

# Memorialisation as an often neglected aspect in the consolidation of transitional justice: Case study of the Democratic Republic of the Congo

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Without a proper engagement with the past and the institutionalization of remembrance, societies are condemned to repeat, re-enact, and relive the horror. Forgetting is not a good strategy for societies transiting to a minimally decent condition (Bhargava 2000:54).

## **Abstract**

For more than five decades after the Independence Day (1960–2018), the Democratic Republic of the Congo (DRC) has continued to witness large-scale violations of human rights and serious violations of international humanitarian law. Trying to deal with past abuses, the country twice experienced a process of transitional justice, in 1992 and in 2004, as the result of the *Conférence Nationale Souveraine* and the Inter-Congolese Dialogue, respectively. Both of these processes failed to achieve the desired result, and neither adopted any memorialisation process that honours the

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memory of victims. In October 2013, however, delegates to the *Concertation Nationale* recommended the government to build monuments in memory of victims of the different armed conflicts. Unfortunately, five years later the government has not yet done anything to implement that recommendation. Based on the interrogation of stakeholders, this paper offers strategies on how to honour the memory of victims of the various armed conflicts in the DRC – in order to consolidate the degree of transitional justice that had been attained.

To collect data, 32 key informants were interviewed and two focus group discussions were held in areas affected by armed conflicts. Findings included the recommendation that the State should apologise publicly for its failure to protect the civilian population. Thereafter, a commemorative day should be adopted to bring together victims and alleged perpetrators, and official monuments and memorials should be built in the most affected areas. Uncostly monuments, and aptly named schools, hospitals and public markets in memory of abuses should be built as symbolic collective reparation.

**Keywords:** commemoration of memories, *concertation nationale*, DRC, guarantee of non-repetition, healing process, symbolic reparation, tourism attraction, transitional justice

## **1. Introduction**

### **1.1 Justification and rationality of the paper**

The initial research project was entitled ‘Ways of restoring the dignity of victims of various armed conflicts in the DRC’. When the researcher started the fieldwork, a general report on *Concertation Nationale* was presented to President Joseph Kabila for consideration and implementation. Then, after the fieldwork, the researcher came to realise that among the recommendations suggested by delegates, the *building of monuments in memory of victims of armed conflicts in the DRC* was an important one. Given that in the opinions of almost all participants in the study there was a focus on memorialisation as a way of restoring victims’ dignity,

the researcher decided to entitle this paper: ‘Memorialisation as an often neglected aspect in the consolidation of transitional justice: Case study of the Democratic Republic of the Congo’.

What makes this paper relevant is the fact that the government has not done anything in accordance with what the delegates to the *Concertation Nationale* recommended back in October 2013. This paper offers strategies on what can be done to honour the memories of victims and prevent further violence in the DRC. In this regard, Tunamsifu (2016:78) states that ‘institutional reforms aiming at preventing a recurrence of violations should be developed through a process of broad public consultations that include the participation of victims and other sectors of civil society’ (2016:78).

The paper contains various recommendations that may guide the government to implement the resolution adopted during the *Concertation Nationale*.

### 1.2 Scope of the paper

The DRC together with its historical precursors has been an arena of conflict since colonisation. During the almost five decades (1960–2018) following Independence Day, the country has continued to witness large-scale violations of human rights and serious violations of international humanitarian law.

In dealing with widespread past violations, States transitioning from such horror are often in need of transitional justice, but they tend to neglect the restoration of dignity for the victims. Thus, in the last decade, according to Teitel, transitional justice has focused primarily on maintaining peace and stability (Verbeeck 2012:207; Teitel 2002:898). Borello notes that:

The term ‘transitional justice’ refers to the combination of policies that countries transitioning from authoritarian rule or conflict to democracy decide to implement in order to address past human rights violations. Transitional justice seeks to restore the dignity of victims and to establish trust among citizens and between citizens and the state (Borello 2004:13).

Therefore, it can be deduced that transitioning societies often decide how to bring to account those who bear the greatest responsibility and how to

compensate victims. Nevertheless, such societies usually pay less attention to memorialisation as a process after transitional justice to honour the memory of victims of past atrocities and thereby heal the wounds of survivors and pave the way towards reconciliation.

In 1991 and in 2002, the DRC convened two important events that adopted mechanisms of transitional justice. Thus the country, then the Republic of Zaïre under the military dictatorship of Mobutu, organised, in Kinshasa, the first inclusive political negotiation called the *Conférence Nationale Souveraine*. In 2002, during the series of internationalised armed conflicts backed by neighbouring countries after the Lusaka peace agreement in 1999, the Inter-Congolese Dialogue was held in Sun City (near Pretoria, South Africa). Of all the resolutions adopted<sup>1</sup> to deal with Mobutu's rule and the crimes committed during different armed conflicts, however, none acknowledged the memorialisation initiative as a significant mechanism following the satisfactory implementation of transitional justice.

