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Global Witness welcomes UN report highlighting link between minerals and conflict in DRC and calls for end to impunity for crimes

Global Witness welcomes the confirmation, in a landmark UN report published today, of strong links between the activities of brutal armed groups and the trade in minerals and timber in the Democratic Republic of Congo. Global Witness has been campaigning for over 10 years on the Congo conflict, and strongly backs the UN's call for justice to be pursued for victims.

The report by the UN High Commissioner for Human Rights on crimes committed in Congo between 1993 and 2003, originally leaked in August, sets out measures to hold perpetrators of the most serious crimes to account. Recommendations include setting up a special court or chamber in an existing Congolese court.

Global Witness is calling for all individuals known to have committed serious abuses linked to the competition over natural resources to be included in any future justice process.

"The international community has not done enough to stem vicious armed groups benefiting from the trade in minerals and other resources," said Lizzie Parsons, Congo Campaigner for Global Witness. "This report is a stark reminder of the heinous crimes that have plagued Congo for nearly two decades and that are still taking place today. It robustly demonstrates the need to sever the link between the mineral trade and violence, and for individuals and companies to be held to account."

The report was the result of an extensive study by Congolese and international UN staff to document the most serious cases of human rights violations between March 1993 and June 2003. The period included two wars fought in the country, involving armies of several neighbouring countries.

A litany of abuses were committed against the local population as armed groups fought to gain control of lucrative mines and trading routes and to hold their positions. The report outlines cases of killings, mass rapes, forced labour and torture. Groups used the huge profits from the resource trade to purchase weapons and fund their activities.

Armed groups continue to fight over mines in eastern Congo, and are still committing abuses against civilians in mining areas. Global Witness has documented how former rebels, now within the national army, have been earning millions of dollars per year by controlling eastern Congo's largest cassiterite (tin ore) mine. Mines containing coltan, gold and wolframite (tungsten ore) are also the focus of violent competition, involving different rebel groups and units of the national army.

"Despite continued evidence that armed groups are making enormous sums of money from the minerals trade, measures to tackle the problem of militarisation of the mines have not yet resolved the problem. Congolese people should be benefiting from their country's natural wealth, not suffering because of it," said Parsons.

Global Witness is recommending that:

- Individuals known to have committed serious human rights abuses linked to natural resources exploitation and trade since 1993 should be held to account, as part of wider judicial mechanisms for crimes committed in Congo.
- Donor governments to Congo should provide assistance to enable such cases to proceed according to international standards and to support the victims of these crimes in obtaining redress.

- The Congolese government should remove all army units from mine sites as part of a full demilitarisation of the sector.
- All Congolese and international companies trading in minerals or components with minerals possibly sourced from eastern Congo should carry out full due diligence on their suppliers so to make sure they are not buying conflict minerals.

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Notes to editors:

1. The United Nations Office of the High Commissioner for Human Rights (OHCHR) published today the "Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003". The OHCHR report is available at <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/RDCProjetMapping.aspx>.

An accompanying OHCHR information note on violence linked to natural resource exploitation is available at http://www.ohchr.org/Documents/Countries/ZR/FS-5_Natural_Resources_FINAL.pdf.

2. More information regarding links between the ongoing human rights abuses and the trade in minerals in eastern DRC can be found here:

- Global Witness press release, "DR Congo: ex-rebels take over mineral trade extortion racket", 11 March 2010.
- Global Witness report, "'Faced with a gun what can you do?' War and the militarisation of mining in eastern Congo", July 2009, available at www.globalwitness.org/fwag
- Global Witness report, "Do No Harm: A guide for companies sourcing from the DRC", July 2010 sets out due diligence that companies using minerals or metals originating from eastern DRC should undertake, available at www.globalwitness.org/media_library_detail.php/1019/en/do_no_harm.

Excerpts from OHCHR report:

“Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003”

CHAPTER III: ACTS OF VIOLENCE LINKED TO NATURAL RESOURCE EXPLOITATION

726. ... In a significant number of events, the struggle between the different armed groups for control of the DRC's natural assets served as a backdrop to numerous violations directed against the civilian population. ...

