

THE WAR REPORT 2018

DEMOCRATIC REPUBLIC OF THE CONGO: CONFLICT IN THE EASTERN REGIONS



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BACKGROUND¹

The current violence in DRC, qualified as one of the world's worst active humanitarian crises, has its origins in the massive refugee crisis that resulted from the 1994 genocide in Rwanda.² After Rwanda's genocidal regime was overthrown in June 1994, more than 2 million Hutus fled to DRC fearing reprisals by the newly established Tutsi government led by Paul Kagame.

They allied themselves with Mobutu Sese Seko, military dictator and President of the DRC since 1965, and began to attack the Tutsi population who had been living in the country for generations.³ In response, Rwanda's Tutsi government started to back Tutsi militias led by Laurent Kabila, thus marking the beginning of the so-called First Congo War (1996–1997). Kabila gained support from neighbouring countries such as Uganda, Rwanda and Burundi, which merged into the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL), allowing him to lead a full-scale rebellion against President Mobutu. In December 1996, he began a slow movement westward, taking control of border towns and mines. By mid-1997, the ADFL marched on Kinshasa, overthrew Mobutu's government and installed Kabila as President.

However, Kabila immediately faced substantial obstacles to governing the country. He failed to expel the Hutu militia and his foreign allies in the ADFL proved to be unwilling to leave the country when asked. By 1998, his allies supported new rebellions, this time with the aim of ousting him: Rwanda backed the Rally for Congolese Democracy (RCD) while the Movement for the Liberation of Congo (MLC) was backed by the Government of Uganda. Kabila, on the other hand, managed to obtain support from other countries, i.e. Angola, Namibia and Zimbabwe⁴ and, accordingly, for the following five years a war involving all six countries was fought on Congolese land, the so-called Second Congo War (1998–2003). In addition, other foreign armies and at least

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16 armed groups took part in the conflict.⁵ The conflict was thus categorized as a combination of internal conflicts (i.e. RCD against Kabila's government and MLC against Kabila's government) and international conflicts (i.e. the conflict between Uganda and Rwanda on Congolese territory as well as the clashes between the Rwandan and Ugandan armies on one side and the Congolese army on the other).⁶

In July 1999, the six main African countries involved in the conflict signed a ceasefire accord in Lusaka, which was then also signed by the MLC and RCD rebel groups. By 2000, the UN authorized a force of 5,537 troops, known by the French acronym MONUC, to monitor the ceasefire;⁷ nonetheless, fighting continued between rebels and government forces as well as between Rwandan and Ugandan forces. Furthermore, in January 2001, Kabila was shot dead by a bodyguard and his son, Joseph Kabila, was sworn in as President to replace him. The new president and the Rwandan President Kagame met in Washington and agreed, along with Uganda and the rebels, to a UN pullout plan. In April of the same year, a UN panel of experts conducted an investigation concluding that the warring parties, i.e. Rwanda, Uganda and Zimbabwe, were deliberately prolonging the conflict in the country in order to exploit its resources (diamonds, cobalt, coltan and gold) and recommended that the UN Security Council (UNSC) impose sanctions.

In 2002, under the auspices of South Africa, a series of peace talks were held in the country from April to December. In April, the DRC Government signed a power-sharing deal with Ugandan-backed rebels, according to which the MLC leader was to be the premier. Rwandan-

¹ 'Democratic Republic of Congo Profile – Timeline', BBC News, 14 May 2018, <https://www.bbc.com/news/world-africa-13286306>.

² Council on Foreign Relations, 'Violence in the Democratic Republic of Congo' Global Conflict Tracker, <https://www.cfr.org/interactives/global-conflict-tracker#!/conflict/violence-in-the-democratic-republic-of-congo> (last accessed 12 July 2018).

³ 'Q&A: DR Congo Conflict', BBC News, 20 November 2012, <https://www.bbc.com/news/world-africa-11108589>.

