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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to paragraph 43 of Security Council resolution 2211 (2015). It covers major developments in the Democratic Republic of the Congo since my report of 28 September 2015 (S/2015/741), including with regard to the situation on the ground and progress made by the Government of the Democratic Republic of the Congo in the implementation of its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region; the electoral process; and progress made by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in the implementation of its mandate. The report also includes an update on the status of the strategic dialogue with the Government on the exit strategy of MONUSCO and related recommendations.

II. Major developments

A. Political developments

National dialogue

2. The proposal by President Joseph Kabila to hold a national dialogue in order to reach consensus among stakeholders on the electoral process continued to generate debate and revealed divisions among various political actors about participation in the dialogue.

3. Despite indications that the opposition party, the Union pour la démocratie et le progrès social (UDPS), may withdraw from negotiations with the President's envoys on the dialogue's organization, possibly as a result of internal dissension, during a press conference on 23 October in Brussels, the Secretary-General of UDPS, Bruno Mavungu, urged President Kabila to start the dialogue with the support of an international facilitator by the end of November 2015. In a letter dated 24 October, the President of UDPS, Etienne Tshisekedi, asked me to appoint an international facilitator for the dialogue. The request was echoed by the Deputy Secretary-General of UDPS, Bruno Tshibala, in a press interview on 6 November;



he stated that the party would only engage in a dialogue convened by a “neutral international mediator” designated by the Secretary-General of the United Nations.

4. On 27 October, 18 civil society organizations issued a declaration in favour of a national dialogue as “the sole way to preserve the nation from danger”. On 31 October, a group of seven political parties (the “G7”, a dissident group of the presidential majority), which had been excluded from the ruling coalition and formally created a platform on 10 October, issued a communiqué criticizing a number of actions the presidential majority had taken with a view to sabotaging the electoral process. In the communiqué, the G7 declared that there was no valid reason for holding the proposed dialogue, which it claimed would only be used to legitimize efforts by the presidential majority to remain in power in violation of the Constitution. On 12 November, the Conférence épiscopale nationale du Congo issued a statement, welcoming the President’s dialogue initiative, insisting that the objectives and expected outcomes respect the 2006 Constitution and the current institutional order and rejecting any new transitional arrangement.

5. President Kabila continued consultations, including with the Speaker of the National Assembly, the President of the Senate and religious groups. On 9 November, President Kabila announced to the diplomatic corps his intention to convene the national dialogue before the end of November to discuss a consensual electoral calendar, the updating of the voters’ registry, funding for the elections and security arrangements for the electoral process. President Kabila emphasized that, in his view, that was the only way to ensure peaceful and widely accepted elections and avoid a repetition of the violence that had surrounded the 2006 and 2011 polls. He also stated that he would not oppose international facilitation of the dialogue if parties insisted on that as a condition for their participation. At the request of President Kabila, on 17 November the Minister for Foreign Affairs, Raymond Tshibanda, shared with me information on the preparations for the national dialogue and the possibility of international facilitation.

6. Previously, on 11 November, the Dynamique de l’opposition, an opposition coalition, including among other political parties the Mouvement de libération du Congo (MLC) and the Union pour la nation congolaise (UNC), indicated in a statement that it would not participate in the dialogue and proposed that the consultative mechanisms already established by the National Independent Electoral Commission, bringing majority and opposition parties together, serve as the forum for dialogue on the electoral process. That was followed by a statement by the President of UNC, Vital Kamerhe, who indicated on 21 November that his party would not participate in a dialogue held under the aegis of President Kabila, but that he would be willing to endorse its conclusions if the dialogue respected the Constitution and the President pledged not to seek a third term. On 24 November, a group of several civil society organizations indicated that the national dialogue, although welcome, should not be a “prerequisite” or an “obstacle” to holding the national elections in November 2016 within the constitutional timelines.

7. On 28 November, President Kabila announced the establishment of a preparatory committee to launch the national dialogue with international facilitation. From 2 to 5 December, my Special Envoy for the Great Lakes Region, Said Djinnit, travelled to Kinshasa, at my request, to seek the views of all relevant stakeholders before responding to President Kabila’s request for United Nations facilitation of the proposed dialogue.

8. On 14 December, in his address to the Parliament on the state of the nation, President Kabila warned those who were rejecting the offer of dialogue and calling for violence that the Government would take all necessary measures to preserve the economic development and stability achieved by the country over the past years.

Preparations for the elections

9. No substantive progress was made towards technical preparations for the elections. Given funding gaps and a delay in the procurement of electoral materials, as well as other delays resulting from the découpage process, including the establishment of the provincial assemblies in the newly-created provinces, provincial and local elections scheduled for 25 October did not take place. In a letter dated 9 October addressed to the Prime Minister, Augustin Matata Ponyo, the national electoral body noted that only 17 per cent of the total funds allocated to it under the 2013, 2014 and 2015 budgets had been disbursed. In addition, the National Independent Electoral Commission took steps to complete the establishment of consultative mechanisms in coordination with various stakeholders. On 29 September, a memorandum of understanding establishing a joint framework on elections and human rights was signed by the Commission and the National Human Rights Commission. No meeting was convened, however, despite calls by the opposition, which advocated for the National Independent Electoral Commission to play a leading role through the mechanism to facilitate a consensus around a new electoral calendar.

