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Democratic Republic of the Congo: draft resolution

S-37/... Situation of human rights in eastern Democratic Republic of the Congo

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and recalling relevant international human rights treaties,

Recalling all relevant resolutions adopted by the General Assembly, the Security Council and the Human Rights Council on the situation in the Democratic Republic of the Congo,

Recalling also the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights, as well as those of several special procedures of the Human Rights Council,

Condemning the forced recruitment of child soldiers who are transported to training centres of the Mouvement du 23 mars in Rutshuru and elsewhere,

Deeply concerned at the recent escalation of hostilities in the Provinces of North Kivu and South Kivu in the Democratic Republic of the Congo and the worsening mass violations and abuses of human rights and violations of international humanitarian law, including massacres, conflict-related sexual violence and attacks against civilian populations,

Deeply concerned also at the destruction of prisons, with the consequent unleashing of dangerous criminals on society, and of prosecutor's offices and at the burning of courts and tribunals, resulting in the loss of evidence in criminal cases,

Deeply deploring the suffering of the Congolese people and demanding immediate measures to guarantee the effective protection of civilians, in particular women and children, who are the primary victims of the atrocities,

Reaffirming its profound solidarity with the Congolese people and stressing the importance of providing them with proper support and assistance, as well as the urgent and imperative need to ensure accountability by bringing perpetrators of crimes involving violations and abuses of international human rights law and international humanitarian law to justice,

Taking note of the press release issued by the Security Council on 26 January 2025 on the situation in the Democratic Republic of the Congo,

Reaffirming its firm commitment to the sovereignty, political independence, territorial integrity and unity of the Democratic Republic of the Congo,



Bearing in mind that it is the primary responsibility of States to promote and protect human rights and that impunity for violations and abuses of human rights and violations of international humanitarian law encourages their recurrence and is a fundamental obstacle to sustainable peace at the national and regional levels, to the furtherance of cooperation among peoples and to the promotion of international peace and security,

Noting the efforts made in the region, in particular by the African Union, the Southern African Development Community, the International Conference on the Great Lakes Region and the East African Community, through the Luanda and Nairobi processes,

Underlining the fact that it is imperative to collect, preserve and analyse evidence of these crimes to ensure that those responsible are held accountable for their actions before international justice, and that the seriousness of the situation requires a swift and thorough response,

1. *Condemns in the strongest possible terms* the persistent violations and abuses of human rights and the violations of international humanitarian law and international refugee law being committed in the Provinces of North Kivu and South Kivu in the Democratic Republic of the Congo, in particular conflict-related sexual violence, summary executions, abductions, enforced disappearances, targeted attacks against human rights defenders, journalists, other civil society actors and United Nations peacekeepers and the bombing of sites for displaced persons, hospitals and schools;

2. *Condemns* the unlawful exploitation of natural resources, particularly in North Kivu and South Kivu Provinces, and demands that strict measures be taken to put an end to the looting of these resources, which is fuelling the conflict and financing the armed groups;

3. *Strongly condemns* the military and logistical support provided by the Rwanda Defence Force to the Mouvement du 23 mars, which continues to cause many civilian casualties, renewed displacement and significant trauma among the population;

4. *Calls upon* the Mouvement du 23 mars and Rwanda to immediately end their human rights violations and abuses and violations of international humanitarian law in North Kivu and South Kivu Provinces, and calls for the strict observance of all human rights and fundamental freedoms and for the protection of civilians and critical civilian infrastructure in these provinces;

5. *Demands* that the Mouvement du 23 mars immediately cease all hostile actions in and withdraw from the occupied areas and that the Rwanda Defence Force cease its support of the Mouvement du 23 mars and urgently withdraw from the territory of the Democratic Republic of the Congo, to prevent further violations and abuses of human rights and violations of international humanitarian law in North Kivu and South Kivu Provinces;

6. *Reaffirms* its strong commitment to the sovereignty, political independence, unity and territorial integrity of the Democratic Republic of the Congo within its internationally recognized borders, extending to its territorial waters;

7. *Recalls* that attacks against United Nations personnel and humanitarian actors constitute war crimes, and calls upon the competent authorities to investigate all incidents and swiftly bring those responsible to justice;

8. *Calls upon* the United Nations High Commissioner for Human Rights and the team of international experts on the Democratic Republic of the Congo to continue building the capacities of the Government and providing it with the necessary technical assistance, in accordance with its resolution 57/34 of 11 October 2004;

