



Q11006 – Democratic Republic of Congo - Researched and compiled by the Refugee Documentation Centre of Ireland on 1 October 2009.

Lack of state protection from the government of the DRC.

The *US Department of State's* annual report on human rights in the DRC states:

“Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The government prosecuted and disciplined few security forces personnel for abusing civilians. Impunity in the security forces remained a severe, widespread problem. Investigating misconduct or abuses by the security forces is the responsibility of the military justice system. According to MONUC's Rule of Law Unit, there were a total of 265 investigators, 232 prosecutors, and 125 judges in the military system. However, they were poorly trained, had little or no resources for investigations, and limited, if any, access to legal codes.” (US Department of State (25 February 2009) *Congo, Democratic Republic: "Country Report on Human Rights Practices 2008"*)

Regarding accountability for soldiers who commit crimes an report from Human Rights Watch states:

“Despite these important advances, the military justice system remains a weak institution. To date, only a small fraction of the total number of acts of sexual violence committed by soldiers has been prosecuted and nearly all such prosecutions have been of lower-ranking soldiers.¹⁵⁴ No senior military figure has been prosecuted for sexual crimes, and command responsibility is rarely the subject of investigations by military prosecutors. Where prosecutors have brought cases on the basis of command responsibility, they have stopped at lower-ranking officers. For example, in the April 2009 conviction in Walikale of a platoon commander (second lieutenant), there were no investigations into the responsibility of his superior.¹⁵⁵ Current judicial investigations into sexual abuses allegedly ordered by two colonels¹⁵⁶—one in Rutshuru, North Kivu, and one in the Ruzizi Plain, South Kivu—are a promising sign but it remains to be seen whether the investigations will lead to prosecutions.” (Human Rights Watch (16 July 2009) *Congo, Democratic Republic: "Soldiers Who Rape, Commanders Who Condone - Sexual Violence and Military Reform in the Democratic Republic of Congo"*)

A *UN Security Council* report states:

“Members of the security forces, in particular FARDC and the Congolese National Police, were also responsible for a large number of serious human rights violations, in particular arbitrary executions, rape and torture and other cruel, inhuman and degrading treatment. In addition, members of the intelligence services, both civil and military, were implicated in politically motivated human

rights violations, such as arbitrary arrests and detention, enforced disappearances, torture and extortion. Human rights defenders, journalists and politicians were often the victims of arbitrary arrest, harassment, threats and intimidation by police, other security forces and local authorities. 67. Despite some cases of prosecution of low-ranking officials responsible for human rights violations, the fight against impunity at higher levels of the police and military hierarchies remains a major challenge and a contributing factor to the dire human rights situation in the country. The integration into FARDC of CNDP officers accused of war crimes, in particular Bosco Ntaganda, is a matter of grave concern." (UN Security Council (27 March 2009) *Congo, Democratic Republic: "Twenty-seventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo [S/2009/160]"*)

References

Human Rights Watch (16 July 2009) *Congo, Democratic Republic: "Soldiers Who Rape, Commanders Who Condone - Sexual Violence and Military Reform in the Democratic Republic of Congo"*

<http://www.hrw.org/sites/default/files/reports/drc0709webwcover.pdf>

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

Amnesty International

European Country of Origin Information Network

Human Rights Watch

Immigration and Refugee Board of Canada

Online newspapers

Refugee Documentation Centre Library

Refugee Documentation Centre Query Database

UNHCR Refworld

US Department of State