

CONFLICT-RELATED SEXUAL VIOLENCE MULTI-PARTNER TRUST FUND

**UN TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN
CONFLICT**

INTERIM NARRATIVE REPORT COVER PAGE

Participating UN Organization(s): DPO, UNDP	Project¹ Title: Programme conjoint des Nations Unies d'appui à la réforme de la Justice 2020-2024 Project Number: JP DRC Justice Reform
Focal Point of the Participating UN Organization(s): UNDP, DPO Name: Chloe Marnay-Baszanger Title: Team Leader – UN Team of Experts on the Rule of Law and Sexual Violence in Conflict Address: UN Team of Experts: Rule of Law/Sexual Violence in Conflict Office of the SRSG on Sexual Violence in Conflict United Nations Secretariat, Room 3107 New York, NY 10017, USA Telephone: +1 917-367-3981 (office) Email: marny-basanger@un.org Name: Stephanie McPhail Title: Chief, Justice Support Section, MONUSCO Address: MONUSCO Kinshasa, DRC Telephone: Mission Extension: 175-6409	Report Number: Project Location(s): Democratic Republic of the Congo

¹ The term “project” is used for projects, programmes and joint programmes

<p>Cell: +243-99-706-8817 Email: mcp@mail@un.org</p> <p>Name: Dominic Sam Title: UNDP Resident Representative (DRC)</p> <p>Address: Immeuble Losonia Boulevard du 30 juin Kinshasa, RDC Telephone: +243 81 555 33 05 Email: dominic.sam@undp.org</p> <p>Name: Katy Thompson Title: Team Leader, Rule of Law, Justice, Security & Human Rights</p> <p>Address: United Nations Development Programme (UNDP) Bureau for Policy and Programme Support 304 East 45th Street, FF- 10th Floor New York, NY 10027</p> <p>Telephone: 212-906-5095 Email: katy.thompson@undp.org</p>	
<p>UN Action pillar of activity:</p> <p><input type="checkbox"/> Advocacy</p> <p><input type="checkbox"/> Knowledge building</p> <p><input checked="" type="checkbox"/> Support to UN system at country level</p>	<p>Reporting Period: December 2020 – December 2024</p>
<p>Project Budget: \$15,610,576.86</p>	

Interim Narrative Report Democratic Republic of the Congo

I. CONTEXT

A. Political context

In spring 2020, the President of the Democratic Republic of the Congo succeeded in replacing the previous ruling coalition, by a new government more aligned with its political direction. However, political instability continued, and the Bureau of the National Assembly was dissolved in December 2020. Following a year where governance was hindered by the tense political situation, in early 2021, a new government was formed.

B. Security situation

In 2020, the security situation remained precarious, particularly in eastern DRC, due to continuing presence of armed groups in North Kivu, South Kivu, Ituri and, to a lesser extent, Kasai Central. Regular clashes between armed groups and the Armed Forces of the Democratic Republic of Congo (FARDC) are the cause of numerous human rights violations, significant population movements and generalized insecurity. For more information on the provinces concerned by the project, please refer to the Section I.B. of the *Final Narrative Report -- Support to Criminal Justice Authorities to Address Impunity for Conflict-Related Sexual Violence in the Democratic Republic of the Congo 2019-2020*.

C. Public health situation – the impact of COVID 19 on project implementation

In 2020, the health context in the DRC was characterized by the end of the Ebola virus epidemic in the province of North Kivu, and the arrival of the global COVID-19 pandemic.

While the impact of COVID-19 on judicial activity, investigations and trial processes varied by situation and geographic location, the challenging pre-pandemic situation was aggravated by this situation. The limitations and restrictions imposed by the state of emergency had a particular impact on the access to services by victims and on the conduct of investigations and trials.

- **Investigations:** In addition to imposing a strain on national investigation efforts, isolation of towns and other restrictions on movement disrupted the monitoring, reporting and outreach work of UN entities mandated to gather information and verify violations. Throughout North and South Kivu, many investigation missions were postponed as national judicial authorities were unable to travel to the field. While the State of Emergency was lifted on 22 July 2020, allowing investigation teams to deploy, they continued to be limited and subject to additional measures for preventing COVID-19 transmission.
- **Trial proceedings:** Throughout North and South Kivu, many presentations of pre-trial detainees to magistrates, and trial hearings were postponed. Additionally, cases involving many parties were postponed and this particularly impacted cases involving international crimes such as conflict-related sexual violence (CRSV), which require gathering a

considerable number of victims, witnesses and other participants. Additionally, because of the restrictions on gatherings of more than twenty people,² mobile courts/hearings were postponed.

