



## Security Council

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### **Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo**

#### **I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 1991 (2011). By paragraph 23 of that resolution, the Council requested that I report, by 23 May 2012, on the progress on the ground and the significant events of the electoral process, including on United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) support to that process. The Council also requested that I provide a comprehensive assessment of the political, security, humanitarian and human rights environment following the elections, as well as an indication of progress towards achieving a coordinated United Nations approach in-country. The present report covers developments that occurred between the issuance of my report of 26 January (S/2012/65) and 10 May 2012.

#### **II. Major developments**

2. Following the many serious irregularities and allegations of fraud in relation to the conduct of the presidential and legislative elections of 28 November 2011 that were reported by a number of international and national observers, the political environment in the Democratic Republic of the Congo during the reporting period was characterized by some distrust of, and low confidence in, the country's political representatives and institutions. Meanwhile, the security situation in the eastern part of the country deteriorated as a result of desertions from the Forces armées de la République démocratique du Congo (FARDC), although there was continued progress with regard to the voluntary participation of combatants and dependants of the Forces démocratiques de libération du Rwanda (FDLR) in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration process. In addition, intensified efforts targeting the Lord's Resistance Army (LRA) appear to have reduced the group's capacity to commit large-scale atrocities in the Democratic Republic of the Congo, though their presence continued to pose a threat to civilians and prevent the return of displaced persons. Against this backdrop, the humanitarian situation deteriorated.



**National political developments**

3. On 2 February 2012, the Independent National Electoral Commission released the provisional parliamentary results for 483 seats of the 500-member National Assembly, 47 of which were won by women. Owing to significant irregularities, the Commission proposed to nullify the results of the remaining 17 seats and, in accordance with the Constitution, referred a decision in that regard to the Supreme Court. According to the provisional results, the Parti du peuple pour la reconstruction et le développement (PPRD) obtained 62 seats, followed by the opposition party, Union pour la démocratie et le progrès social (UDPS), with 41 seats. One hundred political parties or groupings, including 16 independent candidates, are represented in the newly elected National Assembly.

4. On 12 February, Augustin Katumba Mwanke, a senior adviser to President Joseph Kabila, died in a plane crash at Kavumu Airport in Bukavu, South Kivu. The Minister of Finance, Augustin Matata Ponyo Mapon, the Governor of South Kivu, Marcellin Chishambo, and roving Ambassador Antoine Ghonda, were also injured in the accident.

5. On 16 February, the National Assembly convened its inaugural extraordinary session. Timothée Nkisi Kombo, a UDPS representative for the Madimba constituency in Bas-Congo, was elected Chairman of the Assembly's provisional bureau. Three hundred and fifty of the 483 newly elected members of Parliament attended the inaugural extraordinary session. Apart from Mr. Nkisi Kombo, no other elected UDPS members attended that session following the decision of the President of UDPS, Etienne Tshisékédi, not to recognize the results of the 28 November 2011 elections.

6. On 28 February, the National Assembly adopted the credentials of the 483 elected members. In keeping with the Constitution, the Government of the then Prime Minister Adolphe Muzito, as well as the governors of Bas-Congo, Bandundu and Orientale provinces, who had won seats in the National Assembly, subsequently resigned from their functions. On 7 March, President Kabila appointed Louis Koyagialo, the former Minister of Posts, Telephones and Telecommunications, as the interim Prime Minister, pending the formation of a new government.

7. On 8 March, President Kabila appointed outgoing Defence Minister Charles Mwando Nsimba as "informateur" charged with identifying a coalition of parties to constitute a parliamentary majority from among the parties represented in the National Assembly. He undertook consultations with all political parties represented in the National Assembly, although UDPS and some other opposition parties declined to participate.

8. From 6 to 14 March, some UDPS members and opposition parties met in Kinshasa to address internal differences. In a press statement on 14 March, they reiterated their position that Mr. Tshisékédi had won the 28 November presidential election, and announced that members elected from their respective parties were authorized to assume their seats in the National Assembly. Most of the newly elected members from UDPS and allied parties subsequently began participating in the work of the National Assembly.

9. On 29 March, the European Union (EU) electoral observer mission released its final report on the 28 November 2011 elections. The report found that the results of the presidential and legislative polls lacked credibility, and it recommended, inter alia, that the Independent National Electoral Commission be restructured. On

16 April, the European Union announced that it would condition further financial support to the electoral process, which includes the holding of provincial and local elections, on progress by the Congolese authorities in implementing the main recommendations of the observation mission's report. A number of other final reports of both international and national observers issued since January 2012 contained similar findings and recommendations.

10. On 12 April, the National Assembly elected its Permanent Bureau. Aubin Minaku, the Secretary-General of PPRD, was elected as the Bureau President. Mr. Nkisi Kombo (UDPS) and Mr. Jean-Pierre Tshimanga of the opposition party, the Congrès des alliés pour l'action au Congo (CAAC), were elected Second Vice-President and Deputy Rapporteur, respectively, in a vote that was boycotted by some opposition party members. The same day, the Secretary-General of UDPS expelled from the party 33 elected members of Parliament who had assumed their seats in the National Assembly, including Mr. Kombo. On 16 April, UDPS announced the establishment of the Majorité présidentielle populaire (MPP), an alternative political platform to the Majorité présidentielle.

11. On 18 April, President Kabila announced the appointment of the former Minister of Finance, Augustin Matata Ponyo Mapon, as Prime Minister. The appointment of the new Government was announced on 28 April and includes two Vice-Prime Ministers, 25 Ministers, eight Vice-Ministers and one Minister Delegate. The new 36-member Government includes six women, while the previous Government comprised five women out of 46 cabinet members. The Government is composed of a number of political figures from the majority coalition who have not previously served in Government, with two representatives selected from opposition political parties, the Convention des démocrates chrétiens (CDC) and the Alliance pour le développement et la République (ADR). Seven former ministers kept their posts or were reassigned new portfolios. In accordance with the Constitution, the Government and its programme of work was endorsed by the National Assembly on 9 May. President Kabila has called for the Government to focus on implementing his programme for a "Révolution de la modernité" focused on infrastructure and socioeconomic development.

