



# Security Council

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## Twenty-second report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

### I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1635 (2005) of 28 October 2005, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 September 2006, and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it regularly informed of developments in the Mission area. This report covers major developments since my last report to the Council, dated 13 June 2006 (S/2006/390), and provides recommendations on the mandate of MONUC.

### II. Political developments

#### Developments towards the holding of national elections

2. The first democratic elections in more than 40 years in the Democratic Republic of the Congo were held on 30 July 2006. During the preceding weeks, a number of political and civil society leaders, including the Conférence épiscopale nationale du Congo (CENCO), raised concerns about the conduct and organization of the elections and called for the holding of national consultations to address them. On 27 June, the President of Gabon, Omar Bongo Ondimba, convened a meeting in Libreville of Congolese leaders, including the Chairperson of CENCO and several presidential candidates, to discuss issues related to the conduct of the campaign. On 30 June, the main political parties — except the People's Party for Reconstruction and Democracy (PPRD), the Union for Democracy and Social Progress (UDPS) and the Unified Lumumbist Party (PALU) — expressed concern about an alleged lack of impartiality and transparency in the electoral process, particularly regarding the number of supplementary ballot papers and the publication of the voters list. UDPS called for demonstrations in Kinshasa against the holding of the elections, and in Kasai Oriental and Kasai Occidental, UDPS supporters participated in a number of demonstrations including a “*ville morte*”, and called for a boycott of the elections.

3. On 29 July, at an inter-institutional meeting, the *espace présidentiel*, the institutions in support of democracy and the Presidents of the two houses of the



Transitional Parliament discussed the timetable for the Provincial Assembly elections and a possible second round of the presidential election. It was agreed that for logistical and financial reasons the polls could not be held before the end of October. The Independent Electoral Commission subsequently published, together with the final list of the 13,500 candidates for the Provincial Assembly elections, the electoral calendar, which scheduled these elections for 29 October.

4. To lend moral authority to the five institutions in support of democracy and assist them in strengthening confidence in the electoral process, MONUC facilitated the establishment of the International Committee of Eminent Persons, which held its first meeting on 28 July under the chairmanship of the former President of Mozambique, Joachim Chissano. Currently the other committee members are the former Prime Minister of Senegal, Madior Boye, Judge Lewis Makame, Chairman of the National Electoral Commission of Tanzania and Kai Eide (Norway), who has served as my Special Representative in Bosnia and Herzegovina, and most recently as Permanent Representative of Norway to the North Atlantic Treaty Organization. The full composition of the Committee is being finalized.

#### **The electoral campaign**

5. On 29 June, the Independent Electoral Commission officially launched the month-long electoral campaign for the presidential and National Assembly elections, which took place in a generally peaceful atmosphere. While some candidates campaigned throughout the country, others did not have the financial means of doing so. This and other discrepancies, including the lack of legislation on the financing of political parties, led some candidates to question the fairness of the campaign. On 5 July, a group of 19 presidential candidates requested the suspension of the electoral campaign until alleged irregularities in the electoral process had been rectified.

6. Despite its generally peaceful and democratic character, the campaign was marked by a number of isolated violent incidents, including clashes between supporters of candidates in Kinshasa, Kindu and Mbandaka, and the destruction of candidates' posters and signs throughout the country. International observers also reported some cases of misconduct by national and local authorities, in particular through the misuse of security personnel to obstruct candidates they did not support, and by imposing bureaucratic and practical obstacles on their constitutionally guaranteed freedoms of movement and assembly. Despite efforts by the High Media Authority, there was a problem of inequitable access to media by candidates and politically biased coverage throughout the campaign, as well as intimidation of journalists in some areas.

7. On 27 July, presidential candidate Vice-President Jean-Pierre Bemba was met by a crowd of enthusiastic supporters on his return to Kinshasa following the completion of his campaign in other parts of the country. Many supporters followed him from the airport to downtown Kinshasa where he addressed a large rally. Clashes between the Vice-President's supporters and police were reported and shots were fired during a confrontation between the Vice-President's security guards and the Congolese National Police (PNC). Four people were reportedly killed and 17 injured. Several police stations were attacked and looted, and the properties of two individuals, reportedly supporters of President Kabila, were set on fire. The offices of the High Media Authority and the Human Rights Monitoring Commission were

looted and destroyed. A warehouse at the official residence of Vice-President Bemba in Kinshasa was also burnt down. PNC is investigating but has not yet determined whether the incident was accidental or related to the events of the day. Reports have been received of the deaths of a number of children of Bemba's guards at the compound. On 28 July, President Kabila addressed some 15,000 supporters in Kinshasa and no incidents were reported.

#### **Election day and announcement of the provisional results**

8. On 30 July, the presidential and National Assembly elections took place in a generally peaceful and orderly manner, amidst wide popular enthusiasm. Some 70.54 per cent of the more than 25 million registered voters participated, with a high turnout of women. The polls were observed by some 47,500 national observers, 466,000 political party witnesses and 1,773 international observers. The African Union, the Association of European Parliamentarians for Africa, the Carter Center, the Electoral Institute of Southern Africa, the European Union, the International Organization of la Francophonie, the Electoral Commissions Forum of the Southern African Development Community (SADC), and the SADC Parliamentary Forum, were among the organizations fielding observer missions. Several diplomatic missions in Kinshasa also fielded a number of observers.

9. Problems were experienced in approximately 239 of the 50,000 polling stations, all located in the Kasais: 172 polling stations in Kasai Oriental, most of them in Mbuji-Mayi, experienced delivery delays following the burning of trucks delivering electoral material. Nine stations were set on fire. In Kasai Occidental, violence between supporters of rival political candidates resulted in the destruction of 58 polling stations. As a result, polling in those stations took place on 31 July and 1 August, after the Independent Electoral Commission, with MONUC support, dispatched replacement material and PNC and MONUC reinforced security.

10. Counting began immediately after the closing of the polling stations and in most sites continued into the early hours of 31 July. After having posted the results at each polling station, results sheets and other important materials were transported to the local results compilation centres. This process was slowed by the transportation difficulties in the country. In Kinshasa, during the first few days after the vote, the centres were overwhelmed by the deliveries of huge quantities of ballot papers, which resulted in their careless handling in some cases. However, the Independent Electoral Commission addressed the situation and ensured order promptly, and the deadline for completing the compilation of presidential results within 14 days was met, allowing for the declaration of the provisional results on 20 August. The Independent Electoral Commission Media Centre was an important resource for the Commission communication strategy.

