



“IS ANYONE MOVED BY CONGO’S PAIN?”

**25 YEARS WITHOUT JUSTICE FOR THE SIX-DAY WAR
IN KISANGANI**

RESEARCH
BRIEFING

AMNESTY
INTERNATIONAL



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Cover: A woman sits in silence, gazing at her family's shell-damaged home. She suffers from mental trauma since the war.

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1. EXECUTIVE SUMMARY

On 5 June 2000, the city of Kisangani in the Democratic Republic of Congo (DRC) became the scene of intense indiscriminate shelling and firing at the hands of the Rwandan and Ugandan armies. For six days, the civilian population was trapped. Electricity and water were cut. Some civilians risked moving within the city to get to a nearby hospital or a church where they thought they would be safer or to find water or food. Homes were damaged by the shelling or pillaged, women were raped, hundreds of people were killed, and thousands were injured. These crimes have been thoroughly documented by Congolese civil society and the United Nations (UN).

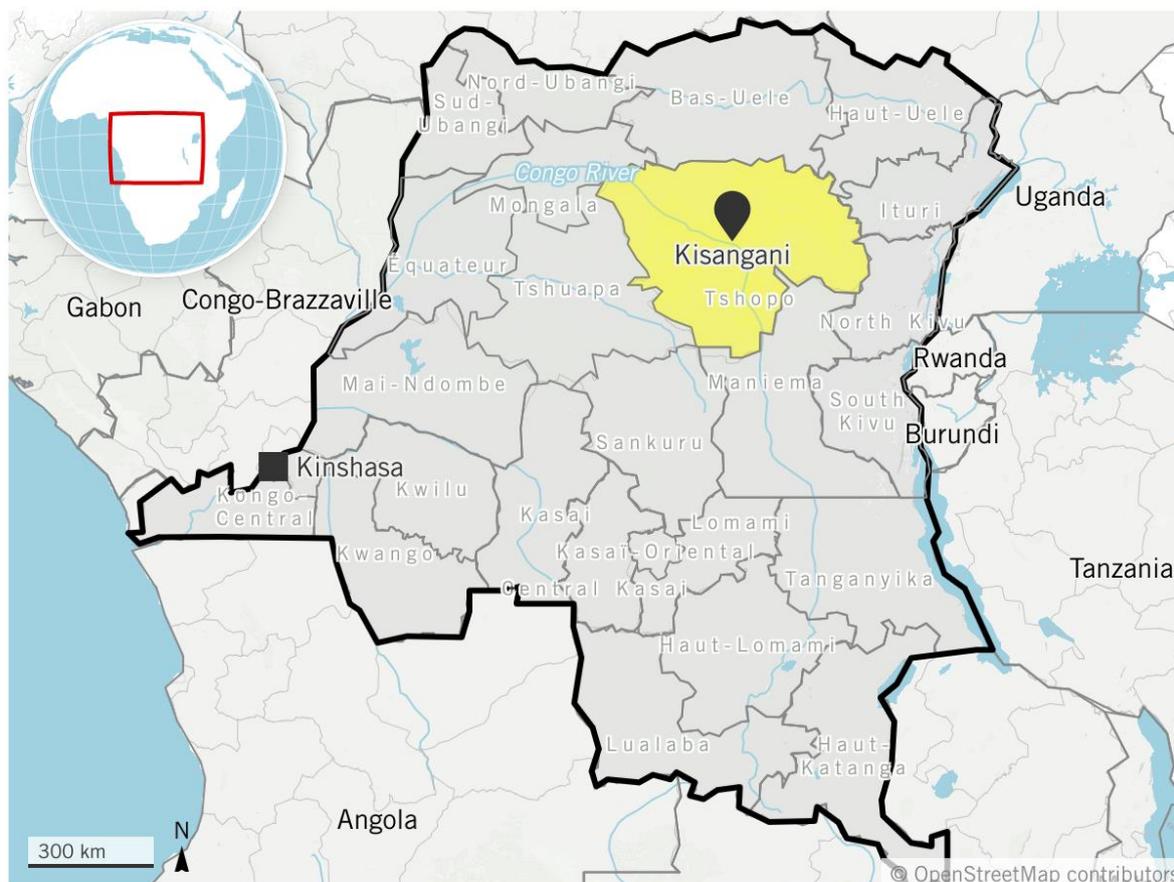
This briefing by Amnesty International takes stock of what has been done by the Congolese authorities since these crimes happened and how survivors of the Kisangani war are living today. It is based on research in Kisangani and Kinshasa in October 2024, including interviews with over 50 individuals, including survivors and justice sector officials. Amnesty International also analyzed over a hundred documents including reports, laws, judicial decisions and articles. Our research concludes that victims and survivors have been denied justice and impunity for perpetrators prevails to date. In 25 years, not one single individual has been brought to court to answer for these crimes. There have not been any criminal judicial investigations or prosecutions. At the international level, the ICC is not competent for crimes committed before 2002. At the national level, Congolese courts, both military and civilian, have never opened an investigation. There was no political will to initiate or back up justice efforts because of the peace deal negotiated at the end of the Second Congo war. Political leaders, among them former belligerents, had no interest in seeing those proceedings take place; and the courts suffer from lack of independence.

As a result, the rights of people in Kisangani to truth and justice have largely been ignored to date. The complete inaction of Congolese courts has led concerned communities to lose trust in the justice system. Nevertheless, victims' networks and local civil society have not stopped asking for justice and keep taking action to ensure crimes committed in Kisangani are not forgotten. Whether through the existing appeals courts, which have jurisdiction over crimes under international law since 2013, or through the establishment of a new judicial mechanism as suggested by Congolese authorities for years, the DRC has an obligation to investigate, and if enough evidence is found, to prosecute and judge those responsible for the crimes committed in Kisangani during the six-day war, in fair trials.

In parallel, for over 20 years, victims of the Kisangani war did not receive any reparations, until Uganda was ordered by the International Court of Justice (ICJ) to pay reparations. This followed a case brought by the DRC against Uganda and Rwanda, but the ICJ did not have jurisdiction over the latter, so only Uganda was judged. In 2024, some victims finally started to receive compensation, but the institution created by DRC authorities to receive funds by Uganda and distribute them has been extensively criticized. DRC authorities must fulfil their obligation to ensure victims of the Kisangani wars are provided with adequate, prompt and full reparations, designed and implemented in partnership with local civil society and victims' groups.

While all eyes are on crimes ongoing in the Kivus, crimes of the past tend in the DRC to get swept under the carpet. History repeats itself, crimes continue with similar actors, similar weapons, similar suffering, and the number of victims grows with every year that passes by, one generation after another. Criminal accountability for past crimes under international law is needed to stop the cycle of violence. Many people in Congo have been waiting for truth, justice and reparations for years or decades and it is time that their calls are heard and prioritized. The population of Kisangani who got trapped during the fighting between Ugandan and Rwandan armies in their city in 1999 and 2000 is one of these tragic examples.

Democratic Republic of the Congo



2. METHODOLOGY

This briefing is based on research from September 2024 to March 2025. Most interviews were conducted between 5 and 19 October 2024 by Amnesty International delegates on a visit to the Democratic Republic of the Congo (DRC). They interviewed 56 people, 12 in Kinshasa (11 men and one woman, which is partly explained by the overrepresentation of men within public authorities) and 44 people in Kisangani (25 men and 19 women). Those interviewed include individuals working in the justice sector such as prosecutors, judges, lawyers; civil society members and survivors; law professors; and a few representatives from the United Nations and NGOs working with the justice sector.

In Kisangani, Amnesty International conducted interviews in two focus group discussions - one with 10 civil society representatives and one with 16 survivors of the 'Kisangani wars'. All others were interviewed individually. Most interviews were in French, with some primarily with survivors in Lingala, at times with interpretation to French. Delegates also visited the ongoing construction of a memorial and mass grave in Kisangani, as well as buildings and homes in Kisangani damaged during the war.

Amnesty International informed interviewees about the purpose of the research and how the information they shared would be used. Informed oral consent was sought from all interviewees. Identifying information has been omitted to protect the security of people interviewed. Survivors were asked what they wanted duty bearers to do, and their views are reflected in the briefing.

In addition, Amnesty International analyzed over a hundred documents including Congolese legal texts, UN reports, international and Congolese NGO reports, academic articles and books, judicial decisions and media reports.

On 13 May 2025, Amnesty International wrote to the Ministry of Justice, the Ministry of Defence and FRIVAO sharing its findings and inviting them to provide additional information or response. No response was received at the time of publication of this report.

3. BACKGROUND

3.1 HISTORICAL CONTEXT

The Democratic Republic of Congo (DRC) has been the scene of egregious human rights violations since at least its period under colonization beginning in the 1870s. In the last 30 years, starting in the aftermath of the genocide of the Tutsi in neighbouring Rwanda, the country has experienced protracted armed conflicts especially in its eastern provinces.

Kisangani is a city in Tshopo province, in the middle of the world's second largest tropical forest, where the Tshopo, Lindi and Congo rivers meet. It has a strategic location connecting the eastern and western parts of the country and the capital Kinshasa, by the Congo river or by land. Kisangani literally means 'on the island' in Swahili and is a city surrounded by rivers. In the 1990s, Kisangani was the third most populated city in Zaire, subsequently renamed DRC in 1997, a commercial centre and one of three university hubs in the country.

The First Congo War lasted from October 1996 to May 1997 leading to the overthrow of President Mobutu Sese Seko by armed opposition leader Laurent-Désiré Kabila, who became the president of the DRC, with the backing of Rwanda and Uganda. According to the UN's Mapping Report, at least several tens of thousands of Hutu refugees from Rwanda, who had been living in DRC since the genocide of the Tutsi in Rwanda, were massacred by the Alliance of Democratic Forces (known by the French acronym AFDL)¹ and Rwandan soldiers from the Kivus to Kisangani and beyond.² In March 1997, AFDL and its foreign allies fought the Congolese army and took control of Kisangani. Two months later, the conflict concluded in Kinshasa with Kabila taking over power.

