

DEMOCRATIC REPUBLIC OF THE CONGO 1993-2003 UN Mapping Report

What is the “DRC Mapping Exercise?” – Objectives, methodology and time frame

In the wake of the discovery of three mass graves in the eastern part of the Democratic Republic of the Congo (DRC) in late 2005, the United Nations first announced its intention to send a human rights team to conduct a mapping exercise in DRC in a June 2006 report to the Security Council.

In May 2007, UN Secretary-General Ban Ki-moon approved the terms of reference of the mapping exercise following a series of consultations among relevant UN agencies and partners and with the Congolese government, including President Joseph Kabila.

The mapping exercise, led by the Office of the UN High Commissioner for Human Rights (OHCHR) with some US\$ 3 million in funding, had three objectives:

- Conduct a mapping exercise of the most serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003.
- Assess the existing capacities within the national justice system to deal appropriately with such human rights violations that may be uncovered.
- Formulate a series of options aimed at assisting the Government of the DRC in identifying appropriate transitional justice mechanisms to deal with the legacy of these violations, in terms of truth, justice, reparation and reform, taking into account ongoing efforts by the DRC authorities, as well as the support of the international community.

Mapping is based on a number of methodological premises. A mapping exercise itself should be concerned not only with the violations themselves but also with the context(s) in which they were committed, either in a given region or across an entire country, as is the case with the DRC. Such an exercise requires various activities, including the collection, analysis and assessment of information contained in multiple reports and documents from different sources, meetings and witness interviews, as well as consultation with field experts and consultants. However, a mapping exercise is not an end in itself. It remains a preliminary exercise that may lead to the formulation of transitional justice mechanisms, judicial or otherwise. It is a fundamental step in enabling the identification of challenges, the assessment of needs and better targeting of interventions. (paragraph 4)

The mapping exercise began officially on 17 July 2008, with the arrival of the team's chief in Kinshasa. Between October 2008 and May 2009, a total of 33 staff worked on the project in the DRC (including Congolese and international human rights experts). Of these, some 20 human rights officers were deployed across the country, operating out of five field offices, to gather documents and information from witnesses to meet the three objectives defined in the terms of reference. The report was submitted to the High Commissioner for Human Rights Navi Pillay on 15 June 2009 for review, comments and finalisation.

The mapping team's 550-page report contains descriptions of 617 alleged violent incidents occurring in the DRC between March 1993 and June 2003. Each of these incidents points to the possible commission of gross violations of human rights and/or international humanitarian law. Each of the incidents listed is backed up by at least two independent sources identified in the report. As serious as they may be, uncorroborated incidents claimed by one single source are not included. Over 1,500 documents relating to human rights violations committed during this period were gathered and analysed with a view to establishing an initial chronology by region of the main violent incidents reported. Only incidents meeting a 'gravity threshold' set out in the methodology were considered. Field mapping teams met with over 1,280 witnesses to corroborate or invalidate the violations listed in the chronology. Information was also collected on previously undocumented crimes. (10)

The 1,500 documents reviewed, some of them confidential, were obtained from many sources, including the United Nations, the Congolese government, Congolese and major international human rights organisations, national and international media and various unions, religious groups, aid agencies and victims' associations. Lastly, various sources, individuals and experts, national and international, were also consulted to open up new avenues of research, corroborate information and streamline the overall analysis. (14)

The methodology used by the mapping team derived from UN-developed tools, in particular those of OHCHR. These covered several areas, including: a gravity threshold for the selection of serious violations; standard of evidence required; identity of perpetrators and groups; confidentiality; witness protection; witness interviewing guidelines with a standardised interview form; and physical evidence guidelines (including mass graves). (97)

The Mapping Team's six-month timeframe for compiling an inventory of the most serious violations committed in the DRC over a 10-year period imposed certain constraints in terms of the methodology to be used. It did not provide for in-depth investigations or gathering of evidence admissible in court, but rather "the basis for the formulation of initial hypotheses of investigation by giving a sense of the scale of violations, detecting patterns and identifying potential leads or sources of evidence." Consequently, with regard to violations of human rights and international humanitarian law, the exercise provides a description of the violations and their location in time and space, the nature of the violations, victims and their approximate number and the – often armed – groups to which the alleged perpetrators belonged. It was carried out chronologically by province. (5)

Unlike some commissions of inquiry with a specific mandate to identify the perpetrators of violations and make them accountable for their actions, the objective of the Mapping Exercise was not to establish or to try to establish individual criminal responsibility. Instead, its aim was to expose in a transparent way the seriousness of the violations committed, with the aim of encouraging an approach aimed at breaking the cycle of impunity. The report does, however, identify the armed groups to which the alleged perpetrators belonged, since it was essential to identify the groups allegedly involved in order to suggest proper legal characterisations for the conduct in question. Consequently, information on the identity of the alleged perpetrators of some of the crimes listed does not appear in the report but is held in a confidential project database submitted to the UN High Commissioner for Human Rights. However, the identities of alleged perpetrators under warrant of arrest and those already sentenced for crimes listed in the report have been disclosed. Names have also been cited where political officials have assumed public positions encouraging or provoking the violations listed. (8)

The report is presented chronologically, reflecting four key periods in the DRC's recent history:

- March 1993–June 1996: The first period covers violations committed in the final years of the regime of President Mobutu Sese Seko and is marked by the failure of the democratisation process and the devastating consequences of the Rwandan genocide on the declining Zairian state, in particular in the provinces of North Kivu and South Kivu. During this period, 40 incidents were listed.
- July 1996–July 1998: The second period concerns violations committed during the First Congo War and the first year of the regime established by President Laurent-Désiré Kabila. This period has the greatest number of listed incidents (238) in the whole of the decade under examination.
- August 1998–January 2000: The third period concerns the inventory of violations committed between the start of the Second Congo War in August 1998, and the death of President Kabila. This period includes 200 incidents and is characterised by the intervention on the territory of the DRC of the government armed forces of several countries.
- January 2001–June 2003: The final period lists 139 incidents of violations committed in spite of the gradual establishment of a ceasefire along the front line and the speeding up of peace negotiations in preparation for the start of the transition period on 30 June 2003. (16-21)

The report notes "with utmost regret" that the extraordinary number of violations committed between 1993 and 2003, the sheer size of the country and the difficulties in accessing a number of sites mean that the exercise inevitably remains incomplete and cannot reconstruct the complexity of each situation or gain justice for all. (9)