



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



Situation of human rights in the Democratic Republic of the Congo

Commission on Human Rights resolution 2003/15

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Recalling its previous relevant resolutions, the most recent of which is resolution 2002/14 of 19 April 2002, those of the General Assembly, the most recent of which is resolution 57/233 of 18 December 2002, those of the Security Council resolutions, the most recent of which is resolution 1468 (2003) of 20 March 2003, and the statement of the President of the Security Council of 15 January 2003,

Recalling the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the massacres that took place in the region of Kisangani on 14 May 2002 and thereafter (E/CN.4/2003/3/Add.3), and referring in that connection to the statement by the President of the Security Council of 18 October 2002 (S/PRST/2002/27),

Taking note of the report of the Secretary-General of 24 February 2003 and the report of the Secretary-General on children and armed conflict of 26 November 2002 (S/2002/1299),

Concerned at the violations of human rights and international humanitarian law committed in the territory of the Democratic Republic of the Congo by all the parties to the conflict, as mentioned in the report of the High Commissioner for Human Rights (S/2003/216) and the oral report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo,

1. *Welcomes:*

(a) The Peace Agreements signed at Pretoria on 30 July 2002 and at Luanda on 6 September 2002, the final act of the inter-Congolese dialogue and the conclusion of the comprehensive transition agreement signed on 2 April 2002 endorsing the Pretoria Agreement of 17 December 2002, and the agreement on a transitional constitution and a national army signed at Pretoria on 6 March 2002;

(b) The continued presence and increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in support of the implementation of the Lusaka Ceasefire Agreement, the Pretoria and Lusaka Peace Agreements and the relevant Security Council resolutions;

(c) The release of some human rights defenders and the action of the Congolese Ministry of Human Rights;

(d) The visit by the United Nations High Commissioner for Human Rights to the Democratic Republic of the Congo from 12 to 15 January 2003, the report which he submitted to the Security Council on 21 February 2003 (S/2003/211) and the action taken by his office in the Democratic Republic of the Congo, and encourages the Government to continue to strengthen cooperation with this office;

(e) The report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo to the fifty-seventh session of the United Nations General Assembly (A/57/437) and the Special Rapporteur's recent visit to the Congo from 28 February to 10 March 2003;

(f) The consultations between the Secretary-General and the High Commissioner for Human Rights on ways of dealing with the problem of impunity in the Democratic Republic of the Congo, and takes note of the High Commissioner's proposal to establish an international body of inquiry to investigate serious violations of human rights and international humanitarian law;

(g) The promulgation by the Head of State on 4 April 2003 of the Constitution which is to govern the country throughout the transition;

2. *Expresses its concern at:*

(a) The continuing violation of human rights and international humanitarian law in the Democratic Republic of the Congo, particularly in Ituri and the east of the country;

(b) The prevailing severe insecurity, particularly in the zones held by armed rebels, which seriously hampers the ability of humanitarian organizations to secure access to affected populations;

(c) The reports of the perpetration in Mambasa region by forces of the Movement for the Liberation of the Congo (MLC) and the Congolese Rally for Democracy-National (RCD-N) of acts of mutilation and cannibalism;

3. *Condemns:*

(a) The massacres that have occurred in the province of Ituri, particularly the recent massacres at Drodro, and supports the efforts of MONUC and the office of the High Commissioner for Human Rights to investigate them;

(b) The persistence and intensification of fighting in the east of the country, which continues in contravention of international humanitarian law to claim numerous civilian victims, particularly in Ituri and Kivu, and also in the zones under the effective control of the Congolese Rally for Democracy-Goma (RCD-Goma), the Congolese Rally for Democracy-Liberation Movement (RCD-ML), RCD-N and MLC;

(c) The reprisals against the civilian population in the territories controlled by RCD-Goma and MLC, especially the operation "Effacer le tableau" ("Clean the blackboard") at the end of 2002, in addition to the exactions committed by the Union of Congolese Patriots (UPC), and stresses that the foreign forces which support RCD-Goma, MLC and UPC should also be held responsible for the massacres and atrocities that have occurred;