12. On 27 April, the Supreme Court of Justice announced the final results of the legislative election for 482 National Assembly members. The Court invalidated the election of 32 members of the National Assembly owing to irregularities and fraud, instated 31 other candidates in their place and ordered a by-election in the Befale constituency in Equateur. The 31 National Assembly members instated by the Supreme Court were validated by the Assembly on 4 May. In its 27 April ruling, the Court also granted the petition of the Independent National Electoral Commission to nullify the results, because of significant irregularities, with respect to the Masisi constituency, but ordered the Commission to publish its results with regard to six other constituencies similarly petitioned by the Commission. Eighteen National Assembly seats remain to be filled.

#### **North Kivu, South Kivu, Maniema and Katanga provinces**

13. The security situation in the Kivu provinces deteriorated during the reporting period. In North Kivu, between January and March, Mayi-Mayi Forces de défense congolaise (FDC), supported by some FARDC elements, launched military operations against FDLR in the areas of Kimua, Ntoto and Brazza near the border

between Masisi and Walikale territories. In reaction, FDLR conducted reprisal attacks against villages and FARDC positions in Masisi and Rutshuru territories.

14. In March, FARDC launched unilateral operations against the Alliance des patriotes pour un Congo libre et souverain (APCLS) in Masisi territory. However, it failed to seize the APCLS stronghold at Lukweti. APCLS subsequently occupied Pinga and the outskirts of Nyabiondo. Other Mayi-Mayi groups, including Cheka and La Fontaine, also remained active in North Kivu.

15. On 15 March, following the screening of FARDC battalion commanders in accordance with the United Nations Human Rights Due Diligence Policy, MONUSCO and FARDC launched the joint military operation Radi Strike in Beni territory to address the presence of the Ugandan Allied Democratic Front (ADF)/National Army for the Liberation of Uganda (NALU) and to enhance the protection of civilians. On 19 March, shots were fired by presumed ADF elements at a MONUSCO military utility helicopter in the Nadui area. On 21 March, a MONUSCO attack helicopter was fired on, seriously injuring one crew member.

16. In South Kivu, on 15 February, in accordance with the United Nations Human Rights Due Diligence Policy, MONUSCO and FARDC launched the joint military operation Amani Kamilifu targeting FDLR and other armed groups in Kalehe, Shabunda, Walungu and Mwenga territories. The first phase of the operation, which ended on 23 March, forced FDLR to flee from strategic positions at Mpese in the Irhegabarhonyi and Ekingi areas, and to abandon their positions around cassiterite and coltan mine sites in Walungu territory. As a result, 452 FDLR combatants, including 43 child soldiers, and 361 dependants participated in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration process (see para. 54 below). In addition, some Mayi-Mayi groups in South Kivu signalled their intent to demobilize or integrate into FARDC.

17. Starting on 1 April, an increasing number of former Congrès national pour la défense du peuple (CNDP) and Patriotes résistants congolais (PARECO) elements who had been integrated into FARDC in 2009 began to desert from FARDC in North and South Kivu, respectively. The desertions were prompted, inter alia, by demands for better conditions of service, regular salaries and, most importantly, the increasing security concerns of Bosco Ntaganda, who reportedly feared his arrest following the International Criminal Court ruling in the trial of Thomas Lubanga Dyilo, issued on 14 March. The Court found Mr. Lubanga guilty of war crimes of enlisting, conscripting and using children under the age of 15 in active hostilities in the Democratic Republic of the Congo between 2002 and 2003. Bosco Ntaganda, who is cited by the Court as one of Mr. Lubanga's principal co-perpetrators, is wanted by the Court for alleged war crimes committed in the Ituri district in 2002-2003.

18. Between 4 and 9 April, an additional 1,000 FARDC troops were redeployed to the Kivus in response to the volatile security situation caused by those desertions. On 9 April, President Kabila and the FARDC Chief of Defence Staff and, separately, my Special Representative and the Deputy Force Commander of MONUSCO, travelled to Goma to assess the situation. The Congolese authorities also took a number of steps to encourage the return of deserters to FARDC and to address the continued desertion of other elements. These included a further reorganization of the FARDC command structure in the Kivus, the redeployment outside of the Kivus of some FARDC elements, and the establishment of a commission to facilitate the prosecution of deserters. In this context, Operations Radi Strike and Amani Kamilifu

were suspended. On 11 April, President Kabila indicated that he wanted Mr. Ntaganda to be arrested and tried in the Democratic Republic of the Congo. Meanwhile, on 23 April, Congolese authorities started investigating 16 ex-CNDP FARDC senior officers for allegedly instigating desertions in South Kivu.

19. On 27 April, Mayi-Mayi Cheka elements in the Mpofi-Kibua area of Walikale territory and recently deserted former CNDP elements in areas north and west of Sake in Masisi territory initiated coordinated, parallel attacks against several FARDC positions. MONUSCO deployed armoured personnel carriers in a protective cordon around Sake, intensified patrols and conducted attack helicopter overflights to help stabilize the area and enhance protection of civilians efforts in the affected areas. FARDC redeployed 1,400 elements from South Kivu to the Sake area to repel the armed group advances. By 6 May, FARDC had succeeded in retaking much of the ground lost during the previous week and had begun to advance against the Mayi-Mayi Cheka elements in Walikale. On the same day, FARDC announced a temporary suspension of military operations with the stated purpose of encouraging remaining deserters to rejoin FARDC.

20. In northern Katanga, the security situation remained unpredictable owing to the activities of Gédéon Kyungu Mutanga, who had escaped from the Kasapa prison in Lubumbashi in September 2011. In Kalemie territory, FDLR elements continued to harass the local population in the Babuyu area.