727. ... The inter-connection between natural resource exploitation and violations of human rights and international humanitarian law will be analysed from three distinct angles:

- The violations of human rights and international humanitarian law committed by the parties to the conflict in the context of the struggle to gain access to and control the richest areas of the country, along with the roads, border posts and trading centres.
- The human rights abuses committed by armed groups during their long-term occupation of an economically rich area. The regimes of terror and coercion established in these regions gave rise to a whole range of human rights abuses, ranging from the use of forced and child labour to all kinds of abuses of power, including violations of the right to life, along with sexual violence, torture and the forced displacement of civilians. In many cases, the extremely hazardous working conditions imposed on miners were in violation of their economic and social rights and the international labour standards to which the DRC is a party.
- Finally, the huge profits generated from the exploitation of natural resources fuelled and helped fund the conflicts, which were themselves a source and cause of the most serious violations of human rights and international humanitarian law.

733. The warring parties' reasons for being involved in the conflicts changed over time. Initially, in 1996, the conflict appeared to be driven primarily by political, ethnic and security considerations. During the second war, however, natural resource exploitation became increasingly attractive, not only because it enabled these groups to finance their war efforts but also because, for a large number of political/military leaders, it was a source of personal enrichment. Natural resources thus gradually became a driving force behind the war.

737. The importance of the economic agenda in the conflicts that ravaged the DRC can be clearly seen in the battles that were waged for the control of mines or lucrative customs posts. On every occasion, civilians were either directly targeted by one or both sides or ended up caught in the crossfire...

A. Violations of human rights and international humanitarian law linked to the struggle for control of natural resources

North Kivu, South Kivu and Maniema Provinces

741. Given the lucrative nature of illegal exploitation, the armed groups used military force and committed serious human rights abuses against civilian populations in order to maintain control of these regions. The financial issues at stake and the presence of armed men responsible for maintaining this kind of hold over resource extraction inevitably gave rise to serious human rights violations, and the cost of this plundering in terms of human life was enormous.

742. Civilians who attempted to resist the theft of their natural resources, or who did not collaborate with those in power, were subjected to attacks. Entire villages were displaced to make way for mineral or timber exploitation and armed groups engaged in massacres, sexual violence and cruel and inhuman treatment in the process. They also attacked and burned villages in order to seize coltan that had been mined artisanally by the residents.

Orientale Province

744. The violent battles for control of Kisangani between 1999 and 2000 and the associated violations of human rights and international humanitarian law can be explained, at least in part, by the struggle to maintain control of its economic resources... The Rwandan and Ugandan armies and the RCD-Goma obtained significant revenue from trading diamonds in and around Kisangani. During the three wars for control of Kisangani, competition for the region's natural resources and the town's strategic importance were both factors that precipitated the fighting.

751. The presence of gold and timber was a major factor in fuelling the conflict in Ituri and the plunder of these resources was at least as violent as it had been in North and South Kivu...

753. Events in and around the town of Mongwalu, in Ituri, the heart of the gold mining area, clearly illustrate the link between human rights abuses and the scramble for resources. Mongwalu changed hands several times in 2002 and 2003 and, when the Hema armed groups of the UPC fought the Lendu of the FNI for its control, each group allegedly carried out widespread killings of civilians along with rapes, torture, arbitrary arrests and detentions. Tens of thousands of people were forced to flee their homes.

754. As the conflict spiralled, other armed groups joined in. Their involvement was largely dictated by economic interests and the lure of the gold mines. A MONUC report thus described Mongwalu as "a town to conquer for its natural resources". Aside from the prospects of personal enrichment, the armed groups made no secret of the fact that they were using the proceeds from gold extraction to buy weapons and ammunition.

756. The villages around the Kilomoto gold mines in Watsa territory of Haut-Uélé district also suffered repeated and devastating attacks. In January 2002, UPDF troops and Hema militia apparently opened fire on the inhabitants of Kobu village (Walendu Djatsi collectivité, in Djugu territory) in order to force the people away from the gold mines. During this incident, 35 Lendu civilians were killed. During October 2002, members of the FNI from Walendu Djatsi collectivité reportedly killed 28 people and abducted 23 women from the Kilomoto mining site. During these attacks, the militia mutilated numerous victims, committed large-scale looting and burnt many buildings, including the local authority's offices, schools and a hospital. In February 2003, members of the UPC coming from Mwanga and Kunda allegedly killed and raped an unknown number of civilians during attacks on villages in the areas of Ngongo Kobu, Lipri, Nyangaraye and Bambou, around Kilomoto. During the course of these attacks, the militia also destroyed infrastructure belonging to the Kilomoto mining company, including schools and hospitals. Between the end of 2002 and mid-June 2003, members of the Forces armées du peuple congolais (FAPC) and the FNI reportedly also killed and raped dozens of civilians around the Kilomoto gold mine. The attacks were aimed at destroying the UPC camp and chasing out the Hema who were controlling the Kilomoto mining company.

