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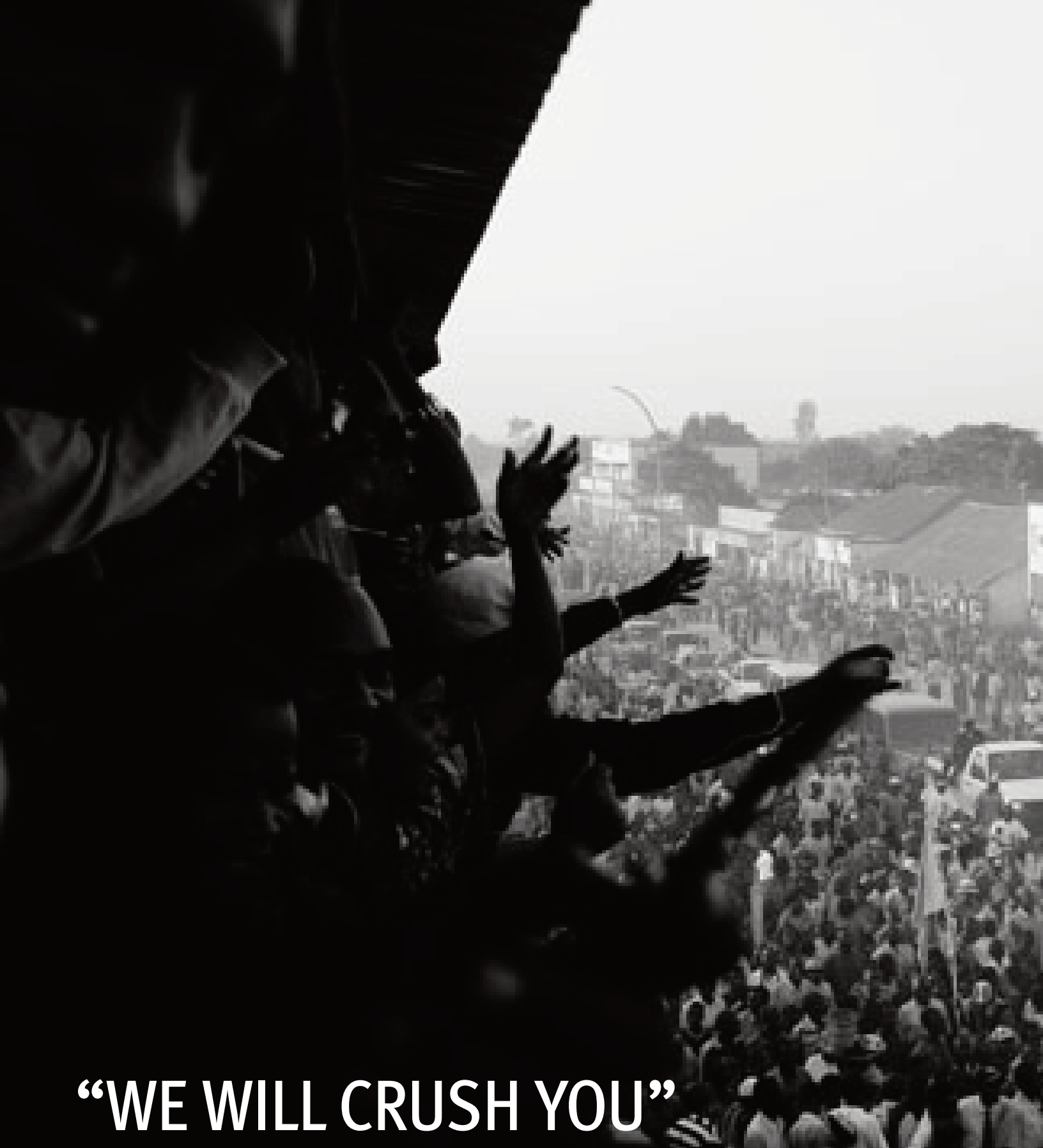


SUMMARY AND RECOMMENDATIONS

## “WE WILL CRUSH YOU”

The Restriction of Political Space  
in the Democratic Republic of Congo

H U M A N  
R I G H T S  
W A T C H



# “WE WILL CRUSH YOU”

Photographs by Marcus Bleasdale/VII

President Joseph Kabila arrives at a rally in Bunia, Ituri district, northeastern Congo, during his election campaign in July 2006.

