

HUMAN RIGHTS WATCH

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July 23, 2007

Mr. Jean-Marie Guéhenno
Under-Secretary-General for Peacekeeping Operations
Department of Peacekeeping Operations
United Nations, S-3727B
New York, NY 10017

Dear Mr. Guéhenno,

We welcome your recent announcement about the conclusion of the Office of Internal Oversight Services (OIOS) investigation into alleged gold smuggling and arms trading by Pakistani peacekeepers working with the UN peacekeeping force in the Democratic Republic of Congo (DRC). We believe that such investigations are a useful part of the process of establishing accountability for peacekeepers alleged to have been involved in illegal acts.

We are, however, disappointed by the apparent narrowness of the report's conclusions, the lack of transparency in the process, the slow progress of the investigation, and most important, the continuing lack of accountability. You told the British Broadcasting Corporation (BBC) on July 13 that this matter is "now closed." Yet no individual has yet been held accountable despite findings by OIOS, the investigative arm of the United Nations, that illegal behavior by at least one Pakistani officer had occurred. Surely a report confirming illegal acts by UN peacekeepers is not the end of a process, but the beginning.

We hope that the UN will also raise with the DRC authorities the issue of possible involvement in this illegal behavior by Congolese army officers.

Since the report from OIOS is still unpublished, our concerns are based on press announcements made by you and other UN spokespersons on its content. Based on those statements, we fear that the conclusions reached by the OIOS investigation may not have taken into account all available information. We would welcome the full publication of the OIOS report to be able to better evaluate its conclusions. On two issues, we have particular concerns:

- (1) *The limited number of peacekeepers reported to be involved in illegal acts.* When Human Rights Watch first brought information about gold-smuggling by peacekeepers to the attention of the United Nations in December 2005, our findings indicated that a ring of Congolese army officers, Kenyan traders, and Pakistani peacekeepers was involved in smuggling millions of dollars of gold from Ituri. A separate BBC

investigation reached a similar conclusion. According to our research, this ring carried out at least two major trades in late 2005 benefiting from significant facilitation from Pakistani peacekeepers including accommodation, transportation, security, and access to UN flights. We were therefore surprised that the report concluded that only one peacekeeper was involved in aiding and abetting these illegal acts. It is our view that the assistance provided by Pakistani peacekeepers went well beyond one individual.

- (2) ***Possible failure to take into account new information.*** The OIOS investigation looked into alleged weapons trading between Pakistani peacekeepers and the Nationalist and Integrationist Front (FNI) militia in Ituri. According to your press statement, the OIOS investigation found no evidence of such acts. Yet on May 25, senior commanders of the FNI who had been responsible for some of the worst massacres in recent years put out a press statement confirming that they had received weapons and ammunition from Pakistani peacekeepers in 2005. It is not clear whether this new information was considered by OIOS.

The alleged abuses by Pakistani peacekeepers are serious. They took place in an area of eastern Congo where war crimes and crimes against humanity were committed, with repeated atrocities by the militia groups in the area. For these groups, control of the lucrative gold mining areas was a key goal, as documented in the Human Rights Watch report *The Curse of Gold* (available online at <http://hrw.org/reports/2005/drc0505/>). In this context, gold trading and possible provision of arms and ammunition by UN peacekeepers to militia groups serves directly to stoke the violence that they are intended to prevent.

Pakistan denied the charges involving its peacekeepers without any further investigation. Pakistan is a major troop-contributing country, providing 10,000 troops to UN peacekeeping operations. While the UN is understandably appreciative of that contribution, the need for such troop contributions should not mean that the United Nations is silenced when abuses like this occur. Pakistan must be called upon to fulfill its obligations.

The slow process in carrying out this investigation and the continued lack of action raises important questions about how the UN investigates itself. We note in this connection that the allegations against the Pakistanis are just one of a series of allegations that have emerged in recent months. These include allegations of gold trading by Indian peacekeepers in North Kivu, the alleged killing of two Congolese detainees and the beating of others by Bangladeshi peacekeepers in Ituri in February 2005, and ongoing allegations of sexual exploitation, among others. As far as we are aware, nobody has been prosecuted in connection with most of these cases.

Human Rights Watch has repeatedly acknowledged the important and positive role played by MONUC, the peacekeeping force in the DRC, in recent years. We have forcefully urged that the force remain strong in Congo during the difficult transition process following elections in 2006. Peacekeepers worldwide play an essential and invaluable role. But the failure to address and punish crimes committed by UN peacekeepers does nothing to help keep the peace. On the contrary, it undermines peacekeeping efforts in Congo and elsewhere.

UN peacekeepers must be held to the highest standards. When illegal behavior occurs, whether in Congo or on other peacekeeping missions, it must be investigated promptly and with transparent procedures, and lead to appropriate disciplinary or legal action. We welcome your recent announcement to send a Management Audit Team to the DRC. We hope this team will consider how

the UN can more efficiently and transparently investigate allegations of misconduct in the DRC mission, work with troop contributing countries to ensure that perpetrators are held to account, and implement improved management systems to prevent such abuses in the future.

In addition to improving accountability in the DRC mission, we further believe that the United Nations needs to improve its overall system of internal oversight. Investigation alone is not enough. The UN should follow through on the results of its own investigations. Until that happens, the problems will only continue to multiply. The United Nations must take strong action to ensure that crimes are duly punished. We hope you and your colleagues at OIOS will announce how you plan to improve investigations and ensure accountability for abuses in the future. This could include trials or courts martial in the country being serviced by a peacekeeping mission, both to facilitate the production of evidence and witnesses and to ensure that justice is served in the country where the crime was committed.

Yours sincerely,



Kenneth Roth
Executive Director



Steve Crawshaw
UN Advocacy Director

cc: Under-Secretary-General William Lacy Swing, Special Representative of the
Secretary-General for the Democratic Republic of the Congo, Chief of Mission,
MONUC;
Under-Secretary-General Inga-Britt Ahlenius, Office of Internal Oversight Services