



New York, 13 février 2003

**SITUATION DES DROITS DE L'HOMME
EN REPUBLIQUE DEMOCRATIQUE DU CONGO**

**DISCOURS DE
MR. SERGIO VIEIRA DE MELLO
HAUT COMMISSAIRE AUX DROITS DE L'HOMME
AU CONSEIL DE SÉCURITÉ**

Monsieur le Président,

Le rapport que je présente aujourd'hui est en réponse à la Déclaration du Président du Conseil de Sécurité du 15 janvier 2003. Dans cette déclaration, les membres du Conseil avaient condamné très fermement les massacres et les violations systématiques des droits de l'homme commis dans le district de l'Ituri. Ce même jour, j'achevais ma mission en République démocratique du Congo et j'ai demandé à mon Bureau en RDC, de même qu'aux collègues de la section des droits de l'homme de la MONUC, d'assurer un suivi immédiat de votre demande dans le sens d'une observation continue de la situation dans cette région.

Au-delà des brefs commentaires que je ferai devant vous sur la situation des droits de l'homme en RDC, mon bureau a également préparé un rapport plus détaillé sur cette question que je serais heureux de partager avec vous, si vous le souhaitez.

En général, toutes les parties au conflit continuent de commettre, dans l'impunité, de graves violations des droits de l'homme. Cela est alarmant et pourrait représenter une menace pour le processus de paix qui demeure fragile.

Le Gouvernement ainsi que les dirigeants des groupes rebelles ont admis qu'il existe des violations massives des droits de l'homme. Cependant, l'impunité dont jouissent les auteurs des graves violations, notamment des officiers supérieurs de l'armée gouvernementale et des commandants des diverses forces rebelles, représente un obstacle majeur à la promotion des droits de l'homme et à une paix durable en RDC.

La situation humanitaire qui est déjà très difficile se détériore davantage en raison des obstacles multiples à l'accès par les acteurs humanitaires aux populations

démunies dont beaucoup ont été forcées de quitter leurs villages et de chercher refuge dans les forêts inhospitalières à l'est du pays. Ces régions sont sous le contrôle des groupes rebelles. Les belligérants ne permettent pas aux organisations humanitaires de franchir leurs zones de contrôle respectives. Il est donc vital de faciliter l'accès et l'aide qu'apportent les agents humanitaires aux populations déplacées par le conflit.

Les intérêts économiques, qui sont à l'origine du pillage continu des ressources naturelles et des revenus de l'Etat, demeurent un facteur de déstabilisation et contribuent aux conditions anarchiques et aux graves violations des droits de l'homme à l'est du pays. La détérioration rapide de l'économie, exacerbée par la poursuite du conflit, est également une réelle préoccupation. La forte réduction des revenus des ménages a conduit à une corruption généralisée au sein du système judiciaire, des forces armées et de police, des enseignants et des chefs d'établissements scolaires ainsi qu'au sein du personnel médical, entraînant ainsi l'inefficacité de l'administration publique dans son ensemble.

Comme vous le savez, à la fin de l'année dernière, la MONUC a dépêché une équipe dans la région de Beni pour mener une enquête sur des allégations de sérieuses violations des droits de l'homme – exécutions arbitraires, viols, tortures et disparitions forcées – qui auraient eu lieu à Mambasa et dans les villages situés sur les axes Mambasa/Mangina et Mambasa/Erengeti. L'équipe a confirmé le recours aux pillages, aux assassinats et viols, comme des instruments de guerre prémédités par les forces du Mouvement de Libération du Congo (MLC) et du Rassemblement Congolais pour la Démocratie-National (RCD-N) en octobre 2002 et durant les récents affrontements en décembre 2002, avec l'appui des soldats de l'Union des Patriotes Congolais (UPC). Les exécutions sommaires ont eu pour cible l'ethnie Nandé et certains pygmées qui ont été forcés de fuir dans la forêt pour la première fois, accusés de collaboration avec le RCD-Kisangani/Mouvement de Libération (RCD-K/ML).

Les victimes et témoins ont fait état de plusieurs cas de mutilations suivies d'actes de cannibalisme. L'Equipe Spéciale d'Enquête a interviewé plus de 500 personnes déplacées à Beni, Butembo, Mangina, Oicha and Erengeti. Les violations les plus choquantes des droits de l'homme recueillies parmi ces témoignages se résument à 220 exécutions arbitraires, 95 cas de viol, 122 cas de disparition forcée, 102 parents disparus, y compris des enfants, 32 cas de torture et de mauvais traitements ainsi que plus de 100 cas de séquestrations à des fins de travaux forcés.

