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Democratic Republic of Congo. The Congolese government must put an end to impunity for serious human rights violations committed by the defence and security forces during the electoral process.

While the representative of the government of the Democratic Republic of Congo (DRC) said today, in response to the adoption of a resolution by the United Nations Human Rights Council in Geneva, that she did not think it was necessary for the DRC to remain on the Council's permanent agenda, Amnesty International calls on the Congolese government to conduct thorough, independent and impartial investigations into the serious human rights violations committed by the defence and security forces during the electoral process and bring the suspected perpetrators to justice.

Although in December 2011 and February 2012 the DRC's Minister of Justice and Human Rights asked the competent civil and military judicial authorities to open investigations into allegations of electoral violence, the results of such investigations as detailed in a report circulated by DRC to the members of the Human Rights Council on 21 March 2012, are to this date limited. Many serious human rights violations committed by the defence and security forces and documented by Amnesty International and other institutions¹ remain unpunished.

Amnesty International has collected several witness statements confirming serious human rights violations by the Congolese defence and security forces before, during and after the presidential and legislative elections of 28 November 2011 in the DRC, notably violations of the rights to life and physical integrity.

For example, Amnesty international has received information on the excessive use of force, mainly by the Republican Guard (Garde Républicaine, GR) and units of the Congolese National Police (Police nationale congolaise, PNC) against actual and perceived opposition supporters and mere bystanders, notably during gatherings of supporters of the candidates Etienne Tshisekedi and Joseph Kabila in Kinshasa, on 26 November 2011, and in the days following these incidents.

In the afternoon of 26 November 2011, in the vicinity of Ndjili Airport, Kinshasa, PNC members used teargas while GR members fired live ammunition into the crowds in front of the airport entrance. As the presidential convoy headed to Ndolo airport where candidate Joseph Kabila had finally landed that day, GR members continued to shoot at bystanders, notably while driving along Boulevard Lumumba. Amnesty International has been given a statement by a relative of a victim who went out to do some shopping. When this person was near Liberty Market (Marché de la Liberté) in Masina commune, a member of the GR who was in the convoy shot and hit the victim

¹ Notably the United Nations Joint Human Rights Office, the United Nations High-Commissioner for Human Rights, Human Rights Watch and the African Association for the Defence of Human Rights (ASADHO).

in the chest. Still alive, the man was taken to the hospital but died at 3.30pm according to his death certificate.

Other incidents leading to the death of several people took place on 9 and 10 December 2011. Amnesty international is especially concerned by credible information about the existence of mass graves, notably at Kinsuka cemetery, as well as many allegations of enforced disappearances and the concealment of bodies.

Amnesty International has also collected information describing acts of torture, ill-treatment and arbitrary and illegal arrests by the defence and security forces, carried out with the purpose of intimidating members of opposition parties, notably the UDPS and their actual and perceived supporters, as well as journalists, military personnel and police officers.

These waves of arrests in various locations in the country, notably in Kasai Oriental, Équateur, North and South Kivu and Katanga aimed to stifle opposition voices and put an end to the protests launched by the opposition following the announcement of the elections results. Although some of these people have been released, others are still detained incommunicado in military bases in Kinshasa, notably at Kokolo, and at other locations outside the jurisdiction of the judicial authorities, such as the Tshatshi base or the building of the Litho Moboti Group (GLM).

Amnesty International notes the measures taken by the Congolese authorities concerning the allegations of violations committed before, during and after the November 2011 elections, notably the announcement of the opening of judicial investigations.

Amnesty International also notes the creation by the PNC Commissioner General of a commission to investigate abuses committed by PNC officers during operations aimed at securing the elections, before, during and after the elections of 28 November 2011. This body is to investigate all allegations of violations committed by the PNC and its specialised units, such as the National Intervention Legion (Légion nationale d'intervention, LENI), the Criminal Investigation Brigade (Brigade d'investigations criminelles) and the Mobile Intervention Group (Groupe mobile d'intervention, GMI), in coordination with the judicial authorities.

However, Amnesty International highlights that this commission is only mandated to investigate PNC officers and will not cover acts carried out by the GR, FARDC and ANR.

Despite the announcements made by the Minister of Justice and Human Rights in December 2011, no thorough and transparent investigation has been carried out into determining the responsibility of the defence and security forces for committing the above-mentioned serious violations.

In addition, Amnesty International and other organisations have noted a certain number of obstacles to the establishment of the truth. For example, it has been established that GR personnel were guarding several cemeteries in which mass graves were allegedly dug. Witnesses have also reported the recovery of bodies by the defence and security forces. Finally, in a circular dated 12 December 2012, the Minister of Health prohibited public hospitals from providing information on patients or deceased persons without his authorisation.

It is indispensable to investigate and ensure that justice is done in an independent and impartial manner for all human rights violations committed during the electoral process. That would show a genuine desire by the Congolese government to combat impunity in accordance with the zero tolerance policy decreed by President Joseph Kabila in 2009.

In this connection, the United Nations Human Rights Council's adoption today of a resolution on the DRC provides an opportunity for the Congolese authorities to show they are serious about this commitment. The grave human rights violations committed during the electoral period and the current situation prevailing in the country justify keeping the DRC on the United Nations Human Rights Council's permanent agenda. The reaction of the Congolese authorities, who tend to minimise the seriousness of the atrocities committed during this period could be seen as a lack of real political will to throw light on these events.

As the fight against impunity cannot be effective without a reform of the entire Congolese judicial system, Amnesty International once again calls on the government to implement UN recommendations on reform of the judicial system and the fight against impunity.

While welcoming the willingness expressed by the DRC to receive a visit from the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Amnesty International remains convinced that the development of a comprehensive strategy to reform the Congolese judicial system would benefit if the United Nations Human Rights Council were to establish a mandate for an independent expert to provide technical assistance to the Congolese government on reform of the justice system and the fight against impunity.