(d) The continuing violence in the Ituri region, and stresses in this connection that it is incumbent upon Uganda and the rebels who de facto control the zone to ensure respect for human rights and stop using ethnic conflicts to advance their own agendas;

(e) The cases of summary or arbitrary execution, disappearance, torture, harassment, arrest, widespread persecution and arbitrary detention for long periods;

(f) The widespread recourse to sexual violence against women and children, including as a means of warfare;

(g) The continuing recruitment and use of child soldiers by armed forces and groups in the territory of the Democratic Republic of the Congo;

(h) The impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the Democratic Republic of the Congo is a party to the Rome Statute of the International Criminal Court;

(i) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict;

4. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To cease all military activity, including support for the armed groups allied to them, in order to facilitate the re-establishment without delay of the sovereignty and territorial integrity of the Democratic Republic of the Congo;

(b) To respect their obligations as regards the implementation of the transitional constitution;

(c) To protect human rights and to respect international humanitarian law in the areas under their control and to allow free and secure access to those areas so as to permit and support investigations of the presumed serious violations of human rights and international humanitarian law, with a view to bringing those responsible to justice, and to cooperate fully with international human rights protection mechanisms to that end;

(d) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of international law, mindful that under the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict persons under 18 are entitled to special protection, and to provide information without delay on measures taken to discontinue such practices;

(e) To respect the rights of women and to take special measures to protect women and children from sexual and all other forms of violence;

(f) To cooperate with the Ituri Pacification Commission to oversee the settlement of the conflict in the north-east of the Democratic Republic of the Congo;

(g) To ensure that the military officers whose names are mentioned in the report of the High Commissioner for Human Rights in connection with serious violations of international humanitarian law and

human rights should continue to be investigated and, if the conclusions of the investigations so warrant, be brought to justice;

(h) To take into account, when selecting individuals for key posts in the transitional government, of the commitment and record of those individuals with regard to respect for international humanitarian law and human rights and the promotion of the well-being of all the Congolese;

(i) To prevent conditions that might lead to flows of refugees and displaced persons in the territory of the Democratic Republic of the Congo and across its borders, and to take and apply all necessary measures to establish conditions conducive to the voluntary return of refugees and displaced persons;

(j) To ensure the safety and freedom of movement of United Nations personnel and the unhindered access of humanitarian personnel to all affected populations;

(k) To extend full cooperation to the United Nations system, humanitarian organizations and the World Bank in order to ensure the rapid demobilization and reintegration of armed groups and of child soldiers in particular;

5. *Calls upon* the Government of the Democratic Republic of the Congo to take specific measures:

(a) To implement, together with all the Congolese parties, the power-sharing agreement concluded at Pretoria on 17 December 2002 and to apply the transitional constitution promulgated thereby so as to initiate the transitional period and pave the way for a genuine democratization process;

(b) To comply fully with its obligations under international human rights instruments, and accordingly to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the office of the High Commissioner for Human Rights in the Democratic Republic of the Congo;

(c) To put an end to impunity and ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process;

(d) To continue to cooperate fully with the International Criminal Tribunal for Rwanda;

(e) To continue to reform the judicial system and, in this connection, to give immediate effect to its decisions to abolish the Military Court, and notes the entry into force of the presidential decrees on the reform of the military justice system;

(f) To re-instate the moratorium on capital punishment and persevere in its declared objective of progressively abolishing the death penalty, in which connection the Commission deplors the application of the death penalty, particularly the death sentences passed on 7 January 2003 by the Military Court that tried the persons accused of assassinating the former President of the Republic;

(g) Genuinely to close, in accordance with the decision of 8 March 2001, the irregular detention centres where the conditions of detention are degrading;

6. *Requests* the United Nations High Commissioner for Human Rights to keep it informed of the consultations between his office and the Secretary-General concerning the ways to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity;

7. *Decides:*

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request her to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session on the situation of human rights in the Democratic Republic of the Congo;

(b) To request the Secretary-General to give the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo all necessary assistance to enable her to discharge her mandate fully;

8. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/15 of 17 April 2003, endorses the Commission’s decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.”

54th meeting
17 April 2003
[Adopted without a vote.]

See chap. IX. E/CN.4/2003/L.11]