In August 1998, the Second Congo War started, right after President Laurent-Désiré Kabila made it clear that Rwandan and Ugandan soldiers, formerly his allies, who had been present in the DRC since the first war, should leave.³ This war, initially between DRC and Rwanda, quickly turned into a conflict of significant magnitude, involving numerous armed groups and other African states, eventually impacting millions of civilians and lasting until 2003.⁴

Despite the ongoing conflict, in 1999, Kisangani was relatively peaceful. At that time, DRC was divided in two: the West and South were controlled by the Congolese army and its allies, while the North and the East, where Kisangani is located, were under the control of the armed groups *Rassemblement pour la Démocratie* (RCD) and *Mouvement de Libération du Congo* (MLC) respectively allied with Rwanda and Uganda.⁵ Both Uganda and Rwanda had military presence in Kisangani. Ugandan forces

¹ Alliance des forces démocratiques du Congo (AFDL) was the political and armed group led by Kabila.

² UN, "Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003", August 2010, Chapters II, <https://www.mapping-report.org/en/>; Gerard Prunier, *Africa's world war: Congo, the Rwandan genocide, and the making of a continental catastrophe*, edited by Oxford University Press, 2009.

³ In July 1998, DRC's President Kabila made a public statement specifically asking Rwanda to leave. In August, he confirmed this position towards both Rwanda and Uganda at the Victoria Falls summit.

⁴ UN, "Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003" [hereafter referred as 'the 2010 UN Mapping Report'], August 2010, Chapters III and IV, <https://www.mapping-report.org/en/>; See also, Gerard Prunier, *Africa's world war: Congo, the Rwandan genocide, and the making of a continental catastrophe*, edited by Oxford University Press, 2009, Chapters 6, 7 and 8 [hereafter referred as 'Prunier, Africa's world war book']; David Van Reybrouck, *Congo, une histoire*, originally published in 2010, French translation, edited by Babel, October 2014, [hereafter referred as 'the Van Reybrouck, Congo history book'], Chapter 12. See also all the reports by the UN Secretary General to the UN Security Council about the MONUC and the reports by the UN Special Rapporteur on the situation in the DRC dated from the 1998-2003 period.

⁵ This is simplified for ease of understanding. Within the northern and eastern part, most was controlled and administered by the main armed groups opposed to Kinshasa (RCD and MLC) with the support of their foreign allies, but according to the International Court of Justice at times some areas were also under the direct occupation of these foreign troops (not the city of Kisangani). Uganda and Rwanda alliances with Congolese armed groups are also not as simple as two clear coalitions Uganda-MLC and Rwanda-RCD, and fluctuated with those two groups, sub-branches of these groups and other groups. In addition, even though this part of the country was not controlled by the DRC state, some pro-government armed groups were still present in the Eastern area and fighting with the support of the DRC state, like the Mai-Mai militia and the Forces Democratiques de Liberation du Rwanda (FDLR).

were stationed around the Tshopo river, north of the city. Rwandan forces were south, closer to the Congo river.

A civil society activist present in Kisangani at the time recalled to Amnesty International, “Kisangani remained abandoned in the hands of these two armies. [...] The Rwandans occupied the houses in the city. The Ugandans stayed at their base.”⁶ A professor shared his perspectives on this period with Amnesty International, “Kisangani is a strategic city, it connects East and West on the river. In a symbolic spirit, to occupy Kisangani is to occupy the DRC. Uganda and Rwanda found themselves there in complicity with certain Congolese elites for the control of space and resources.”⁷

At first, there was no active fighting within the city. The war fronts were further away.

3.2 THE “THREE-DAY, ONE-DAY AND SIX-DAY WARS” IN KISANGANI IN 1999-2000

On 14 August 1999, the “three-day war”, as people in Kisangani call it, began. Suddenly, the Rwandan and Ugandan armies⁸ started fighting each other in Kisangani. The two states, initially allies in the armed conflict, turned against each other. Many have speculated that this stemmed from competing political and economic interests, as both had been substantially profiting from extraction of natural resources in the region with their Congolese allies.⁹

For three days, Rwandan and Ugandan soldiers engaged in shelling and fired at each other and at civilian homes, leading to over 30 civilians killed and over 100 wounded.¹⁰

A resident of Kisangani at the time interviewed by Amnesty International told us, “Around 2.30 pm we were surprised by gunshots from both sides. No one could get out, the bullets were whistling everywhere, the bombs were falling. We thought that after that we would find a solution to prevent it from happening again. Unfortunately, this did not happen.”¹¹

The “three-day war” was followed by months of relative quiet until fighting started again suddenly on 5 May 2000.¹² This time it only lasted one day.

⁶ Interview, Kisangani, 17 October 2024

⁷ Interview, Kisangani, 15 October 2024

⁸ To provide a general picture, it was said above, that Rwanda and Uganda were allied respectively with the armed groups RCD and MLC. In fact, around the same time two factions within the RCD two factions appeared, RCD-G created in Goma and loyal to Rwanda on the one hand; and RCD-K-ML created in Kisangani and loyal to Uganda on the other hand. The role of the Congolese allies in these days of fighting in Kisangani is unclear. There is no substantive documentation of their direct participation in the fighting.

⁹ UN, Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC, 12 April 2001, S/2001/357; ‘the 2010 UN Mapping Report’, paragraph 748; ICJ, Judgment of 19 December 2005, Case concerning armed activities on the territory of the Congo (DRC v. Uganda), paras. 242-243; ‘the Van Reybrouck, Congo history book’, pp. 573-574 in its French edition; ‘Prunier, Africa’s world war book’; and many academic and media articles.

¹⁰ ‘The 2010 UN Mapping Report’, para. 361; UN, “Report on the situation of human rights in the DRC submitted by the Special Rapporteur Mr Roberto Garreton”, E/CN.4/2000/42, para. 43; See also IRIN News, “Heavy fighting in Kisangani”, 16 August 1999, <https://www.thenewhumanitarian.org/news/1999/08/16/heavy-fighting-kisangani>

¹¹ Interview, Kisangani, 17 October 2024

¹² ‘The 2010 UN Mapping Report’, para. 362; IRIN-CEA, “Weekly round-up covering the period 29 Apr-05 May 2000”, 5 May 2000, <https://reliefweb.int/report/burundi/irin-cea-weekly-round-18-covering-period-29-apr-05-may-2000>

Exactly a month later, the longest and most intense phase started. From 5 to 10 June 2000, the « six-day war » took place in Kisangani.¹³ Thousands of shells¹⁴ were fired by both sides on the city during this period. The two armies used the city as their battlefield, without any effort to differentiate between civilians and fighters.¹⁵ At least several hundred civilians were killed during these days and thousands were injured due to the indiscriminate shelling.¹⁶

A civil society activist who survived and reported on the three wars in Kisangani recounted:

“To everyone’s surprise, on 5 May 2000, the two armies clashed again. But they didn’t come face to face. The two armies threw bombs in the city center. [...]”

A month later, on 5 June 2000, it was a Monday. The kids were in school, the students were in college, the moms were in the market... and we [him and his colleagues] were in the office. I was in the process of finalizing our one-day war report. And suddenly we heard bombs around 10:00 am. [...]

This war lasted from 5 June to 10 June. During these 6 days there were bombs on both sides. Many buildings were affected: the youth chaplaincy, the colleges, the centre for the disabled, the cathedrals... For 6 days there were only bombs falling, we did not know if we were going to live. There were a lot of fatalities. No one could get out, even the UN observers were locked up. We survived with just one packet of cookies. If we have had our lives saved, it is only thanks to God.”¹⁷

Some inhabitants of Kisangani managed to cross a river and stay in the forest outside of the city during the fighting, others were trapped in the city, usually forced to stay exactly where they were when the fighting started. Electricity and water were cut. Those who took the risk of moving within the city tried to get to a nearby hospital or a church when they thought they would be safer, or they were desperate for water or food.

A woman who still struggles to find a job because of discrimination due to her disability after an injury at this time told us, “I was seven at the time of the war, living on 6th Avenue. On this side there were many Rwandan soldiers. I was walking with my grandmother when I was struck by a bomb in my leg. I didn’t know how to get to hospitals, it was dangerous, so we were dealing with the injury at home but the foot was rotting. On the fifth day I went to the hospital, but it was too late they cut off my leg.”¹⁸

¹³ Non-exhaustive list of resources documenting the 6-day war in Kisangani:

UN reports: UN Security Council (UNSC), Third secretary general report on the MONUC, 12 June 2000, S/2000/566, paras. 13-20; UNSC, Report of the inter-agency assessment mission to Kisangani (pursuant to Security Council resolution 1304(2000), para. 14), 4 December 2000, S/2000/1153 [hereafter referred as ‘the UN 2000 inter-agency report’]; UN Report on the situation of human rights in the DRC submitted by the Special Rapporteur Mr Roberto Garreton, February 2001, E/CN.4/2001/40, paras. 28-30; ‘the 2010 UN Mapping Report’, paras. 363, 583 and 748

NGO reports : Les Amis de Nelson Mandela pour la défense des droits humains (ANMDH), « Guerre à Kisangani, Les troupes rwando-burundaises et ougandaises continuent à perpétrer les massacres dans la sous-région des grands lacs », June 2000, report on file with Amnesty International, thereafter referred as ‘the 2000 ANMDH report on the Kisangani war’. The report includes detailed incidents and lists of names of civilians killed.

Groupe Lotus and Justice and Liberations, two other Kisangani-based NGOs, also published detailed reports on the Kisangani wars.

Media reports during the events: IRIN News, “Sporadic fighting in Kisangani”, 7 June 2000,

<https://www.thenewhumanitarian.org/news/2000/06/07/sporadic-fighting-kisangani>; IRIN-CEA, “Weekly round-up covering the period 3-9 June 2000”, 9

June 2000, <https://reliefweb.int/report/burundi/irin-cea-weekly-round-23-covering-period-3-9-june-2000>; IRIN News, “Humanitarian workers reach

Kisangani”, 12 June 2000, <https://www.thenewhumanitarian.org/news/2000/06/12/humanitarian-workers-reach-kisangani>; BBC, “Heavy fighting

resumes in Kisangani”, 10 June 2000, <http://news.bbc.co.uk/2/hi/africa/785089.stm>;

Academic studies : Richard Kadiebwe, “La Guerre des six jours à Kisangani”, edited by L’Harmattan, 2009; ‘Van Reybrouck, Congo history book’ (pages 574-575 in the French edition); ‘Prunier, Africa’s world war book’;

Judicial report: ICJ, Judgment of 19 December 2005, Case concerning armed activities on the territory of the Congo (DRC v. Uganda).

