

Raoul Boulakia

Lawyer

Avocat

31 Prince Arthur Avenue, Toronto, Ontario, M5R 1B2

Tel: (416) 963-4488 ext. 135

Fax: (416) 960-5456

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Agshin Mehdiyev

Chairman

United Nations Security Council Committee

Established Pursuant to Resolution 1533

Concerning the Democratic Republic of the Congo

Sanctions Branch

United Nations Headquarters

3 United Nations Plaza

New York, New York, 10017

United States

Your Excellency:

On behalf of Mr. Alexis Sinduhije, a citizen of Burundi, I am writing to demand an investigation into the methodology followed by the Group of Experts on the Democratic Republic of the Congo, with respect to false allegations they published against Mr. Alexis Sinduhije, and a retraction of those allegations. I ask the Sanctions Committee to take the necessary measures to restore Mr. Sinduhije's reputation and assume responsibility for the grievous harm done to him as outlined below.

The false allegations the Group of Experts on the Situation in the Democratic Republic of Congo have made against Mr. Sinduhije are extremely serious. Mr. Sinduhije was a respected journalist, prior to his entry into electoral politics. His political advocacy promoted democratic values, and the party he founded is a civilian political party that has never had any armed faction.

The Group of Experts states, in outlining its "methodology" that it adhered to the following principles:

"The Group is committed to ensuring the accuracy of its findings, and to adhering to the evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report of 2006 (S/2006/997), by relying on verified, authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves, including photographs. When this was not possible, the Group corroborated information using at least three

sources assessed to be independent of one another, credible and reliable, placing a higher value on statements by principal actors and first-hand witnesses to events. While the Group wishes to be as transparent as possible, in situations in which the identification of sources would expose them or others to unacceptable safety risks, it has withheld identifying information and placed the relevant evidence in United Nations archives, along with other relevant documents.

In the interest of impartiality and fairness, the Group has endeavoured to make available to relevant parties, where appropriate and possible, any information about actions for which those parties could be cited, for their review, comment and response within a specified deadline. In order to further uphold the principle of the right of reply, and in the interest of accuracy, the Group stated in its interim report of June 2011 (S/2011/345) its readiness to annex to its reports brief rebuttals, with a summary and assessment of their credibility, and to make any necessary amendments regarding assertions already published in earlier reports.”

However it is clear the Group of Experts did not adhere to these standards. The two sources relied on against Mr. Sinduhije were certainly not “credible and reliable” and both hold a self-evident political hostility to Mr. Sinduhije. Reliance on some number of individual FNL agents does not amount to verification with sources “independent” of one another, as the FNL is a hierarchical political-military group. Likewise reliance on more than one individual in the CNDD-FDD regime does not convert the government into more than one source.

Contrary to their stated methodology the Group of Experts relied on inherently suspect sources, without critically discussing the extent to which those sources could be unreliable. Both the FNL and CNDD-FDD were armed movements that took part in ethnically motivated killings in Burundi. While the CNDD-FDD later became the government of Burundi, it has engaged in continuing human rights abuses and repression of political dissent. The director of its intelligence service (the Service de National de Renseignement) has repeatedly been accused of severe abuses. It is misleading to treat its intelligence agency as a reliable source, without any acknowledgment of its role in political repression or of the CNDD-FDD’s history.

The FNL for its part has a long history of armed conflict with the government, which has recently resumed. Neither faction can be treated as a reliable source of information about a civilian journalist and politician they are in disagreement with. It is incredible that these sources were relied on uncritically, with no other corroboration, by the authors of the report. The authors of the report do not even mention the possibility of deliberate misinformation.

The experts on the Congo nevertheless have published false allegations that Mr. Sinduhije had become a “key leader” of the FNL (an armed political movement). The experts allege that the FNL ended this when he insisted he was their “supreme commander”, and that

intelligence officials with the government of Burundi told the experts on the Congo that he was financing "south Kivu-based rebel combatants".

The report states that repeated attempts "to discuss these matters" with him failed –as if the allegations had been put to him and he refused to comment. No indication was given to Mr. Sinduhije that allegations against him were being considered.

Contrary to their stated methodology, these allegations were not disclosed to him, nor does it appear that the communications the experts sent to Mr. Sinduhije gave even remote indication that they were interested in anything directly related to him or to armed rebellion in Burundi.

In an electronic mail message to Mr. Sinduhije dated August 15 2011 Steven Hege merely commented that they would be delighted to have Mr. Sinduhije's perspectives about the political situation in the Great Lakes region:

"Nous serons ravis d'avoir vos perspectives quant à la situation politique dans la région des Grands Lacs."

This gives no indication that there was a more serious purpose to contacting Mr. Sinduhije, that the enquiry related to Burundi or to him in particular.

