

Military Justice Engagement and the Democratic Republic of the Congo (DRC): A Case Study in the Potential for Defense Institution Building in Austere African Environments

Rule of law and human rights education is a significant engagement tool not only in the DRC but also in many countries worldwide. Watching the news one will notice that rebel activity, loosely controlled militaries and competing tribal interests plague many regions in Africa. The US country Team in Kinshasa in cooperation with the Combatant Command has designed an engagement strategy that takes a holistic approach to addressing the challenges surrounding the military justice system in the DRC. This approach facilitates Defense Institution Building (DIB) in a country where defense spending by the DRC is extremely limited. The strategy addresses 3 areas: Education (recruit through Legal Magistrate), application of technology to facilitate defense/prosecution and mentorship (Prosecution Support Cell).

Education and the DIILS Mission in the Democratic Republic of the Congo

Taking the lead on education and providing the groundwork for DIB is the Defense Institute for International Legal Studies (DIILS). DIILS is a joint command located at the Newport Naval Station in Newport, RI. It is part of the Defense Security Cooperation Agency (DSCA) within the Department of Defense (DOD) and is tasked with delivering training on the rule of law to countries in every part of the globe. Even though it is not very big in terms of personnel, it plays a critical role in delivering legal training on the rule of law, the law of armed conflict, human rights and other subjects throughout the world. It is another tool in the security cooperation toolbox that can impact our relationships with foreign military and security forces.

DIILS activities in the Congo is resourced through two different sources, International Military Education and Training (IMET) funding and Peace Keeping Operations (PKO). Initially, most Security Assistance Officers (SAOs) are acquainted with DIILS training capabilities via the COCOM hosted Security Cooperation and Education Training Working Group (SCETWG) held once a year. SCETWG is the venue where SAOs typically apply IMET funding towards a full array of USG military programs. In the DRC, PKO is the primary and IMET is secondary in resourcing DIILS activities.

The DIILS mission in the DRC began in 2008. The mission itself is a Department of State (DOS) funded Peace Keeping Operation (PKO) program. Originally, the in-country program staff consisted of a US Navy O-5 or O-6 JAG officer and a US Navy E-7 based at the US Embassy in Kinshasa, DRC. The in-country team is further supported by a locally employed staff member at the embassy. The job of the in-country staff is to run the program locally, work with the "Forces Armées de la République Démocratique du Congo" (FARDC) and other government officials to facilitate training opportunities and work with the UN and other International Governmental Organizations (IGOs) as well as certain NGOs working on rule of law issues to help compliment the efforts of all of the parties interested in moving the DRC government toward a system built upon the rule of law.

The FARDC is the DRC's primary force. The FARDC is minimally funded and not very mobile. Therefore, DIILS has traveled extensively to deliver the training to various commands throughout the country (see graphic). The DRC is a very large, equal in size to about 2/3rds the size of Western Europe or about 1/4th the size of the US and has very poor transportation infrastructure. Fortunately, the UN

flies to most places where there are concentrations of the FARDC. DIILS utilizes UN flights to a particular area and then uses UN or locally procured transportation to reach the FARDC. Most training missions are executed over the course of a 2 week period.

The training has focused on both the FARDC military magistrates' community, which is the equivalent of the US Armed Forces respective JAG Corps, and the FARDC officer corps. Training has been conducted on a variety of subjects including the rule of law, the law of armed conflict, human rights, international humanitarian law, sex and gender based violence and international criminal law. The DIILS program is also integrated into other US contractor programs to reach an even broader audience within the FARDC. The average class size is 30 to 40 students but there are smaller groups when the focus is purely on the legal community and there are larger groups such as training conducted at the FARDC military academy.

In early 2014, DIILS demonstrated great flexibility in meeting COCOM, Country Team and Partner Nation (PN) requirement when two groups of 3000 trainees each were identified as available for training on short notice. The notification to execution of training timeline was less than 60 days due to the unpredictable nature of the FARDC basic recruits receiving orders to deploy to their units. Thanks to the existing DIILS infrastructure on the Country Team and the relationship between FARDC Centers of Instruction and the Office of Security Cooperation, DIILS was able to train the largest elements in the organizations history (1687 recruits at Base Kitona and 2361 recruits at the Mura Center of Instruction). A second example of flexibility and capacity was demonstrated during March when DIILS modified training to provide a seminar to the FARDC Inspector General's office. This event has opened the door to greater relations between the US Embassy and one of two 4 star Generals in the FARDC. Additionally, the activity assisted a PN in increasing the capacity to professionalize and reduce corruption. *Having worked as a Security Assistance Officer (SAO) in two COCOMs and at the Army Component level, I have never come across an organization that has been as consistent and successful as DIILS. I strongly encourage the SAO community to consider adding DIILS to your engagement plan if it is isn't already.*

