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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 June 2019]

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\* Issued as received, in the language(s) of submission only.

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# The prevention of Genocide

## Introduction

Undoubtedly, the fears of genocide cast a shadow over the African continent, especially with the growing internal conflicts and the spread of hate speech against different races, religions and ethnicities, which consist a serious threat. The tragic anniversary of the genocide in Rwanda in the 1990s is brought to mind, accompanied by fears of repeating this model again, however, pain is accompanied by hope, the Rwandan model has overcome its ordeal achieving a remarkable social stability and a strong economic renaissance as a result of the measures taken by the transitional justice. On the other hand, serious and grave violations occur in the Democratic Republic of Congo (DRC). All the causes of social disintegration are rampant, accompanied by the proliferation of armed groups, and increasing ethnic conflict between tribes. Civilians are suffering from the scourge of all of this.

This intervention answers the questions: is the Democratic Republic of Congo on the verge of genocide? Is it possible to take advantage of the Rwandan model to overcome that stage?

## The DRC- Genocide Casts its shadow

According to the Alliance Against Genocide, genocide develops in ten predictable stages. The situation in the DRC is in eighth phase of those stages, which is "persecution".<sup>1</sup> Some of the indicators in the DRC are as follows:

### 1. Violence committed by armed militia groups:

The conflict has been broken out when the government refused to recognize a tribal leader named Kamwina Nsapu. He has formed a militia under the same name, but he was killed in clashes with security forces. Since his death, a number of his militia's factions have emerged, all fighting for various reasons, but all targeting government forces, extending fighting to five areas. Security forces and militias have been accused of serious human rights violations.<sup>2</sup>

Other clashes between the army and armed militias in the provinces of Tanganyika and South-Kivu have displaced more than 1.3 million people, including more than 800,000 children. Children in the eastern Democratic Republic of the Congo have been subjected to sexual abuse and forced recruitment. UNICEF has recorded more than 800 cases of sexual abuse of children. Militias and armed groups recruited more than 3,000 children during 2017.<sup>3</sup>

In Kasai region, in the east of the country, there were horrific attacks during the conflict that broke out in late 2016, involving the Kamuina Nsapu and Bana Mura militias and Congo's armed forces. In one incident, the Nsapu militia executed at least 186 men and boys from one village by beheading them. It is also believed that there are about 86 mass graves as a result of those clashes.<sup>4</sup> (80%) of the victims were reportedly raped by armed men, including 162 children under the age of 15, including 22 children under the age of five.<sup>5</sup>

<sup>1</sup> Victims are identified and separated out because of their ethnic or religious identity, or they are deported into concentration camps, or confined to a famine-struck region and starved. They are deliberately deprived of resources. Also, basic human rights are systematically violated through extrajudicial killings, torture and forced displacement. For further details, visit: Gregory H. Stanton, "The Ten Stages of Genocide", Genocide Watch, 2016, available at: <https://bit.ly/2V0qzFN>

<sup>2</sup> —، "الملايين يواجهون خطر المجاعة" بسبب الصراع في إقليم كاساي بالكونغو الديمقراطية، بي بي سي، 29 أكتوبر 2017، على الرابط التالي: <https://bbc.in/2Loqz2Z>

<sup>3</sup> —، "اليونيسف: جمهورية الكونغو الديمقراطية موطن إحدى أكبر أزمتي نزوح الأطفال في العالم"، منشور على موقع أخبار الأمم المتحدة، بتاريخ 25 يناير 2018، على الرابط التالي: <https://bit.ly/2vCTANC>

<sup>4</sup> Tom Miles, "Mass rape, cannibalism, dismemberment: U.N. team finds atrocities in Congo war", Reuters, JULY 3, 2018, available at: <https://reut.rs/2MOzJRZ>

<sup>5</sup> Press Release, "Sexual violence committed by armed men in Kasai", MWB, 1 November 2018, available at: <https://bit.ly/2AI01Co>

## 2. Human rights violations against civilians and mass and forced displacement:

Although the political scene in the Democratic Republic of the Congo has been relatively stable after the presidential election and Felix Tshisekedi's arrival to power,<sup>6</sup> the human rights situation in the country is getting worse by the day. For instance, there were some brutal inter-communal clashes and horrific attacks on women and children in areas in the west of the country in December 2018, amounting to crimes against humanity. These clashes took place between the Banunu and Batende communities, killing 890 people and displacing thousands.<sup>7</sup>

The conflict between Hema and Lendu ethnic groups has displaced 350,000 people, escaping violence.<sup>8</sup> The total number of displaced persons has been estimated at 19,000, of which 16,000 crossed the Congo River to neighboring country Congo-Brazzaville. 967 institutions, including churches, schools and health centers, have been destroyed or looted.<sup>9</sup> These waves of violence are likely to be renewed at any time.