9. *Urges* the Mouvement du 23 mars and Rwanda to guarantee immediate, safe and unhindered humanitarian access, ensuring that humanitarian assistance reaches all those in need, particularly those in vulnerable situations, to respect the independence and impartiality of humanitarian agencies and to ensure the protection of humanitarian personnel and medical personnel engaged exclusively in medical duties;

10. *Strongly deplures* the reported killings, attacks, arbitrary detention of and acts of intimidation, and retaliation against humanitarian and health workers, human rights defenders, community leaders, public servants or local government workers, journalists and

other media workers, students and lawyers and other civil society actors, and against members of international organizations and the diplomatic community, which have a direct impact on the capacity of the international community to respond to the human rights and humanitarian crisis in the Democratic Republic of the Congo;

11. *Expresses grave concern* at the documented harm to the enjoyment of many human rights, including the rights to life, to education and to the highest attainable standard of physical and mental health, caused by shelling and bombing in densely populated areas, such as displaced persons camps;

12. *Stresses* the importance of maintaining free, open, interoperable, reliable and secure access to water, electricity and the Internet, unequivocally condemns all measures to scramble signals and block air traffic, and demands that these systems be restored without delay;

13. *Encourages* relevant thematic special procedure mandate holders, within their respective mandates, to pay particular attention to the situation of human rights in the Democratic Republic of the Congo;

14. *Stresses* the importance of ensuring accountability for violations and abuses of human rights and violations of international humanitarian law, and underscores the urgency of initiating a prompt, independent and impartial investigation into all alleged abuses and violations to end impunity and ensure accountability for those responsible;

15. *Decides* to urgently establish an independent fact-finding mission on the serious human rights violations and abuses and violations of international humanitarian law committed in the Provinces of North Kivu and South Kivu, in eastern Democratic Republic of the Congo;

16. *Requests* the High Commissioner to urgently establish the fact-finding mission, which is to draw up a report on the events that occur between January 2022 and the date of the presentation of its comprehensive report, with the following mandate:

(a) To investigate and establish the facts, circumstances and root causes of all the alleged violations and abuses of human rights and violations of international humanitarian law, including those affecting women and children or committed against internally displaced persons or refugees, and of potential international crimes in the context of the most recent escalation of hostilities in North Kivu and South Kivu Provinces;

(b) To collect, consolidate and analyse evidence of such violations and abuses, including those affecting women and children, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international best practices, in view of any future legal proceedings;

(c) To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;

(d) To identify, to the extent possible, the persons and entities responsible for violations and abuses of human rights and violations of international humanitarian law, as well as any international crimes, in the context of the most recent escalation of hostilities in North Kivu and South Kivu Provinces in order to ensure that those responsible are held accountable for their actions;

(e) To make recommendations, in particular on accountability measures, all with a view to ending impunity and addressing its root causes, and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims;

(f) To present an oral update to the Human Rights Council at its fifty-ninth session, to be followed by an enhanced interactive dialogue, and a comprehensive report, at its sixtieth session, also to be followed by an enhanced interactive dialogue;

(g) To present also a comprehensive report to the General Assembly, at its eightieth session, and to keep the Security Council informed on this topic;

(h) To identify and support collaboration and accountability mechanisms in the field of international justice, for instance, collaboration with the International Criminal Court or the establishment of an international criminal tribunal or a special criminal court for the Democratic Republic of the Congo, so that perpetrators of violations are held accountable for their actions;

17. *Decides* that the participation of the High Commissioner in the enhanced interactive dialogue at its sixtieth session will cancel and replace the oral update which, pursuant to its resolution 57/34, he was scheduled to make during an enhanced interactive dialogue at its fifty-eighth session;

18. *Calls for* the mandate of the fact-finding mission to take immediate effect and requests the Secretary-General to provide the High Commissioner with all necessary financial resources and expertise, particularly in the areas of international human rights law, especially with regard to women and children, and international humanitarian law, to enable it to discharge its mandate and implement the present resolution;

19. *Calls upon* all stakeholders, including international, regional and national actors, to cooperate fully with the fact-finding mission in the conduct of its work and to fully support the implementation of its mandate, including by providing it with any information or documentation they may have or acquire;

20. *Also calls upon* the relevant organs, bodies and agencies of the United Nations system to cooperate fully with the High Commissioner and to respond promptly to any request he may make, including with regard to access to relevant information and documentation;

21. *Decides* to remain actively seized of the matter.
