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Technical assistance and capacity-building

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Democratic Republic of Congo: Persistent insecurity and threats against civilians, demands sustained attention by the Human Rights Council

In light of renewed regional political engagement with the security situation in eastern Democratic Republic of Congo (DRC) and increased resources for the UN peacekeeping force, Amnesty International urges the United Nations Human Rights Council (HRC) to seize this opportunity and to implement sustained measures without delay to improve the human rights situation for the civilian population who have suffered the effects of conflict over the past two decades.

Numerous key recommendations made by the HRC, the Special Procedures, the human rights Treaty Bodies, the UN Mapping Report and the Universal Periodic Review (UPR) process remain unfulfilled. The HRC must take stock of the grave human rights situation in the DRC and assess what can be done to improve it. A first step would be to evaluate the implementation of previous recommendations of UN human rights bodies and mechanisms with a view to developing the basis for sustained attention by the Human Rights Council. The priorities identified for the DRC government and the international community must include measures for long-term reform of the security sector and the judicial system – two areas of fundamental weakness contributing to persistent impunity.

In this statement, Amnesty International elaborates on a previous submission¹ and provides recommendations for measures to address the urgent yet continual need for greater protection of civilians, including human rights defenders, journalists, and political opponents.

Civilian insecurity and human rights violations highlight the need for urgent reforms of the justice and security sectors

Numerous armed groups - including the M23, Democratic Forces for the Liberation of Rwanda (FDLR), Alliance of Patriots for a Free and Sovereign Congo (APCLS), Mai Mai Bakata Katanga, Raia Mutomboki, Mai Mai Sheka and the Allied Democratic Forces – National Army for the Liberation of Uganda (ADF-Nalu) amongst others – continue to attack civilians in the provinces of North Kivu, South Kivu, Katanga, and Province Orientale. These groups have committed serious abuses of human rights and violations of international humanitarian law, including killings of civilians, rape and sexual violence, forced recruitment, including of minors, and looting.

The deployment of the UN Intervention Brigade must be accompanied by precautionary measures to avoid any further risks to the humanitarian situation or the protection of human rights. In particular, a strategy is required to prevent armed groups from conducting reprisal attacks on local populations whom they perceive as supporting the national army Forces armées de la République Démocratique du Congo (FARDC).

Effective coordination between the UN and the FARDC must ensure that an increased security presence around Goma does not leave other volatile areas, such as the territories of Masisi, Walikale, and Fizi, without sufficient protection from security forces to prevent attacks by armed groups.

¹ Amnesty International, Democratic Republic of Congo : The Human Rights Council must act for better protection of civilians and an end to threats and intimidations against human rights defenders, journalists and political opponents (Index: AFR 62/011/2012).
<http://www.amnesty.org/en/library/info/AFR62/011/2012/en>

The Government of the DRC must demonstrate to the Congolese population and the international community its commitment to ending impunity, in compliance with its previous public statements.² It must also ensure that any integration of armed groups into national security forces excludes individuals who have allegedly perpetrated abuses of human rights or violations of international humanitarian law pending full, impartial and effective judicial investigations.

Member and observer states should ensure that the HRC adopts a resolution that:

- Demands that all armed groups and security forces in the DRC immediately cease all abuses of human rights and violations of international humanitarian law;
- Calls on the Government of the DRC to conduct impartial and effective investigations and prosecutions against individuals, regardless of rank, allegedly responsible for human rights abuses against members of the civilian population;
- Notes the investigations that were opened into acts of sexual violence allegedly committed by elements of the FARDC in November and December 2012 and calls for a prompt and fair prosecution of those responsible, if there is sufficient admissible evidence.
- Urges the Government to cooperate fully with the International Criminal Court, including by arresting Sylvestre Mudacumura, a military commander of the FDLR, and ensuring his transfer to the Court;
- Urges the Government to fulfil its commitment made in the Peace, Security and Cooperation Framework for the DRC and the region to undertake security sector reform, particularly by ensuring a vetting mechanism for the army and the police; implementing improved systems to provide adequate training, salary and equipment to security forces; and developing a comprehensive Disarmament, Demobilization and Reintegration programme.