10. On 10 October, the Office of President Kabila announced that, citing health reasons, Abbot Appollinaire Malu Malu had submitted his resignation as President of the National Independent Electoral Commission, and it invited religious communities to propose a candidate for his replacement. On 31 October, the Vice-President of the Commission, André Pungwe, resigned without explanation. On 9 November, the plenary of the National Assembly approved the nominations of Corneille Nangaa, the National Executive Secretary of the Commission, and his Deputy, Norbert Katintima, as President and Vice-President of the Commission, respectively. On 19 November, the new members of the bureau of the Commission were sworn in before the Constitutional Court and took up their duties on 20 November.

11. On 12 November, the International Organization of la Francophonie released the final report on its audit of the voters' registry. It concluded that the National Independent Electoral Commission needed to take a number of actions in order to create an up-to-date, credible and inclusive voters' registry. It also recommended that the authorities continue working on longer-term reforms, which would include an administrative census of the population.

B. Progress in the implementation of national commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region

Decentralization

12. While gubernatorial elections, initially scheduled for 6 October, have been indefinitely postponed, on 29 October President Kabila appointed by decree 21 special commissioners and their deputies to govern the 21 new provinces resulting from the découpage process. They assumed their functions between 9 and 23 November.

13. Most opposition parties issued statements to protest those appointments, which they viewed as unconstitutional, with the Mouvement de libération du Congo (MLC) criticizing the creation of an administration composed of two different systems in one country, one of elected governors and the other of special commissioners, in violation of the Constitution. In its communiqué of 31 October, referred to in paragraph 4 above, the G7 denounced those appointments as part of efforts by the presidential majority to undermine the 2006 Constitution and pave the way to extending President Kabila's term in violation of the Constitution. In the communiqué, the G7 also criticized the appointment of special commissioners exclusively from the presidential majority as a means of further restricting political space and facilitating electoral fraud. Representatives of the Dynamique de l'opposition echoed those concerns during a coalition meeting on 4 November in Kinshasa.

14. On 24 November, the Conférence épiscopale nationale du Congo issued a communiqué stating that the appointment of special commissioners by the Government instead of elected governors was a step backwards for democracy. Noting that it was the duty of all Congolese citizens to resist anyone who would attempt to violate the Constitution, the Conference invited its followers to a series of peaceful actions to defend the Constitution. On 30 November, MLC filed a request before the Constitutional Court requesting the annulment by the Court of the decree appointing the special commissioners. On 7 December, a group of 52 opposition members in the National Assembly submitted a motion of no confidence against the Vice-President and Minister of the Interior, Evariste Boshab, in protest against the appointment by the Government of the special commissioners.

Security sector reform

15. Some progress was achieved in the implementation of the Law on the Status of Military Personnel, with salaries and emoluments of the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo — FARDC) increased by the Ministry of Defence between 17 and 50 per cent, according to rank. Similarly, the personnel of the Congolese national police benefited from a salary increase of about 25 per cent.

16. Discussions continued between FARDC, MONUSCO and bilateral partners on the establishment of a rapid reaction force. Although mobility remains limited, FARDC expects, with the support of the Government of Belgium, to complete by early 2016 the training of the 31st Rapid Reaction Brigade based in North Kivu.

17. With regard to the national police, a supplementary census of police personnel was launched to complete the census exercise conducted in 2010. The Programmatic Law for the Police (2014-2017), promulgated on 24 December 2013, remained mostly unimplemented, especially the provisions on finance and budget, as is the case with the Law on the Status of Police Personnel of 2013.

Consolidation of State authority

18. The Stabilization and Reconstruction Plan for Areas Emerging from Armed Conflict (STAREC) held a Comité de suivi meeting on 20 October to review progress and ways to improve its governance structures. It identified some positive developments in reinforcing State authority and stabilization in the eastern Democratic Republic of the Congo. On 10 November, the Stabilization Coherence Fund, a multi-partner trust fund in support of the implementation of the International Security and Stabilization Support Strategy and the Provincial Stabilization Strategies and Action Plans, was established with contributions totalling \$13 million from the Netherlands, Norway and the United Kingdom of Great Britain and Northern Ireland. Those contributions triggered the allocation of \$4 million in additional funding from the United Nations Peacebuilding Fund.

National reconciliation, tolerance and democratization

19. In addition to President Kabila's efforts to convene a national dialogue, provincial authorities and local actors in Ituri, North Kivu and Tanganyika provinces continued, with the support of MONUSCO, to implement reconciliation activities to prevent intercommunal, land and pre-electoral violence and promote peaceful cohabitation.