⁴ They intervened in the conflict in support of the Congolese army by invoking the inherent right of individual or collective self-defence, as set out in Article 51 of the UN Charter, and as recalled in UNSC Res 1234, 1999. See International Committee of the Red Cross (ICRC), 'Case Study: Armed Conflicts in the Great Lakes Region (1994–2005)', https://casebook.icrc.org/case-study/case-study-armed-conflicts-great-lakes-region-1994-2005#congo_part3 (last accessed 12 July 2018).



⁵ Ibid.

⁶ Ibid.

⁷ UNSC Res 1279, 30 November 1999.

backed RCD rebels, on the other hand, rejected the deal. In July, Rwanda and the DRC signed a peace deal known as the Pretoria Accord, focused on two main issues: the withdrawal of Rwandan soldiers from the east, and the disarmament and arrest of the Hutu militia known as Interahamwe, which took part in the Rwandan genocide and continued to operate in eastern Congo.⁸ In September, a peace deal between DRC and Uganda including the withdrawal of Ugandan troops was signed as well. Finally, in December a global and all-inclusive agreement was signed between the DRC Government and the main rebel groups.⁹ This agreement marked the formal end of the Second Congo War and put in place a plan for transitional governance with the purpose of reunifying the country, disarming and integrating the warring parties and holding democratic elections within two years.

However, the transitional government formed by President Kabila to lead until the upcoming elections, had to face continuous instability: the former warring parties refused to give up their power and elections had to be postponed. Three main areas of conflict remained between government forces and rebel groups: North and South Kivu, Ituri and Northern Katanga. The DRC Government decided to refer the situation in the eastern part of the country (the Ituri region and North and South Kivu provinces) to the International Criminal Court (ICC) in April 2004.¹⁰ Moreover, in December 2005, the International Court of Justice ruled that DRC's sovereignty had been violated by Uganda during the Second Congo War and, accordingly, the latter had to compensate the Kinshasa government.¹¹ The first free elections in four decades were held in July 2006 but there was no clear winner in the presidential vote between Kabila and the opposition candidate, Jean-Pierre Bemba. After the second round held in October of the same year, Kabila was declared the winner with the general approval of international monitors.¹²

8 See C. McGreal, 'Rwanda and Congo Sign Peace Accord', *The Guardian*, 31 July 2002, <https://www.theguardian.com/world/2002/jul/31/congo.chrismcgreal>.

9 See Global and Inclusive Agreement on Transition in the DR Congo: Inter-Congolese Dialogue – Political Negotiations on the Peace Process and on Transition in the DRC, ReliefWeb, 16 December 2002, <https://reliefweb.int/report/democratic-republic-congo/global-and-inclusive-agreement-transition-dr-congo-inter-congolese>.

10 See International Criminal Court (ICC), 'Democratic Republic of the Congo', ICC-01/04, <https://www.icc-cpi.int/drc> (last accessed 15 January 2019).

11 International Court of Justice, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, 19 December 2005, <https://www.icj-cij.org/files/case-related/116/116-20051219-JUD-01-00-EN.pdf> (last accessed 15 January 2019).

12 See C. McGreal, 'Opposition Objects as Kabila Named Congo Election Winner', *The Guardian*, 16 November 2006, <https://www.theguardian.com/world/2006/nov/16/congo.chrismcgreal>.

In January 2008, the DRC Government and the rebel militias signed a peace deal with a view to ending years of violence in the east but renewed waves of conflict kept destabilizing the wider Great Lakes region