*As they beat me with sticks and whips, the soldiers repeatedly shouted, "We will crush you! We will crush you!" Then they threatened to kill me and others who opposed Kabila.*

—A POLITICAL PARTY ACTIVIST DETAINED AND TORTURED IN KINSHASA IN MARCH 2007 BY PRESIDENT KABILA'S REPUBLICAN GUARDS



Local election monitors survey the electoral process in Bunia, Ituri district, during the run-off vote for president. October 29, 2006.





## SUMMARY

The 2006 presidential elections in the Democratic Republic of Congo, the first in over 40 years, raised hopes for stability and improved governance in this vast, war-torn nation. Yet in the two years following elections, there have been disturbing signs that Congo's democratic transition is not only fragile, but that the newly elected government is brutally restricting democratic space. The government of President Joseph Kabila has used violence and intimidation to eliminate its political opponents beginning in the immediate aftermath of the election's inconclusive July-August 2006 first round. In his first interview after his victory in the October runoff against former vice-president Jean-Pierre Bemba, Kabila said that he would be "severe" in governing Congo. He has matched his actions to those words.

This report focuses on some of the most violent episodes of political repression in Kinshasa and the western province of Bas Congo during the two years following the 2006 elections. The brutal and repressive tactics used by President Kabila and his advisors are emblematic of the resort to violence to stifle opponents. During our research, Human Rights Watch received reports of other incidents of repression, often smaller in scale and sometimes less violent, that are not included here. The violence in eastern Congo, where the Kabila government is in a military confrontation with an insurgency led by former general Laurent Nkunda, has been documented in other Human Rights Watch reports.



The government's lack of popularity in western Congo, and the fear of losing power through a military overthrow, have dominated policy discussions amongst Kabila and his advisors in their first two years of administration. According to many military and intelligence officials and others close to Kabila who were interviewed by Human Rights Watch, Kabila set the tone and direction of the repression. In giving orders, he spoke of "crushing" or "neutralizing" the "enemies of democracy," "terrorists," and "savages," implying it was acceptable to use unlawful force against them. Possibly due to a lack of capacity in the military and law enforcement services, Kabila's attempts to monopolize power were sometimes disorganized, though his intention to rid himself of perceived opponents was clear. As one disillusioned member of Kabila's inner circle remarked to Human Rights Watch, Kabila pursued an approach of "winner take all," leaving no room for other strong political opponents.

The worst of the repression took place in the capital, Kinshasa, and in the province of Bas Congo, areas where

Kabila failed to win an electoral majority. In Kinshasa, Kabila launched what were in effect military operations (qualifying as internal armed conflict under international law) against his electoral rival Bemba in August 2006 and again in March 2007. Soldiers and Republican Guards interviewed by Human Rights Watch who participated in the military operations said that they had received and interpreted their orders in March 2007 as needing to "eliminate Bemba." The military operations against Bemba and his often ill-disciplined guards were brutal and sudden. The use of heavy weapons during the busy work day in central Kinshasa left hundreds of civilians dead through the indiscriminate use of force by both sides, and left many others injured.

In Bas Congo in February 2007 and March 2008, state agents acting under Kabila's authority used unnecessary or excessive

Supporters of President Kabila at an election rally in Kinshasa. Well armed soldiers patrol the route to head off potential violence.



