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## [I. ICRtoP overview of the DRC Mapping Exercise](#)

## [II. Reaction of Governments implicated in Mapping Exercise](#)

1. Permanent Mission of Rwanda
2. Permanent Mission of the Republic of Uganda
3. Minister of Justice and Human Rights of the DRC
4. Permanent Mission of Burundi
5. Permanent Mission of the Republic of Angola

## [III. Civil Society response: calls for justice](#)

1. Human Rights Watch -- DR Congo: UN Report Exposes Grave Crimes
2. Amnesty International -- DRC: Action Needed to Investigate a Decade of Crimes
3. The Global Centre for the Responsibility to Protect -- Open Statement regarding UN Report on the Democratic Republic of Congo

## [IV. Informative media articles](#)

1. CNN Wire Staff -- U.N. Releases “heartbreaking” human rights report on Congo
2. New York Times: Jeffrey Gettleman and Josh Kron -- U.N. Report on Congo Massacres Draws Anger
3. Turtle Bay: Colum Lynch -- UN waters down genocide charges against Rwandan forces in Congo

See the [pdf](#) version of this listserv. □

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**I. ICRtoP overview of the DRC Mapping Exercise** On 1 October, the United Nations High Commissioner for Human Rights (UNHCHR) released a [566-page report](#) on the Democratic Republic of the Congo (DRC); a ‘Mapping Exercise’ documenting 617 violent incidents committed in the DRC, mostly in its Eastern provinces, between March 1993 and June

2003. The report notes that “the vast majority of the 617 most serious incidents described in the mapping report 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” (463-464). It also includes that “the apparent systematic and widespread attacks described in this report reveal a number of inculpatory elements that, if proven before a competent court,

**could be characterised as**

**crimes of genocide**

” (31).

### Objectives and findings of the ‘Mapping Exercise’

The origins of the report stem from the 2005 discovery of three mass graves in Eastern DRC, leading the UN to push for a human rights mapping exercise, first announced in a report to the Security Council in June 2006. Terms of reference were approved by the Council in May 2007 following consultations with UN agencies and the Congolese government and in December 2007, the Council endorsed the OHCHR-led exercise in Resolution 1794. The exercise aimed at mapping the most serious violations in DRC as well as to assess the capacity of the national justice system to address them. In this regard, the report puts forward options to assist the government in finding transitional justice mechanisms.

The report is based on the interviews of over 1,280 witnesses and the analysis of more than 1,500 documents showing that armed groups have systematically targeted unarmed civilians, both Congolese and Hutu refugees, the large majority of which were women, children and elderly. The report made particular attention to the apparent

**systematic and widespread**

**use of rape and sexual violence by all combatant forces against women**

. In addition, according to the report, over 30,000 children were recruited by armed groups and suffered inhumane treatment. Most significant,

**allegations against the Tutsi-led Rwandan Patriotic Front (RPA) who, allied with**

**Burundian troops and Congolese rebels,**

**allegedly committed crimes against ethnic Hutu civilians in 1996 on such a wide and systematic scale that they could amount to genocide if proven by a court of law.**

The report points to “tens of thousands” of Hutu refugees who were slaughtered with knives, hammers, and clubs or burnt alive.

The report reflects on the violence committed against a large number of people in the DRC and “is intended as a first step towards the sometimes painful but nonetheless essential process of truth-telling after violent conflict.” Beyond providing a historical and regional record of past atrocities, the report assesses the justice system in the DRC and offers options to be considered by the Congolese government and international actors towards ending impunity, dealing with past atrocities and preventing the occurrence of new atrocities. The report identifies

foreign and local armed groups involved in the commission of the crimes, and recommendations such as the “the creation of a mixed jurisdiction, possibly involving “hybrid courts” with both national and international staff; creation of a new Truth and Reconciliation Commission; reparation programs; and reforms of both the legal sector and the security forces”. Controversial leak of the report and delayed publication

An earlier draft of the report was leaked by French newspaper

[Le Monde](#)

on 27 August, creating intense controversies as it reported that several Congolese rebel groups, Ugandan troops (along with Burundian, Angolan and other armed groups) had committed grave human rights violations. The most contentious aspect of the report referred to the possibility that the armed forces of Rwanda and their local allies may have committed acts which could constitute crimes of genocide against ethnic Hutu civilians fleeing the country in fear of reprisal.

