

## Democratic Republic of Congo (DRC) "BREAKING THE CYCLE OF IMPUNITY"



### Representatives of Congolese Civil Society

Grâce Cécile Lula Hamba, Ligue des femmes pour le développement et l'éducation à la démocratie (LIFDED)  
Marie Mossi Mota, Association africaine des droits de l'Homme (ASADHO), Réseau Action Femme (RAF)  
Julienne Lusenge, Solidarité féminine pour la paix et le développement intégral (SOFEPADI)  
Paul Nsapu, Ligue des Électeurs  
Dismas Kitenge, Groupe Lotus  
Freddy Kitoko, Association africaine des droits de l'Homme (ASADHO)

**Together with the International Federation for Human Rights (FIDH)  
Call for action!**



## TABLE OF CONTENTS

<b>CONTEXT: MASSIVE VIOLATIONS OF HUMAN RIGHTS</b> .....	<b>5</b>
1. Background .....	5
2. Authoritarian power .....	5
3. Resurgence of armed conflict .....	6
4. A deeply wounded civilian population .....	7
5. Human rights defenders in danger, harassed and threatened .....	7
<b>CRIMES OF SEXUAL VIOLENCE COMMITTED ON A MASSIVE SCALE: FROM WEAPON OF WAR TO TRIVIALISATION</b> .....	<b>8</b>
1. A weapon of war .....	8
2. Trivialisation .....	8
<b>GENERALISED IMPUNITY OF PERPETRATORS OF GRAVE HUMAN RIGHTS VIOLATIONS INCLUDING CRIMES OF SEXUAL VIOLENCE</b> .....	<b>10</b>
1. An ineffective national justice system, lacking independence .....	10
2. Impunity for crimes of sexual violence .....	10
3. Porous prisons .....	11
<b>THE INTERNATIONAL CRIMINAL COURT: A STRONG SYMBOL IN THE FIGHT AGAINST IMPUNITY BUT WITH LIMITED IMPACT</b> .....	<b>12</b>
<b>OUR RECOMMENDATIONS</b> .....	<b>13</b>
<b>THE DELEGATION</b> .....	<b>17</b>



## CONTEXT: MASSIVE VIOLATIONS OF HUMAN RIGHTS

### 1. Background

#### The Global and Inclusive Agreement

At the end of 2002, whilst Congolese civilians, especially in the province of Ituri, continued to be subjected to grave violations of human rights and international humanitarian law in the course of attacks by rebel groups and the Congolese army, the parties to the conflict met in Pretoria (South Africa) to negotiate the "Global and Inclusive Agreement" (Pretoria Agreement). The Pretoria Agreement, adopted on 17 December 2002, was intended to pave the way to a period of "democratic transition", based on the following components: adoption of a ceasefire; creation of a unified national army; ending the intervention of foreign forces on Congolese territory; respect for human rights; and the organisation of free and democratic elections.

#### A period of democratic transition that failed to achieve its objectives

Anxious to contribute to the first multi-party presidential elections in DRC, the international community provided support to the organisation of these elections which opposed those bearing the greatest responsibility for massive and systematic human rights violations in the country.

The transition period ended with the victory, in October 2006, of the outgoing President, Joseph Kabila, although the objectives of the Pretoria Agreement remained far from realisation: armed groups had not been completely absorbed into the national army; state control had not been established throughout the country; the rebellion was ongoing in the East of the country; perpetrators of human rights violations enjoyed complete impunity; and harassment, threats and assassinations continued against human rights defenders.

Yet, as emphasised by Mr. Ban Ki Moon, United Nations Secretary General, and Mr. William Swing, then representative of the United Nations Mission in DRC (MONUC), during meetings with Ms. Souhayr Belhassen,

FIDH President, "*peace and justice go hand in hand*".

### 2. Authoritarian power

#### Hundreds of deaths in Kinshasa

In March 2007 in Kinshasa a stand off between the Armed Forces of the Democratic Republic of Congo (FARDC) and some 300 guards assigned to protect Senator and former Vice-President Jean-Pierre Bemba, sparked two days of intense fighting that caused 300 deaths, including many civilians, and caused significant material damage. According to a report issued by MONUC in January 2008,

*"Military force was used in an unjustified, excessive, indiscriminate and rash manner during and in the aftermath of the hostilities"*. The security forces arrested over 200 people

**«Peace and justice go hand in hand»**  
Ban Ki Moon  
United Nations Secretary General, October 2007

in the course of and following the fighting, in many cases without respect for regular procedures. They harassed opposition politicians and their supporters and raided the headquarters of Senator Bemba's party, as well as radio and television stations.

#### Massacres in Bas Congo

In the Bas Congo region, members of the politico-religious movement *Bundu Dia Kongo* (BDK) protested against the conditions surrounding the elections of the governors and senators by organising the cessation of all activity in towns of the region ('villes mortes') and demonstrations became violent in some areas. However, according to a report by MONUC report, the use of force by FARDC and the Congolese National Police (PNC) against members of the BDK members on 31 January and 1 February 2007 was indiscriminate and disproportionate. MONUC reported that 105 persons were killed and more than a 100 were wounded. The United Nations denounced the total impunity of the security forces and the lack of reaction on the part of the authorities.

