



General Assembly

Distr.
GENERAL

A/HRC/S-8/NGO/1
27 November 2008

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Eighth special session
28 November 2008

**Written statement* submitted by Amnesty International,
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.

[27 November 2008]

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

The Crisis in the Eastern Democratic Republic of Congo Demands Action by the Human Rights Council

Amnesty International welcomes the holding of a Special Session on the situation of human rights in the East of the Democratic Republic of the Congo (DRC).

The situation in eastern DRC remains dire, with the humanitarian and human rights situation in North Kivu at a crisis point. Fighting continues between the National Congress for the Defence of the People (CNDP), government forces, the Democratic Liberation Forces of Rwanda (FDLR) and the pro-government militia, the mayi-mayi. Populations continue to be displaced, with people finding themselves in insecure environments without access to basic necessities such as food, drinking water and sanitation. In addition, women and children continue to be subjected to rape and other sexual violence. Child soldiers are forcibly recruited in villages and schools and civilians are deliberately killed, in violation of international humanitarian and human rights law.

Internally Displaced Persons (IDPs)

The humanitarian and human rights crisis in eastern DRC has deteriorated dramatically in the past month since the CNDP, under the command of renegade general Laurent Nkunda, launched a fresh offensive in October against government forces. At least 250,000 civilians, most of them women and children, have been displaced by the fighting, bringing the total number of IDPs in the province from this and previous rounds of conflict to well over one million, and as high as 1.6 million according to some estimates. These people are in a desperate situation, without sufficient food, water, medical supplies or shelter. Many IDPs remain inaccessible, and some humanitarian operations have been suspended because of the fragile security situation, perpetuating desperation.

Most IDPs are living in camps in the narrow belt of land that is still under government control around Goma. Conditions in the camps are reported to be precarious. Informal camps are also springing up, many without latrines, potable water or shelters. Cases of cholera have been reported. Aid agencies are facing massive difficulties in finding and delivering sufficient supplies to these groups to enable their immediate survival. Tens of thousands of displaced people are unaccounted for and are receiving no organized assistance. There is an urgent need for the creation of safe corridors to allow humanitarian aid throughout North Kivu.

Widespread sexual violence

In a recently published report "*North Kivu: No end to war on women and children*" (AFR 62/005/2008, September 2009) Amnesty International established that members of armed groups and government security forces continue to rape and sexually abuse women and girls and, in a smaller number of cases, men and boys. In many cases, sexual abuse and rape appear to be ethnically motivated or aimed at terrorizing and demoralizing communities suspected of supporting enemy groups, or both.

Amnesty International is constantly receiving new reports of violent rape and sexual assault. One woman told Amnesty International about finding a girl who had been raped:

I saw a girl tied up by her hands and feet... She had been raped by soldiers who had pushed a piece of wood into her... I freed her and started to carry her back to the road. Then a group of CNDP soldiers came out from the trees. They beat me and I let the girl fall to the ground. Then four of them took turns to rape me, in front of the other women I was with. When they stopped, I was bleeding heavily and my arm and leg were badly swollen. We were about to leave to get help when we saw that the girl had died...

Rape is a violation of international humanitarian law. Additional Protocol II to the Geneva Conventions prohibits “violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, ... outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault; slavery ...”

The continuing violence against women and children is a major barrier to establishing peace and stability in the region. The newly reinforced MONUC must move to promote and protect the human rights of women and children, as is specified by the mandate. This must be a priority for peace keepers, including securing to the fullest extent possible areas where women are most at risk of attack. NGOs and medical centres that receive victims of sexual violence should be consulted regularly, to monitor the situation.

Child soldiers

Armed groups continue to recruit child soldiers to fight in this ongoing conflict. Between 3,000 and 6,000 children are estimated to be serving with the armed groups. Child soldiers who attempt to escape have been killed or tortured, sometimes in front of other children to discourage further escapes.

Reports of recruitment from schools, or of children on their way to school, are common. Commanders of all armed groups will often deliberately brutalize children, forcing them to commit crimes, including murder and rape, against their will. Some commanders would withhold food from boys unless they raped a woman or girl. Such crimes remain a major barrier to community reconciliation and the successful reintegration of demobilised children. Communities and families often also fear the return of brutalized children, who are consequently shunned.

The use of child soldiers is contrary to a number of international agreements to which the DRC is party.

Moving forward: action required

The close international attention now being paid to the situation in eastern DRC needs to be translated into action to address the underlying causes of the crisis. They have been evident for more than a decade. No concerted diplomacy has been undertaken to resolve the factors that fuelled the past conflicts in eastern DRC.

Much of this failure can be laid at the door of the DRC government, which has failed to deliver meaningful reform of its mining, justice and security sectors. Responsibility must also be taken by international donors, who have failed to insist on such reforms. Neighbouring states must also be pressed to engage in the search for durable solutions to the continuing presence of foreign armed groups in eastern DRC.

The UN Security Council adopted resolution 1843 (2008) on 20 November authorizing the deployment of nearly 3,000 extra troops to reinforce the MONUC. It must be implemented without delay, to protect civilians and ensure people have access to humanitarian assistance. Safe corridors for this assistance must be opened throughout North Kivu to ensure displaced people receive the assistance they urgently need. MONUC must protect women and children and bring an end to systematic sexual violence and child recruitment and ensure that the safety of women and children is a priority in MONUC peacekeeping and civilian protection operations. There should be regular consultation between peacekeepers and women's and children's NGOs.

In order to provide a longer term solution to the conflict, the international community and the DRC government must also:

- establish effective measures to disarm, demobilize and reintegrate or repatriate armed group fighters;
- end arms proliferation;
- address impunity by reforming the justice system and establishing an appropriate transitional justice mechanism to address grave human rights violations committed since at least 1993;
- promote women's participation in peace initiatives and bring protection of women to the heart of the UN peacekeeping mission;
- develop transparent and accountable exploitation of the DRC natural's resources;
- ensure effective reform of the national army and police, including by excluding suspected perpetrators of human rights violations from their ranks, to make it capable of protecting civilians of all ethnic groups professionally and in full respect of human rights; and
- ensure effective reconciliation of divided communities, including by resolving issues of land ownership and the return of Congolese Tutsi refugees;

Amnesty International calls on the Human Rights Council at its eighth Special Session to:

- express its deepest concern at the situation in the eastern DRC and condemn violations of international human rights and humanitarian law committed by all parties to the conflict;
- demand that the warring parties and governments that have influence over them prevent further civilian casualties and human rights violations;
- convey to the Security Council the Human Rights Council's deep concern over the situation in eastern DRC and urge the Security Council to take further measures to prevent violations of international human rights and humanitarian law;
- call for a rapid deployment of the additional MONUC troops authorized by the UN SC under resolution 1843 (2008);

- insist that the human rights dimension of the crisis receives appropriate attention and priority in any diplomatic initiatives undertaken to address the crisis in eastern DRC;.
- call for the investigation and prosecution of those responsible for crimes under international law committed in the context of the armed conflict in eastern DRC. Emphasize that there can be no amnesty for such crimes; and
- appoint an independent expert for the eastern Democratic Republic of Congo to report on the human rights dimensions of the crisis and recommend steps to respond to it.

- - - - -