### **Orientale Province**

21. In Orientale Province, attacks against civilians by LRA in Haut- and Bas-Uélé districts were assessed to have been carried out primarily for looting purposes, while abductions were perpetrated for transporting looted goods and food rather than for recruitment. Small groups of LRA elements, estimated at less than 60 in the Democratic Republic of the Congo, were active in the Garamba National Park and the Niangara-Bangadi-Duru triangle in Haut-Uélé district.

22. From 28 January to 16 April, MONUSCO conducted five separate military operations to enhance the protection of civilians in LRA-affected areas in Haut-Uélé district. In addition, in February and March, MONUSCO supported the FARDC operation *Bienvenue à la paix*, premised on the establishment of assembly points where there is a high level of LRA activity and/or anticipated movement of LRA groups because of military pressure. This joint military and disarmament, demobilization, repatriation, resettlement and reintegration initiative aimed at encouraging LRA elements to leave the group and to gather at designated assembly points. On 23 April, MONUSCO established a team site of military observers in Buta, Bas-Uélé, and on 25 April, a team site and a temporary operating base were established in Ango, Bas-Uélé. These sites will allow MONUSCO to better monitor, assess and react to armed group activity in Bas-Uélé, and facilitate humanitarian access.

23. From 10 to 15 April, the Special Envoy of the African Union on LRA, Francisco Madeira, and my Special Representative for Central Africa, Abou Moussa, visited the Democratic Republic of the Congo and the Central African Republic to assess the situation on the ground with a view to setting up the African Union-authorized Regional Task Force in LRA-affected areas, which was officially launched in Juba, South Sudan, on 24 March.

24. In Ituri district, on 15 February, several FARDC commanders in Marabo, southern Irumu, mutinied and demanded the removal of their sector commander as well as salary increases. An interim agreement was reached with the mutineers, who were temporarily redeployed for regimentation and training. The withdrawal of FARDC from much of southern Irumu resulted in the movement by the Front de résistance patriotique de l'Ituri (FRPI) into several vacated areas.

25. On 26 February, FRPI leader Cobra Matata met with the Ituri District Security Committee and MONUSCO, calling for integration into FARDC on the basis of a number of terms, including an immediate ceasefire, amnesty for crimes committed by their elements, continued deployment in Ituri district, recognition of ranks as proposed by FRPI and the group's recognition as a political party. On 30 April, MONUSCO launched Operation Eagle Claw, aimed at enhancing the protection of civilians and supporting the redeployment of FARDC units to areas under the threat of FRPI, following the completion of the regimentation process.

### **Humanitarian situation**

26. According to the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, the number of internally displaced persons increased from 1.7 million in December 2011 to 2 million in March 2012. That included some 856,000 internally displaced persons in South Kivu, constituting a 35 per cent increase during that period. There are currently some 547,000 displaced persons registered in North Kivu, 67,000 in Maniema, 71,000 in Northern Katanga and 467,000 in Orientale Province. An estimated additional 20,000 people were internally displaced as a result of the clashes that began on 27 April in North Kivu.

27. The number of Congolese refugees also increased as a result of renewed violence in the eastern provinces. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), approximately 5,500 new refugees from the Democratic Republic of the Congo have been registered in Uganda in 2012, originating mainly from Rutshuru territory in North Kivu, and a further 5,600 individuals fled to Rwanda following the recent clashes in North Kivu. Of the 131,435 Congolese who fled to the Republic of the Congo in 2009, according to UNHCR, some 92,126 have confirmed their willingness to return to the Democratic Republic of the Congo. Repatriation of the first 49,000 refugees from the Republic of the Congo began in early May.

28. Between January and March, 40 security incidents involving humanitarian workers were registered, including ambushes, robberies and intimidation, 37 of which were committed in North and South Kivu. Most perpetrators remain unidentified, while those identified include national security forces and armed group elements. Over 80 per cent of the attacks were perpetrated against local and international non-governmental organizations (NGOs).

29. From January to March, the World Health Organization (WHO) recorded 8,053 cases of measles with 162 deaths, as well as 7,748 cases of cholera with 114 deaths. With funds from the Central Emergency Response Fund, the United Nations Children's Fund (UNICEF), WHO, international and local NGOs, and governmental partners intervened in nine provinces to limit the spread of the cholera epidemic and to provide treatment. However, the spread of cholera remains of concern.

30. According to the Office for the Coordination of Humanitarian Affairs, over 15,000 Congolese nationals were expelled from Angola between January and February amid allegations of human rights violations by Angolan security forces, including killings, torture, sexual violence, prolonged detention, physical abuse and, in some cases, theft. According to Congolese authorities, on 23 March, three detained Congolese persons awaiting return to Bas-Congo province died of asphyxiation in a police cell in Cabinda, Angola.

#### **Regional developments**

31. From 20 to 24 February, the Heads of Intelligence Services of States members of the International Conference on the Great Lakes Region met in Lubumbashi in Katanga Province. The meeting agreed on modalities for establishing a Joint Intelligence Fusion Centre in Goma, North Kivu, to centralize information on armed group activities in the Great Lakes subregion.

32. On 14 and 15 March, the Chiefs of Military Intelligence and the Chiefs of Defence Staff of the Democratic Republic of the Congo and Uganda met in Kinshasa, following which they issued a joint communiqué, recommending strengthened cooperation regarding information and intelligence-sharing on LRA. MONUSCO participated as an observer.

### **III. Implementation of the mandate of MONUSCO**

#### **Protection of civilians**

33. MONUSCO undertook joint planning with FARDC with the aim of minimizing the impact of the joint military operations Radi Strike and Amani Kamilifu on civilians, in accordance with the United Nations Human Rights Due Diligence Policy. The Mission also coordinated with the Office for the Coordination of Humanitarian Affairs and UNHCR to enhance the inclusion of civilian protection considerations in the planning of the aforementioned military operations. In addition, innovative mechanisms, such as Joint Command Posts in South Kivu, were established for MONUSCO and FARDC to jointly monitor the military operations and assess their protection implications for civilians.