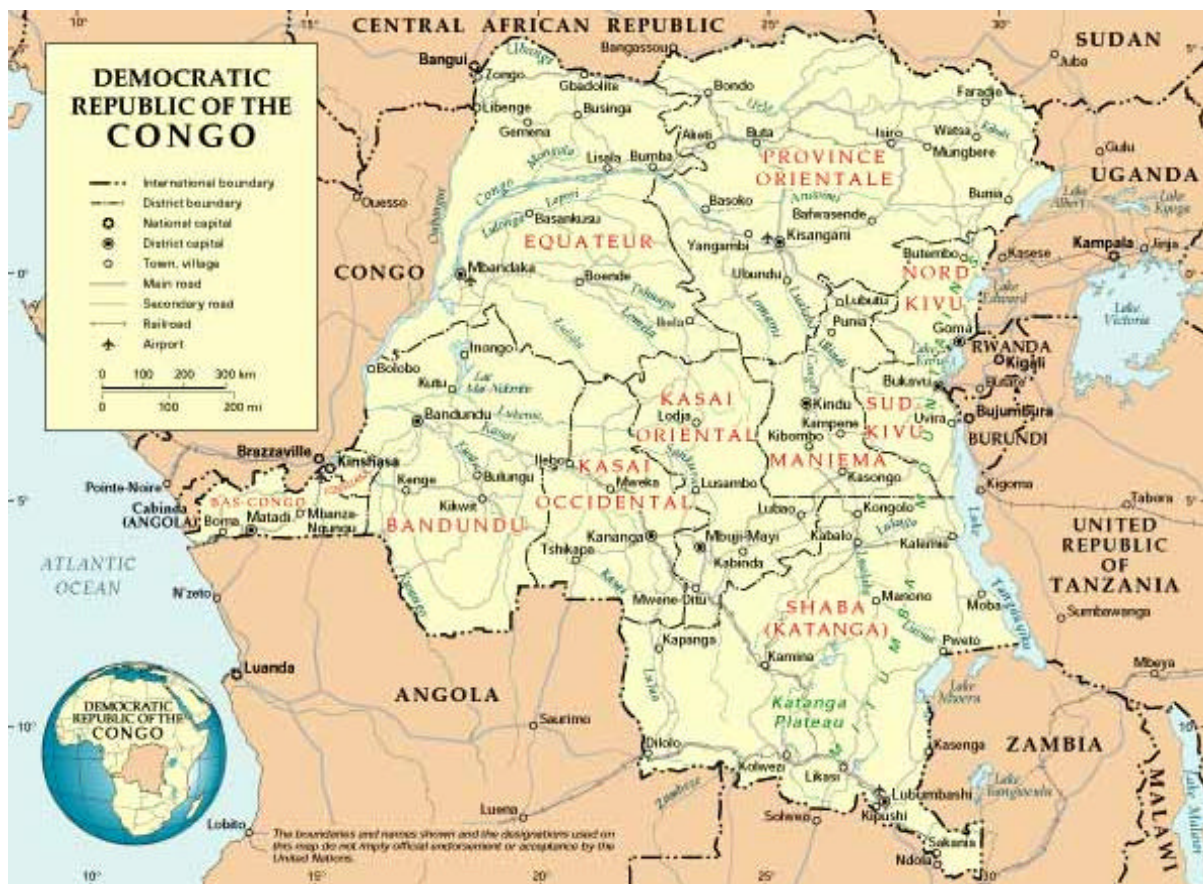
#### Impunity of the security forces

The impunity enjoyed by the security services remains alarming throughout the country. Allegations of summary executions, rape, torture, and cruel, inhumane and

degrading treatment perpetrated by members of FARDC and PNC are widespread. According to MONUC, the civilian and military intelligence services, the 'special services' of the national police in Kinshasa, and the

Republican Guard have also participated in politically-motivated crimes, especially intimidation of members of the political opposition, journalists and human rights defenders.

### 3. Resurgence of armed conflict



#### Rebellion in the Kivus

Since 2006, the conflict has reignited in the east of the country, especially in the province of North Kivu, between the FARDC, with the support of the *Mai Mai* militia, and Laurent Nkunda's rebel forces. Nkunda refused to integrate the national army on the grounds that, according to his own declarations, his rebel forces were protecting Congolese Tutsis against the Hutu militia (*Interhamwes*) operating on Congolese territory since the Rwanda genocide of 1994.

Once again, neighbouring Rwanda was not unconnected to these events and much of the basis for the persistent conflict can be attributed to the battle for control over the region's rich natural resources. Approximately 400,000 people have been forced to flee their homes as a result of the fighting, civilians suffered widespread violations of international humanitarian law and rape and other crimes of sexual violence were committed on a massive scale.

### **The fragile agreement resulting from the Goma Peace Conference**

The Conference for peace in North and South Kivu, held in Goma in January 2008, brought together representatives of the armed groups, the government and provincial authorities, observers from the international community and representatives of civil society accredited by the government. At the end of the Conference, on 23 January, the parties signed an Act of Commitment to Peace that, *inter alia*, provides for a total, immediate cessation of hostilities, cessation of violence against the civilian population and in particular against women, and the adoption of an amnesty law for acts of war and insurrection (but expressly excluding crimes against humanity, war crimes and genocide).

This commitment is fragile. A few weeks after it was signed, armed clashes were reported in the east of Congo. On 11 February 2008 MONUC, responsible for overseeing the implementation of the agreement, reported more than 17 clashes between the signatory parties, in outright violation of the ceasefire. The majority of these clashes occurred in Ngungu, Mweto and Kingi (Masisi territory), instigated by the *Mai Mai* and Laurent Nkunda's *Congrès national pour la défense du peuple (CNDP)*.

Clashes between the army and the rebels continue in other parts of the country. On 29 January 2008 renewed fighting took place in Ituri, between the FARDC and the *Force de Résistance Patriotique en Ituri (FRPI)*, once again forcing large numbers of civilians to flee.

### **4. A deeply wounded civilian population**

The cycles of violence, principally in the east of the country have created conditions of extreme insecurity for the local population. Numerous civilians have been killed during the fighting. Rape is used as a weapon of war, perpetrated on a massive scale. Pillaging and the burning down of civilian dwellings are widespread. Those responsible for these crimes enjoy nearly total impunity.

As a result of the recurrent violence, DRC now has 1.2 million displaced persons, mostly in North and South Kivu. According to the United Nations, in North Kivu, between December 2006 and October 2007, approximately 371,550 persons were displaced. The fighting in North Kivu has also caused civilians to flee DRC to seek refuge

in neighbouring Uganda. Humanitarian organisations in the region are severely overstretched. Only 56% of the 686 million dollars requested to implement the 2007 DRC Humanitarian Actions Plan have been received, and resources have had to be drawn from the the Central Emergency Response Fund (CERF).

### **5. Human rights defenders in danger, harassed and threatened**

As in the past, human rights defenders fighting the impunity of perpetrators of grave violations of human rights and the mismanagement of natural resources have been the targets of threats and orchestrated attacks to discredit them. Amongst those targeted: one of the leaders of Justice Plus was forced to flee the country; Dismas Kitenge Senga, President of the Groupe Lotus, based in Kisangani, was attacked by a group of students following a statement to the media in which he advocated for peace negotiations between the government and Nkunda's rebels. The students, stoked by the discourse of the President, accused him of supporting General Nkunda and thus being a traitor to the nation. NGOs, including Journalistes en Danger (JED), received threats after they denounced the ineffective investigation conducted by the military justice system in the case of Serge Maheshe, a journalist at the U.N.-supported Radio Okapi, who was assassinated on 13 June 2007. Further, the judicial authorities are pursuing Floribert Chebeya, of *Voix des Sans Voix*, for having denounced the assassination of Ms Aimée Kabila in January 2008.