Supporters of Jean-Pierre Bemba, then vice-president and leader of the main opposition party, the Mouvement du Libération du Congo, at a rally in Kinshasa. Violence during the rally resulted in a number of people killed and at least two women raped.

force against Bundu Dia Kongo (BDK), a political-religious group based in Bas Congo that promoted greater provincial autonomy and gained significant electoral popularity. In August 2006, ahead of the runoff vote for president, the BDK allied themselves with Bemba. Since then the harsh conduct of government forces toward the BDK has increased. When BDK demonstrators protested, at times violently, against electoral corruption in early 2007, police and government soldiers shot or stabbed to death 104 BDK adherents and bystanders. In March 2008 police made a preemptive strike in anticipation of further protests, in what United Nations (UN) investigators said appeared to be a deliberate effort to wipe out the movement. Over 200 BDK supporters and others were

killed and the BDK's meeting places were systematically destroyed.

The BDK and Bemba's bodyguards also perpetrated acts of violence in the context of clashes with police and army soldiers, and, in the case of the BDK, in trying to assert administrative control in parts of Bas Congo. While the government has a right and duty to respond to such violence, it must do so with restraint and respect for human rights. Congolese authorities seized on the violent acts of their opponents to try to justify their far more extensive violence.

During and after the military operations in Kinshasa and Bas Congo, soldiers, police officers, and intelligence agents loyal to President Kabila deliberately killed, injured, arbitrarily arrested, and tortured hundreds of persons. They acted at the direction of Kabila or his advisors and with the objective of reinforcing Kabila's control. These subordinates worked through both formal and informal channels, relying on first one and then another of several state security forces—





Police detain a number of Bemba supporters in Kinshasa the day after the runoff election results were announced declaring Joseph Kabila the winner. November 16, 2006.





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including the paramilitary Republican Guards, a “secret commission,” the special Simba battalion of the police, and the intelligence services—as circumstances dictated—to tighten control over perceived opponents.

State security forces deliberately killed or summarily executed more than 500 persons in Kinshasa and Bas Congo and arbitrarily arrested and detained about a thousand more, many of whom were tortured or ill-treated. Many of the detainees were from Equateur (the home province of Bemba) and were insulted about their origins, questioned about their alleged support for Bemba, accused of being disloyal to President Kabila, and threatened with death. Those initially held at Kin-Mazière prison in central Kinshasa consistently described the means of torture used against them, including

the use of electric batons on their genitals and other parts of their bodies, beatings, whippings, and mock executions. They were forced to sign confessions saying they had been involved in coup plots against Kabila. Some were kept chained for days or weeks. At this writing, some 200 remain in detention without trial.

Government agents have also threatened, arrested, tortured, and otherwise harassed journalists and members of civil society who were linked to political opponents or who protested abuses against them. The government closed down radio stations and television networks, such as those linked to Bemba, sometimes temporarily, sometimes permanently. Hundreds of other perceived government opponents have been harassed and intimidated through anonymous phone calls, threatening cellphone text messages, and middle-of-the-night visits by army or police. Some went into hiding, others fled the country.



(above) Police being deployed at the residence of vice-president and presidential candidate Jean Pierre Bemba after violence erupted between pro-Kabila security forces and Bemba's bodyguards on November 11, 2006, just days ahead of the announcement of election results. The police arrested hundreds of people, including over 80 street children.

(left) Riot police patrol the streets of Kinshasa the day after the runoff election results were announced. November 16, 2006.

The Congolese government response when challenged about its actions has been denial and cover-up. Bodies were dumped in the Congo river, buried secretly in mass graves, or otherwise disposed of. In towns or cities where violence had occurred government authorities ordered soldiers or police to guard the morgues and burial sites and blocked UN officials, human rights monitors and family members of the dead or missing from approaching these areas. They ordered hospitals to provide no information on the numbers of persons killed or injured. In one case in Bas Congo, bodies from a mass burial site were removed just before local parliamentarians arrived to gather information about the atrocities.

Government officials repeatedly claimed that those they attacked were plotting coup attempts or otherwise threatening state authority, but they provided no convincing evidence of such charges. Senior ministers and advisors gave elaborate but unconvincing presentations concerning alleged coup threats to diplomats, journalists, and Congolese parliamentarians to explain their actions and to influence national and international opinion.