The

### **Rwandan**

government voiced anger over the report, threatening to pull its peacekeepers out of UN missions, especially from Darfur. In a 30 September

[press statement](#)

, Rwanda’s Foreign Affairs Minister, Louise Mushikiwabo, immediately dismissed the report as “flawed and dangerous from start to finish”. The threat was later withdrawn after long negotiations, when Secretary-General Ban Ki-moon flew to Kigali on September 8<sup>th</sup>

, urging President Paul Kagame to continue his contributions to peacekeeping efforts.

Nonetheless, some media sources, including

[Foreign Policy’s blog Turtle Bay](#)

, revealed that Rwanda would go through with its threats if the UN insists on prosecuting high-ranking Rwandan officers implicated in the crimes.

In response to the release of the report, in an official

[letter](#)

addressed to the UNHCHR,

### **Uganda**

said that the mapping exercise was “deeply flawed in methodology, sourcing, and standard of proof” and that it “undermine[s] Uganda’s resolve to continue contributing to, and participating in, various regional and international peace-keeping missions such as (...) UNAMID (...)”.

Likewise,

[Burundi](#)

and

[Angola](#)

both requested that the report remove the implications of their involvement in crimes of such scale.

As a result, publication of the report was postponed to allow for Member States to submit their comments to the report. Indeed, the Rwandan government handed in a 30-page

[document](#)

to the UN, comprising seven detailed “areas of objection”. The document, along with official reactions from Burundi, Angola and Uganda were posted on the OHCHR

[website](#)

. Moreover, DR Congo submitted a lengthy

[document](#)

criticizing the report’s conclusions and recommendations. However,

[other media sources](#)

have quoted Congolese diplomats calling the mapping exercise “detailed”, “credible” and “heartbreaking”.

### Toned down language

Weeks of political pressure have resulted in a modified terminology that toned down the allegations of genocide, crimes against humanity and war crimes.

[For instance](#)

, words such as “alleged” “suggests”, “apparent” and “if proven in a court of law” have been added to weaken some of the reports’ conclusions. Despite these modifications that toned down the genocide accusations, “the substance of the report remains essentially the same” said Navi Pillay.

Commenting Friday, as the report was made public, Pillay noted that “[she hopes ] that, now that the report is out, people will examine it carefully, and in particular the measures it proposes which are designed to bring real progress in the areas of accountability and justice in the DRC, in the wake of such a litany of dreadful acts. The millions of Congolese victims of violations committed by an extraordinarily wide range of actors deserve nothing less.”

Addressing speculation about the timing of the report’s release and influences on the content, the High Commissioner stressed the report was a work in progress up until late August. “By then, we had received constructive comments from the Government of DRC, which we took into account during the finalization process,” she said.

### Civil Society groups endorse the report and issue calls for justice

Civil society was fast to respond to the allegations and recommendations made by the report, echoing Navi Pillay’s call for sustainable peace, justice and fight against impunity. The responses by Human Rights Watch, Amnesty International and the Global Centre for the Responsibility to Protect highlighted the following points:

## Human Rights Watch

-Supports the “establishment of a mixed chamber with jurisdiction over past and current war crimes and crimes against humanity committed in Congo”;

-Calls upon “countries whose armies are implicated in the report” to “carry out their own investigations and initiate action against individuals responsible for crimes”.

**Amnesty International** -Officially urges the UN to “establish a Task Force (...) to develop a long term, comprehensive action plan (...)” to end impunity and hold perpetrators to account;

-Recommends that the “Congolese Government and the international community devote more resources to building independent and effective justice system.