II. IMPLEMENTATION OF THE PROJECT

The current project follows and builds on the previous project of the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE) that ended in December 2020 (Support to Criminal Justice Authorities to Address Impunity for Conflict-Related Sexual Violence in the Democratic Republic of the Congo 2019-2020), with the generous contribution of the Government of Japan. The main objective of this project was to strengthen the capacity of the national authorities in targeted provinces in eastern DRC (Ituri, North Kivu, South Kivu and Tanganyika) to investigate, prosecute and adjudicate CRSV cases.

The main outputs focused on strengthening the capacity of the DRC investigative and judicial authorities to deliver justice in relevant CRSV cases.

Due to the severe impact of COVID-19-related restrictions (on investigations and judicial proceedings, the implementation of the project's activities during 2020 was severely limited (see above). Furthermore, the Technical Advisor recruited in May 2020 to advise the national authorities was not able to deploy until early 2021 due to international travel restrictions and challenges in obtaining a visa. While the Technical Advisor, worked remotely liaising consistently with field-based colleagues, the Advisor ability to engage directly with national authorities was limited.

Additionally, it is important to note that, as mentioned in section I, the current project builds on the Project TOE-CRSV 2019-2020, which benefited from a no-cost extension until December 2020. Therefore, because of the abovementioned delays, many expenses for activities conducted in 2020, were still inputted to the previous project and appear reported in the narrative report for that cycle.

D. Output 1: Capacity of the DRC investigative authorities to investigate CRSV is enhanced

Activity 1.1 – *Provide technical advice for the investigation of CRSV cases in the targeted provinces in eastern DRC through the deployment of international expert(s).*

As mentioned, the severe limitation on field investigations combined with the delayed deployment of the Technical Advisor of the Project limited the amount of field work that could be conducted. Nevertheless, at the provincial level, in North and South Kivu, the TOE continued to follow new proceedings and provided inputs to the consultation meetings held by MONUSCO and its partners. Convened by MONUSCO, in consultation, with national authorities, these meetings remain

² Government directives regarding the COVID-19 pandemic are available at <https://www.stopcoronavirusrdc.info/directives-prises-par-le-gouvernement>.

essential to coordinate and pool efforts to support the fight against impunity for crimes under international law and CRSV.

Activity 1.2 – Facilitate the organization of investigations in rural/interior areas.

The overall project contributed to several investigation missions. However, the expenses related to investigation missions conducted until December 2020, were primarily covered by the funds of the previous project cycle, which is subject to a separate narrative report.

E. Output 2: Capacity of the DRC judicial authorities to prosecute and adjudicate CRSV crimes is enhanced

Activity 2.1 – Provide technical advice for the prosecution of CRSV cases in the targeted provinces in eastern DRC through the deployment of international expert(s), in particular to assist in implementing the latest prioritization strategy of the Congolese authorities for prosecuting CRSV cases.

In addition to the technical advice provided in the course of 2020, five technical workshops took place in the first quarter of 2021. During these sessions, the facilitators discussed the prosecution of priority cases that were slowed during the pandemic. Participants agreed on increasing advocacy with the military justice authorities to provide required support. Both advocacy strategies and specific litigation strategies were defined and agreed upon regarding four ongoing cases.

Activity 2.2 – Facilitate the organization of mobile court sessions.

In addition to the mobile court session organized in 2020, in 2021 there was one mobile court session organized in South Kivu. In the context of the priority case 'Migamba', the Tribunal Militaire de Garnison of Bukavu sentenced the only defendant, a member of the armed group, to a 20-year sentence for the crimes against humanity of rape, torture, murder and inhuman treatment.

Judicial activity and decisions 2021

File name	Court number	Charges (in french)	Province	Civil parties	Accused	Decision
Dossier Migamba	RP 1694/20	Crimes contre l’humanité par tortures, viol, esclavage sexuelle, meurtre. Pillage.	Sud-Kivu	136	1	1 condamnation

III. FINANCIAL SITUATION AND IMPLEMENTATION OF THE REMAINING ACTIVITIES

Due to the abovementioned constraints impacting its implementation, the current project had a limited expenditure of \$80,100 (total funds remaining \$374,445). The general improvement of the public health situation, combined with a more stable political environment, under a newly established government should allow for the prompt normalization of the judicial activities and completion of project activities.