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To all members of the Security Council

Dear Ambassador

I am writing to you in the context of the forthcoming Security Council discussions on the third report of the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo (DRC), which was published yesterday. I would like to take this opportunity to welcome the detailed and extensive research carried out by the Panel of Experts into this critical dimension of a war which has visited such unspeakable suffering on the Congolese people over the last four years.

For the past two years Amnesty International has been conducting specific research into the connection between human rights abuses in the DRC and the exploitation of the country's natural resources, including by foreign combatant forces. Many, if not all, of the parties to the DRC armed conflict have committed serious abuses in order to control precious natural resources.

I wish to draw your attention to Amnesty International's principal findings and urge you to use your influence to ensure the implementation of our recommendations.

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Concerns in relation to government-controlled DRC

Amnesty International's research in government-controlled DRC has focused largely on the country's diamond trade. In October 2001 Amnesty International visited Mbuji-Mayi, the hub of the DRC's diamond industry where MIBA, the 80% state-owned diamond mining company, has its headquarters. In a report launched on 22 October 2002 and enclosed with this letter, Amnesty International documents the human rights violations which are being perpetrated on a daily basis in the context of MIBA's operations.

Amnesty International recognizes that MIBA is faced with a genuine problem in trying to prevent illegal civilian miners from gaining access to MIBA's concessions and stealing diamonds. However, no attempt is made by MIBA to ensure that the untrained guards they employ to address this problem, who include Congolese and Zimbabwean soldiers, adhere to even the most basic principles of law enforcement. The consequences have been dire, as guards have seemingly routinely resorted to the excessive use of force, including firearms. Amnesty International conservatively estimates that several dozen suspected illegal miners, but possibly significantly more, are shot dead every year by MIBA guards, and that many more are seriously wounded. Many of the victims are children. The majority of the victims are unarmed civilians and these killings amount to extrajudicial executions. Despite this, to Amnesty International's knowledge, not a single Congolese state agent or Zimbabwean soldier has ever been prosecuted for the unlawful killing of a suspected illegal miner in Mbuji-Mayi. Those who guard the diamond concessions are acting, and are killing, with utter impunity.

Amnesty International is pressing for an independent commission of inquiry to be established to investigate suspected extrajudicial executions and intentional woundings in the MIBA diamond concessions and to bring the perpetrators to justice. The DRC government should commit itself to implementing any recommendations which the commission makes for the prevention of further human rights abuses in the Mbuji-Mayi diamond fields and in the wider DRC diamond-mining industry. The DRC government should also ensure that all MIBA guards receive thorough training in law enforcement before being allowed to take up their duties.

In April 2002 the DRC Government signed up to the international diamond certification agreed through the Kimberley Process. As you will be aware, the Kimberley Process relates only to rough diamonds traded by armed political groups. However, the situation in Mbuji-Mayi points clearly to the need to submit the commercial activities of national governments to similar international scrutiny. In order to be effective and consistent, international systems of diamond certification need to take account of the fact that human rights abuses directly related to the diamond trade are also taking place beyond the context of armed conflict and in areas under the control of national governments.

Concerns in relation to eastern DRC

In eastern DRC, the scale and systematization of the exploitation convinces Amnesty International that the warring parties' interest in profiting from the region's mineral and economic wealth has been the biggest single factor underpinning the continuation of the violence in the region. The profit motive has long since superseded security considerations repeatedly cited by foreign states to justify their military engagement in DRC. These economic interests have led to the emergence of a pattern of violence by all forces in the region that is aimed primarily at Congolese civilian communities and is predatory in character.

While many combatant forces are known to have engaged in the exploitation of natural wealth in eastern DRC, information available to Amnesty International suggests that senior figures in the Rwandese Patriotic Army (RPA), the Ugandan People's Defence Force (UPDF), and local and foreign armed political groups including the RCD-Goma and RCD-ML have been among the major beneficiaries of the profits thus generated.

A forthcoming Amnesty International report will document the range of serious human rights abuses that have been committed for economic profit in eastern DRC. These abuses have included unlawful killings of civilians, torture and ill-treatment, denial of freedom of expression, arbitrary arrests and illegal detentions, forced displacement of civilian populations and the use of forced labour, including of children. Amnesty International has received eye-witness testimonies to many of these abuses. As far as Amnesty International is aware, none of these abuses have been investigated and none of the perpetrators have been brought to justice.

