



HUMAN RIGHTS COUNCIL - 48th SESSION

Enhanced interactive dialogue on the report of the High Commissioner on the human rights situation in the Democratic Republic of the Congo and on the final report of the team of international experts on the situation in Kasai

Ms Nada al-Nashif – Deputy HC for human rights:

- *OHCHR report on human rights in the Democratic Republic of the Congo: [A/HRC/48/47](#)*

Although some progress has been reported, the Democratic Republic of the Congo (DRC) continues to face **challenges**, in particular the **eastern provinces** and requires a closer cooperation between the Government, the UN and civil society to ensure that human rights are effectively protected.

The number of **victims of summary and extrajudicial executions by armed groups** has risen and the continuing violence poses serious challenges to the **protection of civilians**. The great majority of **human rights abuses and violations** continue to take place in **areas of armed conflict**. Some 93% of violations and abuses were documented in provinces where **armed groups are active**, particularly in **North Kivu and Ituri**, and to a lesser degree in **South Kivu and Tanganyika** provinces. At least **5.3 million people are internally displaced** in the DRC, mainly because of ongoing conflicts.

The Government must take necessary measures to ensure that **military operations** against armed groups are conducted in strict **compliance with human rights** and IHL and that violations by any members of the security forces are **investigated promptly** in accordance with the **right to fair trial**. Security forces should also take steps to minimize the **effects of military operations** on civilians.

The Government declared a **state of siege** on 6 May in **North Kivu and Ituri**, placing these provinces under **military jurisdiction**. The state of siege has increased the **caseload of the military justice** with **negative effects on the administration of justice**, which has become overloaded.

During the reporting period, at least 107 members of the Armed Forces of DRC, 55 Congolese National Police officers, and 134 members of armed groups have been **convicted of committing human rights violations, including crimes against humanity and war crimes**. **Transitional justice is a key** to unblocking the vicious circle of violence that persists in the DRC. The establishment of **transitional justice mechanisms** needs to effectively **address impunity**, guarantee **access to justice** and redress for victims. The OHCHR is encouraged by the **Government's commitment** to transitional justice and the steps that have been taken to **establish a national holistic transitional justice framework**.

The OHCHR continued to receive **alerts of attacks and threats against journalists, human rights defenders and other civil society actors**, and of the **violent repression of several peaceful demonstrations**, including during the **state of siege**. The level of **hate speech and incitement to hatred** throughout the country continues to be alarming. OHCHR issued a report raising concerns on this phenomenon that continues to fuel conflicts and raises the risk of escalation of the political debate.

Mr Bacre Waly Ndiaye - Chair of the Team of International Experts on the Situation in Kasai:

- *Report of the team of international experts on the situation in Kasai: [A/HRC/48/82](#)*

Without the desire to **combat impunity**, efforts of **transitional justice** will remain useless. The causes of the eruption of violence in Kasai remain and may reignite. With this situation, the implementation of the recommendations of the survey carried out by the Team of International Experts during its first mandate remains a **necessity more than ever**. The most important recommendations concern the



fight against impunity and the **efforts of reconciliation, reparation, and prevention of non-repetition within the framework of a process of transitional justice**. However, apart from a few positive developments, the team of international experts noted a **lack of meaningful progress** in the processing of cases brought against perpetrators of serious violations of human rights and international humanitarian law committed.

Concerning the **strategies on reconciliation, transitional justice, victim assistance and reparations**, the team of international experts observed a number of significant gains at the national and provincial levels. The International team of Experts welcomes **the desire of the government to continue cooperating with its team**. They commend the desire to achieve the respect of the rule of law, and strengthen peace and justice despite the ongoing challenges.

[Mr Albert Fabrice Puela – Minister for Human Rights of Democratic Republic of the Congo:](#)

The minister highlighted **DRC's effort to secure peace and strengthen justice** in the country, despite ongoing challenges such as the **COVID-19 pandemic, armed conflict in eastern provinces** and the humanitarian crisis unfolded by the **volcanic eruption** that happened this year.

On 6 May 2021, the President decreed the **state of siege in North Kivu and Ituri** to facilitate the restoration of peace and human rights. The objective is to respect the constitution and protect **human rights**, despite actions by **armed groups** that undermine the government's peace efforts.