B. Human rights violations related to natural resource exploitation

762. The prevailing violence around the mining sites was also a breeding ground for sexual violence. For example, in South Kivu, in the 1990s, members of the Forces armées zaïroises (FAZ) allegedly set up barriers close to the mines and raped women as they passed, under the pretext of searching for minerals in their genitals. Women suspected of smuggling were raped in revenge...

765. The "*polygone*", an area located in the Minière des Bakwanga (MIBA) company's diamond mining concession in Kasai Oriental, was the scene of repeated violent clashes between artisanal miners and law enforcement officials. Hundreds of civilians, many of them young, were trying to make a living by illegally entering the MIBA concession in search of diamonds... Between 2001 and 2003, MIBA guards apparently summarily executed or wounded several hundred civilians who had illegally entered the mining *polygone*. The victims were shot or buried alive in the holes where they were hiding. The MIBA guards also held an unknown number of illegal miners, including children, in cells located on the concession, under life-threatening conditions. A number of massacres were notified during 2001 but the most infamous incident was that of 21 February 2003. On that day, MIBA guards reportedly surprised some thirty illegal miners and opened fire

on them. Some of the miners managed to escape but others hid in an underground gallery. The MIBA guards then blocked the entrance to the gallery with stones and metal bars. On 22 February, nine bodies were brought out. Eight of the people had died from suffocation and one from gunshot wounds...

C. Natural resource exploitation as a factor in the prolongation of the conflict

766. The profits from natural resource exploitation were such that, within a short space of time, the war had become self-financing. All the parties to the conflict, including the Congolese Government, raised significant amounts through the natural resource trade, using a variety of means, including formal or semi-formal systems of taxation, licences and fees; extortion at mining sites, roadblocks and borders; and requisitioning of stockpiles of timber and minerals. There were also other more organised systems such as the arrangements set up between the Congolese Government and the parastatals, the creation of front companies and networks set up by the Rwandan and Ugandan armies in collaboration with the RCD and other rebel groups they supported.

773. The illicit exploitation of natural resources in the DRC and the accompanying serious violations of human rights and international humanitarian law could not have taken place on such a large scale had there not been customers willing to trade in these resources. Indeed, there was never any shortage of foreign buyers willing to handle these goods, despite the existence of reports denouncing the serious violations of international law committed by their trading and financial partners. Buyers included not only traders in the DRC and neighbouring countries but also private companies registered in other countries, including multinationals.

774. ...During the AFDL's advance on Kinshasa in 1996, before he had even formed a government, Kabila was allocating mining concessions to private companies. Many of these transactions were conducted illegally. The consequences for the country as a whole were serious, as millions of dollars were tied up in these unfavourable contracts for several decades.

Conclusion

777. The impunity of crimes committed in the context of natural resource exploitation in the DRC reflects the broader absence of justice for violations of human rights and international humanitarian law throughout the country.

778. The Kilwa case demonstrated the difficulty in proving the legal responsibility of private companies in the perpetration of human rights abuses and violations of international humanitarian law, even when they are supplying arms or logistical support to armed groups. This case also showed that political interference and a lack of impartiality are all the more striking when economic interests are at stake. In this incident in 2004, at least 73 people were killed apparently by the Congolese army (FARDC) in Kilwa, a town in Katanga that had fallen into the hands of a rebel group. An Australian-Canadian mining company was accused of supplying the army with logistics and transport during its military operation. In 2007, in the first case of its kind, nine Congolese soldiers and three expatriate employees of the mining company were charged with war crimes and complicity in war crimes, respectively, in connection with these events. The case could have set an important precedent in terms of corporate accountability. Instead, all the defendants were acquitted of the charges relating to the events in Kilwa, in a trial by a military court that failed to meet international standards of fairness.

780. The abundance of natural resources in the DRC and the absence of regulation and responsibility in this sector have created a particular dynamic that has clearly contributed directly to widespread violations of human rights and international humanitarian law. In its final report in October 2003, the Panel of Experts stated: "Illegal exploitation remains one of the main sources of funding for groups involved in perpetuating conflict". Its successor, the Group of Experts, reached a similar conclusion concerning the period 2004 to 2008, illustrating how the trade in natural resources still underpins some of the most serious abuses in eastern DRC.