only prepares the way for future instability.

Delivering justice in the DRC will require enormous human and material resources. The European Union, assisted by MONUC, has supported a pilot program for rebuilding justice in Ituri that offers the potential for replication elsewhere. After the Lengabo killings mentioned above, MONUC also helped arrest dozens of suspects. At the invitation of the DRC government, the prosecutor of the International Criminal Court (ICC) has begun investigating war crimes and crimes against humanity, an effort that may eventually bring some major perpetrators to justice. But no progress has been made on finding mechanisms to deliver justice for the massive crimes committed before July 2002 when the jurisdiction of the ICC begins. Several women’s groups are seeking ways to encourage the prosecution of sexual violence, committed so widely in the DRC.

Key International Actors

In October 2004, the Security Council increased MONUC troops to 16,700 and strengthened its Chapter VII mandate to protect civilians. Although the increase fell far short of the 23,900 troops requested by the U.N. Secretary General, it will give MONUC improved capacity to deal with recurrent threats to civilians. There have been allegations of sexual violence and exploitation of women and girls by MONUC forces themselves. Although the U.N. has announced a zero-tolerance policy with regard to sexual exploitation by members of peacekeeping forces, to date there have been no criminal charges

brought against any peacekeepers. An internal U.N. investigation has been initiated to look into the allegations.

Although Rwanda supposedly withdrew its military forces from DRC in 2002, U.N. sources reported the presence of Rwandan troops in DRC in 2004. In addition, U.N. experts concluded that Rwanda supported the Bukavu revolt against the transitional government. Meanwhile Ugandan President Museveni attempted to put pressure on the ICC prosecutor not to investigate crimes by leaders of armed groups supported by Uganda.

The U.K., South Africa, Belgium and the European Union intervened at critical moments in 2004 to prevent breakdowns in the transitional process. The U.K. also twice dissuaded Rwanda from increased interference in the DRC by suspending or threatening to suspend aid. In at least one case South Africa also brought pressure to bear successfully on Rwanda to create no obstacles to the transition.