

# African Commission on Human and Peoples' Rights: Demonstrating a Firmer Stance?

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The African Commission on Human and Peoples' Rights has issued a decision to hold the government of the Democratic Republic of the Congo responsible for the massacre of over 70 people in Kilwa, recommending: i) that the government provide compensation of US \$2.56 million to eight victims and their families (the largest sum that the Commission has ever awarded); and ii) *"take all due measures to prosecute and punish agents of the state and Anvil Mining Company staff"* for their alleged role in the massacre. Following seven years of deliberation by the Commission and unsuccessful attempted claims in national courts in Canada and Australia and a failed military prosecution in the Democratic Republic of Congo, this decision perhaps indicates a hardening stance by the regional human rights institution towards private companies operating in the region who are connected to alleged human rights violations.

The decision relates to human rights violations that took place in Kilwa, a remote fishing town in the South East of the Democratic Republic of Congo. In 2004, Australian mining company Anvil was operating a copper and silver mine 50 kilometres from Kilwa when a rebel force attempted to take control of the remote fishing town. The Commission found that, in response to the rebels, Congolese soldiers tortured, shelled and executed civilians. Anvil allegedly provided logistical support to the soldiers, transporting troops to the town using its helicopter and vehicles, providing food and fuel and, according to UN investigators, possibly paying

some of the soldiers.

The Commission stated: *“At a minimum, [extractive industry companies] should avoid engaging in actions that violate the rights of communities in their zones of operation. This includes not participating in, or supporting, violations of human and peoples’ rights.”* The Commission urges the government to implement its recommendations by 17 December, 2017. The African Commission’s findings and recommendations are not formally binding. Nevertheless, the Commission reports to the Assembly of Heads of State and Government of the African Union, so the decision may create significant political pressure for the Congolese government to implement the Commission’s recommendations.

In the coming months we will continue to monitor the regional and government response, providing further analysis regarding any wider implications for multinationals operating in the region.

*Julia Steinhardt contributed to this post.*

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