



SECURITY COUNCIL REPORT UPDATE REPORT



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Briefings by the High Commissioner for Human Rights to the Security Council and the Peacebuilding Commission

Expected Council Action

The Council will receive a briefing by the High Commissioner for Human Rights Under Secretary-General Louise Arbour on 31 May. The briefing will address the High Commissioner's recent trip to the Great Lakes region, that included the Democratic Republic of the Congo (DRC), Burundi and Rwanda. The briefing will in all likelihood focus mostly on the DRC. No formal action is expected.

The High Commissioner will also brief the Peacebuilding Commission (PBC) on Burundi on 30 May.

The High Commissioner Visit to Great Lakes Region

High Commissioner Arbour visited the region on 13-25 May. The key issues raised in the trip include:

- ending the culture of impunity;
- protection of civilians;
- transitional justice, especially accountability for serious crimes committed in the DRC in 1993-2003 and a number of the most serious past human rights crimes in Burundi ;
- socio-economic rights; and
- the plight of women, with particular focus on sexual violence.

Key Recent Developments

The DRC is a part of the High Commissioner's trip that the Council will certainly be most interested in. The Council renewed the mandate of the UN operation in the DRC (MONUC) on 15 May.

While maintaining force levels, resolution 1756 adjusted MONUC's mandate to the post-transition period. The resolution devoted significant amount of space to human rights issues. It deplored the ongoing widespread violations of human rights and international humanitarian law in the DRC and stressed the urgent need for those responsible for these crimes to be brought to justice. The resolution, inter alia, mandated MONUC to:

- provide basic human rights training to members of the Congolese defense forces as well as to law enforcement agencies and national police, as part of the security sector reform;
- assist in protection and promotion of human rights;

- investigate human rights violations with a view to ending impunity; and
- assist in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law.

Resolution 1756 also called on the Congolese authorities to put an end to impunity and to take into account when selecting candidates for official positions, including key posts in the armed forces, national police and security services, the candidates' past actions in terms of respect for international humanitarian law and human rights. It requested further that MONUC's human rights observers (some 150 of whom are deployed in various parts of the country) be granted access to prisons.

In her briefing, the High Commissioner is likely to focus on some practical that will arise in implementing Resolution 1756. Furthermore, she is likely to emphasise an initiative undertaken jointly by MONUC, DPKO and her office to map serious violations of international human rights and humanitarian law committed in the DRC during the period between 1993 and 2003. The country's president, Joseph Kabila, received the idea favorably at a meeting he held with Arbour and the Special Representative of the Secretary-General, William L. Swing during Arbour's recent trip. The exercise is meant to provide as full a picture as possible of the catastrophic human rights violations that occurred in the DRC in that period. The next step would be to assess to what extent the national system is capable to deal with the situation; and further down the line, to provide a menu of options.

The High Commissioner will also update the Council on other issues of concern that she focused on during her visit, in particular the problem of rampant sexual violence.

While the DRC where the Council is particularly actively involved, will most likely take up the bulk of the briefing, the High Commissioner will probably also devote some of her time to Burundi and share her observations of the human rights situation there.

Interaction between the Council and the High Commissioner for Human Rights

Direct contacts between the High Commissioner for Human Rights and the Security Council have been relatively rare. The first time the High Commissioner was invited to address the Council was in September 1999, during an open debate on the protection of civilians in armed conflict. The then High Commissioner Mary Robinson briefed the Council on a number of issues, and in particular on East Timor whose crisis was at the time at the top of the Council agenda. Robinson addressed the Council again in another debate on protection of civilians in armed conflict, in April 2001, as well as at least once in consultations, on the DRC in 2002. Also in 2002, she briefed the Counter Terrorism Committee (CTC) on the human rights implications of the international action against terrorism.

Her successor Sergio Vieira de Mello also briefed the CTC. He addressed the Council in his capacity as High Commissioner for Human Rights in February 2003, presenting a report of Office of the High Commissioner for Human Rights (OHCHR) on the DRC based on a joint investigation conducted with MONUC. Following de Mello's death in Iraq in August 2003, the acting High Commissioner Bertrand Ramcharan briefed the Council at least once, in consultations on an OHCHR investigation of the situation in Darfur.

Louise Arbour briefed the Council on Darfur in September 2004, also again on Darfur, jointly with the Special Advisor on the Prevention of Genocide, Juan Méndez, on their joint trip to the

region. In October 2004, Arbour addressed the Council on the issue of women, peace and security. She addressed the Council again in February 2005 introducing the report of the International Commission of Inquiry on Darfur and in July 2005, she briefed the Council on a number of items on the Council agenda, in consultations.

It is curious that, despite the statement in the 2005 World Summit outcome document that the world leaders support closer cooperation between the High Commissioner's office and "all relevant United Nations bodies, including the General Assembly, the Economic and Social Council and the Security Council" the High Commissioner was not invited to brief the Council at all in 2006.

