



INTERNATIONAL COMMISSION OF JURISTS

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ICJ Intervention on the Adoption of the Outcome Document of the Universal Periodic Review of the Democratic Republic of the Congo

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Mr. President,

The International Commission of Jurists (ICJ) welcomes the Democratic Republic of the Congo's interaction with the Council's Universal Periodic Review mechanism (UPR) and requests that its Government take prompt measures to fulfill all recommendations addressed to the country by the UPR.

Members of the Armed Forces of the Democratic Republic of the Congo (FARDC), intelligence services and armed groups have been implicated in gross and systematic human rights abuses, including summary executions, torture, including rape and sexual violence and other ill-treatment. However, action against impunity is undermined by the weak law enforcement institutions and an apparent lack of political will to arrest and prosecute high-profile suspects. While ICJ welcomes the Government's commitment during the UPR to cooperate with the International Criminal Court¹ and ensure that all perpetrators of violations of human rights and humanitarian law amounting to crimes are brought to justice,² the ICJ regrets that, during the review, the Government explicitly rejected the recommendation of arresting and transferring Bosco Ntaganda to the ICC.³

The general human rights situation in the DRC remains grave, fueled by a lack of tolerance by the Government of opposition to its policies, prevalent corruption and abuse of power by law enforcement and intelligence officials. Delays and lack of political commitment in the implementation of the security reforms have continued to weaken efforts towards the restoration of the rule of law and respect for human rights.

Impunity is further fostered by structural deficiencies of the justice system and challenges such as interference with the independence of the judiciary and legal profession, including by the Executive and the illegal dismissal of judges and prosecutors by the Head of State. In addition, victims of human rights violations have had scant access to remedies and reparation, as violations committed by a military and security personnel have fallen under the military jurisdiction that has shielded the perpetrators from accountability. In this regard, the ICJ urges the early implementation of the Government's commitment during the UPR review⁴ and calls upon the Government to provide legal aid to victims of human rights violations, particularly to victims of rape and other sexual violence and to poor and rural populations. In order to bring to justice perpetrators of human rights atrocities, the Government must effectively implement its judicial and security sector reform, and the ICJ urges the Government to accept the recommendations of establishing a vetting procedure to screen military and police officers alleged to be responsible for gross human rights violations.⁵

Lastly, the root causes of human rights violations, including the illegal exploitation of natural resources, must be addressed. The illegal exploitation serves as a main source of funding for

¹ Report of the Working Group on the Universal Periodic Review: Democratic Republic of the Congo, UN Doc. A/HRC/13/8, 4 January 2010, para. 94, Recommendations 95-96.

² *Ibid.* para. 94, Recommendations 48, 77, 87.

³ *Ibid.* para. 97, Recommendations 5-6.

⁴ *Ibid.* para. 94, Recommendations 69, 70, 75, 76

⁵ *Ibid.* para. 96, Recommendation 16; para. 97, Recommendations 4, 7.

armed groups and deprives the State of resources necessary for the protection and fulfillment of rights, including economic, social and cultural rights and access to justice . The Government should strengthen its capacity to assume control and regulate the exploitation of natural resources. It should also promptly investigate alleged forced labour, a crime under international law, and abuses relating to illegal exploitation of such resources.

The ICJ reiterates that the Council should re-establish a comprehensive country mandate – a separate group of independent experts on the DRC - to help the Government to address gross human rights violations and violations of international humanitarian law and boost full implementation of human rights standards.

I thank you.