



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"

United Nations Human Rights Council
7th Session, 3 - 28 March 2008

ICJ Intervention in the Interactive Dialogue on the report of the Independent Expert on
the situation of human rights in the Democratic Republic of the Congo (A/HRC/7/25)
19 March 2008

Check against delivery

Distinguished Independent Expert,

The International Commission of Jurists (ICJ) welcomes your annual report and commends your activities assisting the Government of the Democratic Republic of Congo (DRC) in enhancing the promotion and protection of human rights. Regrettably, the human rights situation and the status of the implementation of human rights and international humanitarian law you describe in the report, remain preoccupying.

Violence has erupted again, following last year's election. Of particular concern are the massive and systematic human rights violations taking place in the East of the country, in Kivu, which have been committed by militias, rebel forces and the Armed Forces of the DRC (FARDC).

Gross violations of human rights, including extrajudicial executions, rape, torture and ill-treatment, continue to be carried out countrywide in an atmosphere of impunity, which persists despite major justice and police reforms. Crimes committed during the last two wars have not been investigated thoroughly. The incomplete process of demilitarization and demobilization continues to exacerbate the volatile situation.

You describe the weaknesses of the judicial system, notably intrusions by the executive on the independence of the judiciary. Can you indicate other obstacles to resolving the problem of impunity? What further assistance can the Independent Expert extend to the Government to hold the perpetrators of human rights violations to account?

The ICJ supports your recommendation to exclude civilians from the jurisdiction of the military tribunals. Can you specify what changes to legislation, including the military penal code, should be made to bring the military tribunal system into conformity with international standards on the administration of justice by military tribunals and with the Constitution of the DRC?

Given the extent of the human suffering, and persistent challenges to the enjoyment of human rights and freedoms, the ICJ supports the renewal of the mandate of the Independent Expert on the situation of human rights in the DRC. So far, the mandate has made an important contribution to promoting peace and transitional justice in the country.

The ICJ also sees a need for the Independent Expert's continuous interaction with MONUC and the relevant Special Procedures of the Council, which must collectively prevent further escalation of the conflict in Kivu.

I thank you.