1 Sex Crimes Invstgn
2 Rule of Law
1 Ethics

2 Rule of Law
1 ProJustice
2 Ethics

1 Sex Crimes Invstgn
1 Rule of Law
3 Ethics

7 Rule of Law
3 Sex Crimes Invstgn
1 NCIS / 1 IG
16 FCC Integration
18 SOLC Integration
3 ProJustice
1 UN Proc Fairness
3 Int'l Crim Law
3 Ethics / 3 OLA
6 CMO Integration
1 Mil Judicial Training

1 Sex Crimes Invstgn
5 Rule of Law
3 SOLC (Kitombo, Kitona, Boma)
1 Int'l Crim Law
1 Ethics / 1 MJT

1 Sex Crimes Invstgn
6 Rule of Law at Region
5 Rule of Law at Academy
2 Int'l Crim Law
3 Ethics
1 FCC (Kamina)



2 Sex Crimes Invstgn
3 Rule of Law
2 Int'l Crim Law
1 UN Proc Fairness
1 Ethics / 1 MJT

Nyaleke:
1 Rule of Law
4 Rule of Law
1 Ethics

4 Rule of Law
1 Int'l Crim Law
1 UN Proc Fairness

1 Sex Crimes Invstgn
3 Rule of Law
1 Int'l Crim Law
1 ProJustice
2 Ethics

Luberizi:
1 Rule of Law

3 Rule of Law
1 ProJustice
1 Ethics

1 Sex Crimes Invstgn

2 Rule of Law
1 UN Proc Fairness
1 Ethics

DIILS Programming in DRC
OCT 2008 to APR 2014

1 Sex Crimes Invstgn
3 Rule of Law (1 Mura)
1 Int'l Crim Law
2 ProJustice / 1 Ethics
3 CMO Integrations
1 MJT

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Technology:

The second element in the military justice DIB effort was the implementation of technology in order to facilitate case development (Prosecution and Defense). The technology was implemented through a program titled the DRC Military Justice Regional Resource Center (MJRRC). In essence, an intranet, library and the skills necessary to use these resources were established.

Since the implementation of the MJRRC project in 2010, the program assisted in allowing the connection of 34 Resource Centers equally distributed between the Prosecutor Office and the Military Court. The program conducted training for all the key personnel in the various centers, including Systems Administrators who now conduct their own training under State Department funded mentors. Each Resource Center is equipped with the following:

- 1 laptop with charger and storage bag
- 1 multifunction color printer
- 1 modem with a Vodacom SIM card
- 1 Power Strip
- 1 stabilizer
- 1 digital camera for the Prosecutor Office
- 1 range of books for the Law libraries

For the Centers which have problems with electricity supply such as Kikwit, Mbandaka, Kananga, Kindu, Goma and Bukavu, the following equipment has been added for proper operation:

- 2 solar panels
- 3 batteries 100 AH
- 1 regulator
- 1 Converter
- 1 Toolbox

Below is a graphical representation of the locations where the program delivered training on equipment, individuals who were provided training and the specific type of equipment provided to each location.



- MJRRC Sites equipped with With Solar Panels
- MJRRC Sites that did not need solar Panels
- MJRRC Potential Site (Not covered in the Project but can benefit from it)

Prosecution Support Cell (PSC)

The third element of this effort which facilitated DIB is the Prosecution Support Cell (PSC). The role of the PSC is to help mentor PN prosecutors in the application of their skills. PSCs typically operate in war torn Eastern Congo where most of the human rights violations occur. The PSCs are not allowed to personally partake in the military justice process, hearings or trials. Additionally, the PSCs (funded by Department of State) provide feedback to the technology and education providers in order to refine the first two elements in this effort.

Conclusion:

In summary, the aligning of three separate security cooperation programs: Education, technology and mentorship have provided a Defense Institution Building capacity by the USG for the Democratic Republic of Congo. The results of this comprehensive approach to Rule of Law is paving the way to a more educated and professional military that is becoming more accountable for its actions. “Buyer Beware”...though this article paints a rosy picture of this effort, many challenges remain: 1) Sustainability of the program and 2) Application of a program in a very unstable defense system. Regardless, the aligning of programs that create a venue for Defense Institution Building is a measurable effort that can demonstrate a positive impact of US security cooperation that distances the US from the conspiracy or misbelief that the US only focuses on arms sales and provoking conflict.

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