The minister also affirmed the Government's determination to **set up a National Commission for Transitional Justice** as well as to create a national reparation fund for victims of serious crimes. He guaranteed the re-opening of prosecutions against perpetrators of human rights violations. The government is deeply committed to **ensure transitional justice, protect human rights** and ensure **peace, in collaboration with the OHCHR** and civil society.

[Denis Mukwege - Director of the Panzi Foundation:](#)

Human rights violations committed in DRC are some of the **worst in the world**. Everyone knows what is going on in DRC: **massacres, burning villages, looting**, these acts amount to **war crimes and crimes against humanity** and most of these went **unpunished**. The prevailing **culture of impunity** has been the main obstacle to the establishment of peace in DRC and it explains why **atrocities** continue.

Congolese victims must have the **right to truth and justice** and guarantee that violations will not re-occur. The UN Security Council believes that access to justice is a necessity to make sure that peace lasts. **Transitional justice can be linked to peacebuilding**. So far DRC have not benefited from mechanisms on transitional justice, unlike other neighbouring countries.

A poor diagnosis always leads to a poor treatment. We are convinced that **Kasai can be included in a national strategy**. The **OHCHR must provide effective support to the authorities and civil society** to ensure the **adoption of national strategy for transitional justice**.

Before these mechanisms are set up, member States of this Council must **establish an investigative team** composed of experts to collect and protect elements of proof of acts that could amount to **crimes against humanity in DRC**.



INTERACTIVE DIALOGUE

Delegations that took the floor during the Interactive Dialogue (20 statements)

European Union, Sweden *on behalf of Nordic-Baltic countries*, Cameroon *on behalf of the group of African States*, France, Senegal, Togo, Egypt, Switzerland, Angola, Netherlands, Venezuela, Holy See, Russian Federation, United States, Belgium, China, United Kingdom, Botswana, Ireland, Malawi.

Delegations taking the floor **commended the team of international experts** for its report and its conclusions and recommendations.

The majority of States **commended DRC's efforts for the establishment of a national mechanism on transitional justice**. States agreed that transitional justice was **key to lasting peace** and encouraged the government to continue its efforts.

Several States were **concerned by ongoing human rights violations** in DRC, particularly in Eastern provinces and region under **state of siege** imposed by the government. States denounced human rights violations against **human rights defenders, journalists and members of the civil society** and urged the government to **respect the rule of law and human rights** and protect its civilians.

Some States were also concerned by the **level of hate speech and incitement to hatred** throughout the country.

A majority of the States **welcomed the capacity building efforts** and the **technical assistance provided** to DRC by the OHCHR to ensure peace and justice. They demanded that **assistance should continue**.

8 NGOs took the floor during the Interactive Dialogue:

World Vision International, Franciscans International, ISHR, Amnesty International, Advocates for Human Rights, CIVICUS, ELIZKA Relief Foundation, International Organization for the Elimination of All Forms of Racial Discrimination.

World Vision International deplored the **situation of children in Kivu: recruitment into armed groups, sexual and gender-based violence and education compromised**.

Franciscans International denounced the **mining legislation** and deplored that the local communities were not benefiting from **mining policies** and regulations in DRC.

ISHR commended the **cooperation between the OHCHR and DRC**. They urged DRC to **establish special tribunals to prosecute** authors of grave crimes committed in DRC and **give victims access to justice**.

Advocates for Human Rights denounced **recurrent attacks against human rights defenders, journalists and members of civil society**. They also denounced continued violence committed against civilians by **armed groups** and state forces in **total impunity**.

CIVICUS denounced the **restrictions on civic freedoms** and the **killings of human rights defenders and journalists** in the regions under the **state of siege**. They also pointed out the recurrent repression of protests, **arbitrary detentions** and **judicial harassment** of protesters and member of civil society.

Elizka Relief Foundation condemned the **violence in the Kasai region**, resulting in the massive **displacement** of persons in the country. The *International Organization for the Elimination of All Forms of Racial Discrimination* denounced the **violations committed by armed groups and security forces** and the **high rate of sexual abuses and gender-based violence in Kivu**.

Watch the full Enhanced Interactive Dialogue on DRC on [UN WebTV](#)