After the contested presidential elections of 2011, President Joseph Kabila convened, in his December 2012 State of the Nation speech, a *Concertation Nationale* – which would start in September 2013 with the participation of some willing political parties and civil society organisations. The purpose of the *Concertation Nationale* was to bring together all the socio-political strata of the nation in order to reflect, exchange and debate, freely and without constraint, all the ways and means of consolidating national cohesion, to put an end to the cycles of violence in the eastern part of the country, to ward off any attempt to destabilise the State institutions, and to accelerate the development of the country in peace and harmony (République Démocratique du Congo 2013:4).<sup>2</sup> At the end of the

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1 See Annexure 1 for a list of the Resolutions adopted by the Inter-Congolese Dialogue.

2 The original version in French is: 'Les concertations nationales avaient pour objet la réunion de toutes les couches sociopolitiques de la nation afin de réfléchir, d'échanger et de débattre, en toute liberté et sans contrainte, de tous les voies et moyens susceptibles de consolider la cohésion nationale, de mettre fin aux cycles de violence à l'est du pays, de conjurer toute tentative de déstabilisation des institutions et d'accélérer le développement du pays dans la paix et la concorde.'

*Concertation Nationale* in October 2013, concerned by the vicious circle of internationalised armed conflicts that the country has been going through since 1996, parties agreed that victims should be honoured. Thus, they resolved that monuments should be built in memory of victims of various internationalised armed conflicts.

Indeed, such a memorialisation process intends to preserve memories of victims of past violations as part of a healing process, as symbolic reparation and as a mechanism of preventing further atrocities. It can satisfy the need for honouring individuals who suffered, disappeared, or were killed during widespread past violence. Accordingly, memorialisation can take a variety of forms, but serves as an umbrella concept encompassing a range of processes to restore contested memory, and to remember the wrongdoings of the previous regimes. Museums and commemorative libraries, monuments, walls of names of victims, and virtual memorials on the internet are major forms of memorial initiatives (Barsalou and Baxter 2007:4–5). Thus, when the tribunals and truth commissions have finished their work, the memorialisation can follow at the national level in order to help the public to understand better the aspects of conflict that were previously hidden or not revealed during the truth-telling process. The educational programmes based on memorials and museums help the young generation to understand the history of conflict that their parents and grandparents went through (Barsalou and Baxter 2007:9–10). After dealing with the past, the awareness process through education can create an attitude among the young generation to regret what happened in the past and to say ‘Never again!’

The transitional justice paradigm relies on the conviction that by dealing with the past on a national level, a better future is secured, because insights are provided on the ‘wrongfulness’ of the past atrocities. Therefore, the process is both backward-looking, as it contains an exploration of the past, and forward-looking, as it aims to securing a better future. It is often believed that processes of transitional justice contribute to societal repair and therefore peace (Impunity Watch 2013).

Thus, the objectives of this research are to analyse the context of serious violations of armed conflicts and interrogate stakeholders in the quest of memorialisation that intend to preserve the memory, heal the wounds of victims and prevent further violations. Since the memorialisation initiative was adopted, but not yet implemented, the research intends to reveal the opinions of selected participants on memorialisation in the DRC as a neglected post-transitional justice mechanism.

The present research explores some available literature on memorialisation and uses a qualitative approach that takes into account the points of view of key informants selected by employing the purposive sample method. In qualitative research, according to Natasha Mack and others, only a sample of a population is selected for any given study. Thus, there was purposive selection of sample group participants according to preselected criteria relevant to a particular research question (Mack et al. 2005:5). In this study, the choice of the sample was based on a number of criteria which include the following:

Firstly, the participant would be a representative of the ‘Coordination of Civil Society Organisations’ in the North and South Kivu provinces, the Ituri district<sup>3</sup> and Kisangani. Secondly, the participant would be a representative of an association of victims of armed conflicts or of an association taking care of victims or advocating victims’ cases in the courts of law in the DRC. Thirdly, the participant would be a victim or survivor staying in one of the areas mostly affected by different armed conflicts such as North Kivu province (Goma); South Kivu province (Bukavu, Walungu and Uvira); Ituri (Bunia) and Oriental Province (Kisangani).

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3 The field research was conducted when the DRC had 11 provinces. Currently, the country has 26 provinces in which Ituri (former a district in Province Oriental) has become one of the five provinces into which the Oriental province has been divided.

## **2. Context of serious violations in the DRC and mechanisms of transitional justice adopted to deal with them**

This section presents a brief overview of the context in which untold crimes have been committed since the colonial period in the DRC.

Since the period of colonisation, the DRC has witnessed difficult periods during which its name was changed several times.<sup>4</sup> Emizet François Kisangani observes that ‘the DRC has undergone many changes in terms of players and goals, change and continuity have coexisted, and both forces have simultaneously exerted their influence on the political landscape of Congo’ (Kisangani 2012:11).

