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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD

Written statement* submitted by Pax Christi International, 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.

[29 January 2003]

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

The Democratic Republic of Congo and Rwanda: Sustainable and Peaceful Development in Central Africa

Bilateral peace agreements between Rwanda and the Democratic Republic of Congo (DRC) in July 2002 and between Rwanda and Uganda later on that year have led to a massive withdrawal of nearly all foreign army contingents (from Rwanda, Uganda, Angola, Namibia and Zimbabwe) that had been recently fighting on DRC territory in “Africa’s First World War.”

Bowing to international pressure, one of the main stumbling blocks to a peaceful resolution in the region has thus been surmounted. However, the sudden retreat of foreign military forces has left the embattled region in a power vacuum, leading to a renewed struggle for dominance among rebels and local war lords throughout eastern DRC. Many of the rebel factions are supported either by the government in Kinshasa or by the former occupying forces in Rwanda and Uganda. The Congolese government cannot control its own territory, and even in government-held areas its control is marginal. The decline and complete dysfunction of the state institutions, dating back to their complete neglect under the Mobutu dictatorship, continues. Industry, infrastructure and public administration are in some parts of the country in a state of complete deterioration.

This First African World War in the DRC - since it began in 1996 – has caused millions of deaths and similar numbers of internally displaced people and refugees. The crisis in the DRC can justly be classified as one of the worst humanitarian crises of all time.

The humanitarian situation, especially in the Kivu and Ituri regions of eastern DRC, has consequently experienced a severe and unabated decline. The most dreadful human rights’ abuses on the civilian population as well as massive displacement of civilians seeking refuge across national borders can be observed, especially in Tanzania and Uganda. In this respect, the enlargement of MONUC forces from 5500 to 8700 (Resolution 1445 of the UN Security Council) is a positive step toward more effective control and disarmament within the DRC.

Pax Christi International regrets, however, that this resolution omits questions raised by the UN “Report of the Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC” and by its most recent report of October 2002. The report has indicated that even in the absence of foreign troops, the illegal extraction of natural resources by an elite criminal network is still operational and functioning. We are particularly concerned that the business activities of transnational enterprises in the region form an essential part of the deadly cycle of the region’s war economy. As long as the prolongation of war is more lucrative for people in power, peace will not be achieved.

The fundamental question is whether the international community is prepared to challenge the war economy arising from the context of these new conflicts. The UN has the historic opportunity to join the present momentum for building peace in the region by undertaking decisive and constructive measures to limit the diversion of resources away from mafia-like networks and a war economy and towards the reconstruction of the DRC.

The embargo against so-called blood diamonds from Angola has been a first step in the development of new tools for the international community to tackle the issue of its responsibility toward Africa’s new wars. The Kimberley process has demonstrated that needed measures can be developed in cooperation with transnational enterprises and not necessarily in confrontation with them.

Human rights are violated in all parts of the DRC, including government territories. Freedom of opinion is not always respected, as shown by the recent arrest of the editors of Radio Maendeleo in

the Kivu. Human rights organisations must be supported. The government should invite them to create an independent national human rights commission.

In Rwanda, there is a positive trend in the development of a Human Rights Commission and of a National Unity and Reconciliation Commission. Both commissions appear to operate with a certain degree of independence, yet there are clear boundaries. One such boundary is public criticism of politically sensitive issues. Close monitoring of this process therefore remains necessary.

The hardships inflicted upon the Association Modeste et Innocente (AMI) in Butare and its secretary, Laurien Ntezimana and those recently imposed on human rights NGO LIPRODHOR in Kigali demonstrate how easily even non-political peace work can become a target in Rwanda. The new implementation law on NGOs, introduced in July 2002, is restrictive, limits the autonomy of NGOs and is potentially degrading to agencies that implement government policy. The possible imposition of an NGO Forum likewise carries the risk of further political control of NGOs in Rwanda.

The majority of Rwandan troops have returned from the DRC within the framework of the Pretoria Agreement. However, the withdrawal of Rwandan troops should not be considered complete or definite. Pax Christi International is concerned that Rwanda is still exerting military and economic control over the Kivu, even though the situation might not return to full-scale occupation. Pax Christi International regrets Rwanda's involvement, including state institutions, in illegitimate economic activities in the DRC. The government should stand firm in its commitment to disarm and demobilise Hutu militia, the so-called negative forces, in collaboration with the UN observer mission MONUC.

Pax Christi International regrets the rule of impunity for human rights abuses all over the DRC. The cases of Kisangani and of the Haut Plateaux are the clearest examples of the recurrence of war crimes committed by the RPA and RCD Goma. Furthermore, after the withdrawal of the majority of RPA troops, Rwanda could still be addressed for the human rights performance of RCD Goma in the near future, as there are many indications that Rwanda exercises considerable influence over the decisions of RCD Goma.

The international Catholic peace movement welcomes the draft constitution in Rwanda. However, there is no guarantee that the broad consultation process held earlier has contributed in any substantive way to the content of the draft constitution. In the draft constitutional law, several provisions create uncertainty on the extent of inclusiveness and future possibilities for participation in the political system. One such provision is the position of the Forum of Political Parties (Art. 56), potentially creating a legal basis for the present Forum. The Forum is widely viewed as an instrument of political control by one political party, the RPF. Pax Christi International also hopes that the new press law will lead to fewer overt forms of repression against critical journalists, even if the other forms of pressurizing can continue because they are less visible. Pax Christi appeals to the Rwandan government to authorize independent media, particularly radio and television.

Rwandan authorities take seriously their task of assuring national elections in 2003. A presidential proposal in favour of direct secret voting is an important step towards truly free elections. The acceptance in the draft constitution of the principle of a multi-party system is likewise important in this respect. In practice, however, many people who would challenge the official RPF line are repressed, jailed or exiled. Political space is narrowing rather than opening up. Despite the seemingly formal acceptance of a multi-party system, it is quite uncertain whether or not an inclusive political system is now being created.

Pax Christi International also welcomes the idea that the Gacaca courts take on the juridical

overload of the 105,000 genocide suspects still awaiting trial. The pilot initiative concluded in October with positive results, although a number of new problems have come forth. The pilot was followed by its implementation in all cellules in one sector of every district.

Pax Christi International calls on the Commission to:

- Organise a Conference for Peace and Development for the Great Lakes Region of Africa to support and coordinate ongoing national peace efforts.
- Ensure that - in line with the results of the UN-SR-Panel report - the plundering of the DRC's natural resources no longer fuels the war. The UN should assist that the DRC administration build up a fiduciary trust for the beneficiary use of revenues and levies resulting from resource extraction.
- Develop the upgraded MONUC presence in the DRC, particularly in the eastern part of the country, support the disarmament programmes and ensure its peacekeeping mandate.
- Contribute to federal and national elections in the DRC and in Rwanda so that a democratic representation process supports the development of civil society.
- Ensure the reconstruction of the justice and police systems in the DRC and in Rwanda, the eradication of torture and ill treatment in custody and the improvement of prison conditions.
- Ensure that the rule of impunity for human rights abuses within the DRC come to an end.
