



***Re: Renewing and expanding the Human Rights Council-mandated investigation into human rights violations and abuses in the Democratic Republic of Congo's Kasai Region***

Index: IOR 40/8697/2018  
Geneva, 29 June 2018

Your excellency,

We, the undersigned organizations, write to urge your delegation to support the renewal and expansion of the investigation into human rights violations and abuses in the Democratic Republic of Congo's Kasai region under item 4 of the UN Human Rights Council agenda at its 38<sup>th</sup> session.

The violations committed in the Kasai region, as well as in other areas throughout the country – including in Ituri, North Kivu, South Kivu, and Tanganyika – and the serious potential for renewed outbreak of large-scale violence in the coming months amidst the uncertain electoral process, necessitate further investigation and follow-up with a view to preventing further abuses and achieving accountability. The resolution at the 38<sup>th</sup> session of the HRC should also mandate continued technical assistance by the High Commissioner for Human Rights to the Congolese judicial investigations.

Today, some 4.5 million Congolese are displaced from their homes. More than 100,000 Congolese have fled abroad since January 2018, raising the risk of increased regional instability. Much of the recent violence in Congo is linked to or exacerbated by the country's political crisis, which could worsen in the coming months. Considering the scale of the human rights challenges in the country, and the many regions in the country requiring scrutiny, only a dedicated country-wide mechanism covering the country as a whole can conduct the required monitoring and reporting to the HRC and make recommendations to the government of Congo and the international community with a view to preventing further abuses and achieving accountability.

The HRC-mandated Kasai investigation is due to present its final report during the current 38<sup>th</sup> session. [Beginning in August 2016](#), violence escalated in the Kasai and led to the killing of at least an estimated 5,000 people, and possibly many more, the discovery of nearly 90 mass graves, and the displacement of more than 1.4 million people from their homes, including 30,000 refugees who fled to neighboring Angola. In [March 2017](#), two UN investigators – Michael Sharp and Zaida Catalán – were killed along with their local support staff while investigating serious human rights abuses in the region. No one has been held to account for the murder, and only a few low-level alleged perpetrators have been prosecuted for the violence against Congolese in the region. While the scale of violence in the Kasai region is not the same as a year ago, armed group and army attacks on civilians continue. There is a risk of further escalation as the underlying causes of the violence have not been addressed and suspected perpetrators have not been held to account. Further examination will be required to follow up on the findings of the Kasai investigation, with a view to ensuring accountability and justice.

Meanwhile, since the beginning of this year, violence has intensified in various parts of northeastern Congo's Ituri province, with terrifying incidents of massacres, rapes, and decapitation. Armed groups launched deadly attacks on villages, killing scores of civilians, torching thousands of homes, and displacing more than [200,000 people by April](#). The reasons behind this sudden escalation of violence remain a [mystery](#), with many survivors and local leaders referring to a "[hidden hand](#)" and suspecting the involvement of political leaders at provincial and national levels.

Civilians also [continue to be targeted](#) by armed groups and security forces in eastern Congo's Kivu provinces. According to the [Kivu Security Tracker](#), a joint project of Human Rights Watch and the [Congo Research Group](#),

assailants, including state security forces, killed more than 420 civilians and abducted or [kidnapped](#) for ransom nearly 650 others in North and South Kivu since the beginning of the year. In South Kivu, in particular, Congolese security forces used excessive force to quash a protest in Kamanyola last September, killing almost 40 Burundian refugees and wounding more than 100 others. More than [100,000 people](#) have been displaced in South Kivu since fighting began a year ago between state security forces and an anti-government coalition known as the National People's Coalition for the Sovereignty of Congo (Coalition nationale du peuple pour la souveraineté du Congo, CNPSC).

In the southeastern province of Tanganyika, more than 200 people were killed, 250,000 others displaced, and numerous villages and displacement camps burned since intercommunal violence broke out in mid-2016. Nobody has been held to account to date, and the situation remains volatile. In October 2016, Gédéon Kyungu, a warlord who had escaped from prison in 2011 after being found guilty of war crimes and crimes against humanity by Congolese courts for crimes committed, among others, in the Tanganyika region, surrendered to the Congolese authorities and declared his allegiance to President Kabila. He has still not been returned to prison and is currently living in Lubumbashi, under government protection, despite calls by Congolese human rights groups to hand him over to face justice.

These human rights violations and abuses are occurring against the backdrop of a serious political crisis, as critics note that President Joseph Kabila has stayed in power beyond his constitutionally mandated two-term limit by delaying elections and quashing dissent. Security forces have killed over 300 people during largely peaceful protests since 2015. Congolese authorities have banned meetings and demonstrations by the opposition and civil society. Hundreds of opposition supporters and democracy activists have been thrown in jail. Many have been held in secret detention facilities without charge or access to family members or lawyers. Others have been tried on trumped-up charges. The government has also shut down Congolese media outlets, expelled international journalists and researchers, and periodically curtailed access to the internet and text messaging.

During the most recent nationwide protests – on 31 December 2017, 21 January 2018 and 25 February 2018 – Congolese security forces [used excessive force](#) against peaceful protests organized by the Lay Coordination Committee, a group close to the Catholic Church. At some instances, the Congolese security forces fired live ammunition into Catholic Church grounds disrupting peaceful services and processions following Sunday mass, killing at least 18 people and wounding and arresting scores of others.

Government officials and the electoral commission president claim elections will be held on 23 December this year but have also cited numerous constraints that could cause further delays. President Kabila himself has yet to declare that he will step down, but credible sources of information indicate that options are being explored by President Kabila and his subordinates to enable Kabila to run for another term. There is a real risk of more deadly crackdowns and potential political violence in the coming months, with possible consequences throughout the volatile region.

The pre-election context risks a further escalation of the political crisis and may also negatively affect the country's human rights situation. It is critical that the HRC put in place a mechanism that can respond promptly to events on the ground as they emerge. The many interrelated situations of concern necessitate a broader mandate that will enable investigators to examine situations and linkages throughout the country.

We therefore urge your delegation to support both the renewal and expansion by the Human Rights Council of the Kasai investigation to examine human rights violations and abuses in the Democratic Republic of Congo, with a focus on the Kasai region.

We remain at your disposal should you require any additional information.

With assurances of our highest consideration,

Amnesty International

Human Rights Watch

## International Refugee Rights Initiative