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Technical assistance and capacity-building

Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

Report of the team of international experts on the Democratic Republic of the Congo*

Summary

In its resolution 54/34 of 12 October 2023, the Human Rights Council renewed the mandate of the team of international experts on the Democratic Republic of the Congo and requested the team to provide the necessary technical support to the Government in its implementation of the national policy on transitional justice. The Council also requested the team of international experts to submit its final report to the Council, in the framework of an enhanced interactive dialogue, at its fifty-seventh session, and to present it with an oral update at its fifty-fifth session.

The mandate was implemented against a backdrop of continuing tensions between the Democratic Republic of the Congo and some of its neighbouring countries, especially Rwanda, while regional peace initiatives failed to make any significant headway, and of a worsening security and humanitarian situation and the gradual withdrawal of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). It also came in the context of the President's re-election for a second term and the appointment of a new government in May 2024.

The team of international experts carried out two field visits, enabling it to assess remaining challenges and the options to be explored to promote the fight against impunity and transitional justice at the provincial, national and subregional levels.

During the first visit, the team of international experts was able to exchange views with the national authorities and various stakeholders on issues relating to its mandate and to monitor progress on its recommendations. During its second visit, the team of international experts took part, along with all relevant actors, in a workshop in Bukavu, South Kivu Province, to assess the implementation of the recommendations contained in Human Rights Council resolution 54/34. It also attended the inauguration of the first forensic medicine centre in the Democratic Republic of the Congo.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.



Lastly, the team of international experts offered its conclusions and made recommendations with a view to strengthening current and future activities.

I. Introduction

1. In resolution 54/34 of 12 October 2022, the Human Rights Council renewed the mandate of the team of international experts on the Democratic Republic of the Congo and requested the team to provide the necessary technical support to the Government in its implementation of the national policy on transitional justice. The Council also requested the team of international experts to submit its final report to the Council, in the framework of an enhanced interactive dialogue, at its fifty-seventh session, and to present an oral update at its fifty-fifth session. The present report is part of the implementation of the above-mentioned resolution.
2. In the resolution, the Human Rights Council requested the United Nations High Commissioner for Human Rights to continue providing technical assistance, including the necessary forensic expertise, to the Government in order to support the judicial authorities in their investigations into allegations of human rights violations and abuses, including conflict-related sexual violence and serious violations of children's rights, with a view to bringing those responsible to justice.
3. On 12 October 2023, the High Commissioner for Human Rights renewed the mandates of Marie-Thérèse Keita-Bocoum (Côte d'Ivoire) and Bessolé René Bagoro (Burkina Faso) as, respectively, chair and member of the team of international experts.
4. The team of international experts is supported by a secretariat comprising a coordinator and a human rights officer specializing in transitional justice. In 2024, it made two field visits to the Democratic Republic of the Congo, from 24 to 30 March and 20 to 30 July.
5. During these visits, the team of international experts met with a number of officials, including the Minister of State and the Minister of Justice and Keeper of the Seals; the Minister of Human Rights; the President of the National Human Rights Commission; the Permanent Secretary of the human rights liaison body; the members of the Commission on Truth, Justice and Reconciliation of Kasai Central Province; the focal point for transitional justice of the Disarmament, Demobilization, Community Recovery and Stabilization Programme and the Special Representative of the Secretary-General for the Democratic Republic of the Congo and the Head of MONUSCO; members of United Nations system entities; and members of the diplomatic corps accredited in the Democratic Republic of the Congo, including the Deputy Head of Mission of the Belgian Embassy and the Ambassador of Burundi. In its discussions with interlocutors, the team of international experts enquired about progress made in the fight against impunity and the implementation of transitional justice.
6. On its second visit, the team of international experts took part in the inauguration of the first forensic thanatology centre in the Democratic Republic of the Congo, in Bukavu, South Kivu Province, on 23 July 2024. On 24 and 25 July 2024, it took part in a workshop, in which all relevant actors also took part, to assess the implementation of the recommendations contained in Human Rights Council resolution 54/34.
7. In accordance with Human Rights Council resolution 54/34, on 2 April 2024, the team of international experts gave an oral update on the situation in the Democratic Republic of the Congo at the interactive dialogue held during the Council's fifty-fifth session.
8. The present report is submitted in accordance with Human Rights Council resolution 54/34. It highlights the various activities undertaken by the team of international experts in fulfilment of its expanded mandate.

II. Mandate

9. The mandate of the team of international experts was implemented against a backdrop of ongoing instability in the east of the country, owing to the expansion of the Mouvement du 23 mars (M23), the persistent presence of several armed groups in the region and the humanitarian crisis, and in the run-up to the general elections in December 2023.

10. The mandate was also implemented in parallel with the withdrawal of MONUSCO. In addition, the financial situation of the United Nations had a negative impact on the fulfilment of the mandate of the team of international experts, forcing it to forgo several field visits, including to Nairobi to continue the technical work begun with the Special Envoy of the Secretary-General for the Great Lakes Region.