C. Security situation in the eastern Democratic Republic of the Congo and operations against armed groups by national security forces

20. In North Kivu, the Allied Democratic Forces (ADF) continued to pose a security threat in Beni territory, remaining mobile and operating in small groups. FARDC continued Sukola I military operations against ADF, with occasional support from MONUSCO, including through joint reconnaissance, exchange of information and fire support. Although the operations have weakened the group, ADF maintained the capacity to launch attacks and managed to renew its operational capacity by absorbing splinter militia groups into its ranks. In September and October, attacks by suspected ADF and associated elements resulted in 53 civilians being killed and 20 others abducted, while nine ambushes by those illegal armed elements resulted in 13 FARDC soldiers being killed and 11 wounded. One of the most serious incidents was reported on 26 October at Makembi, south of Eringeti, during which eight FARDC soldiers were killed and four others wounded. On 30 October, FARDC, with the support of MONUSCO, launched an attack against ADF south of Eringeti and engaged the group in heavy fighting. During the operation, two MONUSCO peacekeepers were wounded, three FARDC soldiers killed, and three other FARDC soldiers wounded. ADF elements subsequently attacked the MONUSCO base at Semiliki bridge, south-east of Eringeti, during which another MONUSCO peacekeeper was seriously wounded.

21. On 29 November, in Eringeti and Makembi, Beni territory, North Kivu, ADF elements carried out several attacks on FARDC and MONUSCO positions. The exchange of fire resulted in the killing of a MONUSCO peacekeeper and seven FARDC soldiers, while four FARDC soldiers and another peacekeeper were wounded. Seventeen ADF combatants were reportedly killed. During the attack, ADF combatants killed 10 civilians, looted and set on fire nine shops, burned down 43 houses and a police station, and partially burned Eringeti Hospital. On 1 December, MONUSCO supported a targeted operation against an ADF position near Eringeti using artillery and attack helicopters, and acting on information collected by an unmanned aerial vehicle.

22. The FARDC Sukola II operations against the Forces démocratiques pour la libération du Rwanda (FDLR) continued across North and South Kivu, without support from MONUSCO. The security situation in Lubero, Masisi, Nyiragongo and Rutshuru territories remained fluid with FDLR elements returning to their former positions, while FARDC intensified operations in the FDLR strongholds around Ihula, Kalembe, Kikuku, Kiseguru and Tongo, as well as in and around the Virunga National Park. Some Mayi-Mayi groups reportedly launched parallel attacks against FDLR, in particular in the southern part of Lubero territory, with local civilian populations caught in the crossfire. In retaliation, FDLR elements and Mayi-Mayi Nyatura allies counter-attacked FARDC positions and civilians, especially in Rutshuru territory, prompting the displacement of local populations. On 24 September, FDLR attacked two FARDC positions near the Rumangabo military camp, killing two FARDC soldiers and two dependants. In South Kivu, FDLR returned to some of their former positions following a perceived slowdown in Sukola II operations in the area.

23. The security situation remained tense in some areas of South Kivu in the light of the continued influx of refugees from Burundi. Congolese authorities responded swiftly to related incidents, while monitoring the situation in refugee camps. In addition, an increase in activity was reported by heavily armed Mayi-Mayi Yakutumba with a number of clashes reported between the armed group and FARDC in Fizi territory in the Ngandja forest on the Ubwari Peninsula. Positive developments were observed in Shabunda territory, with more than 100 Mayi-Mayi Raia Mutomboki having surrendered since September as a result of pressure from military operations by FARDC as well as joint outreach by local authorities and MONUSCO.

24. In Ituri province, FARDC operations, supported by MONUSCO, continued against the Forces de résistance patriotiques de l'Ituri (FRPI). Since my last report (S/2015/741), 40 FRPI elements have surrendered, including six children. Six were killed and 11 weapons were seized, while a high-ranking FRPI officer was arrested. Thirty-three combatants were screened and transferred to transit camps with MONUSCO support. Those developments notwithstanding, FRPI continued exactions against civilians, including killings, rapes, abductions, forced displacements and reprisal attacks as well as attacks on FARDC positions.

25. In the provinces of Bas-Uélé and Haut-Uélé, remnants of the Lord's Resistance Army (LRA) and other bandit groups remained active in four territories, including Ango and Bondo in Bas-Uélé, and Dungu and Niangara in Haut-Uélé. Most of the activity of the armed group centred on poaching in the Garamba National Park.

FARDC, supported by MONUSCO and the United States Africa Command, continued to conduct operations against LRA in the affected areas.

26. In Tanganyika province, some progress was made towards halting the violence between the Luba and the Twa communities in both Manono and Nyunzu territories as a result of local reconciliation initiatives. No serious incidents were reported during the period under review. The presence of some FDLR elements, as well as Mayi-Mayi Yakutumba, from South Kivu in the mountain chain of Mitumba, in the Bendera area, continued to pose a security threat to the local population.

D. Humanitarian situation

27. The humanitarian situation in the Democratic Republic of the Congo remains dire with 7.5 million people in need of humanitarian assistance, particularly in the eastern Democratic Republic of the Congo as a result of armed group activity and military operations against those groups, intercommunal clashes and the influx of refugees.

28. A total of 1.6 million people remain internally displaced, including 260,000 who were newly displaced during the third quarter of 2015. Over 248,000 refugees have been recorded by the United Nations in the Democratic Republic of the Congo, including 21,560 from Burundi, 104,956 from the Central African Republic and an estimated 11,699 from Rwanda.