Among specific abuses to be included in Amnesty International's forthcoming report on eastern DRC are:

- That the RPA directly controlled a number of coltan mining sites in North- and South-Kivu provinces in eastern DRC and made use of forced civilian labour to extract coltan in a number of these mines, including mining sites in Osso collectivity, Masisi territory, North-Kivu. Children as young as 12 were reportedly being forced to work in the mines, and civilians were ill-treated by RPA soldiers to force them to work harder. Amnesty International has also received numerous, consistent and credible reports that large numbers, allegedly thousands, of Hutu prisoners drawn from Rwanda's central prisons were used to extract coltan in mines controlled by the RPA.
- That RPA and allied RCD-Goma forces, as well as armed political groups opposing them, have been responsible for numerous unlawful mass killings of civilians in areas rich in mineral wealth. Reliable reports suggest that these killings and other serious abuses were perpetrated during military operations aimed principally at securing control of mining zones.

- That many civilian miners and traders have been killed or tortured by combatants in an effort to rob them of their minerals or money. The victims included two diamond traders from Lodja, Sankuru province, who were severely tortured by RCD-Goma officials in Goma in August 2001 in order to force them to reveal the whereabouts of a diamond of reputedly exceptional value. Senior RCD-Goma officials were reportedly amongst those who interrogated the two men.
- That thousands of civilians have been forcibly displaced from their mineral-rich lands by combatant forces seeking to exploit these lands. Cases include the reported forcible displacement by RPA and RCD-Goma troops of thousands of civilians from a timber concession sold by RCD-Goma to a Kenyan company in March 2001.
- That members of the UPDF have been responsible for mass killings of civilians, torture and other forms of ill-treatment, to force people out of their homes in areas rich in gold or diamonds.
- That many civilian gold miners and traders have been killed or tortured by UPDF combatants in an effort to rob them of their minerals or money. The victims include 22-year-old Romeo Amisi and five of his friends who were forced by the UPDF to dig for a month in the Mungbwalu mines, in Djugu territory. The young men were severely tortured.

Recommendations

We strongly urge you to ensure that the Security Council takes steps to bring an end to the large-scale human rights abuses that are resulting directly from the exploitation of natural resources in the DRC.

We note that in their latest report published on the 22 October, the UN Panel of Experts have proposed several measures to be taken against the states, individuals and companies most implicated in the exploitation of the DRC's natural resources, including possible travel bans, financial penalties and reductions in aid disbursements. While many such measures lie outside the scope of Amnesty International's mandate, we do believe that only concerted and robust international action, using a combination of measures, will succeed in bringing an end to the appalling human rights and humanitarian crisis in DRC that has resulted from the conflict.

In this regard, Amnesty International wishes to draw the Security Council's attention to a central tenet of our work on the Central Africa region for many years: that the entrenched pattern of impunity for the perpetrators of human rights abuses has perpetuated violence, lawlessness and lack of respect for fundamental human rights and humanitarian principles by armed forces in the region.

Amnesty International's principal recommendation therefore is for the establishment of an international commission of inquiry, with all necessary powers to compel witness testimony, to investigate specific allegations of human rights abuses documented in reports by Amnesty International and other international and Congolese human rights organizations, together with individual mechanisms that will bring to justice those that have perpetrated war crimes, crimes against humanity and human rights abuses in eastern DRC, including the military and political leaders that have ordered, encouraged or condoned these acts. This in itself, we believe, would be the most effective deterrent to those who would seek to profit financially through the violation of international humanitarian law and human rights standards.

The recent withdrawals of some Rwandese and Ugandan forces from eastern DRC in no way moderates the responsibility of these forces for atrocities they have committed in the course of the DRC conflict, or diminishes the pressing need to see justice done.

Numerous international commercial interests in coltan, gold, diamonds, timber and other natural resources have, wittingly or unwittingly, contributed to human rights abuses in DRC. Amnesty International therefore urges the UN Security Council to adopt measures which will promote more ethical trading, compliant with international human rights principles. In particular, Amnesty International believes that commercial contracts involving national resources should contribute to the progressive realization of the population's social and economic rights and not deprive them of the benefits to be gained from their country's natural resources. Measures to be taken in this regard should include promoting transparency in contract arrangements involving national resources by ensuring that such contracts are negotiated according to internationally recognized principles of tendering and bidding and that their terms are made public. It is also essential to make public and review the terms of all contracts entered into since the start of the DRC conflict in 1998, including, for example, the arrangement involving lucrative diamond concessions entered into by the DRC government with the partly Zimbabwean-owned joint venture Sengamines in 1999. It is also important to promote dialogue between international commercial interests and Congolese human rights and civil society organizations, in order to ensure that the Congolese people receive the maximum possible benefit from these contracts.

Amnesty International also strongly supports the UN Panel of Experts' call for the establishment of a monitoring body to scrutinize continuing exploitation activities in the DRC. We urge that the reports and recommendations of such a body be made public and that its remit be enlarged to include a regular assessment of the human rights abuses situation in the country with particular reference to resource exploitation.

I would like to thank you in advance for taking note of Amnesty International's concerns and I look forward to continuing this dialogue with you on these issues of such grave concern.

Yours sincerely
Irene Kahn