

## **Bukavu Vigilantes Burn Robbers Alive**

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Fed up with ineffectual police and judges, residents say they resort to extreme violence to scare off criminals.

Residents of Bukavu have turned to sometimes violent vigilantism to protect themselves from growing insecurity in this eastern Congo city.

They say the police are doing nothing about the killings and armed robberies blighting their neighbourhoods so they must take the law into their own hands. In the Essence area of Bukavu, residents patrol the streets at night, stopping passers-by and asking for identification with the aim of securing the neighbourhood.

The patrollers are on the look out for so-called “finders” – young people from Essence who have been robbing and terrorising local residents. The gang was initially involved in relatively minor crimes like mobile phone theft but has since moved on to murder and house robbery.

Police are ignoring the problem, residents say, or in some cases even receiving stolen goods and money from the finders.

Furious about the insecurity and lack of police protection, residents recently burned three alleged robbers alive.

“All those who have been handed over to the police have been set free. What justice is there for us when the police are not even protecting us, and once we arrest these bandits ourselves, they are set free?” said one Essence resident. “That’s why we have to burn [them] alive so that the others see it and stop doing this.”

Another resident added, “During arrests of the alleged perpetrators, they threaten us in public. What do you do about someone who tells you openly that he’ll be back and who shows up the next day taunting you? How can you leave him?”

Alain, an 18-year-old night patroller, said his group “takes care of bandits”.

“We must protect ourselves; that’s why we started night patrols to know who enters and leaves our neighbourhood,” he said.

Journalists have been among the most high profile victims of the lawlessness in Bukavu with Radio Okapi’s Didace Namujimbu killed in front of his home on November 22. Namujimbu’s Okapi colleague Serge Maheshe was shot in 2007.

The trial of Maheshe’s alleged killers was described by observers and human rights groups as deeply flawed. All those who work in the country’s judicial system from police and prosecutors to judges are poorly paid and corruption is rampant.

One lawyer told IWPR that he no longer practices because of the dishonesty, "I saw and experienced corruption with my own eyes. Negotiations happen between lawyers and judges so that the one with the biggest financial means wins."

Corruption within the judicial authorities means Congolese are reluctant to turn to them for redress. Also problematic is the scarcity of state courts in rural areas. As a result, many have no access to justice.

With nowhere else to turn, Congolese living outside the cities are often forced to take their disputes to customary, or traditional, courts.

"Eighty per cent of Congolese justice is rendered by customary courts, others simply resort to private revenge," said Manuel Eggen, Congo coordinator for the Belgian NGO RCN Justice and Democratie.

Belgium set up the customary court system in 1926 in an attempt to improve access to the legal system for rural residents. The courts consist of a president and five judges. In theory, their jurisdiction is limited to disputes not addressed by written law in Congo, such as cases of witchcraft.

The customary courts were originally intended to hear only minor local disputes – cases that do not lead to a prison sentence of more than five years – but experts say this is no longer true.

Quarrels over land, which under Congolese law are supposed to be heard by the national system, are particularly common. The president of the tribunal in Kabare, South Kivu, told IWPR that land cases represent 80 per cent of the cases before his court.

Many customary courts also deal with accusations of rape and sexual violence which are also well outside their jurisdiction.

Rape is an epidemic in eastern Congo with North and South Kivu provinces at the epicentre. The rapists come from all sides in the current conflict in the east – both the Congolese army and the warring militias.

Human rights groups are urging the Hague-based International Criminal Court, ICC, to open an investigation into the campaign of sexual violence in the region and say rape is being used as a weapon of war in the Kivu provinces.

But so far the ICC has failed to take action, leaving military courts as the only means of trying those accused of war crimes like rape and child soldier recruitment. The law implementing the ICC's Rome Statute, which would allow civilian courts to hear war crimes cases, has stalled in Congo's parliament.

"All those women victims of rape and violence in North Kivu, what justice will they turn to?" asked one political analyst. "All these children enrolled into forces or armed groups, where will they go to find justice? All those questions remain."

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