29. More than 4.5 million people, mostly in the conflict-affected east and in the south-east of the Democratic Republic of the Congo, remain food insecure, and global acute malnutrition in the country is on average 10.7 per cent. The provinces of Ituri, Maniema, North Kivu, South Kivu and Tanganyika continue to face high levels of food insecurity and malnutrition. Epidemics also continue to take a heavy toll on the population.

30. The Humanitarian Response Plan was funded at only 54 per cent or \$373 million out of \$692 million. Furthermore, a growing number of attacks occurred against humanitarian workers, in particular kidnappings, leading to the temporary suspension of assistance activities.

E. Economic developments

31. As a result of weak export commodity prices, including copper and gold, and decreased output in the mining sector, the Office of the Prime Minister announced, on 23 November, that it was revising downward the country's 2015 economic growth forecast to 7.7 per cent from the earlier prediction of 8.4 per cent. In the same statement, the Government committed to studying measures to diversify the economy. Nevertheless, the Democratic Republic of the Congo maintained relative macroeconomic stability. As at November 2015, the annual inflation rate was projected at less than 1 per cent.

32. Efforts to combat the exploitation and trafficking of minerals sourced in conflict-affected areas in the eastern Democratic Republic of the Congo continued to have a limited impact, despite efforts at the national and regional levels through traceability schemes, due diligence controls and regional certification mechanisms.

33. On 30 November, the Parliament adopted the 2016 budget, amounting to \$9.9 billion. The 2016 budget represents a 0.9 per cent decrease compared with the 2015 budget.

F. Regional developments

34. Efforts continued to advance the implementation of the Nairobi Declarations of 12 December 2013 and the neutralization of ADF, FDLR and other armed groups in the Democratic Republic of the Congo with the convening of an extraordinary meeting of Ministers of Defence of the States members of the International Conference on the Great Lakes Region in Luanda on 20 October. In its communiqué, the International Conference called on all stakeholders to work towards accelerating the repatriation of elements of the ex-Movement of 23 March (ex-M23) in Uganda and Rwanda, as well as FDLR elements in transit camps in the Democratic Republic of the Congo.

35. The Ministers of Defence of Angola, the Democratic Republic of the Congo and Uganda as well as the Vice-Minister of Defence of Mozambique, representing the Southern African Development Community (SADC), subsequently met in Kinshasa on 18 November under the auspices of the International Conference on the Great Lakes Region to discuss the way forward in the light of the expiry of the deadline for the repatriation of the ex-M23 elements. The meeting agreed on a revised repatriation plan for ex-M23 elements in Uganda. Participants also reiterated their readiness to consider targeted sanctions against ex-M23 leaders blocking the repatriation process. The Ministers encouraged Uganda and all stakeholders to use all possible means, in accordance with international law, to ensure that the ex-M23 leadership adheres to the repatriation process.

36. As a follow-up to the above-mentioned meeting, the task force on the repatriation of ex-M23 elements, comprising civilian and military officials from the Governments of Angola, the Democratic Republic of the Congo and Uganda, as well as representatives from MONUSCO, the Office of my Special Envoy and the International Conference on the Great Lakes Region, met in Kampala from 3 to 7 December to review the repatriation plan, agree on a division of labour to expedite the process, and resume the repatriation of ex-M23 elements. From 8 to 15 December, 12 out of the 1,763 registered ex-M23 members in Uganda accepted to repatriate, bringing the number of ex-M23 members repatriated from Uganda since December 2014 to 194.

III. Mandate implementation

A. Strategic dialogue between the Government of the Democratic Republic of the Congo and the United Nations

37. As outlined in my letter to the President of the Security Council dated 16 December 2015 (S/2015/983), I dispatched a small team to the Democratic Republic of the Congo from 23 to 28 November to evaluate progress made by the Government with regard to the security situation and the development of national capacities to manage the threat posed by armed groups and prevent violence against civilians. The evaluation included a review of the configuration of MONUSCO

troops with a view to identifying inefficiencies, while taking into account the Mission's plans to transform its Force to enhance its effectiveness. The team met with senior Government officials and received briefings from MONUSCO, the country team and other partners. In meetings with MONUSCO and the team, Government officials recognized that the situation in the Democratic Republic of the Congo remained fragile, but reiterated the Government's position that the situation on the ground would not justify retaining the current number of United Nations peacekeepers in the country.

B. National processes and the good offices role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

38. My Special Representative used his good offices with political stakeholders across the political spectrum and representatives of civil society organizations in support of the implementation of the commitments under the Peace, Security and Cooperation Framework, including promoting political dialogue among all stakeholders, advancing national reform processes and supporting the creation of an environment conducive to a credible and transparent electoral process. Advocacy also focused on mainstreaming gender issues in national planning and policy documents.

39. The multi-partner basket fund for the *Projet d'appui au cycle électoral au Congo (PACEC)*, managed by the United Nations Development Programme (UNDP), remained funded at only around 6 per cent of the \$123.3 million estimated budget. UNDP continued to provide technical support to the National Independent Electoral Commission, including for developing training materials for the process of updating the voters' registry with MONUSCO support. On 1 December, the Commission requested the logistical support of MONUSCO for the updating of the voters' registry.

