



# General Assembly

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## Human Rights Council

### Thirteenth session

Agenda item 10

### Technical assistance and capacity-building

## **Written statement\* submitted by the United Nations Watch (UN Watch), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Urgent NGO appeal to reinstate the UN Independent Expert on Congo**

Fifty human rights groups from around the world united on December 22, 2009 in calling on UN Secretary-General Ban Ki-moon and High Commissioner for Human Rights Navi Pillay to reinstate the mandate for a human rights monitor in Congo, saying the position should never have been eliminated by the UN Human Rights Council in March 2008. To date, no reply has been received. It is to be hoped action will be taken immediately for the sake of the victims, whose plight is only worsening. The full text of the joint appeal follows below.

Dear UN Secretary General Ban Ki-moon,

Dear UN High Commissioner for Human Rights Navanethem Pillay,

We, representatives of non-governmental organizations, reflecting the broad spectrum of international civil society, are appalled to learn of the serious violations committed by the Congolese government in recent weeks, and urge you to call for the immediate reinstatement by the Human Rights Council of an independent human rights expert to monitor, report on and help remedy the dire situation in the Congo.

Summary executions, torture, arbitrary arrests and rape are widespread throughout the country. Recent investigations by the UN Group of Experts show that the situation in the Democratic Republic of Congo is increasingly precarious. Its new report, to be discussed at the Security Council this week, describes unchecked impunity and a "complete lack of transparency" regarding government exploitation of natural resources. Other credible reports cite the alarming figure that 1,400 civilians have been killed since the inception of the Kinshasa government military operation.

In March 2008, the UN Human Rights Council eliminated the position of the independent expert on Congo after several member states made false claims about the situation on the ground. Tunisia's Ali Cherif spoke of "the positive developments in the human rights situation there" — indeed, of "remarkable progress" — and chastised the expert because such "improvements" were not "duly reflected in [his] report." Algeria claimed "significant progress" in the DRC, where "the situation is being normalized."

Egypt's Omar Shalaby, on behalf of the African Group, said the DRC boasted an "environment conducive to the promotion and protection of human rights", with "serious measures aimed at protecting the realization of economic, social, and cultural rights." He said that "the mandate has not offered clear prospects for improving the human rights situation on the ground"; that it "has not been of benefit to the DRC"; and that "any renewal of the mandate would be counterproductive." The mandate was one "to which no clear achievement can be attributed." Russia, among others, supported this line. On these unsubstantiated grounds, the Council then voted to eliminate the UN's only dedicated independent human rights voice for DRC victims.

Soon after, there were massacres of civilians and increasingly crowded refugee camps with continued fighting between Rwandan rebel forces and the Congolese army. In November 2008, the Human Rights Council convened a special session on the human rights situation in Congo, but to no avail. The European Union was forced to withdraw its draft resolution and compromised on a watered-down text "calling for the immediate end to all human rights violations and unconditional respect for the rights of civilians," yet making no concrete proposals or recommendations to monitor the situation on the ground. Failing to reinstate an independent expert, the Council also struck the EU proposal that the Special Rapporteurs on torture and extrajudicial executions report on the DRC.

Then, in March 2009, an attempt was made by the European Union and Canada "to appoint, for a period of one year, an independent expert whose tasks will be to provide assistance to the Government." Their draft text sought to express the gravity of the human rights situation in DRC and to highlight "the recruitment of child soldiers by armed groups and the ongoing and widespread acts of sexual violence against women and children." Regrettably, this proposal was defeated.

Today, the situation continues to worsen. The UN's special rapporteur on extrajudicial executions, Philip Alston, has just reported that "civilians have also been gang-raped and hacked or shot to death by the Congolese army — the very force that is supposed to protect them." Professor Alston's report lays bare the need for a dedicated expert to monitor the DRC. An early warning system could close the protection gap currently shrouding abuses by the Congolese government.

We urge you to call for and take all necessary action to reinstate the mandate of the independent expert on Congo, eliminated without basis by the UNHRC in 2008, and against the wishes of the victims. The Security Council is now scheduled to vote on a resolution to extend the mandate of the Congo peacekeeping mission. The Human Rights Council should likewise assume its own responsibilities. Civilians remain at high risk in a conflict that has already claimed the lives of 5 million people.

We urge you to act now for the suffering people of the Congo, before it is too late.