¹⁴ Estimates in the above-mentioned reports vary between over 2,000 to over 6,600 bombs shells dropped. For instance, ANMDH reported that over 6,000 bomb shells were launched and that by 26 June 2000 city authorities had collected 1820 bombs or bomb shells, 50 hand grenades, 63 rockets and 20 land mines in its demining operations (‘the 2000 ANMDH report on the Kisangani war’, p. 6).

¹⁵ ‘the UN 2000 inter-agency report’, para. 59: “Extensive damage to residential areas caused by the indiscriminate shelling and fighting in residential areas was a clear indication of the blatant disregard by the warring parties for the civilian population.”; the ICJ, relying on UN reports and other documentation, concluded there were indiscriminate attacks, see ICJ, Judgment of 19 December 2005, Case concerning armed activities on the territory of the Congo (DRC v. Uganda), para. 208.

¹⁶ According to the UN inter agency team, “over 760 civilians were killed, and an estimated 1,700 wounded. More than 4,000 houses were partially damaged, destroyed or made uninhabitable. 69 schools were shelled. Medical facilities and the cathedral were also damaged during the shelling, and 65,000 residents were forced to flee the fighting and seek refuge in nearby forests.” ‘the UN 2000 inter-agency report’, para. 16. According to the UN special rapporteur on DRC, “about 1,000 Congolese civilians died and thousands more were wounded”, UN Report on the situation of human rights in the DRC submitted by the Special Rapporteur Mr Roberto GARreton, February 2001, E/CN.4/2001/40, para. 29. Local NGOs had reported over 3,000 wounded.

¹⁷ Interview, Kisangani, 17 October 2024

¹⁸ Interview, Kisangani, 14 October 2024

Another resident of the city recounted, “A gentleman who was a driver had gone to work on Monday. He was stuck all week of the war on the other side of town. He returned home at the end of the six days and found his wife and three children, the decomposing corpses. The house had been hit by bombs. He went mad and died shortly after.”¹⁹

According to the UN Mapping Report, shells were fired on heavily populated areas, resulting in indiscriminate attacks. But soldiers from both sides also committed other crimes against civilians: they intentionally killed some people, raped women,²⁰ and pillaged houses.



*On the left, a woman showing a hole in the rooftop of her family's house, where a bomb fell. On the right, bullet marks in the wall in the same house. Kisangani, October 2024
© Amnesty International*

A woman recounted her experiences to Amnesty International: “We had a bar in our house. It was in this bar that they [soldiers] stored the corpses of the Rwandan soldiers. My father asked for the bodies to be brought out, and in response they shot him. The child was on his knees, he fled and hid in the house, while the soldiers continued to shoot at the others. In my house they killed six people at close range: my father, my mother, my sisters and my children. In the house there are the after-effects of these fights, the traces of blood and the traces of bullets. The house has never been rehabilitated, we [the child who survived and herself] can't bear to go back.”²¹

Another woman shared her story, while wearing a skirt on which was printed the phrase ‘rule of law’ (*Etat de Droit*). She said, “A first bomb fell behind our home. I was confined at home with a lot of children. After four days we ran out of water, so we went out to fetch some water and there the Rwandan soldiers saw us. They took me by force. I asked them to leave me because I had babies. Four soldiers raped me. Another woman was also raped at the same time. I told them that I had babies, showed them my breasts to show them that I was breastfeeding and asked them to release me... they ended up letting me go. [...] When my husband returned at the end of the war, he was told that I had been raped so he filed for divorce. The church tried to intervene, but he refused and left. I could no longer afford to rent the house, so the owner kicked us out. I went to church with the children [two of them had been injured by bomb shells], they welcomed us for a while, then I heard about a camp for displaced people in Kinshasa, we went and stayed there for over two years.”²²

People suffered multiple harms, including bodily, psychological²³ and material harm. Years later, it is evident that people died as a consequence of the ‘six-day war’ from injury or disease complications, landmines in the city and in major access points to the city,²⁴ mental health issues, and difficulties in recovering economically, among others. Those who survived still live through hardship to this day.

¹⁹ Interview, Kisangani, 17 October 2024

²⁰ ‘the 2010 UN Mapping Report’, para. 583; interviews in Kisangani, October 2024.

²¹ Interview, Kisangani, 14 October 2024

²² Interview, Kisangani, 17 October 2024

²³ On psychological trauma, see ‘the UN 2000 inter-agency report’, para. 18.

²⁴ ‘the UN 2000 inter-agency report’, para. 63; ‘the 2000 ANMDH report on the Kisangani war’, p. 19.

A man told Amnesty International, “I lost a child who was born in 1997 and was killed. I never found her body. Since then, I can't think like I used to. I'm in pain, I'm traumatized.” He apologized for finding it difficult to talk about it.²⁵

A woman, underscoring the urgency of socio-economic support from the state, shared, “I spent 6 days in the forest during the war with the children, it was very difficult. When we returned to the city, everything had been looted. At home, it was the Ugandans. Our house was a battlefield. We found the corpse of a Ugandan in our toilet. I lost everything. I made bread before the war, and it allowed me to take care of my children. But I no longer have a bread oven, I have lost the means to pay for their schooling. I also didn't have the means to rehabilitate the house, so we abandoned it.”²⁶

3.3 UNDER THE RADAR OF INTERNATIONAL OBSERVERS

These crimes which happened in 1999 and 2000 in Kisangani have been thoroughly documented by Congolese civil society, as well as by UN investigators (some of whom were on site during the 6-day war). In 2010, the ‘Mapping report’ by the UN was published documenting over 600 violent incidents, including crimes under international law, committed in DRC between 1993-2003, including those by the armed forces present in Kisangani in 1999 and 2000. Even though earlier UN reports covered the events in Kisangani and the mapping report was published 10 years later, it has become a powerful reference point for violations committed during the Second Congo war. Many people Amnesty International interviewed mentioned that report (“*it's all in the mapping report!*”), sometimes mentioning how they contributed to it or other times asking why the annexes of the report pointing at individual responsibilities were never made public.

In parallel, the DRC state brought cases to the International Court of Justice (ICJ) against Rwanda and Uganda for, among other things, the crimes their armies perpetrated in Kisangani. A few years later the ICJ concluded that it was not competent to examine the case against Rwanda²⁷, to the disappointment of many Kisangani residents.²⁸ However, in 2005, the ICJ issued its decision against Uganda,²⁹ finding that Uganda had violated international humanitarian law, including in Kisangani during the 1999 and 2000 wars against the Rwandan army, “by the conduct of its armed forces, which committed acts of killing, torture and other forms of inhumane treatment of the Congolese civilian population, failed to distinguish between civilian and military targets and to protect the civilian population in fighting with other combatants”, among other things. In 2022, the Court ordered Uganda to pay over 300 million US dollars in reparations for the damage caused to DRC and its population in Kisangani and in other parts of eastern DRC at the time.³⁰

²⁵ Interview, Kisangani, 14 October 2024

²⁶ Interview, Kisangani, 14 October 2024

²⁷ The ICJ is a court competent to deal with disputes between States on interpretation or application of international law, but the Court has jurisdiction only when the concerned states agree to have their dispute submitted to the ICJ for resolution. Rwanda had not accepted the jurisdiction of the ICJ in this case. The DRC argued that the Court still had jurisdiction because of prior acceptance by Rwanda through treaty clauses, but the ICJ found the instruments invoked by the DRC had not been ratified by Rwanda or Rwanda had made reservations to them. So the ICJ concluded it had no jurisdiction in this case.

See ICJ, Judgment of 3 February 2006 on jurisdiction of the Court and admissibility of the application, Case concerning armed activities on the territory of the Congo (new application: 2002) (DRC v Rwanda)

²⁸ This was expressed in several interviews in Kisangani, October 2024. One man said “L'Ouganda a été condamné à payer des millions, mais le Rwanda n'est pas justiciable. Ça nous a écoeuré et ça nous fait mal. »

²⁹ ICJ, Judgment of 19 December 2005, Case concerning armed activities on the territory of the Congo (DRC v. Uganda)

³⁰ ICJ, Judgment of 9 February 2022 on Reparations, Case concerning armed activities on the territory of the Congo (DRC v. Uganda): the Court ordered 225,000,000 USD for damage to persons, 40,000,000 for damage to property, 60,000,000 for damage related to natural resources. Note that this is aimed to redress a number of violations, and not only those committed in Kisangani.

4. 25 YEARS WITHOUT JUSTICE

4.1 THE ABSENCE OF CRIMINAL PROCEEDINGS

In 25 years, there have not been any criminal judicial investigations or prosecutions for crimes against civilians in Kisangani during the one-day, three-day or six-day wars. No individual has been brought to court to answer for these crimes.



*An empty courtroom in Kisangani,
October 2024.*

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As one human rights activist summarized it, “with regards to prosecutions, whether nationally or internationally, nothing, nothing, nothing has been done. All these people [alleged perpetrators] strut around. Before Congolese courts, there is general impunity. Our justice system makes no effort, if only to investigate!”³¹

³¹ Interview, Kisangani, 17 October 2024

LEGAL FRAMEWORK: MILITARY OR ORDINARY COURTS?

DRC ratified the Rome Statute of the International Criminal Court in 2002 and, within the same year, incorporated Rome Statute crimes (genocide, crimes against humanity and war crimes) into Congolese law and gave exclusive jurisdiction to military courts to investigate and prosecute these crimes, regardless of the status of the accused.³²

In 2006, a new Congolese Constitution was adopted, which states in article 156 that: “Military courts hear offences committed by members of the Armed Forces and the National Police.”