34. From January to April, MONUSCO fielded 13 Joint Protection Team missions in the Kivus, Katanga and Orientale provinces as part of the response to emerging protection requirements. In February, MONUSCO began to develop provincial-level protection of civilians plans as part of the implementation of the United Nations System-wide Strategy for the Protection of Civilians in the Democratic Republic of the Congo. Following the establishment of Community Alert Networks in several communities in the East, Community Liaison Assistants received 40 alerts from civilians under threat, resulting in responses from local security forces and/or MONUSCO. Consultations with communities were also initiated regarding the establishment of an additional 17 Community Alert Networks.

#### **Support for the electoral process**

35. Following the presidential and legislative polls of 28 November 2011, the Independent National Electoral Commission, MONUSCO and the United Nations Development Programme (UNDP) initiated separate internal evaluations of the

support provided by each for the conduct of the polls. Between 15 March and 19 April, UNDP conducted the evaluation of its Electoral Cycle Support Project. MONUSCO and the Department of Peacekeeping Operations of the Secretariat also undertook an After Action Review, which includes recommendations regarding the Mission's future support to the Congolese authorities for completing the electoral cycle.

36. Between 10 and 19 April, the Independent National Electoral Commission convened a workshop at which national stakeholders and international partners discussed strengthening electoral governance for the conduct of future elections. At the workshop, the Commission announced that provincial elections were provisionally scheduled for January 2013, and endorsed several recommendations that were largely in keeping with those proposed by a number of national and international observer missions, and were aimed at improving the conduct of future elections.

37. The main recommendations endorsed by the Independent National Electoral Commission during its workshop included that the electoral calendar should reflect operational requirements and be discussed with key stakeholders; the procurement of electoral material should be carried out in a transparent and competitive manner; and concrete steps should be taken to restore the credibility of the voter register. The Commission also recognized the importance of civil society in the electoral process. At a meeting of the Partnership Committee on Elections on 25 April, the second since the 28 November 2011 elections, the Commission reaffirmed its commitment to implement the recommendations from the workshop and to engage in regular consultations with partners. The Partnership Committee on Elections is co-chaired by the President of the Independent National Electoral Commission and my Deputy Special Representative and Humanitarian and Resident Coordinator for the Democratic Republic of the Congo, and is attended by representatives of the Commission, the Government and international electoral partners.

38. MONUSCO, in partnership with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) as well as provincial and local stakeholders, began implementing a project to prepare potential women candidates for contesting in the upcoming provincial and local elections.

### **Stabilization and peace consolidation**

39. While MONUSCO has made progress in implementing its stabilization mandate, there are significant outstanding challenges, including the continued presence of armed groups in the eastern part of the country, which negatively affects progress in restoring State authority. State budgeting for and payment of civil administration and police, as well as shortfalls in the deployment of magistrates and prison staff, also hamper stabilization efforts. Two military barracks, 81 police stations, 19 civil administration buildings, six courts and six prisons have been built under the International Security and Stabilization Support Strategy. In addition, 520 police elements have been trained and deployed in priority areas in Rutshuru and Masisi in North Kivu Province.

40. On 2 February, a meeting of the Funding Board of the International Security and Stabilization Support Strategy, co-chaired by my Deputy Special Representative and Humanitarian and Resident Coordinator for the Democratic Republic of the Congo and the Vice-Prime Minister in charge of Interior and Security, was held in



Kinshasa. The meeting agreed on the extension of projects funded by the United Nations Peacebuilding Fund (PBF) in 2012, and the amendment of the terms of reference for the Stabilization and Recovery Funding Facility to allow donors to earmark their contributions. It was also agreed that PBF funding would be extended to support coordination structures under the Strategy.

**Progress on achieving a coordinated United Nations approach and critical peacebuilding gaps**

41. On 2 March, the Government informed partners that the Democratic Republic of the Congo is to be a pilot country in implementing the New Deal for International Engagement in Fragile States, adopted at the fourth High-level Forum on Aid Effectiveness in Busan, Republic of Korea, which took place from 29 November to 1 December 2011. On 16 March, the Government and the United Nations country team held a technical validation meeting on the United Nations Development Assistance Framework (UNDAF) 2013-2017 priorities. From 26 to 28 March, at Zongo in Bas-Congo Province, the country team and the World Bank finalized the Framework, which is aligned with the Growth and Poverty Reduction Strategy of the Democratic Republic of the Congo.

**Human rights**

42. On 20 March 2012, MONUSCO and the United Nations Joint Human Rights Office issued a report on serious human rights violations committed by members of the Congolese defence and security forces in Kinshasa in the Democratic Republic of the Congo between 26 November and 25 December 2011. It found that at least 33 people were killed by national security forces, including 22 by gunshot, and at least 83 others were injured, 61 by gunshot. There was strong criticism of the report by a number of Government officials. However, the Prosecutor General opened judicial investigations into those allegations, which MONUSCO has offered to support.

43. The United Nations Joint Human Rights Office also documented arrests of at least 265 civilians, most of whom were detained illegally and/or arbitrarily. Those human rights violations were attributed mainly to elements of the Republican Guard, Congolese National Police personnel and, to a lesser extent, FARDC elements. A number of other violent incidents were reported during this period, including some allegedly perpetrated or instigated by elements associated with political opposition parties.

44. The United Nations Joint Human Rights Office continued investigations and began new ones into reported human rights violations related to increased attacks by armed groups, particularly the FDLR, LRA and Mayi-Mayi groups, in several areas in eastern Democratic Republic of the Congo. They included human rights violations allegedly committed between December 2011 and March 2012 by FDLR and Mayi-Mayi-FDC elements during which reportedly 30 women and girls were raped in the Ntoto and Brazza areas of Walikale territory, North Kivu, as well as other human rights violations perpetrated mostly by FDLR combatants during the same period. Separately, between 14 December 2011 and 23 January 2012, at least 17 people were killed, including two women and three children, by former CNDP elements integrated into FARDC in several villages in the area of Kibabi, Masisi territory, North Kivu.