Located in Central Africa precisely at the heart of the African continent, the DRC is the second largest country in Africa by area, after Algeria. It is bordered by nine countries – in the west by the Republic of Congo, in the north by the Republic of Central Africa and South Sudan, in the east by Uganda, Rwanda, Burundi and Tanzania, and in the south by Zambia and Angola.

The DRC was colonised in two phases – by King Leopold II and by the State of Belgium.<sup>5</sup> Both colonial administrations were brutal and various

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4 As his personal fiefdom, King Leopold II named what is now known as the DRC, Congo Free State (CFS) on 1 July 1885. After 75 years of horror, he was forced to hand over the colony to the State of Belgium which renamed it Congo Belge on 15 November 1908. After 52 years, on 30 June 1960, the country was granted independence and was renamed the Republic of Congo, but in August 1964 it became the DRC in accordance with the Luluabourg Constitution. During the reign of President Mobutu, it was renamed Republic of Zaïre on 27 October 1971, and when President Laurent Désiré Kabila came to power in May 1997, he changed the name back to the DRC, which is the country’s current name.

5 The first phase of the country’s colonisation occurred as a result of the Berlin Conference that ceded the Congo to King Leopold II from 1885 to 1908. His reign was characterised by widespread murder and unspeakable atrocities against the colonised people. After 75 years of horror, which led to a huge international scandal, Leopold’s rule in the Congo had become such an embarrassment that the Belgian parliament was obliged to annex Congo in 1908 (see Turner 2013:1; Savage 2006:3). The second phase of the colonisation began on 15 November 1908. The Belgian State renamed the colony Congo Belge and dominated it for 52 years (from 1908 to 30 June 1960, the country’s Independence Day).

violations of human rights were committed by colonisers. The list of known and documented massacres is endless, and the number of victims of slavery, forced labour, torture and mutilation is estimated at 10 million (Hochschild 2007:288–293). In the aftermath of the colonial era, the post-colonial government did not deal with the human rights violations of the colonial era; neither did the 1960s roundtable conference, held in Belgium, provide any mechanisms to deal with perpetrators or to honour victims.

Due to the poor preparation, the First Republic (1960–1965) faced various internal crises in which innumerable crimes were committed, including the assassination of the first Prime Minister, Patrice Lumumba, on 17 January 1961. It was during that series of chaos that General Joseph Mobutu, then Chief Commander of the army, took political control of the country and declared himself president in a *coup d'état* on 24 November 1965. Belgium was continually being accused of the assassination of Lumumba, and forty years thereafter, the Belgian parliament admitted that 'Belgium bears a moral responsibility for the killing of Lumumba'.<sup>6</sup>

Under the Mobutu presidency, 1965–1997, the country experienced a military and dictatorial regime in which various crimes were committed. In 1971, Mobutu renamed the country Republic of Zaïre (Tunamsifu 2011:168; Mpongola 2010:181; Electoral Institute for Sustainable Democracy in Africa 2005:3). With one-party rule, he initiated a cult of a personality with absolute concentration of power and accumulated colossal personal fortunes (Borello 2004:vii). His regime was characterised by widespread corruption, violent suppression of dissent, including a massacre of students at the University of Lubumbashi in 1990.

In the quest for democratic governance, following domestic and international pressure, President Mobutu convened a Sovereign National

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6 In December 2001 a Belgian parliamentary commission of inquiry that was tasked to investigate the matter concluded that Belgium bears a moral responsibility for the killing of Lumumba. There was no documentary evidence that any member of the Belgian government gave orders to physically eliminate Lumumba. However, it did find that King Baudouin knew of plans by Lumumba's opponents to assassinate him and that some Belgian officers had witnessed the killing (Villafaña 2012:28–29).

Conference (CNS, *Conférence Nationale Souveraine*) in 1992 in order to discuss all the state's issues and thereby establish a new political and constitutional order. Following various revelations against Mobutu and his relatives about crimes committed, mismanagement, and violations of human rights, Mobutu decided to terminate the operations of the CNS. Four years later (1996), the country entered into various armed conflicts backed by Burundi, Rwanda, and Uganda.

A number of studies have shown that actors in all the conflicts were directly and indirectly responsible for millions of deaths (Nest, Grignon and Kisangani 2006:12; Office of the High Commissioner for Human Rights 2010:§998–999; Binder, De Geoffroy and Sokpoh 2010:22). On 17 December 2002, a Global and Inclusive Agreement on Transition in the DRC was signed and delegates opted to deal with the past through transitional justice mechanisms as the Truth and Reconciliation Commission, and requested the establishment of an international criminal tribunal for the DRC.

From the above, it can be deduced that none of the transitional justice mechanisms adopted by warring parties referred to memorialisation. Thus the purpose of this study is to demonstrate that beyond mechanisms adopted by warring parties to deal with past abuses, it is important for societies in political transition to take into account the points of view of survivors directly or through organisations taking care of victims. This study relied on literature and empirical fieldwork as its sources of information.

