

**RAID**  
*Rights & Accountability in Development*

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Mr. Peter Robinson  
President and Chief Executive  
United States Council for International Business  
1212 Avenue of the Americas  
New York, NY 10036

Dear Mr. Robinson:

By way of introduction, Rights & Accountability in Development (RAID) is an UK-based non-governmental organisation. As its name suggests, the primary objective of RAID is to promote greater accountability for the conduct of governments and corporations in developing countries. RAID is also a coordinator of OECD Watch, the NGO counterpart to the Business Industry Advisory Committee (BIAC) at the OECD's Investment Committee.

We are writing to inform you about an escalating situation involving a prominent Congolese human rights organisation, *l'Association africaine de défense des droits de l'homme* (African Association of the Defense of Human Rights or "ASADHO"). In the past two weeks, ASADHO has been the subject of threats and intimidation for their work to investigate and seek justice for the victims of a brutal massacre, which was carried out by the Congolese Armed Forces late last year in the town of Kilwa, Democratic Republic of Congo (DRC). These threats and appeals to tribal hatred are being carried out in the name of Anvil Mining, an Australian/Canadian multinational company that owns and operates the nearby Dikulushi copper/silver mine.

In October 2004, a small-scale uprising led by a small band of rebels calling themselves the *Mouvement Revolutionnaire pour la libération du Katanga* (Revolutionary Movement for the Liberation of Katanga) was put down by the Congolese Armed Forces with disproportionate force and violence. The Lubumbashi regional office of *Mission de l'Organisation des Nations unies en République démocratique du Congo* (MONUC), the organization established by the United Nations Security Council to monitor and maintain the cease-fire in the DRC, conducted an investigation soon after this incident occurred. As many as 100 deaths were reported, and according to the UN, as many as 28 deaths appeared to be summary executions. Bodies were dumped in shallow graves for which MONUC calculated geographical coordinates. According to eyewitness accounts gathered by ASADHO's human rights lawyers, the soldiers went on an indiscriminate rampage carrying out arbitrary arrests and summary killings of suspected rebels and their supporters, raping women, and subjecting those in detention to torture and beatings.

MONUC's report also revealed that Anvil Mining provided logistical support for the military operation. Anvil helped fly in the military in the planes that it leases to ferry people to and from the mine, and

provided vehicles for the military once they reached Kilwa. People who had been arbitrarily detained were also flown to Lubumbashi in Anvil's planes. Witnesses also informed ASADHO lawyers that Anvil provided the military with food and money, and Anvil vehicles, driven by Anvil employees, were used to bury the corpses from the massacre.

On June 6, 2005, the Australian Broadcast Corporation's "Four Corners" program aired a documentary on the Kilwa incident, which included footage of ASADHO's work to investigate the killings and human rights violations that were committed. Soon after the Four Corners' broadcast, ASADHO called on the Congolese authorities to conduct a prompt and impartial inquiry into the events that occurred at Kilwa, including Anvil's role.<sup>1</sup>

Last week, RAID wrote to Anvil President Bill Turner to request that the company issue a public statement deploring the intimidation and threats against ASADHO. We have since received a written response from Mr. Turner; however, he has refused to publicly condemn the campaign of intimidation against ASADHO. We have appended our letter to Mr. Turner for your review.

While organizations like the USCIB and NGOs such as RAID often find themselves on opposing sides on a variety of policy debates, we believe we share a mutual desire to ensure human rights are respected and belief that civil society groups play an important role in strengthening democracy in post-conflict countries like the DRC.

We therefore respectfully request that the USCIB publicly pronounce that investors operating in conflict zones have a special obligation to adhere to established, international human rights principles and standards. Moreover, the USCIB should make clear that it is absolutely inappropriate for foreign investors to be complicit – through inaction or otherwise – in campaigns of intimidation against non-governmental organizations.

We are in contact with MONUC and officials with the Canadian and Australian governments. We write to you in good faith, because we are deeply concerned about the escalating threats of violence against ASADHO. We hope that the USCIB's pronouncement will send a strong message to foreign investors that exceptional efforts to protect human rights are required when operating in conflict zones and threats against NGOs in the name of foreign investors should not be tolerated

Yours sincerely,



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Cc: Mr. Wesley Scholz, Director, Office of Investment Affairs and U.S. National Contact Point for the OECD Guidelines for Multinational Enterprises, Department of State

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<sup>1</sup> A transcript is available at: [www.abc.net.au/4corners/content/2005/s1384238.htm](http://www.abc.net.au/4corners/content/2005/s1384238.htm).