

URGENT ACTION

ARTISANAL MINERS AT RISK AS THE ARMY MOVES IN

Some 10,000 artisanal miners are at risk of serious human rights violations. They could be forcibly removed by the army from a mining area owned by one of the Democratic Republic of the Congo's (DRC) largest cobalt producers, Tenke Fungurume Mining (TFM). On 17 June 2019, the DRC army deployed up to 800 soldiers to the area. The artisanal miners have been given until 2 July 2019 to voluntarily leave the area after which they will be forcibly removed.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Excellency Mister Félix Tshisekedi
President of the Democratic Republic of the Congo
 Email: cabinet@presidentrdc.cd

Dear Mister President,

I am writing to express serious concerns about the deployment of a battalion from the Democratic Republic of the Congo's (DRC) army to the Tenke Fungurume Mine (TFM) in the Lualaba province, to remove more than 10,000 artisanal miners. The army's Colonel Emmanuel Kabamba has publicly indicated that the army will use force to remove the artisanal miners if they fail to voluntarily vacate the area by 2 July 2019. I am extremely worried that such a forcible removal will put the miners at risk of serious human rights violations.

The DRC army has a long history of excessive use of force, and its soldiers are not properly trained or equipped to carry out policing functions in accordance with international law and standards. Considering this, it is highly likely that they will commit serious human rights violations if they move to forcibly remove the artisanal miners. There have already been reports that the army has destroyed buying houses and temporary shelters.

Artisanal miners ("creuseurs") enter onto concessions owned by private companies such as TFM, due to a lack of authorised and regulated artisanal mining zones, as documented by Amnesty International in our 2016 report on children and adults working in hazardous conditions in artisanal cobalt mines. Amnesty International has also previously documented human rights violations related to operations to remove artisanal miners. In 2009, hundreds of homes and businesses were destroyed in the village of Kawama during an operation by the mines police to remove artisanal miners on the Luiswishi mine. These are structural issues, which need to be addressed by the government in consultation with a range of stakeholders, including artisanal mining communities.

I am therefore writing to urge you, as a matter of urgency, to:

- *Immediately order the army to withdraw from the Tenke Fungurume Mining concession and surrounding area, and rescind its threat to use force if the miners do not leave by 2 July 2019.*
- *Ensure that any public order security forces deployed to secure the area exercise restraint, are properly trained and equipped, and do not use excessive force in any attempt to remove the artisanal miners.*
- *Initiate a dialogue with representatives of the artisanal miners to address the structural issues that lead to such incursions on large-scale mines, including by creating new authorized artisanal zones, regularizing unauthorized mining areas and supporting the formalisation of mining activities.*

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

On 17 June 2019, the DRC government deployed a battalion of the Congolese armed forces (estimated 6-800 troops) to the mining concession of Tenke Fungurume (TFM), one of the world's largest copper and cobalt mines. It is majority-owned by a Chinese mining company China Molybdenum Co., Ltd. According to news reports, around 10,000 artisanal miners are mining in and around the TFM concession in Lualaba province in the south of the DRC. The Governor of Lualaba justified the deployment of the army by claiming that armed bandits had infiltrated the artisanal miners. He said that, "we have to use force to dissuade them." The army spokesperson said that a battalion has been deployed to persuade the artisanal miners to leave voluntarily, but that if they do not leave by 2 July 2019, the army will use force to remove them.

Residents of Fungurume town are concerned that the situation may escalate and lead to violence, as the area has a history of violent clashes between artisanal miners and state agents, usually the Mines Police. Eyewitnesses said the recently deployed soldiers were armed with military weapons.

Lualaba province is part of the former Katanga province in the south of the DRC, which lies in the Copperbelt. This region, bordering Zambia, has always been the DRC's most significant mining area, but the nature of operations has changed dramatically over time. When they were developed in the early 1900s, the mines were large-scale industrial operations, managed by a single state-owned company. Today, industrial copper and cobalt mines are operated by a range of different Congolese and international firms. Running alongside them are many artisanal and non-industrial mining operations.

The scale of these artisanal mining activities is substantial. The government estimates that 20% of the cobalt currently exported from the DRC comes from Katanga's artisanal miners. A study for the DRC government estimated that there are some 110,000 regular artisanal miners in Katanga, rising to about 150,000 on a seasonal basis. But there is a lack of authorised artisanal mining areas and consequently, many artisanal miners enter onto private concessions to dig for minerals to survive.

In many countries, authorities decide to deploy the military to handle public order situations, when they consider the police not up to the challenges of the given situation. However, this carries a considerable risk of human rights violations. Military armed forces are instructed and trained to fight an enemy. Their operational mindset and modus operandi is the conduct of hostilities in which the use of force, including lethal force, is the first choice of action. Their equipment is designed to neutralize the enemy, and not to minimize damage and injury, nor to protect and preserve life. Unless they have been specifically trained in and equipped to carry out policing in compliance with human rights standards, deploying the military in situations of public order carries considerable risks, particularly of the use of excessive force, including lethal force.

For news reports of the deployment of troops, please see:

<https://www.reuters.com/article/us-congo-mining-cmoc/congo-deploys-army-to-protect-china-molys-copper-mine-from-illegal-miners-idUSKCN1TK1HX>

<https://www.france24.com/en/20190618-dr-congos-army-moves-dislodge-illegal-miners>

For reports of previous similar clashes of this type:

<https://www.reuters.com/article/congo-democratic-demonstration/police-clash-with-miners-in-congo-copper-heartland-idUSL3191292220080331>

PREFERRED LANGUAGE TO ADDRESS TARGET: English and French

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 09 August 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: DRC artisanal miners, they/them

ADDITIONAL TARGETS

And copies to:

Governor of Lualaba Province
Mr. Richard Muyej Mangez Mans
gouvernorat@lualaba.gouv.cd
info@lualaba.gouv.cd

Salutation: His excellency

Also send copies to diplomatic representatives accredited to your country. HER EXCELLENCY
MS MARIE NDJEKA OPOMBO Embassy of the Democratic Republic of the Congo 45-49 Great Portland
Street W1W 7LD 020 7580 3931 Fax 020 7580 8713 missionrdclondres@gmail.com info@ambardc-londres.gouv.cd www.ambardc-londres.gouv.cd **Please check with your section before sending appeals after the above date.**