

Who is Bosco Ntaganda?

The International Criminal Court (ICC) issued an arrest warrant for Bosco Ntaganda on August 22, 2006 for war crimes allegedly committed in the Democratic Republic of Congo (DRC). However, in January 2009, after Bosco ousted Laurent Nkunda as leader of the insurgent National Congress for the Defense of the People (CDNP), Congolese authorities appointed him a deputy commander of military operations conducted by the Rwandan and Congolese armies against Democratic Forces for the Liberation of Rwanda (FDLR) rebels. The government has justified its decision not to arrest him by citing the primacy of establishing peace in eastern Congo. But only a tireless effort to combat impunity in the African Great Lakes region will bring a sustainable end to the cycle of violence and mass killings plaguing eastern DRC.

ICC ARREST WARRANT FOR BOSCO NTAGANDA

In 2004, the Democratic Republic of Congo requested the ICC to investigate and prosecute crimes that had occurred in the DRC since July 1, 2002. On April 28, 2008, the ICC unsealed an arrest warrant against Bosco Ntaganda it had issued against him in 2006. The ICC is pursuing its case against Bosco, a presumed citizen of Rwanda, in conjunction with charges against Thomas Lubanga Dyilo—three counts of war crimes, including the enlistment, conscription and use in armed conflict of children under the age of 15.

The ICC charges cover acts allegedly committed from July 2002 to December 2003 by Bosco in his capacity as deputy chief of staff of the Patriotic Forces for the Liberation of Congo (FPLC)—the military wing of the Union of Congolese Patriots (UPC) that was led by Lubanga. Lubanga was the first suspected war criminal sought by the ICC. He has been detained at the ICC since March 2006, and his trial began on January 26, 2009.

BEYOND THE ICC WARRANT

Bosco's career distinguishes him as one of eastern Congo's most ruthless rebels, having served as the operational military commander of several militias in Ituri and North Kivu. After leaving the FPLC, he joined another Iturian militia, the Revolutionary Movement of Congo (MRC).

Despite Bosco's notoriety as a warlord, the Congolese government appointed him brigadier general of the Congolese army in December 2004 among efforts to pacify Ituri. But Bosco refused to join the Congolese army, choosing instead to join the CNDP movement under Laurent Nkunda in North Kivu. As chief of staff of the CDNP, Bosco is alleged to have led his troops against civilian populations, including the killing of about 150 civilians in Kiwandja in North Kivu province on November 4-5, 2008.

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CRIMES IN ITURI

The atrocities allegedly committed by Bosco in Ituri as documented by human rights reports including the following:

August 2002: Massacres of civilians, burning of homes and looting in Songolo, Zumbe, Lipri and other villages

November 2002: Massacres of civilians because of their ethnicity, in the towns of Mongbwalu, Kilo and surrounding area in the Ituri district

August 2002 to March 2003: Ethnically-targeted arrests, torture and killings of Lendu and Ngiti civilians

2004: Murder of a UN peacekeeper in June and abduction of another later that year

OBLIGATIONS TO ARREST BOSCO NTAGANDA

In January 2009, Bosco ousted Nkunda as leader of the CNDP and declared an end to armed hostilities against the Congolese government. The government then named Bosco a deputy military commander. The Congolese government said it was not pursuing the arrest of Bosco in order to establish peace in the eastern part of the country—contravening Congo’s legal obligations to the ICC.

The United Nations Mission in DRC (MONUC) is mandated by three UN Security Council resolutions to cooperate with the Congolese government to ensure that suspected war criminals are brought to justice. Also, the Memorandum of Understanding between MONUC and the ICC of November 8, 2004 confirms MONUC’s authority to assist in executing ICC arrest warrants upon request of the Congolese government. The Congolese government has requested MONUC’s assistance in arresting wanted war criminals, including ICC suspects. While MONUC has assisted the Congolese government in arresting several alleged perpetrators of grave international crimes—which led to their trial before Congolese military tribunals—MONUC has not responded to the Congolese government’s request for assistance in apprehending ICC indictees.

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JUSTICE FOR BOSCO NTAGANDA’S CRIMES

Allowing Bosco to remain at large is an affront to his past victims and risks the commission of further war crimes. To break the cycle of impunity:

- The Congolese government must respect its obligation to collaborate with the ICC by arresting Bosco and transferring him to The Hague.
- Bosco must be held accountable for the totality of crimes he has allegedly committed, and the Congolese justice system should cooperate with the ICC to this end.
- The international community—particularly MONUC—should maintain pressure on the Congolese government to ensure that Bosco is arrested and held accountable.

Over a decade of conflict with impunity has made clear that lasting peace will not be achieved in Congo until justice is served.