



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

*"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"*

## 8<sup>th</sup> Special Session of the UN Human Rights Council

### ICJ Intervention on the Situation of Human Rights in the East of the Democratic Republic of the Congo

1 December 2008

*Check against delivery*

Mr. President,  
Madam High Commissioner,

The human rights situation in the East of the Democratic Republic of the Congo has been stained anew with the blood of civilians.

The national army soldiers and the CNDP rebels have been committing unlawful killings, including extra-judicial executions, enforced disappearances; torture, including rape and other sexual violence. More than 250,000 persons have been recently internally displaced and their means of subsistence and dwellings destroyed, resulting in forced evictions and other serious impairments to right to food, health and adequate housing. Children have been unlawfully recruited and used as child soldiers. A number of these violations constitute war crimes and other crimes under international law.

The deterioration is attributable to the weak governance and flaws in the rule of law. Necessary army and security sector reforms are yet to be conducted. Vicious violence is partly fuelled by direct or indirect participation of the neighbouring countries in the conflict.

Contrary to expectations and the facts from the ground, the Council in March 2008 terminated the mandate of the Independent Expert on the DRC. Justification for the replacement of the comprehensive protection and assistance expert's mandate on the DRC with the assistance of the Council's thematic special procedures was false, as evidenced by the grave developments on the ground.

Both the national army and the CNDP rebels and their aids must end fighting in eastern DRC and respect the ceasefire before the large-scale violence spills-over to the rest of the country and the neighbouring countries. Political solution will be durable, if it addresses accountability and impunity. The High Commissioner's assistance is necessary for the effective and just peace-agreement.

All parties to the armed conflict have the obligation to protect civilians from human rights and international humanitarian law violations, including from rape. The Government is responsible for upholding the principle of command responsibility and accountability for abuses, including crimes under international law committed by the state military personnel and militia and rebel members, which requires the operation of independent and ordinary courts and tribunals.

All those implicated in genocide, war crimes, ethnic cleansing and crimes against humanity must be held accountable. To that end, the Government must bolster its cooperation with the International Criminal Court.

As illicit business in illegally mined minerals generates financial support for the warring factions in eastern DRC, the Government has the obligation to control the exploitation and trade in natural resources. The ICJ calls on the Council to urge all business entities implicated in such trade to respect and ensure that human rights are observed in the context of their operations.

The Council must give priority to the reestablishment of a dedicated mechanism on the DRC, on the basis of the findings of the seven special procedures, whose visits requested by the Council's resolution 7/20 should be swiftly enforced. The special rapporteurs on torture and extrajudicial, arbitrary and summary executions are also encouraged to expeditiously visit the DRC.

I thank you.