11. In a joint statement issued on 1 August, international electoral observer missions, while acknowledging some shortcomings, noted that they had been impressed by the strong voter turnout and high level of participation of political party witnesses and national observers. Electoral observers also raised a number of concerns about the results compilation process, including the burning of a number of used and unused ballots — after they had been counted — and other electoral material outside an election office in Kinshasa. While the incident did not affect the compilation of results, it could cast doubt on the validity of any recount, should it become necessary. In subsequent separate statements, observer missions noted areas

requiring improvement, including the collection of results, education of the public and candidates about the electoral process and the training of electoral workers.

12. The period between the elections on 30 July and the announcement of the provisional results on 20 August was rife with speculation about the electoral process, notably by candidate-owned or controlled media outlets. Several candidates expressed concern regarding alleged serious irregularities, emphasizing their intention not to accept the results unless they were investigated. The international community, including the International Committee in Support of the Transition (CIAT) and the International Committee of Eminent Persons, called for restraint, reaffirmed the role of the Independent Electoral Commission as the only institution authorized to release the official results, and reminded candidates of the mechanisms established for dealing with electoral claims and complaints. The Commission, in conjunction with the High Media Authority, also recalled its exclusive prerogative to compile and release the provisional results, and on 1 August, issued a joint statement condemning media outlets that had published unofficial results.

13. In the late afternoon, on 20 August, a few hours before the scheduled announcement of the provisional results, PNC and Vice-President Bemba's security guards exchanged fire in downtown Kinshasa. Intermittent fighting ensued into the evening also reportedly involving the Republican Guard, which is mandated to protect the President and presidential premises. Armed elements also fired at MONUC vehicles, including that of my Special Representative and his convoy. Following interventions by the international community, calm was restored late in the evening and the Independent Electoral Commission announced the provisional results of the presidential elections. In the days prior to the outbreak of violence, media outlets owned by Vice-President Bemba had aired programmes, which included personal attacks against President Kabila, who complained to MONUC, which urged Vice-President Bemba to stop such broadcasts. On 21 August, the media outlets of the Vice-President were shut down by supporters of President Kabila.

14. President Kabila won 44.81 per cent of the votes, followed by Vice-President Bemba (20.03 per cent), Antoine Gizenga (13.06 per cent) and Nzanga Mobutu (4.77 per cent). No single candidate won an absolute majority of the votes. Therefore, in accordance with the electoral law, President Kabila and Vice-President Bemba, being the two candidates with the highest percentage of the votes, would contest a run-off presidential election.

15. In the days leading up to the announcement of provisional results President Kabila and his Alliance pour la majorité présidentielle (AMP) increasingly advocated for the upholding of the provisions of article 71 of the Constitution, which they interpreted to stipulate that the second round of presidential elections must be held 15 days after the announcement of the first round. They also argued that the second presidential round should be separated from the Provincial Assembly elections, which they claimed would reduce overall costs and allow for an advancement of the date for holding the second round.

16. My Special Representative and CIAT underlined that article 71 of the Constitution states that if one candidate does not win an absolute majority of the votes in the first round, the Independent Electoral Commission would "proceed" to the second round within 15 days, i.e., first steps must be taken to organize the

elections. Moreover, separating the two rounds would duplicate logistical requirements and thus double the cost of holding them concurrently, and would not shorten the preparation time needed for each election.

17. On the morning of 21 August, at the request of my Special Representative, CIAT held a meeting, attended by the International Committee of Eminent Persons, to discuss concerns over the high level of tension between the supporters of President Kabila and Vice-President Bemba, and the call for the holding of the second presidential round 15 days after the announcement of the final results of the first.

18. Earlier in the day, the MONUC Force Commander was informed by the Chief of Defence Staff of the Armed Forces of the Democratic Republic of the Congo (FARDC) that troops would be deployed in Kinshasa to maintain law and order, and, in that regard, to forcibly disarm the security elements of the four Vice-Presidents. The Chief of Defence Staff was strongly advised that PNC should be allowed to maintain law and order and that discussions should be held with the Vice-Presidents in regard to any proposed disarmament of their security personnel. Vice-President Bemba also expressed deep concern to my Special Representative that the Republican Guard intended to attack his residence.

19. Shortly after the CIAT meeting had begun at the residence of Vice-President Bemba, small automatic and heavy arms fire was heard around the house, making it impossible for CIAT members to leave. MONUC troops, troops of the European Union force (Eufor R. D. Congo) and the MONUC Chief of Security were immediately alerted and moved to the area. My Special Representative established contact with President Kabila and his advisers, while the Force Commander established contact with the FARDC Chief of Staff. After discussions, two MONUC companies and one Eufor R. D. Congo company undertook a closely coordinated operation to extract CIAT members and stabilize the situation. Eufor R. D. Congo took action within its mandate in Kinshasa, as authorized by the Security Council in its resolution 1671 (2006) of 25 April, and deployed along a key section of the main boulevard in central Kinshasa.

20. MONUC and Eufor R. D. Congo troops dispatched in the vicinity reported that a company of the Republican Guard, with three armoured personnel carriers, one with a 90 mm mounted gun, and two howitzer guns, were assembled at a strategic junction on the 30 June Boulevard, apparently ready to advance towards the residence of the Vice-President. Meanwhile, small groups of the Republican Guard were seen in the area exchanging fire with a group of some 200 of Vice-President Bemba's guards, who were positioned among the houses around his residence. During the fighting, Vice-President Bemba's personal helicopter, located in the courtyard in front of his office building, approximately 300 metres from his residence, was destroyed.

21. From the outset, my Special Representative worked actively to arrange a cessation of hostilities and restore calm, including through arranging a direct telephone conversation between President Kabila and Vice-President Bemba. Meanwhile, the Secretary-General spoke with both Vice-President Bemba and President Kabila to warn them that the fighting was jeopardizing the achievements of the transitional process, and called for an immediate cessation of hostilities. Senior officials from several CIAT member States made similar calls.