In January 2008, the DRC Government and the rebel militias signed a peace deal with a view to ending years of violence in the east¹³ but renewed waves of conflict kept destabilizing the wider Great Lakes region. Therefore, In July 2010, the UNSC, through Resolution 1925,¹⁴ re-established the peacekeeping operation as MONUSCO, adding 'stabilization' to its previous mandate so as to reflect the new phase reached in the country. In March 2013, the UNSC created, through Resolution 2098,¹⁵ a specialized Force Intervention Brigade (FIB) with the mandate of neutralizing armed groups and contributing to reducing their threat to state authority and civilian security in eastern DRC. Indeed, the M23, a rebel group composed of ethnic Tutsis and allegedly backed by the Rwandan Government, was fighting the Congolese army and, in November 2012, successfully took the major city of Goma located in North Kivu province, forcing civilians to flee.¹⁶ Only a strong offensive conducted by the Congolese army, significantly supported by the FIB, caused the M23 rebels to ultimately surrender and a peace deal was signed in December 2013. Other rebel groups such as the Democratic Forces for the Liberation of Rwanda (FDLR) nonetheless took the opportunity to regroup and strengthen their power.

Recent violence was mainly linked to the country's worsening political crisis and turmoil. Since the 2005 Constitutional referendum, the Congolese Constitution limits the presidential term to a maximum of two consecutive periods of five years in office. In December 2016, Kabila was approaching the end of his second and final five-year term; however, he refused to step down and showed determination to postpone the organization of democratic elections. Accordingly, a series of negotiations between Kabila's ruling coalition and the opposition took place under the aegis of the influential Catholic Church and the Saint Sylvester Agreement, envisaging a political transition with presidential elections to be held by the end of 2017 was signed on 31 December 2016. The compromise also called for the implementation of 'confidence building measures' such as the release of political prisoners, the

13 L. Polgreen, 'Congo Agrees to Peace Deal With Rebels', *The New York Times*, 22 January 2008, <https://www.nytimes.com/2008/01/22/world/africa/22congo.html>.

14 UNSC Res 1925, 28 May 2010.

15 UNSC Res 2098, 28 March 2013.

16 'Goma: M23 Rebels Capture DR Congo City', *BBC News*, 20 November 2012, <https://www.bbc.com/news/world-africa-20405739>.

return of political leaders living in exile, a more open access to media and the lifting of the ban on peaceful political protests and meetings.¹⁷ In November 2017, however, the national electoral commission announced a new calendar, scheduling elections for 23 December 2018 and thus extending Kabila's rule for at least another year.¹⁸ The growing frustration of this political impasse led several armed groups to ally their forces, with the overarching goal of ousting Kabila.

PARTIES TO THE CONFLICT

Given the continuous proliferation of different armed groups in eastern DRC (most of which do not meet the level of organization required for the application of international humanitarian law of NIACs),¹⁹ determining the parties to the conflict is not straightforward. Around 120 armed groups have been counted in North and South Kivu provinces alone.²⁰ The following list attempts to identify the most prominent.

ARMED FORCES OF THE DEMOCRATIC REPUBLIC OF CONGO (FARDC)

The FARDC is the state organization responsible for defending DRC, and it is currently estimated to have 144,625 active military personnel.²¹ It was rebuilt as part of the peace process following the end of the Second Congo War in July 2003 through a process called brassage ('mixing up') in which soldiers from formerly warring rebel groups are placed together in order to enhance integration. However, there have been many investigations and reports on human rights abuses, especially sexual violence, perpetrated by

17 See Human Rights Watch (HRW), 'DR Congo: Repression Persists as Election Deadline Nears', <https://www.hrw.org/news/2018/06/29/dr-congo-repression-persists-election-deadline-nears> (last accessed 12 July 2018).

18 See 'DRC Sets Elections for December 2018', Africanews, 6 November 2017, <http://www.africanews.com/2017/11/06/drc-sets-elections-for-december-2018/>.

19 See ICTY, *The Prosecutor v Dusko Tadić*, Trial Chamber, Judgment, IT-94-I-T, 7 May 1997, §562. For a series of indicative factors further developed by the ICTY in order to assess the degree of organization of non-state armed groups, see also ICTY, *The Prosecutor v Ramush Haradinaj and others*, Trial Chamber, Judgment, IT-04-84-T, 3 April 2008, §60; ICTY, *The Prosecutor v Ljube Bošković and Johan Tar ulovski*, Trial Chamber, Judgment, IT-04-82-T, 10 July 2008, §§194-203.