### **3. Holistic approaches to memorialisation and results from fieldwork**

With the aim to commemorate or enhance the understanding of a conflictive past, memorialisation initiatives include entities and activities such as public memorials (museums and monuments), various documentation activities (oral history collections and archives), works of art, and public performances.

Memorialisation efforts can create many opportunities for survivors and societies, including: the recognition of survivors; becoming a location for mourning and healing; contributing to truth telling; representing a form of justice or reparation; contributing towards the construction of national identity and social reconstruction; creating a space for public education, dialogue and engaging second generations; providing a basis for dialogue and reconciliation between groups in conflict; serving as a basis for non-recurrence, and preventing impunity (Impunity Watch 2015:17).

It should be clear, therefore, that initiatives aiming at preserving the memory of the violations are not limited to costly museums and memorials serving as symbolic reparation, but include low-cost initiatives such as a Remembrance Day, which can effectively send out the message that past atrocities must never be repeated.

Memorialisation in such a comprehensive sense was the participants' recommendation to the *Concertation Nationale*. As a top-down memorialisation approach, this study is the result of interviews and focus group discussions in areas affected by various armed conflicts. As a bottom-up initiative, participants were asked the key question: 'What do you think could be done to restore the dignity of victims in the DRC?' This inclusive and consultative approach is in the same vein as the important saying of Mahatma Gandhi: '*Whatever you do for me but without me, you do against me*' (Miller, Latham and Cahill 2016:6). The results from the fieldwork indicate that the victims' dignity can be restored through memorialisation as part of symbolic community reparation; through the adoption of a commemorative day in memory of victims; and through museums and monuments that can attract tourists. Thus, this section is designed around four subsections analysing memorialisation as part of reparation, as part of healing and remembrance, as guarantee of non-recurrence, and as a tool of attracting tourists.

### **3.1 Memorialisation as part of reparation**

Building museums, monuments or other memorials is part of the symbolic reparations which focus on citizens and victims. According to Gavin

Stamp, the idea behind it is that every single missing man or woman should receive a permanent memorial (Stamp 2006:101), but the initiative is also a potential tool of communication from one generation to another. Reparation can be granted individually or collectively, but in both cases reparation has strengths and weaknesses.

Reparation is principally an individual right. The right to reparation is a fundamental right recognised for victims and their family members. This right is well guaranteed by international and regional instruments of human rights. For example, Article 8 of the Universal Declaration of Human Rights (1948) stipulates that '[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law'. However, in the DRC, where due to a vicious cycle of internationalised armed conflicts since 1996 millions of victims have been (and still are) harmed, a programme of individual reparations is very difficult to implement. That is why in the context of the DRC prioritising community reparation seems to be a suitable measure, especially in light of all the destruction of basic infrastructure after the vicious cycle of conflicts. The principle of collective reparation is highly controversial, however, because of the perception that the rebuilding of infrastructure may be regarded as a development programme. Measures of reparative nature that include building schools to guarantee the right to education or building hospitals to guarantee the right to health generally reflect the economic and social rights of all citizens. In this regard, the researcher agrees with the Report Mapping of the Office of the United Nations High Commissioner for Human Rights in the DRC, which acknowledges that '[i]n a context in which the vast majority of the country does not have basic infrastructures, sometimes precisely because of it having been destroyed during the conflicts, prioritising certain development projects for the benefit of the victims' communities could be seen as a kind of reparation' (Office of the High Commissioner for Human Rights 2010:§1103).

Individual reparations are often not substantial enough to make a meaningful change in victims' circumstances. One danger is that collective reparations

programmes, which benefit an entire community, may be seen as a way for governments to carry out their existing development responsibilities to build schools and medical clinics, for example – and call this sufficient reparation. On the other hand, such development-oriented projects are often what people demand most when asked about reparations. As far as possible, states should seek to provide both individual and collective reparations, the former to address victims' immediate needs and the latter in service of longer-term, structural reforms. Finally, while reparations are at times seen as restoring victims to their pre-violation state, the emphasis should be placed on the restoration of dignity and active citizenship rather than on the quantum for compensation (Roht-Arriaza 2012:4–6).

During the fieldwork, key informants #19, #20, and #22 of Bunia,<sup>7</sup> and #28 of Kisangani<sup>8</sup> estimated that there would be millions of direct and indirect victims as result of various armed conflicts. Thus, there would not be available funds for individual reparation. To this end, key informants recommended the symbolic community reparation in terms of building monuments, schools, hospitals and public markets in memory of abuses. Survivors will be satisfied with this kind of community reparation. However, key informant #23 of Bunia,<sup>9</sup> noted that those buildings in memory of past abuses or built as collective memory should be named as follows 'monuments of reconciliation'; 'memorial of reconciliation', and 'school for peace'.