Mr. President,

The systematic looting of all buildings, including hospitals, churches and individual homes, was also confirmed during the visit of the team to Mambasa and Mandima. The planned military operation, carried out by forces of the MLC, was called in code "Effacer le tableau". My written report provides more details on this. The MLC leader has admitted to the veracity of the charges and promised to prosecute those suspected of having committed these crimes. According to reports, 27 officers have been arrested and their trial is scheduled to take place on 18 February 2003. While welcoming the fact that there is at least acknowledgement of responsibility, I have not agreed to a request that my Office in Kinshasa observe these trials, as the rebel military judicial system in place lacks legitimacy and does not conform to international legal and human rights standards. In my opinion, such crimes should fall within the jurisdiction of the transitional justice mechanism that will be put in place in accordance with the Pretoria Global and Inclusive Agreement.

The crisis around Beni/Mambasa, besides these horrendous atrocities, has led to the

displacement of well over 100,000 people. In early January, in close partnership with non-governmental organizations, the Office of the Coordination of Humanitarian Affairs, the World Food Programme and MONUC participated in humanitarian assessment missions to the area. By mid-January, many of the displaced had begun to return towards Mambasa and Eringeti, but large numbers had dispersed into the forest where access is difficult. Food insecurity was a predominant concern. Humanitarian teams assessed that if the security situation did not improve, displaced persons would be unable to tend their crops and longer-term food availability would be even more difficult.

A recent mission to Bunia confirmed gross violations of human rights including group rapes of women, extra-judicial executions, and the looting and burning of homes. In Nyakunde, well over 2000 killings were reported and the population has fled to the forest. Similar atrocities have been reported in Kindu and group rapes appear to have been frequently carried out in Kivu.

In the areas controlled by the UPC (Union des Patriotes Congolais) since August 2002, the human rights situation has deteriorated significantly. Information gathered reveals that persecution on ethnic and tribal grounds, extortion of property, rape and other forms of sexual violence against women, extra-judicial executions, and the forced recruitment of children are being committed by UPC-RP (Union des Patriotes Congolais – Reconciliation et Paix) military personnel. This situation has caused thousands of civilians to flee south from Bunia to Irumu, Mambasa and Beni, thereby increasing the number of internally displaced persons in this region. Following the December 2002 events in Mambasa, these IDPs had to flee southwards for a second time towards the towns of Eringeti and Oicha in the Beni region. Mass graves have also been identified in several places in Bunia.

The past months in the district of Ituri have also been marked by massive human rights violations. In the Bunia area, manhunts and reprisals on ethnic grounds continue to be reported. It is alleged that the UPC-RP is fueling the crisis. It should be noted that UPC-RP did not participate in the Inter-Congolese Dialogue which took place in Sun-City.

In conclusion, my overarching recommendation to the Security Council is that there is an imperative need to continue to monitor closely and report on the human rights situation in the DRC, because of the implications this situation is having and, if unchecked, will continue to have, on efforts to restore peace and human security in the country.

The Council may wish to demand again that the belligerents and their foreign supporters put an immediate end to human rights violations and to the culture of impunity, and that those responsible for such crimes be immediately arrested – including those who continue to exercise military command functions – and eventually brought to justice.

Likewise, I expect the Commission on Human Rights, through its Special Rapporteur on the situation of human rights in the DRC, will continue to monitor closely the situation. The Special Rapporteur will shortly be visiting the DRC before reporting to the Commission at its upcoming fifty-ninth session.

In my written report, I have named three senior officers of the RCD/Goma who are alleged to have been involved in the 14 May 2002 massacres and who have not been brought to trial (indeed, two of them have since been promoted). As regards the MLC military officers involved in the crimes referred to earlier, their names should be obtainable as their leader has reportedly placed them under arrest. I also named

the commander of the Government forces allegedly involved in human rights violations during the incident which took place in Ankoro, in the province of Katanga, on 10 to 18 November 2002, as well as leaders of rebel groups who should be held responsible for gross violations which have been committed by men under their command. Efforts must be made to prevent their integration into the Pretoria Agreement transitional mechanisms until their names have been cleared through a credible judicial process or enquiry.

The Council might also wish to ensure that the Pretoria peace process is based on solid human rights grounds and that concurrently, effective judicial and national human rights protection systems are created or strengthened in the DRC so as to ensure the success and sustainability of that process.

In this regard, consideration should perhaps be given to the establishment of an international commission of inquiry to look into all serious human rights violations committed by all sides. It is critical for the future peace of the DRC that those responsible for these acts be held accountable.

I would urge the Council to call for the effective implementation of the sections of the Pretoria Agreement calling for a National Observatory on Human Rights and a Truth and Reconciliation Commission not least in order to ensure that the voices of the victims are fully and loudly heard.

Finally, my Office stands ready to continue to assist, in close partnership with MONUC, in strengthening our monitoring and reporting capacity in the DRC as well as in expanding its support and activities during the transitional process in those areas with a human rights dimension. A clear mandate from the Security Council would strengthen my office's and MONUC's ability to play fully their role in bringing about, in a DRC which is at peace, democratic institutions that are solidly grounded in the rule of law, accountability and human rights for all.

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