

Democratic Republic of Congo

The Democratic Republic of Congo (DRC) held historic elections in 2006 bringing to power Joseph Kabila as the country's first democratically elected president in over 40 years. The electoral process marked the end of a three-year transitional government that followed five years of war. But both government soldiers and armed groups continued killing, raping, and otherwise injuring civilians, particularly in the east. Officials harassed, beat, and arrested journalists and members of civil society and the political opposition. Officials and a growing number of Congolese soldiers profited from the illegal exploitation of national resources, often in conjunction with foreign interests. The judicial system failed to keep up with recent cases and made little effort to address thousands of violations of international law stemming from the war. More than a dozen militia leaders credibly accused of war crimes were granted high rank in the national army.

Elections and Civil and Political Rights in the Pre-Election Period

Voting went relatively smoothly in presidential and legislative elections in July and in the presidential run-off vote in October 2006, but in the months before, security forces used excessive force against peaceful demonstrators of the political opposition and attacked journalists and human rights defenders. In July, when results were to be announced of the presidential contest, the Presidential Guard of incumbent President Joseph Kabila skirmished for three days with the security forces of Vice-President and presidential contender Jean-Pierre Bemba, leaving dozens dead and wounded.

The Haute Autorite des Medias, a government agency tasked with enforcing responsible journalistic behavior, denounced what it saw as a dangerous political environment and accused presidential candidates of using the media to demonize their opponents. It temporarily suspended political programs broadcast by numerous media outlets. Civil society groups reported an increase in ethnic hate speech, including against the Tutsi community and others thought to be linked to Rwanda.

Police officers used excessive force against members of the political opposition, including supporters of the Union for Democracy and Social Progress (UDPS) and other political parties. On March 10, for example, police broke up a peaceful UDPS demonstration in Kinshasa, beating demonstrators and briefly detaining 15 of them.

In April and May 2006 at least seven journalists were threatened or beaten in the course of their work. Another two were detained by security forces, and three others were arrested a few months earlier on charges of criminal defamation, an accusation frequently invoked by officials to restrict legitimate freedom of expression. On October 12 armed men destroyed essential broadcasting equipment at the office of Vice-President Bemba's private media station in Lubumbashi. On May 22, agents of the special police in plainclothes seized and destroyed broadcasting equipment of the Christian television station Radio Tele Message de Vie, which had broadcast a speech by Pastor Fernando Kutino critical of the political process.

On November 2, 2005, four armed men murdered journalist Franck Ngyke of the newspaper *La Reference Plus*, who was investigating a story potentially damaging to leading politicians, and his wife H  l  ne Mpaka. Two leading members of the nongovernmental organization Journaliste En Danger received death threats in January 2006 when they published results of their investigation into the murder. Impunity continues for the July 2005 murder of human rights defender Pascal Kabungulu. In one of the rare prosecutions of an attack on a human rights activist, men accused of the murder were brought to trial, but the proceeding stalled in 2006 following interference from political and military authorities.

Government Soldiers Attack Civilians

Government soldiers killed, raped, and tortured civilians in the provinces of Katanga, Ituri, and North and South Kivu. In central Katanga in late 2005 and early 2006 soldiers seeking to quell an insurgency rounded up hundreds of civilians suspected of being involved, and killed or tortured to death dozens of them. They gang raped scores of women alleged to have supported the rebel militia. More than 150,000 residents fled their homes in the zone of military operations, an area that became known as "the triangle of death." In a similar operation against an insurgent militia group in Ituri in the first months of 2006, Congolese army soldiers deliberately killed

more than 60 civilians accused of supporting the militia, raped women and girls, and burned homes, churches, schools, and health centers in communities suspected of harboring insurgents. In one incident on January 23, government soldiers fired into a church in the village of Nyata, killing seven people, including two babies.

Congolese government soldiers, including those from the old national army and combatants from disbanded rebel groups, are inadequately trained and disciplined. Paid little and sometimes at infrequent intervals, they subsist by exploiting the population.

