

PUBLISHWHATYOU PAY

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Monsieur Joseph Kabila
Président de la République
Cabinet du Président de la République
Palais de la Nation
Kinshasa/Gombe
République Démocratique du Congo

London, 2 August 2005

Dear Mr. President,

We writing to you on behalf of the international **Publish What You Pay** Coalition, comprising 280 organisations worldwide, to express our grave concern over threats to the integrity and safety of one of our Congolese partners, the Association africaine de défense des droits de l'homme (ASADHO/Katanga), and to appeal to you to guarantee their safety, as well as that of other members of civil society.

The human right defenders of ASADHO/ Katanga have a strong record of researching and protecting the human rights of Congolese civilians. In addition, ASADHO is part of a broad network of civil society organizations working on issues of natural resource exploitation and just and sustainable development in the DRC. They will also be a key member of the Congolese **Publish What You Pay** platform, which is to be launched at the end of July 2005. ASADHO is one of several civil society representatives on the provisional stakeholder working group discussing implementation of the international initiative for increased resource revenue transparency, the Extractive Industries Transparency Initiative (EITI), together with actors from industry and government.

Members of ASADHO/Katanga have recently been subjected to intimidation and threats, including in comments by a provincial government official relayed on the official radio and television station, Radio Télévision Nationale Congolaise, Station du Katanga (RTNC/Katanga), in the week of 4 July 2005. These threats followed calls by ASADHO/Katanga at the beginning of July 2005 for the authorities to conduct a prompt and impartial inquiry into events that occurred at Kilwa in October 2004¹ and the role of Anvil Mining Limited.² According to a statement by ASADHO/Katanga dated 7 July 2005³, the

¹ Described in a.o. in ASADHO Katanga's Report: "*Rapport sur les violations des droits de l'homme commises à Kilwa au mois d'octobre 2004*", January 2005. Government soldiers were reportedly responsible for killing civilians and carrying out other abuses in Kilwa.

² [Anvil Mining Limited](http://www.anvil.com.au/2005June212005allegations.pdf) is an Australian – Canadian company listed on the Toronto Stock Exchange since June 2004 (TSX:AVM). The company operates the Dikulushi Mine near Kilwa and has acknowledged that it provided logistical support to government troops during the October incident upon their request. Anvil has denied knowledge of the plans for the military operation or involvement in the operation in any way. (see <http://www.anvil.com.au/2005June212005allegations.pdf>)

However, companies that operate in conflict zones have a responsibility to ensure that their operations or those that they support do not result directly or indirectly in human rights violations, as described under the U.N. Norms on

press officer of the Governor of Katanga broadcast negative remarks about ASADHO/Katanga on the radio. Among other things, he accused the organisation of corruption and involvement in politics and claimed that their activities were harmful to the people of Katanga and likely to scare off investors. The communiqué claims that the Governor's press officer also encouraged members of the public to react and said that ASADHO/Katanga should be treated harshly.

In calling for a full inquiry into the events at Kilwa, ASADHO/Katanga has done nothing more than exercise its right under Article 27 of the Congolese constitution which guarantees freedom of expression and Article 12 of the United Nations Declaration on Human Rights Defenders that states: "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms".⁴

In line with its national and international obligations, the Government of the Democratic Republic of the Congo should take appropriate steps to protect these rights and the physical integrity of members of ASADHO/Katanga, as well as those of other members of civil society who may be facing similar threats in connection with their activities. Members of civil society should be able to carry out their legitimate and peaceful work without fear or threats to their safety. The existence of an active civil society is a critical component of any democratic society.

The **Publish What You Pay** Coalition urges you to issue a public statement condemning the intimidation and threats made against our national partner ASADHO/Katanga, and to make representations to the provincial authorities, including the Governor of Katanga province, requesting that they ensure the safety of the human rights defenders of ASADHO and other members of civil society. We also urge you to conduct an impartial investigation into the Kilwa incident.

Yours sincerely,



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Jolien Schure
NiZA (Netherlands)

Sarah Wykes
Global Witness (United Kingdom)

the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights and the OECD Guidelines for Multinational Enterprises that call on enterprises to respect human rights.

³ See ASADHO/Katanga, Communiqué de presse No 013/2005, "L'Attaché de presse du Gouverneur de la province appelle la population du Katanga à la haine tribale contre l'ASADHO/Katanga et ses responsables".

⁴ The preamble of the Congolese constitution refers to the fundamental rights provided for in the Universal Declaration of Human Rights, the African Charter for Human and Peoples' Rights, and other international instruments ratified by the DRC government