22. My Special Representative emphasized to Vice-President Bemba and President Kabila that: (a) hostilities should immediately cease; (b) the forces of both camps should disengage and withdraw to their earlier positions; and (c) President Kabila and Vice-President Bemba should meet as soon as possible, with international mediation or not, and commit to some basic rules of conduct to be adhered to during the electoral process.

23. Calm was restored by early evening, as the Republican Guard withdrew most of its personnel together with the armoured vehicles and armaments. MONUC and Eufor R. D. Congo units deployed at key road junctions in the city centre. Furthermore, MONUC deployed troops with 20 armoured personnel carriers around the residence of the Vice-President to stabilize the situation and provide security. Soon thereafter, MONUC safely extracted my Special Representative and the CIAT Ambassadors from the residence.

24. Following further interventions by my Special Representative and other members of the international community, MONUC facilitated the establishment of a working group comprising the Ministers of Defence and the Interior, the FARDC Chief of Staff, the PNC Inspector General, representatives of the Vice-President's guards, the commander of the Republican Guard, as well as the Eufor R. D. Congo and MONUC Force Commanders to identify and establish confidence-building measures, to encourage dialogue and resolve immediate security disputes between both parties. The group reviews, inter alia, the reports of daily joint verification missions comprising the above parties.

25. Meanwhile, President Kabila and Vice-President Bemba also agreed to my Special Representative's proposal to establish a joint commission, facilitated by MONUC, with two subcommissions tasked to conduct an impartial, preliminary inquiry into the events of 20 to 22 August, and to foster agreement between the two candidates concerning rules of conduct for themselves and their supporters during the electoral campaign and the second presidential election round, as well as a memorandum of understanding on the post-electoral period. The two candidates have agreed, in principle, to a weapons-free zone in Kinshasa, the details of which are under discussion. Further progress was made on 13 September, when President Kabila met Vice-President Bemba for the first time since the events in August, together with Vice-Presidents Azerias Ruberwa and Arthur Zahidi N'Goma, to discuss the recent violence.

26. On 26 August, at the request of the High Media Authority, representatives of seven media outlets (Radio Liberté, Radio Télévision Nationale Congolaise, Digital Congo, Canal Congo Télévision, Canal Kin TV, Molière TV and Radio Lisanga Télévision) signed an agreement in the presence of CIAT and a group of Congolese media representatives committing themselves to respect the rules of journalistic ethics during the electoral period. A media monitoring mechanism was established to analyse key print and broadcast media during the electoral campaign for incidents of incitement to hatred or violence, based on data provided to MONUC by the European Union Electoral Observation Mission in the Democratic Republic of the Congo.

27. In accordance with the electoral timetable, the Supreme Court was to receive and review the provisional results of the presidential elections and any electoral complaints from 21 to 23 August. However, that was not possible until after MONUC secured the Court's premises on 25 August, when the Independent

Electoral Commission transmitted the provisional results to the Court. On 14 September, after it had reviewed the electoral complaints, the Supreme Court validated the provisional results of the first round and confirmed that President Kabila and Vice-President Bemba would contest a second presidential round.

28. On 7 September, the Independent Electoral Commission announced the provisional results for the National Assembly elections, which indicated that the platform of parties supporting President Kabila, AMP, had won 224 of the 500 seats, followed by the Regroupement des nationalistes congolais (RENACO), the parties supporting Vice-President Bemba, with 116 seats. The Coalition des démocrates congolais (CODECO), the coalition supporting Pierre Pay-Pay, won 25 seats and Vice-President Ruberwa's Rassemblement congolais pour la démocratie (RCD) won 15 seats, while President Kabila's party, PPRD, won 111 seats and Vice-President Bemba's party Mouvement de libération du Congo (MLC) won 64 seats.

29. The installation of the National Assembly is scheduled to take place on 22 September, and the inauguration of the President on 10 December. The Provincial Assemblies will elect the members of the Senate in a vote scheduled for 29 December. With the endorsement of the new National Assembly, the elected President is to appoint a Prime Minister, who will be entrusted with the formation of a government. The completion of this process may take until the end of the year, and possibly longer. The calendar for the local elections, which can be held only after the National Assembly has adopted the decentralization law, has yet to be discussed.

### **Electoral operations**

30. The Independent Electoral Commission was generally successful in carrying out the timely organization of such large and complex elections. Some 80 per cent of the 50,000 polling centres opened as scheduled, while most of the remaining centres opened with minor delays. The Commission trained some 260,000 election workers for deployment to the 49,746 polling stations, clustered in 9,104 polling centres. 170 different ballots were printed and delivered to 14 logistical hubs, from which MONUC transported the material to the 210 sites from which the Commission had the responsibility of ensuring its transportation to some 9,104 polling centres, under PNC escort.

31. To assist the Commission in safely deploying electoral materials, implement civic education programmes and collect and deliver the electoral results, MONUC deployed electoral, police, military observer and security officers to 78 locations across the country, including to all 64 Commission Liaison Offices. The South African Government also provided staff, through the United Nations Development Programme (UNDP), to work alongside the Commission at the local results compilation centres. On polling day, United Nations teams visited polling centres to help the Commission staff identify and quickly resolve problems. A national network, led by the Association of Female Lawyers and comprising several non-governmental organization partners, monitored the security of women during the elections.

32. Civic education efforts were enhanced to inform the Congolese population about basic electoral principles and to urge them to vote. The Independent Electoral Commission, MONUC and international partners met regularly to coordinate their civic education and public information activities for the elections. Radio Okapi broadcast voter education programmes and a daily debate giving equal air time to

political parties and presidential candidates, and produced video clips on the rights and responsibilities of voters. MONUC particularly targeted women and youth in its programming.

33. A major challenge during the electoral process was the payment of electoral workers throughout the country. With the support of UNDP and MONUC, the Independent Electoral Commission paid some 260,000 polling station workers and 73,000 police officers who participated in the 30 July polls at 210 sites.

