



# Archives of Military Courts in Colonial Congo: New Sources for the History of Violence and Agency in Central Africa

Benoît Henriet<sup>1,\*</sup> , Amandine Lauro<sup>2</sup> , and  
Renaud Juste<sup>1,2</sup>

<sup>1</sup>Vrije Universiteit Brussel (VUB), Brussels, Belgium

<sup>2</sup>Université libre de Bruxelles, Brussels, Belgium

\*Corresponding author. E-mail: [benoit.henriet@vub.be](mailto:benoit.henriet@vub.be)

**Abstract:** This article offers an overview of the recently rediscovered archives of the Conseils de Guerre—the military court—of colonial Congo (1885–1960). As a long-considered lost collection of court records encompassing seventy years of testimonies of colonial military crimes, these archives offer unparalleled insights on the complex relation between law, impunity, and armed violence in colonial Central Africa. The article first sheds light on the history of those records and on their ongoing digitization in the context of debates about the contested heritage of Belgian “displaced” colonial public archives. It then sketches out several promising avenues for academic research and public history projects that they could help document, notably on the controversial history of violence in the Belgian empire and on the multifaceted nature of African agency under colonial rule.

**Résumé:** Cet article présente une vue d’ensemble des archives récemment redécouvertes des Conseils de guerre, le tribunal militaire du Congo colonial (1885–1960). Longtemps considérées comme perdues, ces archives, qui regroupent soixante-dix ans de témoignages sur les crimes militaires coloniaux, offrent un aperçu inégalé de la relation complexe entre droit, impunité et violence armée dans l’Afrique centrale coloniale. L’article fait d’abord la lumière sur l’histoire de ces archives et sur leur numérisation en cours dans le contexte des débats sur le patrimoine contesté des archives publiques coloniales belges « déplacées ». Il esquisse ensuite plusieurs pistes prometteuses pour la recherche académique et les projets d’histoire publique

---

*History in Africa*, Volume 0 (2023), pp. 1–16

© The Author(s), 2023. Published by Cambridge University Press on behalf of the African Studies Association. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (<http://creativecommons.org/licenses/by/4.0>), which permits unrestricted re-use, distribution and reproduction, provided the original article is properly cited.

doi:10.1017/hia.2023.9

qu'elles pourraient contribuer à documenter, notamment sur l'histoire controversée de la violence en Afrique centrale belge.

**Keywords:** Belgian Congo, Congo Free State, colonial violence, military history, judicial records

### Introduction

The history and collective memories of colonial Congo are rife with violence, ranging from the infamous Congo Free State (1885–1908)—the private colony of king Leopold II—to the brutal suppression of the January 1959 riots, which paved the way to the country's independence in 1960.<sup>1</sup> Multifaceted violence was integral to the technologies of rule deployed by colonial power holders, whether in the form of military repression, bodily punishments, death penalty, imprisonment or relegation of “dangerous elements” far from their place of origin.<sup>2</sup> The *Force Publique*, Congo's colonial army, was instrumental in this regard. Acting both as a military and a police corps, it enforced the colony's racist power structure and acted against those perceived as threats to the public order. However, far from only embodying the repressive arm of the colonial administration, the Force Publique was also a breeding ground for further challenges to European rule. The concentration of armed and trained soldiers near strategic enclaves and infrastructures potentially posed an acute danger to the colonial state. The recently unearthed archives of the Force Publique courts-martial constitute a unique opportunity to shed a new light on these tensions. The *Conseils de Guerre* (military courts) were responsible for the trial of Congolese soldiers and Belgian officers for the violation of both military and civilian law. As a long-considered lost collection of court records encompassing seventy years of testimonies of colonial military crimes, these archives offer unparalleled insights on the complex relation between law, impunity, and armed violence in colonial Central Africa.

The recent “rediscovery” of more than 5,500 trial records—ranging from the early days of the Congo Free State to the last months of colonial rule—has led to their preservation and cataloguing at the State Archives of Belgium,

<sup>1</sup> Pedro Monaville, “A Distinctive Ugliness: Colonial Memory in Belgium,” in Rothermund, Dietmar (ed.), *Memories of Post-Imperial Nations: The Aftermaths of Decolonization, 1945–2013* (Cambridge: Cambridge University Press, 2015), 58–75. See also Matthew Stanard, “Violence and Empire: The Curious Case of Belgium and the Congo,” in Aldrich, Robert and McKenzie, Kirsten (eds.), *The Routledge History of Western Empires* (London: Routledge, 2013), 454–467.

