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pour la Stabilisation en République
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United Nations Organisation Stabilization
Mission in the Democratic Republic of Congo



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HUMAN RIGHTS PROFILING PROJECT OF ALLEGED PERPETRATORS OF SERIOUS HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW VIOLATIONS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

NARRATIVE REPORT

1 December 2013- 30 June 2014

EXECUTIVE SUMMARY

Since its creation in 2010, the Human Rights Profiling Project has developed into a comprehensive information management platform. It documents serious violations of national and international law allegedly attributable to members of DRC security services. In parallel, it has become one of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo's most powerful tools in the fight against impunity in the Democratic Republic of Congo and is fundamental to the implementation of the mission's Conditionality Policy and the United Nations Human Rights Due Diligence Policy. Moreover, the critical advances made between 2010 and 2014 in the use of the Human Rights Profiling Project's database have allowed it to significantly improve its data management capacities, especially in regard to tracing individual human rights records and assessing the risk posed by military units to the security and human rights of the civilian population.

I- PROJECT BACKGROUND, OBJECTIVES AND ADMINISTRATION

PROJECT BACKGROUND AND OBJECTIVES

The Human Rights Profiling Project (Profiling Project), which is part of the United Nations Joint Human Rights Office (UNJHRO), was established in June 2010 and is the first comprehensive attempt to manage information on the persons responsible¹ for the most serious violations of human rights (HR), international humanitarian law (IHL) and refugee law (RL) in the Democratic Republic of the Congo (DRC). In this vein, the Profiling Project collects, compiles, collates and analyzes information on violations of HR, IHL and RL involving members of the

¹ The term 'persons responsible' is used throughout the text to include both direct and indirect perpetrators responsible for serious violations of fundamental rights.

Congolese security apparatus². This is done as part of the broader framework concerning the implementation of United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)'s Conditionality Policy, the United Nations (UN) Security Council resolutions 1906 (2009) and 1925 (2010) and the more recent July 2011 UN-wide Human Rights Due Diligence Policy (HRDDP). In the case of DRC, it translates into conditioning all UN support provided to the Congolese security forces on their respect for HR, IHL and RL. As such, the Profiling Project provides a critical contribution to the joint efforts of MONUSCO and the Office of the High Commissioner for Human Rights (OHCHR) to protect civilians and combat impunity.

From June 2010 to June 2014, the Profiling Project gathered nearly 300,000 documentary sources and used them to develop more than 4,307 profiles³ of persons allegedly responsible for the most serious violations of HR, IHL and RL. These include primarily current or former members of the Armed Forces of the DRC (FARDC) and the National Police (PNC) and secondarily Congolese armed groups and paramilitary institutions (ANR, ICCN, etc.). These documents and profiles are stored in a secure database and contain, among other things, information on the identity, background and career paths of the individuals concerned, violations attributed to them, their role and level of responsibility, any remedial action that may have taken to either prevent the commission of crimes by subordinates or to punish the alleged perpetrators and any attempts to obstruct justice⁴.

Additionally, through its data collection and participation in the MONUSCO integrated conditionality process⁵, the Profiling Project seeks to ensure that any UN support to non-UN security services in the DRC is conditioned on respect for HR, IHL and RL, and does not further on-going or contribute to new violations. The information and analysis provided by the Profiling Project also supports the on-going fight against impunity and supports efforts to develop functioning transitional justice mechanisms and security sector reform (SSR).

With respect to the implementation of MONUSCO's Conditionality Policy and the HRDDP, the Profiling Project has become crucial to the 'screening' process which is in turn, the cornerstone of the integrated conditionality process⁶. Screenings of individual commanders and their deputies combined with an assessment of their unit's discipline provide a critical evaluation tool for decision makers of the potential security risk posed by the unit to civilians in particular and to the rule of law in general.

Currently, the Profiling Project's information management system enables the Profiling team to comprehensively screen commanders involved in MONUSCO-supported FARDC operations and to flag those suspected of past HR, IHL and RL violations either through direct involvement, or

² In the framework of this Project, violations of HR, IHL and RL committed by members of the DRC security services include but are not limited to rape, sexual and gender based violence, executions and arbitrary killings, torture, cruel, inhuman and degrading treatment, pillaging, the recruitment and use of child soldiers, enforced disappearance and illegal exploitation of natural resources.

