

## **Briefing by High Commissioner for Human Rights to the Security Council**

### **Report on the 14-15 May Events in Kisangani - Democratic Republic of the Congo**

Mr President,

At the outset, let me express my appreciation for your direct call made to me in your Presidential Statement on 24 May, drawing my attention to the seriousness of the events that took place in Kisangani on 14 May 2002 and immediately thereafter. I hope that today's briefing will constitute yet another step in recognizing the importance of respect for human rights in the quest for peace and security.

I would also like to take this opportunity to record that I am encouraged by your increasing concern with the protection of human rights as an integral part of maintaining peace and security in various situations before this Council – human rights mainstreaming has been evident in thematic debates, and there has been the inclusion of specific human rights language in Council resolutions. It is therefore natural that there has been growing cooperation between the Security Council and human rights actors. I am confident that your ongoing dialogue with relevant special rapporteurs and representatives of the Commission on Human Rights has proven to be fruitful to your deliberations. Similarly, I hope that cooperation between my Office and members of the Security Council, through monthly briefings of the Presidency, situation-specific consultations, pre-mission briefings and other forms of interaction, will continue to develop.

As you know, during recent years, thousands, if not millions of men, women and children have been killed, maimed, or disappeared in the context of the conflict in the Democratic Republic of Congo -- most of them were civilians. It is estimated that as many as two million people remain displaced within the DRC and thousands have fled to neighbouring countries. The former Special Rapporteur on the situation of human rights in the DRC, Mr. Roberto Garreton, has reported extensively on this very serious situation, which you undoubtedly observed yourselves during your missions to the DRC.

In response to your request of 24 May, my Office in the Democratic Republic of the Congo (HRFOC) immediately cooperated with MONUC in an initial mission to the area from 14 to 30 May. That mission indicated the need for further inquiry. I therefore arranged for the Special Rapporteur on extrajudicial, summary or arbitrary executions (of the Commission on Human Rights) to undertake an urgent mission to the area on my behalf and to provide me with a report on the events that had taken place on 14 May and immediately thereafter.

The Special Rapporteur, Ms. Asma Jahangir, visited Kinshasa, Kisangani and Goma from 16 to 22 June and reported to me shortly thereafter. Based on her report, I am submitting to you today an initial report on the events of 14 May in Kisangani which is being circulated to you. I would ask that it form part of the records of the Security Council as my formal report to you.

Before highlighting the salient parts of the report, allow me to recall the following significant events that transpired on 14 May:

- a group of mutineers took control of the RTNC radio station in Kisangani, calling the population to rise against “the Rwandan invaders”, “to kill the Rwandans” and “to chase them out” (according to radio transcripts presented to the Special Rapporteur) – the dissidents also called out to named military commanders and civil society organizations to join them
- in response to the broadcast, civilians and soldiers began to move towards the city centre from municipalities in the outskirts of Kisangani
- after regaining control of the situation, RCD-Goma was alleged to have used excessive force, including carrying out summary and extrajudicial killings, arbitrary detention and torture of individuals, including civilians, soldiers and police
- these alleged acts were carried out in total impunity in the absence of any serious investigation by the local authorities

As a result, I would like to report to you the following:

1. 103 civilians and at least 60 soldiers and police officers have been extrajudicially killed by the RCD-G authorities. Reports indicate that another 20 unidentified bodies were observed in the Tshopo river in the days following the incident. These figures clearly exceed those given by the RCD-G, which further underlines the urgent need to bring the perpetrators to justice. The actual number of victims may be higher than the ones so far detected, as the data presently available has been gathered and compiled under immense pressure in a traumatized and terrorized society.
2. The de facto authority of Kisangani, the RCD-Goma, is responsible for the massacres that took place after regaining control over the city’s radio station.
3. The official inquiry conducted by the RCD-G authorities makes a feeble attempt at exonerating the human rights violations carried out by its representatives and soldiers. It further strengthens the argument that the authorities are making all attempts to protect the perpetrators and conceal the true facts.
4. There is a genuine fear amongst the detainees at the detention centre at the Headquarters of the Seventh Brigade in Kisangani, that the authorities would execute them before any reasonable trial can be held.
5. Several members of civil society are on the run, as they genuinely fear use of violence against them. The Special Rapporteur is inclined to conclude that their lives are at risk, and they need immediate protection.
6. The RCD-G authorities have taken no confidence building measures to allay fears of ethnic reprisals or to reach out to the general public to resolve the ethnic tensions that may be building in society. On the contrary there seems to be a tendency amongst some members of the authorities to attribute the whole episode to ethnic incitement and play upon it to further aggravate the situation.
7. The overall issue of incitement to ethnically motivated killings and violence, including against women and children, is to be considered very seriously with all its implications (this would include the question of what constitutes incitement to genocide, how incitement to ethnic hatred should be reported and punished and how possible sanctions, including public reporting and recourse to extraterritorial jurisdiction, may make a difference)
8. In the last several years, numerous massacres have been reported to have occurred in the DRC by various parties to the conflict (including in the Eastern DRC, such as Chiherano, Bugobe, Nyatende, Kamisimbi, Lurhala and Nyangesi

and in the South Kivu region. Other reported incidents include massacres of refugees in Eastern DRC, ethnic killings between the Hema and Lendu, the burial of women alive, the execution of prisoners, the rape of women and girls, including by HIV-positive military, as well as other similar incidents). Yet, impunity continues to be a major cause of human rights violations in the country. Therefore, the impunity surrounding the Kisangani massacres needs to be placed in the context of pervasive impunity in the DRC – all attempts to address this have been unsuccessful in the past. I would therefore call on the Council to reflect on how the international community, including the Security Council and the United Nations, may be more effective in addressing such blatant violations of human rights which are a fundamental threat to international peace and the security in the DRC and in the entire sub-region.

From what I have indicated so far, it is clear that the situation calls for urgent remedial and preventive measures. It is in this spirit that I would submit the following thoughts for your consideration:

1. The Security Council would need to exert pressure on all parties to the conflict in the DRC to respect human rights and humanitarian law and to protect civilians. In particular, the Council would need to reiterate its call on all neighbouring countries, to exert their influence to have the parties meet their human rights and humanitarian law obligations. In this regard, I note that paragraph 7 of Security Council Resolution 1417 reaffirmed MONUC's mandate to protect civilians under imminent threat of physical violence.
2. The problem of entrenched impunity for grave human rights violations must be addressed urgently by all parties to the conflict. In the context of the Kisangani massacre, the authorities should take immediate steps to arrest those amongst them who ordered or were involved in the actual massacre of civilians, soldiers and policeman. Also, members of the public suspected of the killing of individuals on the incitement of the radio-broadcast should not be extended any form of impunity.
3. In view of all this, I would like the Council to give guidance to MONUC and my Office to enable us to follow-up with specific recommendations:
  - for the de facto authorities in Kisangani to carry out a full and impartial investigation, including the identification of victims and perpetrators, and take specific measures aimed at ending impunity, providing redress to the victims and preventing repetition of such incidents
  - for MONUC, and my Office, to assist in carrying out these recommendations
  - for the Security Council to identify ways by which effective protection of civilians in the DRC can be provided – this could include strengthening the rule of law and administration of justice, as well as mechanisms by which all those responsible for violations of human rights and war crimes could be held accountable.

KISANGANI: Rapport de Mary Robinson