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DRC: Protection of civilians must remain at the centre of new regional efforts to end cycles of violence

All actors involved in discussions on resolving the crisis in the Democratic Republic of the Congo (DRC) must keep civilian protection at the centre of their efforts, as a peace and security agreement on the DRC is expected to be signed on 24 February 2013 by 11 African states in Addis Ababa.

As these talks continue, civilians in eastern DRC living in areas under the control of armed groups continue to suffer abuses, including torture and ill-treatment, and clashes between armed groups and the Congolese army generate new waves of displacement.

Over recent weeks, the UN Secretary-General has been seeking support among African states for a peace framework to comprehensively address the crisis in eastern DRC through commitments from the DRC government, regional leaders, and the wider international community. The UN Secretary-General and the Southern African Development Community (SADC) are also discussing a proposal to deploy an intervention brigade composed of African troops within the UN peacekeeping force in DRC, MONUSCO, with an offensive mandate to prevent the expansion of, and to neutralize and disarm, armed groups.

Any deployment of an offensive force must be accompanied by precautionary measures to avoid worsening the human rights and humanitarian situation. If this intervention brigade is deployed, a strategy must be developed to prevent armed groups from conducting reprisal attacks on local populations who they perceive as supporting the national army. This must be accompanied by sustained disarmament, demobilization and reintegration programmes to encourage members of armed groups to return to civilian life.

The human rights situation in eastern DRC severely deteriorated from mid-2012 onwards as a consequence of fighting between the March 23 Movement (M23) and the Congolese army, culminating in M23's temporary takeover of Goma, the provincial capital of North Kivu, in November 2012.

Following heavy criticism directed at MONUSCO in the aftermath of the fall of Goma, the Security Council approved the Secretary General's proposal in January 2013 to provide MONUSCO with unarmed surveillance systems, commonly known as drones, to gather information on the movement of armed groups in eastern Congo, and to allow for "timely decision-making".

Amnesty International urges that this additional information-gathering capability is used to better protect civilians living in areas severely affected by the conflict. Additional intelligence must be matched with the resources needed to properly analyze information and act as an effective early warning mechanism to trigger action to protect the civilian population. All parts of MONUSCO involved in protection activities, including military contingents, must show equal commitment to civilian protection and act upon intelligence regarding threats against civilians in a prompt and effective way, in line with MONUSCO's mandate.

Longer term reforms by the DRC government are also needed to bring a sustainable end to cycles of violence and abuses in eastern DRC.

Amnesty International calls on African governments to give their full attention to components of the agreement outlining such reforms to be undertaken by the DRC government with the support of the international community and MONUSCO, which are necessary to address human rights abuses and violations of international humanitarian law.

The DRC government must urgently develop and implement a comprehensive national security sector reform (SSR) strategy to establish accountable and professional national security institutions able to protect human rights. The reform should include processes to suspend or remove suspected perpetrators of human rights violations, including from command positions, and to guarantee a disciplined and regularly paid army and police force able to fulfil their protection duties towards the population. Any SSR process should be accompanied by thorough reform of the justice system including specific mechanisms, as discussed in the 2010 UN Mapping Report, to address impunity for crimes under international law.

Recommendations:

* The DRC government and MONUSCO should step up protection activities to stop the civilian population from suffering continued human rights abuses in eastern provinces, including through daily patrols in areas at heightened risk of attacks. Any increase in the availability of intelligence data stemming from the use of enhanced information-gathering capabilities should be used to optimize the protection of civilians from any armed force active in the region.

* If a UN intervention brigade or any other form of international force is deployed, troop-contributing countries must ensure their troops are fully trained and respect international human rights and humanitarian law at all times. Protection of civilians must be the priority of the force's mandate, and mechanisms should be in place to periodically and publicly report on the force's compliance with human rights and humanitarian law.

* The UN should ensure strict compliance with the United Nations Human Rights Due Diligence Policy and deny or withdraw support to any entity – whether the national army or any new international force operating in eastern DRC benefiting from UN support - where there are substantial grounds for believing there is a real risk of members of those entities committing grave violations of international humanitarian or human rights law. Whether the new international force is created as part of MONUSCO or not, the force should work in close coordination with civil sections of MONUSCO and relevant humanitarian agencies to jointly elaborate risk assessments and specifically tailored protection plans ahead of each operation.

* To avoid armed groups' retaliatory attacks on civilians, the DRC government and MONUSCO should ensure any offensive operations are followed by a mid-term holding strategy of the area, during which all institutions involved should help ensure security and rule of law to effectively protect the population. It is essential that any national security forces, including the army and the police, are sufficiently trained, paid and equipped to refrain from preying on the local population and prevent further attacks by armed groups.

* The UN and the wider international community should encourage and support comprehensive security and justice sector reforms in the DRC, without further delay, to focus on addressing violations of international human rights and humanitarian law. The programme of reform should be developed and implemented in consultation with MONUSCO, national and international experts and civil society, including victims' representatives. To this end, the UN and international actors should:

- call for and monitor implementation of the 2010 UN Mapping report's recommendations on justice;

- urge the DRC to appoint a high-level official as focal point to coordinate national action on SSR in liaison with MONUSCO's SSR Unit which should be tasked with coordinating the international community's SSR support;
- urge the DRC to establish selection and vetting mechanisms to screen out, and suspend or remove, from all security forces individuals reasonably suspected of having committed crimes under international law or other human rights abuses, and to conduct criminal investigations and prosecutions where there is sufficient admissible evidence.

Background

From mid-2012 onwards, M23 started offensive attacks in Rutshuru territory, North Kivu, characterized by the targeting of civilians, including rape and unlawful killings, forced recruitment and other violations of humanitarian law and abuses of human rights. The security void left by the national army and MONUSCO peacekeepers, which relocated to counter the M23, further aggravated the humanitarian and human rights situation. In November 2012, M23 temporarily took over the provincial capital of Goma, causing Congolese security forces to flee. As it fled, the national army allegedly perpetrated further human rights and humanitarian law violations in the form of rapes, and looting of homes.

The fragile end to fighting between M23 and the Congolese army in early December 2012 has not translated into an end to abuses against the civilian population in eastern DRC. Clashes between armed groups and the Congolese army in recent weeks have generated new displacement in North Kivu and Katanga, but also in Maniema province, where Mayi Mayi Raïa Mutomboki has expanded its operations. People living in areas under the control of armed groups, including the Nyatura and the M23, are also reportedly suffering abuses, including torture and ill-treatment.