In line with this new Constitution, a 2013 law reorganized the Congolese judicial system and, among other things, established in article 91 that ordinary courts, more specifically appeals courts, have jurisdiction over cases of genocide, war crimes and crimes against humanity.³³ In addition, two years later, other laws³⁴ were adopted to remove these crimes from the Military Criminal Code and incorporate them into the Criminal Code. These legal reforms ensured that **Rome Statute crimes should primarily be dealt with by ordinary criminal courts, except military courts retain jurisdiction if the crime is committed by a member of the Congolese armed forces.**

The prohibition of military courts from trying civilians, as recognized by the Congolese Constitution, is in conformity with international law. Beyond that, there is growing consensus under international law that military courts should not be competent to examine cases of crimes under international law, such as crimes against humanity or war crimes, or human rights violations.³⁵

The African Commission on Human and Peoples’ Rights (ACHPR) principles and guidelines on fair trial clearly state that: “The only purpose of military courts shall be to determine offences of a purely military nature committed by military personnel. [...] Military courts should not in any circumstances whatsoever have jurisdiction over civilians.”³⁶

Moreover, principle 29 of the UN Updated set of principles for the protection and promotion of human rights through action to combat impunity reads: “The jurisdiction of military tribunals must be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which shall come under the jurisdiction of the ordinary domestic courts or, where appropriate, in the case of serious crimes under international law, of an international or internationalized criminal court.”³⁷

The UN Committee against Torture has consistently advised DRC to remove the jurisdiction of the military courts to try civilians or cases of serious human rights violations.³⁸

³² Laws No. 023/2002 and 024/2002 establishing respectively the Military Justice Code and the Military Criminal Code.

³³ Law No. 13/011-B on organisation, functioning and competence of jurisdictions of the judicial order, article 91: “The courts of appeal [...] also hear, in the first instance: the crime of genocide, war crimes and crimes against humanity committed by persons under their jurisdiction and that of the courts of first instance.”

³⁴ Law No.15/022 of 31 December 2015 amending and supplementing the Decree of 30 January 1940 on the Criminal Code; Law No. 15/023 of 31 December 2015 amending Law No. 024-2002 of 18 November 2002 on the Military Criminal Code

³⁵ See for instance the jurisprudence of the UN Committee Against Torture (CAT), footnote 38 below.

See also examples of cases where human rights bodies call for military personnel charged with ordinary criminal offences to be tried before a civilian court rather than a military court: HRC, Concluding observations: Democratic Republic of Congo, UN Doc CCPR/C/COD/CO/3, 2006, para. 21; CAT Concluding Observations: Guatemala, UN Doc.CAT/C/GTM/CO/4, 2006, para 14; ACHPR, *Wetsh’okonda Koso and others vs Democratic Republic of the Congo*, Communication 281/2003, 2008, paras. 85-87.

³⁶ ACHPR, *Principles and guidelines on the right to a fair trial and legal assistance in Africa*, 2003, section L; Confirmed by ACHPR jurisprudence, see for instance *Centre for Free Speech vs Nigeria* (communication 206/97), 13th annual report (1999), paras. 12-14. The ACHPR adopted these guidelines within its mandate to interpret the African Charter on Human and Peoples’ Rights, which DRC has ratified.

³⁷ UN Economic and Social Council, Updated set of principles for the protection and promotion of human rights through action to combat impunity, E/CN.4/2005/102/Add.1, 2005, principle 29

³⁸ UN Committee Against Torture (CAT), Concluding observations on the second periodic report of the DRC, CAT/C/COD/CO/2, June 2019, paras. 26-27: “While taking note of article 156 of the 2006 Constitution, and notwithstanding the adoption of [the 2013 law], [...] the Committee is concerned that the military courts continue to have jurisdiction [...]. The State party should make the necessary legislative amendments to remove the jurisdiction of the military courts to try civilians and ensure that the ordinary courts alone have jurisdiction to hear cases involving serious violations of human rights committed against civilians.”; UN CAT, *Conclusions and recommendations of the Committee against Torture on Democratic Republic of Congo*, CAT/C/DRC/CO/1, April 2006, para. 9: “The State party should take the necessary steps to ensure that military courts are used solely for the purpose of trying military personnel for military offences in accordance with the relevant provisions of international law.”

Amnesty International calls on the DRC authorities to ensure that legal reforms already adopted are implemented in practice, including through training, and expertise and skill transfer, from military to ordinary courts. This must be done to enable ordinary criminal courts to effectively exercise their jurisdiction over genocide, crimes against humanity and war crimes, including those committed by non-nationals.

Amnesty International also recommends that that this progressive transfer of expertise and skills is part of moving towards a full transfer of jurisdiction from military to ordinary courts in the near future. To that effect, DRC authorities will need to amend the legal framework so that the jurisdiction of military courts becomes limited to purely military offenses committed by military personnel, thus excluding crimes under international law.

At the international level,³⁹ the International Criminal Court (ICC), the permanent Court competent to try individuals suspected of war crimes, crimes against humanity or genocide, does not have temporal jurisdiction to examine the crimes committed in Kisangani. While DRC has ratified the Rome Statute⁴⁰ and invited the ICC Prosecutor to open an investigation into the situation on its territory,⁴¹ the ICC's jurisdiction only starts in 2002. The Court was not effectively established before that.

At the national level, Congolese courts, both military and civilian, have never opened any investigation. The absence of criminal proceedings was confirmed by four relevant judicial authorities that Amnesty International met with.⁴² The General Prosecutor for Military Justice told Amnesty International, "The cases of the Six-Day War in Kisangani must be dealt with by the international community".⁴³ As far as ordinary criminal courts are concerned, initially under Congolese law they did not have jurisdiction to deal with such cases, but in 2013 they became competent to deal with war crimes,⁴⁴ though they have very rarely exercised such competence.⁴⁵

A representative of the Catholic Church told Amnesty International: "The people of Kisangani are very disappointed. To date, no trials have been conducted. Despite the fact that the international community has denounced what happened in Kisangani, nothing has been done with regards to justice. And the truth was never said."⁴⁶

Some people working in the justice system, both in military and civilian courts, are still unaware or sceptical that civilian courts may or should investigate and prosecute crimes committed against

³⁹ At the international level there were proceedings opposing DRC to Uganda and Rwanda before the ICJ (see in Chapter on background, section 3.3). These were proceedings between states, different from criminal proceedings against individuals.

⁴⁰ The Rome Statute is the treaty establishing the International Criminal Court. It was ratified by DRC in 2002.

⁴¹ DRC referred the situation to the ICC in March 2004. The ICC opened an investigation on June 2004, with regards to crimes committed in eastern DRC since 2002 in the context of the conflict. At the time of writing of this report, the investigation is still ongoing.

⁴² Amnesty International met with five prosecutors and judges of courts in Kisangani, from three different offices of military justice and ordinary courts, in October 2024. Amnesty International also met with the General Prosecutor of Military Justice (*Auditeur general*) in Kinshasa on 11 October 2024. See also the conclusions of the UN: Human Rights Committee, Concluding observations on the fourth periodic report of the DRC, CCPR/C/COD/CO/4, paras 11-12; 'the 2010 UN Mapping Report', paras. 888-890

⁴³ Interview, Kinshasa, 11 October 2024

⁴⁴ From 2002 to 2013 only military courts had jurisdiction to investigate crimes committed in Kisangani in 1999 and 2000. Laws changed and since 2013, ordinary courts are competent to deal with the Kisangani cases. Alleged perpetrators and eventual accomplices of the crimes were foreign army and Congolese armed groups opposed to the Congolese army, so at the time of the commission of the crimes no member of the Congolese military was involved, therefore military courts are competent anymore (the fact that some of the leaders or members of the rebel groups were integrated into the army later on is irrelevant).

See explanation on legal framework in the box above

⁴⁵ A person working at the UN told us that, as of end of 2024, there had been only six or seven cases concerning serious crimes before the appeals courts across DRC since 2013. Interview, Kinshasa, 11 October 2024. In Kisangani, there has been none to the best of Amnesty International's knowledge.

⁴⁶ Interview, Kisangani, 15 October 2024

civilians in the context of an armed conflict and continue to advocate for military courts to exercise such jurisdiction including against civilians, in violation of the law.⁴⁷

A respected law professor in Kinshasa explained: “Despite this recognized competence since 2013, there is not much. Military courts continued unabated. They have difficulty in understanding Article 156 of the Constitution, and it is difficult to convince them to give up judging civilians. [...] Meanwhile, civilian courts never woke up.”⁴⁸

4.2 REASONS FOR THIS ABSENCE OF JUSTICE

NO POLITICAL WILL AND NO JUDICIAL INDEPENDENCE

Criminal judicial proceedings into crimes perpetrated in Kisangani were not conducted because there was no political will by the Congolese government to initiate or back up justice efforts. Over 40 persons interviewed by Amnesty International were of this opinion, including authorities, activists and survivors.⁴⁹ In 2015, the report from the ‘General State of Justice’ meetings organised by the Ministry of Justice and Human Rights also found an overall “failure of transitional justice” due to, among other things, “a deliberate choice of peace to the detriment of justice, with the risk of obtaining neither of them”.⁵⁰

Some individuals thought that amnesties had been granted through political negotiations at the end of the Second Congo War – which is correct, but these amnesties did not apply to war crimes, crimes against humanity and genocide.⁵¹ The provisions in the peace deals that explicitly stated that these amnesties were not applicable to crimes under international law seem to have been overlooked. At least three judicial authorities themselves interpreted the amnesties as preventing them from investigating these events altogether, regardless of the type of crimes at stake.

Amnesty International spoke to an official working in the military justice system who said, “There was the reunification of the country. With Sun City⁵² there has been an amnesty which meant that, in the name of reconciliation, we could not prosecute these people. That's why since then things have been put in the drawers”.⁵³ Another military justice official similarly said: “Amnesties were given during the dialogues. In the name of politics and peace, one tells you ‘no we don't need it’ [trials]...”.⁵⁴

A human rights activist added: “When you speak to the justice system, you are told ‘the government has granted a general amnesty’. What justice is doing today is only about what is happening today. They don't look at what happened in the past.”⁵⁵

⁴⁷ Interviews, Kinshasa and Kisangani, October 2024. See also Raphael Nyabirungu Mwene Songa, « Etude sur la compétence judiciaire partagée entre les juridictions militaires et les juridictions civiles en matière de crimes contre la paix et la sécurité de l'humanité », September 2017, on file with Amnesty International ; ‘the 2010 UN Mapping Report’, paras. 947-954.