Participants in the focus group #FG2 in Kisangani<sup>10</sup> estimated that since many residential houses of the survivors were destroyed completely by the bombing during the hostilities between the Rwandan and Ugandan armies in the town of Kisangani, building houses for them should be considered.

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7 Interview held in Bunia with key informants #19 and #20 on 21 January, and #22 on 22 January 2014.

8 Interview held in Kisangani with key informant #28 on 31 January 2014.

9 Interview held in Bunia with key informant #23 on 22 January 2014.

10 Second Focus group discussion (#FG2), held in Kisangani on 30 January 2014.

After two decades, Congolese people are still experiencing atrocities from State and non-State actors. It is estimated that between six and ten million people have been killed and unnumbered houses destroyed as consequences of conflicts. So, it is impossible for every single victim to receive reparation. That is why community reparation seems realistic.

### 3.2 Memorialisation as part of the healing process

Memorialisation efforts seek to preserve public memory of victims, usually through a yearly day of commemoration or through museums and monuments (African Union Panel of the Wise 2013:26). Paul Williams uses the term memorial as an umbrella term for anything that serves in remembrance of a person or event (Williams 2007:7). In the design of the memorial, according to Maya Lin, a fundamental goal should be to be honest about death, since we must accept the loss in order to begin to overcome it. It is true that people cannot forget their loved ones, and the pain of the loss will always be there, and will always hurt, but people must acknowledge the death in order to move on (Lin 2000:n.p.). In this regard, Nabudere and Velthuisen (2013:6) clarify that:

[M]emory and mutual supportive action belong together; one is a condition for the other. Memory creates the space in which social action can unfold, while forgetting is synonymous with inability to act, or in the Egyptian language, with 'sloth/inertia'. Without the past there is no action. Without memory there can be no conscience, no responsibility, and no past.

On his part, Paul Williams distinguishes between the terms memorial museum and memorial site. A memorial museum is a specific kind of museum dedicated to commemorating a historic event that caused mass suffering of some kind, while a memorial site is used to indicate a physical location that serves a commemorative function, but is not necessarily dominated by a built structure (Williams 2007:8).

During the fieldwork, key informants #09 of Bukavu,<sup>11</sup> #16 of Uvira<sup>12</sup> and #19 of Bunia said that there is a need to commemorate the unspeakable crimes committed against the Congolese population. Thus, a commemorative day should be declared so that victims may not be forgotten. The key informants #19 and #20 of Bunia stressed that ‘the crimes were due to the incapability (weaknesses and inactions) of the State (DRC) to protect its people. In this regard, the State must recognise that it has failed to protect the civilian population, apologise publicly, and dedicate a day in memory of the victims of the various armed conflicts in the DRC. In addition, it should take responsibility for building an official memorial for the victims.

According to key informant #16 of Uvira, a commemorative day should be adopted by the parliament, and the president of the Republic should sign a decree for remembering the victims of past atrocities. Or, as foreign actors from neighbouring countries have had hands in those atrocities, the government and civil society organisations could advocate that the African Union adopt a day to commemorate victims of armed conflicts in Africa. Such a commemorative day would communicate the necessity of bringing together survivors and perpetrators or their descendants, and of propagating a forward-looking orientation.

To avoid forgetting past crimes and honour the memory of victims, key informants #09 and #14 of Bukavu, and #11, #15 and #16 of Uvira, as well as participants in the focus group #FG2 of Kisangani, suggested to build monuments for the benefit of both victims and perpetrators. Key informant #16 of Uvira emphasised that monuments can be very meaningful for all parties involved. On one hand, when perpetrators see those monuments, they could say *we should never commit such acts again*. On the other hand, when survivors see the monuments, they could say *we should never hate perpetrators*.

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11 Interview held in Bukavu with key informant #09 on 20 December 2013.

12 Interview held in Uvira with key informant #16 on 03 January 2014.

Participants in the focus group #FG2 of Kisangani suggested that memorials should be built in the most affected areas, and that those honouring victims should have the actual names of victims engraved on their walls. Key informant #14 of Bukavu made the point that there is a 'duty to preserve memory' of past events. This participant also complained, however, that the government has done nothing about the massacres perpetrated in Kaniola – no judicial investigation against the alleged perpetrators has been undertaken, and no support has been provided to the Roman Catholic Church when it was building the memorial site in memory of the more than 6 000 people killed. This lack of political will of the current regime does not console the survivors who are bearing their grief in silence.

Key informant #15 of Uvira noted the importance of providing a cemetery where the victims' bodies and the remains of others could be buried in dignity. Such a cemetery could become a place of worship and reconciliation where survivors or their descendants may experience a link between themselves and those who have been killed during the different armed conflicts. Cemeteries themselves provide information for those who were not informed. This should happen to keep alive the memories of victims, in spite of the unwillingness of the current regime.

Visible and permanent monuments can regularly inform passers-by and help people not to repeat the crimes committed in the past. That is why key informant #14 of Bukavu argued that building memorials and monuments in memory of the victims is a kind of healing process to the survivors.

