



General Assembly

Distr.: General
15 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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.

[4 June 2012]

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

Security and justice in the Democratic Republic of Congo

The Society for Threatened People is concerned about the situation in the Democratic Republic of the Congo. Especially the lack of security and justice in many parts of the country is a huge drawback for the development of the area and the civilians who are living there. To perform development and to rebuild institutions in the Democratic Republic of the Congo, it is important to stop impunity and to reform the security sector. Civilians, especially in the east of the country, are threatened by various militia groups and by members of the armed forces. But even if the civilians report human rights abuses, the perpetrators are seldom charged with a crime.

To fight impunity, a thorough reform of the security sector is necessary. But so far, the Government of the Democratic Republic of the Congo hasn't shown great willingness to introduce such a reform. There are in fact some minor efforts in fighting impunity within the security forces, but the backend from the official government is still marginal. The Congolese government in 2011 spend only 0.1% of their total expenditures on the Justice Ministry. The Congolese government must increase its efforts to fight impunity.

During the presidential election period from November 2011 until December 2011, massive human rights violations were committed by members of the armed forces of the Democratic Republic of the Congo (FARDC), the national police (PNC), the presidential guard (GR) and members of the intelligence office (ANR) against opposition members and civilians who were randomly attacked. An investigation into these cases, lead by the United Nations Joint Human Rights Office confirmed that at least 33 people were killed and at least 83 were injured. There was also a huge amount of people who were arrested. The estimated number of unreported cases may be even bigger. After the clashes, the FARDC and the PNC made measures to bring the perpetrators to justice. The progress of these instructions is still low.

Another negative example of impunity in the Democratic Republic of the Congo is the case of Jean-Bosco Ntaganda. He is being sought by the International Crime Court (ICC) for war crimes and crimes against humanity like recruiting child soldiers, rape and murder. Since 2009, Ntaganda is a high-ranking officer in the FARDC. Since then, there were no efforts performed from the Congolese government to arrest him. The government said that Ntaganda is a guarantor for security and peace in the eastern region of the Democratic Republic of the Congo. In fact, he is deeply involved in the recent clashes between the armed forces and mutinous soldiers who are loyal to him and to the CNDP. As a result, more than ten-thousand were displaced for seeking peace. There are also reports that Ntaganda has forcibly recruited at least 149 boys and young men as child soldiers into his forces. Ntaganda commit again the same crimes he is being sought by the ICC.

In a speech on April 11, 2012, in Goma, Joseph Kabila said that he is not going to transfer Ntaganda to the ICC. He mentioned that if Ntaganda would be arrested, he will be indicted in the Democratic Republic of the Congo. As a member state of the ICC's Rome Statute, the Democratic Republic of the Congo is engaged to cooperate with the ICC and to arrest and transfer suspects to the courts of the ICC. The Democratic Republic of the Congo breaches their obligations under Articles 59, 86 and 89 of the Rome Statute. The Congolese government has to fully cooperate with the ICC and their prosecutors.

For many civilians in the Democratic Republic of the Congo, the security forces are, beside the various militia groups, a trigger for many problems in the country.

Even if there is a small glimmer of hope, regarding the arrest of Thomas Lubanga and Jean-Pierre Bemba, the efforts of the Congolese government remain insufficient. The small declared intention shows up in the small number of financial aid for the justice system and

the armed forces. Civilians suffer from the impunity of soldiers and ex-combatants of former rebel groups who were integrated into the FARDC. For the citizens of the Democratic Republic of the Congo, a meaningful reform of the security sector side by side with fighting impunity would put up a slight hope. It has to be the highest priority for the Congolese government and the international donor community to bring peace to the citizens.

Society for Threatened People calls on the Human Rights Council to urge the Government of the Democratic Republic of the Congo:

- to arrest Jean-Bosco Ntaganda and transfer him to the ICC;
 - to stop the impunity of members of the armed forces, the national police and other official authorities of the Democratic Republic of Congo;
 - to increase the financial means and aid especially for the justice system;
 - to create a roadmap for a reform of the Congolese security sector.
-