Mr. Hege was writing as part of a committee investigation the D.R. Congo, not Burundi. He made no effort in this communication to clarify or even imply the importance of the enquiry to Mr. Sinduhije. Mr. Sinduhije is very well known, not only for his recent political activism, but also as a journalist. He can routinely be contacted by people who are interested in speaking with him or soliciting his views about various political contexts. He would have no reason to suspect that a person serving a committee related to the Congo, making such a generic enquiry, would be holding secret that his motivation was that he was considering publishing defamatory allegations about a civilian Burundian citizen.

A vague comment that the expert would be "delighted" to hear his "perspectives" about the situation in the entire region does not amount to a serious effort to engage a discussion about a serious allegation specifically against Mr. Sinduhije.

Evidently if the expert had intimated that he wanted Mr. Sinduhije to respond to allegations being made by the FNL and the CNDD-FDD, it would have been clear the issue was serious. Unless Mr. Hege can show evidence that he engaged in more serious communication of his concern to Mr. Sinduhije before the report was published, it seems an obvious injustice has been done to Mr. Sinduhije.

The report accepts at face value that Mr. Sinduhije, who has no record of having been involved in any form of armed militia, would not only be organizing an armed rebellion but also financing it. The report in no way acknowledges his background as a journalist, prior to entering politics, or the respect his work was held in. It is peculiar for the experts

to take allegations of a sudden shift to organizing armed combat at face value, without any acknowledgment of how incompatible this is with his background.

Furthermore the authors of the report, while touching on their mandate as they assert that they are investigating the movement of arms in the DR Congo, are substantively taking part in discourse about Burundi –which would require greater understanding of the Burundian context. They should not have allowed their work on the DR Congo to become subsumed in the propagandist goals of the FNL and CNDD-FDD, against a respected civilian figure.

In annex to the report (“Annex 26”), a photograph purportedly of Mr. Sinduhije is presented as if it might be evidence that he is involved in an armed rebellion. The photograph is simply of a young African man speaking on a cell phone. Its caption explicitly states it is a photograph of Mr. Sinduhije and suggests this might be a photograph of him having a conversation about armed rebellion. It is hard to understand how the authors of the report could seriously present this photograph. It is no more compelling as evidence than a photograph of a person sitting quietly, with a caption claiming that it might be a photograph of him thinking about armed rebellion. The absurdity of the caption implies a single-minded determination to publish allegations, no matter how thin the pretext. What is even more shocking is that it is obviously not a photograph of Mr. Sinduhije, nor even a person who looks vaguely similar to Mr. Sinduhije (other than appearing to be an African man). A simple internet search with Mr. Sinduhije’s name, in less than a second, yields literally hundreds of articles with published photographs of Mr. Sinduhije. It is incomprehensible that a Group of Experts could be so negligent in its haste to publish allegations. This speaks to the underlying failure to properly research the Burundian context, who Mr. Sinduhije is, or the reliability of the allegations.

It should be noted that approximately one month after the publication of this report the government of Burundi went on to incite the authorities of the government of Tanzania to have him arrested during a recent visit to that country, claiming it would advance specifics of charges in support of a request for extradition. After making self-contradictory statements it furnished the Tanzanian authorities with no clear or specific allegations. A Tanzanian judge released Mr. Sinduhije when the Burundian authorities would not substantiate their claims. Mr. Sinduhije suffered gratuitous infringement of his liberty, incarceration and expense before the failure of the Burundian authorities to substantiate their demand left it evident he should be released.

Mr. Sinduhije denies such allegations of involvement in promotion of violence, fund-raising for weapons or distribution of weapons.

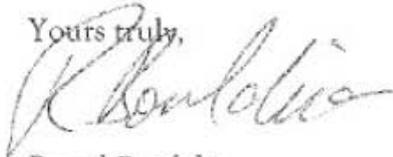
The fact that a group of experts working for the United Nations has published such a defamatory statement about Mr. Sinduhije has had an immediate and detrimental effect, which serves the interests of the FNL and the Burundian government, both of which have a history of violent abuses. This has a detrimental effect on the promotion of peace and

democracy in Burundi. In turn, playing into the propaganda of groups with a real history of violent conflict does nothing to promote peace and stability in the D.R. Congo, which is the mission of your committee.

The Group of Experts has published false allegations against Mr. Sinduhije without due consideration to the damage to his professional reputation, and without consideration of the risk of physical harm they caused to this individual civilian.

We request that you correct this calumny as soon as possible.

Yours truly,



Raoul Boulakia

cc.

Permanent Mission of the Republic of Azerbaijan to the United Nations, 866 United Nations Plaza, Suite 560, 48th Street and 1st Avenue, New York, NY, 10017; by fax: 1-212-371-2784

David Biggs, Secretary, Security Council Committees established pursuant to resolution 1521 (2003) concerning Liberia, resolution 1533 (2004) concerning the Democratic Republic of the Congo, and resolution 1572 (2004) concerning Cote d'Ivoire; Secretary, Security Council Working Group on Children and Armed Conflict; Senior Political Affairs Officer Security Council Subsidiary Organs Branch SCSOB/SCAD/DPA; United Nations; 1 UN Plaza; TB-08041A; New York, NY 10017; by fax: 1 212-963-1300