



INTERNATIONAL COMMISSION OF JURISTS

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**United Nations Human Rights Council
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ICJ Intervention on the second joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo

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Distinguished Special Rapporteurs,

The International Commission of Jurists (ICJ) welcomes your second joint report on the human rights situation in the Democratic Republic of the Congo and calls on the Government of the DRC to take prompt measures to implement the Report's recommendations.

Members of the Armed Forces of the Democratic Republic of the Congo (FARDC), the National Congolese Police (PNC), intelligence services *l'Agence Nationale de Renseignements (ANR)* and the Republican Guard and other 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.

Action against prevailing impunity is undermined by the weak law enforcement institutions and an apparent lack of political will to arrest and prosecute high-profile suspects. During the recent UPR, the Government committed itself to cooperate with the International Criminal Court, but explicitly rejected the recommendation to arrest and transfer Bosco Ntaganda to the ICC.

Distinguished Rapporteurs, what consequences may such a manifest non-cooperation with the ICC have with respect to the generally volatile human rights situation in the DRC?

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 military and security personnel have fallen under the military jurisdiction that has shielded the perpetrators from accountability. In this regard, the ICJ urges the immediate implementation of the Government's commitment during the UPR to provide legal aid to victims of human rights violations, particularly to victims of rape and other sexual violence and to the 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 establish a vetting procedure to screen military and police officers alleged to be responsible for gross human rights violations.

Another root cause of human rights violations is the illegal exploitation of natural resources, which serves as a main source of funding for 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 must also promptly investigate

alleged forced labour, a crime under international law, and abuses relating to illegal exploitation of such resources.

The ICJ urges the Government to issue a standing invitation to all Special Procedures mandate-holders and respond to their urgent appeals and communications. Recalling your previous recommendation, it is incumbent upon the Council to re-establish a comprehensive country mandate to help the Government to address gross violations of human rights and international humanitarian law and boost the observance of international law.

I thank you.