34. The extension of the electoral calendar beyond the original timeline, according to which the transitional process would have ended in June, raised the costs of the first round of the presidential and National Assembly elections. On 24 July, the Steering Committee of the UNDP-managed project in support of the elections approved a revised 2006 budget of \$144 million. I would like to thank donors, which have provided funding for the elections, and in particular note the support of the Government of South Africa, which provided substantial in-kind contributions for the production and transportation of ballot papers. I would also like to acknowledge the response to my recent requests to address a critical funding gap from Belgium, France, Norway, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the European Commission, which has reduced the shortfall for the electoral budget to \$9 million.

#### **National security plans for the elections**

35. The national police are responsible for the security of the electoral process, including the maintenance of law and order and the protection of the electoral staff, facilities and equipment. In accordance with the national security plan for the elections, 72,258 Congolese security officers provided security for the electoral process, including 53,274 territorial police officers, 2,588 intelligence officers and 14,000 crowd control officers. They were supported, where necessary, by 2,396 FARDC personnel. MONUC police and military liaised closely with their national counterparts throughout the process.

36. During the reporting period, MONUC trained 4,793 Congolese police officers, including 26 instructors, and 1,370 territorial police officers, during one-week essential skills programmes on security for the polling centres. The six formed police units from Bangladesh, India and Senegal deployed at five strategic locations (Kananga, Kinshasa, Kisangani, Lubumbashi and Mbuji-Mayi) provided training in crowd control techniques to 1,703 police officers, and conducted joint patrols with PNC units.

#### **Preparations for the second presidential round and Provincial Assembly elections**

37. In two rulings issued on 13 and 15 September, the Supreme Court of Justice reaffirmed the requirements under article 71 of the Constitution with respect to the time of holding a second round for the presidential election, but also acknowledged the logistical challenges, and concluded that it was not possible for the Independent Electoral Commission to complete all preparations within the 15-day period. It therefore granted an extension of the constitutional deadline and allowed the Commission to conduct the second round up to 50 days after the announcement of the final results of the first round. The 50-day period became effective on 16 September.

38. Preparations for the second round of the presidential elections and the provincial assembly elections are ongoing. The ballot papers are being printed in South Africa. MONUC, UNDP and the Government of South Africa are undertaking the transportation of 60,000 electoral kits and 1,260 metric tons of ballots to the 14 hubs in the Democratic Republic of the Congo. MONUC will transport the kits and ballots to 166 territorial centres and cities, and the Commission will be responsible for their movement to the polling centres.

#### **Regional relations**

39. During the reporting period, no meetings of the Tripartite Plus Joint Commission and the joint verification mechanisms took place. There have been signs of a further gradual improvement of relations between the Democratic Republic of the Congo and Rwanda. On 1 August, the Government of Rwanda reiterated its intention to open a diplomatic mission in Kinshasa after the elections. The formal exchange of Ambassadors would be a major step towards the restoration of peace, security and development in the region.

40. Meanwhile, the Democratic Republic of the Congo and Uganda have continued to seek solutions to issues of mutual concern, including regarding elements of Lord's Resistance Army (LRA) which may be present on Congolese territory.

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

#### **Ituri**

41. There were a number of positive developments in the Ituri district of Oriental Province during the reporting period; however, the security situation remained volatile. Armed groups continue to operate in Djugu and Irumu territories, regularly harassing the local population, as well as MONUC and FARDC troops. During the reporting period, MONUC and FARDC continued joint operations to protect the civilian population and compel recalcitrant militia groups to disarm.

42. In Djugu territory, a joint MONUC and FARDC operation was launched on 20 May to dislodge and capture elements of the Front des nationalistes et integrationnistes (FNI), led by Peter Karim. On 28 May, a MONUC Nepalese unit was attacked by FNI during a cordon and search operation. One MONUC soldier was killed, three were injured and seven were captured and held by FNI. Two of the soldiers were safely released to MONUC on 27 June and the remaining five on 28 July.

43. During the negotiations leading to the release of the seven soldiers, Peter Karim indicated that FNI wanted to join FARDC. On 10 July, Karim and the Government signed an agreement on the terms of the FNI integration in FARDC. Since then, the Government has not taken action to formally incorporate Karim into FARDC, and the demobilization and *brassage* of the FNI elements has been delayed. In the meantime, Karim is reportedly recruiting new militia elements.

44. On 5 June, the Government reopened the disarmament and demobilization process in Ituri. As of 8 September, 4,758 militia elements had surrendered with 2,332 weapons. However, operational, managerial and financial difficulties of the national disarmament, demobilization and reintegration agency, the National

Commission for Disarmament, Demobilization and Reintegration (CONADER), have significantly hampered the demobilization process.

45. MONUC has also continued to focus on the two remaining militia groups in Ituri, the Mouvement révolutionnaire congolais (MRC) of Mathieu N’Gudjolo and the Forces de résistance patriotique de l’Ituri (FRPI) of Cobra Matata. On 26 July, MONUC facilitated discussions between MRC and the Government, pursuant to which MRC would discontinue hostilities and integrate into FARDC. Sensitization of MRC elements began immediately, but the Government and MRC have yet to reach agreement on a timetable for integration or on a mutually-acceptable venue for talks. MONUC is assisting in overcoming these problems.

#### **North and South Kivu**

46. The overall situation in North Kivu remains stable but fragile. During the reporting period, the presence of non-*brassaged* former brigades of the Armée nationale congolaise (ANC) and their resistance to the deployment of integrated brigades remained a serious concern. Upon receiving reports that renegade General Laurent Nkunda and ex-ANC hardliners intended to cause instability, and given the persistent threat of Rwandan and Ugandan foreign armed groups, MONUC increased patrols and monitored the situation closely to prevent any escalation of violence. The arrival of additional integrated brigades in North Kivu helped further restrict the activities of militias in the province and ease the burden on the overstretched Eighth Military Region. However, standoffs and tensions between the integrated brigades and the pro-Nkunda brigades over their areas of responsibility continue to be problematic, and MONUC is monitoring the situation closely.

47. MONUC continued to take proactive measures to ensure a stable security situation in South Kivu. The activities of the Forces démocratiques de libération du Rwanda (FDLR) and uncontrolled armed groups have decreased considerably, and only a few incidents of looting and killings were reported. MONUC patrols have enhanced security for the local population and deterred militia activities. It is expected that the security situation will continue to improve with the arrival of additional integrated FARDC brigades in the post-election period.