11. Notwithstanding this situation, the team of international experts was able to conduct two field visits to the Democratic Republic of the Congo and provide significant support to the Government. The team of international experts would particularly like to thank the Office of the United Nations High Commissioner for Human Rights and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo (UNJHRO) for all their efforts to enable it to fulfil its mandate, especially for their mission support.

III. Cooperation between the team of international experts and the authorities of the Democratic Republic of the Congo

12. Throughout its mandate, the team of international experts enjoyed direct and close collaboration with the authorities of the Democratic Republic of the Congo, thus enabling it to carry out its work successfully.

13. The team of international experts notes the establishment of a new government and the appointment of new institutional representatives in May 2024, following the confirmation of the results of the presidential election on 9 January 2024, and their readiness to continue strengthening the fight against impunity and respect for human rights.

IV. Current security and humanitarian situation in the Democratic Republic of the Congo

14. The team of international experts remains concerned by the continued deterioration of the security situation in the east of the country. The intensification of the conflict linked to the M23 offensive, with the increased involvement of multiple actors, including countries in the region,¹ and the armed groups Wazalendo and Volontaires pour la défense de la patrie, has led to serious human rights violations and abuses against civilians and a real risk of a regional conflict.² The team of international experts notes that a two-week humanitarian truce was announced in early July 2024, followed by a ceasefire agreement between the Democratic Republic of the Congo and Rwanda, facilitated by the President of Angola and made public on 31 July 2024.³

15. The team of international experts is concerned that the withdrawal of MONUSCO from South Kivu Province, which was completed on 30 June 2024 at the request of the Government, has not been followed by a meaningful strengthening of the capacities of the Congolese armed and security forces, thus creating a security vacuum in certain areas and increasing the vulnerability of the civilian population.

16. In North Kivu and Ituri Provinces, murderous attacks by the Allied Democratic Forces, the Coopérative pour le développement du Congo and various Mai-Mai armed groups have adversely affected the human rights situation.⁴

17. The team of international experts deplores the persistence of inter-community conflicts, particularly in the country's western provinces. In Mai-Ndombe Province, it notes that despite the signing on 6 April 2024 of a deed of commitment by certain community leaders, in the presence of the President, to cease hostilities and move towards a peaceful dispute settlement, groups of armed Mobondo civilians remain active, as do military

¹ See [S/2024/432](#).

² [S/2024/482](#), para. 93.

³ UN News, "L'ONU espère qu'un cessez-le-feu entre la RDC et le Rwanda contribuera à une 'désescalade des tensions'" ("UN hopes ceasefire between DRC and Rwanda will contribute to 'de-escalation of tensions'"), 31 July 2024.

⁴ UNJHRO, annual report on the situation of human rights, 1 January–31 December 2023.

operations, heightening the vulnerability of civilian populations.⁵ It is concerned about the humanitarian crisis faced by civilians, particularly displaced persons, in areas that are difficult to access and poorly covered by humanitarian actors.

18. The team of international experts also deplores the outbreak of land-related inter-community conflict in Tshopo Province, between the Mbole and Lengola communities, which has caused several deaths, massive population displacement and the destruction of dozens of homes.⁶

19. On the humanitarian front, the team of international experts notes that the Democratic Republic of the Congo is facing one of the world's largest displacement crises. The number of displaced people has risen sharply to 7.4 million, mainly in Ituri, North Kivu and South Kivu Provinces.⁷

20. The problem of how to access populations in need has become much more acute due to insecurity resulting from, among other things, attacks on humanitarian actors, some of which have been deadly,⁸ the absence or poor state of the road network, and administrative obstacles.

21. The team of international experts is concerned about the growing risk of armed-conflict-related sexual violence, especially with the intensification of armed violence in North Kivu Province. It noted cases of pregnancy resulting from rape.⁹

V. Implementation of the mandate of the team of international experts on the Democratic Republic of the Congo

22. The main purpose of the mandate of the team of international experts is to provide the Government with the technical support necessary to implement a national transitional justice process focused on the needs of victims and on strengthening the fight against impunity.

A. Fight against impunity

23. With regard to the fight against impunity, the team of international experts continued to observe the administration of justice in the Democratic Republic of the Congo, including in emblematic legal cases, particularly those opened in connection with the crisis linked to the Kamuina Nsapu militia, not to mention monitor the situation of victims.

1. Administration of justice in the Democratic Republic of the Congo

24. The team of international experts notes with satisfaction the Government's efforts in combating impunity, in particular its efforts to improve the administration of justice, both at the judicial and prison levels.

25. On the judicial front, the team of international experts notes that the first half of the 5,000 judges recruited in November 2022 was effectively trained in April 2024 and has been deployed across the country. It welcomes the support of international partners, including UNJHRO, in the preparation and conduct of this training organized by the Supreme Council of Justice.

⁵ UNJHRO, weekly note on the situation of human rights, 11–17 May 2024.

⁶ UNJHRO, annual report on the situation of human rights, 1 January–31 December 2023; UNJHRO, monthly analysis on the situation of human rights, January 2024; and UNJHRO, monthly analysis of the situation of human rights, March 2024.

