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DR Congo: Bachelet says new Government has “window of opportunity” after peaceful political transition

GENEVA / KINSHASA (29 January 2020) – UN High Commissioner for Human Rights Michelle Bachelet concluded a five-day visit to the Democratic Republic of the Congo (DRC) late Monday with a call on both the country’s Government and the international community “to seize the opportunity that currently exists to lift the country out of its deadly cocktail of conflicts, human rights violations and chronic socio-economic problems.”

“The fact that the country has managed to conduct a peaceful political transition for the first time since independence and is now governed by a coalition of former opposition and former government politicians, headed by President Tshisekedi, makes positive change a possibility,” Bachelet said. “While it will take a concerted and sustained effort over many years to grapple with so many entrenched problems, some of the means towards solutions have been clearly identified, and there have been signs of progress in a few areas, most notably in the release of political prisoners and activists.”

The High Commissioner began her visit in the far north-eastern province of Ituri, just two weeks after her Office published a report (/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25460&LangID=E) produced by the UN Joint Human Rights Office* in the DRC describing war crimes and crimes against humanity carried out in Ituri over the past two years, chiefly by a militant Lendu armed group that has been targeting Hema people living in the same areas. The Hema have so far, for the most part, refrained from retaliating.

The conflict between the Lendu and Hema is one of several currently taking place in DRC, including elsewhere in Ituri, and in North and South Kivu. Groups involved include the ADF, which has been committing abuses for years and was responsible some particularly murderous episodes in late 2019 in Beni, and disparate local groups known as Mai Mai, some of which have attacked health centres tackling the Ebola outbreak.

“I decided to visit Ituri, because the situation there generally receives less attention than developments in the Kivus,” Bachelet said. “And the abuses inflicted on the Hema have been horrific. In addition, there are signs that the armed group that is primarily responsible for this violence is trying to extend into other areas of the province.”

This could trigger a much larger conflict reminiscent of the deadly 1999-2003 ‘Ituri War’ which cost tens of thousands of lives. In all, there are close to 1.1 million displaced people in Ituri, including around 500,000 as a result of the Lendu-Hema conflict, with 50,000 newly displaced in the first three weeks of January alone. Only around 15 percent are in camps, with the rest taken into other people’s homes.

“Displacement on that scale would be front-page news in many other parts of the world,” the High Commissioner said. “When it happens in Ituri, no one outside the DRC seems to know or care.”

The DRC as a whole currently has some 5.3 million internally displaced people, with many living in deplorable conditions, yet the UN humanitarian agencies working to alleviate the effects of the numerous crises affecting the country received only 44 percent of their funding appeal in 2019.

“I urge donors to step up their support this year,” Bachelet said. “It is heart-breaking to see people, some of whom have lost their entire families and others of whom – including children – have had their arms and legs hacked off with machetes, or been raped, struggling to survive with inadequate food, shelter, education and medical care. I have visited a number of camps for displaced people in the past, but I’ve never seen conditions like those I saw in Ituri, and which I understand are commonplace in the conflict-affected areas of the country.”

“There has been a sort of normalization of atrocities and sexual violence, and an acceptance of poverty and deprivation, that has been devastating for the population,” the High Commissioner added. “And both inside DRC, and outside, an increasingly fatalistic approach that this is just how it is, and how it will continue to be. This attitude is unjust, and it is wrong.”

After meeting with the acting Governor in Ituri, as well as with local authorities, several visiting central government officials, and the President and Prosecutor of the local Military Tribunal, the UN Human Rights Chief flew to Kinshasa for a further round of discussions.

Before meeting with President Félix Tshisekedi on Monday, she had a lengthy discussion on a wide range of issues with the Prime Minister and six Ministers (Interior; Justice; Defence; Gender, Family and Children; and the Minister ‘Delegate’ of People with Disabilities and Vulnerable Persons). The Minister of Human Rights was present throughout Bachelet’s visit to Ituri, and also took part in the ministerial meeting in Kinshasa.

The High Commissioner also met the President of the National Assembly, the National Commission for Human Rights, some 25 of DRC’s vibrant civil society organizations, women politicians active on human rights issues, the diplomatic community and the heads of other UN organizations working in the DRC, as well as the leadership of MONUSCO.