Regarding what the country went through, it is important to preserve the memories of the victims of these atrocities, and it can be done with uncostly monuments such as broken weapons and a dove of peace. Unfortunately, however, nothing has yet been built in most of the areas affected by the various armed conflicts.

### 3.3 Memorialisation as guarantee of non-recurrence of atrocities, and future conflict prevention

Memorial museums can help to educate future generations about past abuses, and help them to avoid their recurrence by saying, 'Never again'. Thus, memorialisation initiatives, as recognised by Impunity Watch, are important as they offer insight into the root causes of violence, which can offer lessons that would hopefully guarantee non-recurrence (Impunity Watch 2015:17). In this regard, the African Union Panel of the Wise (2013:26) also realises that the idea of memorialisation is to keep the memory of past abuses alive to prevent recurrence of similar violence. In the foreword to his study, Ralph Sprenkels explains that memorialisation initiatives contribute to enhancing societal trust, respect and cohesion, and provide a widely applicable tool that helps to create societal foundations for transformative change in favour of human rights, which is essential for the democratisation process at large (Impunity Watch 2015:iv).

In terms of the interview and focus group guide, key informants #16 of Uvira and #19 of Bunia, as well as participants in the focus groups #FG1<sup>13</sup> of Bunia and #FG2 of Kisangani stressed the importance of memory as a guarantee of non-repetition of past abuses and the prevention of armed conflicts in the future. Key informant #16 of Uvira shared the opinion that meaningful monuments can promote insightful understanding by survivors and perpetrators as a guarantee of non-repetition of past abuses.

Participants in the focus group discussion #FG1 in Bunia suggested that memorials and monuments should be built in areas ravaged by the various armed conflicts. By doing so, participants in the focus group discussion #FG2 in Kisangani argued that such an initiative would propagate the 'never again' message and prevent future generations from repeating what happened in the past. In the same vein, key informant #19 of Bunia argued that building memorials and monuments in affected communities would prevent history from repeating itself. When, however, state authorities

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13 First Focus group discussion (#FG1) held in Bunia on 20 January 2014.

fail to undertake measures or initiatives that prevent further atrocities it would mean that victims may have to endure a repetition of gross human rights violations.

### **3.4 Memorialisation and tourism**

Memorial museums can also bring about the further advantage of drawing foreigners' attention to historical sites. Paul Williams agrees that they form key sites that can capitalise on the growth of 'cultural tourism'. He adds that they may even have a double significance:

They are advantageous for visitors not only in the way they conveniently condense historical narratives within a single authentic site, but also in the way they impart moral rectitude to those who visit (Williams 2007:190).

Participants in the focus group discussion #FG2 in Kisangani noted that the construction of memorials would attract tourism, and access fees or donations from visitors will help in the gathering of more evidence about past abuses.

## **4. Conclusion, and recommendations of fieldwork participants**

The DRC, in more than five decades after its Independence Day (1960–2018), has continued to witness large-scale violations of human rights and serious violations of international humanitarian law. In dealing with past abuses, the country convened two important inclusive political negotiations in 1991 and in 2002 during which transitional justice mechanisms were adopted. Both were unsatisfactory experiences however, and in both cases a memorialisation process which could have facilitated an atmosphere of reconciliation and coexistence was unfortunately neglected.

It was only in 2013 that stakeholders at the *Concertation Nationale* for the very first time adopted a decision to build monuments in memory of the victims of armed conflicts in all areas where atrocities were committed.

Since, five years later, there are not yet any official monuments built to honour victims of the different armed conflicts, or any measures to

implement such a recommendation, this study collected data from 32 key informants and two focus group discussions in areas affected in order to explore the point of view of the affected population. The researcher selected key informants from the 'Coordination of Civil Society Organisations', from victims of armed conflict associations or of associations taking care of victims, and also from victims or survivors staying in areas mostly affected by different armed conflicts such as North Kivu province (Goma); South Kivu province (Bukavu, Walungu and Uvira); Ituri (Bunia) and Province Oriental (Kisangani).

In the light of the research findings, this study as a bottom-up initiative offers the following recommendations on a memorialisation process as a consolidating aspect of transitional justice in the DRC. The recommendations of the participants are grouped according to the four aspects of memorialisation discussed above: commemoration of memories, symbolic reparation, guarantee of non-repetition, and tourism attraction.

#### **4.1 Commemoration of memories of past abuses:**

- The State must apologise publicly that it has failed to protect civilian population;
- Adoption of a commemorative day to remember the victims of past atrocities in the DRC;
- The building of official monuments and memorials in memory of all victims of various armed conflicts in the most affected areas in the DRC;
- Advocate for an African Day to commemorate Congolese victims killed by African countries ;
- Involve all parties (victims and alleged perpetrators) in the building of monuments.