⁷ MONUSCO, MONUSCO fact sheet (briefing to the Security Council), June 2024.

⁸ Ibid. See also Office of the Humanitarian Coordinator in the Democratic Republic of the Congo, "Le Coordonnateur humanitaire condamne l'attaque contre un convoi humanitaire et déplore la mort de deux travailleurs humanitaires à Butembo au Nord-Kivu" ("Humanitarian Coordinator condemns attack on humanitarian convoy and deplores death of two aid workers in Butembo, North Kivu"), press release, 2 July 2024.

⁹ UNJHRO, monthly analysis on the situation of human rights, February 2024.

26. The team of international experts congratulates the Government and the judicial authorities on this important step forward, which is in line with a recommendation in its previous report.¹⁰ It calls on the Government to continue the initial training of the other 2,500 judges recruited in 2022, in order to meet the recruitment target set by the Government of 10,000 magistrates by 2025.

27. The team of international experts invites the Government to continue its efforts to make initial and in-service training, particularly in the investigation and prosecution of international crimes, systematic for members of the judiciary, including by building the capacities of the National Judicial Training Institute and taking advantage of South-South cooperation where necessary. In addition, it stresses the need to deploy judges trained in the judicial response to serious offences, including conflict-related sexual violence, to the areas concerned.

28. The team of international experts notes the predominant role of the military courts in the judicial response to international crimes. It calls on the Government to undertake the reforms necessary to increase the involvement of civil courts, in line with international standards and instruments.

29. On the prison front, the team of international experts welcomes the adoption on 15 June 2023 of Act No. 23/028 on the fundamental principles of the prison system, and calls for its full and effective implementation.

30. The team of international experts calls in particular for measures to be taken regarding the rehabilitation and construction of detention centres and for the establishment of a functioning general directorate of prison administration to improve conditions of detention, reduce the mortality rate in prisons and ensure respect for prisoners' rights.

31. From 24 to 30 March 2024 in Kinshasa, the team of international experts met with the Minister of Human Rights, the Minister of State, the Minister of Justice and Keeper of the Seals, members of the previous Administration and with the President of the National Human Rights Commission. At these various meetings, the team expressed its deep concern at the Government's decision to lift the moratorium on enforcement of the death penalty amid growing consensus about universal abolition of the death penalty.

32. In response to the concerns expressed by the team of international experts, the authorities indicated that the reinstatement of the death penalty was a strategic measure aimed at restoring discipline within the army by, inter alia, preventing acts of treason.

33. Following these exchanges, the team of international experts was left with the strong impression that the measure was due to circumstances and had been taken for dissuasive purposes but that it could nonetheless be implemented if a situation warranted it.

34. The team of international experts urged the authorities to reverse the decision to lift the moratorium on enforcement of the death penalty, to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and to complete the legislative process to abolish the death penalty in the Democratic Republic of the Congo.

35. The establishment of a special criminal court was also raised during the discussions of the team of international experts with the Minister of Justice and the President of the National Human Rights Commission. This matter has already been raised several times in exchanges between the team of international experts and some of its interlocutors during its recent visits to the country. The team of international experts has taken due note.

2. Monitoring judicial cases

36. The team of international experts is concerned about the lack of progress in the judicial cases concerning the crisis linked to the Kamuina Nsapu militia.

37. The team of international experts notes that, of the 16 emblematic cases opened in this connection, 5 have not yet been investigated, 9 remain under investigation and 2 remain in

¹⁰ [A/HRC/54/76](#).

the trial phase, namely, the Mulombodi case and that of the assassination of the two United Nations experts, Zaida Catalán and Michael Sharp.

38. The team of international experts notes that an appeal hearing continues before the Military High Court in the case of the assassination of the two United Nations experts. It further notes that investigations are ongoing in the Moyo Musuila case concerning the four people who were accompanying the United Nations experts.

39. The team of international experts is concerned by the slow progress of these cases, especially as four defendants have already died.¹¹

40. The team of international experts encourages the judicial authorities to continue these legal proceedings in order to establish the truth, assign responsibility for the offences committed in Kasai-Central Province during the crisis linked to the Kamuina Nsapu militia and realize the victims' right to justice. The team invites the Government, with the support of its partners, to continue building the capacity of professionals in the criminal justice system to investigate and prosecute international crimes in order to speed up and strengthen the judicial response.

41. The team of international experts is concerned about the impact that the withdrawal of MONUSCO might have on the fight against impunity, for instance by slowing down or even hindering the judicial response. There is no doubt that the logistical support provided by MONUSCO is essential for successfully organizing investigative missions and mobile court hearings and for facilitating access to the judicial system for victims and witnesses.

42. In Kasai-Central Province, for example, the judicial authorities with which the team met mentioned that the loss of the MONUSCO-led consultation framework to support international criminal justice had resulted in loss of support for the judicial authorities and had had a negative impact on the judicial response, in the absence of an increase in the human, technical and logistical resources provided by the Government.