20 J. Stearns and C. Vogel, *The Landscape of Armed Groups in Eastern Congo*, Kivu Security Tracker, December 271, <https://reliefweb.int/sites/reliefweb.int/files/resources/Landscape%20of%20Armed%20Groups%20Essay%20KST.pdf> (last accessed 12 July 2018).

21 Global Firepower, 'Democratic Republic of the Congo Military Strength', https://www.globalfirepower.com/country-military-strength-detail.asp?country_id=democratic-republic-of-the-congo (last accessed 13 July 2018).

FARDC recruits.²²

UNITED NATIONS ORGANIZATION STABILIZATION MISSION IN THE DEMOCRATIC REPUBLIC OF CONGO (MONUSCO)²³

MONUSCO was established by UNSC Resolution 1925 on 1 July 2010, taking over from the earlier UN peacekeeping operation known as MONUC. The new mission was authorized to use all necessary means to carry out its mandate relating, among other things, to the protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence, and to support the DRC Government in its stabilization and peace-consolidation efforts. Future reconfigurations of the

mission would be determined according to the evolution of the situation on the ground. This mandate was further detailed by UNSC Resolution 2053. As continuous conflict in eastern DRC kept destabilizing the country and the wider Great Lakes region, on 28 March 2013 the UNSC decided to create, through resolution 2098, a specialized 'Force Intervention Brigade'

(FIB), operating under direct command of the MONUSCO Force Commander with the mandate of neutralizing armed groups and reducing their threat to state authority and civilian security. Thus, the FIB has provided military support to the FARDC against offensives conducted by several armed groups; this active involvement in combat activity led to MONUSCO's qualification as a party to the conflict. It also represented a radical change in UN peace efforts: a shift away from traditional peacekeeping towards active peace enforcement and even beyond.²⁴

UGANDAN ALLIED DEMOCRATIC FORCES-NALU (ADF-NALU)²⁵

The ADF originally emerged as an armed group in opposition to the Ugandan Government. After the union with the National Army for the Liberation of Uganda (NALU) under the leadership of Jamil Mukulu, it

22 See UNSC, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, UN doc S/2009/603, 23 November 2009.

23 See MONUSCO, 'Mandate', <https://monusco.unmissions.org/en/mandate> (last accessed 13 July 2018).

24 S. Sheeran and S. Case, *The Intervention Brigade: Legal Issues for the UN in the Democratic Republic of the Congo*, International Peace Institute, November 2014, https://www.ipinst.org/wp-content/uploads/publications/ipi_e_pub_legal_issues_drc_brigade.pdf (last accessed 15 January 2019).

25 Kivu Security Tracker, *Armed Groups*, <https://kivusecurity.org/about/armedGroups> (last accessed 13 July 2018).



transformed into an Islamist movement mainly based in DRC. Its main military camps are located in Beni territory, close to the Ituri Rainforest. During the Sukola I operation launched by the FARDC in 2014 against the ADF, many of its camps were destroyed and its combatants decimated. In 2015, its leader, Jami Mukulu, was arrested in Tanzania and extradited to Uganda, leaving the group under Seka Musa Baluku's command.

DEMOCRATIC FORCES FOR THE LIBERATION OF RWANDA (FDLR)²⁶

The FDLR was formed in 2000 through an amalgamation of Hutu groups, including the former Army for the Liberation of Rwanda (ALiR), with the original purpose of casting aside their association with the Rwandan genocide. The FDLR is the political wing of the organization, while the armed wing is the Abacunguzi Fighting Forces (FOCA). It reached the peak of its military and economic strength in the early 2000s and then suffered some defections as well as a series of anti-FDLR military operations conducted by the Congolese army, although the latter was on many occasions hampered by collusion with the FARDC. On 13 July 2012, the ICC issued an arrest warrant against FDLR military commander, Sylvestre Mudacumura, for nine counts of war crimes allegedly committed in the Kivu provinces of DRC from 20 January 2009 to the end of September 2010; however, he is still at large.²⁷ In 2016, a significant internal split led to the creation of another faction, the National Council for Renewal and Democracy (CNRD–Ubwiyunge), which took over all the FDLR's South Kivu units. Since then, the FDLR's activities and capacity have been limited, and its strength in late 2017 was estimated to be between 500 and 1,000 fighters.

