

## **How to tackle the DRC's complex anti-impunity agenda**

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To date, there have been no effective responses to impunity for perpetrators of international crimes in the Democratic Republic of Congo (DRC), which have been on going since the start of violence in 1996. Despite the publication of the UN's 'Mapping Report', which called for specific measures to address impunity and foster reconciliation, the Congolese government and anti-impunity stakeholders are yet to identify and implement the most strategic ways to respond to the accountability deficit. Most recently, the Congolese government has proposed the establishment of a specialised chamber within the national justice system to try those responsible for serious crimes since 1993. With reforms in the justice sector continuing to be slow and hard earned, what kind of mechanisms can realistically respond to impunity for decades-old serious crimes, particularly in light of the governance and peace-building implications for the DRC?

Like the label "the rape capital of the world," it has now become cliché to refer to the "fight against impunity" for serious crimes in the DRC. Beyond generalities, the identification and evaluation of viable accountability mechanisms requires a detailed understanding of what is encompassed by the anti-impunity agenda. Dating back to the start of the rebellion to overthrow former President Mobutu in 1993, the number, type and range of international crimes that have been committed in the DRC, as well as a myriad of local, national and regional perpetrators is staggering. Debates around specific accountability mechanisms in the DRC must thus clearly identify what mechanisms can best respond to the different kinds of violations and their respective perpetrators. This article explores the viability of actual and potential options for two groups of violations, which fall within the periods of 1993 to 2002, and, 2002 to present.

Given the complex nature of its successive wars, it is difficult and not necessarily desirable to place broad categories on the history of violence in the DRC. However, for the purposes of determining anti-impunity mechanisms, two clear groupings of violations and perpetrators can be identified. The first set of international crimes dates from the start of the rebellion in 1993 to the signature of the Pretoria Agreement in December 2002. Following the 2003 Sun City Accord, a transitional unity government was established alongside Parliament and Senate appointments based on representatives from rebel groups, while, the new national army attempted to integrate members of the former warring factions. Some of these actors continue to be present in state institutions such as the army (known as the FARDC), police, and the Senate.

Building from reporting by local and international human rights actors, the UN Mapping Report documents many of the crimes committed during this period. Moreover, the UN Office of the High Commissioner for Human Rights continues to hold a confidential list of suspected perpetrators. Trying this group of perpetrators will require the establishment of an independent accountability mechanism that possesses some guarantee of international participation to ensure transparency and political non-interference.

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