#### **Katanga**

48. Katanga remained relatively calm, with the exception of the northern and central area of the province where Mayi-Mayi groups remained reluctant to demobilize. On 12 May, the Mayi-Mayi leader known as “Gédéon” surrendered along with several commanders and approximately 750 followers. However, splinter factions continue to commit atrocities, especially in the Pweto, Mitwaba and Manono triangle. On 28 August, Fidele N’tumbi surrendered and, as of 8 September, 171 of his followers had disarmed. The unpaid and non-*brassaged* FARDC brigades in the area are a security risk, as they continue to prey on the local population causing displacements.

49. During the reporting period, MONUC deployed an additional battalion of four companies (India), a level 2 hospital (Jordan) and an aviation unit (South Africa) in Kamina. These forces joined the present battalion (Benin) stationed in Kalemie, Nyunzu and Manono. MONUC, the Sixth Military Region Commander, and the humanitarian community are working together to identify operational requirements

to provide security and confidence for internally displaced persons to return to their villages.

### **Western Democratic Republic of the Congo**

50. The security situation in Kinshasa remained tense following serious clashes between the guards of Vice-President Bemba and the Republican Guard from 20 to 22 August. The commitment of both camps to disarm or significantly reduce their forces ahead of the second presidential round campaign will have a significant impact on the security situation in the coming weeks.

51. The development of Kinshasa as a flash point has required the redeployment of Western Brigade troops to the capital. On 23 August, the Western Brigade was reinforced by a special forces company (South Africa) stationed in Lumubashi.

52. On 29 July 2006, Eufor R. D. Congo, authorized under Security Council resolution 1671 (2006) of 25 April to support MONUC, reached its full operational capacity, with 1,100 troops stationed in the country and 1,307 troops stationed in Gabon. Eufor R. D. Congo is now capable of responding within capability and agreed tasking to a MONUC request for assistance. MONUC and Eufor R. D. Congo have engaged in a programme of planning and coordination to ensure maximization of operational efficiency.

53. The robust presence of the Western Brigade in Kinshasa supported by Eufor R. D. Congo, as well as several military and political confidence-building measures aimed to restore security in the capital, will help ensure that the campaign for the second round can be held in a relatively secure environment.

### **Arms embargo**

54. Pursuant to Security Council resolution 1596 (2005) of 18 April, MONUC inspected a shipment of military equipment and related materials, including tanks, armoured personnel vehicles and ammunition, at the Matadi port on 29 July. The Government had neither informed the Security Council Committee established pursuant to resolution 1533 (2004) prior to the arrival of the cargo, nor invited the Mission to verify the type and quantity of military material, in violation of the resolution.

55. On 24 and 25 August, without notice, FARDC moved seven truckloads of ammunition from Matadi to Kinshasa. FARDC acknowledged the movements, but declined to provide further details. MONUC conducted a number of verification missions, and was informed on 12 September that nine T-55 tanks had been delivered during the night, bringing the equipment now stored at a FARDC logistics base in Kinshasa to 12 T-55 tanks, 20 infantry combat vehicles and one recovery tank. In view of the fighting in Kinshasa between 20 and 22 August, these developments are of considerable concern.

56. During the reporting period, representatives of the Agence nationale de renseignement (ANR) in Beni expressed concern to MONUC about the alleged continued smuggling of arms from Uganda to Butembo. MONUC intends to submit a comprehensive report of its verification inspections to assist the work of the Security Council Committee established pursuant to resolution 1533 (2004) and the Group of Experts established pursuant to resolution 1698 (2006).

**Disarmament, demobilization, repatriation, resettlement and reintegration**

57. On 24 August, Major Ninja, an FDLR leader active in North and South Kivu, and 84 of his followers were disarmed. Of those, 26 FDLR elements were repatriated to Rwanda, while 58 Congolese elements entered the national disarmament and demobilization programme. Major Ninja was a well-known source of destabilization in the Kivus, and his repatriation is likely to further weaken FDLR command and control in the Democratic Republic of the Congo, and encourage remaining rank and file FDLR combatants to also undergo disarmament, demobilization, repatriation, resettlement and reintegration. During the reporting period, some 600 additional FDLR elements voluntarily repatriated to Rwanda, bringing the total of voluntary repatriation of foreign armed groups under the facilitation of MONUC to 13,000 combatants and dependents.

**Security sector reform****Army integration**

58. The Joint Commission on Security Sector Reform and its technical military subcommission continued to meet regularly under the chairmanship of Vice-President Ruberwa and my Special Representative. The Joint Commission decided to undertake a more coherent and cost-effective deployment of the remaining integrated brigades. The Joint Commission has also requested my Special Representative to chair a meeting in early September of the Government and key donors on the transparency of the defence budget.

59. As of 13 September, the Government had established 13 out of the 18 integrated brigades it had planned to create before the elections. Owing to financial problems, the formation of the remaining five integrated brigades is several weeks behind schedule.

60. While there is broad agreement among international actors that security sector reform is a key issue, donors need to harmonize their support to the Government in developing a security sector reform strategy. MONUC is currently discussing this issue with its security sector reform partners with the view to presenting an agreed approach to the new Government.

61. Meanwhile, the lack of operational support for the integrated brigades conducting joint operations with MONUC continues to impede FARDC's capacity to maintain stability following such operations. In this connection, the Government and MONUC have jointly prepared a project document with the view to seeking donor funds necessary to address the immediate operational needs of integrated brigades conducting joint operations with MONUC. At the same time, the European Union Mission of Assistance for Security Sector Reform (EUSEC) is assisting the Government in taking immediate measures to address urgent financial and administrative issues in this regard.

**Disarmament, demobilization and reintegration**

62. As of 8 September, CONADER had demobilized more than 76,614 ex-combatants, including 19,000 children. Meanwhile, some 85,000 elements have yet to undergo the disarmament, demobilization and reintegration process. However, the budget of some \$200 million of CONADER, provided by donors through the

Multi-Country Demobilization and Reintegration Programme (MDRP), has been exhausted. The World Bank has indicated that additional funding from MDRP would be contingent on its assessment of CONADER operations, which would be reviewed at an MDRP meeting in mid-November.