Among the many issues discussed were the numerous economic and social challenges facing a vast country that has one of the largest populations in Africa, and was ranked 179th in the world in the 2019 Human Development Index. The Prime Minister recognized that people are living in “sub-human conditions” and that there is an urgent need to translate the progress on the political front into tangible progress in the daily lives of the Congolese people. President Tshisekedi, the President of the National Assembly and the High Commissioner herself made the same point in their subsequent discussions.

While the Ebola outbreak has received substantial international interest and funding, other medical emergencies – including cholera, and a measles outbreak that killed more than 6,000 people in 2019 (twice as many as Ebola) and infected well over 300,000 people across all 26 of DRC’s provinces – have attracted little attention or funding.

“Measles is an easily preventable disease, with a highly effective vaccine,” said Bachelet, who was a paediatrician before she entered politics. “It shouldn’t be killing anyone. This is a product of the security situation and lack of infrastructure and services that have made so many villages difficult or impossible to access, as well as a chronic shortage of funding for the health sector in general, and the vaccination programme in particular.”

The High Commissioner welcomed President Tshisekedi’s commitment to introduce free primary education for all Congolese children, and said she hoped that a significant effort could also be made to make health care more accessible and more affordable for the country’s population at large, with a particular focus on the needs of women.

Women are also suffering from widespread sexual violence, and lack of equal rights to employment as well as other forms of discrimination, despite the country having ratified all relevant international treaties relating to women’s rights, as well as enacting a comprehensive range of national legislation designed to protect women and eliminate discrimination.

While in Ituri’s provincial capital Bunia, the High Commissioner visited the health centre run by a local NGO called SOFEPADI, which seeks to provide holistic services to victims of sexual violence, including medical and psycho-social care, family planning, education for child victims and vocational training for adults, as well as legal assistance so that victims can pursue cases through the courts. The centre treated 1,292 female and 13 male victims of sexual assaults during 2019 alone, and helped bring court cases that resulted in 65 convictions for rape and other forms of sexual assault. Bachelet described the centre’s work, which has received funding from the UN Voluntary Fund for Victims of Torture, as “extraordinary, indispensable and inspirational.”

The High Commissioner also applauded the recent creation of a new ministerial post dedicated to people with disabilities and vulnerable people. She agreed with the new Minister’s concerns at the lack of nationwide data in a country where millions of people live with disabilities, and at the fact that the DRC ratified the Convention on Persons with Disabilities in 2015, but the National Assembly has yet to ratify a draft law that would embed the provisions of the Convention into national legislation. She raised this

issue, along with other important pending legislation, such as a law on the protection of human rights defenders, with the President of the National Assembly at their meeting on Monday.

Two related topics raised in many of Bachelet’s meetings in Ituri and in Kinshasa, were the need for transitional justice, and the importance of combating impunity.

While in Bunia, she met with representatives of both the Hema and Lendu communities. “These two meetings gave me hope,” she said. “There was some common ground. I was particularly struck by the constructive attitude of the Lendu representatives. They made it clear they do not support the militant group that is committing the bulk of the violations in their name. Both the Lendu and the Hema said the perpetrators need to be put on trial, and the Lendu representatives also said the whole community needs to meet and sign an engagement in favour of peace.”

Bachelet noted that when the brutal war between the two groups ended in 2003, there was no concerted long-term effort to provide truth, justice and reconciliation. “The lack of a sustained transitional justice process after the fighting ended in 2003 enabled grief and hatred to fester, and so the peace was not sustainable,” she said.

When discussing this issue with the Government, in relation to Ituri and some of the other current or recent conflicts, such as the killings in the Kasais, Minembwe and Yumbi, the High Commissioner shared some of her own country, Chile’s, experiences of transitional justice as it moved from dictatorship to democracy. “Wounds won’t heal unless they are cleaned,” she said. “Truth is an essential part of that cleansing, and so is justice. It is a challenge to find a shared truth – because the different sides have different narratives. But it is essential to search for a common truth, to make reconciliation possible and establish a peace that lasts. It is clear to me that many Lendu and the Hema yearn for peaceful engagement, justice and reconciliation. I told them I fully support their idea of convening a peace conference.”

