

HUMAN RIGHTS WATCH

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Dear Foreign Minister,

We are writing to express Human Rights Watch's deep disappointment that the European Union (EU) has not publicly called on the government of the Democratic Republic of Congo to arrest Bosco Ntaganda, who is wanted by the International Criminal Court (ICC) for the war crime of enlisting and conscripting children under age of 15 as soldiers and of using them in hostilities between 2002-2003 in the Ituri district of eastern Congo.

As a party to the Rome Statute that established the ICC, the Congolese government has a legal obligation to assist the court in arresting persons for whom arrest warrants have been issued, such as Ntaganda. In May 2007, Congo recognized that responsibility by asking the United Nations Mission in Congo (MONUC) for assistance in arresting Ntaganda, a request that took great courage and which we applauded at the time.

As you know, in early January 2009, Ntaganda claimed he was taking over leadership of the National Congress for the Defense of the People (CNDP) from its former head Laurent Nkunda, and on January 16 he declared that instead of waging war on the Congolese national army, he would join its troops in fighting the Democratic Forces for the Liberation of Rwanda (FDLR), a Rwandan armed group some of whose leaders participated in the genocide in Rwanda in 1994.

Despite having an international legal obligation to arrest Ntaganda, the Congolese authorities to date have made no attempt to do so. On January 16, Ntaganda was in Goma for a joint press conference alongside the Congolese Minister of the Interior and Security, Célestin Mbuyu Kabangu, the Inspector General of the Police, General John Numbi, Rwanda's Chief of Defence Staff, General James Kabarebe, and other senior Congolese military officers. Indeed, the Congolese government has given Ntaganda a senior position in the integration process of CNDP troops into the Congolese army and is considering appointing him to a top position in the joint Rwandan-Congolese military operations in eastern Congo.

The silence thus far of the European Union on the open Congolese collaboration with Ntaganda contrasts glaringly with the declaration on January 28 by the Presidency on behalf of the European Union following the start of the ICC's trial of Ntaganda's co-defendant, Thomas Lubanga. In the EU's declaration, the presidency underscored its commitment to work towards the prevention of crimes of international concern and the ending of impunity for the perpetrators of such crimes. The EU also encouraged the Congolese authorities to continue their "good cooperation" with the International Criminal Court. We strongly urge the EU – and its 27 member states – to make clear to the Congolese authorities that "good cooperation" with the ICC also includes the arrest and surrender of

Ntaganda to the ICC to face justice.

The frequency with which Ntaganda has been accused of terrible abuses against Congolese civilians underlines the importance of his arrest. In addition to the war crimes that form the basis for the ICC arrest warrant against him, charges against Ntaganda include the following:

- On November 4 and 5, 2008, CNDP troops under Ntaganda's command killed an estimated 150 people in the town of Kiwanja, one of the worst massacres in North Kivu in the past two years.
- As chief of military operations of the Union of Congolese Patriots (UPC), Ntaganda was in command of combatants who arrested, tortured or killed hundreds of civilians of Lendu and Ngiti ethnicity between August 2002 and March 2003.
- In November 2002 Ntaganda led troops who slaughtered at least 800 civilians on ethnic grounds at Mongbwalu, including the first priest killed in the Ituri conflict, Abbe Boniface Bwanalonga.
- In November 2005 Ntaganda was placed on a UN sanctions list for having violated the arms embargo. He remains on the list.
- According to UN peacekeepers, troops under Ntaganda's command were responsible for killing a Kenyan UN peacekeeper in January 2004 and for kidnapping a Moroccan peacekeeper later that year.

That forces under Ntaganda's command continue to commit serious crimes, such as the recent killings in Kiwanja, North Kivu, underscores why the European Union must make it clear to Congolese authorities that Ntaganda's arrest is both urgent and essential.

Efforts by the Congolese authorities to legitimize Ntaganda as a "partner for peace" reinforces the perception that those who commit heinous crimes against civilians in Congo will be rewarded rather than punished. Such practices feed the vicious culture of impunity that has ravaged Congo to date.

The EU has publicly stated its commitment to work towards ending impunity for the perpetrators of crimes of international concern. Consistent with that commitment, Human Rights Watch urges the EU to use all possible means to influence the Congolese authorities to ensure Ntaganda's arrest. The countless victims in Congo deserve nothing less.

Yours sincerely,



Lotte Leicht
EU Director
Human Rights Watch

Georgette Gagnon
Africa Director
Human Rights Watch

CC. PSC Ambassador
Political Director