

Crime File: Sicobois

Social conflict and illegal logging in the DRC

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Introduction

For more than 10 years Greenpeace has been campaigning against illegal and destructive logging in the Democratic Republic of Congo. Central to our work has been exposing companies' attempts to bypass a national moratorium on new logging titles through the misuse of artisanal permits¹.

In March 2013, the European Timber Regulation (EUTR) finally came into force, a welcome new regulation that prohibits the placement of illegally harvested timber or timber products on the EU market. Since that time Greenpeace has undertaken extensive research into EU-based companies that continue to trade suspected illegal timber from the DRC, and has filed several complaints under the terms of the EUTR.²

The case of the company Sicobois, however, involves far more than simply illegal logging. Recent field research by Greenpeace Africa reveals how longstanding social conflicts over the company's operations in Equateur province escalated when Sicobois employees turned violent on two members of the local community.

Yet such violence and suspected illegal forest activities have not deterred timber companies in the EU from importing Sicobois wood. In July 2013 Greenpeace France urged the country's government to take action over suspect imports from the DRC, and in January 2014 repeated that call during an action in the port of Caen.

December 2013: Greenpeace Africa field mission

In a mission to Lisala city and Mondunga community in December 2013, Greenpeace Africa conducted interviews with victims of alleged human rights abuses, their family members, and representatives of the local authorities. Combined with several documents we obtained, these testimonies showed that conflict persisted between Sicobois and residents in the Mondunga community. This tension had resulted in violent acts against the community in October 2013.

From interviews with victims and community members in the village of Mombilo Mopita and Kanea, it was determined that Sicobois workers abducted one woman and one man on October 17, 2013. As a truck owned by the company drove through the village, it stopped and the Sicobois workers aboard abducted a young woman on her way home from choir practice and a young man travelling back to his own village of Kanea after visiting his fiancée.

The official reason as to why they did this remains unclear, but it could be linked to when some of the workers allegedly yelled abusive terms at villagers earlier that evening – something they are reportedly said to do on a regular basis. As a result objects were thrown at the workers.

The two victims told us they were beaten up during the incident. The woman said she lost consciousness. According to her medical file, seen by Greenpeace Africa, the woman was also raped. This is supported by pictorial evidence showing traces of blood on her dress. During the abduction both victims were first taken to the Sicobois garage in Lisala in the truck, and then to the police where they were detained in jail for one night without charge.

On the morning of October 18, the two victims were freed, but only following the personal intervention of the *Administrateur du Territoire*. Sicobois employees then took them back to the village, where they received medical treatment for their injuries. That same morning – in an apparent reaction to the arrests – people from the village reportedly removed equipment from Sicobois' worksite in Mombilo Mopita.

On October 19, police and military personnel arrived in Mombilo Mopita to retrieve the stolen equipment, and then proceeded to arrest three people without charge and another three in Lisala at the office of the *Administrateur du Territoire*. These people were sent to the central prison in Lisala, where they were jailed without charge, but were accused of being involved with stealing the Sicobois equipment. Eventually, for three people, charges were added to the arrest.

Among the people arrested in Mombilo Mopita, two were family of the male victim of the October 17 incident, who were visiting him in the health centre where he was treated for his injuries. From this group one person was set free after three days, the two others after four days, but they told Greenpeace Africa they did not receive formal documents.

In Lisala, the village chief and the father and brother of the female victim were arrested when they visited the *Administrateur du Territoire* to complain about the violence used against the community. They had to stay in prison for 11 days.



The bail documents dated October 28 that detail the charges of criminal association, intent to criminal damage, and of carrying a weapon, as well as an order to pay 20,000 Congolese francs (around \$20 US dollars) bail. The start of the jail period is indicated as October 21.

When Greenpeace Africa visited the area in December 2013, the female victim was still suffering from health problems. Since the attack, she had been treated at the local health centre in Mombilo Mopita and spent about 10 further days in the central hospital in Lisala.

Medical reports on her condition are contradictory. One clearly states: “The patient is here one day after she was beaten up by Sicobois workers in their vehicle.” The nurse notes chest, lower stomach pain and more injuries.³ In the report from Lisala hospital⁴, it is originally noted that she was raped, but this was later redacted without a proper explanation, and she has not been examined for traces of sexual violence.