63. The financial crisis facing the Government structures related to disarmament, demobilization and reintegration has had a significant impact on the *brassage* process. As *brassage* follows demobilization, delays in demobilization have a direct impact on army integration, inter alia, creating difficulties for the stabilization of the Kivus, Katanga and Ituri. Delays in the payment of safety net and demobilization allowances, as well as the implementation of reinsertion projects, has caused discontent among ex-combatants.

64. The Joint Commission for Security Sector Reform has decided that priority for disarmament, demobilization and reintegration of the outstanding caseload would be accorded to the more than 44,000 troops from the Sixth, Eighth and Tenth Military Regions (North Kivu, South Kivu, Katanga), while discussions would start on the *brassage* of the Republican Guard and the Kinshasa Garrison (30,000 troops total).

### **Police and penal reform**

65. The joint working group on the reform and reorganization of PNC has completed its recommendations on the reform and restructuring of the force, for discussion with the new Government. These include conducting a census of the police, including the vetting and certification of police officers, to allow, among other things, for the proper budgeting of salaries and the establishment of an effective payment system. Following the holding of the census, the design and delivery of a comprehensive training programme for the national police needs to be undertaken.

66. The dilapidated state of the country's penitentiary facilities has resulted in frequent detention centre breakouts. During the reporting period, 258 convicts, including FARDC soldiers and PNC officers responsible for serious human rights violations, escaped from prison. On 4 June, 193 detainees escaped from Bukavu prison, including Colonel Biyoyo, the first army officer sentenced for child soldier recruitment. Serving prisoners, confined alongside pre-trial detainees, continue to endure appalling conditions of detention. MONUC has deployed 12 detention experts throughout the country to advise the authorities on improving prison conditions.

### **Human rights**

67. In addition to the human rights concerns mentioned under the review of the electoral process above, a number of other issues of concern arose during the reporting period. On 30 June, heavily armed FARDC soldiers, not trained for crowd control, were deployed to prevent a political demonstration in Matadi (Bas-Congo Province). They fired indiscriminately at protesters after a soldier was killed by the enraged crowd. Thirteen people were killed and 20 injured.

68. On the night of 27 June, 12 UDPS supporters were arbitrarily arrested by ANR and detained in Mbuji-Mayi in a military camp, while ANR in Kalemie, Lubumbashi and Uvira made a number of arrests for political reasons and mistreated detainees, some of whom were tortured. MONUC was denied access to the victims in some of

these cases, and in Kinshasa, is systematically denied access to ANR holding cells. The Chief of ANR has thus far refused to meet with MONUC to discuss these concerns.

69. The Republican Guard committed a number of politically-motivated human rights violations during the electoral campaign, including the arbitrary arrest of journalists, the intimidation of presidential candidates and their families and ill-treatment of detainees arrested for political reasons.

70. MONUC has learned with concern that the Mai-Mai leader Kyungu Kasongo Mutanga, known as "Gédéon", may be given a command position and an officer's rank upon being integrated into the army. MONUC has written to the Auditeur militaire, asking him to expedite the judicial investigation into the crimes of which Gédéon is suspected. In the letter, MONUC also refers to the case of the Mayi-Mayi leaders "Tshinja-Tshinja", the Kilwa massacre in October 2004, the December 2004 massacres in North Kivu and the situation of several Ituri militia leaders who have been in custody for up to 16 months without trial. All these investigations are effectively blocked, in most cases by political and military interference in the judicial process.

71. On 20 June, 42 soldiers were sentenced by a military court in Mbandaka for murder and rape, as crimes against humanity, committed during a mutiny on 3 to 4 July 2005. With respect to past unpunished crimes, preparations for the deployment of a team to map the most serious human rights violations committed between 1993 and 2003 and to recommend appropriate measures to deal with such violations are under way, in close cooperation with the Office of the High Commissioner for Human Rights.

### **Child protection**

72. Of serious concern are the recent abductions and attempts to re-recruit children formerly associated with armed forces and groups in North Kivu, primarily by elements of the former ANC brigades loyal to Laurent Nkunda. On 22 June, 13 children were abducted near Kitchanga in Masisi territory by elements of the 835th Battalion. They reported that they had been severely beaten by their abductors. On 30 July, two of these children were traced to their home by members of the 835th Battalion, who tried again to lure them back to the military.

73. Given the number of children who, after being reunified with families, have begun returning to transit centres in Goma seeking protection from intimidation or re-recruitment, child protection partners have temporarily suspended all family reunification of children formerly associated with armed forces and groups in Masisi. The area is also becoming increasingly insecure for child protection organizations.

### **Humanitarian situation**

74. The number of newly displaced persons increased dramatically in the first eight months of 2006. The majority of the 45,000 IDPs at the Geti camp in southern Irumu territory (Ituri) have refused to return home because of insecurity. FARDC imposed a security perimeter to prevent militia from mixing with the camp population. Human rights monitors continue to report rapes and the killing of individuals who have risked venturing out of the camp. A World Food Programme

food distribution to the camp has been delayed owing to a lack of stocks, leading to increasing malnutrition and an average of six deaths per day, twice the humanitarian alert level. MONUC is facilitating the temporary return of some internally displaced persons to their home communities in order to harvest their crops.

75. The demobilization of 500 Mayi-Mayi elements in Mitwaba and the deployment of the FARDC 63rd Brigade have provided the opportunity for the 160,000 IDPs, who had fled the hostilities between the FARDC and the Mayi-Mayi, to return. During the reporting period, MONUC facilitated the transportation of 62 metric tons of non-humanitarian cargo, including food and medicines, medical equipment and other non-food items for IDPs in Bukiringi (60 km south of Bunia), as well as for 20,000 internally displaced persons in Mitwaba, Katanga, and for various groups of returnees in the Kivus.

#### **Conduct and discipline**

76. The MONUC Conduct and Discipline Team further clarified its role and mandate and strengthened its monitoring functions while it continued to receive and follow up on allegations of misconduct and to train mission personnel. To that end, a number of directives and procedures were issued to all mission personnel on reporting allegations of misconduct, and on the investigation process. The concerns expressed in my previous report regarding the investigating capacity of the Office of Internal Oversight Services continued to present a challenge, as very few final investigation reports were received during the period.

