

Accountability and Peace for the DRC

Two years after the Democratic Republic of Congo held its first elections since independence, the country is at a crossroads. One of the key challenges facing the DRC today is the question of how the country will address the massive human rights atrocities of its recent past to establish a foundation for peace and security, the rule of law and respect for human rights to prevail in the future.

CONFLICT IN THE DRC

National elections in 2006 capped a decade of war in the Democratic Republic of Congo that began with Laurent Desire Kabila's 1996-1997 campaign to liberate then-Zaire from the repressive rule of Mobutu Sese Seko. While large-scale fighting officially ended with the signing of a peace agreement in 2002, violence has continued unabated in numerous local conflicts in the country's east.

The wars in eastern Congo have been described as the deadliest since World War II with estimates that 5.4 million excess deaths have occurred in Congo between August 1998 and April 2007, mostly as a result of war-induced deprivation and exposure.

All sides to the conflict have committed flagrant violations of international humanitarian law, including targeting civilians for murder, rape and other forms of sexual violence, forced displacement, recruitment of child soldiers and abduction of civilians. A state of near impunity exists for perpetrators.

AN INTEGRATED APPROACH

ICTJ is engaged in a two-year program to lay the essential groundwork for an informed national debate in the DRC on how best to face this record of massive human rights abuse. Society will need these tools:

Criminal Prosecutions: To break the cycle of impunity, the Congolese national judicial system must be reinforced to prosecute those responsible for major human rights atrocities. ICTJ is working with the Ministry of Justice and major international donors pursuing judicial sector reform to achieve that goal. This will require raising awareness about the appropriate national legal framework for prosecuting international war crimes in the domestic legal system, including the prosecution of sexual and gender-based crimes. ICTJ will advise on ways in which international lawyers and judges might assist war crimes prosecutions in the DRC to ensure independence, transparency and credibility of national trials.

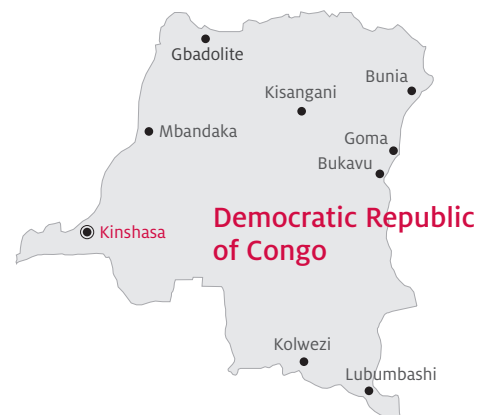
Truth-seeking: Mechanisms that establish a historical record of past human rights atrocities and enforce measures of accountability and responsibility are an important complement to judicial prosecutions. ICTJ has played a critical role in observing and denouncing the severely flawed Truth and Reconciliation Commission, which operated during the Congolese transition

LIVING WITH FEAR

Living with Fear (2008) presents the results of a survey conducted in the DRC by ICTJ and the Berkeley-Tulane Initiative for Vulnerable Populations. The report finds that majorities of the population of eastern DRC believe the following:

- **Achieving peace** in Congo is possible and should be the country's priority.
- **Accountability** is necessary to secure peace and that it is essential to hold those who committed war crimes accountable for their acts.
- **Justice**—defined as establishing the truth and applying the law—can be achieved.

Download the full report at www.ictj.org



from July 2003 through February 2007. ICTJ will continue to build civil-society capacity for documenting and archiving past human rights violations and provide advice and support to a human rights mapping exercise to be undertaken by the United Nations Office for the High Commissioner of Human Rights (OHCHR) and the United Nations Department of Peacekeeping Operations (DPKO).

Institutional Reform: ICTJ advocates for and advises initiatives seeking to reform the various security services. This work aims to identify and remove past human rights abusers from the army, police and other security forces and create ongoing accountability mechanisms.

Reparations and Memorialization: ICTJ supports victims' right to reparations and promotes local, national and international reparations initiatives. This includes advocating for the enforcement of the International Court of Justice's decision holding Uganda liable to pay the DRC reparations for the human rights and humanitarian law violations illegally perpetrated by Ugandan armed forces on Congolese soil. ICTJ will also assess interest and opportunities to create memorials for victims of mass atrocities.

Gender: Rape and sexual violence are endemic to the ongoing conflict in the DRC. Ending impunity for these crimes must be addressed. ICTJ is committed to promoting the inclusion of the special needs and concerns of women and girl victims in the national dialogue on justice and accountability.

ICTJ's work in the DRC is generously sponsored by the Swedish International Development Cooperation Agency.

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2008

ICC PROSECUTIONS IN THE DRC

While ICTJ promotes national efforts to prosecute war crimes in Congolese courts, international justice through the International Criminal Court (ICC) is a welcome complement to break the cycle of impunity.

In 2004, the Congolese government invited the ICC to investigate and prosecute war crimes that have occurred in the DRC since July 1, 2002.

ICTJ supports the ICC's work to prosecute serious violations of human rights and humanitarian law in the DRC but has encouraged the ICC to improve its outreach and information dissemination in the DRC.

ICTJ will continue to monitor the impact of the ICC prosecutions in the DRC.

The ICC has issued four arrest warrants concerning the conflict in the Ituri district of the DRC, for the following suspects:

Thomas Lubanga Dyilo, alleged leader of the Union des Patriotes Congolais (UPC) and commander-in-chief of its military wing, the Forces Patriotiques pour la Libération du Congo (FPLC). The court accused Lubanga of enlisting and conscripting child soldiers from September 2002 to August 2003. Lubanga was transferred to ICC custody in 2006.

In 2008, the court stopped proceedings against Lubanga, citing the prosecutor's failure to turn over potentially exculpatory materials to the defense. But this issue may be resolved, allowing the Lubanga trial to begin.

Germain Katanga, alleged commander of the Force de Résistance Patriotique en Ituri (FRPI). The ICC charged Katanga with multiple counts of war crimes and crimes against humanity. Katanga has been in ICC custody since 2007.

Mathieu Ngudjolo Chui, alleged former leader of the Front National Intégrationniste (FNI) and a colonel in the National Army of the DRC (FARDC). The ICC charged Ngudjolo with multiple counts of war crimes and crimes against humanity in Ituri. Ngudjolo was transferred to ICC custody in February 2008.

The ICC has joined Ngudjolo's case with that of Germain Katanga.

Bosco Ntaganda, alleged former deputy chief of the general staff of the FPLC and alleged current chief

of staff of the Congrès National pour la Défense du Peuple (CNDP). The ICC unsealed an arrest warrant for Ntaganda on charges focusing on recruitment of child soldiers. Ntaganda remains at large.

In addition to the four ICC cases concerning the Ituri conflict in the DRC, the ICC has arrested another Congolese suspected war criminal:

Jean-Pierre Bemba Gombo, leading Congolese opposition figure, president of the Mouvement de Libération du Congo (MLC), senator and former vice-president. Bemba was arrested in Belgium in May 2008 on an ICC arrest warrant charging him with war crimes committed in the Central African Republic in 2002-2003. Bemba was transferred to ICC custody in The Hague in July 2008.