See also, UN Special Rapporteur on the independence of judges and lawyers, Report, Addendum, Mission to the DRC, A/HRC/8/4/Add.2, April 2008, para. 14: “The Constitution provides that ‘the military courts have jurisdiction over offences committed by members of the armed forces and the national police’. This provision is very important in that it makes it clear that military courts do not have jurisdiction to try civilians. However, the Military judicial code, which allows the possibility of military courts trying civilians, has not yet been revised. Nonetheless, these provisions are unconstitutional and should no longer be applied.”

⁴⁸ Interview, Kinshasa, 8 October 2024.

⁴⁹ Interviews in Kisangani and Kinshasa, October 2024. See also, ICTJ, “A first few steps, The long road to a just peace in the DRC”, October 2004, pp. 14 and 25, www.ictj.org/sites/default/files/ICTJ-DRC-Just-Peace-2004-English.pdf

⁵⁰ Ministry of Justice and Human Rights, Report ‘Etats Généraux de la Justice’, August 2015, p.54, on file with Amnesty International. The report continues by mentioning the obstacles for the prosecution of grave crimes, identified as: “lack of political will; clientelism; nepotism; corruption; interference of judicial authorities and political-administrative authorities; [...]”, pp.55 and 85

⁵¹ Accord Global et Inclusif sur la Transition en RDC, signed in South Africa on 16 December 2002, para. 8: “Afin de réaliser la réconciliation nationale, l'amnistie sera accordée pour les faits de guerre, les infractions politiques et d'opinion, à l'exception des crimes de guerre, des crimes de génocide et des crimes contre l'humanité. A cet effet, l'Assemblée nationale de transition adoptera une loi d'amnistie [...] »

See also Amnesty International, *The time for justice is Now, New strategy needed in the DRC*, 2011, AFR 62/0006/2011, p. 14, <https://www.amnesty.org/en/documents/afr62/006/2011/en/>; ‘the 2010 UN Mapping Report’, para 969; ICTJ, “Difficult Peace, Limited Justice: 10 years of peacemaking in the DRC”, March 2009, pp. 16-20, www.ictj.org/sites/default/files/ICTJ-DRC-Difficult-Peace-2009-English.pdf

⁵² This refers to the peace deal concluded between several parties to the armed conflict in 2002 in Sun City, South Africa.

⁵³ Interview, Kisangani, 16 October 2024

⁵⁴ Interview, Kisangani, 16 October 2024

⁵⁵ Interview, Kisangani, 17 October 2024

Without political impetus or support from political leaders, judicial actors would not or could not open investigations. This in turn implies that Congolese courts do not act independently, or in other words that political interference was, and still is, significant. The lack of independence of Congolese courts has been well-documented in the past by several organizations including the UN, the International Centre for Transitional Justice (ICTJ) and Amnesty International, among others.⁵⁶ Congolese authorities themselves have recognised this issue.⁵⁷

A woman working as a lawyer said to Amnesty International: “Magistrates answer to people in power. Justice is linked to political considerations. Military courts, even when they deal with these cases [of crimes against civilians]... if the people being prosecuted run away, they give up.”⁵⁸

An activist also told us : “The Congolese justice system often serves as an instrument for muzzling activists and opponents. When it comes to these cases, justice actors act swiftly! But when it comes to cases like Bemba and other politicians... there is systematic impunity.»⁵⁹

Around 40 people, the majority of those interviewed by Amnesty International, insisted that political leaders could have been investigated and prosecuted for what happened in Kisangani and, therefore, it was no surprise they had no interest in seeing those proceedings take place, at least during the Kabila⁶⁰ presidencies.⁶¹

A human rights defender who has worked in Kisangani for several decades explained: “Among those in power who should be prosecuted are perpetrators of crimes. Ministers, military officers... They do not want [investigations and trials] because they have both feet and both hands in it, they have soaked in blood. It is a club of friends in power, who organized the sharing of the cake on the backs of the Congolese. I appreciate the work of the military justice system, but deep down, one always smells the politics. It is as if the judges and prosecutors do not have their hands free.”⁶²

A representative of the Church gave his own analysis as follows: “After the war, there was an inclusive global agreement between states. This explains why there were no prosecutions against the foreign military either. On the Congolese side, all the belligerents found themselves in the government so no one could attack the other. Wolves don't eat each other.”⁶³

OTHER FACTORS

In addition to lack of political will by Congolese authorities and the obstacles of jurisdiction (see above), other challenges include insufficient logistical, technical and financial means of Congolese courts and the fact that most alleged perpetrators were foreign and had returned to their countries. If

⁵⁶ The lack of independence and interference by the executive is documented at length in Amnesty's 2011 report: Amnesty International, *The time for justice is Now, New strategy needed in the DRC*, 2011, AFR 62/0006/2011, pp. 36-42, <https://www.amnesty.org/en/documents/af62/006/2011/en/> ; See also UN Human Rights Council, “Human Rights situation and the activities of the UNJHRO in the DRC”, August 2019, A/HRC/42/32, para. 65; ‘the 2010 UN Mapping Report’, paras 929-945 and 955-965; ICTJ, “Difficult Peace, Limited Justice: 10 years of peacemaking in the DRC”, March 2009, pp. 25-27, www.ictj.org/sites/default/files/ICTJ-DRC-Difficult-Peace-2009-English.pdf ; UN Special Rapporteur on the independence of judges and lawyers, Report, Addendum, Mission to the DRC, A/HRC/8/4/Add.2, April 2008, paras. 39-40; ICTJ, “A first few steps, The long road to a just peace in the DRC”, October 2004, p. 24, www.ictj.org/sites/default/files/ICTJ-DRC-Just-Peace-2004-English.pdf

⁵⁷ Ministry of Justice and Human Rights, Report ‘Etats Généraux de la Justice’, August 2015, pp. 11-12, 55, and 65, on file with Amnesty International

⁵⁸ Interview, Kisangani, 16 October 2024

⁵⁹ Interview, Kisangani, 16 October 2024

⁶⁰ Laurent-Désiré Kabila became president when he took over power at the end of the Second Congo War in May 1997 (see background chapter, section 3.1). After his assassination in January 2001, his son became president of the DRC and remained in this position until the January 2019 elections.

⁶¹ Interviews, Kisangani and Kinshasa, October 2024. See also a memorandum signed by 36 representatives of local civil society organizations in Kisangani, June 2024, on file with Amnesty International, which reads: “The list of alleged perpetrators of serious crimes perpetrated in the DRC and listed in the mapping report is kept secret by the UN while these alleged perpetrators of imprescriptible crimes enjoy total impunity. Worse still, the perpetrators have been promoted to important civilian and military responsibilities and hold high office, sometimes in the very places where they committed crimes, practically taunting their victims.”

It was also one of the findings of the Ministry of Justice and Human Rights in 2015 in its Report on ‘Etats Généraux de la Justice’, p.53: “Transitional Justice: failure of the transitional justice mechanisms; de facto amnesties; appointment of belligerents in state structures; [...]”. On file with Amnesty International

Some of those interviewed by Amnesty International mentioned they were expecting political will to be greater after President Tshisekedi came into office, given his lack of involvement in past crimes, but unfortunately they were yet to see concrete changes.

⁶² Interview, Kisangani, 14 October 2024

⁶³ Interview, Kisangani, 15 October 2024

proceedings had been opened, it would have been complicated to arrest suspects and bring them to court to stand trial.

Nevertheless, investigations could have been opened to preserve evidence and assess needs and gaps. UN actors and others would have been able to provide support including through sharing evidence collected during their own investigations.⁶⁴ Arrest warrants and extradition requests could also have been issued. Ultimately, failure to move forward on these initial steps over the past 25 years, reaffirms that lack of political will was the main factor against justice being done.

4.3 IMPACT OF THE LACK OF JUSTICE

People in Kisangani continue to suffer consequences of the six-day war (see Background chapter). Their rights to justice, truth and reparations have largely been ignored to date.

The complete inaction of Congolese courts has led them to lose trust in authorities and the justice system. After 25 years of waiting, not one person Amnesty International interviewed in Kisangani believes that domestic courts can or should investigate and prosecute crimes committed in their city on their own.

One man who lost his daughter said: “The prosecutions never took place, and the criminals are in our government. In this context, I do not trust our government to prosecute.”⁶⁵

A civil society representative said, “We do not yet believe in our justice, they have shown us why we should not trust them. Those in power still have a stranglehold on justice.”⁶⁶ Another activist shared: “The perpetrators of yesterday's crimes then make a political career. Depositaries of public authority are in fact former rebels. Experience has shown that the system promotes the use of violence to gain political power. And once there, we close our eyes to what they've done before. It is for this reason that people distrust the state and our justice system. How does it feel if someone comes to your place, kills, loots, and then they're supposed to represent you in the state?”⁶⁷

Finally, the lack of justice also represents a missed opportunity to prevent the repetition of crimes. Some of the same armed groups and foreign armies that were involved in the crimes in Kisangani in 1999 and 2000 were in the years that followed and still are also involved in crimes committed against civilians in Ituri, North Kivu and South Kivu provinces – including, perhaps, some of the same individuals.

An activist who has lived in Kisangani for several decades recalls: “We have asked several times that people appointed to positions [in the army] be removed from their positions, they were torturers. We were told that they had not been convicted.”⁶⁸

Another resident of the city told Amnesty International: “Justice is important to ensure that these crimes are not repeated. If the perpetrators go unpunished, they will repeat the same crimes in the same place or elsewhere. This is not theoretical, it is already a reality. If they had sanctioned after the Six-Day War, it could have calmed Rwanda's current ardor. The same applies to Congolese actors.”⁶⁹

It is likely that the impunity which prevails for past crimes contributes more broadly to the cycle of violence, as people know that they are unlikely to be held accountable for their actions. Conversely, prosecuting and judging crimes under international law could deter the commission of future crimes by the same, as well as new perpetrators.

⁶⁴ A person working at the UN told Amnesty International that Congolese judicial authorities had never requested access to the annexes of the mapping report in the context of a judicial investigation. They have shared information upon request by a French judicial authority, for a case brought before French courts. Interview, Kinshasa, 11 October 2024.

⁶⁵ Interview, Kisangani, 14 October 2024.

⁶⁶ Interview, Kisangani, 16 October 2024.

⁶⁷ Interview, Kisangani, 14 October 2024.