The Briefing to the Peacebuilding Commission

Burundi is one of the two country-specific situations currently on the PBC agenda. In April, an 18-member delegation of the PBC, led by Norway, visited Burundi. In its mission report the PBC observed that the country had made progress in securing peace and laying the foundations for good governance and the rule of law. The report spoke of the need to integrate human rights and for the special consideration of gender issues into most key peace building matters identified in the report such as promotion of good governance, security sector reform, and transitional justice.

The High Commissioner is likely to focus her briefing to the PBC on the ongoing serious problems with impunity, both for the most serious past crimes as well as for those that occurred in the last few years. Security Council resolution 1606 asked in 2005 that the Secretary-General undertake negotiations and consultations in Burundi with an aim at the creation of a mixed Truth Commission and a Special Chamber within the court system of Burundi. Several rounds of consultations have been undertaken, with the UN dispatching various missions to the country in the past years and the issue of impunity and responsibility for past abuses has continued to loom large in Burundi. During the High Commissioner's visit an agreement has been reached to convene national consultations on the two issues addressed in resolution 1606 and on the fact that a tri-partite committee composed of a representative of the government, the UN and civil society will facilitate and lead this process.

The High Commissioner is also likely to highlight for the PBC the ongoing human rights concerns, including torture, disappearance and impunity for more recent incidents that resulted in numerous killings as well as disappearances.

UN Documents

Selected Security Council Resolutions
<ul style="list-style-type: none"> • S/RES/1756 (15 May 2007) renewed MONUC until 31 December and adjusted its mandate, including on a number of human rights related issues. • S/RES/1606 (20 June 2005) requested the Secretary-General to start negotiations on transitional justice mechanisms in Burundi.
Selected Secretary-General's Reports
<ul style="list-style-type: none"> • S/2007/287 (17 May 2007) was the latest BINUB report. • S/2007/156 (20 March 2007) was the latest MONUC report.
Other
<ul style="list-style-type: none"> • PBC/1/BDI/2 (21 May 2007) was the report of the April 2007 mission of the Peacebuilding Commission to Burundi. • S/2006/1050 (20 December 2006) contained summaries of the October and

December 2006 PBC country-specific meetings.

- PBC/OC/1/2 (21 June 2006) was a Council letter referring Burundi and Sierra Leone to the PBC.
- A/RES/60/1 (16 September 2005) was the final document of the 2005 World Summit.
- S/PV.5125 (16 February 2005) was the meeting during which the High Commissioner introduced the report of the International Commission of Inquiry on Darfur.
- S/PV.4705 (13 February 2003) was the open debate on the DRC in which the High Commissioner presented his report.
- S/2003/216 (13 February 2003) was the report of the United Nations High Commissioner for Human Rights to the Security Council on the human rights in the DRC based on a joint MONUC/OHCHR investigation.
- S/PV.4312 and Resumption 1 (23 April 2001) was an open debate on civilians in armed conflict during which the High Commissioner Mary Robinson addressed the Council
- S/PV.4046 and Resumption 1 and 2 (16 September 1999 and 17 September 1999) was the open debate during which the High Commission for Human Rights addressed the Security Council for the first time.

Other Relevant Facts

BINUB: Executive Representative of the Secretary-General
Youssef Mahmoud (Tunisia)
BINUB: Size, Composition and Cost of Mission
<ul style="list-style-type: none"> • Authorised strength: 448 personnel • Strength as of 1 January 2007: 641 personnel • Recommended budget: \$ 33.1 million
Duration
January 2007 to present; mandate expires 1 January 2008
MONUC: Special Representative of the Secretary-General
William Lacy Swing (US)
MONUC: Size, Composition and Cost of Mission
<ul style="list-style-type: none"> • Authorised strength: about 18,000 military and 1,316 police • Strength as of 31 March 2007: 17,307 military and 1,029 police • Main troop contributors: India, Pakistan, Bangladesh and Uruguay • Cost: 1 July 2006 – 30 June 2007 \$1.138 billion
MONUC: Duration
30 November 1999 to present, mandate expires on 15 May 2007
International Criminal Tribunal for Rwanda
<ul style="list-style-type: none"> • 18 accused at large, including Félicien Kabuga, a businessman accused of propelling the Rwandan massacres • 11 accused awaiting trial; 25 on trial; six at the appeal stage

For background on the situation in Burundi, the DRC and the Great Lakes region overall, please refer to the following Security Council publications: May 2007 *Monthly Forecast* (DRC brief), April 2007 *Monthly Forecast* (DRC brief), April 2007 *Monthly Forecast* (Burundi brief), 23 June 2006 *Special Research Report* on the PBC, March 2006 *Monthly Forecast* (Burundi brief), November 2005 *Update Report (the DRC brief)*, 15 December 2005 *Update Report* on the DRC and the Great Lakes, January 2006 *Monthly Forecast* (the Great Lakes Initiative brief)