Prosecutors brought only a handful of cases to court, the most noteworthy of which—the case against Bemba’s lawyer Marie-Thérèse Nlandu—resulted in an acquittal for lack of proof. Several of those arrested for threatening the state were tried in procedures that failed to meet international fair trial standards; many of the defendants claimed in court to have been tortured into making confessions.

In April 2007 the government threatened to try Bemba for treason but never issued a warrant against him. He fled Congo that same month. In May 2008 he was arrested by authorities in Belgium under a warrant by the International Criminal Court (ICC) on charges related to crimes allegedly committed by combatants under his command in the Central African Republic between October 2002 and March 2003. At the time of his arrest, Bemba had reportedly been about to return to Congo where he anticipated being selected as spokesperson for the opposition, a new leadership position in Congo’s parliament. Although the ICC had been preparing the case against Bemba for several years, the timing of his arrest led his supporters and other Congolese to speculate publicly that his arrest had been politically motivated and had been ordered to assist Kabila by eliminating a rival who had escaped his reach.

Proper investigations are needed into the serious human rights violations committed in Kinshasa and Bas Congo, carried out by persons with genuine authority to require cooperation and compel accountability, unlike the meager government efforts to date. As described in this report, Congolese military, law enforcement, and intelligence personnel have violated fundamental rights protected under



Newspapers in Kinshasa announce Joseph Kabila’s presidential victory. November 16, 2006.



# La CEI tranche Kabila élu président

## Le président sortant a remporté 9.436.779 suffrages, soit 58,05 % contre 6.819.822 soit 41,95% pour son challenger

La Commission Electorale Indépendante a hier le Chef de l'Etat Kabange, l'élection du président sortant en fonction le 16 octobre 2006.

Kabila Kabange a remporté 9.436.779 voix contre 6.819.822 pour Jean-Pierre Bemba Gombo. Le total des suffrages exprimés est de 16.256.601. Avant son entrée en fonction pour un mandat de 5 ans renouvelable une seule fois, le président élu devrait attendre la confirmation de la Cour Suprême de Justice par la Cour Constitutionnelle. Dans son commentaire de circonstance, l'abbé Malumalu a souligné qu'aucune réclamation ni contestation sur des erreurs matérielles du scrutin n'a été enregistrée.

au niveau de son institution. L'Alliance pour la Majorité Présidentielle (AMP), présumée majoritaire au Parlement, aura la charge de désigner le Premier Ministre formateur du gouvernement, lequel devrait être bre-pacte signé par Joseph Kabila et Antoine Gizenga à la veille de la campagne électorale du second tour de la présidentielle.

**Alors que la CEI a annoncé hier les provisoires complets**

# Le Journal du citoyen

24ème année

## Kabila élu

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Congolese and international law with virtual impunity. No independent and transparent judicial investigation has been conducted into the violence committed by government troops and Bemba's guards in August 2006 or March 2007 in Kinshasa, nor into the violence in Bas Congo in February 2007 and March 2008, despite some feeble promises by the government to do so. Human Rights Watch has found no instance where senior ranking civilian or military leaders sought to prevent or take serious actions to punish individuals under their effective control who were responsible for crimes in violation of international law.

The Congolese government should immediately release all those still held without charge and prosecute before courts that meet international fair trial standards all individuals implicated in crimes, regardless of their position or rank. The failure to hold to account those responsible further aggravates Congo's culture of impunity and significantly decreases the likelihood the Congolese government will develop respect for the rule of law, a cornerstone of democracy.

In the press to establish good relations with the newly elected president, donor nations and other international actors have given little attention to the grave human rights violations of the first two years of the Kabila government and the failure to hold accountable the perpetrators of these abuses. The rare UN reports detailing abuses were buried and others published too late to have a significant impact on policy decisions by diplomats in the immediate aftermath of the events. After Bemba left Congo in April 2007, diplomats did try to assure some space for the opposition by insisting on legislation to define its status, complete with the "spokesperson" position, whose holder would have cabinet rank. Bemba was the frontrunner to hold the position, though his arrest by the ICC in May 2008, just ahead of the election for the spokesperson, effectively ended his bid. Without firm international support for open democracy, the opposition struggles unsuccessfully to counterbalance Kabila's lurch towards authoritarian rule.

