

NATIONAL COALITION FOR THE ICC IN DRC PRESS RELEASE ON KIVU  
PEACE CONFERENCE, 6 JANUARY 2008

“Press Release N°004/CN-CPI/SK/RDC/2008,” Focal Point for the National Coalition for the ICC in South Kivu, DRC (CN-CPI/SK), 6 January 2008,  
[http://www.iccnw.org/documents/CNCPI\\_SK\\_PR\\_6jan08\\_fr.pdf](http://www.iccnw.org/documents/CNCPI_SK_PR_6jan08_fr.pdf) (in French)

“The work of the Kivu Peace Conference, the security and development of North and South Kivu must not lead to resolutions uniquely on the impunity of criminals. The focal point for the CN-CPI/SK is closely following the proceedings of the conference in Kivu [this Goma-based conference initiated by president Kabila aims to put an end to the conflict in the east of the country is scheduled from 6 -14 January 2008, the security and development in the North and South Kivu provinces.

The focal point believes that the conference, which he welcomes, will be limited to an evaluation of the obstacles which block the advancement of peace, security, development in these provinces and the formulation of the pathways to clear solutions. Those attending the conference must be ready to make resolutions that will further the fight against the impunity of war crime criminals who violate human rights and international humanitarian law.

As such, they must not lose sight of the real security, the real peace, the real reconstruction of the socio-political fabric, and the real reconciliation which needs to follow the establishment of the truth and the responsibilities of the crimes endured by the population who are either excluded or badly represented during these hearings. In other words, we must fight against impunity by the means of JUSTICE.

Who can forget the massacres and atrocities in Makobola, Nindja, Kasika, Gatumba, Kaniola, Tulumamba, Masanga, Kavumu and the systematic campaign of rape, pillaging and the burning of the Bukavu economic symbol and the outerlying areas by deposed military officials and dissidents of the FARDC, Colonel Jules Mutebutsi and Général Laurent NKUNDA? Let’s not have short memories!

While it is true that negotiations could include provisions for the integration of FARDC ranks into the military, the integration of those remain reluctant to disarm, demobilize and reinsert, it would be unpardonable for the negotiators to forgo jurisdiction that must be pursued without interruption or political influence.

Moreover, the focal point remains convinced that this conference should be an opportunity for the head of state to receive solid propositions in order to fulfill his promise to the Congolese people, the one to the D. R. Congo a veritable “State of Law” where justice plays an effective role in establishing the facts, pursues the condemnation of perpetrators of massive crimes against humanity.

Thus, we recommend that conference participants:

1. The adoption of a Parliamentary law for the implementation of Rome Statute, the founding treaty of the ICC. This national law must contain the following : the active participation of the victims in the search for the truth; the introduction of new elements in war crimes, crimes against humanity and crimes of genocide and new incriminations; the notion of the irrelevance of official capacity of the author of the international crimes (neither the privileges of jurisdiction nor immunities); the principle of objective responsibility of the civil or military command; the creation of a trust fund for victims; the rigor in the collection of evidence; the complementarity of cooperation with the ICC by Congolese jurisdictions; the competence of Congolese jurisdictions over the crimes of the Rome Statute in accordance with the principle of complementarity; the inclusion of the notion of indemnities or collective reparations.

2. The allocation of significant means for the reorganization of the judiciary body that must take the lead in the repression of serious and massive crimes suffered daily by the Congolese population in general and in the North and South Kivu areas in particular;

3. The training of magistrates, particularly those based in Eastern DRC, on the complementary nature of the ICC and the conditions to be fulfilled]

4. The establishment of peace and military courts in each territory of North and South Kivu.

5. The restructuring of the CONADER et the genuine reinsertion of former combatants who have chosen to demobilize.

The focal point reminds conference participants that they have the responsibility to watch over the interests of all victims of human rights violations and international humanitarian violation who will only be healed by witnessing their torturers brought before JUSTICE. For this to happen, the government must adopt a global strategy to fight against impunity of massive and grave crimes as one of constituting element of pacification in provinces of North and South Kivu.

(Translation is unofficial and provided by the CICC Secretariat)