³ See: Annex 1 for more detailed information on what constitutes a "profile".

⁴ See: Annex 2 for more information concerning the comprehensive database used by the Profiling Team.

⁵ See: Annex 3, information on the integrated conditionality process.

⁶ See: Annex 4 for more detail on the screening process.

failure to either prevent the violations or punish their perpetrators. The Profiling Project has also occasionally assisted bilateral donors engaged in SSR in the DRC who have sought information related to the human rights records of potential state beneficiaries of bilateral assistance. In future, the Profiling Project could play a significant role in transitional justice processes and vetting mechanisms for the Congolese security services. This is due to the fact that information is being gathered in such a way that can be subsequently shared in a structured manner with external stakeholders.

PROJECT ADMINISTRATION, HUMAN RESOURCES & FUNDING

This section provides administrative details on the progress of the Profiling Project from December 2013 until June 2014, during which the project benefited from generous contributions of the Governments of Switzerland and the United States.

During the reporting period, the overall management of the Profiling Project was transferred from the UN Development Program in DRC to OHCHR in Geneva. Project funds are now managed by OHCHR Geneva in accordance with its' rules and regulations. In –country support continues to be provided by UNDP in DRC. Staffing is also managed by OHCHR Geneva. Support is provided from the UN Office in Geneva and UNDP in DRC.

The day-to-day financial and administrative management of the Profiling Project is the responsibility of the JHRO in Kinshasa. This includes administration of staff contracts, payment of invoices, conducting recruitment processes and making hiring recommendations to OHCHR in Geneva, preparing periodic progress reports, liaising with donors and fundraising. In addition, MONUSCO provides logistical support to the Profiling Project, including but not limited to identity cards, drivers licenses, office equipment and space as well as access to transport (vehicles and flights).

During the reporting period, the Profiling team welcomed the arrival in Kinshasa of the new P4 coordinator of the team, one P3 military expert, one P3 information technology expert, four P2 associate human rights officers, four national human rights researchers and one national database analyst, a national administrative/financial assistant and a national driver. The UNJHRO also recruited two additional MONUSCO-funded UNV researchers in Goma and Bukavu to reinforce the Profiling team. Additionally, OHCHR Geneva recruited a P3 human rights officer to provide additional assistance at the headquarters level. A P2 Project Manager and P3 Human Rights Officer, both of whom will be based in Kinshasa, are currently under recruitment.

II- RESULTS ACHIEVED

Today, the Profiling Project houses a comprehensive information database on alleged perpetrators of HR and IHL violations by members of DRC security services. Initially designed as a pilot project, the Profiling Project has become one of MONUSCO's most powerful tools in the fight against impunity in the DRC, as well as fundamental to the implementation of MONUSCO's Conditionality Policy and the HRDDP.

As is detailed in Table 1 below, the Profiling Project has increased the number of completed profiles of alleged perpetrators of the most serious HR and IHL violations in the DRC and many profiles are in the process of being completed. In addition to persons within the security services receiving assistance from the UN, the profiles include persons in the security services not receiving assistance from the UN and persons outside the security services who nonetheless may bear the responsibility for some of the most serious violations of HR and IHL.

TABLE 1. Profiles created and screened, per month, December 2013 – June 2014⁷

Month	Completed	In progress	Rough outlined	Total	Profiles screened
<i>December 2013</i>	1139	859	1691	3689**	136
<i>February 2014</i>	1140	863	1787	3790**	128
<i>March 2014</i>	1140	870	1853	3863**	295
<i>April 2014</i>	1146	879	1951	3976**	195
<i>May 2014</i>	1153	898	2055	4106**	210
<i>June 2014</i>	1155	911	2193	4259**	312
<i>July 2014</i>	1156	924	2227	4307**	101
Total	+ 17	+ 65	+ 536	+618	1,377

** The team has continued the process of removing doubles and cleaning rough drafts of profiles that do not contain pertinent information.

