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Human rights situations that require the Council's attention

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.

[28 August 2012]

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

Democratic Republic of Congo: 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

Amnesty International has long been calling for adequate response by the United Nations (UN) Human Rights Council to the dire situation in the Democratic Republic of the Congo (DRC). The organisation has urged the Council to emphasize the crucially important issues of justice reform and the fight against impunity in its deliberations on the situation in the DRC.¹ The ongoing failure to hold those responsible for violations to account has the pernicious impact of further entrenching a culture of impunity and fostering cycles of violence and violations.

With this statement Amnesty International once again draws the Council's attention to the deeply troubling escalation of violence in the country, which is resulting in more violations of international human rights and humanitarian law. The statement highlights and makes recommendations on two important areas of concern: the security situation and the protection of civilians in the East; and threats and intimidation against human rights defenders, political opponents and journalists.

Security situation/ Protection of civilians

Since the beginning of the yet another conflict, in April 2012, between the Congolese army (FARDC) and the M23 armed group, over 200 000 people have been forced to leave their homes in North Kivu province while over 60 000 have crossed the border to seek refuge in Uganda or Rwanda.

Amnesty International, and other human rights organisations, have called on the Congolese army and the M23 as well as other armed groups such as the FDLR, the Raia Mutomboki, the Nyatura and other Mayi Mayi groups to stop committing serious human rights violations and abuses, including forced recruitment, including of children, looting, rape and unlawful killings. These abuses continue unabated without any respite for the communities, women, men and children who have suffered for so many years.

In July 2012, during the most recent clashes in Rutshuru territory between the M23 and the FARDC, approximately 80 civilians were reportedly injured, many severely, and several villages were looted by both parties to the conflict.

Several areas have been left without the presence of security forces, due to redeployments related to the ongoing military operation against the M23 and the defense of the town of Goma. Many UN troops have been redeployed to Rutshuru territory. This security vacuum has allowed many armed groups to extend their operations and launch new attacks, thereby putting civilians at greater risk of human rights abuses.

On 28 August 2012, the UN Special Representative of the Secretary-General for the DRC and Head of MONUSCO,² Roger Meece, "expressed deep concern over reports of further massacres of civilians in Masisi territory, North Kivu at the beginning of August - the latest in a series of violent attacks by armed groups systematically targeting the civilian population". On the same day, the UN High Commissioner for Human Rights, Navi Pillay,

¹ See Amnesty International written statement to the 18th session of the UN Human Rights Council (UN Index: A/HRC/18/NGO/83).

² United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

called on all armed groups to immediately cease attacks against civilians and noted the possible consequences for those responsible for such attacks, referring to the recent sentencing by the International Criminal Court of former rebel leader Thomas Lubanga.³

The Human Rights Council and its member and observe States should:

- Take measures to ensure that all parties to the conflict in the DRC abide by international humanitarian law, in particular the prohibition of indiscriminate attacks, and that those who order or commit crimes under international law are brought to justice.
- Take measures to bring an end to the recruitment of child soldiers.
- Urge the Congolese government, through its security forces, to immediately take measures to ensure the protection of civilians.
- Urge the Congolese government to cooperate fully with the International Criminal Court, including by arresting and transferring to the Court Bosco Ntaganda, reportedly one of the commanders of the M23, and Sylvestre Mudacumura, alleged Supreme Commander of FDLR.
- Ensure that the UN through MONUSCO improves significantly the protection it offers to the civilian population, notably in areas currently affected by the lack of a Congolese security presence or MONUSCO bases. The need to strengthen the national and international security presence around Goma must not be pursued at the detriment of other areas affected by the attacks of armed groups, such as Masisi, Walikale and Shabunda territories.

Threats and intimidation against human rights defenders, political opponents and journalists

Amnesty International is deeply concerned by the increase in the number of threats against and intimidation of human rights defenders, political opponents and journalists in the DRC.

In North Kivu, since June 2012, the organisation has documented several cases where human rights activists have been directly threatened by members of the M23 after criticizing the group or denouncing its human rights abuses, including forced recruitment and summary executions. Several of those activists received repeated death threats in July through telephone text messages, anonymous phone calls, and visits at night by armed men reportedly linked to the M23. Over the last three months, both the M23 and the Congolese authorities have threatened and intimidated journalists. On 4 August, in Butembo territory (North Kivu province), a local radio was closed down by the Mayor of Butembo after broadcasting an interview of a M23 spokesperson. It is the second radio closed down in Butembo by the authorities during the last three months.

In Kinshasa, several members of political opposition groups have been harassed, threatened and intimidated due to their political activities. During the last three months, local authorities have arbitrarily arrested several political opponents from the Union for Democracy and Social Progress (Union pour la Démocratie et le Progrès Social - UDPS) and released them few days later. A prominent figure of the opposition, Eugène Diomi Ndongala has disappeared since 27 June 2012. According to recent information gathered by Amnesty International, he is reportedly detained incommunicado by the intelligence

³ See “UN alarmed over killings in Masisi territory in DR Congo”
<http://www.ohchr.org/FR/NewsEvents/Pages/Media.aspx?IsMediaPageFR=true&LangID=E>.

services without any access to his family, lawyer or a doctor despite his chronic medical problems.

The Human Rights Council and its member and observe States should:

- Take measures to ensure that the Congolese authorities and all armed groups respect the work of human rights defenders, journalists and political opponents and stop the ongoing threats and intimidation against them.
 - Urge the Congolese authorities to immediately disclose the whereabouts of Diomi Ndongala. If he is detained, to release him immediately, unless charged with a recognisable criminal offence and given an opportunity to challenge the lawfulness of his detention before a court; and to provide him with any medical care he requires and to immediately provide access to his relatives and lawyers.
 - Take measures to encourage the Congolese authorities to implement their human rights national action plan, and to respect their commitment – made at the UN Human Rights Council in March – to create an effective and adequately resourced protection cell within the Ministry of Justice and Human Rights.
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