

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Impunity continues to perpetuate human rights violations and abuses in the Democratic Republic of the Congo

Human Rights Council adopts Universal Periodic Review outcome on the Democratic Republic of the Congo

Amnesty International welcomes the support by the Democratic Republic of Congo (DRC) of the majority of the recommendations made during its review in the UPR Working Group, and calls on the government to implement these without delay.¹ In particular, the organization urges the government to fully realize the 163 recommendations it maintains have already been implemented or are in the process of being implemented. Many of those recommendations concern issues where more needs to be done in order to improve the human rights situation in the country.

Impunity for serious crimes is a key factor in the ongoing cycle of human rights violations and abuses committed by the Congolese army and by armed groups. Amnesty International welcomes the government's support of recommendations to address impunity, including its commitment to incorporate the Rome Statute of the International Criminal Court into domestic legislation.² It is concerned, however, that a legislative proposal on the domestication of the Rome Statute was rejected by Parliament in May 2014, along with a proposal to create specialized criminal chambers to deal with crimes committed before the entry into force of the Rome Statute.³ Amnesty International urges the government to submit new legislative proposals to Parliament to incorporate the Rome Statute in domestic law and to establish specialized chambers in the Congolese Court of Appeal tasked with hearing international crimes committed in the DRC between 1993 and 2003. These proposals should be based on international fair trial standards, including as regards independence, removing the possibility of military involvement and ensuring the participation of international staff at all levels, including in investigation, prosecution, and adjudication.

Amnesty International is concerned that current legislation includes provision for the death penalty. The death penalty continues to be imposed, including by military courts on civilians. The provision for the death penalty has prevented the extradition to the DRC of people accused of international crimes.⁴ It urges the government to reconsider its position on the recommendations regarding the death penalty, and to take steps towards its abolition.⁵

¹ *Report of the Working Group on the Universal Periodic Review - Democratic Republic of the Congo*, A/HRC/27/5; 7 July 2014. The DRC accepted 229 recommendations, of which the government claims 163 have already been implemented or are in the process of being implemented. One recommendation was taken under consideration and 38 were rejected.

² A/HRC/27/5; recommendations 134.5 (Australia), 134.6 (Botswana), 134.7 (Estonia), 134.8 (Finland), 134.9 (France), 134.10 (Latvia), 134.11 (Luxembourg), 134.13 (Tunisia), 134.15 (Poland), 134.25 (Sweden), 134.69 (Canada), 134.82 (Italy), 134.83 (Libya), 134.115 (Ghana), 134.117 (Republic of Korea), 134.118 (Timor-Leste), 134.119 (USA), 134.20 (Argentina), 134.121 (Chile), 134.122 (Botswana), and 134.123 (Croatia).

³ http://laprosperiteonline.net/affi_article.php?id=2472 (accessed 02 September 2014)

⁴ <http://rwandaspeaks.com/tag/laurent-nkunda/> (accessed 3 March 2014)

⁵ A/HRC/27/5; recommendations 136.3 (Romania), 136.4 (France), 136.5 (Australia), 136.6 (Germany), 136.7 (Hungary), 136.8 (Portugal), 136.12 (Spain), 136.13 (FYR Macedonia), 136.4 (Togo), 136.15 (Benin), 136.16 (Uruguay), 136.17 (Argentina), 136.18 (Italy), 136.19 (Lithuania), 136.20 (Montenegro) and 136.21 (Rwanda).

Amnesty International is deeply concerned that human rights defenders continue to be harassed by both the security forces and armed groups. The organization welcomes the government's commitment to ensure that human rights defenders can carry out their legitimate activities without interference.⁶ It is disappointed, however, that recommendations to adopt a law on the protection of human rights defenders were rejected.⁷ Amnesty International urges the government to reconsider these recommendations and to investigate all alleged violations against human rights defenders - including killings, arbitrary arrests, threats and intimidation - and to bring those responsible to justice.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of the Democratic Republic of the Congo on 18 September 2014 during its 27th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

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⁶ A/HRC/27/5; recommendations 134.26 (Switzerland), 134.52 (Spain), 134.53 (Sweden), 134.54 (Djibouti), 134.133 (Austria), 134.134 (Belgium), 134.135 (Italy) and 134.136 (Romania).

⁷ A/HRC/27/5; recommendations 136.22 (Czech Republic), 136.23 (Mali) and 136.24 (France).