**The Global Centre for the Responsibility to Protect** -Observes that crimes against humanity and war crimes were two crimes out of the four that the responsibility to protect aims at banishing forever;

**-Concludes “some of the actors involved in mass atrocities in the DRC continue to reiterate their support for the responsibility protect principle while behaving in a manner completely inconsistent with it”;**

-Calls upon the international community to deliver on their commitment to the responsibility to protect.

See excerpt and additional sources on the report and the reaction of governments, civil society and the media below. In addition, useful links including the report, comments by members states and informational summaries on themes of the report can be found on the OHCHR site [here](#)

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## II. Reaction of Governments implicated in Mapping Exercise

### 1. Permanent Mission of Rwanda

30 September 2010

(...) Rwanda categorically states that The Draft Mapping Report is unacceptable. Rwanda’s concerns relate to the entire report and are not limited to narrow definitional issues or specific allegations. The serious concerns include:

1. The manipulation of UN processes by organizations and individuals (...) for purposes of rewriting history (...) and reignite the conflict in Rwanda and in the region.

2. The omission of the historical context (...). This is despite the UN’s knowledge and its blatant inaction.

3. The contradiction between the report and contemporaneous accounts of the

situation from the UN Security Council, NGOs and many eyewitnesses in the region who confirmed that genocidal forces, often posing as civilian refugees were operating under the cover of UN refugee camps.

4. The flawed methodology and application of the lowest imaginable evidentiary standard.

5. The overreliance on anonymous sources (...)

6. Failure to address the glaring inconsistencies that claims of genocide are directly contradicted by Rwanda's extensive (...) efforts to repatriate 3.2 million Hutu refugees (...)

7. The dangerous and irresponsible attempt by the report to undermine the peace and stability attained in the Great Lakes region (...)

Click [here](#) to read full document 2. Permanent Mission of the Republic of Uganda 30 September 2010

The draft report (...) is a compendium of rumors deeply flawed in methodology, sourcing and standard of proof. Its timing, scope, motive and subsequent leakage to the media were all made in bad taste (...).

(...) It is deeply regrettable that the authors of the draft report ignored the positive progress and improved cooperation between the DRC and her neighbours. Instead they chose to undermine the efforts of countries of the region to contribute towards regional and international peace and security. Such sinister tactics undermine Uganda's resolve to continue contributing to, and participating in, various regional and international peace-keeping operations such as AMISOM, UNAMID (...)

(...) Uganda rejects that draft report in its entirety and demands that it not be published.

Click [here](#) to read full document

3. Republic Democratic of the Congo. Minister of Justice and Human Rights

7 August 2010

*ICRtoP Unofficial translation*

(...) As the government tackles the daunting task of reforming the judicial and security system, the publication of the report honors all the victims of human rights violations, as it puts forward

their right to truth, rehabilitation, and to guarantee them they will never suffer again.

(...) The DRC General Prosecutor (...) believes that the primary responsibility to meet out justice in the face of such atrocities, must be carried out through the Congolese judiciary (...)

Nonetheless, the government would like to draw up a strand of observations relating to the Mapping Exercise (...).

Related to the true nature of the mapping exercise (...) it appears clearly that the project is in reality a report essentially descriptive based on accounts of victims (...) without in-depth investigations. The objective of the Mapping not being to establish responsibility (...) but only "reasonable doubts" on certain facts. (...)

Relating to the weaknesses of the report (...) the report omits the inclusion of countries who indirectly contributed to human rights violations, (...) and shows incomplete allegations, (...) as well as manifest imprecision in facts and numbers and (...) the extremely short time accorded to the DRC to react to the report.

The fact that the report did not refer to government sources: DRC published reports on human rights in the same time period (white papers, periodic reports, etc.) stigmatizing the genocide of the Congolese people. (...)

Click

[here](#)

to read full document (in French).

4. Permanent Mission of Burundi.

21 September 2010

*ICRtoP Unofficial translation*

The ministry of external relations and international cooperation of the government of Burundi (...) is honored to be able to transmit its comments on the allegations made against the ex-FAB and ex-FDD in the "Mapping Exercise" (...).

