



Security Council

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Identical letters dated 20 October 2014 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to set out below the circumstances that prompted the authorities of my country to end their cooperation with the Director of the United Nations Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), Scott Campbell, and to take the decision to expel him from the country.

1. The “Kuluna” phenomenon

The Kulunas are a criminal gang of lawless youths who have become notorious in Kinshasa. They steal, extort, wound their victims or hack off their arms, or even kill them. They have no fear of soldiers or police, who also sometimes fall victim to their acts of violence. They are organized into gangs in their own neighbourhoods, which they terrorize. Different gangs sometimes engage in literal turf wars.

At one point, this phenomenon became so widespread that the population asked the Government to take the necessary security measures to put a stop to it.

On 15 October 2013, the Government accordingly launched Operation “Likofi” (“punch”) against the Kulunas. The operation’s success reassured the population, which was able to resume its normal activities in peace.

It is important to stress that the operation was carried out with a contingent of 350 clearly identified police officers (for the four operational districts in Kinshasa), eight judges (four military and four civilian, with responsibility for judicial oversight of the operation), and a well-known and highly visible logistical component (twenty 4x4 vehicles provided by the Ministry of the Interior, all registered and bearing number plates).

Following are the figures on criminal convictions, which have been widely publicized:

- 105 convictions in the Kalamu district court and magistrates’ court, 22 acquittals and 49 minors referred to juvenile court;



- 6 cases referred for hearing to the Matete district court and 5 referred to the Matete juvenile court;
- 11 convictions in the Gombe district court, 120 acquittals and 105 minors referred to juvenile courts in Gombe, Ngaliema and Kinshasa;
- 52 convictions and 12 acquittals in the N'Djili district court;
- 34 cases before the N'Djili garrison court martial, of which 19 resulted in a conviction and 15 are still under way;
- 7 convictions and 4 acquittals in the Ngombe garrison court martial;
- 27 cases referred to other prosecution offices;
- 7 convictions, 2 acquittals and 1 referral to another court by the Matete garrison court martial.

2. Accusations against Scott Campbell

Mr. Campbell issued his most recent report on 15 October 2014. The report concerns Operation Likofi, described in section 1 above, and contains falsehoods and baseless allegations denouncing my Government.

Mr. Campbell, whose mandate in the Democratic Republic of the Congo consisted essentially of cooperating constructively with the country's lawful authorities in support of efforts to protect and promote human rights, instead became notable for his systematic attempts to undermine the Democratic Republic of the Congo and its institutions. Through the skilful deployment of falsehoods, disinformation and tendentious extrapolation, in disregard of the professional requirements of rigour and objectivity in carrying out his mission, Mr. Campbell became a mouthpiece for the most implausible rumours about the human rights situation in the Democratic Republic of the Congo. More than once, he took the liberty, without the most basic fact-checking, of claiming that members of the Congolese defence and security forces were "allegedly" responsible for anonymous crimes. When asked during evaluation meetings to document his accusations, he merely invited his government interlocutors to "find and punish the unknown perpetrators to prove that the alleged or presumed culprits were not members of the State defence or security personnel". This attitude in itself contravenes the prevailing standards and general principles of law under which the burden of proof is borne by the accuser.

In Mr. Campbell's view, he was not required to document his reports and substantiate them with evidence; rather, the Congolese authorities were obliged to prove that they were innocent of these real or imagined crimes.

Added to this was Mr. Campbell's systematic refusal to take account of the duly documented comments and clarifications which the competent government authorities provided to him for each of his reports. Because of this disregard for a Government to which he was accredited, he was no longer in a position to work effectively to promote the human rights values espoused by the Democratic Republic of the Congo.

During evaluation meetings with the Government, Mr. Campbell's attention was repeatedly drawn to the fact that his services were being manipulated, leading

him to draw conclusions that lacked objectivity. He ignored all these warnings and continued to produce reports unjustly accusing the Government.

His most recent report, issued on Wednesday, 15 October 2014 and dealing with Operation Likofi, as noted above, is an example. This publication appeared the very day after the Prime Minister confirmed before the National Assembly that a new phase of the operation would be launched, in view of the Assembly's concerns about the resurgence of the Kuluna phenomenon after the brilliant success of "Likofi 1". In other words, one of the aims of Mr. Campbell and his collaborators was to thwart this initiative by the Government.

What is more, the report is riddled with falsehoods, of which the following are just a few examples:

(a) The report claims that police officers involved in Operation Likofi were wearing masks and "travelling in jeep-type vehicles with no registration plates", whereas in fact the police officers wore regulation uniforms, did not wear masks and did not use jeeps, but pick-up trucks with clearly visible plates. Photographs of the operation were taken and may be consulted;

(b) The report states that the police officers "were accompanied by informants to help them identify the victims". In fact, the operation was carried out after a database on these criminals had been compiled, supplemented by a map showing the composition and location of the different groups, which made recourse to informants unnecessary;

(c) The report accuses the Congolese National Police of 32 cases of "enforced disappearance". However, as the whole population of Kinshasa is aware, most of the Kulunas who allegedly disappeared left Kinshasa of their own accord in order to hide in the Provinces of Bandundu, Bas-Congo and Equateur and in Brazzaville, Republic of the Congo, once they realized that they had been identified and surrounded in their neighbourhoods. This implies that Mr. Campbell and his investigators are blaming the Government for daring to discharge its responsibility to protect the population. This is truly a perversion of the mission of the United Nations Joint Human Rights Office, which has thus chosen to defend the rights of criminals but not those of peaceful citizens.

Unsubstantiated claims are also made, such as the report's description of how the Congolese National Police went to great lengths to conceal the executions it committed. According to Mr. Campbell's account, a senior police officer was in charge of recovering the bodies of individuals executed by the Congolese National Police and transporting them to the Kinshasa General Referral Hospital morgue (unusual conduct for a police officer bent on covering his tracks by any means necessary!). At that hospital, an agent in charge of the Kulunas stored the bodies, which were then removed and transported in a trailer truck on the Bandundu road and thrown into the river or buried in mass graves. Such assertions are neither more nor less than pure fabrications intended to tarnish the image of the security forces by portraying them as executioners of Congolese citizens.

In sum, over the past three years there has no longer been the shadow of a doubt as to the non-objective and partisan nature of Mr. Campbell's actions. Indeed, just after the 2011 elections, members of certain opposition political parties perpetrated the cowardly killing of about a dozen activists belonging to the Parti lumumbiste unifié (PALU), but Mr. Campbell never reported this fact or the grave

human rights violations that took place in connection with the expulsion of Congolese nationals by certain neighbouring countries.

In general, Mr. Campbell's conduct has compromised not only the image of our institutions, but also, and especially, the security of the State owing to the consequent demoralization of our defence and security forces. His chronic indifference to all our complaints in this regard prompted the Government to opt for the radical solution of separation.

3. The future of the United Nations Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

The Democratic Republic of the Congo is not in the habit of expelling diplomats, but Mr. Campbell's repeated misconduct became intolerable, to the point where the Government decided to expel him. The Government nevertheless wishes to assure the Secretary-General that this expulsion does not entail the closing of the United Nations Joint Human Rights Office of MONUSCO, which will remain open pending the Secretary-General's appointment of a new Director.

My Government would be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ignace **Gata Mavita**
Ambassador
Permanent Representative