⁶⁸ Interview, Kisangani, 17 October 2024.

⁶⁹ Interview, Kisangani, 14 October 2024

5. WHAT NEXT?

5.1 PEOPLE WANT JUSTICE AND TRUTH

“Compensation is good, but the perpetrators of these crimes have gone unpunished. This war has left disabled people, widows, children gone.”⁷⁰ said a civil society representative during a group meeting. People nodded at her words.

A woman told Amnesty International: “The life I lead is a life they forced me to live. Nothing will enable me to relive my life like before. I am 56 years old, but I want my children to be treated for their traumas and injuries, and social rehabilitation is important too. I also want to see justice done.”⁷¹

Another man, who also survived the wars, said: “My dearest wish was the establishment of courts. This is the wish of the Congolese people. Now we have a sense of frustration in the population. Why were there blockages? It is unclear why crimes that have already been documented have not been tried. Isn’t there nobody emotionally moved by the crimes committed in Congo?”⁷²

People want, and have a right to, truth, justice and reparations. Twenty-five years after the crimes, the demands for justice and/or reparations remain very strong.⁷³ The people of Kisangani have never stopped asking for justice, they have been mobilizing and relentlessly calling for those suspected of criminal responsibility to be brought to courts and for the victims to be rehabilitated and compensated. They have been doing so through protests, letters and meetings with authorities and the United Nations, making their voices heard through the media, younger people have also used social media and blog posts online to ensure crimes committed in Kisangani are not forgotten.⁷⁴

⁷⁰ Interview, Kisangani, 16 October 2024

⁷¹ Interview, Kisangani, 14 October 2024

⁷² Interview, Kisangani, 15 October 2024

⁷³ Amnesty International asked during a group meeting with 16 direct victims of the six day war, all responded that both justice and reparations were needed, and when asked if they had to prioritize, almost half of them characterized justice as the first priority and half of them pointed at reparations as the first priority. Demands for justice and/or reparations also came out of almost all the interviews organized bilaterally in Kisangani.

⁷⁴ See examples: DW, « RDC : Les victimes des conflits armés enfin dédommagées ? », August 2024, www.dw.com/fr/rdc-les-victimes-des-conflits-arm%C3%A9s-seront-elles-enfin-d%C3%A9dommag%C3%A9es/a-69843466; Memorandum signed by 36 representatives of local civil society organisations in Kisangani, June 2024, on file with Amnesty International; LeMonde, « RDC : Les victimes de la ‘guerre des six jours’ de juin 2000 attendent toujours d’être indemnisés », June 2023, www.lemonde.fr/afrique/article/2023/06/10/rdc-les-victimes-de-la-guerre-de-six-jours-de-juin-2000-attendent-toujours-d-etre-indemniees_6177011_3212.html ; Jedia Mabela, « ‘Ukumbusho’, la commémoration de la guerre de six jours à Kisangani », June 2021, <https://habarirdc.net/ukumbusho-commemorer-guerre-six-jours-kisangani/> ; RFI, « RDC : 20 ans après, les victimes de la guerre des six jours réclament toujours justice », June 2020, www.rfi.fr/fr/afrique/20200606-rdc-20-ans-apr%C3%A8s-les-victimes-la-guerre-six-jours-r%C3%A9clament-toujours-justice ; Jedia Mabela, « Guerre de 6 jours à Kisangani : les âmes des victimes n’ont jamais reposé en paix », June 2020, <https://habarirdc.net/guerre-6-jours-kisangani-ames-victimes-paix/> ; La libre Afrique, « RDC : Il y a 20 ans, le Rwanda et l’Ouganda menaient la ‘guerre des six jours’ à Kisangani », June 2020, <https://afrique.lalibre.be/51143/rdc-il-y-a-20-ans-le-rwanda-et-louganda-menaient-la-guerre-des-six-jours-a-kisangani/> ; Justice Info, “ ‘Guerre de six jours’ à Kisangani : les victimes congolaises en appellent à Tshisekedi », June 2019, www.justiceinfo.net/fr/41711-guerre-de-six-jours-a-kisangani-les-victimes-congolaises-en-appellent-a-tshisekedi.html ; Jeune Afrique, « Guerre des six jours à Kisangani : 17 ans après, les jeunes n’ont rien oublié... », June 2017, www.jeuneafrique.com/445984/politique/guerre-de-six-jours-a-kisangani-17-ans-apres-jeunes-nont-rien-oublie/ (mentioning the online campaign on social media #JoubliePas #Kisangani6Jours) ; ICTJ, “A first few steps, The long road to a just peace in the DRC”, October 2004, page 15, www.ictj.org/sites/default/files/ICTJ-DRC-Just-Peace-2004-English.pdf

VICTIMS' RIGHTS TO TRUTH, JUSTICE AND REPARATIONS

Under international law, victims have a right to truth, justice and reparations.⁷⁵ The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law state in article 11 that “Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victims’ right to (a) equal and effective access to justice, (b) adequate, effective and prompt reparation for harm suffered, and (c) access to relevant information”.⁷⁶

Delays in opening and conducting investigations on crimes under international law constitute a significant challenge for successful criminal proceedings. Over time, evidence is often degraded, lost, concealed or destroyed; witnesses and alleged perpetrators move, flee or die. Evidence must be collected and preserved as early as possible, and judicial proceedings conducted within a reasonable time.

Victims and civil society organizations should play a meaningful role in the design and implementation of reparations programmes. Reparations must be comprehensive – including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition⁷⁷ – and not be discriminatory towards certain categories of victims. Even if reparations may be paid in part by other governments responsible for the crimes, individuals found guilty of the crimes or through support by international partners, the state remains with the primary responsibility for providing reparations to victims.

Victims of the Kisangani wars have already been waiting 25 years for truth, justice and reparations. Sadly, some of these victims have already died or will be impossible to locate after they fled or were forcibly displaced in the context of armed conflicts in eastern DRC.

A professor based in Kisangani, showing Amnesty International researchers the banners she had kept from a protest, said: “For the 10 years of the mapping report, we marched from the Catholic parish of the municipality of Tshopo to the authorities [with the banners]. We wrote a memo and read it to the governor, asking for truth, justice and reparations.”⁷⁸

An activist said: “What matters is justice. Who were the national and international perpetrators? When the truth is told, the law will have to be said, these people will have to be prosecuted and convicted. Then there should be real reparations with long-term support, not the facade reparations that there are today.”⁷⁹ If we focus on money issues, we will all miss the point: the biggest issue is justice, and the second issue is reparations.”⁸⁰

A leading figure from the civil society community in Kisangani summarized it in this way: “Many people swear by prosecutions and reparations. This is what the consultations organized by the Ministry of Human Rights show.”⁸¹ The souls of the victims will not be able to rest in peace until the

⁷⁵ See for examples: Universal Declaration of Human Rights (UDHR), article 8; UN International Covenant on Civil and Political Rights (ICCPR), article 2; UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), article 14; African Charter on Human and Peoples’ Rights (ACHPR), articles 7 and 21. See also the UN Basic Principles mentioned in next footnote, articles 2, 4 and 11. The obligation of States to investigate and prosecute war crimes, crimes against humanity and genocide is also included in the Rome Statute.

⁷⁶ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution 60/147, December 2005 [thereafter referred as ‘the 2005 UN Basic Principles’]

⁷⁷ See ‘the 2005 UN Basic Principles’, article 18

⁷⁸ Interview, Kisangani, 15 October 2024

⁷⁹ He refers to the ICJ judgment on reparations against Uganda (see background chapter) and the FRIVAO compensation programme (see section 5.3 below)

⁸⁰ Interview, Kisangani, 14 October 2024

⁸¹ This refers to consultations organized jointly by the UN and DRC Minister of Human Rights in 2022 and 2023 in several provinces of the country regarding transitional justice. Amnesty International has been told by several interviewees, both from UN and from DRC authorities, that these consultations show that a majority of Congolese population wants criminal judicial proceedings, however the results of this consultation are not public and Amnesty International has not been able to see them.

day their persecutors are judged, condemned. In the meantime, we can commemorate, pray, go to the cemetery, it has no impact.”⁸²

5.2 HOW TO ACHIEVE JUSTICE

People want and have a right to justice. The DRC has an obligation to investigate and prosecute those suspected of criminal responsibility for crimes under international law, including those committed in Kisangani during the six-day war. However, which judicial institution is or should be competent and what it should look like in practice has been under discussion for years.

All the victims and the civil society representatives from Kisangani that Amnesty International talked to had lost confidence in existing tribunals (see section 4.3 above). They were advocating for the creation of another tribunal, either international or with an international component.⁸³

A well-respected human right defender, who has been pushing for justice in Kisangani for decades, stated: “We, as [human rights] defenders of Kisangani, had thought of a mixed court [with Congolese judges and foreign judges]. A court that will have the power to investigate all these people without distinction of any kind. But it takes a lot of advocacy because it requires international partners.”⁸⁴

“We have good prosecutors and judges in Congo, but the question of political interference is a problem. A mixed court could work around that.”⁸⁵, said a lawyer. Another activist said: “I personally prefer an international court [to a hybrid court], as they did in Rwanda, why not in the DRC? If we look at the number of victims, millions died here too⁸⁶... we're still waiting.”⁸⁷

On several occasions, interviewees both in Kinshasa and in Kisangani mentioned that international or hybrid tribunals had been created for Rwanda (the International Criminal for Rwanda – ICTR) and for Central African Republic (CAR) (the Special Criminal Court – SCC), two of DRC’s neighbours. It was felt that those experiences should serve as examples for DRC. Frustration was also expressed that, comparatively, Congolese people had been forgotten. A civil society representative, whose organization is part of a ‘transitional justice network’, said: “We suggest specialized mixed chambers as they have done in Sierra Leone and today in CAR. Are crimes committed in CAR more serious than those committed in Congo?”⁸⁸

Judicial authorities from Kisangani also seemed to be supportive of the idea of international mechanisms, such as a hybrid tribunal – sometimes also citing the experience in CAR as an example to follow. One said: “If our hierarchy approves, I see no problem with the idea of international support. It would enhance transparency and it would be a fruitful exchange to work with international magistrates. If you see the case of CAR, the prosecutor Mutanzani is there because military justice has proved its worth in the DRC. A hybrid court is our common wish.”⁸⁹