## CRIMES OF SEXUAL VIOLENCE COMMITTED ON A MASSIVE SCALE: FROM WEAPON OF WAR TO TRIVIALISATION

### 1. A weapon of war

Over the years of armed conflict in DRC, rape has been used by armed groups as a weapon of war, and is perpetrated with total impunity. As a result, rape has become trivialised and has increased throughout the country, including in areas where conditions are relatively stable. Victims include women, men and children of all ages, from six-months to over 70 years.

---

**«In the course of my mandate [...] the situation in the two Kivus is the worst I have ever seen»**

**Yakin Ertürk, UN Special Rapporteur on Violence against Women, its causes and consequences, July 2007**

---

At the height of the fighting, rape and other forms of sexual violence have been used to terrorise entire communities, forcing populations to flee to take possession of their territory, to control communities, and to punish individuals and entire groups for their alleged support of enemy forces. In times of relative stability, rape is perpetrated alongside pillaging. These crimes are not only characterised by their scale but also by their brutality.

For many reasons (fear of filing complaints, stigmatisation of victims, the fact that most victims are in remote regions that are hard to access, the fact that some victims do not survive), it is impossible to make a precise estimate of the number of victims of rape and other crimes of sexual violence in DRC. The only certainty is that the scale is massive.

In South Kivu, in 2005, approximately 14,200 cases of sexual violence were recorded by the health services (statistics of the U.N. Office on Human Rights in Sud-Kivu). In this province in 2006, humanitarian organisations recorded 27,000 sexual attacks. And according to the *Synergie provinciale du Sud-Kivu de lutte contre les violences sexuelles*, over 12,000 cases of rape and sexual violence against women and young girls were recorded in South Kivu in 2007. In North Kivu, in 2007 Doctors Without

Borders (MSF-France) alone treated 250 cases of rape per month.

Every month, between 50 and 120 victims of sexual attacks continue to seek assistance at the Bon Marché hospital in Bunia, Ituri, a region that is today relatively stable. In this district, MSF has treated over 7,400 victims of rape over four years, of which 2,708 in the last 18 months (MSF, Switzerland, 2007). These figures demonstrate the persistence of these crimes post-conflict.

In the Province Orientale, of 2,180 cases registered between January and October 2007, 32% are recorded as individual rapes, 36% as gang rapes and 2% as rape with the insertion of an object into the victim's genital organs (Sources: *Initiative conjointe de lutte contre les violences sexuelles*/medical and health care unit run by UNFPA/ January - October 2007/ *Province Orientale*).

### 2. Trivialisation

The perpetrators of these crimes, militia, insurgents, rebels, but also members of the Congolese army, benefit from almost absolute impunity. This culture of impunity has contributed to the 'trivialisation' of rape and such crimes have increased throughout the country, including the capital city, Kinshasa. As confirmed by the Special Rapporteur on Violence against Women, who conducted a visit in the Kivus in July 2007, the number of allegations of rape by members of FARDC and PNC are rising. Rape is also increasingly perpetrated by civilians.



**The case of a 10-year old girl in Kinshasa**

During a mission in Kinshasa in November 2007, FIDH heard the testimony of a 10-year old girl who was accosted on her way to school, raped several times, and then locked up for several days. A complaint was filed with the police in Kinshasa, but the suspect, after being briefly detained, was released while the girl was detained by the authorities. A second complaint was filed with the public prosecutor's office, but the accused was able to buy his freedom. Adding to her physical and psychological suffering, as a result of the crime the victim was rejected by her own family and for the last year she has been living in a care centre.

Beyond the physical and psychological suffering, the economic and social consequences are often severe. of family members express their will to take up arms.

In the playgrounds and even within the family, victims are taunted "you got raped, you did...". Some victims find themselves rejected by their husbands or families, and thus

**«We would like to be there when justice is done, but first we have to stay alive!»**

**A woman, victim of rape and HIV positive**

having to face serious economic hardship, some without jobs, income, or education... Victims also speak about their feelings of shame at having been raped. Others express their desire for revenge. Some young boys, who have witnessed the rape

Many victims die of Aids since they have no way to pay for the tri-therapy. Some lucidly comment: "We would like to be there when justice is rendered, but first we have to manage to stay alive!"

And what can be said about the permanent trauma suffered by a mother who gives birth to a child conceived through rape, and the weight of the crime that the innocent baby will carry for life?

## GENERALISED IMPUNITY OF PERPETRATORS OF GRAVE HUMAN RIGHTS VIOLATIONS INCLUDING CRIMES OF SEXUAL VIOLENCE

### 1. An ineffective national justice system, lacking independence

According to the report of the UN Secretary General on the situation in DRC, presented in March 2007 to the UN Security Council, the national justice system seriously lacks capacity. It has never been independent and has never had the resources necessary to investigate and prosecute criminals and to ensure that court decisions are implemented. Low salaries have contributed to corruption and very few people have access to legal aid. Under 60% of the 180 courts of first instance that the country needs have been created, laws are obsolete and the judicial structures, the courts and the prisons are in a state of disrepair.

Although the military courts have recently rendered a small number of decisions on human rights violations, the reigning culture in DRC is one of generalised impunity.

---

*"Other factors that seriously impede the fight against impunity are the many cases of interference in the administration of justice by senior FARDC officers who put pressure on Military Prosecutors to release or grant bail to FARDC elements accused of serious crimes or who categorically refuse to transfer soldiers, accused of committing serious crimes/human rights violations, to military justice."*

**MONUC Report, December 2007**

---

### The disturbing case of Yves Kawa Mandro

Yves Kawa, President of the *Parti pour l'unité et la sauvegarde de l'intégrité du Congo (PUSIC)* in Bunia, was sentenced to life imprisonment by the Court of First Instance of the capital of the Bunia district for murder and associating with criminals. But charges of war crimes and crimes against humanity were dropped. The Court of Appeal decided that the accused benefited from the amnesty law promulgated by President Kabila providing amnesty for acts of war and political offences committed between 1999 and 2003.

According to MONUC, *"the Court of Appeal based its decision on the grounds that these violations, i.e. acts of war and political offences, were covered by the law on amnesty. This unprecedented recourse to the amnesty law by a Congolese court judging massacres of the civilian population that could be considered as crimes against humanity constitutes an alarming development in the fight against impunity in DRC"*.