Between 1 December 2013 and 30 June 2014, the Profiling Project continued to screen security sector institutions, including FARDC, PNC, and other law-enforcement agencies receiving assistance from MONUSCO or other UN entities in the DRC. During this period, the Profiling team processed close to 1,363 individual requests. In response to the requests, the Profiling team investigated the human rights background of Congolese military and police commanders and provided recommendations on their eligibility for MONUSCO support⁸. In total, this resulted in the additional creation of complete profiles and rough profiles as well as substantial updates of a significant number of existing profiles.

The database of the Profiling Project, which serves as the project’s information management tool, was updated with comprehensive information on the personal backgrounds, relationships, career paths and human rights records of some of the most important violators of HR in the DRC. The update was based on almost 300,000 source documents obtained from different sections of MONUSCO, other UN bodies and external sources, including national and international NGOs, human rights research centres and think-tanks (see Table 2 below). These documents are imported on a weekly basis, and include both civilian and military situational reports, flash reports as well special investigation reports on allegations of HR, IHL and RL violations across the country. The Profiling Project’s information management tool also incorporated Optical Character Recognition into its document import processes, as well as substantially improved the performance of its search technology.

⁷ Numbers taken from database.

⁸ Some individuals were screened more than once.

TABLE 2. Documents imported, Careers, Organizations and Events traced, per month, December 2013 – June 2014⁹

	documents	careers	organisations	events
<i>31 December 2013</i>	278,269	19,730	289	7,185
<i>4 February 2014</i>	278,450 (+181)	19,974 (+244)	289 (+0)	7,232 (+47)
<i>10 March 2014</i>	278,558 (+108)	20,153 (+179)	292 (+3)	7,277 (+45)
<i>8 April 2014</i>	278,682 (+124)	20,324 (+171)	294 (+2)	7,327 (+50)
<i>5 May 2014</i>	278,693 (+11)	20,554 (+230)	294 (+0)	7,388 (+61)
<i>15 June 2014</i>	299,098 (+20,405)*	20,910 (+356)	296 (+2)	7,466 (+78)
<i>7 July 2014</i>	299,270 (+172)	20,999 (+89)	298 (+2)	7,518 (+52)
TOTAL	+ 21,001	+ 1,269	+ 9	+ 333

*Imported additional documents from MONUSCO sections.

The following list outlines some additional key achievements of the Profiling Project during the reporting period:

- During the reporting period, 1,156 profiles of alleged perpetrators of the most serious violations of HR, IHL and RL who are current or former members of the DRC's security forces were subjected to exhaustive research and analysis of source documents in the database, being supplemented by individual research where necessary. Added to continuous updating of the system, more than 7,500 human rights incidents were linked to over 3,000 individuals.
- The Profiling Project continued to provide the technical platform for MONUSCO's Integrated Conditionality Process, which was launched in May 2012 at the initiative of the Deputy Special Representative of the Secretary General for Rule of Law (DSRSG/RoL) in order to streamline the screening process for MONUSCO-supported FARDC military operations at the mission level.
- Parallel to its contribution to the Integrated Conditionality Process, the Profiling Project provided information and analysis to senior JHRO staff, mission leadership and other senior UN staff, which served as a basis for public and private advocacy on FARDC leadership and armed groups. The Profiling Team also regularly provided internal briefings and assisted internal mission meetings as requested.
- During the reporting period, the Profiling Team together with other conditionality components conducted an information needs assessment with respect to the Conditionality Policy and the HRDDP, with a focus on internal MONUSCO components, such as the Force and Police. Following the assessment, an overall mission plan was drafted. Several field visits are being planned in order to enable the mission to better address the different challenges when implementing the two policies.

⁹ Source: Profiling Team Weekly Reports; Profiling Team Statistical Tables.

- The Profiling Project provided briefings on the HRDDP and issues related to the fight against impunity to the UN Country Team (UNCT) in DRC and to other international partners, such as bilateral donors and members of the diplomatic community. It also shared information and provided expertise to different entities including the UN Group of Experts on the DRC and the International Criminal Court (ICC). The Profiling team plans to develop induction and training documentation tailored to the different stakeholders.

III- MAIN ACTIVITIES

(a) **Rigorous, comprehensive research and analysis on alleged perpetrators of the most serious HR , IHL and RL violations in DRC security services.**

The Profiling Project continued to expand and update profiles. Over the reporting period, the Profiling Team sought to adjust its research schedule to the evolving human rights context in the DRC, as well as to mission-wide priorities in the fight against impunity and the protection of civilians. This included ensuring that up to date, accurate information was entered into the database and subsequently analyzed.