At the time of writing, there seem to be ongoing conversations in the capital to establish a new judicial mechanism, possibly a mixed court, to deal with grave crimes, such as crimes against humanity and

⁸² Interview, Kisangani, 14 October 2024

⁸³ Interviews, Kisangani and Kinshasa, October 2024. See also: DW, « RDC : Les victimes des conflits armés enfin dédommagées ? », August 2024, www.dw.com/fr/rdc-les-victimes-des-conflits-arm%C3%A9s-seront-elles-enfin-d%C3%A9dommag%C3%A9es/a-69843466; Panzi Fondation RDC, “Plaidoyer pour l’adoption d’une stratégie nationale holistique de justice transitionnelle en RDC”, June 2021, Section III, panzifoundation.org/wp-content/uploads/2021/06/Denis-Mukwege-Plaidoyer-pour-ladoption-dune-strategie-nationale-holistique-de-JT-en-RDC-OK.pdf ; Joint declaration by 146 NGOs, « DRC : No more delays for justice, Establish Specialized Mixed Chambers and Adopt ICC Implementing Legislation during the Current Parliamentary Session », April 2014, www.hrw.org/news/2014/04/01/democratic-republic-congo-no-more-delays-justice ; ICTJ, “A first few steps, The long road to a just peace in the DRC”, October 2004, pp. 33 to 37, www.ictj.org/sites/default/files/ICTJ-DRC-Just-Peace-2004-English.pdf

⁸⁴ Interview, Kisangani, 14 October 2024

⁸⁵ Interview, Kisangani, 16 October 2024

⁸⁶ She is referring to the estimated number of civilian deaths during the first and second Congo wars.

⁸⁷ Interview, Kisangani, 15 October 2024

⁸⁸ Interview, Kisangani, 17 October 2024

⁸⁹ Interview of an official from the military justice system, Kisangani, October 2024

war crimes committed in DRC. These conversations have been ongoing for at least 15 years.⁹⁰ There appear to be a multitude of projects, led by different actors, that have been subsequently abandoned or suspended, while other projects emerge, in a sort of eternal beginning from scratch.⁹¹ Amnesty International is concerned that this may represent a façade commitment to justice without genuine intent for these processes to lead to the successful establishment of an independent, impartial and efficient judicial mechanism.



Poster from the campaign of the Ministry of Justice, ahead of the 2024 meetings to discuss reforms of the justice system (Etats généraux de la justice). The poster reads: “Why is Congolese justice sick?” Kisangani, October 2024 © Amnesty International

⁹⁰ See initiatives by DRC authorities : Comité scientifique chargé de l’élaboration du projet de politique nationale de justice transitionnelle en RDC, Rapport Final, January 2023, on file with Amnesty International ; Ministry of Justice, *Politique Nationale de Réforme de la Justice 2017-2026*, May 2017, on file with Amnesty International; Projet de loi modifiant et complétant la loi No 13/011-B du 11 avril 2013 organique portant sur l’organisation, le fonctionnement et les compétences des juridictions de l’ordre judiciaire en matière de répression des crimes de génocide, des crimes contre l’humanité et des crimes de guerre, version of 2014; Loi organique portant création, organisation et fonctionnement d’une Cour spécialisée, May 2011.

See also by other stakeholders : UN MONUSCO and OHCHR jointly, « Lutte contre l’impunité pour des violations ou abus des droits de l’homme en RDC : accomplissements, défis et recommandations (2014-2016) », October 2016, paras. 29-30, report on file with Amnesty International ; ICTJ, “Landscape in Eastern DRC, Analysis of the National Legislative and Judicial Response to International Crimes” , July 2015, pp. 13-16, www.ictj.org/sites/default/files/ICTJ-Report-DRC-Accountability-Landscape-2015_0.pdf ; ASF, “Analyse du projet de loi [...] en matière de répression des crimes de génocide, des crimes contre l’humanité et des crimes de guerre », May 2014, www.asf.be/wp-content/uploads/2015/06/ASF_RDC_Analyse-du-Projet-de-loi-modifiant-et-compl--tant-la-loi-du-11-avril-2013_201506_FR.pdf ; Joint declaration by 146 NGOs, « DRC : No more delays for justice, Establish Specialized Mixed Chambers and Adopt ICC Implementing Legislation during the Current Parliamentary Session », April 2014, www.hrw.org/news/2014/04/01/democratic-republic-congo-no-more-delays-justice ; Amnesty International, *The time for justice is Now, New strategy needed in the DRC*, 2011, AFR 62/0006/2011, pages 55-60, www.amnesty.org/en/documents/afr62/006/2011/en/ ; Amnesty International, Mémorandum adressé par Amnesty International au gouvernement de la RDC, February 2011, AFR 62/0003/2011, www.amnesty.org/fr/documents/afr62/003/2011/fr/ ; ‘the 2010 UN Mapping Report’ , paras. 1032-1055.

⁹¹ This finding comes from Amnesty International’s own analysis as well as interviews conducted in Kisangani and Kinshasa, October 2024. One person from Congolese civil society in Kinshasa, who had worked on the UN mapping report as well as on the 2014 draft law on the mixed chambers, told us: “Today, everyone is working on their own report and does not take into account what has been done previously, whether within the authorities or MONUSCO.”

A civil society representative said: “There is a need for political will. Tshisekedi's proposed transitional justice policy should be implemented in full.”⁹² Another one added: “In the DRC we often have good ideas, good projects, which rot in the drawers.”⁹³

Amnesty International calls on DRC authorities to follow through on commitments and ensure that, regardless of which court is in charge (a new judicial mechanism to be created and/or ordinary appeal courts):

- If a new court/judicial mechanism is to be established, it should be created in law and established in practice without further delay;
- If a new court/judicial mechanism is to be established, it should be competent to investigate and prosecute all crimes under international law committed in any territory subject to the jurisdiction of the DRC or by its nationals since at least 1993 (so that it covers all violations documented in the mapping report too, including the wars in Kisangani);
- Legal provisions and practical processes for sharing of information, determination of which jurisdiction has priority, modalities of transfer of cases and other necessary cooperation between the newly created court/mechanism, ordinary appeals courts and the ICC must be put in place;
- All competent courts should have sufficient guarantees of independence from the executive and all other political entities, including structural and financial independence;
- They should be composed of independent and impartial judges and prosecutors;
- They should be provided with the human, financial, and technical means necessary to fulfil their mandates
- A strong system must be put in place to enable arrests and extradition proceedings (possibly including a department and a force embedded within the newly created court/mechanism to conduct such arrests and proceedings)
- The death penalty should be abolished, to protect the right to life and to remove possible barriers that countries have to extradite suspects to DRC
- Judicial investigations and trials must be conducted fairly, without recourse to the death penalty
- Defendants' rights must be fully respected, including ensuring that people detained are treated humanely and held in adequate conditions, and that accused have access to free legal representation and time and adequate means to prepare their defence, in accordance with international law;
- Victims' rights must be respected, including ensuring that they have access to free legal representation, can participate in trials and are able to submit reparation requests.

5.3 PEOPLE WANT REPARATIONS

Following the ICJ judgment against Uganda, an institution was created to receive the funds by Uganda and to distribute them, either directly or through projects, to those they were intended for. This institution, called the Special Fund for the Distribution of Compensation to Victims of Uganda's Illicit Activities in the DRC (FRIVAO), was created in December 2019.⁹⁴ The ICJ judgment on reparations was issued two years later.⁹⁵ In 2024, FRIVAO started the distribution of individual compensation (2,000 USD per victim) and the construction of a memorial for victims of the Kisangani wars.

⁹² Interview, Kisangani, 14 October 2024

⁹³ Interview, Kisangani, 14 October 2024

⁹⁴ Decree No. 19/20 of 13 December 2019 establishing, organizing and operating the Special Fund for the Distribution of Compensation to Victims of Uganda's Illicit Activities in the DRC or their Beneficiaries (FRIVAO); see also FRIVAO's website at <https://frivaordc.cd/>.

⁹⁵ ICJ, Judgment of 9 February 2022 on Reparations, Case concerning armed activities on the territory of the Congo (DRC v. Uganda)

From the beginning, FRIVAO has been extensively criticized. One woman, who refuses to register at FRIVAO as a victim of the war, said, “Children who have gone to school not to come back, do their families need \$2,000? With \$2,000, what are you going to do? Come back in two years, ask the family, what was the point? In a country where there is no security or electricity... Let’s start by telling families what really happened.”⁹⁶

In August 2024, findings of financial mismanagement confirmed by the Ministry of Justice led to the replacement of the entire team of people leading the institution.⁹⁷ Many people continue to believe that funds provided or promised to FRIVAO are inadequate, and/or are not being allocated to what they are intended to, or they are distributed too slowly.⁹⁸ One activist said : “People have no decency, there has been bloodshed... and they are embezzling funds that were intended for public interest work and victims! That is not what we fought for.”⁹⁹

Other complaints concern lack of transparency and genuine consultation with local civil society,¹⁰⁰ the manner in which some victims are treated¹⁰¹, the de-prioritization of victims outside of Kisangani,¹⁰² and lack or delay of collective reparations.¹⁰³ Regarding the last two aspects, FRIVAO says reparations outside of Kisangani and collective reparations will be implemented in a second phase, and at the time of writing some projects for collective reparations were just starting.¹⁰⁴

People interviewed in Kisangani were generally positive about the construction of a memorial by FRIVAO, as it had been one of their demands for years. Nevertheless, some critique that civil society was not involved in designing the memorial. Concerningly, the memorial is being constructed on the site of the former cemetery dedicated to victims of the war, and it is unclear where the remains of the bodies which were buried there were disposed. Amnesty International has met with two families in distress because they did not know where the remains of their loved ones were today. But FRIVAO and construction workers told Amnesty International that there were no remains on the site. Amnesty International was not able to uncover what had happened, but this question must urgently be addressed and resolved to ensure that there is no violation of the right to dignity for those who died and their families.