### 2. Impunity for crimes of sexual violence

On 20 July 2006, the President of the DRC promulgated two laws sanctioning sexual violence. However, they remain almost entirely unimplemented, as admitted by the former Congolese Minister of Human Rights at a meeting with FIDH in November 2007. In the absence of effective outreach campaigns, awareness of the laws amongst victims, perpetrators, actors in the justice system and the public is generally lacking.

Amongst those victims who manage to report the crimes, only a tiny proportion obtain the conviction of the perpetrators. In seeking justice, victims meet obstacles at every stage: legal costs are often very high; arrest warrants are often not executed; especially those against high-ranking soldiers in the national army; and the freedom of the accused can be bought or negotiated throughout the justice process, from the police station, to the courts, to the prisons.

Statistics are scarce. In 2005 in South Kivu, of 14,200 cases of sexual violence registered by the health services, only 287 were taken to court (UN Office for Human Rights in Sud-Kivu), representing under 1% of recorded cases. In the Province Orientale, between January and October 2007, the Office of the UN High Commissioner for Human Rights in the field, registered more than 1000 cases of bail being granted to those suspected of crimes of sexual violence, in disregard of the applicable law (providing that bail should be refused on the following grounds: risk of escape of the accused, risk of dissimulation of evidence, risk of reprisals or threats to victims and witnesses). Only 11 cases reached trial.

Numerous suspects are released on bail and never reappear. The few that are convicted generally receive

very light sentences. Alarming numbers manage to escape from prison, whilst victims and witnesses are not given protection. Police and army chiefs and local authorities continue to encourage families of rape victims to seek an amiable settlement outside the courts.

*"Amongst those responsible for crimes of sexual violence are those in positions of power and those who make the law in the villages. For most families, going to court is a complete waste of time, since they the case is lost in advance"*

**A member of an organisation supporting victims of sexual violence in the region of Equateur**

### 3. Porous prisons

#### **The trial of Songo Mboyo: an exemplary conviction culminating in escape from prison**

The Songo Mboyo trial was supposed to be exemplary. Closely followed by MONUC, the case accused elements of the FARDC 9th battalion of gang raping at least 119 women and girls, including many minors, on 21 December 2003 in Songo Mboyo. In April 2006, for the first time, a Congolese military tribunal convicted 7 FARDC soldiers and sentenced them to life imprisonment for crimes against humanity, on the basis of the Statute of the International Criminal Court.

Yet in the night of 21-22 October 2006, 26 prisoners, including the soldiers sentenced at the Songo Mboyo trial, escaped from the military prison in Mbandaka.

## THE INTERNATIONAL CRIMINAL COURT: A STRONG SYMBOL IN THE FIGHT AGAINST IMPUNITY BUT WITH LIMITED IMPACT

The Prosecutor of the International Criminal Court (ICC) has thus far opened two investigations into the most serious crimes committed in the Ituri region since 1 July 2002 (date from which the ICC has jurisdiction over crimes committed in DRC). These investigations have led to the arrest and transfer of 3 former warlords, suspected of war crimes and crimes against humanity, now awaiting trial in The Hague: the Thomas Lubunga Dyilo, President of *Union des patriotes congolais (UPC)*, Germain Katanga, President of the *Force de résistance patriotique en Ituri (FRPI)*, and Mr. Mathieu Ngudjolo, leader of the *Front des nationalistes et intégrationnistes (FNI)*.

Lubanga has been charged only with enlistment, conscription and use of child soldiers. Amongst the charges against Katanga and Ngudjolo is that of sexual slavery. But they have not been charged with rape. According to recent statements by the Prosecutor's office, it is likely that the Prosecutor will conclude investigations in this region and focus further investigations on the situation in the Kivus, where other international crimes have been committed, in particular crimes of sexual violence.

The ICC is not intended to judge all international crimes committed in a country. The prosecution strategy of the

ICC Prosecutor is to carry out targeted investigations and trials, only covering a "sample" of the crimes committed in a certain region in a given time period. The Prosecutor intends to prosecute a very limited number of criminals: those bearing the greatest responsibility. Furthermore, the ICC operates according to a principle of "complementarity" with the national justice system, taking over when the latter lacks the will or the capacity to judge perpetrators of the most serious crimes. On this basis, it remains the responsibility of the Congolese courts to try perpetrators of violations of human rights and international humanitarian law. Yet the Congolese justice system is failing. It is therefore essential that the systematic inclusion of crimes of sexual violence, where there is sufficient evidence of such crimes, amongst the charges retained is part of the prosecution strategy of the Office of the Prosecutor of the ICC.

---

**«Perpetrators [of sexual crimes] must know that they will be prosecuted [...] Justice is an essential requirement to halt the cycle of repeated violations of women's rights.»**

**Fatou Bensouda, Deputy Prosecutor of the ICC,  
January 2008**

---

It is also essential that the international community calls upon and supports the Congolese authorities to fight impunity for the most serious crimes. Failing this, several hundreds of thousands of victims, in particular victims of crimes of sexual violence, will be deprived of justice, the foundation of reconciliation and sustainable peace in DRC.

## OUR RECOMMENDATIONS

### TO THE DEMOCRATIC REPUBLIC OF CONGO

- Take all necessary measures to ensure the integration of armed groups into the national army;
- Ensure strict respect of the Goma Peace Agreement;
- Increase the proportion of the State budget devoted to the justice system;
- Cooperate fully with the International Criminal Court and adopt implementing legislation of the ICC Statute, including definitions of international crimes and the transfer of jurisdiction from the military courts to the criminal courts for the investigation and prosecution of the most serious crimes;
- Take all necessary steps to ensure application of the laws on sexual violence, especially through public awareness campaigns, training for magistrates and other law enforcement agents, as well as prevention campaigns targeting the armed forces and the police;
- Sanction any law enforcement agent who encourages friendly settlements for cases of crimes of sexual violence;
- Provide adequate effective protection for victims and witnesses of crimes of sexual violence involved in legal proceedings;
- Ensure that reparations are granted to victims of grave human rights violations, especially crimes of sexual violence, by court order, and that such orders are duly implemented;
- Take all necessary measures to ensure that victims of crimes of sexual violence have access to medical and psychological care and support;
- Take all necessary measures to ensure the strict respect of the principle of judicial independence, including the abolition of the orders concerning the forced retirement of judges;
- Undertake reforms to the prison system in order to ensure that detention centres meet international standards on conditions of detention;

- Take all necessary measures to ensure that displaced persons receive full support and assistance;
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and on the establishment of the African Court for Human and Peoples' Rights;
- Take all necessary measures to ensure the respect of UN Security Council Resolution 1325 on women, peace and security;
- Take all necessary measures to ensure the respect of the 1998 UN General Assembly's Declaration on Human Rights Defenders.