Bachelet said she was encouraged by the significant progress made by military justice in Bunia: despite its scant resources, the military tribunal has made a strenuous effort to investigate human rights violations and abuses, and has so far convicted 55 people to life in prison for crimes against humanity committed in the Djugu region of Ituri.

During her meeting with the Government, the Minister of Justice agreed that upholding human rights is not possible without good administration of justice. He also recognized that many of the DRC’s judicial institutions – prisons, tribunals, the judiciary – are currently inadequate, and are not trusted by the population.

Earlier in the week, after arriving in Bunia to meet the High Commissioner, the Minister of Human Rights had visited the local prison to see for himself the living conditions which – as in other prisons across the DRC, including in Kinshasa – are inhumane, with shortages of food, medicines and chronic overcrowding leading to many deaths, including 49 in Bunia prison alone in 2019. On his return to Kinshasa, he had shown photographs of the prison to the Minister of Justice, who told the High Commissioner the existence of prisons where people do not even have enough room to lie down to

sleep is “unacceptable.” He pledged to visit prisons all across the country, starting with Bunia, and to take urgent measures to reduce overcrowding, such as early or conditional release of prisoners who qualify, including all children and people jailed for minor misdemeanours. The issue was also discussed at a Ministerial Council and the measures proposed by the Ministry of Justice received the full backing of the President.

Wrapping up her visit on Monday, the High Commissioner said she believed the country was at an important crossroads: “The President has laid down an ambitious list of aspirations to improve the human rights of the people of the DRC,” she said. “He has said that 2020 is the year of action. I agree, and discussed with him and with the President of the National Assembly how vital it is that the Government seizes the opportunity presented by the peaceful transition from the previous government. As the former head of two coalition governments, I understand the difficulties that coalitions face. But there are also advantages, as if the various parties pull together on key issues – something the President of the National Assembly said she is strongly encouraging – they can deliver significant change. But this window of opportunity will not last long. The population of the DRC will want to see concrete results – tangible improvements in their daily lives, as well as the foundations of longer-term structural changes.”

“The DRC is a huge country with huge problems – but also huge potential. It is poor but it could be rich, with an abundance of valuable minerals, and vast tracts of land that could – should -- be highly productive. Its people are resilient and hard-working.”

Bachelet said she was impressed by the extremely frank and productive talks she had had with her Government and parliamentary interlocutors, including the President, who laid out his priorities in relation to human rights. These include ending violence, tackling impunity, and waging war on the endemic corruption in the DRC, which the President described as his number one priority, as corruption is corroding all other efforts to improve people’s daily existence.

He agreed it is essential to establish state institutions and services in the huge expanses of rural DRC where they are currently totally absent – a situation that has played a major role in entrenching poverty and fostering violence. He also stressed the need to rebuild trust in the State. The President of the National Assembly had also said that maintaining public trust in democratic institutions was one of her most urgent priorities, as she tries to build cross-party support in the National Assembly to enable the adoption of important laws, programmes and policies, including pending legislation on access to information, freedom of the press, public demonstrations and protection of human rights defenders.

“I will do all I can to support the Government and other key authorities in their efforts to carry out their wide-ranging commitments,” the High Commissioner said. “And I hope the rest of the international community will do likewise, as strong international support will be essential to make headway in achieving these complex and difficult goals. As one minister put it, the DRC has gone through “60 years of misery” since independence. It is time that it benefited from a period of clean and conscientious governance, leading in time to a happier, healthier and more prosperous population. It has been done elsewhere, and it can be done here.”

ENDS

** The UN Joint Human Rights Office, which was established in February 2008, comprises the Human Rights Division of the UN Stabilization Mission in the DRC (MONUSCO) and the Office of the High Commissioner of Human Rights in the DRC. The full text of its report on Ituri (French version only), published on 10 January 2020, can be viewed here (/Documents/Countries/RDC/RDCRapportpublicDjugu.pdf). A press release summarizing the report in English is available here*

ecoi.net summary:

Statement by UN High Commissioner for Human Rights, Michelle Bachelet, following her visit to the Democratic Republic of the Congo from 23 to 27 January 2020 (conflict between Lendu and Hema communities in Ituri, North and Sud-Kivu provinces; other topics)



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