⁹⁶ Interview, Kisangani, 15 October 2024

⁹⁷ Ministère de la Justice, Arrêté No. 033/CAB/ ME/MIN/JGS/2024 du 12 août 2024 portant suspension des membres de la direction générale du Fonds spécial de réparation et d’indemnisation des victimes des activités illicites de l’Ouganda en RDC ‘FRIVAO’ ; See also JusticeInfo.net, « RDC : Un fonds pour les victimes, soupçonné de détournements, est remanié », Octobre 2024, www.justiceinfo.net/fr/137048-rdc-fonds-victimes-soupconne-detournements-remanie.html ; DW, « RDC : Les victimes des conflits armés enfin dédommagées ? », August 2024, www.dw.com/fr/rdc-les-victimes-des-conflits-arm%C3%A9s-seront-elles-enfin-d%C3%A9dommag%C3%A9es/a-69843466 ; RFI, « La RDC ouvre une enquête sur l’indemnisation de victimes d’affrontements en 2000 impliquant l’Ouganda », July 2024, <https://www.rfi.fr/fr/afrique/20240731-la-rdc-ouvre-une-enqu%C3%AAtre-sur-l-indemnisation-de-victimes-d-affrontements-en-2000-impliquant-l-ouganda> ; InfosDirect, “RDC: Constant Mutamba suspend les animateurs du FRIVAO et nomme une équipe dirigeante à titre provisoire », August 2024, <https://infosdirect.net/2024/08/13/rdc-constant-mutamba-suspend-les-animateurs-du-frivao-et-nomme-une-equipe-dirigeante-a-titre-provisoire/>

⁹⁸ Interviews, Kisangani, October 2024. Interviews by phone, March 2025. For instance, one person said: “Victims today receive only crumbs out of the total compensation given by Uganda. The fact that there was a case before the ICJ is also for the government to recover part of this compensation. If the state cared about reparations for the victims, houses would have been repaired a long time ago.”. Another example, the memorandum signed by 36 representatives of local civil society organizations in Kisangani, June 2024, on file with Amnesty International, reads: “[...] il est fort regrettable que l’Etat congolais se soit contenté d’accepter la modique somme de 325 millions de dollars américains des réparations, bien en deçà des 11 milliards estimés par des experts et réclamés par la RDC. »

See also, RFI, « RDC : A Kisangani, des victimes d’affrontements en 2000 impliquant l’Ouganda mécontentes du processus d’indemnisation », July 2024, www.rfi.fr/fr/afrique/20240704-rdc-kisangani-victimes-affrontements-2000-m%C3%A9contentes-processus-indemnisation-frivao-ouganda

⁹⁹ Interview, Kisangani, 14 October 2024

¹⁰⁰ Interviews, Kisangani, October 2024; and by phone, March 2025.

¹⁰¹ One victim said that several victims went to FRIVAO and were not recognized as victims there, so it affected them, it was re-traumatizing. Another victim said that they were treated with contempt, they were made to tell their whole stories but there was no effective follow up afterwards. Another person said that her brother was injured during the war and has a disability but he did not want to go to FRIVAO because he did not want to feel like a beggar, he nevertheless went after his family convinced him, and the manner in which he was received was disorganized and unacceptable, he came back very upset.

See also JusticeInfo.net, « RDC : Un fonds pour les victimes, soupçonné de détournements, est remanié », Octobre 2024, www.justiceinfo.net/fr/137048-rdc-fonds-victimes-soupconne-detournements-remanie.html

¹⁰² BoyomaInfo, “Bas-Uélé: Le gouverneur Mike Mokeni dénonce le traitement injuste des victimes de la guerre des six jours par le FRIVAO », March 2025, www.boyomainfo.com/bas-uele-le-gouverneur-mike-mokeni-denonce-le-traitement-injuste-des-victimes-de-la-guerre-de-six-jours-par-le-frivao/

¹⁰³ Interviews, Kisangani, October 2024; and by phone, March 2025.

¹⁰⁴ In 2024, the construction of a memorial had started, and some financial compensation had been provided to the medical clinic of the university of Kisangani. In 2025, there were announcements by the Ministry of Justice of funds being transferred for the rehabilitation of the dam on the Tshopo River for power generation powering the city.



A view of the old cemetery for victims of the six-day war in Kisangani
© AFP via Getty Images



Plans for the construction of a memorial by FRIVAO
© Amnesty International

“There is good, bad and worse with what is happening at the FRIVAO. FRIVAO is a good initiative but the way things work is not right.”¹⁰⁵ said a human rights defender.

DRC authorities must fulfill their obligation to ensure victims of the Kisangani wars are provided with adequate, prompt and full reparations, designed and implemented in partnership with local civil society and victims’ groups.¹⁰⁶ If reparations by FRIVAO are insufficient to adequately ‘repair’ the prejudices suffered by victims, the State remains responsible to ensure other reparations programmes address these gaps.

Among the needs expressed to Amnesty International, which are non-exhaustive, people mentioned hospitals with free access to specialized departments for injuries sustained during the events and psychological trauma, restoration of houses, support to regain their ways of earning a living, rehabilitation of the dam for electricity (which was bombed during the wars and does not function properly to this day).

6. CONCLUSIONS AND RECOMMENDATIONS

While all eyes are on crimes ongoing in the Kivus, crimes of the past tend to get swept under the carpet in the DRC. History repeats itself, crimes continue with similar actors, similar weapons, similar suffering, and the number of victims grows with every year that passes by, one generation after another. Criminal accountability for past crimes under international law is needed to stop the cycle of violence.

¹⁰⁵ Interview, Kisangani, 14 October 2024

¹⁰⁶ See the box above on the right to truth, justice and reparations. See also Amnesty International, *The time for justice is Now, New strategy needed in the DRC*, 2011, AFR 62/0006/2011, pages 46-50, <https://www.amnesty.org/en/documents/af62/006/2011/en/>

Many people in Congo have been waiting for truth, justice and reparations for years or decades and it is time that these calls are heard and prioritized. The population of Kisangani who got trapped during the fighting between Ugandan and Rwandan armies in their city in 1999 and 2000 is one of these tragic examples. They have been fighting for justice for 25 years.

Amnesty International makes the following recommendations:

TO THE EXECUTIVE OF THE DEMOCRATIC REPUBLIC OF CONGO

- Take all steps necessary to enable judicial authorities to investigate all those suspected of criminal responsibility for crimes under international law and, if there is sufficient admissible evidence, prosecute and punish them for the crimes committed during the ‘three-day, one-day and six-day wars’ in Kisangani in 1999 and 2000, including but not limited to:
 - If a new court/judicial mechanism with an international element is to be established: create it in law and establish it in practice without further delay, and ensure it is competent to investigate and prosecute all crimes under international law committed in DRC since, at least, 1993;
 - Provide to the competent courts sufficient guarantees of independence from the executive and all other political entities, including structural and financial independence;
 - Provide to the competent courts sufficient human, financial, and technical means;
 - Ensure arrests and extradition proceedings requested by judicial authorities are facilitated and effectively conducted;
- Abolish the death penalty;
- Ensure that the 2013 and 2015 laws regarding division of jurisdiction between military and ordinary courts, which establish that war crimes, crimes against humanity and genocide shall primarily be investigated and prosecuted by ordinary appeals courts, are implemented in practice. This should include organizing training of judicial personnel and transfer of skills and expertise from military courts to ordinary courts.
- Amend the legal framework in the near future so that the jurisdiction of military courts becomes limited to purely military offenses committed by military personnel, thereby excluding crimes under international law, human rights violations and ordinary offenses, in accordance with the ACHPR’s Principles and Guidelines on the Right to a Fair Trial and with the recommendations of the UN Committee against Torture;
- Provide adequate, effective and prompt reparations to victims of the Kisangani wars, through FRIVAO or other complementary mechanisms, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, and ensure victims’ groups and civil society from Kisangani are meaningfully consulted on the design and the implementation of such reparations, compensation, in accordance with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation;
- Take all other steps eventually necessary to ensure victims of the Kisangani wars’ rights to truth, justice and reparations are fulfilled;
- Promptly ratify the Ljubljana-The Hague Convention on international cooperation in the investigation and prosecution of the crime of genocide, crimes against humanity, war crimes and other international crimes, signed by DRC on 14 February 2024.

TO JUDICIAL AUTHORITIES OF THE DRC

- Investigate all those suspected of criminal responsibility for crimes under international law and, if there is sufficient admissible evidence, prosecute and punish them for the crimes committed during the ‘three-day, one-day and six-day wars’ in Kisangani in 1999 and 2000 without further delay and in fair trials;
- Carry out investigations and trials fairly, without recourse to the death penalty;
- Respect and protect all defendants’ rights, including ensuring that people detained are treated humanely and held in adequate conditions, and that accused have access to free legal representation and time and adequate means to prepare their defence, in full accordance with international law;
- Respect all victims’ rights, including ensuring that they have access to free legal representation, can participate in trials and are able to submit reparation requests;
- Ensure that the 2013 and 2015 laws regarding division of jurisdiction between military and ordinary courts, which establish that war crimes, crimes against humanity and genocide shall primarily be investigated and prosecuted by ordinary appeals courts, are implemented in practice. This should include organizing training of judicial personnel and transfer of skills and expertise from military courts to ordinary courts.

TO ALL PARTNERS OF THE DRC, INCLUDING THE UNITED NATIONS

- Call on and support DRC authorities to investigate all those suspected of criminal responsibility for crimes under international law and, if there is sufficient admissible evidence, prosecute and punish them for the crimes committed during the ‘three-day, one-day and six-day wars’ in Kisangani in 1999 and 2000, including but not limited to:
 - If DRC requests the establishment of a new court/judicial mechanism with an international element, provide political, technical and financial support to this initiative and ensure it is competent to investigate and prosecute all crimes under international law committed in DRC since, at least, 1993;
 - Provide the competent courts with training, and financial and technical support where needed, including with regards to arrests and extradition requests and proceedings;
 - Share information from past UN investigations, including relevant annexes to the 2010 Mapping Report, upon request of judicial authorities for the conduct of their investigations;
- More broadly, with regards to the justice sector:
 - Advocate on DRC authorities to abolish the death penalty;
 - Urgently start redirecting support currently provided to military courts to deal with cases on crimes under international law to supporting the transfer of this capacity and expertise to ordinary appeals courts;
 - Monitor that courts dealing with crimes under international law are effectively independent and impartial, and that rights of defendants and victims are respected.

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

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