43. The team of international experts calls on the Government to strengthen its support to the judicial authorities, particularly in provinces from which MONUSCO has already withdrawn, and asks international partners to support these efforts as well as those of United Nations entities, including UNJHRO, aimed at strengthening the judicial response to serious violations and abuses of international human rights law and international humanitarian law.

44. Notwithstanding the above-mentioned challenges, the team of international experts takes note of the efforts made by the Government and the military justice system to combat impunity through the adoption of certain judicial decisions.

45. In this regard, the team of international experts notes that, since October 2023, 343 people – 38 officers of the Armed Forces of the Democratic Republic of the Congo, 18 officers of the Congolese National Police, 223 members of armed groups and 64 civilians – have been convicted of offences related to violations of human rights and international humanitarian law. Most of these convictions were handed down by military courts. For example, in June 2024, the military court of South Kivu confirmed the conviction of three leaders of armed groups, who committed human rights violations, for environmental offences and crimes against humanity through forced pregnancy.

46. The team of international experts welcomes the significant contribution of the Office of the United Nations High Commissioner for Human Rights to supporting the judicial authorities in the fight against impunity, thanks to the expertise in forensic medicine and forensic psychology shared by the technical assistance team deployed to UNJHRO.

47. The team of international experts also welcomes the progress made in implementing the road map and recommendations under the Kinshasa Declaration adopted at the international symposium on the issues at stake and challenges in the field of forensic medicine in the Democratic Republic of the Congo, held in Kinshasa in July 2023. It notes that the University of Kinshasa, with technical and financial support from UNJHRO,

¹¹ A general prosecuted in the Mulombodi case and three defendants in the case of the assassination of the two United Nations experts have died in custody.

organized a workshop from 14 to 19 May 2024 on the preparation of skills and job profiles for the establishment of a forensic medicine training programme in the country's universities. On 31 May 2024, thanks to the advocacy and support of the technical assistance team, the Congolese College of Physicians sent to four doctors, including one woman, a letter of notification officially awarding them the title of forensic doctor recognized by their peers and, by extension, by the State.

48. In Bukavu, South Kivu Province, the technical assistance team supported the construction and inauguration of a forensic medicine centre for the living in November 2023, and the equipping and operationalization of the first forensic thanatology centre in the Democratic Republic of the Congo, inaugurated on 23 July 2024. The team of international experts welcomes the establishment of a forensic medicine and thanatology centre in Kananga, with support from the World Bank.

49. The team of international experts encourages the Government to continue its efforts to realize the road map and the recommendations contained in the Kinshasa Declaration, with expert advice from the technical assistance team. This progress, anchored in a sustainable approach and focused on the development of national forensic expertise, goes some way towards fulfilling one of the recommendations made in the previous report of the team of international experts.

50. The team of international experts invites all international partners to support the Congolese Government's efforts in this area with a view to improving criminal investigations, strengthening the fight against impunity and ensuring better access to justice for victims.

3. Situation of victims

51. The team of international experts notes with satisfaction that the concerns of victims have been taken into account through the promulgation of Act No. 22/065 of 26 December 2022 on the fundamental principles of protection and redress for victims of conflict-related sexual violence and victims of crimes against the peace and security of humankind, pursuant to which registration and legal fees have been abolished for victims of such offences.

52. The team of international experts notes that, on the basis of Act No. 22/065, victims who had sued for damages in criminal proceedings had been exempted from legal fees in two judgments handed down in Kasai-Central and Ituri Provinces in August and December 2023, thus setting positive precedent.

53. The team of international experts encourages the State to widely disseminate the provisions of Act No. 22/065 among judicial authorities and potential beneficiaries, to ensure that all its provisions strengthening victims' access to justice and judicial reparations are systematically invoked in all future proceedings.

54. The team of international experts welcomes the decision by the military judicial authorities to request, under Act No. 22/065, that 120 victims undergo a medical and psychological assessment by the forensic psychology experts of the technical assistance team as part of the ongoing investigations in the Mulombodi and Nganza cases.

55. The team of international experts calls for a full medical and psychological assessment of victims taking part in legal proceedings to be systematically requested, at any point in the proceedings, such that psychological harm may be taken into account more effectively, including in the determination of reparation measures. It invites the Government to broaden the legal basis for the judicial authorities to request such assessments, so that they can be used to support victims of serious human rights violations not covered under Act No. 22/065.

B. Implementation of the transitional justice process

1. Monitoring the implementation of the transitional justice process in Kasai-Central Province

56. The team of international experts notes with satisfaction the ongoing support provided to the Truth, Justice and Reconciliation Commission of Kasai-Central Province during its

launch and preparatory phase. In particular, it welcomes the support provided by UNJHRO, which facilitated the renovation of the Commission's headquarters and made it possible for the Office of the United Nations High Commissioner for Human Rights to continue providing a transitional justice expert.

57. The team of international experts appreciates the continued implementation of the partnership agreement between the Truth, Justice and Reconciliation Commission of Kasai-Central Province and the non-governmental organization TRIAL International, as well as the determination expressed by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to boost its support to the Commission.