Elections themselves cannot bring democracy. Congolese and international actors must work to establish an independent judiciary and a vibrant parliament with an effective opposition to improve human rights, hold the executive to account for its actions, and counterbalance the restriction of political space. Failure to establish such counterweights will endanger Congo's young democracy. The same kind of focus and international cooperation that brought about the elections must be replicated in the cause of improving human rights and opening up democratic space if the hopes for stability and improved governance for this war-torn nation are to be fulfilled.



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# RECOMMENDATIONS

## TO THE CONGOLESE GOVERNMENT

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- Release immediately all individuals detained without charge, or charge them with a legally cognizable offense and prosecute them before courts that meet international fair trial standards.
- Investigate and discipline or prosecute as appropriate soldiers, police officers, intelligence agents, and any other official, regardless of rank, implicated in killings, torture, or mistreatment.
- Establish a task force under the supervision of the Ministry of Justice comprising military and civilian judicial officials, and international and national human rights experts, to establish the number and identities of persons detained without charge or trial, to monitor the release of detainees, and to document cases of torture and ill-treatment of detainees for future judicial action. Direct the task force to report regularly and publicly to parliament and the government.
- Ensure that members of the political opposition, the media, and civil society are permitted to exercise freely their rights to free expression, association, and assembly as guaranteed by the International Covenant on Civil and Political Rights.
- Permit national and international human rights monitors access to all places of detention and interviews in private with those detained.
- Establish an independent vetting mechanism to remove and exclude, with appropriate due process mechanisms, members of the security forces responsible for serious human rights violations.
- Take all necessary action to stop government officials from interfering in judicial proceedings.
- In accordance with Congolese law prohibit trial by military courts of civilians.
- Enact legislation implementing the Rome Statute of the International Criminal Court to grant civilian courts jurisdiction over military personnel implicated in criminal offenses against civilians.

## TO THE CONGOLESE NATIONAL ASSEMBLY AND SENATE

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- Conduct a parliamentary inquiry into arbitrary arrests, torture, and ill-treatment of detainees by the military, police, and the security services.
- Review the role of all security and intelligence services; eliminate duplication and clarify mandates of various services in order to facilitate more effective parliamentary oversight of their conduct.



## TO INTERNATIONAL DONORS

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- Urge the government to release immediately all persons detained without charge or prosecute them in courts meeting international fair trial standards.
- Make the human rights situation in Congo, including arbitrary arrests, torture and ill-treatment, and harassment and attacks on perceived political opponents a high priority in dialogues with Congolese government officials, emphasizing the need for concrete steps to address these concerns to assure favorable bilateral relations.
- Provide financial and political support for the creation of a Ministry of Justice task force to monitor persons in custody, their treatment, and their release.
- Monitor trials and regularly visit places of detention to promote compliance by the Congolese government with international human rights standards.
- Press the government to permit MONUC and other international and national human rights monitors free access to all places of detention.
- As part of continued donor support for the Security Sector Reform program, urge that the Congolese government establish an independent vetting mechanism to remove and exclude, with appropriate due process mechanisms, members of the security forces responsible for serious human rights violations. Assist the government in designing and implementing such a mechanism.
- Request an urgent visit to Congo by the UN special rapporteur on torture.

## TO MONUC AND THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

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- Publish promptly MONUC and OHCHR reports on serious human rights abuses in Congo.



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HUMAN RIGHTS WATCH  
350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299

[www.hrw.org](http://www.hrw.org)

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## “WE WILL CRUSH YOU”

The Restriction of Political Space in the Democratic Republic of Congo



(Front cover) A street sign indicating directions to Congo’s parliament and government offices lies demolished on the side of Kinshasa’s main boulevard following street fighting between government soldiers and bodyguards of presidential rival Jean Pierre Bemba.

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