45. In follow-up to preliminary investigations conducted in January and included in my last report (S/2012/65, para. 24), between 9 and 12 April, MONUSCO conducted simultaneous joint protection team and joint investigation team missions to Nzovu, in Shabunda territory, South Kivu, to further investigate allegations of human rights violations reportedly perpetrated by FDLR between 31 December 2011 and 4 January 2012. The Mission found that at least 33 civilians were reportedly summarily executed by FDLR combatants in the area. A woman and a 10-year-old girl were also allegedly abducted for two days and raped by the combatants. Houses in the area were also reportedly systematically looted and burned.

46. With MONUSCO support, the military and civilian justice sectors made some further progress in combating impunity. Between 14 and 28 March, MONUSCO supported mobile court hearings in Kasai Occidental province, enabling a backlog of 81 cases to proceed. In April, MONUSCO also supported judicial investigations concerning three FARDC officers accused of serious human rights violations, who have been detained in Kisangani prison since 5 March. Between February and April, the United Nations Joint Human Rights Office trained 217 FARDC soldiers based in Kindu, Maniema province, on human rights and international humanitarian law.

47. On 21 March, the United Nations High Commissioner for Human Rights presented her report on the human rights situation and the activities of her Office in the Democratic Republic of the Congo to the Human Rights Council (A/HRC/19/48). The Council urged the Government to strengthen efforts, with the support of the international community, to put an end to impunity and prevent human rights violations. From 2 to 10 May 2012, Assistant Secretary-General for Human Rights, Ivan Šimonović, visited the Democratic Republic of the Congo. Mr. Šimonović called on the Government to hold the perpetrators of the Walikale and Bushani mass rapes of 2010 and 2011 accountable. The Government indicated that investigations into elections-related human rights violations would be conducted in a timely manner.

### **Sexual violence**

48. Between February and April, 88 cases and 152 victims of sexual violence were documented by the United Nations Joint Human Rights Office nationwide, although a significant number of additional cases were likely unreported. At least 31 alleged perpetrators were arrested in connection with those cases and investigations are ongoing with MONUSCO support. In Kinshasa, Kasai Occidental, Kasai Oriental, Katanga, Maniema, Orientale and South Kivu provinces, 66 trials were held during the period under review and 53 persons were convicted for rape and other acts of sexual violence. The Office supported 26 permanent legal clinics in nine provinces, which provided legal assistance in 503 sexual violence cases.

49. MONUSCO completed a training session on sexual violence and conflict for 41 Congolese National Police personnel. In April, the United Nations Joint Human Rights Office organized capacity-building training for 24 NGO representatives on reparations for victims of sexual violence in Mbandaka, Equateur province and Uvira, South Kivu. In February, Congolese authorities adopted national protocols aimed at ensuring minimum technical standards for medical assistance, psychosocial support, socioeconomic and educational reintegration, and legal referral systems for sexual violence victims.

### **Children and armed conflict**

50. During the period under review, 122 children escaped, or were rescued, from national security forces and armed groups and reunified with their families, including 41 from Mayi-Mayi groups in the Kivus and 20 from LRA. Sixteen cases of sexual violence against girls were reported, nine of which were allegedly committed by elements of national security forces.

### **Illegal exploitation of natural resources**

51. The construction of a fifth mineral trading counter in Kalehe, South Kivu, began in April under the International Security and Stabilization Support Strategy. That will complete the initial programme of establishing five counters, equipped with laboratories and spectrometers for analysing the quality of minerals.

52. On 29 February, UNDP signed an agreement with the Government of Japan to undertake stabilization projects in mining areas in North Kivu. That will include the provision by UNDP, UNICEF and the Food and Agriculture Organization of the United Nations (FAO) of alternatives to artisanal mining in agriculture for 100,000 people as well as basic social services in support of ongoing interventions by MONUSCO at the mineral trading counter in Rubaya, Masisi territory.

53. On 21 and 22 March, in Kinshasa, the International Monetary Fund, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Democratic Republic of the Congo organized a conference on the management of natural resources in sub-Saharan Africa. During the event, the Minister of Mines confirmed that the mining code of the Democratic Republic of the Congo would be revised in order to increase tax revenues.

### **Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration**

54. Progress was made on disarmament, demobilization, repatriation, resettlement and reintegration, in particular regarding FDLR in South Kivu. MONUSCO facilitated the repatriation of 488 adult combatants, of whom 353 were FDLR combatants, as well as 552 dependants and 8 FDLR child soldiers. In addition, MONUSCO received 56 Congolese FDLR combatants and 35 Congolese FDLR child soldiers to participate in its disarmament, demobilization, repatriation, resettlement and reintegration programme. Aloys Bizimana, who was an FDLR commander in South Kivu, as well as two “Majors” and two “Captains” were among those who participated. MONUSCO, together with the United Nations Mission in South Sudan (UNMISS), conducted the first repatriation of an LRA dependant from Yambio, South Sudan, to Faradje in the Democratic Republic of the Congo, and made contact with at least one LRA group seeking to join the disarmament, demobilization, repatriation, resettlement and reintegration process through the assembly points established under operation Bienvenue à la paix in Haut-Uélé district in Orientale Province.

55. Between January and March, 152 Congolese combatants were demobilized through an ad hoc demobilization process for former FARDC combatants supported by MONUSCO. In February, UNDP launched socioeconomic reintegration activities in the Kivus under the International Security and Stabilization Support Strategy for 435 individuals out of a group of 750 combatants who had been demobilized by

MONUSCO in 2009-2010. The DDR programme for 4,000 Congolese former FARDC elements remained suspended.

#### **Mine action**

56. During the reporting period, MONUSCO cleared 4.2 square kilometres of land from mines around the Kisangani Airport in Orientale Province to facilitate the expansion of the airport premises.

