



REPORT RELEASE

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The Democratic Republic of the Congo: The Long Road to a Just Peace

NEW YORK, November 24, 2004—An assessment of the transitional justice initiatives undertaken thus far in the Democratic Republic of the Congo (DRC) suggests that—despite some initial progress—a lack of security, fear of destabilization, limited political will, and scarce resources, have thwarted the development of effective transitional justice policies and that much needs to be done before a comprehensive framework that adequately addresses the country’s troubled past can be implemented.

In its over 50-page Occasional Paper, “A First Few Steps: The Long Road to a Just Peace in the Democratic Republic of the Congo” ([click on link to view full report](#)), the ICTJ evaluates the country’s efforts to pursue justice and makes recommendations on how it can move toward a just peace. Taking into account the complex realities of the current situation in the DRC, the Center urges that some measures, such as certain prosecution efforts, can and should take place immediately, while others should wait for necessary reforms and a more stable and secure environment.

Domestic prosecutions face numerous challenges in the DRC, not least of which is the determination of applicable law and the lack of independence and capacity of the Congolese judiciary. Though it is increasingly accepted that national courts should be the primary mechanism for prosecuting past crimes, in this paper the ICTJ urges that international mechanisms, including the International Criminal Court, a hybrid court, and an international tribunal should also be seriously considered and the advantages and disadvantages of each carefully assessed.

The Center emphasizes that quasi-judicial or nonjudicial mechanisms should also be seriously considered in order to address the inevitable “impunity gap.” It cautions, however, that if the truth and reconciliation commission established in July 2004 is

unable to conduct investigations into human rights abuses, it may be preferable to halt its work until elections are concluded. It also recommends that a comprehensive consultation process leading to greater civil society involvement takes place before the commission begins its work.

While the ICTJ recognizes that institutional reform in the DRC is essential to preventing recurrence of abuses and establishing the rule of law, it argues that before an appropriate and effective vetting program can be designed, the needs and risks of personnel reform must be thoroughly evaluated. Last, the Center recommends that the Congolese government and the United Nations consider establishing a commission of experts to recommend measures to pursue transitional justice in the DRC.

“While a first few steps have been taken to deal with the horrendous crimes committed in the DRC, these efforts still fall short of the greater accountability demanded by Congolese society,” said Federico Borello, the author of report and manager of the ICTJ’s work in the DRC. “This report draws attention to the urgent need for key reforms to be put in place, for national and international actors to assume and carry out their responsibilities, and for a comprehensive framework for truth, justice, reparations, and reform to be built.”

The ICTJ in the Democratic Republic of the Congo

The ICTJ has been involved in transitional justice in the Democratic Republic of the Congo since early 2003 when it began providing comments on draft legislation for a truth commission and traveled to Kinshasa to hold workshops and consultations with local groups, the UN, and international NGOs. Since then, the Center has been working with local civil society groups to enhance their ability to formulate transitional justice policies and lobby effectively for their implementation. In January 2004, the ICTJ held an international workshop in Cape Town, South Africa, to discuss transitional justice options for the Democratic Republic of the Congo. Congolese government officials and civil society representatives, UN officials, the prosecutor of the International Criminal Court, international NGO representatives, and experts discussed prosecutions, truthseeking initiatives, and possible legal and institutional reform measures to advance justice during the transition. The ICTJ has advised MONUC and other members of the international community on issues relating to the truth commission, vetting, and prosecutions.

About the ICTJ

The ICTJ assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. It provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments, and others. The ICTJ assists in the development of strategies for transitional justice comprising five key elements:

prosecuting perpetrators, documenting violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and advancing reconciliation. The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so.

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