58. The team of international experts notes that the enhanced synergies between itself and TRIAL International, UN-Women and UNJHRO enabled them to assist the Truth, Justice and Reconciliation Commission of Kasai-Central Province in developing, as early as November 2023, a technical partnership with 15 civil society organizations and the judicial authorities based in Kananga and in finalizing the legal and strategic instruments regarding its operations in May 2024.

59. The team of international experts invites the Commission's partners to establish a cooperation framework to strengthen their coordination and the complementarity of their support efforts. It also calls on the provincial government of Kasai-Central to support the effective operationalization of the consultation framework it established with the Commission on 25 July 2023.

60. The team of international experts commends the Provincial Assembly of Kasai-Central for renewing the mandate of the Commission on 18 July 2024. It calls on the provincial government of Kasai-Central to promulgate the draft edict renewing the Commission's mandate for a further three years.

61. The team of international experts encourages the Truth, Justice and Reconciliation Commission of Kasai-Central Province to complete the pilot phase of its investigations in the city of Kananga as soon as possible, then expand its operations to the Province's five territories.

62. During its discussions with the commissioners, the team of international experts noted the significant impact that the lack of State funding was having on the fulfilment of the mandate of the Truth, Justice and Reconciliation Commission of Kasai-Central Province.

63. The team of international experts continues to encourage the Governor of Kasai-Central Province to allocate the resources necessary for the Commission to plan and effectively launch its investigations, among other activities. It also invites the national Government to provide supplemental financial support to the Commission.

64. The team of international experts welcomes the financial support provided by international partners, particularly UNJHRO, to the Truth, Justice and Reconciliation Commission of Kasai-Central Province. It notes especially the commitment of the Peacebuilding Fund to support the operations of the Commission over the next three years. The team of international experts invites other donors to step up their support for the transitional justice process in Kasai-Central Province.

2. Implementation of the transitional justice process at the national level

65. The team of international experts welcomes the President's determination to place the key objectives of transitional justice at the heart of the presidential programme for his second term. It encourages the Government to take greater account of transitional justice in its programme of action for the period 2024–2028.

66. The team of international experts notes that the organization and holding of the 2023 general elections slowed the progress of the transitional justice process. It remains convinced that the installation of the Government will further strengthen commitment to this process.

67. The team of international experts commends the Government's efforts to revitalize and operationalize the human rights liaison body, a government monitoring, warning and advocacy mechanism in the area of human rights, including transitional justice.

68. The team of international experts welcomes the technical and financial support that it and UNJHRO provided for the first ordinary meeting of the human rights liaison body, held on 16 November 2023, which marked the official launch of the body's activities and resulted in an amendment to Decree No. 09/35 of 12 August 2009 on the establishment, organization and functioning of the body to, inter alia, add monitoring of the transitional justice process to its remit. The team encourages the Government to promulgate the amended decree and continue the operationalization of the body.

69. The team of international experts also welcomes the deployment by the Office of the United Nations High Commissioner for Human Rights of a human rights officer specializing in transitional justice within the Ministry of Human Rights to support the Ministry's implementation of the transitional justice process.

70. This support enabled the Ministry of Human Rights, in collaboration with UNJHRO, the team of international experts and UN-Women, to validate its strategic action plan for human rights and transitional justice in August 2023. The team of international experts invites the Government and its partners to support the implementation of the strategic action plan.

71. The team of international experts notes with satisfaction that the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Humankind in the Democratic Republic of the Congo (FONAREV) and the Inter-Institutional Commission for Assistance to Victims and Support for Reforms (CIA-VAR), responsible for overseeing the development of reparations programmes by FONAREV, are now operational.

72. The team of international experts appreciates the collaboration among FONAREV, CIA-VAR and UNJHRO, which in May 2023 facilitated an exchange of expertise, in the framework of South-South cooperation, with experts from the Victims Trust Fund of the International Criminal Court and other international experts. It notes with satisfaction the deepening of such cooperation during a study visit to Côte d'Ivoire by a FONAREV delegation in June 2024, organized with support from UNJHRO.

73. The team of international experts welcomes the operational launch of the Special Reparations and Compensation Fund for Victims of Illicit Activities by Uganda (FRIVAO), which is mandated to administer the reparations awarded by the International Court of Justice to Congolese victims of harm caused by Uganda during the armed conflict from August 1998 to June 2003.¹²

74. The team of international experts stresses that it is essential for ongoing reparations projects to be implemented in a transparent manner to ensure that these transitional justice initiatives effectively contribute to boosting the population's confidence in the State and promoting national reconciliation.

75. The team of international experts calls on FONAREV and FRIVAO, with the support of their respective lead ministries, to continue developing reparations programmes that are focused on the needs of victims, facilitate access to different forms of individual and collective reparations¹³ and promote the social reintegration of victims.

76. The team of international experts also calls on FONAREV and FRIVAO to work with UNJHRO and other international partners to strengthen experience-sharing initiatives in the context of South-South cooperation.