#### **Support to security sector reform**

57. Opportunities for MONUSCO to support security sector reform efforts were limited during the reporting period owing to the pending formation of the Government, and no strategic or technical coordination meetings were held. However, MONUSCO made further progress on a mapping of security sector institutions. The Ministry of Justice continued gathering data on judicial and penitentiary institutions to contribute to the process.

#### **Defence sector reform**

58. Congolese authorities continued to favour bilateral support for defence sector reform efforts. Consequently, only limited progress was made by MONUSCO in this area, including regarding coordinating international partners' support to the Congolese authorities. However, some bilateral training continued, including by the Government of Belgium, which completed the training of a FARDC commando battalion. On 17 March, the third and final MONUSCO-supported stretcher-bearer training programme for 105 military trainees was completed, bringing to 300 the number of those trained since September 2011.

59. In South Kivu, the construction of two barracks funded by the Government of the Netherlands under the framework of the International Security and Stabilization Support Strategy was completed by UNDP and the International Organization for Migration (IOM). They will accommodate some 1,300 FARDC elements and 5,500 dependants. In accordance with the United Nations Human Rights Due Diligence Policy, MONUSCO is screening the FARDC chain of command of the units that will occupy the barracks.

#### **Police reform**

60. MONUSCO continued to support the Executive Secretariat of the Steering Committee on Police Reform for the restructuring of the Congolese National Police. That included support for drafting the implementation provisions of the Organic Law on the reform of the police, designing the organizational charts for the Commissioner-General of the Police Services, and monitoring and evaluating community police projects.

61. In the context of implementing the Organic Law on the reform of the police, the Mission contributed to equipping the Police Inspectorate-General in Kinshasa with a hotline system, allowing the public to report on misconduct by law enforcement personnel. The project will be progressively rolled out to all provinces. The acting Commissioner-General of the Police Services has also requested MONUSCO to support the establishment of a hotline for people to report incidents and request intervention by the police.

62. In North Kivu, MONUSCO began training former armed group elements integrated into the Congolese National Police, co-funded by Canada and the Peacebuilding Fund under the International Security and Stabilization Support Strategy. The construction of the Mugunga Police Training Centre was completed by the United Nations Office for Project Services (UNOPS). Training of the first 19 Congolese National Police trainers organized by MONUSCO has been completed, and a six-month basic training session for 300 police personnel began on 9 April. In addition, MONUSCO conducted two six-month basic training sessions for 1,000 police personnel in Bas-Congo and Orientale provinces.

#### **Judicial and corrections institutions**

63. With the establishment of a Prosecution Support Cell in Kindu, Maniema, five cells are now operational with MONUSCO support, co-funded by Canada and the Peacebuilding Fund, under the International Security and Stabilization Support Strategy. Prosecution Support Cell personnel have begun co-locating with national counterparts to provide mentoring and training. On 5 and 9 April, the Office of the Congolese Chief Military Prosecutor officially submitted the first three requests for investigatory advice and assistance by the Prosecution Support Cells. The requests concern investigations into the incidents in Walikale territory, North Kivu, in July and August 2010 outlined in my report to the Security Council of 8 October 2010 (S/2010/512), those in Shabunda territory in South Kivu in January 2012 (see para. 45 above), and those allegedly perpetrated by FRPI in Irumu territory in Orientale Province between July 2011 and April 2012.

64. MONUSCO supported a review of legislation, policy and physical infrastructure of prisons in Bunia, Kalehe, Kindu and Kisangani to help prevent prison escapes and to address the shortage of staff. MONUSCO also continued working with the Ministry of Health and the Ministry of Justice to integrate the prison medical system into the general public health system, to enable prisoners to access medical care. In addition, MONUSCO continued to support UNOPS and IOM to construct and refurbish prisons under the International Security and Stabilization Support Strategy. On 7 May, a six-month on-the-job training by MONUSCO began for 150 military officers on prison management.

#### **Joint assessment process**

65. The United Nations and the Government continued to assess the situation on the ground and the progress made towards the implementation of the objectives outlined in paragraph 4 of Security Council resolution 1991 (2011). In March, joint assessment missions were conducted in 29 territories and localities in Katanga, Maniema, North and South Kivu and Orientale provinces.

66. The joint assessment teams reported an increased effectiveness of FARDC in the Kivus in addressing the presence of armed groups following the regimentation process in the provinces. However, it was noted that the prevailing insecurity in North Kivu, particularly in Masisi and Rutshuru territories, still posed a serious threat to the local population and that protection remained a major challenge. In Masisi territory, the joint assessment teams reported that heightened inter-ethnic tensions compounded by harassment of local populations by armed groups, often with an ethnic bias, had led to increased population displacements.

67. In South Kivu, the teams reported a reduction in strength of the armed groups, particularly FDLR, as a result of military pressure and the disarmament, demobilization, repatriation, resettlement and reintegration efforts of MONUSCO. However, clashes between FARDC and FDLR, and between Mayi-Mayi Raiya Mutomboki and FDLR, led to significant displacements, particularly in Kabare, Shabunda and Walungu territories.

68. In the Ituri district, in Orientale Province, although there had been a relative decrease in exactions committed by FRPI, the group still posed a security threat. With regard to the consolidation of State authority, the joint assessment teams noted that a number of magistrates and prosecutors had been deployed in the areas assessed, including with support from MONUSCO, which had contributed to some progress in addressing impunity.

### **MONUSCO deployment**

69. MONUSCO received and deployed additional air and naval assets. In February, three military utility helicopters provided by the Government of Pakistan started operating in Bukavu, South Kivu. In March, four military attack helicopters provided by the Government of Ukraine started operating with two stationed in Bunia, Ituri district, and two in Goma, North Kivu. In addition, the Government of Indonesia pledged to provide MONUSCO with three military utility helicopters. MONUSCO began the redeployment of a riverine unit from Lake Kivu to Lake Tanganyika in March to address insecurity related to armed group activity in the area. From 20 January to 14 February, MONUSCO temporarily deployed two military utility helicopters from Bunia, Ituri district, to Juba, South Sudan, in support of the United Nations Mission in South Sudan (UNMISS).