Security sector reform

40. Through existing coordination mechanisms, MONUSCO continued efforts to enhance coherence in security sector reform assistance and advice provided by international partners to the Government.

41. In support of enhancing the capacity of the national police, MONUSCO carried out refresher training for 1,974 national police personnel, including 145 women, on electoral security in the provinces of Haut-Katanga, North Kivu, South Kivu, Tanganyika and Tshopo. In addition, a train-the-trainers course was organized for 33 national police trainers (including two female police trainers) in Kalemie. In Bukavu (South Kivu), 134 officers of the Congolese national police mobile intervention units received advanced training in public order and human rights principles from the Mission, including crowd control techniques and principles of proportional use of force. Although some progress was made in training, the lack of non-lethal equipment remains a serious concern should election-related demonstrations turn violent.

42. MONUSCO, through the Joint Justice Support Programme, provided technical assistance to the Ministry of Justice and Human Rights on three draft laws and decrees aimed at improving the regulatory framework for the prison system.

C. Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

43. The implementation of the third national disarmament, demobilization and reintegration programme gained momentum as a result of the Government's contribution of \$3.5 million out of the pledge of \$10 million as at 28 November.

44. In Kamina, 2,741 former combatants who had 412 dependants were demobilized. In Kitona, there are 2,410 former combatants and 19 dependants. The Unité d'exécution du programme national de désarmement, démobilisation et réintégration has demobilized 4,757 combatants since the inception of the programme. In anticipation of the commencement of the reinsertion phase, the Unit and collaborating partners engaged 2,352 former combatants in agricultural activities while constructing the Centres de préparation à la réinsertion in Kamina and Kitona, funded by MONUSCO. The reinsertion phase of the programme will also be supported by the World Bank through a \$21.5 million financial arrangement, which was approved by the Government on 7 December. The World Bank is also finalizing a trust fund with donors for additional funding for the reintegration phase of the programme.

45. In spite of efforts to gradually hand over responsibility to the Government, MONUSCO continued to manage the transit camps of Kanyabayonga (North Kivu) and Walungu (South Kivu), which currently host 337 and 201 former FDLR combatants and dependants, respectively. The transit camp in Kisangani, which is under the direct responsibility of the Congolese Government, hosts 799 former combatants and dependants. The Mission continued to support all three transit camps, including through providing food supplies and medicine, and hosting 1,337 former FDLR elements, of which 1,029 are dependants.

Consolidation of State authority and stabilization

46. Support was provided to stabilization initiatives, including through the Peacebuilding Fund financing two International Security and Stabilization Support Strategy pilot projects of STAREC in Ituri and South Kivu. As part of the first pilot project from 5 to 9 October, dialogue sessions were held in the artisanal mining communities near Minova, Numbi and Ziralo in South Kivu with the active participation of local leaders and communities. To support the dialogue, United Nations agencies are building three administrative offices for the police and civil servants, rehabilitating a 75 km road to connect communities in conflict and working with two cooperatives of artisanal miners to improve their working conditions and environment. Six mining sites were certified arm-free. Furthermore, some 1,500 people working around the mining sites and groups at risk were redirected towards alternative economic activities.

47. In Mambasa, Ituri province, the second pilot project supported discussions on root causes of conflict with local populations, the findings of which were shared with authorities in Mambasa and Epulu. Efforts to reinforce the criminal justice system in Mambasa territory, through the opening of a tribunal de paix, were limited

by the deployment of only one judge. A number of activities in support of dialogue initiatives were launched, notably the construction of three police stations, legal assistance to victims of sexual violence, capacity development of State authorities in the mediation of land conflicts and income-generating projects for the local population.

48. Two prisons, in Fizi and Masisi territories in South Kivu and North Kivu, respectively, funded by the Peacebuilding Fund, were handed over to authorities on 6 October and 13 November, respectively. In addition, using quick-impact projects funding, MONUSCO facilitated the construction of wings for women and juveniles at Buta Prison, in Bas-Uélé province, which were handed over to the authorities on 27 October.

49. MONUSCO is helping national authorities to develop standard post orders and procedures for the national prison system, in conformity with national law and international norms. The Mission also continued to work with the Ministries of Justice and the Interior on establishing a prison police unit, an interim measure to address frequent prison escapes.

D. Protection of civilians and neutralization of armed groups

50. The protection of civilians remained a central focus for MONUSCO. Joint military activities between MONUSCO and FARDC increased, particularly in Beni territory, North Kivu, and in Ituri province, where ADF and FRPI remain a significant threat to civilians. MONUSCO carried out seven joint assessment missions and three Joint Protection Team missions to assess protection concerns in those areas.

51. In Beni territory, MONUSCO police and the national police intensified implementation of the Special Operational Strategy for the Fight against Insecurity in Beni. The Strategy conducted a total of 2,153 joint patrols and established 39 fixed and mobile checkpoints across Beni town, and recorded 1,714 distress telephone calls. Those initiatives led to the arrest of 278 persons for robbery, looting, house break-in, banditry and harassment of civilians.

52. In September, attacks by armed groups led to the displacement of approximately 20,000 people in and around Ntoto, in Walikale territory (North Kivu). MONUSCO deployed to Ntoto and carried out a number of patrols to the area from Kashebere. The Mission also supported the installation of a mobile phone antenna in the area. That enabled the population to transmit early warning alerts as part of the MONUSCO Community Alert Network system.