### TO THE VARIOUS ARMED GROUPS

- Take all necessary measures to ensure the respect of international and regional human rights protection instruments and international humanitarian law.

### TO THE UNITED NATIONS SECURITY COUNCIL

- Call upon the DRC authorities to ensure strict respect of UN Security Council Resolution 1325 on women, peace and security, and Resolution 1674 on the protection of civilian populations in times of war;
- Adopt a resolution establishing a mechanism to monitor the implementation of Resolution 1325 on women, peace and security;
- Call upon MONUC to intensify efforts to protect human rights defenders as key actors in the fight against impunity and in the protection of the civilian population;
- Call upon the UN member states to support the work of MONUC by allocating the necessary resources to: carry out awareness campaigns on laws criminalising sexual offences; organise training for judges and other law enforcement officials on the implementation of the laws on crimes of sexual violence and international human rights protection instruments; prepare regular reports specifically focusing on the state of the national justice system and

investigations and prosecutions of international crimes, especially crimes of sexual violence;

- Consider targeted sanctions against individuals and institutions responsible for grave violations of human rights or the embargo on weapons, as well as those responsible for pillaging natural resources;

- Ensure respect of the territorial integrity of the Democratic Republic of Congo.

#### **TO THE UNITED NATIONS MISSION IN DRC (MONUC)**

- Enhance protection of victims and witnesses of crimes of sexual violence as well as lawyers and judges who work on such cases;

- Strengthen tools to raise awareness on crimes of sexual violence, including the laws on crimes of sexual violence, and victims' access to justice, including outside urban areas;

- Strengthen training for law enforcement actors including police, lawyers and judges working on investigations and prosecution of crimes of sexual violence;

- Contribute to the fight against corruption within the justice system, by sensitising the authorities to the need to apply exemplary sanctions against members of the judiciary;

- Reinforce consultation with and involvement of local actors, in particular human rights and women's rights NGOs and associations of victims;

- Cooperate fully with the International Criminal Court;

- Take all measures to ensure that the DRC Government guarantees the safety and fundamental rights of the civilian population, especially human rights defenders and witnesses to grave violations of human rights or international humanitarian law called to testify before national and international courts;

- Enhance its role in actively preventing violations through a wide interpretation of its capacity to act "in case of imminent danger" to protect the civilian population and expand its mandate to assist the civilian population to include displaced persons, in collaboration with the other UN agencies present in the field;

- Urge the DRC government to pursue far-reaching reforms to public institutions in order to promote good governance and increase the confidence of the people in these institutions.

#### **TO THE HUMAN RIGHTS COUNCIL**

##### **To Member States of the Human Rights Council**

- Renew, at the March 2008 session, the mandate of the independent expert on the situation in DRC;

- Adopt a resolution on violations of human rights in DRC, emphasising the need to combat impunity of perpetrators of the most serious crimes, especially crimes of sexual violence.

##### **To Special Procedures of the Human Rights Council**

- Conduct visits in DRC to investigate and document violations of human rights and international humanitarian law, in particular crimes of sexual violence;

- Emphasise in all reports the need to fight impunity for the most serious crimes committed in DRC and make specific reference to the grave problem of crimes of sexual violence in the country.

#### **TO THE AFRICAN UNION**

##### **To the Peace and Security Council**

- Invite human rights defenders, especially representatives of women's rights organisations in DRC, to report on the situation of human rights in this country, including impunity for the most serious crimes, in accordance its Statute;

- Adopte a decision condemning impunity for the most serious crimes in DRC, especially crimes of sexual violence.

##### **To the Women, Gender and Development Office**

- Call upon DRC to submit a report on measures taken to promote and protect women's rights, in accordance with the provisions of the Solemn Declaration on Gender Equality in Africa;

- Conduct a visit to DRC to engage the Congolese authorities to take concrete and effective measures in the

fight against impunity for crimes of sexual violence.

#### **TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

- Send a mission of investigation on crimes of sexual violence to DRC led by the Special Rapporteur on the Rights of Women in Africa of the African Commission on Human and Peoples' Rights (ACHPR);

- Organise a regional seminar on the fight against impunity for crimes of sexual violence in Africa;

- Call upon Member States to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, to bring national legislation into conformity with with the Protocol and to respect the resolution on crimes of sexual violence adopted at the 42nd session of the ACHPR in Brazzaville, Republic of Congo in November 2007;

- Include a focus on the issue of impunity of perpetrators of grave violations of human rights, in particular crimes of sexual violence, during consideration of the report submitted by DRC at the 43rd session of the ACHPR, in Swaziland; and publish the recommendations of the ACHPR adopted on this occasion.

#### **TO THE EUROPEAN UNION**

- Ensure that the issue of crimes of sexual violence is on the agenda of local-level political dialogue, in application of article 8 of the Cotonou Agreement;

- Systematically consult Congolese human rights NGOs in advance of these meetings and include them in monitoring the implementation of commitments made during political dialogue, in accordance with articles 4 and 6 of the Cotonou Agreement and article 16 of the ACP-EU guidelines on political dialogue;

- Increase financial support to MONUC;

- Support the efforts of the United Nations to prevent and punish crimes of sexual violence, in particular the work of MONUC;

- Support projects of Congolese civil society on fighting impunity for the most serious crimes and assisting victims in legal proceedings;

- Adopt EU guidelines on the promotion and protection of women's rights in the context of EU relations with third countries, as outlined in the FIDH Position Paper.

#### **To the Special Representative of the European Union for the Great Lakes Region**

- Give priority on the agenda of the Special Representative to the question of impunity of perpetrators of grave violations of human rights in DRC, in particular crimes of sexual violence.

#### **TO THE INTERNATIONAL CRIMINAL COURT AND STATE PARTIES TO THE ICC**

##### **To the Office of the Prosecutor**

- Establish a structure, accountable directly to the Prosecutor, to incorporate systematically investigation and prosecution strategies on crimes of sexual violence;

- Include strategies on investigating and prosecuting crimes of sexual violence in situations and cases before the ICC;

- Implement the provisions of article 42(9) of the ICC Statute, authorising recruitment of one or more specialists on crimes of sexual violence;

- Expand the mandate of Gender and Children's Unit so that it not only assists the investigations division but also other divisions of the Office of the Prosecutor (OTP) and increase the staff of this unit;

- Hold regular, direct consultations between the OTP and victims of crimes of sexual violence.