(b) **Filling in existing information gaps of profiles that are otherwise complete, or those for which research is still in progress, by engaging the existing pool of national human rights researchers in further research activities, including field research.**

At the end of June 2014, the Profiling database contained 1155 complete profiles and 911 profiles for which research was still in progress. It should be noted that among the profiles classified as complete, meaning that all available sources relating to a suspected perpetrator have been examined, some information gaps remain. These gaps are mainly due to the limited records available on specific FARDC units and structures of armed groups, as well as to the rapidly changing nature of the relevant command and control arrangements.

To address these gaps, the team is carrying out additional research as required, including conducting field research when feasible. The field research has the added benefit of allowing the Profiling Team to increase its potential contacts and sources of information in the field. They in turn are able to gather specific details on individual events and commanders, thereby increasing the evidentiary potential of profiles for purposes of criminal investigations and proceedings, transitional justice mechanisms, vetting and wider SSR policies.

In parallel, efforts are being made to improve the protection of contacts and national sources of information. In this regard, the Profiling Project is building on mechanisms already established by the UNJHRO to facilitate protection for victims and witnesses of human rights violations.

With more frequent field missions envisaged in the future, the Profiling Project foresees that the number and quality of complete profiles will continue to increase, ensuring that the information entered into the database is as complete and thorough as possible.

(c) Contributing to the implementation of MONUSCO's Integrated Conditionality Process.

The Profiling Project continued to support MONUSCO to implement the Conditionality Policy and HRDDP by providing substantive research into the human rights records and eligibility for support of DRC security services. Since December 2013, the Profiling Project responded in a timely manner to screening request of over 1,300 individual commanders of FARDC units benefitting from MONUSCO support, whether through joint operations, logistics, or other forms.

Since January 2012, the Profiling Project has played a crucial role in the implementation of the Integrated Conditionality Process, coordinated through the Office of the DSRSG-RoL/Ops East. The Integrated Conditionality Process aims to systematize the management of information related to screening requests, as well as the whole screening process of Congolese security forces receiving MONUSCO support. Screening requests by MONUSCO, UNCT and UN Member States are now addressed and responded to in an even more timely and detailed manner. The Profiling Database has fully integrated into its own database the previous "Conditionality Database" developed by the Office of the DSRSG-RoL, and has rolled out an Integrated Conditionality System which serves as a tool for the management of screening requests. To protect the most sensitive profiling data, the technical portion of the integration is being managed by the Profiling IT/Database Specialist.

IV- PROJECT STRATEGY 2013-2015

There is an on-going need to gather, analyse, and synthesize available information on alleged perpetrators of serious HR, IHL and RL violations within the DRC's security services. Although HR violations committed by the national army and police have decreased from 2012 to 2014 and prosecutions have increased, there is still a persistent culture of impunity within the national security services.

As such, the Profiling Project continues to analyse and produce up-to-date information on key figures in DRC security services. As the rationale behind the Project remains a pressing one, the Project can significantly add to the international community's efforts to support the Congolese authorities to bring perpetrators of human rights violations to justice, and to strengthen and reform security and judicial institutions.

The Profiling Project has the potential to make a substantive contribution, in terms of expertise, knowledge, data and capacity building, by profiling on a priority basis alleged perpetrators of serious HR, IHL and RL violations and by its increasing engagement in the implementation of the Conditionality Policy and the HRDDP. The project could also play a significant role in any future transitional justice processes or vetting mechanism for the Congolese security services¹⁰.

¹⁰ See: Annex 5 on background on transitional justice mechanisms in DRC.

Annex 1

Profiles

A profile is a record of information over a given individual, reconstructed from the data sources analyzed by the Profiling Team. It focuses on the individual responsibility for serious violations of Human rights, IHL and Refuge law and on the actions taken to punish the perpetrators of such violations.

