

Human Rights violations in eastern Democratic Republic of the Congo, with reference to UN Human Rights Council Resolution 51/36

The Next Century Foundation – in conjunction with the UK Justice Congo Group - wishes to refer to the continuing human rights tragedies taking place in Democratic Republic of the Congo (DRC) every day, and the human rights abuses not addressed in the past, which contribute to the intransigence of the present situation.

THE MAPPING REPORT

We acknowledge the immense efforts made now and in the past by the United Nations in DRC, through MONUSCO, and UN support for the many thousands of refugees in the region. However, Robert Garreton's Mapping Report of 2009, commissioned by the United Nations, remains without full publication, and without follow-up action. This Mapping Report contains descriptions of 617 alleged violent incidents occurring in the DRC between March 1993 and June 2003, and contains a plan of action on these appalling and gross violations of human rights and international humanitarian law. Until these alleged crimes are brought to justice, the Congolese people will be unable to move forward. We urge the Council to ensure this Report is fully acted upon, in order to address the impunity currently enjoyed by perpetrators of past violence in the DRC.

Spain is the only country to have applied universal jurisdiction against perpetrators in the DRC. Fernando Andreu Merelles launched an investigation against 69 individuals responsible for crimes committed in the Republic of Rwanda and the Democratic Republic of the Congo (DRC) between 1990 and 2002. The judge in this case considered that the 40 persons mentioned had committed acts of genocide, crimes against humanity, war crimes and terrorism on the orders of the President the Republic of Rwanda, Paul Kagame. The judge acted under the universal jurisdiction of international justice.

We urge the Council to ensure that the international community follows Spain's honourable path in bringing to justice the perpetrators of crimes against humanity in the DRC.

THE VIOLENT ROLE OF THE M23 MILITIA IN EASTERN DRC

In the present situation, there is an urgent need for the United Nations to publish its 2022 (leaked) report on the killings and destabilisation taking place

right now, perpetrated by the Rwanda-backed M23 militia group - and to take action on its findings.

Rwanda has supported its proxy, the M23 militia, as well as creating other militia (Ngomino, Twingwaneho, Android, ADF-Nalu) in North and South Kivu, Ituri, Maniema, Tanganyika provinces and other parts of the DRC. Since the 1990s the Kivu regions have experienced a constant threat from the violence of these armed groups. This includes frequent attacks on civilians. Hundreds of thousands of ethnic Congolese have been killed, while some have been displaced from their villages, and replaced by neighbouring people of Tutsi origin from both Rwanda and Uganda. This violent action has dangerously escalated in recent months.

Most recently, in late November 2022, the international community acknowledged and condemned the killing of 300 civilians, including at least 17 children, by the Rwandan-backed M23 militia in Kishishe, North Kivu.

THE ROLE OF CONFLICT MINERALS IN FEEDING VIOLENCE IN EASTERN DRC

The heart of the problem in the eastern region of the DRC is Rwanda's desire to obtain access to the very rich mineral mines in the region. There is a well-established smuggling route for coltan, cassiterite, tin, tungsten and tantalum to be taken across the border and sold as Rwandan produce, as detailed in the 2021 report of the UN Group of Experts on the DRC. The land-grabs mentioned above are principally to enable access to the mines.

We urge the UN to take the lead in ensuring that the international community takes responsibility for the suffering caused by this situation. If the Global North desires these minerals for its mobile phones etc. it must acknowledge what is taking place in eastern DRC, and play its part in resolving the agony of the Congolese people in this region.

THE HISTORIC ROLE OF RWANDA IN EASTERN DRC

Evidence from Human Rights Watch World Report 1998 states that, in late 1996, the Rwandan government sent its soldiers across the border into eastern DRC to empty camps that sheltered more than one million Rwandan Hutus. In the months that followed, Rwandan troops and their Congolese allies chased camp residents, who fled west across DRC. Thousands of non-combatants were killed, as well as the soldiers and militia accompanying them. This massacre was carried out with the collusion of the Congolese government, and

set a precedent for Rwandan interference in Congo's affairs, which exists to this day. As stated above, the present violent incursions by Rwanda's M23 militia are largely in pursuit of minerals and land in a country which is too weak to resist.

In connection with Rwanda's historic and current actions, we respectfully suggest that the UN refer to its own charter on the definition of Aggression, in United Nations General Assembly Resolution 3314 – "Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State". Whilst we hear much of Russia's aggression against Ukraine, the international community is silent on the matter of Rwanda's aggression against DRC, both historically and in the present day.

THE ROLE OF THE EAST AFRICAN COMMUNITY IN EASTERN DRC

In April 2022, DRC joined the East African Community (EAC) – a regional economic bloc – for economic reasons, including expansion of trade. Subsequently the EAC has seen fit to go far beyond the original remit, and intervene in eastern DRC with "peacekeeping" soldiers towards the end of 2022, and in early 2023. The first result of this decision was that the Republic of Burundi (a member of the East African Community, and traditionally greedy for DRC's resources) sent its Burundi National Defense Force troops into the DRC in August 2022, before arrangements had even been completed. Far from helping bring peace, by December 2022 these troops had looted cows from the local population, and burned down houses in the Bijombo area of South Kivu.

We urge the UN to recognise that the security issues in eastern DRC cannot be resolved by the authors of historic crimes, such as Rwanda, Uganda and Burundi, who are members of the EAC. Their adventure in the region, in the guise of EAC peacekeepers, is to continue plundering Congolese natural resources, and create further instability and chaos through the illegal occupation of land, and the placing of people in their own image in a country that is not theirs.

THE USE OF RAPE AS A WEAPON OF WAR

The DRC has been called "the worst place in the world to be a woman". Over the past 25 years, rape has frequently been used as a weapon of war, but the perpetrators have never been brought to justice.

Historically, a Newsweek report in November 2006 estimated that 250,000 women were raped in the Congo Wars of 1996-1997, and 1998-2003. The perpetrators of these crimes have never been brought to justice.

Rape continues to be used as a weapon against local populations, with all the terrible consequences for the women affected, and their families.

Should these crimes have been committed in the Global North, you can be sure they would have been addressed by now, through an international criminal tribunal, or other appropriate mechanism. It is time for women in the DRC to be honoured with similar attention.

CONCLUSION AND RECOMMENDATIONS

The DRC has immense natural resources, and is home to a richly biodiverse natural environment of forest and farmland. Meanwhile it is ranked number 179 out of 191 countries and territories worldwide, on the 2021 Human Development Index. In 2018, over 70% of Congolese – around 60 million people – were living on less than \$1.90 per day.

Over the centuries, its resources have been plundered, and its people brutally abused by invaders. The present situation is no different. This time it is DRC's neighbours who are the invaders, in pursuit of its rich natural resources and fertile land.

We urge the Council to ensure that action is taken to improve the lives of Congolese people, and free them from the tyranny of so many human rights abuses. If the Mapping Report were acted upon, this would be a very good start, to enable communities to move forward with the more local transitional justice proposals discussed in Resolution 51/36. Unless the past is laid to rest, progress in the present is almost impossible.

There is a need for the international community to wake up to what is now occurring in the east of DRC, as a direct result of the Global North's desire for the minerals located there. We urge the Council to play its part in bringing about a fundamental change of attitude, so that Congolese citizens are relieved of their suffering, and violent incursions by neighbouring countries are prevented. The United Nations is the body that can help heal this situation, and we urge the Council to give this work the utmost priority.

