

Statement by the High Commissioner for Human Rights Navi Pillay

The High Commissioner for Human Rights Navi Pillay issued the following statement upon the release of the 'Report on most serious violations of human rights and international humanitarian law between 1993 and 2003 in the Democratic Republic of Congo (DRC).'

1 October 2010

"Today we have released the DRC Mapping Report, which has taken several years to complete. Following the discovery in late 2005 of three mass graves in the Eastern DRC, the former Secretary-General endorsed a proposal to conduct a mapping exercise, the current Secretary-General approved the terms of reference and Security Council resolution 1794 (2007) called for full support from the Congolese authorities.

The Mapping Report provides the most extensive account to date of the most serious violations of human rights and international humanitarian law committed in the DRC between 1993 and 2003. In listing these incidents, province by province, and in chronological order, it reveals the suffering that years of instability and conflict have inflicted on the country. In doing so, the Mapping report seeks to honour the memory of victims of the conflict, and helps reiterate the importance of ensuring accountability for past human rights abuses. We hope the report serves as an important step on the difficult path towards coming to terms with this period of intense human suffering.

The Mapping Report would not have been possible without the commitment of the DRC authorities who extended their cooperation throughout the project, for which we are grateful. I am fully aware of the many challenges faced by the Congolese Government and I am committed to assisting the country in addressing the legacy of this period. Civil society, both international and national, contributed to this project by sharing information and discussing their views on transitional justice. I also want to commend their efforts.

In conflict situations, the biggest challenges include ensuring that civilians remain protected, that the laws of war are respected, and that the harm done to victims of violence is repaired. While we cannot undo human rights violations, we can try to ensure that they do not re-occur, by holding to account those responsible for past abuses. On 24 September, I released a report by the UN Joint Human Rights Office in DRC about the horrendous mass rapes of hundreds of defenceless women and girls committed by three armed groups, who had not been held to account for their previous transgressions

It is inherently difficult to render justice in a situation where the violence and suffering is so widespread. Yet, grievances and allegations of abuses which are not investigated and resolved all too often serve as grounds for groups seeking to mobilize constituencies for armed conflict. The culture of impunity in the DRC – which continues today – has encouraged the creation and evolution of armed groups and the use of violence to resolve disputes and gain control over natural resources.

The report speaks for itself. However, I wish to take this opportunity to clarify both what it is, and what it is not. Even more so, because the leak of the draft report has been followed by much speculation.

First and foremost, the Mapping Report is a report about the DRC. Yes, it does refer to the presence of foreign forces which were involved in the conflict in the DRC, and it does point to the responsibility of those forces for human rights violations. It also suggests that other countries have a role to play in assisting a transitional justice process in the DRC. Having said that, it is still principally a report about the DRC, the enormous suffering in that country, and about the capacity of its justice system to respond.

Secondly, it is not a judicial investigation. It was not meant to be one in the first place and it does not pretend to be something else than what it is – a preliminary exercise. The aim was to gather basic information on incidents during the period covered. As a result, it did not provide for in-depth investigations, and the gathering of sufficient evidence to be admissible in court. It also does not establish individual criminal responsibility.

Third, the aim of the Mapping Report was to encourage efforts to break the cycle of impunity and continuing gross violations, by showing the scale and seriousness of the violations of human rights and international humanitarian law committed in the DRC. It is about “transitional justice.” In other words, it is about truth, justice, reparations and reform of key institutions – to fight impunity and avoid perpetuation of the cycle of violence.

Fourth, the report assesses what areas of international law may have been violated, as the most serious crimes committed against a civilian population may not only be crimes under national laws, but also under international law. The report notes that the vast majority of the 617 serious incidents it describes, point to the commission of multiple violations of human rights and/or international humanitarian law, which may constitute crimes against humanity or war crimes, and often both at the same time. In some cases, it even invokes the possibility that genocidal acts may have been committed. However, the report stresses that these questions can only be addressed by a competent court. It does not, and cannot, deliver definitive conclusions as to the nature of the crime.

We will note keenly the comments from the States affected by the report, both those available immediately, and other comments that may be forthcoming later. This Report is released simultaneously with comments of the States mentioned in the Report that wished to have their comments made public. Although the Terms of Reference provided only for comments from the DRC, I considered that it was important to provide an opportunity to other States mentioned in the Report to express their views as well. This is also the reason why I postponed the release of the Report for a further month to enable States to provide their comments.

Several States have raised issues that are of serious concern to them, and the UN will maintain a dialogue with them. It is very important to clearly establish relevant facts and to ensure through joint efforts, that situations such as those addressed by the Mapping Report never reoccur. Through this endeavor we are making a strenuous effort to contribute to the establishment of lasting peace and stability in the DRC and to prevent future violations.”