Local and Foreign Armed Groups

Local armed groups opposed to the government continue to operate in eastern DRC killing, raping, and looting from civilians. In Ituri in 2006 combatants of the Revolutionary Movement of Congo (MRC) killed scores of civilians and arbitrarily detained and tortured others they believed opposed them. In Katanga, a local armed group known as the Mai Mai, commanded by Gédéon Kyungu Mutanga, killed, raped, and abused civilians. In some cases the Mai Mai publicly tortured victims before killing and cannibalizing them in ceremonies intended to terrorize the local population. In May Gédéon surrendered to United Nations peacekeepers in central Katanga. He was handed over to Congolese officials who have kept him in detention but not charged him with any crime.

Foreign armed groups from Rwanda and Uganda still account for pockets of insecurity, although they have been weakened by military operations against them over the past three years. Notably, remnants of Rwandan combatants from the Democratic Forces for the Liberation of Rwanda (FDLR) remain in Congo, though internal splits have contributed to weakening them militarily. They often prey upon civilians, using force to extort goods or money. In September 2005 combatants from the Ugandan rebel group the Lord's Resistance Army (LRA), moved across the border into Congo, heightening tensions between Uganda and the DRC. Following negotiations in September 2006 between the LRA and the Ugandan government many LRA combatants left Congo for assembly points in Sudan, though some of the leaders may have remained in Congo.

Delivering Justice

Despite national and international proclamations about the importance of accountability for past crimes, many persons suspected of violations of international human rights and humanitarian law continue in posts or were named to posts of national or local responsibility, including in the newly integrated army. For example, in July 2006 former MRC combatant Peter Karim, who in the previous month had killed a UN peacekeeper and taken seven others hostage, was named colonel in the Congolese army in an attempt to broker a peace deal.

In March the prosecutor of the International Criminal Court made his first arrest and initiated proceedings against Thomas Lubanga, a militia leader accused of ethnic massacres, torture, and rape in Ituri. The ICC charged Lubanga only with enlisting, conscripting, and using children as soldiers in armed conflict. No other militia leaders or soldiers from the Congolese, Ugandan, or Rwandan armies have been charged with any crimes despite their role in human rights abuses in Ituri, and there has been no action against those who armed and supported militia groups, which may extend to senior officials in Kinshasa, Kampala, and Kigali.

Congolese courts had some success in addressing a very few cases of war crimes. While such cases were few, they brought some hope to victims that perpetrators could be condemned for their crimes. In April 2006 a military court in Mbandaka found seven army officers guilty of mass rape of more than 100 women at Songo Mboyo in 2003, the first time rape was tried as a crime against humanity in Congo. In August 2006 militia leader Kahwa Mandro was found guilty by a military court in Ituri and sentenced to 20 years' imprisonment for war crimes committed in Ituri.

Illegal Exploitation of Resources

Armed groups, government officials and, increasingly, military officers continue to profit from the illegal exploitation of Congo's vast mineral wealth. At the Bavi mine in Ituri in late 2005 government soldiers used villagers as slave labor, forcing them under threat of death to dig for gold.

A Congolese parliamentary commission investigating contracts for the exploitation of resources signed during the war years reported many irregularities and recommended

ending or renegotiating dozens of contracts. The commission's findings, which named senior Congolese politicians, were published in an unauthorized version on the internet in 2006. Hundreds of copies of the report destined for members of parliament disappeared and the report was not debated in parliament. Commission members received death threats. Some diplomats urged that the report's findings not be discussed before the elections because debate might trouble the electoral process.

Key International Actors

United Nations peacekeepers attempted to control sporadic violence in Kinshasa and parts of eastern Congo throughout 2006 and were reinforced briefly by troops from the UN peacekeeping mission in Burundi and others from the European Union. In September the UN Security Council extended the UN peacekeeping mission until February 2007.

Key international governments including the United States, France, the United Kingdom, and South Africa focused primarily on keeping the electoral process on track and largely ignored concerns about corruption, human rights abuses, or the need to disarm private militias.