##### **To the Registry**

- Carry out regular outreach campaigns (including information on victims' rights) with special attention to victims of crimes of sexual violence.

##### **To the Trust Fund for Victims**

- Carry out regular information campaigns for victims of crimes of sexual violence and the institutions working with such victims;

- Adopt a particularly pro-active approach to supporting

programmes to assist victims of crimes of sexual violence.

**To State Parties**

- Allocate sufficient resources to enable the Court to implement the recommendations listed above;
- Contribute to the Trust Fund for Victims, in particular to enable the Fund to implement assistance programmes for victims of crimes of sexual violence.

**TO FRANCE**

- In the framework of France's forthcoming Presidency of the European Union, place at the centre of political dialogue with DRC the issues of independence of the judiciary and the fight against impunity for perpetrators of serious violations of human rights, in particular crimes of sexual violence, in accordance with the Cotonou Agreement;
- Support projects of Congolese civil society on fighting impunity for the most serious crimes and assisting victims in legal proceedings;
- Support medical and psychological treatment centres that provide particular assistance to victims of crimes of sexual violence.



## THE DELEGATION



**Grâce Cécile LULA HAMBIA, Coordinator of the *Ligue des femmes pour le développement et l'éducation à la démocratie (LIFDED)***

LIFDED, based in Kinshasa, organises awareness raising campaigns and training sessions on women's rights, the peaceful resolution of conflicts, non-violence, peace-building, elections and good governance.



**Marie MOSSI MOTA, Member of the *Association africaine des droits de l'Homme (ASADHO)* and the *Réseau Action Femme (RAF)***

RAF was started in 1994 and gathers together 54 organisations defending women's rights. RAF particularly focuses on fighting impunity for violence against women. Since 1996, RAF has joined the international women's movement in marking the yearly 16 days of activism, from 25 November to 10 December, devoted to the promotion and protection of women's rights.



**Julienne LUSENGE, Coordinator of *Solidarité féminine pour la paix et le développement intégral (SOFEPADI)*, Nord-Kivu/Ituri**

SOFEPADI works in Béni and Ituri to promote and defend the rights of women and children, with a strong focus on fighting impunity and promoting justice in order to end the cycles of violence in DRC. The organisation seeks justice for victims of sexual violence perpetrated by elements of rebel groups and soldiers in the national army.



**Paul NSAPU, President of the *Ligue des Électeurs (LE)*, FIDH Secretary General**

The *Ligue des Électeurs* was created in 1990. It aims to support democratic development through promoting human rights and an elections culture. LE provides training for members of civil society associations as actors in promoting democracy and carries out general public awareness-raising activities on human rights and international election monitoring and observation missions.



**Dismas KITENGE SENGA, President of the *Groupe Lotus*, FIDH Vice President**

The *Groupe Lotus* is based in Kisangani. It denounces violations of human rights, alerts public opinion and investigates the actions of the authorities to promote respect for the rule of law by government. It supports men and women who suffer from discrimination and oppression on the grounds of their social groups, ethnicity, religion or political opinions. It provides information and training and promotes the values of human rights and democratic principles in DRC.



**Freddy KITOKO, lawyer at the Lubumbashi bar, *Association africaine des droits de l'Homme (ASADHO)***

ASADHO was created in 1991 with the following mission: defending, promoting and safeguarding individual and collective rights and freedoms; obtaining respect for the primacy of law and the independent justice in order to strengthen the rule of law as the basis of a democratic society; and contributing to increased general awareness of human rights.



# FIDH represents 155 Human Rights organisations

## 155 organisations

**ALBANIA** - ALBANIAN HUMAN RIGHTS GROUP  
**ALGERIE** - LIGUE ALGERIENNE DE DEFENSE DES DROITS DE L'HOMME  
**ALGERIE** - LIGUE ALGERIENNE DES DROITS DE L'HOMME  
**ALLEMAGNE** - INTERNATIONALE LIGA FÜR MENSCHENRECHTE  
**ARGENTINA** - CENTRO DE ESTUDIOS LEGALES Y SOCIALES  
**ARGENTINA** - COMITE DE ACCION JURIDICA  
**ARGENTINA** - LIGA ARGENTINA POR LOS DERECHOS DEL HOMBRE  
**ARMENIA** - CIVIL SOCIETY INSTITUTE  
**AUTRICHE** - OSTERREICHISCHE LIGA FÜR MENSCHENRECHTE  
**AZERBAIJAN** - HUMAN RIGHTS CENTER OF AZERBAIJAN  
**BAHRAIN** - BAHRAIN CENTER FOR HUMAN RIGHTS  
**BAHRAIN** - BAHRAIN HUMAN RIGHTS SOCIETY  
**BANGLADESH** - ODHIKAR  
**BELARUS** - HUMAN RIGHTS CENTER VIASNA  
**BELGIQUE** - LIGUE DES DROITS DE L'HOMME  
**BELGIQUE** - LIGA VOOR MENSCHENRECHTEN  
**BENIN** - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME  
**BHUTAN** - PEOPLE'S FORUM FOR HUMAN RIGHTS IN BHUTAN  
**BOLIVIA** - ASAMBLEA PERMANENTE DE LOS DERECHOS HUMANOS DE BOLIVIA  
**BOTSWANA** - THE BOTSWANA CENTRE FOR HUMAN RIGHTS - DITSHWANELO  
**BRASIL** - CENTRO DE JUSTICA GLOBAL  
**BRASIL** - MOVIMENTO NACIONAL DE DIREITOS HUMANOS  
**BURKINA** - MOUVEMENT BURKINABE DES DROITS DE L'HOMME & DES PEUPLES  
**BURUNDI** - LIGUE BURUNDAISE DES DROITS DE L'HOMME  
**CAMBODGE** - LIGUE CAMBODGIENNE DE DEFENSE DES DROITS DE L'HOMME  
**CAMBODIA** - CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION  
**CAMEROUN** - LIGUE CAMEROUNAISE DES DROITS DE L'HOMME  
**CAMEROUN** - MAISON DES DROITS DE L'HOMME  
**CANADA** - LIGUE DES DROITS ET DES LIBERTES DU QUEBEC  
**CHILE** - CORPORACION DE PROMOCION Y DEFENSA DE LOS DERECHOS DEL PUEBLO  
**CHINA** - HUMAN RIGHTS IN CHINA  
**COLOMBIA** - ORGANIZACION FEMININA POPULAR  
**COLOMBIA** - COMITE PERMANENTE POR LA DEFENSA DE LOS DERECHOS HUMANOS

