

**ADVANCE QUESTIONS TO THE DEMOCRATIC  
REPUBLIC OF THE CONGO-Add.2**

**THE NETHERLANDS**

- The government of the DRC has nearly always responded to concerns of international partners regarding the incarceration of human rights defenders. However, access to the detention facilities, especially of the ANR (national intelligence service), remains limited. Can the government agree on the free and unlimited access of key internationally renowned actors, such as the ICRC and the High Commissioner of Human Rights, to ANR facilities in the field?
- An increasing number of partners of the DRC use an ‘informal’ vetting mechanism, in which all FARDC officers are screened on potential human rights abuses before being admitted to training courses. Will the Congolese government adopt a similar vetting mechanism for the promotion and training of FARDC officers?
- Whilst recognizing initiatives to refurbish some of the prisons, poor living and health conditions in the prisons remain, notably with regard to the lack of food, which should normally be provided by the government. What concrete steps is the DRC taking to improve the incarceration system?
- Even though the government has adopted a ‘zero-tolerance’ approach with respect to human rights abuses of its troops (including sexual violence), it is noted in the stakeholders report (para. 30) that higher level ranking FARDC officers are rarely sentenced and incarcerated. Which steps will be taken to ensure that higher ranking troops can be tried and punished?
- The new constitution of the DRC highlights the freedom of the press. However, we note that the government has cut the signal of the well-respected *Radio France Internationale* and that no adequate trials have taken place concerning three murdered journalists in Bukavu (Bruno Koko Chirambiza, Didace Namujimbo and Serge Maheshe). The recent change of policy, in which foreign journalists can be tried under military law, can be considered as not conducive for the freedom of the press. How will the government ensure the freedom of the press in the DRC is respected?
- The government submission of the DRC to the UPR states in para. 33 that even though there is no legal framework for human rights defenders, the government takes prompt action when human rights defenders face legal problems or are detained). Would the Government of the DRC consider to put a human rights defenders framework in place to deal with such situations?
- The Government of the DRC is recognised for its efforts to accommodate the Special Rapporteur on extrajudicial executions on 5-15 October 2009. The SR made six recommendations in his report to improve the situation of impunity with regard to the extreme violence against civilians that all sides, including the Congolese Army FARDC, committed and are still committing. Could the Government elaborate whether it can implement these recommendations?

- Is the Government willing to cooperate with the ICC on the extradition of Mr. Bosco Ntaganda for enlisting and using child soldiers in Ituri?

## CANADA

- Quelles actions le gouvernement congolais a-t-il entrepris ou prévoit-il entreprendre pour traiter avec certains éléments des FARDC impliqués dans l'opération Kimia 2 accusés d'avoir commis des violations importantes des droits de la personne, selon les affirmations de M. Alain LeRoy, Secrétaire général adjoint des Nations Unies en charge des opérations de maintien de la paix et selon les affirmations de Human Rights Watch dans son communiqué du 2 novembre 2009?

## HUNGARY

- In the Democratic Republic of Congo sexual violence occurs frequently. Actions for the prevention and elimination of sexual violence against women and girls need to be made systematically. We are especially concerned that according to reports, members of the police and armed forces are also among the perpetrators. What kind of steps are planned to be made by the government of the DRC to address meaningfully the situation?
- Using child soldiers in armed conflicts is one of the most serious forms of human rights abuses. Therefore we welcome and encourage the cooperation of the government of the DRC with the ICC. At the same time, we deem the organized and systematic actions by the government for the reintegration of these children very important. We would like to have more information about the program dealing with this issue.
- We are concerned about the safety and security of human rights defenders and journalists. What kind of measures does the government intend to take for the protection of their freedom of expression?
- What kind of steps does the government intend to take for the prevention of violations of the independence of the judiciary and of the right to fair judicial process?

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