

AI Index: PRE 01/388/2011
10 August 2011

DRC: Neglected Congolese victims deserve justice now

Crimes under international law, including rape and murder, continue to be committed by the Congolese army and armed groups in the east of the Democratic Republic of Congo following decades of similar crimes across the country, Amnesty International said today.

A new Amnesty International report *The time for justice is now; new strategy needed in the Democratic Republic of Congo* calls for the reform and strengthening of the country's national justice system to combat impunity that has been fostering a cycle of violence and human rights violations for decades.

"The people of the DRC have suffered war crimes and crimes against humanity, - including torture, sexual violence and the use of child soldiers, on an enormous scale and yet only a handful of perpetrators have ever been brought to justice," said Veronique Aubert, Amnesty International's Africa deputy director.

"All suspected perpetrators of such crimes under international law must be prosecuted according to international fair trial standards without the use of the death penalty".

"In the run up to Presidential and Legislative elections in DRC due to take place in November 2011, bringing perpetrators of crimes under international law to justice and ensuring reparations for victims must not just be an electoral priority; it must be translated into concrete measures."

Last year, the United Nations published a report (the UN mapping report) documenting the most serious violations and abuses in the DRC committed between 1993 and 2003 and for which justice has almost never been done. It pointed out that the Congolese justice system is too weak and under-resourced to provide justice for crimes under international law.

In response to the UN report, the DRC government has proposed the establishment of a Specialised Court that would have jurisdiction over these crimes. The Specialised Court would involve both Congolese and international justice personnel. The law is to be debated and could be adopted by the Parliament within weeks.

"This initiative is a very positive step towards tackling impunity but much more needs to happen in order to enable the ordinary courts to complement this new mechanism," said Veronique Aubert. "While the Specialised Court will try some of the high profile cases the bulk of the caseload will need to be addressed by other courts in the country."

Amnesty International has identified other fundamental steps which need to be taken so that the DRC justice system can provide redress to the men, women and children who have been affected by the endemic violence and abuses.

"The neglected victims of these terrible crimes need justice – they must be able to contribute to the reform process in a meaningful way and have their voices heard by the government." said Veronique Aubert.

Fair trial and due process must be guaranteed, as judges and other judicial staff regularly face threats and interference from the political authorities and military officials, according to the report.

Amnesty International also calls for a program to be put in place to protect victims and witnesses who are reluctant to come forward for fears of reprisals by perpetrators who are still free.

Paul is a 30-year old man from Masisi who told Amnesty International that the Congolese army is systematically committing abuses in his village:

“When there is nothing valuable in our houses, they come and take the women. In September 2010 my house was burned down. At around 10pm, several soldiers came to my house and kicked down the door. They found me and started beating me, breaking one of my ribs.

“Then they started beating my wife and children. To stop their violence, I went outside to give them my nine goats and pleaded with them to take my goats and leave my family. When the military left, I fled to the forest with my wife and children. When we came back the next morning, our house had been burned down. What I have told you has happened to almost everyone in my village.”

Paul said that he felt unable to make a complaint because the same military are still present in Masisi and he fears reprisals.

Even where prosecutions are successful court judgements are rarely enforced. Amnesty International was unable to identify a single case in which compensation had been paid by the government when it was held accountable by the courts for crimes under international law. Congolese people must be made aware of their legal rights and receive reparations.

In March 2011 Amnesty International visited prisons in Bukavu and Goma. Bukavu was built to house up to 350 prisoners but contained 1,207 inmates including 37 children under 18. Seven infants were also in prison with their mothers. Goma Central Prison was built for 150 inmates but held 943. Prison conditions must greatly improve and routine escapes from detention must end.

A variety of justice reform projects are currently being carried out in the DRC but none of them are sufficiently comprehensive or well coordinated to address the inadequacies of the judicial system. An efficient coordination mechanism must be agreed among donors and the government.

Given the current weaknesses in international and national programmes as well as the under-funding of the DRC justice system, Amnesty International is calling on the Government, the United Nations, the European Union and other relevant donors to provide the necessary financial and technical support to ensure a comprehensive, long term justice strategy is developed.