On October 19, the family of the female victim filed a complaint against Sicobois workers at the *Tribunal de Grande Instance* (the Court) at Lisala. Sometime after she sought legal counsel from a lawyer, who told Greenpeace Africa that the complaint concerned charges of kidnapping, arbitrary arrest, inflicting injuries, and beatings.

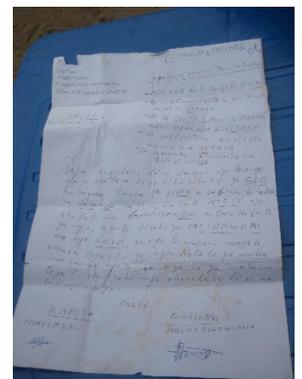
The lawyer said that the workers in the dump truck at the time of the incident have already been identified and interviewed. The complaint is still with the prosecutor and, as of December 2013, instructions for the court to take on the case had not been filed.

Illegal logging by Sicobois had already been documented in July 2013 and the findings forwarded to the Ministry for Environment, Nature Conservation and Tourism (MECNT) by a team of NGOs that included Global Witness, local organisations, and the Mongala district coordinator representing the ministry.

Several irregularities were discovered, including the incorrect marking of logs that affected its traceability, and logging permits that had not been delivered until after the logging had already happened. Residents in the community of Bagenza alerted the authorities in Lisala that Sicobois was logging without prior consultation.

Greenpeace Africa also discovered further illegal logging activities in December 2013. Residents in Mombilo Mopita showed us their letter to the director of Sicobois, dated July 2, 2013, in which they request compensation for the damage caused to their land when the company’s bulldozers and other logging equipment felled more than 40 trees on their farms.

We recorded the GPS coordinates and took pictures of four of those trees, marked by Sicobois. At the time of the field mission, the company had still not compensated the community.



Letter from Mombilo Mopita village residents to Sicobois.

Sicobois response

Greenpeace Africa offered to meet with the director of Sicobois in Lisala to discuss our findings. We were told he was “too busy” to meet us.

Other representatives from civil society and local communities have had similar requests for meetings refused. On October 22, 2013, GAJEN – a local NGO supporting the Mondunga community – published a report on the violent actions that had been used against the community. The district coordinator of Mungala responded directly with a letter on November 12: “I would like to ask you to act courteously and not arrive at the same mistakes as in the Yalisika area in Bumba Territory,”⁵ referring to atrocities that occurred in the village of Yalisika in 2011 when security forces tried to silence a protest by local residents against the logging company Siforco.⁶

This case created uproar both nationally and internationally, and legal processes related to it are ongoing.⁷ Referring to this case therefore can be interpreted as a clear attempt to silence local NGOs.

It is not only in the DRC where authorities are failing to deal with the illegal and irregular actions of Sicobois. In January 2014, Greenpeace France challenged the lack of willingness of the French Ministry of Agriculture to take action against the illegal timber trade during an action in the port of Caen⁸.

A year after the European Timber Regulation (EUTR) came into force, no enforcement actions have been taken in France despite NGOs voicing consistent substantiated concerns. A weak draft implementation law exacerbates this inaction.

Sicobois issued a statement⁹ in response to the action in Caen, and visited the Greenpeace office in Kinshasa to discuss the findings. In the statement, the company says it is operating legally in DRC and ensures its wood is compatible with EUTR requirements.

Sicobois also says that any problems with markings on wood are due to human error, that the late logging permit is due to administrative delays, and that they do not know why the logging contract was not published but that, again, it is an administrative delay. Finally, the statement says that the infringement with the Bagenza community occurred because of unclear borders.

Pursuant to the discussions with Sicobois and the issuance of their statement, Greenpeace finds that all legal issues with the company’s wood remain valid, and social conflicts persist: Conflicts that, if not resolved, will surely erupt into violence once again.