#### 4.2 Memorialisation as symbolic reparation:

- Monuments, schools, hospitals, public market in memory of past abuses should be built as symbolic community or collective reparation;
- Collective memories should be named as follows ‘monuments of reconciliation’; ‘memorial of reconciliation’, and ‘school for peace’.
- The building of houses for the survivors of hostilities between the Rwandan and Ugandan armies in the town of Kisangani where both armies destroyed completely residential houses of civil population.

#### 4.3 Guarantee of non-repetition and the prevention of future conflict:

- Monuments should be built by all parties because when alleged perpetrators would see them they will say *never again we would commit such acts*, and when survivors would see those monuments, they will say *never we would hate perpetrators*.
- Building memorials and monuments in affected communities would prevent the history from repeating itself.

#### 4.4 Tourism:

- Memorials attract tourism, and access fees or donations from visitors will help harvest testimony in light of past abuses.

The above recommendations from key participants represent the voice of survivors and victims of different internationalised armed conflicts since 1996. The researcher is of the opinion that the government may be guided by these recommendations in order to implement what was decided during the *Concertation Nationale* and therefore honour the memories of victims of various armed conflicts in the DRC.

The DRC has lost opportunities to deal with past abuses and therefore to prevent further violence. As a bottom-up initiative, this research recommends the government, with the support of all development partners, to implement all transitional justice mechanisms adopted. The subsequent resumption of armed conflicts is the result of failing to address the past.

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## **Annexure 1**

1. Resolution No: DIC/CPJ/01. Relating to the endorsement of the Global and Inclusive Agreement.
2. Resolution No: DIC/CPJ/02. Relating to the adoption of the Transitional Constitution.
3. Resolution No: DIC/CPJ/03. Relating to the enshrinement of democratic principles.
4. Resolution No: DIC/CPJ/04. Relating to the effective and complete liberalisation of political life and association.
5. Resolution No: DIC/CPJ/05. Relating to the free movement of people and goods throughout the national territory of the DRC as well as the restoration of transport links.
6. Resolution No: DIC/CPJ/06. Relating to the abolition of special courts and the reform of military justice.
7. Resolution No: DIC/CPJ/07. Relating to the reinstatement and rehabilitation of magistrates dismissed or forced into early retirement.
8. Resolution No: DIC/CPJ/08. Relating to the rehabilitation of workers arbitrarily dismissed.
9. Resolution No: DIC/CPJ/09. Relating to the Independent Electoral Commission.
10. Resolution No: DIC/CPJ/10. Relating to the support of the international community.
11. Resolution No: DIC/CDS/01. Relating to mechanisms for the consolidation of peace.
12. Resolution No: DIC/CDS/02. Relating to the disarmament of armed groups and the withdrawal of foreign forces.
13. Resolution No: DIC/CDS/03. Relating to the identification of nationals who shall constitute the Army; demobilisation and reintegration of child soldiers and vulnerable persons; recruitment with a view to integrating military and paramilitary groups into the National Army and Police.
14. Resolution No: DIC/CDS/04. Relating to the formation of the new restructured and integrated army.
15. Resolution No: DIC/DSC/05. Relating to sanctions against parties acting in bad faith.
16. Resolution No: DIC/CEF/01. Relating to the costs of the two wars, 1996 and 1998.
17. Resolution No: DIC/CEF/02. Resolution on the restitution of property taken and/or confiscated from individuals and of plundered state property.
18. Resolution No: ICD/CEF/03. Relating to disputes over the reconstruction of the environment destroyed by war.
19. Resolution No: ICD/CEF/04. Resolution calling for scrutiny to determine the validity of economic and financial agreements signed during the war.
20. Resolution No: ICD/CEF/05. Relating to emergency economic and social programme.
21. Resolution No: ICD/CHSC/01. Relating to the Emergency Programme in different social sectors.
22. Resolution No: ICD/CHSC/02. Relating to the Emergency Humanitarian Programme for the DRC.

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23. Resolution No: ICD/CHSC/03. Relating to the Emergency Programme for the environment in the DRC.
24. Resolution No: ICD/CHSC/04. Relating to the reconstruction of Kisangani and all the other towns destroyed by the war.
25. Resolution No: ICD/CHSC/05. Relating to the reconstruction of the town of Goma.
26. Resolution No: ICD/CHSC/06. Relating to culture and inter-ethnic coexistence in the DRC.
27. Resolution No: ICD/CHSC/07. Relating to the ethics and the fight against corruption.
28. Resolution No: ICD/CHSC/08. Relating to the National Monitoring Body for Human Rights.
29. Resolution No: ICD/CHSC/09. Relating to the media sector.
30. Resolution No: ICD/CPR/01. Relating to the restitution of property taken and/or confiscated from individuals and property stolen from the state.
31. Resolution No: ICD/CPR/02. Relating to the protection of minorities.
32. Resolution No: ICD/CPR/03. Relating to the problem of nationality with regard to national reconciliation.
33. Resolution No: ICD/CPR/04. Relating to the institution of a Truth and Reconciliation Commission.
34. Resolution No: ICD/CPR/05. Relating to the establishment of an International Criminal Court.
35. Resolution No: ICD/CPR/06. Relating to the peace and security in the DRC and in the Great Lakes region.
36. Resolution No: ICD/CPR/07. Relating to the organisation of an international conference on peace, security and development in the Great Lakes region and Central Africa.