- Guelord Mbaenda, Executive Director, Action des Jeunes pour le Developpement Communautaire et la Paix (ADECOP), Democratic Republic of Congo
- Madina Athie, President, l'ONG Citoyennes et citoyens Debout, Democratic Republic of Congo
- Judge Mukete Tahle Itoe, Global Secretary General, Global Network for Good Governance (GNGG), Cameroon
- Hannah Forster, Executive Director, African Centre for Democracy and Human Rights Studies (ACDHRS), Gambia
- T. Thompson Ade-bayor, Regional Director, Regional Watch for Human Rights, Liberia
- Siaka Coulibaly, Executive Secretary, Civil Society Organizations Network for Developpement (RESOCIDE), Burkina Faso
- Deudonne Zognong, Director, Fondation Humanus
- President, Cameroon Coalition for the International Criminal Court, Cameroon
- Priscilla M Achakpa, Women Environmental programme, Nigeria
- Dr. Charles Mwape, President, Hope for Africa International, Zambia
- G. Jasper Cumme, III, Senior Policy Director, Actions for Genuine Democratic Alternatives (AGENDA), Liberia
- Christian Mounzeo, Président, Rencontre pour la Paix et les Droits de l'Homme-RPDH, Congo (Brazzaville)
- Egbuka Obinna, President, Youth Enhancement Organization, Nigeria
- Jamils Richard Achunji Anguaseh, Director of Programs, Global Welfare Association – GLOWA, Cameroon

- Ibrahima Niang, Director, Mouvement Citoyen, Senegal
- Soraya Usmani Martinez, Regional Coordinator, Sub Saharan Africa, International Rehabilitation Council for Torture Victims (IRCT), Denmark
- Shomik Chaudhuri, UN Representative, Institute of International Social Development, India
- Dr. Ahmed Subhy Mansour, President, The International Quranic Center (IQC), USA
- Robert Arsenault, President, International League for Human Rights, USA
- Hillel C. Neuer, Executive Director, United Nations Watch, Switzerland
- Greta Zeender, Senior Country Analyst, Internal Displacement Monitoring Centre, Switzerland
- Francois Ullmann, President, Ingenieurs du Monde, France
- Kamitanji Kabuya, Program Consultant, East Africa, Norwegian Church Aid, Norway
- A. Tony Fowke, President, World Federation for Mental Health, Australia
- International Multiracial Shared Cultural Organization, USA
- Virginia Swain, CEO, Founder, Institute for Global Leadership, USA
- Kok Ksor, President, Montagnard Foundation, USA
- Teresa Ulloa, Regional Director, Coalition Against Trafficking in Women and Girls in Latin America and the Caribbean, Mexico
- John Suarez, Cuban Democratic Directorate, USA
- Dr. Vanee Meisinger, Pan Pacific and Southeast Asia Women's Association of Thailand, Thailand
- Lex Grandia, President, World Federation of the DeafBlind, Sweden
- Rene Wadlow, Representative to the UN, Geneva, Association of World Citizens and Association for World Education, Switzerland
- Penelope Faulkner, Vice-President, Vietnam Committee on Human Rights, France
- Don Kraus, Chief Executive Officer, Citizens for Global Solutions, USA
- Ahmad Batebi, Spokesperson, Organization of Human Rights Activists in Iran, Iran
- Vo Van Ai, President, Quê Me: Action for Democracy in Vietnam, France
- Connie de la Vega, Board of Directors, Human Rights Advocates, USA
- Dickson M.D Ntwiga, CEO, Solidarity House International, USA
- Sajni M. Thadhani, MPTF Founder & President, Mulchand & Parpati Thadhani Foundation, USA
- Wendy Wright, President, Concerned Women for America, USA
- Dr. Janice Crouse, Senior Fellow, Beverly LaHaye Institute, USA
- Ann Buwalda, Executive Director, Jubilee Campaign, USA
- Chidi Nwosu, President, Human Rights, Justice and Peace Foundation, USA

- Ulrich Delius, Africa Desk, Society for Threatened Peoples, Germany
  - Partab Shivani, Executive Director, Skill Enhancing & Research Home of the Children (SEARCH), Germany
  - Paul Power, Chief Executive Officer, Refugee Council of Australia, Australia
  - John Sweeney, Co-ordinator of research, Edmund Rice Centre for Social Justice and Community Education, Australia
  - Anne Shay, Justice Contact, Presentation Sisters Lismore, Australia
  - Les Malezer, Chairperson, Foundation for Aboriginal and Islander Research Action (FAIRA), Australia
  - Babette Francis, National & Overseas Co-ordinator, Endeavour Forum, Australia
  - Jonas Karpantschof, Chairperson, European Union of Jewish Students, Belgium
  - Abdurashid Abdulle Abikar, Chairman, Center for Youth and Democracy (CYD), Mogadishu - Somalia
  - Norah Matovu Winyi, Executive Director, Africa Women's Development and Communication Network (FEMNET)
  - Jamie Ordóñez, Director, Instituto Centroamericano de la Democracia en Centroamérica, San José, Costa Rica
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