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D.R. Congo: Justice for Horrific Crimes Needed EU Should Provide Funding for Judicial Reforms in D.R. Congo

(London, February 6, 2004) – President Joseph Kabila of the Democratic Republic of Congo should prioritize justice for the horrific crimes committed in the country's five-year war, Human Rights Watch said in a briefing paper released today.

This week President Kabila is visiting Europe to meet with the British, French, German and Belgian governments to discuss their provision of support for the Democratic Republic of Congo (DRC). The European Commission, in conjunction with U.N. agencies and potential European donors, initiated a mission of independent experts to assess the justice system in the DRC and is expected to recommend funding priorities to the European Union next month.

The 12-page briefing paper, "Confronting Impunity," highlights significant problems in the DRC limiting the capacity of national courts to prosecute the most serious crimes. Human Rights Watch also makes concrete recommendations of initiatives to ensure that justice can be done.

"Justice for past crimes can help avert worse horrors in the future," said Alison Des Forges, senior advisor to Human Rights Watch on the Great Lakes. "President Kabila should move justice to the top of his agenda."

Human Rights Watch urged the European Commission to recommend funds to improve the DRC's capacity to

prosecute some of these crimes, complementing possible prosecutions at the International Criminal Court. In particular, Human Rights Watch called for European Union funding for the immediate creation of a mobile investigative unit to collect and preserve evidence in the DRC.

“The first step toward prosecution is getting the evidence,” said Des Forges. “With limited staff and resources available for this work, the DRC needs the help of international experts in investigating and prosecuting war crimes.”

Britain, France and other members of the United Nations Security Council have often called for justice in the DRC, but the national justice system has had no substantial investment for over a decade and most of the courts do not function. President Kabila’s visit to Europe will provide an opportunity for major donors to pledge the resources necessary to make justice a reality.

All of the warring parties have committed systematic human rights offenses against civilians during the war. In many parts of eastern DRC, such as Ituri, North Kivu, South Kivu, and northern Katanga, armed groups continue to fight and commit widespread violations of international humanitarian law, including ethnic massacres, sexual violence, and recruitment of child soldiers.

In July 2003 the prosecutor of the International Criminal Court (ICC), Luis Moreno Ocampo, indicated that he is following the situation in Ituri closely. However, the ICC has the authority to prosecute only those crimes committed after July 1, 2002, when the ICC treaty came into force. Additionally, the ICC will have the resources to prosecute only a small number of alleged perpetrators. The briefing paper is available online at: <http://hrw.org/english/docs/2004/02/02/congo7230.htm>. For other reports on the DRC, see <http://www.hrw.org/doc?t=africa&c=congo>