53. To reduce Luba-Twa ethnic hostilities in Tanganyika, MONUSCO continued successful local conflict mediation efforts with all stakeholders. The provision of State services in the areas affected by the conflict was hampered by incomplete security sector reform in Tanganyika and by the implementation of the *découpage* process. MONUSCO has kept involving the available State actors to ensure ownership and sustainability of the effort.

54. The Community Alert Network system transmitted an average of 180 early warning alerts per month. The Congolese authorities responded to 50 per cent (FARDC and the Congolese national police, 43.1 per cent; civilian authorities, 6.9 per cent), MONUSCO to 15.9 per cent and joint MONUSCO/Congolese

interventions to 10.6 per cent of cases. In approximately 23.5 per cent of alerts, related incidents occurred in inaccessible areas. Other obstacles included an insufficient number of FARDC and Congolese national police deployed in those areas, lack of logistical means at the disposal of the national security forces to respond promptly, the incomplete regimentation process of FARDC troops deployed in Tanganyika, and the fleeing of suspects before a response team could reach the areas.

E. Transformation of the Force

55. The transformation of the Force will enable the Mission to deliver on its protection of civilians mandate in a more dynamic fashion, with gradually reduced but more appropriate resources, while maintaining the mobility and intelligence capacity to deter, prevent and stop violence by armed groups.

56. The transformation of the Force relies on four pillars. The first pillar, “Capability development”, will provide the right equipment, training and resources for operating optimally. This pillar includes rapidly deployable battalions, improved information-gathering capabilities and more mobility, which together will ensure more dynamic means for protecting civilians. The second pillar, “Force redeployment”, will put troops and assets in the right places in a timely manner to meet current and future threats, as well as minimizing inefficiencies. The third pillar, “FARDC development”, represents the Force’s efforts, in accordance with the United Nations Human Rights Due Diligence Policy, to reinforce the capabilities of FARDC, especially in terms of command and control and logistics support with a view to enabling it to gradually take over additional security responsibilities as the MONUSCO Force withdraws. The fourth pillar, “Military engineering development”, aims at adapting military engineering so that it will contribute more effectively to strategic and operational needs towards the neutralization of armed groups.

57. Planning is now in an advanced stage for the rapidly deployable battalion. Preparations began for the arrival of the first such battalion to be operational by the end of February 2016, pending the arrival of the necessary equipment. Measures to ensure the enabling mission elements for this transformation, however, such as aviation and unmanned aerial vehicles, have not yet materialized.

F. Safety and security of United Nations personnel within the context of operations of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

58. FARDC operations against FDLR have resulted in increased insecurity in North Kivu, including a heightened threat of abductions and armed robbery. Continuing FARDC-led operations against ADF, some supported by MONUSCO, in the Grand Nord area of North Kivu province were assessed as not having impacted the security of United Nations personnel.

59. In keeping with the usual procedures, threat and security risk assessments for the eastern part of the country were reviewed on a monthly basis.

G. Mine action

60. The United Nations Mine Action Service destroyed 47 items of explosive remnants of war and 716 weapons and associated munitions. In collaboration with MONUSCO police, the Service continued to engage the national police on the need to develop a national plan on weapons and ammunition management, focusing on weapons-marking, training and storage. On 8 October, the Service and its implementing partners cleared the last known landmine in South Kivu.

H. Promotion and protection of human rights and the fight against impunity

61. The trend towards increasingly restricted political space persisted amidst the uncertainty surrounding the electoral process with violations of the right to freedom of opinion, expression and assembly. MONUSCO documented an increasing number of such violations, including arbitrary arrests and harassment of civil society activists, media professionals and leading members of opposition parties as well as the disruption of some opposition meetings and demonstrations or refusal by Government officials to permit such activities. Most violations were committed without any investigation or other corrective measures being taken by the national authorities.

62. From 1 January to 30 November, MONUSCO documented 263 human rights violations related to the electoral process, most targeting individuals holding views critical of the Government and the presidential majority. Those violations were mainly committed in Kinshasa (54), North Kivu (31), the former Province Orientale (31), the former Kasai-Oriental province (29) and South Kivu (26). The majority of the violations were perpetrated by elements of the police and the Agency nationale de renseignements (ANR). In October, seven demonstrations planned or organized by opposition parties and/or civil society organizations were either violently repressed by security forces or banned by local authorities. At least 11 demonstrations, nine of which were organized by the presidential majority, took place during the same period without any hindrance from the Government.

63. On 9 October, in Lubumbashi (Haut Katanga), the mayor announced the banning of all public demonstrations. On 27 October, in Likasi, Haut Katanga province, ANR challenged the decision of the town mayor, who had authorized a meeting organized by the G7; the mayor was subsequently temporarily suspended by the Provincial Government on 28 October. Finally, the ruling Parti du peuple pour la reconstruction et le développement (PPRD) held a meeting in Likasi to support the presidential majority on 28 October.

