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HUMAN RIGHTS COUNCIL
Eighth special session
28 November and 1 December 2008

**REPORT OF THE HUMAN RIGHTS COUNCIL
ON ITS EIGHTH SPECIAL SESSION**

Vice-President and Rapporteur: Mr. Elchin Amirbayov (Azerbaijan)

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I. Resolution adopted by the Council at its eighth special session

S-8/1. Situation of human rights in the east of the Democratic Republic of the Congo

The Human Rights Council,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and 61/296 of 17 September 2007,

Reiterating its resolutions 5/1 and 5/2 of 18 June 2007 and 7/20 of 27 March 2008,

Reiterating also the principles and objectives of the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the decision of the tenth Assembly of the African Union on the peace and security situation in Africa,

Recalling also the provisions of the Pact on Security, Stability and Development in the Great Lakes Region,

Recalling further African efforts to address the situation in the Democratic Republic of the Congo, including (a) the Goma act of engagement, signed by the parties to the peace process in the region of Kivu within the framework of the Conference on Peace, Security and Development for the Provinces of North and South Kivu, held in Goma from 6 to 23 January 2008; (b) the Great Lakes Region summit of 7 November 2008 on the situation in the Democratic Republic of the Congo; (c) the Extraordinary Summit of the Heads of State and Government of the Southern Africa Development Community, held on 9 November 2008; and (d) the summit of Heads of State of members of the Commission of the Gulf of Guinea, held on 25 November 2008,

1. *Expresses* its serious concern at the deteriorating human rights and humanitarian situation in North Kivu since the resumption of hostilities on 28 August 2008, and calls upon all concerned parties to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law, to ensure the protection of the civilian population and to facilitate the work of humanitarian agencies;
2. *Calls for* the immediate end to all human rights violations and the unconditional respect for the rights of civilians;
3. *Expresses concern* at the deteriorating situation of refugees and internally displaced persons owing to the escalation of the conflict in Kivu;
4. *Urges* all parties to allow and facilitate humanitarian assistance and to support the ongoing efforts to establish humanitarian corridors throughout the area so as to allow access and the free movement of people and goods as well as to enable humanitarian agencies to provide badly needed food, water, medication and shelter;

5. *Condemns* the acts of violence, human rights violations and abuses committed in Kivu, in particular sexual violence and the recruitment by the militia of child soldiers and stresses the importance of bringing all perpetrators to justice;

6. *Underlines* that the Government has the primary responsibility to make every effort to strengthen the protection of the civilian population and to investigate and bring to justice perpetrators of violations of human rights and of international humanitarian law, and calls upon the international community to support the endeavours of the Government of the Democratic Republic of the Congo in its efforts to stabilize the situation in the country;

7. *Expresses* its support for the efforts of the Special Envoy of the Secretary-General for the conflict in the east of the Democratic Republic of the Congo, former President Olusegun Obasanjo, the African Union, the Southern Africa Development Community, the Office of the United Nations High Commissioner for Human Rights, the international community and the Government of the Democratic Republic of the Congo in the search for a solution to restore long-term peace and stability to the region, in particular within the Goma process and the Nairobi process, and urges all parties to cooperate with the Special Envoy of the Secretary-General;

8. *Emphasizes* the importance of strengthening the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo with a view to increasing its capacity to protect civilians and to restore peace, security and stability in the region of Kivu of the Democratic Republic of the Congo, and calls upon all States to immediately provide assistance to the Mission to increase its ability to address the dire security and humanitarian situation in the region;

9. *Calls upon* the international community:

(a) To seriously address the root causes of the conflict, including the illicit exploitation of natural resources and the establishment of militia, which are the basis of human rights violations and the humanitarian crisis in the region;

(b) To continue to contribute to the promotion of peace and stability in the Democratic Republic of the Congo, and to assist the Government of the Democratic Republic of the Congo in the rehabilitation and economic reconstruction of the country;

(c) To provide the Government of the Democratic Republic of the Congo with the various forms of assistance it requests, with a view to improving the humanitarian and human rights situation;

10. *Welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and the invitation it has extended to some individual special procedures, and encourages the Government of the Democratic Republic of the Congo to strengthen its cooperation in this regard;

11. *Invites* all the thematic special procedures mentioned in its resolution 7/20 to urgently examine the current situation in the east of the Democratic Republic of the Congo with a view to providing a comprehensive report to the Council at its tenth session on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, taking also into account the needs formulated by the Government of the Democratic Republic of the Congo;

12. *Invites* the United Nations High Commissioner for Human Rights to report to the Council at its tenth session on the human rights situation in the east of the Democratic Republic of the Congo and on the activities that the Office of the United Nations High Commissioner for Human Rights has undertaken in the region.

*2nd meeting
1 December 2008*

Resolution adopted, as orally revised, without a vote; see chapter II.

II. Organization of work of the eighth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.
2. In a letter dated 25 November 2008, addressed to the President of the Council (A/HRC/S-8/1), the Representative of the Permanent Mission of France, on behalf of the European Union, requested the convening of a special session of the Council on 28 November 2008 to consider and take action on the situation of human rights in the east of the Democratic Republic of the Congo.
3. The letter, received by the President on the same day, was accompanied by signatures in support of the above-mentioned request from the following 16 States members of the Council: Argentina, Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Japan, Mexico, the Netherlands, the Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland.
4. In addition to the above-mentioned States members of the Council, the request was also supported by the following observer States of the Council: Australia, Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Monaco, Poland, Portugal, the former Yugoslav Republic of Macedonia, Romania, Spain and Sweden. Subsequently, Albania, Israel and Panama signed the request.
5. As more than one third of the membership of the Council supported the above-mentioned request, the President of the Council, following consultations with interested parties, decided to convene a special session of the Council on 28 November and 1 December 2008.

