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Agenda item 10

Resolution adopted by the Human Rights Council on 12 July 2019

41/26. Renewal of the mandate of the team of international experts on the situation in Kasai

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as other relevant instruments to which they are parties, and to fulfil their obligations under those instruments and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 33/29 of 30 September 2016, 35/33 of 23 June 2017 and 38/20 of 6 July 2018 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting and reporting human rights violations and in improving the situation of human rights in the country,

Welcoming the report of the team of international experts established pursuant to Human Rights Council resolution 38/20,¹ and taking note of the conclusions and recommendations contained therein,

Taking note of the observation by the team of international experts that the current lull in the violence in Kasai is fragile, ethnic tensions remain high and the situation must still be monitored closely,

¹ A/HRC/41/31.



Welcoming the disarmament of some armed militias in the Kasai region following the elections of 30 December 2018, while calling on the militias that are still active to initiate the process of disarmament and demobilization,

Welcoming also the holding of the presidential, national legislative and provincial elections, which led to the first peaceful transfer of power between Heads of State in the history of the Democratic Republic of the Congo, as well as the important role played by the national and regional observation missions of the Southern African Development Community, the International Conference on the Great Lakes Region and the African Union,

Commending the release in March 2019 of several hundred persons considered to be political prisoners and prisoners of conscience, as well as the preliminary measures taken by President Tshisekedi to put an end to the restriction of democratic space in the Democratic Republic of the Congo, in particular to the arbitrary arrest and detention of members of the political opposition and civil society and the restriction of fundamental freedoms such as freedom of opinion and expression, freedom of the press and the right to freedom of peaceful assembly, and encouraging the adoption of further measures in order to achieve this objective as soon as possible,

Calling on the Government of the Democratic Republic of the Congo to continue and to intensify its efforts to respect, protect and fulfil all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law,

Commending the continued cooperation of the Government of the Democratic Republic of the Congo with the team of international experts dispatched by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 38/20, including the steps taken to facilitate access to the country, sites and persons,

Reiterating its condemnation of the killing of two members of the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004) of 12 March 2004, Zaida Catalán and Michael Sharp, who were killed in Kasai Central while discharging their mandate, and of the persons accompanying them, and emphasizing the need to bring all those responsible to justice,

Expressing its concern at the humanitarian situation in the Kasai region,

Noting that the previous team of international experts, established pursuant to Human Rights Council resolution 35/33, completed its work and submitted its conclusions at the thirty-ninth session of the Council, in accordance with paragraph 3 of Council resolution 38/20,

Keeping in mind that the recommendations of the team of international experts established pursuant to Human Rights Council resolution 38/20 should continue to be implemented on the ground by the Government of the Democratic Republic of the Congo, with technical support from the international experts,

1. *Calls upon* the Government of the Democratic Republic of the Congo to continue to implement in full the recommendations made by the team of international experts in its report,¹ in collaboration with the team members, in particular those recommendations aimed at combating impunity, with a view to bringing all those responsible for human rights violations and abuses to justice and promoting reconciliation;

2. *Expresses its appreciation* of the public commitment of the Democratic Republic of the Congo to promoting justice and reconciliation in Kasai, and encourages the Government to continue its efforts to give effect to this commitment, especially in the areas of investigation and prosecution, the elimination of violence against women, including sexual and gender-based violence, reconciliation between communities and the disarmament and demobilization of militias;

3. *Welcomes* the work of the team of international experts and the technical assistance provided by the Office of the United Nations High Commissioner for Human

Rights to the judicial authorities of the Democratic Republic of the Congo, particularly in the field of forensic expertise;

4. *Welcomes also* the establishment of an interministerial working group responsible for monitoring the implementation of the recommendations of the team of international experts, and encourages the Government to ensure that the working group meets as many times as necessary in order to regularly assess the progress made in implementing the recommendations, improve the coordination between the administrative authorities and stakeholders, and recommend appropriate measures to the Government;

5. *Decides* to renew the mandate of the team of international experts and requests the team to present a final report to the Human Rights Council at its forty-fifth session, during an interactive dialogue, and to provide an oral update at its forty-third session;

6. *Requests* the Office of the High Commissioner to provide, at the request of the authorities, technical assistance, including the necessary forensic expertise, to the Government of the Democratic Republic of the Congo in order to support the judicial authorities in their investigations into allegations of human rights violations and abuses in the Kasai region and other regions of the country, with a view to bringing those responsible to justice;

7. *Calls for* the Office of the High Commissioner to be given such resources as may be necessary and appropriate for the discharge of its mandate;

8. *Decides* to remain seized of the matter until its forty-fifth session.

*41st meeting
12 July 2019*

[Adopted without a vote.]