77. The team of international experts welcomes the determination of the Disarmament, Demobilization, Community Recovery and Stabilization Programme to foster synergies between it and ongoing transitional justice initiatives. It also welcomes the appointment by the Programme of a transitional justice focal point and the organization in June 2024, with

¹² International Court of Justice, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*.

¹³ The term "collective reparations" refers to reparations that are intended for a community and whose mode of distribution is collective, such as the construction of schools or health centres or the expression of public apologies.

support from UNJHRO, of a workshop on the links between the Programme and transitional justice.

78. The team of international experts takes note of the development by the Disarmament, Demobilization, Community Recovery and Stabilization Programme of an initial proposal for a screening procedure. Such a procedure would be essential to ensure that the Programme does not become a mechanism for promoting impunity and to strike a balance between community reintegration strategies for former combatants and respect for victims' rights.

79. The team of international experts calls on the Government and its partners to step up their technical and financial support to accelerate the implementation of the Disarmament, Demobilization, Community Recovery and Stabilization Programme and the development of synergies between the Programme and transitional justice initiatives at the national and subregional levels.

80. The team of international experts notes with interest the intensification of official communications around transitional justice initiatives, including the celebration of the national day of homage to victims of conflict-related sexual violence and to victims of crimes against the peace and security of humankind,¹⁴ commonly known as "Genocost".

81. The team of international experts encourages the Government to increase communication and awareness-raising initiatives on transitional justice, in various local languages, that are focused on the needs and perspectives of victims and respect their dignity and the "do no harm" principle. This is essential to strengthen the impact of these initiatives on all communities and to help victims take ownership of and participate in them.

3. Challenges in the implementation of the transitional justice process in the Democratic Republic of the Congo

82. The team of international experts identified four major challenges concerning the transitional justice process: (a) the lack of consistent and coordinated design and implementation of transitional justice initiatives based on an overall vision focused on the needs of victims; (b) the lack of sufficient effective funding to implement the transitional justice process; (c) the fact that transitional justice is being applied in a context of insecurity and inter-community conflicts; and (d) the growing impact of the cross-border dimension of conflicts.

(a) *Lack of consistent and coordinated design and implementation of transitional justice initiatives based on an overall vision focused on the needs of victims*

83. The team of international experts reiterates that weakness in the coordination of transitional justice initiatives, at both national and provincial levels, is an obstacle to the realization of a comprehensive transitional justice process that is focused on the needs of victims and effectively contributes to peace, the strengthening of the rule of law, the promotion of reconciliation and the development of the country.

84. The team of international experts notes that the draft national policy on transitional justice, aimed at defining the Government's vision and conceptual and institutional framework for transitional justice in the Democratic Republic of the Congo, which was submitted to the Ministry of Human Rights in January 2023, does not yet include the recommendations arising from the national consultations on transitional justice organized by the Ministry of Human Rights with support from UNJHRO.

85. The team of international experts notes that the draft national policy does not at this stage include any reference to several ongoing transitional justice initiatives, in particular FONAREV, FRIVAO and the Disarmament, Demobilization, Community Recovery and Stabilization Programme. It nonetheless notes with satisfaction the initiative of FONAREV and the Truth, Justice and Reconciliation Commission of Kasai-Central Province to work

¹⁴ Democratic Republic of the Congo, Act No. 22/065 of 26 December 2022 on the fundamental principles of protection and redress for victims of conflict-related sexual violence and victims of crimes against the peace and security of humankind, art. 28.

together to establish a common consultation framework for harmonizing their approaches and ensuring the complementarity of their actions in Kasai-Central Province.

86. The team of international experts is concerned, however, about the development of a national policy on reparations, under the aegis of FONAREV and CIA-VAR, separately from the process to finalize the national policy on transitional justice.

87. The consistency, coordination and complementarity sought by the Government among the various ongoing transitional justice initiatives should be made explicit in the final version of the national policy on transitional justice. Otherwise, there might be duplication of efforts, loss of resources and even obstacles to the fulfilment of the mandates of the various institutions already in operation.

88. The national policy on transitional justice would enable the Government to establish a single national framework, focused on the needs of victims, to continue the coordinated implementation, based on a common vision, of all the pillars of transitional justice at the provincial, national and subregional levels.

89. The team of international experts reiterates its call to the Ministry of Human Rights to continue and conclude the national consultations on transitional justice, in compliance with international standards and instruments, and to publish and disseminate widely the results of the consultations so that they may inform the final version of the national policy on transitional justice. The team invites the Government to adopt the national policy on transitional justice and collectively commit to its effective implementation, with the support of its technical and financial partners.

90. The team of international experts notes the absence of a mechanism for cooperation among technical and financial partners providing support for the transitional justice process, at both the national and provincial levels. It calls for the establishment of such a mechanism to effectively coordinate support for the transitional justice process.

(b) Lack of sufficient effective funding to implement the transitional justice process

91. The team of international experts welcomes the innovative approach developed under Act No. 22/065, thanks to which 11 per cent of mining royalties are now allocated to FONAREV reparation programmes. It invites the Government to adopt similar approaches to strengthen the private sector's contribution to the financing of all transitional justice initiatives.