77. To improve coordination with other United Nations agencies, the sexual exploitation and abuse inter-agency focal points network has been reactivated. Its priorities include the adoption of a common code of conduct, the sharing of training materials and the coordination of a referral system for the assistance to victims of sexual exploitation and abuse by United Nations personnel.

### **IV. Administration**

78. During the reporting period, MONUC restructured the support component on the basis of a comprehensive review, carried out pursuant to recommendations of the General Assembly. The logistics hub in Entebbe, Uganda, is being strengthened to better support operations in eastern Democratic Republic of the Congo. Coordination regarding support is also being further strengthened with other missions in the region.

79. The Mission vacancy rate has been significantly reduced. However, personnel retention remains a challenge. The increasing demands placed on staff members, combined with security problems and associated restrictions in the execution of tasks, are contributing to a high rate of attrition.

80. The Mission continued to provide limited logistical support to FARDC units conducting joint operations with MONUC in eastern Democratic Republic of the Congo. Limited progress has been achieved in efforts to mobilize voluntary contributions for this.

81. MONUC effectively met the formidable challenge of providing logistical support to elections of an unprecedented scope in United Nations operations. The Mission has also supported the requirements of United Nations funds, programmes

and agencies as well as other partners, particularly with respect to the elections, including logistical support to Eufor R. D. Congo, on a cost-recovery basis. This has placed a significant strain on the Mission's support component, and MONUC will be continuing these activities through the next phase of the electoral process. It is important that, as roles are agreed upon between members of the United Nations country team in implementing a post-electoral strategy, close attention is paid to sharing costs.

## **V. Financial aspects**

82. The General Assembly, by its resolution 60/121 B of 30 June 2006, appropriated the total amount of \$1,091,242,800, equivalent to \$90,936,900 per month, for MONUC for the period from 1 July 2006 to 30 June 2007. Should the Security Council decide to extend the mandate of MONUC beyond 30 September 2006, the cost of maintaining the Mission until 30 June 2007 would be limited to the amounts approved by the General Assembly.

83. As at 30 June 2006, unpaid assessed contributions to the Special Account for MONUC amounted to \$160.4 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$1,265 million.

84. As at 31 July 2006, amounts owed to troop and formed-police contributors totalled \$55.9 million. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to 30 April 2006 and 31 March 2006 respectively, in accordance with the quarterly payment schedule.

## **VI. Observations and recommendations**

85. I would like to commend the Congolese people and the political parties for their commitment to the democratic process, as demonstrated by the high voter turnout at the first round of the presidential elections and the National Assembly elections on 30 July, and the generally peaceful atmosphere in which the polls were conducted. While there were some concerns over irregularities, and isolated incidents of violence, the successful holding of the polls was a landmark step in the peace process in the Democratic Republic of the Congo. The Independent Electoral Commission and its national and international partners effectively met the enormous organizational challenges involved in ensuring that the elections were held under the best possible conditions. The support provided by MONUC, UNDP, the European Commission and the Government of South Africa deserves a particular note of appreciation.

86. In the light of the ruling of the Supreme Court of Justice on 15 September, in which it acknowledged that it would not be possible to meet the constitutional deadline for holding the second round of the presidential election, I encourage President Kabila and Vice-President Bemba to reaffirm their commitment to the electoral calendar, which established 29 October as the date for the second round. The United Nations is committed to providing all possible support in ensuring the timely and successful holding of these elections

87. It is vital that the parties and candidates take all possible steps to ensure that the electoral campaign is freely contested across the country and that the elections

are held under secure conditions and are credible and transparent. It should be emphasized that any resort to incitement to hatred or violence during the electoral process is unacceptable, and that perpetrators must be held accountable. Meanwhile, the transitional institutions need to continue to operate effectively until the legislative and executive institutions have been duly installed. At this critical juncture, I would urge the Congolese parties to continue to work assiduously to build on the significant gains made so far in the transitional process and ensure its successful conclusion in the coming months. The recent generous support of several donors has reduced significantly the outstanding shortfall in the electoral budget to some \$9 million. I would urge donors to give due consideration to meeting the remaining gap as soon as possible, so the electoral preparations can proceed unhindered.

88. The violent incidents of 20 to 22 August in Kinshasa were of deep concern. President Kabila and Vice-President Bemba should be encouraged to work in good faith with the facilitation mechanisms established by my Special Representative, and to reach early agreement on rules of conduct for the campaign for the second round of the presidential elections and also on mutual assurances of security and political engagement following the elections. They should also continue to work with the joint monitoring mechanisms established by MONUC with the assistance of Eufor R. D. Congo, and institute measures to prevent a recurrence of violence in Kinshasa or elsewhere in the country during the electoral process. The robust deployment of the Western Brigade in Kinshasa, supported by Eufor R. D. Congo, will help in ensuring stability in the capital during the electoral period. It is also important that the electoral campaign focus on the key issues facing the country. Furthermore, the establishment of as inclusive a Government as possible would lay the foundation for national reconciliation and broad-based efforts towards the consolidation of peace.

89. The use of the media to incite hatred and violence during the electoral process is a worrisome development. The establishment of a mechanism to monitor the situation is a welcome step and the agreements reached recently by several major media outlets on respect for journalistic ethics during the campaign period need to be strictly adhered to. It is important that the relevant Government institutions ensure that such misuse of the media is prevented, and that no unilateral action is taken by others in this regard.

90. The reports on the importation of arms into the country, without prior notification being given to the Security Council Committee established pursuant to resolution 1533 (2004), are of concern. I call on the parties to fully cooperate with MONUC and allow the Mission to properly monitor and inspect any shipments of arms into the country.

91. The national police and the armed forces continue to face a range of problems, including poor discipline, insufficient training and equipment, and inadequate systems for the delivery of salaries. A comprehensive plan for security sector reform is urgently required to address these and other challenges to enhance the capacity of the security services to effectively maintain security nationwide. International partners should urgently strengthen their support to the Government in the development and implementation of an effective security sector reform plan, which will be vital in ensuring long-term stability in the country. The assessment of CONADER operations should be conducted as soon as possible and an agreement

reached on the urgent provision of additional financial support for disarmament, demobilization and reintegration.