²⁶ Ibid.

²⁷ ICC, Situation in the Democratic Republic of the Congo: The Prosecutor v. Sylvestre Mudacumura, ICC-01/04-01/12, Case Information Sheet, <https://www.icc-cpi.int/iccdocs/pids/publications/mudacumuraeng.pdf> (last accessed 13 July 2018).

NATIONAL COUNCIL FOR RENEWAL AND DEMOCRACY (CNRD–UBWIYUNGE)²⁸

The CNRD is the group that emerged in May 2016 after the split with the FDLR due to longstanding disagreements over political issues, i.e. the fate of the Rwandan refugee community in eastern Congo. Initially, it supported negotiations with the Rwandan Government, calling for the immediate repatriation of Rwandan refugees. Such a moderate stance allowed the CNRD to gain the favour of various groups as well as the FARDC itself against the FDLR; however, it recently lost such support as well as some territories in North Kivu, the FARDC arrested several of its senior leaders and it is now estimated to have around 500 fighters.

NDUMA DEFENSE OF CONGO (NDC-R)²⁹

The NDC–R was created in 2015 by Guidon Shimiray, a former FARDC officer, then deputy commander of the NDC armed group,³⁰ which he deserted along with most of the group's combatants to form the NDC–R. After taking over NDC's former strongholds in Walikale territory (North Kivu), the NDC–R began attacking the FDLR and gained control over numerous mining sites. In coalition with other rebel groups under the umbrella term Mai-Mai Mazembe, Guidon's faction managed to push the FDLR out of most of northeastern Walikale; nonetheless, the coalition broke up by mid-2017, thus resulting in several clashes between the NDC–R and various Mazembe factions. Since 2016, it has expanded its influence and become involved in the lucrative gold trade in areas previously controlled by the FDLR, among other groups. It has also consistently been accused of receiving FARDC support in its military campaigns.

NATIONAL PEOPLE'S COALITION FOR THE SOVEREIGNTY OF CONGO (CNPSC)³¹

The CNPSC emerged towards the end of 2016 as an umbrella group formed by over 10 armed militias sharing the overarching goal of ousting president Kabila after his refusal to step down in December 2016. Currently, it represents one of the broadest Mai-Mai coalitions active in eastern Congo (i.e. Fizi territory) and is led by veteran militia

²⁸ Kivu Security Tracker, Armed Groups.

²⁹ Ibid.

³⁰ The NDC, emerging from the Nyanga community, was one of the main Mai-Mai groups, local and community-based militias active in Congo and formed to defend its local territory. It was created by Sheka Ntabo Ntaberi, a former mineral trader in Walikale territory (North Kivu), who surrendered himself to MONUSCO in mid-2017. It is unclear whether the original group still exists and operates.

³¹ Kivu Security Tracker, Armed Groups. See also HRW, 'Democratic Republic of Congo: Events of 2017', World Report 2018, <https://www.hrw.org/world-report/2018/country-chapters/democratic-republic-congo> (last accessed 15 January 2019).

commander William Amuri Yakutumba. Since June 2017, it has repeatedly clashed with the FARDC, taking control of several villages along Lake Tanganyika. In September 2017, it managed to carry out a serious offensive in Uvira territory; however, joint FARDC–MONUSCO operations caused considerable losses for the group and pushed it back into Fizi territory.