The statement from Sicobois also underlines Greenpeace Africa’s long-held conviction that the DRC forestry sector is in a state of organised chaos. The government does not comply with its own legal framework, good forest governance is absent, and law enforcement is totally lacking. That makes it extremely difficult – if not impossible – for EU-based traders to trade in Congolese wood and comply with the EUTR. The MECNT should act upon concerns from both communities and Congolese and International civil society about Sicobois’ operations, and make sure that the rights of residents are respected.

This case shows that alternative models for logging should be developed where rights and benefits of communities come first. This is critical to prevent future social conflict and the violence connected to it.

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Background to the Sicobois conflict

Greenpeace International and Greenpeace Africa have long been aware of the social issues affecting the logging concessions operated by Sicobois. In 2007, our research concluded:¹⁰

“The evidence suggests that when faced with protests at its conduct, Sicobois prefers to leave it to the police to intimidate communities, rather than talk through the difficulties – perhaps because negotiation would force the company to admit that it fails to abide by its local agreements.”

With regards to these agreements that the company negotiated with local communities, we noted that “in most cases these consultations and agreements have not led to harmonious relations”.

At the time, despite the willingness of residents to find a peaceful solution to their issues, several conflicts erupted in the communities of Bolunga-Bosuwa and Mondunga, leading to arrests. A local NGO reported on similar events in 2011 involving the community of Popolo, where 10 people were reportedly arrested after protests were held because they felt the social contract had been disrespected.

Recent research from the same area, detailed here, shows the situation has not changed at all since 2007. A report from the local NGO GAJEN¹¹ to local authorities governing the Territory of Lisala, dated October 22, 2013, sheds some light on the causes of the current conflict.

Sicobois has constructed a camp for workers in the village of Mombilo Mopita. However, as at the time of publication, local authorities have not been paid for the use of this land, nor have farmers who lost crops and land because of the construction been compensated.

Another clear cause of the tension is the fact that communities in or near the concession area have neither legal counsel nor independent mediation available when they negotiate social contracts with the company, meaning the entire process is very unequal. The company consistently ignores these social contracts, which is a violation of article 107 of the DRC’s Forest Code.

A treasurer of the local management committee told Greenpeace Africa that the money due had not arrived (10% of the total established costs are required as an advance payment), and that the timeline for construction of facilities promised in the social contract had not been adhered to. He also said the local management committee was not well informed or consulted by Sicobois.

Lastly, locals who measure the amount of wood harvested in the concession, known as “*cubeurs*”, had not commenced work. This potentially presents a problem for the communities, as they cannot monitor the volumes of timber felled that are the basis for calculating the money they receive from the company for executing the projects agreed in the social contract.

¹ Greenpeace Africa (2013). Cut it out! Illegal logging in the DRC; and Greenpeace Africa (2012). Artisanal logging = industrial logging in disguise.

² Greenpeace International (2013). Importing timber from the Democratic Republic of Congo: A high-risk business for Europe. Case study II: The first confiscation of illegal timber under the EU Timber Regulation. Updated February 4, 2014; and Greenpeace Belgium (2013). Import of timber from the DRC: high risk business for Europe. A case study in the port of Antwerp: the blocking, investigation and subsequent release of illegal Afrormosia wood for Belgian timber traders. June 2013 update on April 2013 version.

³ Medical file from health centre in Mopita Mombilo, October 18, 2013.

⁴ Medical file from “*hopital general de reference de Lisala*”, October 19, 2013.

⁵ Original : *En effet je voudrais vous demander d’etre courtoise pour ne pas retomber sur les memes erreurs qui étaient produisent a Yalisika/territoire de Bumba.*

⁶ Greenpeace International (2011). Stolen Future, Conflicts and logging in Congo’s rainforests –the case of Danzer.

⁷ <http://www.ecchr.de/index.php/danzer-en.html>; and <http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/DanzerGrouplawsuiteDemRepCongo>

⁸ Greenpeace France (2014). La France, Porte d’entrée du bois illégal en Europe. Note de Synthèse.

⁹ Sicobois (2014). Action de Greenpeace sur le port de Caen et contestation de la légalité d’un lot de grumes provenant des concessions de SICOBOIS. Eléments de réponses.

¹⁰ Greenpeace International (2007). Carving up the Congo.

¹¹ *Groupe d’appui aux jeunes et aux enfants necessiteux*, based in Lisala.