64. On 30 October, the Congolese Police Commissioner, Mpiya Abraham, was convicted by the Military Tribunal of Maniema for crimes against humanity related to an attack involving the national police on Dembo and surrounding villages in May 2012. MONUSCO supported the investigation and trial.

65. MONUSCO also supported mobile courts convened by military justice tribunals in North Kivu, Ituri and Tshopo, and mobile investigation missions by military justice prosecutors in, inter alia, the case against a FARDC officer allegedly involved in the recruitment, use and abuse of child soldiers in North Kivu. The trials examined, among others, 30 cases in Osio prison, including rapes and violations of

the right to physical integrity, which led to the conviction of four national police agents and 38 FARDC soldiers. MONUSCO also supported judicial actors in Lubumbashi, including the Cour d'appel, in the investigation and adjudication of charges of serious crimes against 34 members of the Pygmy and Bantu ethnic groups, representing not only the first alleged genocide prosecution in the country but also the first time that crimes against humanity were prosecuted within the civilian justice system.

66. From 1 to 30 October, armed groups perpetrated a total of 329 human rights abuses throughout the eastern Democratic Republic of the Congo. The main alleged perpetrators were FRPI (57 abuses), FDLR (42 abuses) and Mayi-Mayi combatants (19 abuses). FARDC soldiers were responsible for 118 human rights violations over the same period. Most of the violations took place in areas of ongoing military operations.

67. The Democratic Republic of the Congo, on 30 September, acceded to the Convention on the Rights of Persons with Disabilities and its Optional Protocol. On 8 December, the Senate adopted four laws implementing the Rome Statute of the International Criminal Court. On 10 December, the National Assembly completed the process of implementation through the adoption at its plenary of four laws that incorporated the Rome Statute through modification of the Code pénal, the Code de procédure pénale, the Code pénal militaire and the Code judiciaire militaire.

68. On 8 December, the national police arrested Ladislav Ntaganzwa near Nyanzale, Masisi territory, North Kivu. Ntaganzwa had been indicted by the International Criminal Tribunal for Rwanda for crimes of genocide committed in Rwanda in 1994. He had been living under FDLR protection in North Kivu, but was reportedly not part of the FDLR structure. On 9 December, MONUSCO supported the national authorities in transferring the suspect to Goma. On 11 December in Kinshasa, the Minister of Justice, Alexis Thambwe, indicated in a statement to the press that the Government of the Democratic Republic of the Congo would extradite Ntaganzwa to Rwanda on the condition that the latter reciprocated by taking action on pending extradition requests from the Congolese authorities.

I. Sexual violence

69. Fifty persons were reported victims of conflict-related sexual violence, including 17 girls. Armed groups were responsible for 64 per cent of the violations. FRPI elements continuing to conduct raids throughout southern Irumu territory (Ituri province), were involved in cases of abduction and sexual slavery. Twelve out of a total of 22 victims were reportedly girls. FDLR was allegedly responsible for a number of rape cases in Walikale territory. MONUSCO also facilitated the transport of 15 survivors of sexual violence from North Katanga to Goma to receive medical treatment.

70. MONUSCO carried out investigations from 28 to 30 October in Musinyi, Kalehe territory (South Kivu), where, from 20 to 22 September, FARDC soldiers had reportedly raped 14 women during a cordon and search operation targeting a local Mayi-Mayi Raia Mutomboki group, one of the most serious cases documented by MONUSCO in 2015. On 15 November, the Government indicated it would take measures against the perpetrators.

71. The Mission continued to provide technical support and advice for the implementation of national policies aimed at fighting sexual violence in conflict.

72. On 24 November, during a training and sensitization session for FARDC in Kamina (Haut-Lomani), 20 FARDC commanders signed a personal commitment to implement the Government's zero-tolerance policy in their ranks and to actively engage in ending acts of sexual violence by the military.

J. Child protection

73. Since my last report, MONUSCO documented 199 grave violations of children's rights. One hundred and fifty-two children (133 boys and 19 girls) escaped or were separated from armed groups and forces. That is a decrease compared to the previous reporting period, during which the escape or separation of 277 children had been documented. The main recruiters of children were Mayi-Mayi Kata-Katanga (43), Mayi-Mayi Raia Mutomboki (31) and FDLR (19). Thirty-one children (30 boys and one girl) formerly associated with armed groups were detained by FARDC in Ituri, North Kivu, South Kivu and Tanganyika for periods of up to three months.

74. The Mission was informed that nine children, who had been recruited in 2013 and 2014, had been separated from FARDC recently. FARDC took swift action and opened an investigation. Also, four children were killed and four were maimed by parties to the conflict, including both armed groups and FARDC, in North Kivu and South Kivu. FARDC initiated investigations to identify and pursue the alleged perpetrators.

K. Conduct and discipline

75. In response to my call for action to ensure zero tolerance for sexual exploitation and abuse by United Nations personnel, MONUSCO intensified its efforts to eliminate that scourge through a robust prevention campaign, a review of its prevention mechanisms and more coordinated and adapted remedial action, including with regard to assistance provided to victims of sexual exploitation and abuse.