A profile is considered complete when all available sources relating to a suspected perpetrator have been examined; however, some information gaps remain. These are mainly due to the limited records available on specific FARDC units and armed groups' structures, as well as to the rapidly changing nature of the relevant command and control arrangements. To address these gaps, the team has continued to carry out additional research as required, including beginning to conduct field research, which has so far not formed part of the Project methodology due to budget and capacity constraints. Most importantly, field research has allowed the Profiling Team to increase its potential sources and contacts in the field, in order to gather specific details on individual events and commanders, thus increasing the evidentiary potential of each profile.

Profiles constitute, for current decision-makers on eligibility of an individual for UN military assistance or on their suitability for continued service in the security forces, a one-stop analytical information tool to enable review of the individual's human rights record. Developed by human rights researchers, the profiles offer holistic information about perpetrators of grave violations, which no other sources to date provide.

The core elements of a "profile" are the following:

Personal Background: records the perpetrator's date and place of birth, aliases, ethnicity/languages spoken, military or police identification number, and personal characteristics such as height and weight.

Career Path and History: records the locations, military units, armed groups, and dates through which the individual worked over the course of their career. It enables tracing clearly the organizations and military units they have been associated with.

Attributable Violations and Responsibility: records specific 'events' of human rights violations, massacres and atrocities to which the individual has been associated based on verified information in the database. It also includes a legal assessment/analysis of the level and type of 'responsibility' the individual bears for the incident. This could be as a direct perpetrator or as commanding officer for troops who committed the violations and / or is condoning violations.

Relationships and Networks: records information on the individual's command relationships including their commanding officers and units/officers reporting to them. It also records social relationships (friends, business associates, family ties) which are not detectable through the formal military command chain, but are often critical to understand individuals' roles in given violations. (Formal titles and roles in the DRC Army and in rebel group structures can be overshadowed by 'influence' networks).

Sources: records the source material on the basis of which the contents of the Profile have been generated.

Annex 2

A comprehensive database

The Profiling Project has built a comprehensive database of links between alleged perpetrators, military units and armed groups, human rights violations, and the sources from which these were derived. This database allows the project to respond rapidly and thoroughly to queries in a manner that only a handful of the most experienced human rights investigators on the DRC over the last two decades can be able to respond. The links stored within the database are extensive. They consist of source reports linked to alleged perpetrators corroborated violations which are attributed to the individual and show how the latter relates to other known violators, be it as accomplices or perpetrators with a common interest.

Relying on some of the best technological expertise available in similar large-scale human rights data projects, the information management system used by the Profiling staff draws on several advanced technological features. The combined effect of these technologies has been that Profiling researchers can: (i) sift through volumes of information rapidly (for instance to confirm or rebut the link between a commander being screened and a specific massacre), (ii) quickly locate relevant documents within the Project's vast electronic library of human rights reports and sources (similar to performing a 'Google-search' of the confidential human rights source documents used by the Project), and (iii) map out the relationships or conflict network to which a particular suspected perpetrator belongs (the system produces relationship maps for individuals, showing their superiors, subordinates, associates, as well as family or kin ties, over time).

As mentioned earlier, the Profiling Team has already been approached by several other DPKO and OHCHR field presences, notably South Sudan, Somalia, Colombia, with a view to learn from and adapt the Profiling Project to those countries. Especially, as a risk management tool, but also to support nascent transitional justice initiatives and SSR processes.

Annex 3:

Integrated Conditionality and Profiling System

The Integrated Conditionality Process occurs in a context where MONUSCO is mandated to support the FARDC to conduct military operations to secure the population and disarm rebel groups. The Mission is therefore mandated by the Security Council to achieve the dual result of supporting militarily-effective FARDC operations, while at the same time exercising human rights due diligence in providing such support. A cumbersome human rights screening process (including time-delays) affects military effectiveness, while a rushed screening process would undermine the rigor of human rights review. The new integrated system significantly improved timing and coherence of the Mission's process to review the human rights records of potential beneficiaries of support, and to decide on their eligibility for support.

Annex 4

Implementing the Conditionality policy through screening members of security services for assistance eligibility

As of August 2011, human rights screening became a systematic pre-requisite for activating MONUSCO's distribution and supply plan to the FARDC.