The Ministry of Foreign Affairs and International Cooperation would like to remind the UNHCHR

that the Government of Burundi never participated in the SUN CITY [inter-Congolese] negotiations in South Africa nor the Lusaka Accords (...)

Relating to the ex-FAB, the government denies their implication in the Congolese conflict. (...)

The government also never observed any movement of Rwandan or Ugandan troops in direction of the former Zaire (...)

(...) The destruction of refugee camps by ex-FAB as accused by the report (par. 178) is a lie.

Accusations against ex-FDD are equally unfounded, as the former political armed movement never led any operations in former Zaire (...)

(...) Accusations of the crime of genocide against the ex-FAB (par 512-513) do not belong in a final version of the report. Former FAB and FDD are not guilty of crimes against humanity as asserted in the report (...)

Click

[here](#)

to read full document (in French)

## 5. Permanent Mission of the Republic of Angola

24 September 2010

It was with indignation and surprise that the Government of Angola became aware of the serious allegations against the Angolan Armed Forces (FAA) contained in the United Nations report on the most serious violations of human rights and international humanitarian law committed in the Democratic Republic of Congo between March 1993 and June 2003.

We are particularly outraged by the facts of these allegations- which are devoid of any foundations, and which offend the good image of a full fledged UN Member State that is respected by the international community, are aimed precisely at the one country that has made the most efforts to stop the wave of gun violence whose main target was the Congolese civilian population, a feat that allowed for the stabilization of the DRC and the Great Lakes region in general (...)

(...) The presence of Angola in the DRC and the missions carried out by the Angolan Armed Forces have always obeyed the scrupulous observance of the norms of international law , including the Geneva Conventions (...)

(...) In light of the above (...)I hereby request, Mr Secretary General, that the allegations concerning Angola be withdrawn from the reporting order to meet our concerns and also to take into account our version of the facts (...)

Click

[here](#)

to read full document

### **III. Civil Society response: calls for justice**

#### **1.DR Congo: UN Report Exposes Grave Crimes**

Human Rights Watch

1 October 2010

(...) This detailed and thorough report is a powerful reminder of the scale of the crimes committed in Congo and of the shocking absence of justice," said Kenneth Roth, executive director of Human Rights Watch. "These events can no longer be swept under the carpet. If followed by strong regional and international action, this report could make a major contribution to ending the

"The UN has done the right thing by refusing to give in to these threats and by publishing the report," Roth said. "This information has been stifled for too long. The world has the right to know what happened, and the victims have a right to justice."

The UN had tried to investigate some of the events described in the report, notably in 1997 and 1998, but these investigations were repeatedly blocked by the Congolese government, then headed by Laurent-Désiré Kabila, father of the current president, Joseph Kabila. Despite those efforts, information about massacres, rapes, and other abuses against Rwandan refugees and Congolese citizens in the late 1990s was published at the time by the UN and by human rights organizations. However, no action was taken to hold those responsible to account.

"The time has come to identify and prosecute the people responsible for carrying out and

ordering these atrocities, going right up the chain of command," Roth said. "Governments around the world remained silent when hundreds of thousands of unarmed civilians were being slaughtered in Congo. They have a responsibility now to ensure that justice is done."

"Questions of qualification and terminology are important, but should not overshadow the need to act on the content of the report regardless of how the crimes are characterized," Roth said. "At the very least, Rwandan troops and their Congolese allies committed massive war crimes and crimes against humanity, and large numbers of civilians were killed with total impunity. That is what we must remember, and that is what demands concerted action for justice." (...)

Countries in the region whose armies are implicated in the report should carry out their own investigations and initiate action against individuals responsible for crimes, Human Rights Watch said. (...)

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full article

## 2. DRC: Action Needed to Investigate a Decade of Crimes

Amnesty International

1 October 2010

The publication of the UN mapping report documenting gross human rights violations in the Democratic Republic of Congo (DRC) is a significant first step, but concrete action is needed to ensure that those responsible are held to account, Amnesty International said today (...)

