



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **The impact of the military offensives “Kimia II” and “Amani Leo”**

The Society for Threatened Peoples (STP) is extremely concerned about the dramatic humanitarian and human rights impact of the “Kimia II” and “Amani Leo” military operations being conducted by the Congolese army (FARDC) with the support of the UN peacekeeping force (MONUC) in order to forcibly disarm the Rwandan Hutu rebel group FDLR (Forces Démocratiques de Libération du Rwanda).

Since the beginning of “Kimia II” the civilian protection has not improved, in fact, in many places it has become even worse. The Congo Advocacy Coalition, a network of 88 local and international nongovernmental organizations, figured out that in addition to destruction of homes and property, fighting in Eastern DRC has led to the deaths of approximately 1.200 civilians. Moreover, about 900.000 people were forced to leave their homes and nearly 7.000 cases of rape have been reported in only the first half of 2009. The full scope of sexual violence and gender based violence is unknown but it is safe to assume that the number of reported cases is only a fraction of the number of rapes that actually occur. More than half of all violations against human rights in DRC has been committed by staff of the national army as well as policemen since they face no risk of prosecution. Widespread impunity and the rapid integration of thousands of militia fighters into the army have disastrous consequences for the civil society. The human costs of the military operations clearly outweigh its benefits.

### **MONUC and its present mandate**

Referring to the current mandate of MONUC, STP demands a more extensive and revising mandate respective to human rights since civilians are regarding UN soldiers as perpetrators and not as protectors due to the problematic dual mandate. On the one hand it states protection of the civil population and on the other hand MONUC is committed to support of the Congolese Army in order to combat the FDLR. STP advocates that the UN mission will be continued but in a more effective way. This lacks a redraft in terms of protection of human rights as well as more manpower and more financial support. As extraordinary important we state the handling with FARDC soldiers that committed crimes against humanity. The peacekeeping forces do have to avoid the cooperation with Congolese army units and military commanders that have been implicated in serious violations of international humanitarian law. Sorely needed are explicit rules of conduct for the handling with perpetrators of human rights violations.

### **Disastrous situation of human rights defenders and journalists**

Reprisals against human rights activists and journalists keep on occurring and even have increased since January 2009. They are stigmatized as traitors and dissidents. In the last years, at least eight humanitarian actors have paid with their lives due to their fight for human rights. Their “crime” was to claim the end of impunity and to criticise the illegal exploitation of natural resources.

Ultimately the student spokesperson Mbusa Letakamba had disappeared without any trace. The Congolese judiciary will not bring them any justice, physical attacks and murders of human rights defenders go unpunished. They even receive death threats and experience intimidation by the Congolese authorities. Arrested human rights activists have been reporting on torture and mistreatment in prison. Actually there are 13 human rights

defenders incarcerated. Since June 2009, seven journalists were reporting on harassment. One of them, Rocherau Kighoma, was arrested and the journalist Bruno Koko Chirambaza was even murdered. He is the third journalist that was killed under mysterious circumstances. Transmissions of Radio France International were suspended for national security reasons.

### **The imperative of a security sector reform**

Regarding justice and accountability reforms in the security sector and in the army sector urgently need to be accomplished in order to push on the process of democratization in the DRC. Since its beginning the security sector reform has been plagued by serious problems which affect the army's capability to respect and enforce human rights standards. Many new FARDC soldiers remain loyal to their previous commander and do not accept the new leadership. Armed militia leaders and other officers responsible for massive abuses were integrated into the FARDC without any vetting. Attempts to prevent and punish sexual violence by members of the Congolese Army as part of the security sector reform have been insufficient.

### **Mining and minerals**

Concerning conflict minerals the United Nations Group of Experts on the Democratic Republic of the Congo has highlighted that armed groups in the eastern region continue to fight over, illegally plunder and profit from the trade of minerals like columbite-tantalite (coltan), cassiterite (tin ore), wolframite (a source of tungsten) and gold. Those minerals are used in industrial and technical products worldwide, including mobile phones and laptops.

Most of the mines are controlled by the FDLR or by the national Congolese army as a means of personal enrichment. Both similarly do abuse the population, engage child workers, do not ensure any health and safety standards and pay extremely poor wages meanwhile themselves are earning up to 90 percent of the profits. Most of the minerals are transported illegally to the neighbouring countries of Rwanda, Uganda and Burundi across Congo's porous borders.

Annually about 40 tons of gold are smuggled out of DRC. Most minerals are shipped to Dubai via Uganda. In Uganda the illegally imported gold gets legitimate export licences as a product of Ugandan mines while the legal gold mines in east African country are producing a negligible amount of gold per year. Ugandan businessmen are linked to rebel groups in the DRC for which the gold trade is one of the most significant sources of income. Likewise, Rwanda produced \$8 million worth of tin ore but officially exported at least \$30 million of the mineral.

A critical first step is to identify which mines are in conflict zones and to require importers of related mineral products to certify whether their imports contain minerals from those mines or if they are "conflict-free". Companies around the world must determine the precise sources of their minerals. By engaging external auditors they should furthermore conduct detailed examinations of their mineral importations to ensure that taxes are paid legally and transparently to the Congolese authorities.

### **Society for Threatened Peoples calls on the Human Rights Council to:**

- Urge the government of DRC to stop impunity and to implement the zero tolerance campaign and the law outlawing sexual violence;

- Insist on the main priority of MONUC's mandate on civilian protection and on clear regulations concerning human rights perpetrators amongst the FARDC;
  - Strongly denounce defamation and intimidation of human rights activists and to push the immediate release of arrested humanitarian defenders;
  - Call on the international community to provide increased financial, technical and political support to reform the security sector;
  - Take measures to reform the military jurisdiction and to ensure a credible vetting process;
  - Advocate for a reliable certification system to avoid a further illegal exploitation of Congo's natural resources.
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