### **Financial implications**

70. By its resolutions 65/296 of 30 June 2011 and 66/251 of 24 December 2011, the General Assembly appropriated the amount of \$1,486.5 million for the maintenance of the Mission for the period from 1 July 2011 to 30 June 2012. The proposed budget for MONUSCO for the period from 1 July 2012 to 30 June 2013 (A/66/723) has been submitted to the General Assembly for its consideration during the second part of its resumed sixty-sixth session.

71. As at 30 April, unpaid assessed contributions to the MONUSCO Special Account amounted to \$251.6 million. Total outstanding assessed contributions for all peacekeeping operations at the same date amounted to \$1,803.6 million.

72. As at 14 May, amounts owed to contributors for troop costs and formed police costs totalled \$20.6 million. Reimbursements for troop costs and formed police costs and for equipment and self-sustainment have been made for the periods up to 29 February 2012 and 31 December 2011, respectively, in accordance with the quarterly payment schedule.

### **Observations and recommendations**

73. Further to paragraph 23 of Security Council resolution 1991 (2011), MONUSCO, together with the United Nations country team, conducted a comprehensive assessment of the political, security, humanitarian and human rights environment following the elections. That assessment, together with the joint

assessment process by MONUSCO and the Government, provided a basis for the observations and recommendations outlined in the present report, in advance of the expiry of the MONUSCO mandate. Broadly, the assessments confirmed that while there have been a number of positive developments relative to the consolidation of peace and stability across much of the country, some serious challenges remain, particularly in the eastern provinces. Therefore, I would recommend that MONUSCO maintain its priority focus on the protection of civilians. In addition, MONUSCO should continue to support the Congolese authorities to maintain control over areas cleared of the presence of armed groups in the eastern provinces and to enhance stabilization activities in those areas under the International Security and Stabilization Support Strategy. MONUSCO and the United Nations country team should also accelerate stabilization and peacebuilding efforts in the western provinces through the Peace Consolidation Programme.

74. With regard to the elections, I note President Kabila's appointment of Augustin Matata Ponyo as Prime Minister and the subsequent formation of the Government, as well as the President's stated aim of improving economic governance and consolidating democratic gains during his second term in office. I encourage the Government to seize the opportunity to address the aspirations of the Congolese people for better and more secure living conditions, socioeconomic development and strengthened human rights and rule of law principles. It also will be important that National Assembly members participate fully in the country's parliamentary institutions, alongside the Senate, new members of which will be elected on the basis of the provincial elections.

75. It remains of concern that most national and international electoral observer missions reported serious irregularities and allegations of fraud in relation to the conduct of the 28 November 2011 elections. It will be vital for the relevant Congolese authorities to ensure that the provincial and local elections are conducted in a credible and transparent manner, including through strengthened engagement and cooperation with civil society. This will also be important to restore the confidence of the Congolese people in the country's institutions and to ensure the international community's continued electoral support.

76. In my view, and towards this end, MONUSCO and other United Nations partners should continue to support the Congolese authorities to complete the current electoral cycle and to hold credible, inclusive, transparent, peaceful and timely provincial and local elections. This support should include a continuation of the MONUSCO mandate to provide logistical and technical assistance to Congolese electoral authorities for the remainder of the electoral cycle, and a continued role for the Mission in assisting the Independent National Electoral Commission in encouraging and facilitating dialogue between national and international stakeholders.

77. At the same time, MONUSCO support should be continually assessed and focused on areas where progress must be made by the Congolese authorities, in particular in the following areas: re-establishing the credibility of the Independent National Electoral Commission; adopting a realistic electoral calendar; agreeing on viable operational plans under which the United Nations and international donors can ensure that their support is effective and contributes to a credible process; and ensuring the full access of observers and political parties' representatives to all electoral sites and operations. It will also be essential that the Congolese authorities ensure an environment conducive to the holding of credible and transparent

elections, including by ensuring respect for civic rights and freedoms and the conditions needed for all parties to participate equitably and meaningfully in political debate. In this connection, it is essential that genuine progress be made in investigating and prosecuting those responsible for the grave human rights violations and other serious violent crimes that were committed in the context of the 28 November 2011 elections.

78. Turning to security, while much of the Democratic Republic of the Congo remains relatively stable, the security situation continues to be of serious concern in the eastern parts of the country. In the Kivus, the cause of the volatility includes the FARDC lack of cohesion, which is related to the inadequate integration of former-CNDP and other armed groups, as well as the insufficient presence of State authority. In this regard, I have noted with concern the impact of desertions from FARDC and the activities of a number of former-CNDP elements as well as some armed groups allied with them. I encourage the Congolese authorities to continue to take all necessary steps, in accordance with international humanitarian and human rights law, to address this challenge, including through judicial means, as appropriate. The robust MONUSCO response aimed at protecting civilians in this context was significantly enhanced by the recent deployment of additional military utility and attack helicopters. I wish to express my appreciation to the Member States that have provided those assets to the Mission.

79. Although FDLR remains a serious threat to civilians in the Democratic Republic of the Congo, it appears to continue to be losing control over some of its combatants and senior commanders, as marked by the recent voluntary participation of a number of senior commanders as well as rank and file in the disarmament, demobilization, repatriation, resettlement and reintegration process, particularly in South Kivu. At the same time, it is important to find a lasting solution that would address the FDLR presence.