(...) Amnesty International urges the Congolese government and the UN to establish a Task Force as a matter of urgency, to develop a long-term, comprehensive action plan to end impunity for crimes committed in the country during the decade covered by the report as well as the crimes that continue to be committed on a daily basis.

The UN mapping report also highlights the inability of the Congolese justice system to try those responsible for war crimes despite some efforts by the government and international community to reform it (...)

Amnesty International urges the Congolese government and the international community to devote more resources to building an independent and effective justice system. "Unless

perpetrators are held criminally responsible and the truth about human rights abuses is established, peace and stability throughout the Great Lakes region will not be achieved,” warned Salil Shetty (...)

(...) Amnesty International calls on the DRC government and the UN to give more coherent and sustained attention to the professionalization of the national army, including the implementation of an effective vetting procedure, a task that the UN mapping report qualifies as an essential foundation for any credible justice initiative in the DRC (...)

[Read](#)

full article

### 3. Open Statement regarding UN Report on the Democratic Republic of Congo

Global Centre for the Responsibility to Protect

1 October 2010

The report is a dramatic reminder of the gravity of the crimes committed by various states and non-state actors inside the Democratic Republic of the Congo over a long decade of instability and conflict. The evidence unearthed by the report points to the simultaneous perpetration of war crimes and crimes against humanity, two of the four crimes that the Responsibility to Protect seeks to banish forever. (Genocide may also have been committed, but the evidence is less clear.)

We condemn the gross violations of international humanitarian and human rights law so thoroughly documented in this report. We also pay tribute to the determination of the United Nations Office of the High Commissioner of Human Rights in bringing to light more than 600 incidents of violence against civilians (...)

[Read](#)

full Open Statement

## IV. Informative media articles

### 1. U.N. Releases “heartbreaking” human rights report on Congo

CNN Wire Staff

1 October 2010

(...) The period covered by this report is probably one of the most tragic chapters in the recent history of the DRC," the report says. "Indeed, this decade was marked by a string of major political crises, wars and multiple ethnic and regional conflicts that brought about the deaths of hundreds of thousands, if not millions, of people."

The report devotes attention to violence against women and children. (...) "This report highlights the apparently recurrent, widespread and systematic nature of these phenomena and concludes that the majority of the incidents of sexual violence reported, could if judicially proven, constitute offences and violations under domestic law, international human rights law, and international humanitarian law." (...)

"If this situation is allowed to continue, there is a risk that a new generation will be created that has known nothing but violence, and violence as a means of conflict resolution, thus compromising the country's chances of achieving lasting peace," the report says.

Rwandan forces and an allied rebel group massacred ethnic Hutus in the country, the report says. (...)

Ileka Atoko, Congo's ambassador to the United Nations, welcomed the publication of the report and called it "detailed," "credible," and "heartbreaking."

"The Congolese government, and I personally, are appalled at the horrific nature and scope of crimes documented in this report that the people of the Congo have suffered," Atoko said.

"Sadly, this information is not new to us. Millions of Congolese men, women and children have borne the brunt of the Congo's conflicts over the past 15 years. Far too many have died. Like nearly all Congolese, I too lost loved ones in the war.

Atoko said justice must be meted out for the crimes.

"Far too often, Congolese voices go unheeded. I truly hope that this time it is going to be different."

[Read](#)  
full story

## 2. U.N. Report on Congo Massacres Draws Anger

Jeffrey Gettleman and Josh Kron

The New York Times

1 October 2010

(...) No country is depicted favorably in the Congo report. Ugandan forces are accused of torturing civilians. Rwandan troops are blamed for systematically hunting down refugees. Angolan forces are said to have raped women and looted hospitals. Zimbabwean planes carried out indiscriminate air raids, the report asserts, and Chadian troops burned homes.

The final report is slightly watered down compared with the draft copies, with a few more qualifications in the language. (...)

The final version of the report also includes more reasons such attacks may not be considered genocide, citing Rwanda's willingness to take back hundreds of thousands, if not more, Hutu refugees.