92. The team of international experts notes the efforts of the Congolese Government to financially support FONAREV. However, it would like this support to be expanded to all transitional justice initiatives currently under way. Such financial efforts would ensure national ownership of the transitional justice process and encourage greater participation by bilateral and multilateral partners.

93. The team of international experts notes the low level of mobilization of international partners for the financing of the transitional justice process and regrets that the current financial difficulties of the United Nations Secretariat have had an impact on the support provided by the Office of the United Nations High Commissioner for Human Rights to the transitional justice process, particularly with regard to the deployment of additional technical experts.

94. The team of international experts calls on the Office of the United Nations High Commissioner for Human Rights and international partners to step up their financial support for the transitional justice process in the Democratic Republic of the Congo, in line with its previous recommendations and requests by the Human Rights Council.

(c) Applying transitional justice in a context of insecurity and inter-community conflicts

95. The team of international experts is concerned by the withdrawal of MONUSCO from South Kivu Province at a time when several provinces in the east of the country are facing situations of armed conflict and inter-community strife.

96. The team of international experts calls on the Government and the Security Council to consider the major challenges in terms of access, security and human rights protection that

the next stages of the withdrawal of MONUSCO might cause in the absence of deployment of sufficient trained national armed and security forces who respect international humanitarian and human rights law.

(d) *Growing impact of the cross-border dimension of conflicts*

97. The team of international experts observes with concern the worsening regional tensions due to the conflicts, particularly in the east of the country. It notes that prioritizing the military approach taken thus far in response to security and humanitarian challenges cannot in itself bring about peace or meet the needs expressed by the population concerned.

98. The team of international experts points out the need for the Government and all stakeholders to step up their involvement in the implementation of the Nairobi Process, under the aegis of the East African Community, and the Luanda road map, under the auspices of the African Union, and to incorporate in these processes a human rights-based approach through transitional justice to achieve lasting peace. It also invites the Government to strengthen dialogue with countries in the region through other existing subregional cooperation initiatives.

99. The team of international experts notes the importance for the Government of intensifying implementation of the Disarmament, Demobilization, Community Recovery and Stabilization Programme. It stresses that a coherent, long-term strategy for the demobilization of armed groups, taking into account the impact of the establishment of the Armed Defense Reserve, is needed to support the implementation of regional political processes.

100. The team of international experts underscores the vital importance of strengthening regional judicial cooperation to intensify the fight against impunity for cross-border offences, including in relation to the illegal exploitation of natural resources. It commends the efforts of MONUSCO and the Special Envoy of the Secretary-General for the Great Lakes Region to build the capacities of the Great Lakes Judicial Cooperation Network and invites the Office of the United Nations High Commissioner for Human Rights to become more involved in those efforts.

VI. Conclusions and recommendations

A. Conclusions

101. **The team of international experts welcomes the excellent cooperation by the authorities of the Democratic Republic of the Congo and would like to express its deep gratitude to them. It also welcomes the essential support of UNJHRO, MONUSCO and the entire United Nations system.**

102. **The team of international experts notes that, since its last report, the security and humanitarian situation in the country has deteriorated significantly. It welcomes the announcement of a humanitarian truce and ceasefire in July 2024, and strongly hopes that these will be swiftly implemented to address the extreme vulnerability of the civilian population.**

103. **The team of international experts regrets the limited progress, and even slowdown, in the fight against impunity and the development of a comprehensive national transitional justice process focused on the needs of victims, due to differing political agendas, particularly regarding the electoral context and the installation of the new Government.**

104. **The team of international experts invites the Government to strengthen its support for the judicial response to serious violations and abuses of international human rights law and international humanitarian law, particularly conflict-related sexual violence. This must include reinforced deployment of the judicial authorities in the country, as well as the strengthening of their technical and operational capacities, including the development of national expertise in forensic medicine and forensic psychology.**

105. The team of international experts reiterates the need for the Government to strengthen coordination of and support to the national transitional justice process, including financial support, taking into account the history, context and needs of the population of each affected province, to ensure the coherence and participatory nature of the process and its effectiveness in promoting peace, reconciliation and development.

106. The implementation of the national transitional justice process becomes essential in the context of the withdrawal of MONUSCO. In this regard, the entities of the United Nations system, particularly UNJHRO, whose resources must be increased, have a key role to play in supporting the Government's efforts.

B. Recommendations

107. The team of international experts recalls the need to pursue the implementation of the recommendations made in its previous reports. It reiterates some of these recommendations and makes new ones.

1. Vision and coordination of transitional justice initiatives

108. The team of international experts recommends that the Government maintain transitional justice as a priority objective as part of a high-level, consistent and complementary basis for the realization of its programme of action for the period 2024–2028.

109. The team of international experts urges the Government to finalize and implement the national policy on transitional justice, taking into account the results of national consultations, so that the policy reflects the perspectives of victims and communities in the various provinces.