CONFLICT CONTINUES IN THE EASTERN REGIONS AND POLITICAL VIOLENCE WORSENS IN KINSHASA³²

Within the context of Kabila’s government’s lack of legitimacy and consequent political disorder due to the continuous delay of democratic elections, security forces have been repeatedly accused of using unnecessary and excessive force against civilians and interethnic conflict has intensified.

The end of 2017, marking one year since the signing of the Saint Sylvester Agreement between the government and the opposition, was particularly characterized by protests against the government harshly repressed by the police. Demonstrations in Kinshasa were organized by the Collective of Lay Catholics, while smaller protests taking place in the Kivus were often led by youth groups and civil society. During nationwide protests organized by Catholic Church lay leaders on 31 December 2017, 21 January and 25 February 2018, Congolese security forces fired live bullets and tear gas into Catholic Church grounds.³³ On 25 April 2018, they also brutally repressed a protest led by the citizens’ movement Struggle for Change (LUCHA) in Beni, arresting 42 people and injuring 4 others. A few days later, 27 activists were arrested during another

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LUCHA protest in Goma. According to Human Rights Watch, ruling party officials also recruited 100 youths to infiltrate churches, arrest priests attempting to organize marches and generally spread chaos so as to justify any repression.³⁴

The conflict remains a decentralized one, with over 120 armed groups active especially in the eastern regions without an overarching narrative. The ADF and other armed groups have increasingly targeted UN and government installations, including Kabila’s private residence, in Beni territory. An attack against the UN operating base in Beni occurred on 7 December 2017, widely attributed to the ADF, and resulted in the death of 17 UN peacekeepers. Following several attacks carried out in the second half of 2017 by armed groups against security forces in Beni, Lubero, Uvira and Fizi territories, the FARDC decided to launch large-scale military operations. On 13 January 2018, it conducted ‘Usalama II’ operations in Beni territory against the ADF and affiliated armed groups. These operations were immediately followed by counterattacks, the deadliest of which took place on 19 January 2018 in Parkingi and resulted in at least 24 dead and 13 wounded among the FARDC and the ADF.

In April 2018, 20 people were killed in attacks allegedly perpetrated by a combination of several armed groups including the ADF, Mai-Mai groups and other local militias. The FARDC, on the other hand, killed leaders of two armed groups in South Kivu province. On 19 January 2018, the FARDC also launched the ‘Kamatakamata’ operations in Fizi territory, which resulted in violent clashes between the latter and Mai-Mai Yakutumba.³⁵ A further consequence of such operations was the significant influx of Congolese refugees into Burundi across Lake Tanganyika. In June 2018, the FARDC pursued its operations against the ADF in the northeastern part of the Beni territory while targeting other Mai-Mai groups in the southeastern part. As a result, these groups seem to have strengthened their alliance with the ADF. Additionally, the NDC–R arrived in the area south of Beni allegedly to support the FARDC and protect Kabila’s ranch in Kabasha. However, in August, the dynamic shifted as the FARDC launched an offensive against the NDC–R in the territory of Lubero.

Finally, tensions have risen as the historic presidential elections approach. In the first half of December 2018, a fire destroyed about 7,000 of the 10,000 voting machines due



³² See Kivu Security Tracker, ‘Reports’, <https://kivusecurity.org/reports>.

³³ HRW, ‘DR Congo: Repression Persists as Election Deadline Nears’.

³⁴ Ibid.