Since August 2012, the Profiling Team has lead and continues to lead the follow up on the screening integration process. This process is coordinated through the Office of the Deputy Special Representative of the Secretary General – Operations East (DSRSG-OE, formerly DSRSG-RoL). The Integrated Process aims to systematize the management of information related to screening requests, as well as the whole screening process of Congolese security forces receiving MONUSCO support.

Screening requests by both MONUSCO and UN Member States are now addressed and responded to in an even more timely and detailed manner. The Profiling Database has fully integrated the previous 'Conditionality Database' developed by the Office of the DSRSG-OE, and has rolled out an Integrated Conditionality System which serves as a tool for the management of screening requests. To protect the most sensitive profiling data, the technical portion of the integration is being managed by the Profiling IT/Database Specialist.

The Project is now screening for human rights record also FARDC units participating in unilateral FARDC military operations (which do not involve MONUSCO peacekeepers, but may receive other forms of MONUSCO support).

As of November 2010, screening for human rights records was also extended from FARDC to DRC Police units receiving UN support.

There has been a vast increase in FARDC (and progressively PNC) units being screened for human rights records, to determine their eligibility for assistance. The Profiling Project has responded effectively to this significant expansion in the number and type of units being screened.

Based on the screening of human rights records of their commanders, MONUSCO's senior management excluded several FARDC units from receiving support, on account of the risk of future violations being committed by these units, with substantial implications in terms of protection of civilians.

In other instances, based on updated information on human rights violations committed, MONUSCO support to specific units was suspended.

The Profiling Team provides a key contribution to the implementation of the Conditionality policy of the Mission for assistance to DRC security services by:

- assessing (through the analysis of the profiles contained in its comprehensive database), the risk of commission of serious rights violations by the units under the command of the concerned individuals;
- providing reasoned recommendations to the Mission Senior management with regard to the assistance sought, based on the Conditionality Policy guidelines (“recommended”; “not recommended”; “assistance under close monitoring”);
- provide, upon request, detailed information on individuals to the other components of the Conditionality system and to the Mission senior management.

Annex 5:

Background on Transitional Justice mechanisms in DRC

Establishing credible and effective transitional justice mechanisms, in accordance with human rights law and the international legal standards of due process, has historically proven a daunting task in the DRC. Hopes for the establishment of a specialized mixed court to deal with crimes committed between March 1993 and June 2003 were dashed, at least temporarily, when the National Assembly rejected in June 2014 a bill that would have seen the establishment of a mechanism for prosecution, namely Specialized Chambers competent in this matter in the Courts of Appeal / Supreme Court and the possible introduction into national law of offenses and penalties, and principles of international criminal law, consistent with the Rome Statute.

Nonetheless, renewed efforts on the side of the Congolese Government and judiciary – if coupled with increased and sustained pressure from the international community (including OHCHR, MONUSCO and bilateral donors) – may open a new window of opportunities for the bill to be reconsidered.

Some progress has been registered in efforts to hold accountable individuals serving in the security forces. DRC's courts-martial have in recent years, handed down an increasing number of sentences, including for war crimes and crimes against humanity, against FARDC soldiers and PNC officers, although the military justice system itself faces serious organizational, logistical, and troop discipline problems.

From July 2013 to June 2014, the JHRO documented 207 convictions for HR violations. This represents an increase from the previous reporting year 2012–2013, during which 153 convictions were recorded. Of these 207 convictions, 129 were convictions of members of the FARDC, and 50 were convictions of members of the PNC.¹¹

OHCHR plays a major role as the lead entity within the UN system in the area of transitional justice¹². In the near future, OHCHR expects to work towards the establishment of transitional justice mechanisms in accordance with international human rights standards and good practices¹³. Furthermore, OHCHR envisages contributing to the establishment of a national human rights institution whose mandate would include receiving and considering complaints of

¹¹ 2 convictions were registered against members of the ANR, and the remaining 26 convictions were registered against members of various armed groups.

¹² *See*: Uniting our strengths: Enhancing United Nations support for the rule of law, Report of the Secretary-General, A/61/636 - S/2006/980, 14 December 2006, para. 13.

¹³ *See*: OHCHR Management Plan 2014-2017, at 51.

human rights violations¹⁴. The Profiling Team would be able to support both developments, by providing information from the database, sharing the expertise of the team and by contributing to capacity building.

¹⁴ *See: Ibid.*, at 42.