Threats, intimidation, and unlawful killings of human rights defenders and journalists

Amnesty International continues to be deeply concerned that human rights defenders, journalists, and political opponents in the DRC are subject to threats, intimidation and unlawful killings. Such abuses often occur in areas where armed groups maintain effective control and active hostilities prevent security forces, UN agencies and NGOs from fully operating. For individuals at risk, the justice system and security forces are unreliable and ineffective.

Human rights defenders continue to suffer direct threats and intimidation by members of armed groups and certain elements of the national security forces for denouncing human rights abuses and providing grassroots training and education on human rights to the local population.

During the takeover of Goma by the M23 in November 2012, over 20 human rights defenders were evacuated from Goma and surrounding zones due to direct threats and fear of reprisals by the M23.

² See Intervention de la République démocratique du Congo au segment de haut niveau par la Vice Ministre des Droits Humains. Vingt-deuxième session ordinaire du Conseil des Droits de l'Homme. 28 February 2013. At: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/22ndSession/OralStatements/DRC.pdf>

Even after the M23's retreat from Goma, threats have continued. One Goma-based human rights defender, who has denounced abuses committed by the M23, received anonymous threats and three house visits by unidentified armed men between January and April 2013.³

In areas where armed groups have been particularly active, namely parts of Rutshuru, Nyiragongo, and Walikale territories in North Kivu province, human rights defenders who have not left the area have generally ceased their monitoring activities for fear of reprisals.

One woman human rights defender based in Bweremana, North Kivu province explained that members of the FARDC visited her office in early March 2013 and threatened to kill her if she continued to denounce cases of rape and sexual violence.⁴

According to the UN, a human rights activist was reportedly killed by a Mai Mai group on 7 August 2013 in Pweto territory, Katanga province, after reportedly criticizing abuses committed by the armed group.⁵

According to information received by Amnesty International, journalists in the DRC continue to report undue pressure and intimidation from the authorities and are subject to arbitrary detention, harassment, and closures of radio programs in relation to their work.

Member and observer states should ensure that the Council adopts a resolution that:

- Encourages the Special Rapporteur on the Situation of Human Rights Defenders to request a visit to the DRC, to follow up on her previous visit in 2009, and to report to the Council;⁶
- Urges the Government to fairly and impartially investigate and prosecute all abuses against human rights defenders -including women human rights defenders- journalists, and political opponents, in relation to their legitimate work and;
- Calls on the Government to engage more constructively with them in recognition of the threats and risks they face;
- Urges the Government to fulfil one of its previous commitments⁷ to the HRC⁸ to implement an active, effective and adequately resourced protection unit for human rights defenders (Cellule de Protection) and Human Rights Liaison Entity in Kinshasa and in other provinces;
- Demand that any bill on the protection of human rights defenders, to be adopted by Parliament, does not include clauses that would constrain the ability of human rights defenders to independently and impartially investigate all types of human rights violation.

³ Amnesty International, Interview, July 2013, Goma.

⁴ Amnesty International, Interview, July 2013, Goma.

⁵ MONUSCO, La MONUSCO condamne le meurtre d'un défenseur des droits de l'homme dans le territoire de Pweto, 13 Aout 2013. CP/OSMR/130813.

<http://monusco.unmissions.org/LinkClick.aspx?fileticket=FV9ke9vu8c%3D&tabid=11332&mid=14307&language=fr-FR>

⁶ A/HRC/13/22/Add.2, 25 February 2010.

⁷ Statement by Vice Ministre des Droits Humains at footnote 2 above.

⁸ Resolution adopted by the Human Rights Council 19/27. 3 May 2012. A/HRC/RES/19/27, OP4 and OP11.