80. The recent deterioration in the security situation in the Kivus again underscores the importance of tangible and sustainable reform within all parts of the Democratic Republic of the Congo's security sector to ensure that the military, police and other security institutions have the necessary capacity and resources to establish and maintain State authority, and effectively address the problem of armed groups and banditry. I have asked my Special Representative to enhance dialogue with relevant Congolese authorities, including members of the new Government, with a view to identifying possible new approaches for MONUSCO to support Congolese authorities in the area of security sector reform, particularly defence sector reform. In this connection, it will be important to identify opportunities to re-examine the practice of integrating armed groups into FARDC, as well as to develop concrete options for disarmament, demobilization and reintegration into civilian life of eligible former FARDC elements. Meanwhile, MONUSCO should continue to support the Government to coordinate the efforts of the international community, including bilateral and multilateral actors, working on security sector reform. I also urge international partners to increase their cooperation with MONUSCO to enhance coherent approaches on security sector reform and to provide increased and sustained support for such reform, focusing on defence sector reform.

81. I further recommend a strengthened role for MONUSCO in providing logistical support and training in the security and justice sectors in which there has been comparatively greater progress, including the police, the judiciary and



corrections. That would require engaging the Congolese authorities on developing a national vision and strategies for the security and justice sectors and the early finalization and implementation of the United Nations multi-year joint justice support programme for the police, the judiciary and prisons. The ongoing police training efforts of MONUSCO should also include training additional rapid intervention units to provide enhanced security for the remainder of the current electoral cycle. It would be important to identify opportunities, in consultation with the Congolese authorities and international partners, to provide the necessary equipment to police units trained by MONUSCO, and which the Mission is not currently mandated to provide, including through possible trust fund arrangements.

82. With regard to LRA, I note that the group's ability to conduct large-scale atrocities in the Democratic Republic of the Congo has been reduced since the launch of military operations against the group in 2008. Nonetheless, LRA still poses a security threat to civilians, while the leader of the group, Joseph Kony, and his key commanders remain at large. In this connection, I welcome the continued efforts of the Special Envoy of the African Union on the LRA and my Special Representative for Central Africa to work with concerned stakeholders, including MONUSCO and the United Nations country team, to develop a coordinated regional approach to combating LRA. That includes encouraging the voluntary participation of LRA elements in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration process. I also recommend that MONUSCO be mandated to provide logistical support for the establishment of the African Union-Regional Task Force Sector Headquarters in Dungu and transportation for representatives of the Task Force within the existing resources of MONUSCO and on a cost-recovery basis, as appropriate, subject to the agreement of the Government of the Democratic Republic of the Congo.

83. The humanitarian situation is of serious concern in eastern Democratic Republic of the Congo. In this regard, I am troubled by reports of an increase in internally displaced persons, as well as a decreased pace of returns generally. Of equal concern are reports of increases in the number of Congolese refugees in Uganda and the displacement of the population caused by reported attacks in Orientale Province by LRA, FRPI and other armed groups in North Kivu. In areas affected by armed groups, humanitarian access remains restricted, and I urge all actors to ensure the safe passage of humanitarian actors to vulnerable communities, noting also the continued role of MONUSCO in facilitating such access where possible. I am concerned by the human rights abuses that continue to accompany a number of expulsions of Congolese nationals from Angola. I urge the two Governments to continue to use existing bilateral mechanisms for dealing with cross-border issues and to ensure human rights protection of all migrants, irrespective of their status.

84. The human rights situation remains of grave concern. While the cases of threats and human rights violations against political opposition parties and their perceived supporters, mainly by Congolese defence and security forces, have decreased following the 28 November 2011 polls, cases of arrest and ill-treatment of political opponents have continued. There have also been additional grave violations of international humanitarian and human rights law by foreign and Congolese armed groups, as well as some elements of the national defence and security forces, in parts of eastern Democratic Republic of the Congo. The human rights situation also remains a concern in western provinces where there are also incidents of ill-

treatment, sexual violence and other grave human rights violations, including against children. Progress towards establishing adequate human rights institutions in the country remains limited. However, I note some further progress by Congolese authorities in prosecuting a number of army and police elements suspected of having committed human rights violations, as well as the important support role that MONUSCO and other partners have played in this regard. I therefore recommend that MONUSCO, in coordination with the United Nations country team, continue to engage with and support the Government in combating impunity for violations of international human rights and humanitarian law. To do so, MONUSCO, in coordination with the country team, should further strengthen its support to the military and civilian justice system, including military courts and prosecutors.

85. With regard to stabilization and peace consolidation activities to address the immediate security and protection challenges in eastern Democratic Republic of the Congo, MONUSCO, in coordination with the United Nations country team, should strengthen efforts to support the relevant Congolese authorities in fully implementing the Government's Stabilization and Reconstruction Plan for Eastern Democratic Republic of the Congo, particularly in areas cleared of the presence of armed groups. In addition, MONUSCO, along with other United Nations partners, should seek the new Government's endorsement of the Peace Consolidation Programme for the western provinces and engage donors in a broader resource mobilization strategy to support implementation of the Programme.

86. I welcome the close cooperation and enhanced dialogue between the United Nations and Democratic Republic of the Congo authorities that have accompanied the joint assessment process. This process has not indicated the need, at this stage, for any reconfiguration of the MONUSCO mandate or deployment. MONUSCO remains committed to supporting the Democratic Republic of the Congo in making continued progress towards achieving the objectives outlined in paragraph 4 of Security Council resolution 1991 (2011).

87. In the light of the above, I recommend that the mandate of MONUSCO be extended for a further period of 12 months, with the Mission's military troop and police unit strength maintained at current authorized levels, taking into consideration the recommendations for the MONUSCO mandate as proposed above.

88. In conclusion, I would like to thank my Special Representative, Roger Meece, for his leadership, and all personnel of MONUSCO and the United Nations country team for their dedication in supporting the stabilization efforts of the Democratic Republic of the Congo. I would also like to express my appreciation to the countries contributing troops and police to MONUSCO, with particular appreciation to those Member States that have recently deployed or pledged additional, urgently needed military helicopters, as well as to multilateral and regional organizations, donor countries and non-governmental organizations that continue to provide invaluable support to the Democratic Republic of the Congo.