What aforementioned blatantly infringe the United Nations Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948, which requires the Contracting Parties in article 5 to enact the necessary legislation to give effect to the provisions of this Convention, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts. In accordance with article 8, any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article 3.<sup>10</sup>

### The Rwandan model. How did it overcome Genocide?

In 1994, Rwanda experienced one of the worst forms of internal conflict, culminating in genocide, initially caused by the ethnic tension between the Hutus and Tutsi and the sectarian social hassle, killing more than 800,000 people, and 150,000 to 250,000 women were raped.

After the end of these inhumane incidents during which the most egregious violations of human rights were committed. The Rwandan government began the long-awaited genocide trials at the end of 1996. By 2000, there were over 100,000 genocide suspects awaiting trial. The government began implementing a participatory justice system, known as Gacaca, in order to address the enormous backlog of cases. Communities elected judges to hear the trials of genocide suspects accused of all crimes except planning of genocide or rape.<sup>11</sup> The Gacaca courts give lower sentences if the person is repentant and seeks reconciliation with the community. These courts are intended to help the community participate in the process of justice and reconciliation for the country.<sup>12</sup>

<sup>6</sup> At the end of 2018, the last presidential elections put an end to the political tensions in the country, which were considered to be one of the causes of violations, and may be an indicator and warning of genocide. For more details on the last presidential election, see "تحليل بعنوان" : عبد الرحمن مصطفى باشا، المنشور على المركز الديمقراطي العربي، الانتخابات الرئاسية في الكونغو الديمقراطية.. نحو استقرار طال غيابه"، منشور على المركز الديمقراطي العربي، بتاريخ 27 يناير 2019، على الرابط التالي: <https://bit.ly/2ZXMOuY>

<sup>7</sup> UN news, "Nearly 900 reportedly killed following 'shocking' intercommunal attacks in DR Congo", Genocide Watch, January 23, 2019, available at: <https://bit.ly/2LoF8mX>

<sup>8</sup> —، "شهادات مروعة من نازحي الكونغو الديمقراطية.. العثور على جثث الموتى ممزقة"، منشور على موقع <https://bit.ly/2miJRHH> أخبار الأمم المتحدة، بتاريخ 13 يولييه 2018، على الرابط التالي:

<sup>9</sup> —، "لجنة تحقيق أممية: الجرائم الموثقة في غربي الكونغو الديمقراطية قد ترقى إلى مستوى الجرائم ضد الإنسانية"، منشور على موقع أخبار الأمم المتحدة، بتاريخ 12 مارس 2019، وللمزيد من التفاصيل على الرابط التالي: <https://bit.ly/2GVeugf>

<sup>10</sup> IBID, article 8.

<sup>11</sup> Outreach Program on the Rwanda Genocide and the United Nations, Rwanda: A Brief History of the Country, United Nations, available at: <https://bit.ly/2K9zu7H>

<sup>12</sup> The Justice and Reconciliation Process in Rwanda, Published by the Department of Public Information, March 2014, available at: <https://bit.ly/2PIxVwL>

At the international level, on 8 November 1994, the Security Council created the International Criminal Tribunal for Rwanda (ICTR). The first cases were heard in January 1997.<sup>13</sup> The ICRT has sentenced the prime minister during the genocide, Jean Kambanda, to life imprisonment. It was also the first international court to convict a suspect of rape as a crime against humanity and as crime of genocide. To date, the ICTR has heard 71 cases, and have rendered judgments in 69 cases.<sup>14</sup>

### **Recommendations**

It is not only differences in identity, whether real or perceived, that lead to conflict, but the implications of these differences in terms of access to power, wealth, services, resources, employment, development, citizenship and the enjoyment of fundamental rights and freedoms. Therefore, Maat for Peace, Development and Human Rights calls upon a declaration of a state of emergency for genocide in the DRC, taking the following measures:

- To activate article 5 of the Convention on the Prevention and Punishment of Genocide through the formation of a traditional judicial system that has a spatial and psychological influence and to form an international tribunal to try all those responsible for the crimes committed or instigators.
- To activate article 8 of the Convention by inviting the main organs of the United Nations to take, in accordance with the Charter of the United Nations, measures that prevent acts of genocide or any of the other acts mentioned in article 3 of the Convention.
- To stop economic, political and social discrimination and to stop the hate speech that incites violence.
- To provide extensive humanitarian assistance to victims, displaced persons and refugees, especially women and children.

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<sup>13</sup> United Nations, "20 Years Challenging Impunity", International Residual Mechanism for Criminal Tribunals, the video is available at: <https://youtu.be/Q6nGK4A1UJ4>

<sup>14</sup> United Nations, "The Cases", International Residual Mechanism for Criminal Tribunals, available at: <http://unictr.irmct.org/en/cases>