92. In the post-elections period, addressing the many challenges facing the Democratic Republic of the Congo will require the continuing support of a United Nations peacekeeping operation. It is envisaged that post-electoral tasks of MONUC, in cooperation with the United Nations country team and the international community, would include: providing support to the new Government and civil society in strengthening democratic institutions; promoting the rule of law and basic human rights; building an adequate security environment and architecture; strengthening economic management; and establishing and consolidating State authority nationwide. In the context of long-term institution-building, including governance and security sector reform, natural resource management and decentralization, MONUC would work to advocate, facilitate and support national planning and reform processes that will enable donors to coherently assist the implementation of such programmes.

93. I have asked my Special Representative to consult the new Government as soon as possible on the proposed role of MONUC, including its strategy, objectives and benchmarks for achievement in areas of support.

94. In the post-elections period, international assistance for the Democratic Republic of the Congo should be strengthened and sustained in support of the peace consolidation efforts of the Government. Further progress in the implementation of political and governance reforms will be vital in laying the foundations for durable peace and stability and, in this context, I would encourage the finalization of the proposed "Governance Compact", being developed under the lead of the United Nations, the World Bank and the European Commission, and its early consideration by the Government.

95. International stakeholders should also give urgent consideration to the establishment of a coordination and support mechanism, to replace the International Committee in Support of the Transition. It is envisaged that, in agreement with the Government, such a mechanism could play an important role in ensuring effective donor coordination, promoting good governance and serving as a forum for policy dialogue with the elected Government. I have asked my Special Representative to undertake consultations with relevant stakeholders in this regard.

96. In the meantime, I would recommend an extension of the current mandate of MONUC for a period of four and a half months, from 1 October 2006 to 15 February 2007, to allow sufficient time for consultations with the new Government on the Mission's future role.

97. In its resolution 1692 (2006) of 30 June, the Security Council decided to extend until 30 September 2006 the authorization contained in resolution 1669 for the Secretary-General to redeploy temporarily troops from the United Nations Operation in Burundi (ONUB) to MONUC. Moreover, in its resolution 1693 (2006) of 30 June, the Security Council decided to extend until 30 September the increase in the military and civilian police strength of MONUC authorized by resolutions 1621 (2006) and 1635 (2006). I am extremely grateful for the action taken by the Security Council to strengthen the capacity of MONUC in this period. In the light of recent developments and the vital importance of maintaining MONUC's current authorized strength to ensure a peaceful and successful completion of the electoral

process, I would like to recommend for the Security Council's consideration that it extend, until 15 February 2007, the authorization to redeploy the troops from ONUB to MONUC in accordance with resolution 1669 (2006). I intend to submit further recommendations with respect to these redeployed troops before the end of January 2007. I would also like to recommend for the Security Council's consideration a further extension, until 15 February 2007, of the increase in the military and civilian police strength of MONUC authorized by resolutions 1621 (2006) and 1635 (2006).

98. Finally, I would like to thank my Special Representative, the Force Commander and all the civilian and military women and men of the United Nations family in the Democratic Republic of the Congo for their untiring efforts and commitment to bringing peace and security to the Democratic Republic of the Congo, particularly in regard to the assistance they have provided to the electoral process. I would also like to pay tribute to the military and civilian members of the United Nations, including its security personnel, for their work in stabilizing the situation in Kinshasa and ensuring the safety and security of all United Nations personnel. A note of appreciation also goes to the men and women of Eufor R. D. Congo, for the support provided to MONUC.

## Annex

### United Nations Organization Mission in the Democratic Republic of the Congo: military and civilian police strength

(as at 31 August 2006)

Country	Military component				Police officers
	Military observers	Staff officers	Troops	Total deployed	
Algeria	6	0	0	6	
Argentina					2
Bangladesh	17	10	1 351	1 378	250
Belgium	0	9	0	9	
Benin	20	0	751	771	8
Bolivia	7	3	200	210	
Bosnia and Herzegovina	5	0	0	5	
Burkina Faso	12	0	0	12	76
Cameroon	1	1	0	2	49
Canada	0	9	0	9	
Central African Republic					7
Chad					6
China	14	0	218	232	
Côte d'Ivoire					1
Czech Republic	1	0	0	1	
Denmark	1	1	0	2	
Egypt	18	5	0	23	13
France	0	6	0	6	10
Ghana	21	2	462	485	
Guatemala	8	1	105	114	
Guinea	2	0	0	2	53
India	36	13	4 349	4 398	250
Indonesia	9	4	175	188	
Ireland	2	1	0	3	
Jordan	22	6	66	94	3
Kenya	28	7	0	35	4
Madagascar					7
Malawi	26	0	109	135	
Malaysia	5	12	0	17	
Mali	32	0	0	32	24
Mozambique	4	0	0	4	
Mongolia	2	0	0	2	
Morocco	1	3	807	811	
Nepal	18	2	1 052	1 072	

<i>Country</i>	<i>Military component</i>				<i>Police officers</i>
	<i>Military observers</i>	<i>Staff officers</i>	<i>Troops</i>	<i>Total deployed</i>	
Netherlands	0	1	0	1	
Niger	19	1	0	20	37
Nigeria	30	1	0	31	
Pakistan	30	17	3 560	3 607	
Paraguay	19	0	0	19	
Peru	7	0	0	7	
Poland	3	0	0	3	
Romania	20	0	0	20	1
Russian Federation	21	2	0	23	5
Senegal	11	14	459	484	290
South Africa	5	25	1 183	1 213	
Serbia	0	0	6	6	
Spain	2	0	0	2	
Sri Lanka	2	0	0	2	
Sweden	5	0	0	5	3
Switzerland	1	1	0	2	
Togo	1	0	0	1	
Tunisia	30	3	464	497	
Turkey					14
Ukraine	11	0	0	11	3
United Kingdom	0	6	0	6	
Uruguay	34	12	1 324	1 370	
Vanuatu					2
Yemen					1
Zambia	22	5	0	27	
<b>Total</b>	<b>592</b>	<b>183</b>	<b>16 641</b>	<b>17 416</b>	<b>1 119</b>

*Note:* Includes military personnel deployed under MONUC and ONUB authorized troop strengths.

