

The Congo Tribunal – from Bukavu to Berlin

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Symbolic tribunals have been thriving lately, and with good reason: intolerable events are unfolding around the world and the institutions responsible for taking action – courts, states, the UN – are failing to react. And so it falls to political activists, seeking to overcome their powerlessness in the face of this situation, to stage their own interventions in the form of popular tribunals.

The first such symbolic tribunal was organized by philosophers Bertrand Russell and Jean-Paul Sartre in Sweden in 1967 in response to US war crimes during the Vietnam War. Russell and Sartre were explicitly drawing on the example of the war crimes tribunal in Nuremberg. They wanted to bring about the “resuscitation of the jus contra bellum which was still-born at Nuremberg – the substitution of ethical and juridical rules for the law of the jungle”.

Now theater director Milo Rau has staged a [Congo Tribunal](#) in Berlin, following a similar one a month ago in Bukavu in eastern Democratic Republic of Congo. On the stage at the Sophiensäle theatre we spent three days debating cases which many would like to see brought before a court or similar forum.

The cases included the Mutarule massacre of June 2014, in which militias killed 35 women and children; the exploitative working conditions at the Bisie mine; and the mass expulsions carried out at the Twangiza mining site without any compensation for those who were displaced. All of these acts have to date gone unpunished.

Mutarule, Bisie and Twangiza are just three individual cases selected by Rau and his team from an almost unfathomably dramatic situation. Depending on the estimate, around four, six, eight or possibly up to ten million people have died since the outbreak of the First Congo War in the early 1990s. Millions fled and hundreds of thousands of women – and men – have been and continue to be subjected to sexualized violence.

While the International Criminal Court in The Hague is investigating some Congolese perpetrators, all of the suspects in question come from within the ranks of armed rebel groups. No action has been taken against the Congolese army or the armies of neighboring countries Uganda and Rwanda, who also played a role in the crimes and who are all still implicated in the plunder of commodities.

The Tribunal in Berlin focused on the responsibility of European actors for the events in Congo. The choice of Berlin as the seat of the Tribunal was a historical reference to the Congo Conference held in 1885 at the Reich Chancellery on Wilhelmstraße, just a few hundred meters from the Sophiensäle. During this conference the European powers divided up the resource rich region amongst themselves, bringing chaos to the present day states of the Democratic Republic of Congo, Rwanda, Uganda, Kenya and others.

There were never any court proceedings brought for the brutal colonial crimes committed by Belgian King Leopold’s troops, or for the 1961 murder of Patrice Lumumba, Congo’s first democratically elected president, a charismatic figure who was feared by the powers in Europe.

Congo stands as an example of the devastating impact of globalization, a worldwide phenomenon progressing simultaneously in a number of different places. Apart from Bukavu in eastern Congo, the case also has links to the capital Kinshasa, Rwandan capital Kigali, Ugandan capital Kampala as well as New York, London, Paris, Brussels and Berlin. The main targets of the Tribunal in Berlin were transnational corporations, reflecting the fact that responsibility for the crimes in Congo extends far beyond the local direct perpetrators. The Congolese mining code and a range of license agreements for mines – from which many transnational companies profit – were concluded under dubious circumstances, as in the case of Canadian firm Banro and the Twangiza site. These need to be subjected to legal review.

The Congo Tribunal raised a lot of significant issues. It highlighted the need for new rules, particularly on mining, that can be applied by courts in Congo, Europe and the USA as well as by international bodies.