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Criminal complaint filed accuses senior manager of Danzer Group of responsibility over human rights abuses against Congolese community

A criminal complaint filed today by the European Center for Constitutional and Human Rights (ECCHR) and Global Witness accuses a senior manager of Swiss and German timber manufacturer the Danzer Group of aiding and abetting, through omission, grave human rights violations against members of a forest community in the Democratic Republic in Congo (DRC).

The complaint, submitted to the State Prosecutor's office in Tübingen, Germany, asks the prosecutor to start an investigation. It accuses the individual of failing to prevent violence by Congolese police and military against civilians in the village of Bongulu, of northern DRC on 2 May 2011. According to witness testimony, security forces inflicted grave bodily harm, raped women and girls, arrested 16 people and destroyed property.

The security forces reportedly received financial and logistical help, in the form of transport and payment, from logging company Siforco S.A.R.L. (Société Industrielle et Forestière du Congo), which at the time was a subsidiary of the Danzer Group. Witnesses say police and military personnel were transported to the village using Siforco vehicles, that a Siforco vehicle transported detained villagers to prison after the incident and that a local company manager paid the security personnel accompanying the detainees. Siforco had been in a long-running dispute with the community over the company's repeated failure to fulfil the social commitments set out in a contract between the community and the company, as required by Congolese law.

"The events are shocking, but not unique. Logging companies operating in countries like the DRC often use local security forces to deal with community-level disputes. The risk of egregious violence against civilians is well-known and companies must take steps to prevent abuses from occurring," said Reiner Tegtmeier of Global Witness.

Under German law, corporations cannot be prosecuted for crimes. However senior managers may have criminal responsibility arising from a duty of care towards those affected by the actions of their staff. The complaint focuses on the role of a German-based senior manager in the Danzer Group, who is accused of failing to give Siforco employees clear instructions about how local security forces should be engaged in cases of disputes with local inhabitants. The security forces in the DRC are notorious for their record of grave human rights violations, especially sexual violence during conflicts between logging companies and forest communities.

"It is essential that a criminal investigation is carried out with regard to the Danzer Group's role in monitoring the activities of its former subsidiary, Siforco. The senior management of European companies with subsidiaries in countries like the Democratic Republic of Congo are under legal obligation to ensure that international standards are met. This includes the duty to ensure that local security forces do not commit sexual violence and other human rights abuses," said Dr. Miriam Saage-Maaß of ECCHR.

In a 9 November 2011 statement posted on the Danzer Group website, Danzer and Siforco insist that they did not facilitate violence against local communities in DRC and that the events of 2 May happened outside their control and responsibility. They maintain that they would have refused to allow their vehicles to be used had they known their intended use or consequences.

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