## **Interviewees**

1. Key informant #01DRC interviewed in Goma on 16 December 2013. Staff of Hôpital Heal Africa de Goma.
2. Key informant #02DRC interviewed in Goma on 17 December 2013. Victim found at Hôpital Heal Africa de Goma.
3. Key informant #03DRC interviewed in Goma on 17 December 2013. Victim found at Hôpital Heal Africa de Goma.
4. Key informant #04DRC interviewed in Goma on 17 December 2013. Staff of Association du Barreau Américain à Goma.
5. Key informant #05DRC interviewed in Goma on 17 December 2013. Staff of Association du Barreau Américain à Goma.
6. Key informant #06DRC interviewed in Goma on 18 December 2013. Member of the Coordination Provinciale de la société civile du Nord Kivu à Goma.
7. Key informant #07DRC interviewed in Goma on 18 December 2013. Victim found at Hôpital Heal Africa de Goma.
8. Key informant #08DRC interviewed in Bukavu on 20 December 2013. Person at Hôpital Général de Panzi à Bukavu.
9. Key informant #09DRC interviewed in Bukavu on 20 December 2013. Member of the Coordination Provinciale de la société civile du Sud-Kivu.
10. Key informant #10DRC interviewed in Uvira on 21 December 2013. Staff of Genre actif pour un devenir meilleur de la femme (GAD) à Uvira.
11. Key informant #11DRC interviewed in Uvira on 22 December 2013. Staff of the entity Village de Makobola à Uvira.
12. Key informant #12DRC interviewed in Kaniola on 23 December 2013. Staff of the Paroisse Reine de tous les Saints de Kaniola à Bukavu.
13. Key informant #13DRC interviewed in Kaniola on 23 December 2013. Staff of the Bureau d'écoute Justice et Paix at the Paroisse Reine de tous les Saints de Kaniola à Bukavu.
14. Key informant #14DRC interviewed in Burhale on 23 December 2013. Staff of the Paroisse Saint Jean Apôtre de Burhale à Bukavu.
15. Key informant #15DRC interviewed in Uvira on 02 January 2014. Staff of the Cité d'Uvira in Uvira.
16. Key informant #16DRC interviewed in Uvira on 03 January 2014. Staff of the Cadre de Concertation inter-ethnique de Uvira.
17. Key informant #17DRC interviewed in Bunia on 20 January 2014. Staff of Caritas Bunia.
18. Key informant #18DRC interviewed in Bunia on 21 January 2014. Staff of Association des Mamans Anti Bwaki de Bunia and former Commissioner of the Commission Vérité et Réconciliation in the DRC.
19. Key informant #19DRC interviewed in Bunia on 21 January 2014. Staff of École de la Paix des Missionnaires d'Afrique in Bunia.

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20. Key informant #20DRC interviewed in Bunia on 21 January 2014. Staff of Coopération Internationale in Bunia.
21. Key informant #21DRC interviewed in Bunia on 22 January 2014. Staff of the Centre de recherche de l'Institut Supérieur Pédagogique de Bunia.
22. Key informant #22DRC interviewed in Bunia on 22 January 2014. Staff of Justice Plus in Bunia.
23. Key informant #23DRC interviewed in Bunia on 22 January 2014. Representative of the Hima community of Bunia.
24. Key informant #24DRC interviewed in Bunia on 23 January 2014. Member of the Coordination de la Société civile de Bunia.
25. Key informant #25DRC interviewed in Bunia on 24 January 2014. Person representing Lendu community of Bunia.
26. Key informant #26DRC interviewed in Kisangani on 29 January 2014. Staff of Congo en Images in Kisangani.
27. Key informant #27DRC interviewed in Kisangani on 30 January 2014. Staff of Actions et Réalisations pour le Développement de Kisangani.
28. Key informant #28DRC interviewed in Kisangani on 31 January 2014. Member of the Coordination Provinciale de la société civile de Kisangani.
29. Key informant #29DRC interviewed in Kisangani on 30 January 2014. Staff of the Commission Justice et Paix de la Province Orientale.
30. Key informant #30DRC interviewed in Kisangani on 01 February 2014. Staff of Union pour le développement de la Province Orientale.
31. Key informant #31DRC interviewed in Kinshasa on 18 February 2014. Staff of the Bureau de la représentation de la CPI à Kinshasa.
32. Key informant #32DRC interviewed in Kinshasa on 21 February 2014. Staff of Coalition pour la CPI à Kinshasa.