³⁵ This was created in 2006 by former FARDC officer William Amuri (aka Yakutumba), and soon became one of the major and brutal Congolese armed groups in South Kivu. In late 2016, it joined the CNPSC.

to be used in Kinshasa for the elections on 23 December. Opposition supporters have accused Kabila's regime of trying once again to postpone the vote.³⁶

WAR CRIMES ALLEGATIONS, INVESTIGATIONS AND PROSECUTIONS

The DRC Government ratified the Rome Statute in April 2002, and in April 2004 it referred the situation in its territory since the entry into force of the Rome Statute to the ICC, thus giving the Court jurisdiction over crimes listed in the Rome Statute committed in the territory of the DRC or by its nationals from 1 July 2002 onwards.³⁷

The ICC investigations have focused on alleged war crimes and crimes against humanity including, among others, enlisting and conscripting child soldiers under the age of 15, murder, attacking civilians, rape, sexual slavery, mutilation and forcible transfer of populations, committed mainly in eastern DRC, in the Ituri region and the North and South Kivu provinces. As a result of such investigations, six cases were opened against: Thomas Lubanga, former President of the Union of Congolese Patriots/Patriotic Forces for the Liberation of Congo (UPC/FPLC); Bosco Ntaganda, alleged Deputy Chief of Staff and Commander of Operations of the FPLC; Germain Katanga, Commander of the Patriotic Resistance Force in Ituri (FRPI); Callixte Mbarushimana, alleged Executive Secretary of the Democratic Forces for the Liberation of Rwanda–Abacunguzi Fighting Forces (FDLR–FOCA); Sylvestre Mudacumura, alleged Supreme Commander of the FDLR, and Mathieu Ngudjolo Chui, leader of the National Integrationist Front (FNI). While Lubanga and Katanga were convicted, the charges against Mbarushimana were not confirmed by Pre-Trial Chamber I, Ngudjolo Chui was acquitted, Mudacumura is still at large and the Ntaganda trial is still ongoing.³⁸

In March 2017, the current ICC Prosecutor Fatou Bensouda expressed her concerns³⁹ regarding several reports

36 J. Burke, 'Tensions Rise as Arsonists Burn 7,000 Voting Machines Ahead of DRC Elections', *The Guardian*, 13 December 2018, <https://www.theguardian.com/world/2018/dec/13/fire-destructs-new-voting-machines-ahead-of-drc-election-kabila>.

37 ICC, 'Democratic Republic of the Congo'.

38 Ibid.

39 See ICC, Statement of the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, Regarding the Situation in the Kasai Provinces, Democratic Republic of the Congo, 31 March 2017, <https://www.icc-cpi.int/Pages/item.aspx?name=170331-otp-stat> (last accessed

issued by human rights NGOs such as the International Federation for Human Rights,⁴⁰ alleging serious acts of violence in DRC, i.e. a large number of killings of civilians not directly participating in hostilities, kidnappings and summary executions mainly committed by the FARDC but also by the Kamuina Nsapu militia, particularly in the Kasai provinces. She emphasized that as an ICC investigation into DRC has been open since 2004, the Office of the Prosecutor continues to carefully monitor the situation in the country,

including current acts that could constitute crimes within the jurisdiction of the ICC.⁴¹

In May 2018, the ICC Prosecutor visited DRC to begin an investigation into possible crimes against humanity allegedly committed during the country's ongoing political and ethnic violence, exacerbated by president Kabila's refusal to step down.⁴² This investigation, however, seems to be still on

hold. In September 2018, the DRC Government officially threatened to withdraw from the ICC.⁴³

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15 January 2019).

40 See International Federation for Human Rights, Massacre au Kasai: des crimes contre l'humanité au service d'un chaos organisé, December 2017, https://www.fidh.org/IMG/pdf/massacres_au_kasai_rapportfidh_dec2017.pdf (last accessed 15 January 2019).

41 ICC, Statement of the Prosecutor of the International Criminal Court.

42 ICC prosecutor Bensouda Launches Probe in DR Congo', *Africa Times*, 2 May 2018, <https://africatimes.com/2018/05/02/icc-prosecutor-bensouda-launches-probe-in-dr-congo/>.

43 'RD Congo: le pays menacé de quitter la Cour pénale internationale', *Le Soir*, 16 September 2018, <https://www.lesoir.be/178645/article/2018-09-16/rd-congo-le-pays-menace-de-quitter-la-cour-penale-internationale>.

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