**COLOMBIA** - CORPORACION COLECTIVO DE ABOGADOS  
**COLOMBIA** - INSTITUTO LATINO AMERICANO DE SERVICIOS LEGALES ALTERNATIVOS  
**CONGO** - OBSERVATOIRE CONGOLAIS DES DROITS DE L'HOMME  
**COSTA RICA** - ASOCIACION SERVICIOS DE PROMOCION LABORAL  
**COTE D'IVOIRE** - MOUVEMENT IVOIRIEN DES DROITS DE L'HOMME  
**COTE D'IVOIRE** - LIGUE IVOIRIENNE DES DROITS DE L'HOMME  
**CROATIE** - CIVIC COMMITTEE FOR HUMAN RIGHTS  
**CUBA** - COMISION CUBANA DE DERECHOS HUMANOS Y RECONCILIACION NACIONAL  
**DJIBOUTI** - LIGUE DJIBOUTIENNE DES DROITS HUMAINS  
**ECUADOR** - CENTRO DE DERECHOS ECONOMICOS Y SOCIALES  
**ECUADOR** - COMISION ECUMENICA DE DERECHOS HUMANOS  
**ECUADOR** - FUNDACION REGIONAL DE ASESORIA EN DERECHOS HUMANOS  
**EGYPT** - EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS  
**EGYPT** - HUMAN RIGHTS ASSOCIATION FOR THE ASSISTANCE OF PRISONNERS  
**EL SALVADOR** - COMISION DE DERECHOS HUMANOS DE EL SALVADOR  
**ESPANA** - ASOCIACION PRO DERECHOS HUMANOS  
**ESPANA** - FEDERACION DE ASOCIACIONES DE DEFENSA Y DE PROMOCION DE LOS DERECHOS HUMANOS  
**ETHIOPIAN** - ETHIOPIAN HUMAN RIGHTS COUNCIL  
**EUROPE** - ASSOCIATION EUROPEENNE POUR LA DEFENSE DES DROITS DE L'HOMME  
**FINLANDE** - FINNISH LEAGUE FOR HUMAN RIGHTS  
**FRANCE** - LIGUE DES DROITS DE L'HOMME ET DU CITOYEN  
**GEORGIE** - HUMAN RIGHTS CENTER  
**GRECE** - LIGUE HELLENIQUE DES DROITS DE L'HOMME  
**GUATEMALA** - CENTRO PARA LA ACCION LEGAL EN DERECHOS HUMANOS  
**GUATEMALA** - COMISION DE DERECHOS HUMANOS DE GUATEMALA  
**GUINEE** - ORGANISATION GUINEENNE POUR LA DEFENSE DES DROITS DE L'HOMME  
**GUINEE-BISSAU** - LIGA GUINEENSE DOS DIREITOS DO HOMEM  
**HAITI** - COMITÉ DES AVOCATS POUR LE RESPECT DES LIBERTÉS INDIVIDUELLES  
**HAITI** - CENTRE OCEANIQUE DES DROITS DE L'HOMME

**HAITI** - RÉSEAU NATIONAL DE DÉFENSE DES DROITS HUMAINS  
**INDIA** - COMMONWEALTH HUMAN RIGHTS INITIATIVE  
**IRAN** - DEFENDERS OF HUMAN RIGHTS CENTER  
**IRAN** - LIGUE IRANIENNE DE DEFENSE DES DROITS DE L'HOMME  
**IRAQ** - IRAQI NETWORK FOR HUMAN RIGHTS CULTURE AND DEVELOPMENT  
**IRLANDE** - COMMITTEE ON THE ADMINISTRATION OF JUSTICE  
**IRLANDE** - IRISH COUNCIL FOR CIVIL LIBERTIES  
**ISRAEL** - ADALAH  
**ISRAEL** - ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL  
**ISRAEL** - BTSELEM  
**ISRAEL** - PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL  
**ITALIA** - LIGA ITALIANA DEI DIRITTI DELL'UOMO  
**ITALIA** - UNIONE FORENSE PER LA TUTELA DEI DIRITTI DELL'UOMO  
**JORDAN** - AMMAN CENTER FOR HUMAN RIGHTS STUDIES  
**JORDAN** - JORDAN SOCIETY FOR HUMAN RIGHTS  
**KENYA** - KENYA HUMAN RIGHTS COMMISSION  
**KIRGHIZISTAN** - KYRGYZ COMMITTEE FOR HUMAN RIGHTS  
**KOSOVO** - CONSEIL POUR LA DEFENSE DES DROITS DE L'HOMME ET DES LIBERTES  
**LAOS** - MOUVEMENT LAOTIEN POUR LES DROITS DE L'HOMME  
**LEBANON** - PALESTINIAN HUMAN RIGHTS ORGANIZATION  
**LEBANON** - FOUNDATION FOR HUMAN AND HUMANITARIAN RIGHTS IN LEBANON  
**LETTONIE** - LATVIAN HUMAN RIGHTS COMMITTEE  
**LIBAN** - ASSOCIATION LIBANAISE DES DROITS DE L'HOMME  
**LIBERIA** - LIBERIA WATCH FOR HUMAN RIGHTS  
**LIBYA** - LIBYAN LEAGUE FOR HUMAN RIGHTS  
**LITHUANIAN** - LITHUANIAN HUMAN RIGHTS LEAGUE  
**MALAYSIA** - SUARAM  
**MALI** - ASSOCIATION MALIENNE DES DROITS DE L'HOMME  
**MALTA** - MALTA ASSOCIATION OF HUMAN RIGHTS  
**MAROC** - ASSOCIATION MAROCAINE DES DROITS HUMAINS  
**MAROC** - ORGANISATION MAROCAINE DES DROITS HUMAINS  
**MAURITANIE** - ASSOCIATION MAURITANIENNE DES DROITS DE L'HOMME  
**MEXICO** - COMISION MEXICANA DE DEFENSA Y PROMOCION DE LOS