A. Opening and duration of the session

6. The Council held its eighth special session at the United Nations Office at Geneva on 28 November and 1 December 2008. It held two meetings during the session.
7. The eighth special session was opened by the President of the Council.

B. Attendance

8. The special session was attended by representatives of States members of the Council, observer States of the Council, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. At its second organizational meeting of the third cycle, on 19 June 2008, the Council elected the following officers, who also served as officers for the eighth special session:

President: Martin Ihoeghian Uhomobhi (Nigeria)

Vice-Presidents: Erlinda F. Basilio (Philippines)
Alberto J. Dumont (Argentina)
Marius Grinius (Canada)

Vice-President and Rapporteur: Elchin Amirbayov (Azerbaijan)

D. Organization of work

10. Pursuant to paragraph 124 of the annex to Council resolution 5/1, the President of the Council held open-ended informative consultations on 26 November 2008 on the conduct and organization of the eighth special session.

11. At its 1st meeting, on 28 November 2008, the Council decided on the organization of its work, including speaking-time limits, which were five minutes for the concerned State and member States and three minutes for observer States and other observers. The list of speakers would be drawn up in chronological order of registration. The concerned State and member States would be given the floor first, followed by observer States and other observers.

12. The special session was conducted in accordance with the relevant provisions contained in paragraphs 119-128 of the annex to Council resolution 5/1.

E. Resolution and documentation

13. The resolution adopted by the Council at its eighth special session is reproduced in chapter I of the present report.

14. The list of documents issued for the eighth special session is contained in the annex to the present report.

F. Statements

15. At the 1st meeting, on 28 November 2008, the United Nations High Commissioner for Human Rights made a statement.

16. At the same meeting, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, on behalf of the coordination committee of special procedures mandate holders of the Council, made a statement.

17. Also at the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned State.

18. At the same meeting, statements were made by the following:

(a) States members of the Human Rights Council: Angola, Argentina, Bangladesh, Bolivia, Brazil, Canada, Chile, China, Cuba, Djibouti, Egypt (on behalf of the Group of African States), France (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Germany, Ghana, India, Indonesia, Italy, Japan, Malaysia, Mexico, Netherlands, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, Slovakia, Slovenia, South Africa, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

(b) Observers for non-member States: Algeria, Australia, Denmark, Finland, Ireland, Israel, Norway, Panama, Sudan;

(c) Observer for the Holy See.

19. At the 2nd meeting, on 1 December 2008, statements were made by the following:

(a) Observers for non-member States: Belgium, Costa Rica, Greece, Kenya, Maldives, New Zealand, Sweden;

(b) National human rights institution: National Human Rights Commission of Rwanda (also on behalf of the President of the Network of African National Human Rights Institutions);

(c) Non-governmental organizations: Amnesty International, International Centre for Human Rights and Democratic Development, Action internationale pour la paix et le développement dans la région des Grands Lacs, International Federation of Human Rights Leagues, Franciscans International, International Save the Children Alliance, World Organization against Torture, United Nations Watch, Association for World Education, Human Rights Watch, International Commission of Jurists, Nord-Sud XXI, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples.

20. At the 2nd meeting, on 1 December 2008, the President made his concluding remarks.

G. Action on the draft proposal

21. At the 2nd meeting, on 1 December, the representative of France, on behalf of the European Union, informed the Council that draft resolution A/HRC/S-8/L.1 had been withdrawn.

22. At the same meeting, the representative of Egypt, on behalf of the Group of African States, introduced draft resolution A/HRC/S-8/L.2/Rev.2, sponsored by Egypt, on behalf of the Group of African States. Subsequently, Monaco and Switzerland joined the sponsors.

23. Also at the same meeting, the Democratic Republic of the Congo made a statement as the concerned State.
24. A statement in explanation of the vote before the vote was made by the representative of Canada.
25. The draft resolution was adopted without a vote.
26. Statements in explanation of the vote after the vote were made by the representative of France, on behalf of the European Union, and by the representative of the Russian Federation.
27. For the text of the resolution as adopted, see chapter I.

III. Report of the Human Rights Council on its eighth special session

28. At the 2nd meeting, on 1 December 2008, the report was adopted ad referendum and the Rapporteur was entrusted with its finalization.

Annex

**LIST OF DOCUMENTS ISSUED FOR THE EIGHTH SPECIAL
SESSION OF THE COUNCIL**

A/HRC/S-8/1	Letter dated 25 November 2008 from the Representative of the Permanent Mission of France to the United Nations Office at Geneva, addressed to the President of the Human Rights Council
A/HRC/S-8/2	Report of the Human Rights Council on its eighth special session
A/HRC/S-8/L.1	France (on behalf of the European Union), New Zealand, Norway: draft resolution. Situation of human rights in the east of the Democratic Republic of the Congo
A/HRC/S-8/L.2	Egypt (on behalf of the African Group): draft resolution. Situation of human rights in the east of the Democratic Republic of the Congo
A/HRC/S-8/L.2/Rev.1	Egypt (on behalf of the African Group): revised draft resolution. Situation of human rights in the east of the Democratic Republic of the Congo
A/HRC/S-8/L.2/Rev.2	Egypt (on behalf of the African Group): revised draft resolution. Situation of human rights in the east of the Democratic Republic of the Congo
A/HRC/S-8/NGO/1	Written statement submitted by Amnesty International, a non-governmental organizational in special consultative status
A/HRC/S-8/NGO/2	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