Many analysts said it was precisely the use of the word "genocide" that so angered Rwanda's leaders. Paul Kagame, Rwanda's president, and his inner circle have built a powerful and morally righteous image by ending Rwanda's genocide in 1994, when they say the world abandoned them, and rebuilding the country afterward. (...)

But the image of Rwanda is shifting. Human rights groups and others have increasingly accused the Rwandan government of squashing political dissent and donors, including the United States, have begun to air their own concerns.

Analysts say that may be one reason why this Congo report will get a more extensive airing than previous reports that alleged the Rwandans massacred civilians. One such report from 1994 emerged only recently, after some high-level United Nations officials denied it even existed.

Yet the Secretariat itself seemed to distance itself from the report already, saying future steps were in Congo's hands. Martin Nesirky, the spokesman for Mr. Ban, also denied the link made by other United Nations officials, namely that Mr. Ban had agreed with Mr. Kagame not to pursue court cases based on the report in exchange for Rwanda keeping its peacekeeping troops in Sudan. (...)

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full story

## 3. UN waters down genocide charges against Rwandan forces in Congo

Colum Lynch

Turtle Bay

1 October 2010

(...) Despite the changes, the final report still constitutes the most comprehensive and damning official account of crimes committed in one of Africa's deadliest conflict zones. And it continues to assert that an alliance of Rwandan, Burundian soldiers and Congolese rebels may have committed genocide during military operations in eastern Congo during the 1990s.

But it has softened its finding with numerous words and phrases -- including "alleged", "suggests" "apparent" and "if proven in a court of law" -- that serve to lessen the force of some of the final conclusions. Instead of stating whether crimes had been committed, the final report leaves it to a court to definitively decide (...)

(...) The decision to amend the final text came after U.N. Secretary General

**Ban Ki-moon**

's top advisors, including his chief of staff,

**Vijay Nambiar**

, voiced concern to the High Commissioner,

**Navi Pillay**

, about the legal basis for the genocide charge. A top U.N. official, who was involved in the deliberations, insisted that the effort to revise the text was not carried out to assuage the Rwandans (...)

The report's release comes weeks after Ban Ki-moon, his peacekeeping chief, and his human rights advisors, traveled to Kigali to meet with President Kagame. After the meeting, Kagame backed down from a threat to withdraw his peacekeepers. But he has made it clear that he will carry through with it if the U.N. presses ahead with the prosecution of Rwandan officers implicated in the crimes.

Human rights activists said they were confident that despite amendments that softened the report it still presented an overwhelming body of evidence that will now be hard to ignore. The challenge now, they say, is to press ahead with some mechanism for holding perpetrators accountable. "The real question is, does the political will exist to have a process that identifies individual perpetrators, or those most responsible, and brings them to justice? The report does a good job of fleshing out the facts as they are known."

(...) Here's a sample of the changes the U.N. introduced into the final report:

**BEFORE:**

With the respect to the charge of genocide, the original draft report noted that there were developments -- like Rwanda's repatriation of hundreds of thousands of Hutu refugee -- that would cause jurists to hesitate in reaching a genocide ruling.

**AFTER:**

The final version included a far more detailed account of the challenges in securing a genocide finding: "In the absence of direct evidence of intent to destroy the group, such intent can only be inferred from circumstantial facts and evidence, that is, from the conduct of the alleged perpetrator, if it is the only reasonable inference possible. Where an alternative inference can be drawn from the conduct of the alleged perpetrator, the clear 'intent to destroy' required is difficult to establish. A number of alternative explanation or inferences could be drawn from the conduct of the RPA/AFDL in attacking the camps in Zaire in 1996 and 1997. The intent underlying the killings could be deemed as collective retribution against Hutu civilians in Zaire suspected of involvement with the ex-FAR/Interhamwe, reinforced by the RPA/AFDL's conviction that upon destroying the camps, all Hutu remaining in Zaire were in sympathy with the perpetrators of the 1994 genocide in Rwanda."

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full article

*Many thanks to Stephanie Perazzone for compiling this report*