

DEMOCRATIC REPUBLIC OF CONGO

Special Decisions or Action taken Re: Reporting, Including Urgent Action Procedure

CERD A/52/18 (1997)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

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Decisions adopted by the Committee at its fifty-first session

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Decision 3 (51) on the Democratic Republic of the Congo

1. The concluding observations (CERD/C/304/Add.18), adopted by the Committee on 21 August 1996, in particular the grave concern expressed therein, are reiterated. The recommendations made by the Committee in this context remain valid.
2. The Committee is disturbed by reports of massacres and other grave human rights violations, including violation of the Convention on the Elimination of All Forms of Racial Discrimination in the Democratic Republic of the Congo. Such reports, in particular the report submitted by the joint mission established by the Commission on Human Rights in its resolution 1997/58 of 15 April 1997, charged with investigating allegations of massacres and other human rights violations occurring in the eastern part of Zaire (now the Democratic Republic of the Congo) since September 1996 (A/51/942 of 2 July 1997) were discussed. The findings in that report, according to which there were "reliable indications that persons belonging to one or other of the parties to the conflict in eastern Zaire, now the Democratic Republic of the Congo, probably committed serious violations of international humanitarian law" (para. 95); that "crimes seem to be sufficiently massive and systematic to be characterized as crimes against humanity" (para. 95); and that the "ethnic identity of most of the victims is a matter of record" (para. 96) were particularly noted.
3. The Committee is alarmed about reports of the disappearance of very large numbers of refugees in the eastern part of the country and ongoing human rights violations.
4. The Committee hopes that the new investigative team established by the Secretary-General may be able to act effectively and that the Government of the Democratic Republic of the Congo will cooperate with that team.
5. The Committee decides to remain seized of the situation in the Democratic Republic of the Congo under its agenda item on prevention of racial discrimination, including early warning and urgent procedures. It will discuss it at its fifty-second session (2-20 March 1998) on the basis of all relevant information to be provided by the Secretariat and expresses the hope that the State party concerned

will be present at the next examination of this situation.

1240th meeting
20 August 1997

CERD A/53/18 (1998)

Chapter II: Prevention of racial discrimination, including early warning and urgent procedures

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A. Decisions adopted by the Committee at its fifty-second session

Decision 1 (52) on the Democratic Republic of the Congo

1. In its decision 3 (51) the Committee expressed its alarm over reports of massacres and other grave human rights violations, including violation of the International Convention on the Elimination of All Forms of Racial Discrimination, in the Democratic Republic of the Congo.

2. The Committee discussed the current situation at its 1233rd meeting. It regretted that the State party had not accepted its invitation to attend and furnish up-to-date information.

3. The Committee emphasizes the importance of continuing with United Nations investigations into these reports in order to identify the persons responsible for violations, particularly those associated with ethnic differences, and to hold them accountable.

4. The Committee recommends the extension of the mandate of the International Criminal Tribunal in Arusha to include jurisdiction over war crimes and crimes against humanity committed during the war in the Democratic Republic of the Congo.

5. The Committee recommends that, as a priority, the Government be assisted in creating an independent Congolese judiciary.

6. The Committee requests that copies of this decision be transmitted to relevant United Nations bodies and agencies and to the Organization of African Unity.

1271st meeting
19 March 1998

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B. Decisions adopted by the Committee at its fifty-third session

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Decision 4 (53) on the Democratic Republic of the Congo

The Committee on the Elimination of Racial Discrimination,

Reaffirming its decision 3 (51) of 20 August 1997 and decision 1 (52) of 19 March 1998 on the

Democratic Republic of the Congo,

Reiterating its general recommendations XXI (48) of 8 March 1996 and XXII (49) of 16 August 1996; 4/

Having taken note of the report of the joint mission charged with investigating allegations of massacres and other human rights violations occurring in eastern Zaire since September 1996 5/ and of the report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, 6/

1. Expresses its deep concern about reports of massacres and other grave human rights violations, including violations of the International Convention on the Elimination of All Forms of Racial Discrimination, by Government forces in the Democratic Republic of the Congo which, according to the report of the Joint Mission, are of an ethnic nature and could constitute acts of genocide;
2. Further expresses its concern that recent developments have again led to grave human rights violations committed by all factions involved in the conflict which, according to reports, are directed against particular ethnic groups;
3. Deplores the restrictions imposed by the Government of the Democratic Republic of the Congo upon the work of the Special Rapporteur and of the Investigative Team established in accordance with the Security Council decision of 8 July 1997;
4. Calls upon all participants in the conflict to immediately end all fighting and, in particular, cease all attacks on or harassment of particular ethnic groups;
5. Calls upon the Government of the Democratic Republic of the Congo to fully implement its commitment to the democratization process, respect for human rights and the rule of law, in particular the elimination of all forms of racial discrimination;
6. Urges the Government of the Democratic Republic of the Congo to work closely and strengthen further its cooperation with the office of the United Nations High Commissioner for Human Rights in Kinshasa;
7. Further urges the Government of the Democratic Republic of the Congo (a) to allow the Special Rapporteur to resume his functions, in accordance with his mandate, and (b) to investigate the allegations made in the report of the Secretary-General's Investigative Team;

4/ See "Compilation of general comments and general recommendations adopted by the human rights treaty bodies" (HRI/GEN/1/Rev.3).

5/ E/CN.4/1998/64.

6/ E/CN.4/1998/65.

8. Calls upon the Government of the Democratic Republic of the Congo to undertake all efforts to provide for a safe return of all refugees and displaced persons to their homes and properties and to offer appropriate compensation for any such property which cannot be restored;

9. Decides to keep the human rights situation with respect to racial discrimination in the Democratic Republic of the Congo under review and to discuss it at its fifty-fourth session, in March 1999.