IV. Observations

76. I am deeply troubled by the rising political tensions associated with the electoral process and the increasing number of related security incidents and human rights violations. There is a real risk of civil unrest and widespread violence if these tensions remain unaddressed. I encourage President Kabila and his Government to intensify their engagement with stakeholders across the political spectrum. I have taken note of the announcement of a national dialogue aimed at forging consensus around the electoral process. I call upon the Government to ensure that the dialogue is inclusive and that stakeholders with divergent positions are able to discuss divisive issues in a climate of openness and mutual respect. I also encourage the Government to do its utmost to ensure the protection of human rights, including the fundamental right to freedom of opinion, expression and peaceful assembly. I urge

all Congolese stakeholders to commit to resolving their differences through dialogue and consultation and reject violence as a means of achieving their political goals. The United Nations stands ready to support a national dialogue that is inclusive and respectful of the Constitution and fosters respect for fundamental political rights and liberties. Consensus around a realistic electoral calendar that incorporates a timeline for the updating of the voters' registry that is viewed by all stakeholders as credible, would reinforce confidence in the electoral process as a whole.

77. In spite of the considerable efforts of the national security forces to address the threat from armed groups, I am concerned that defenceless civilians in the eastern Democratic Republic of the Congo remain exposed to violence and abuse. I strongly condemn the brutal attacks by ADF and associated elements in North Kivu, which have already resulted in more than 500 known civilian deaths since October 2014. Such attacks on civilians are a clear violation of international human rights and humanitarian law. Those attacks have also cost the lives of FARDC soldiers and MONUSCO peacekeepers. I call for swift action to bring the perpetrators of these attacks to justice. The United Nations will continue to support the authorities of the Democratic Republic of the Congo in their efforts to neutralize armed groups and end impunity, in line with the Mission's mandate.

78. As conveyed in my letter dated 16 December 2015 to the President of the Security Council ([S/2015/983](#)), I am pleased to note some progress in the security situation in a number of areas in the country, including in the provinces of Bas-Uélé, Haut-Uélé, Ituri, South Kivu and Tshopo, as well as the enhanced capacity of the national security forces to deploy quickly and launch operations against armed groups, despite difficulties in sustaining those operations. I also welcome the commitment of the Government to hold perpetrators of violence accountable, combat sexual violence and end the recruitment of children. Notwithstanding the progress made so far, more needs to be done to sustain those gains, in particular through the extension of State authority and the finding of durable solutions for the reintegration of former combatants in the context of broader stabilization initiatives while advancing critical national reform processes.

79. As outlined in my above-mentioned letter, in the light of the increasingly complex situation in the Democratic Republic of the Congo and the need for more effective mandate implementation in the coming months, I believe that the time has come to take concrete steps towards facilitating the resumption of the strategic dialogue between the United Nations and the Government with a view to achieving a common goal: the gradual and progressive exit of MONUSCO, while preserving the gains and investments made and averting a major relapse into instability or conflict.

80. Based on projected capability and efficiency gains from the transformation of the Force, including rapidly deployable battalions, enhanced mobility and increased information-gathering capacity, a further reduction of MONUSCO military personnel may be envisaged without compromising the Mission's ability to implement its mandate to protect civilians, including through the neutralization of armed groups. I therefore recommend that the Security Council, when reviewing the Mission's mandate, consider a further reduction of 1,700 MONUSCO military personnel, in addition to the reduction of the 2,000 military personnel endorsed by the Council in resolution 2211 (2015), taking into account progress towards the development of a joint exit strategy and reducing the threat posed by armed groups.

At the same time, considering the increasing law-and-order challenges in the context of the electoral process, MONUSCO will also review its configuration, in particular that of the police component, to ensure that it has the necessary capacity to implement its mandate to protect civilians. The findings and recommendations of this review will be included in my report to the Security Council in March 2016.

81. There can be no solution to the conflict in the eastern Democratic Republic of the Congo without the will, commitment and ownership of the subregion. I commend the efforts under way between the Democratic Republic of the Congo and its neighbours, within the context of the Peace, Security and Cooperation Framework, to support the neutralization of armed groups in the eastern Democratic Republic of the Congo. This is a step in the right direction. I am, nevertheless, concerned about the impasse in the implementation of the Nairobi Declarations, which continues to fuel mistrust and suspicion between the Democratic Republic of the Congo and its neighbours. The full and timely implementation of the Nairobi Declarations and, particularly, the repatriation of the ex-M23 elements cantoned in Rwanda and Uganda, are critical for peace and stability in the Democratic Republic of the Congo and the Great Lakes region. I commend the International Conference on the Great Lakes Region for its recent initiatives, in concert with the Southern African Development Community and my Special Envoy for the Great Lakes Region, to accelerate the repatriation of those ex-M23 elements.

82. In conclusion, I wish to extend my gratitude to the former Special Representative for the Democratic Republic of the Congo, Martin Kobler, for his service, and to his successor, Maman Sidikou, and all staff of MONUSCO and the agencies, funds and programmes of the United Nations system, as well as other international and regional organizations, for their tireless efforts. I also wish to thank the troop- and police-contributing countries for their active engagement in the service of peace in the Democratic Republic of the Congo, while offering my condolences to the family and Government of the peacekeeper who lost his life in the service of peace on 30 November.