DERECHOS HUMANOS  
**MEXICO** - LIGA MEXICANA POR LA DEFENSA DE LOS DERECHOS HUMANOS  
**MOLDOVA** - LEAGUE FOR THE DEFENCE OF HUMAN RIGHTS IN MOLDOVA  
**MOZAMBIQUE** - LIGA MOCANBICANA DOS DIREITOS HUMANOS  
**NETHERLAND** - LIGA VOOR DE RECHTEN VAN DE MENS  
**NICARAGUA** - CENTRO NICARAGUENSE DE DERECHOS HUMANOS  
**NIGER** - ASSOCIATION NIGERIENNE DES DROITS DE L'HOMME  
**NIGERIA** - CIVIL LIBERTIES ORGANISATION  
**NOUVELLE CALEDONIE** - LIGUE DES DROITS DE L'HOMME DE NOUVELLE CALEDONIE  
**OCCUPIED PALESTINIAN TERRITORIES** - RAMALLAH CENTER FOR HUMAN RIGHTS STUDIES  
**OCCUPIED PALESTINIAN TERRITORIES** - AL HAQ  
**OCCUPIED PALESTINIAN TERRITORIES** - PALESTINIAN CENTRE FOR HUMAN RIGHTS  
**PAKISTAN** - HUMAN RIGHTS COMMISSION OF PAKISTAN  
**PANAMA** - CENTRO DE CAPACITACION SOCIAL  
**PERU** - ASOCIACION PRO DERECHOS HUMANOS  
**PERU** - CENTRO DE ASESORIA LABORAL  
**PHILIPPINE** - PHILIPPINE ALLIANCE OF HUMAN RIGHTS ADVOCATES  
**POLYNESIE** - LIGUE POLYNESIENNE DES DROITS HUMAINS  
**PORTUGAL** - CIVITAS  
**RDC** - ASSOCIATION AFRICAINE DES DROITS DE L'HOMME  
**RDC** - GROUPE LOTUS  
**RDC** - LIGUE DES ELECTEURS  
**RÉPUBLIQUE CENTRAFRICAINE** - LIGUE CENTRAFRICAINE DES DROITS DE L'HOMME  
**RÉPUBLIQUE CENTRAFRICAINE** - ORGANISATION POUR LA COMPASSION ET LE DÉVELOPPEMENT DES FAMILLES EN DÊTRESSE  
**RÉPUBLIQUE DOMINICAINE** - COMISION NACIONAL DE LOS DERECHOS HUMANOS  
**RÉPUBLIQUE TCHÈQUE** - HUMAN RIGHTS LEAGUE  
**ROUMANIE** - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME  
**RUSSIA** - CITIZEN'S WATCH  
**RUSSIA** - MOSCOW RESEARCH CENTER FOR HUMAN RIGHTS  
**RWANDA** - ASSOCIATION POUR LA DEFENSE DES DROITS DES PERSONNES ET LIBERTES PUBLIQUES

**RWANDA** - COLLECTIF DES LIGUES POUR LA DEFENSE DES DROITS DE L'HOMME  
**RWANDA** - LIGUE RWANDAISE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME  
**SENEGAL** - RENCONTRE AFRICAINE POUR LA DEFENSE DES DROITS DE L'HOMME  
**SENEGAL** - ORGANISATION NATIONALE DES DROITS DE L'HOMME  
**SERBIE** - CENTER FOR PEACE AND DEMOCRACY DEVELOPMENT  
**SUDAN** - SUDAN HUMAN RIGHTS ORGANISATION  
**SUDAN** - SUDAN ORGANISATION AGAINST TORTURE  
**SUISSE** - LIGUE SUISSE DES DROITS DE L'HOMME  
**SYRIA** - DAMASCUS CENTER FOR HUMAN RIGHTS STUDIES  
**SYRIE** - COMITE POUR LA DEFENSE DES DROITS DE L'HOMME EN SYRIE  
**TAIWAN** - TAIWAN ALLIANCE FOR HUMAN RIGHTS  
**TANZANIA** - THE LEGAL & HUMAN RIGHTS CENTRE  
**TCHAD** - ASSOCIATION TCHADIENNE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME (ATPDH)  
**TCHAD** - LIGUE TCHADIENNE DES DROITS DE L'HOMME  
**THAILAND** - UNION FOR CIVIL LIBERTY  
**TOGO** - LIGUE TOGOLAISE DES DROITS DE L'HOMME  
**TUNISIE** - ASSOCIATION TUNISIENNE DES FEMMES DÉMOCRATES  
**TUNISIE** - CONSEIL NATIONAL POUR LES LIBERTES EN TUNISIE  
**TUNISIE** - LIGUE TUNISIENNE DES DROITS DE L'HOMME  
**TURKEY** - HUMAN RIGHTS FOUNDATION OF TURKEY  
**TURKEY** - INSAN HAKLARI DERNEGI / ANKARA  
**TURKEY** - INSAN HAKLARI DERNEGI / DIYARBAKIR  
**UGANDA** - FOUNDATION FOR HUMAN RIGHTS INITIATIVE  
**UNITED KINGDOM** - LIBERTY USA - CENTER FOR CONSTITUTIONAL RIGHTS  
**UZBEKISTAN** - HUMAN RIGHT SOCIETY OF UZBEKISTAN  
**UZBEKISTAN** - LEGAL AID SOCIETY  
**VIETNAM** - COMMITTEE ON HUMAN RIGHTS & QUE ME : ACTION FOR DEMOCRACY IN VIETNAM  
**YEMEN** - HUMAN RIGHTS INFORMATION AND TRAINING CENTER  
**YEMEN** - SISTERS' ARABIC FORUM FOR HUMAN RIGHTS  
**ZIMBABWE** - HUMAN RIGHTS ASSOCIATION

The International Federation for Human Rights (FIDH) is an international non-governmental organisation dedicated to the world-wide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, the FIDH has 155 national affiliates in all regions. To date, the FIDH has undertaken more than a thousand international fact-finding, judicial, mediation or training missions in over one hundred countries.

## FIDH

17, passage de la Main d'Or - 75011 Paris - France  
 CCP Paris : 76 76 Z  
 Tél. : (33-1) 43 55 25 18 / Fax : (33-1) 43 55 18 80  
 E-mail : fidh@fidh.org  
 Site Internet : <http://www.fidh.org>

Directrice de la publication : Souhayr Belhassen.  
 Rédacteur en Chef : Antoine Bernard.  
 Auteurs du rapport : Grâce Cécile Lula Hamba, Marie Mossi Mota, Julienne Lusenge, Paul Nsapu, Dismas Kitenge, Freddy Kitoko, Marceau Sivieude, Tchérina Jerolon.  
 Coordination du rapport : Marceau Sivieude.  
 Assistante de publication : Céline Ballereau-Tetu.  
 Imprimerie de la FIDH - Dépôt légal avril 2008 - N°490/2  
 Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N° 330 675)