1297th meeting
18 August 1998

CERD A/54/18 (1999)

Chapter II : Prevention of racial discrimination, including early warning and urgent procedures

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A. Decisions adopted by the Committee at its fifty-fourth session

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Decision 4 (54) on the Democratic Republic of the Congo

1. The Committee on the Elimination of Racial Discrimination reviewed again the situation in the Democratic Republic of the Congo in the context of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination. As a result of this review, it is deeply concerned about the persistence, in flagrant violation of the Convention, of ethnic conflicts which are in general inspired by the policy of ethnic cleansing and may constitute acts of genocide.
2. Having received no information regarding implementation of the measures recommended by various international bodies, the Committee recalls its decisions 3 (51), 1 (52) and 4 (53) and especially the repeated recommendations of the Commission on Human Rights, and supports the communiqué issued by the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity at its fourth ordinary session in December 1998. In this connection, it strongly urges all the participants in the Congolese conflict to ensure the immediate cessation of all hostilities, an end to the persistent campaign of incitement to racial and ethnic hatred, and the prompt conclusion of the conflict through a negotiated peaceful settlement between the parties. It is, moreover, essential for the Government of the Democratic Republic of the Congo to cooperate in the achievement of these goals with the Office of the United Nations High Commissioner for Refugees in Kinshasa.
3. Furthermore, the Committee supports the recommendations made by the Special Rapporteur of the Commission on Human Rights in his latest report (E/CN.4/1999/31, paras. 134-146). It shares the view that the persons responsible for serious violations of human rights, and especially of the International Convention on the Elimination of All Forms of Racial Discrimination, cannot be allowed to go unpunished.
4. The Committee also requests the Government of the Democratic Republic of the Congo to cooperate effectively, without creating obstacles or hindrances, in the work of the international investigators, whose sole aim is to secure the full observance of human rights and, in particular, of the International Convention on the Elimination of All Forms of Racial Discrimination, and to provide for a fair trial of those responsible for the violations by independent and impartial tribunals. It calls for an end to the persecution and harassment especially of members of non-governmental organizations, journalists, human rights advocates and political leaders.
5. The Committee, while supporting the statements made by the President of the Security Council,

draws the attention of the Security Council, through the Secretary-General of the United Nations, to the situation persisting in the Democratic Republic of the Congo and to the need for the Council to adopt timely and effective measures to overcome the conflict, thereby contributing to the observance of human rights and, consequently, of the Convention. To this end, the Committee calls the attention of the Security Council, through the Secretary-General of the United Nations, to the need to cease the intervention of the Governments of other countries which are in one way or another participating in the struggle waged in the Democratic Republic of the Congo, as well as the illegal arms traffic into Congolese territory.

6. The Committee decides to keep this matter on its agenda under the item concerning prevention of racial discrimination, including early warning and urgent procedures. It hopes to receive information on compliance with the present decision.

1332nd meeting
19 March 1999

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C. Decisions adopted by the Committee at its fifty-fifth session

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Decision 3 (55) on the Democratic Republic of the Congo

1. At its fifty-fifth session, the Committee on the Elimination of Racial Discrimination reviewed again the situation in the Democratic Republic of the Congo in the context of the objects and purposes of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee regrets that the State party, although invited, was not able to be represented. The Committee continues to be deeply concerned at the persistent grave situation in the Democratic Republic of the Congo and the violations of the Convention, and in this respect reiterates the decisions it previously adopted on this matter and especially decision 4 (54).

2. The Committee urgently requests all parties to the continuing conflict in the Democratic Republic of the Congo to cooperate fully with all the efforts made in the international sphere, inter alia, the actions undertaken by the Organization of African Unity, the Southern African Development Community and the United Nations High Commissioner for Human Rights. The Committee particularly requests all parties and especially the Government of the Democratic Republic of the Congo to comply with Security Council resolution 1234 (1999), Commission on Human Rights resolution 1999/56 and the above-mentioned decisions of the Committee.

3. The Committee decides to retain the matter on its agenda under the item concerning prevention of racial discrimination, including early warning and urgent procedures.

4. The Committee requests the Government of the Democratic Republic of the Congo to submit to the Committee information on the situation in the country from the point of view of the Convention,

taking into account decision 4 (54).

1368th meeting
25 August 1999

CERD, CERD/C/SR.1781 (2006)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF THE 1781st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 August 2006, at 10 a.m.

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PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES
AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

...

Democratic Republic of the Congo

33. Ms. JANUARY-BARDILL informed the Committee that a request for urgent action had been submitted by seven organizations, including one national and one international non-governmental organization. They were concerned about the granting of logging concessions on indigenous peoples' traditional territories, the creation of national parks and the exploitation of the natural resources of indigenous territories, all without consultation with the indigenous peoples concerned. Allegedly, the rights of indigenous peoples were not recognized and no legal instruments existed to protect them. The authors of the request recommended a number of measures, including technical support by OHCHR.

34. The 11th to 14th periodic reports of the Democratic Republic of the Congo, which had been considerably overdue, had been submitted. The working group recommended that the consolidated report should be considered at the next session in March 2007, one session earlier than scheduled. The Committee should write to the State party asking for further information about the issues raised in the request for urgent action. However, it should bear in mind that it was a time of change in the country, since a presidential election had just taken place.

35. The CHAIRPERSON noted that Mr. Schmidt of the Office of the High Commissioner was to visit the Democratic Republic of the Congo the following week, and might learn more about the situation of indigenous peoples on that occasion. He suggested that Ms. January-Bardill should draft a letter along the lines which she had suggested for the Committee's subsequent approval.

36. It was so decided.

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