110. The team of international experts invites the Government to promulgate as soon as possible the revised version of the decree establishing the human rights liaison body and urges it to ensure the body's effective functioning.

111. The team of international experts urges the Disarmament, Demobilization, Community Recovery and Stabilization Programme to develop synergies between it and ongoing transitional justice initiatives, specifically by prioritizing the development of screening mechanisms and adopting a consistent demobilization strategy.

112. The team of international experts invites international partners supporting the transitional justice process to strengthen their coordination and complementarity at the national and provincial levels by establishing a framework for cooperation and supporting the implementation of the Government's strategic action plan.

2. Prevention of impunity

113. The team of international experts once again calls on the Government to continue its efforts to provide appropriate initial and in-service training for judges, to build the capacity of professionals in the criminal justice system to investigate and prosecute international crimes, and to assign judges trained in this field to the areas concerned.

114. The team of international experts urges the Government to undertake reforms to strengthen the capacity of the civil courts, so that they become more involved in the fight against impunity for international crimes.

115. The team of international experts recommends that the Government implement all the provisions of Act No. 23/028 on the fundamental principles of the prison system, adopted on 15 June 2023.

116. The team of international experts calls on the Government to reverse its decision to lift the moratorium on enforcement of the death penalty, and to pursue dialogue with its partners in order to find a solution that respects the fundamental rights and human dignity of all.

117. The team of international experts invites the Government to continue its efforts to implement the road map and the recommendations contained in the Kinshasa Declaration resulting from the work of the international symposium on the issues at stake and challenges in the field of forensic medicine in the Democratic Republic of the Congo.

118. The team of international experts recommends that the Human Rights Council build the capacities of the technical assistance team by increasing its human and technical resources so that it may continue to strengthen national efforts to combat impunity.

119. The team of international experts encourages the authorities of the Democratic Republic of the Congo and the International Criminal Court to pursue and strengthen their cooperation.

3. Consideration of victims at all stages of the transitional justice process

120. The team of international experts urges the Government to ensure the active, effective and secure participation of victims in the transitional justice process, including ongoing national consultations on the matter.

121. The team of international experts invites the Government to ensure that information on the measures set out in Act No. 22/065 of 26 December 2022 is widely disseminated among the judicial authorities, victims and their representatives, so that victims can avail themselves of the measures, thus strengthening their access to justice.

122. The team of international experts calls on the judicial authorities to systematically request medical and psychological assessments for victims of international crimes involved in legal proceedings, including by broadening the legal basis for requesting such assessments.

123. The team of international experts urges FONAREV and FRIVAO to coordinate their approaches, including with other transitional justice initiatives, under the supervision of their respective lead ministries, to support the development of comprehensive individual and collective reparations programmes focused on the needs of victims.

4. Conflict prevention and guarantees of non-repetition

124. The team of international experts urges the Government to tackle the humanitarian and protection crises and the resulting gross violations and abuses of international humanitarian and human rights law by taking all measures to end armed conflict. It recommends that the Government make it a priority to provide lasting solutions based on human rights through transitional justice, including accountability for the perpetrators of these violations and abuses.

125. The team of international experts reiterates its recommendation that the Office of the United Nations High Commissioner for Human Rights continue its efforts to strengthen the capacities of the Armed Forces of the Democratic Republic of the Congo in the field of human rights and international humanitarian law, especially in the context of the withdrawal of MONUSCO.

126. The team of international experts calls on development partners and the international community to support the Government in facilitating civilians' access to a humanitarian response adapted to their most pressing needs.

5. Public, private and international funding of the transitional justice process

127. The team of international experts calls on the provincial government of Kasai-Central to provide adequate financial, material and human resources to ensure the full implementation of the mandate of the Truth, Justice and Reconciliation Commission of Kasai-Central Province.

128. The team of international experts reiterates its call on the Government to ensure that its transitional justice and State reform initiatives are funded from the national budget at both the central and provincial levels.

129. The team of international experts invites the Government to continue developing policy mechanisms to organize the contributions of national and multinational companies operating in the Democratic Republic of the Congo to the funding of peace, reconciliation, stability and sustainable development initiatives, modelled on the pioneering initiative for the financing of FONAREV.

130. The team of international experts once again encourages donors to step up their support for the transitional justice process at the national and provincial levels in the Democratic Republic of the Congo.

6. Subregional dimension of the transitional justice process

131. The team of international experts urges the Government to support the resumption of the implementation of the Nairobi Process and the Luanda road map, including for the purpose of integrating a human rights-based approach through transitional justice, with the aim of taking into account subregional dynamics in the search for the root causes of conflicts and the prevention of their recurrence.

132. The team of international experts recommends that the Government strengthen dialogue with countries in the region through other existing subregional cooperation initiatives, including to promote subregional transitional justice initiatives.

133. The team of international experts reiterates its call for closer cooperation between the Special Envoy of the Secretary-General for the Great Lakes Region and the Office of the United Nations High Commissioner for Human Rights to further support the Great Lakes Judicial Cooperation Network.