<sup>2</sup> Amandine Lauro and Benoît Henriët, “Répression: le Congo après Léopold II, une colonie moins violente?,” in Goddeeris, Idesbald et al. (eds.), *Le Congo colonial: une histoire en questions* (Waterloo: Renaissance du Livre, 2020), 225–239.

where they are now at the disposal of researchers. Furthermore, a significant part of these archives has been digitized and is available online since December 2022.<sup>3</sup> This initiative ensures their wide circulation and eases their mobilization by students and scholars with a limited access to physical records held in Europe. It also promises to open new avenues for academic research and public history projects on the controversial history of violence in the Belgian empire and on the multifaceted nature of indigenous agency within a key institution of imperial power in Central Africa.

In the first part of this report, we document the history of the production of the *Conseils de Guerre*'s archives and of its recent valorization in the context of debates about the contested heritage of Belgian "displaced" colonial public archives. In the second part, we offer some preliminary reflections on the historiographic value of these records, illustrated by specific court cases, on three main levels. We first highlight the new perspective on military life and norms offered by courts-martial records. In spite of its crucial role in colonial power dynamics in the Congo, the *Force Publique* remains little studied. With a few exceptions, most of its historiography is dated and espouses a top-down perspective.<sup>4</sup> The daily experience of

<sup>3</sup> More information on the content, accessibility and privacy protection of this set of records can be found in the published catalogue of the State Archives of Belgium: Tommy De Ganck and Ornella Rovetta, *Inventaire des archives du Ministère des Colonies et successeurs en droit. Administration d'Afrique. Conseil de guerre de Léopoldville, 1891–1956* (Brussels: State Archives of Belgium II–43, 2022), available online [https://search.arch.be/en/zoeken-naar-archieven/zoekresultaat/ead/index/eadid/BE-A0545\\_722869\\_807023\\_DUT](https://search.arch.be/en/zoeken-naar-archieven/zoekresultaat/ead/index/eadid/BE-A0545_722869_807023_DUT). (Additional catalogues for the courts of Basankusu, Basoko, Boma, Coquilhatville, Kwango, Libenge, Luebo, Monveda, Nouvelle-Anvers, Stanleyville and mobile "en campagne" courts will be available in 2023–2024.) Records may be accessed on the institutional web platform of the State Archives of Belgium: [https://search.arch.be/en/zoeken-naar-archieven/zoekresultaat/ead/rabscans/eadid/BE-A0545\\_722869\\_807023\\_FRE](https://search.arch.be/en/zoeken-naar-archieven/zoekresultaat/ead/rabscans/eadid/BE-A0545_722869_807023_FRE). A paper and digital copy is also available for consultation at the National Institute of Archives of DRC in Kinshasa.

<sup>4</sup> See among others Bryant Shaw, "Force Publique, Force Unique: The Military in the Belgian Congo 1914–1939," (unpublished PhD thesis, University of Wisconsin, 1985); Louis-François Vanderstraeten, *De la Force Publique à l'Armée Nationale Congolaise : histoire d'une mutinerie, juillet 1960* (Brussels: ARSOM, 1993); E. Jacobs et al. (eds.), *Défense et Maintien de l'Ordre en Afrique Centrale à l'époque contemporaine de la colonisation belge (1908–1962)* (Brussels: MRAHM, 1994). More recent works only address specific aspects of military life, such as the troops' performance in the World Wars, against popular revolts, or as a police force: see for instance Isidore Ndaywel and Pamphile Mabilia, *Le Congo Belge dans la Première Guerre mondiale (1914–1918)* (Paris: L'Harmattan, 2015); Martin Thomas, *Violence and Colonial Order. Police, Workers and Protest in Colonial Empires, 1918–1940* (Cambridge: Cambridge University Press, 2012), 301–324; and Amandine Lauro, "Suspect Cities and the (Re)-making of Colonial Order. Urbanization, Security Anxieties and Police Reforms in Postwar Congo (1945–1960),"

belonging to the army, having to uphold its code of honor, and being both the target and the enforcer of racial hierarchies have hardly been documented so far. We then explore how these records constitute a unique opportunity to delve deeper into the history of colonial violence and repression in Central Africa. Many trials show that violence exercised both by and on soldiers (starting with their recruitment, in many cases forced) existed in a continuum of coercion that questions the multidimensional deployment of colonial violence. We finally explore how courts-martial records can add depth and nuance to our understanding of African agency under colonial regimes. Interrogatories of witnesses, victims, and accused constitute an exceptional repository of fragments of Congolese voices, which can be critically and prudently mobilized to investigate their experiences of and participation to colonialism. The solid body of works that has been dealing, since the 1990s, with court records as sources to study social change in Africa has shown that these sources never offer unmediated insights into the acts under investigation.<sup>5</sup> Questions of translation and transcription, while not exclusive to the colonial context, had special bearing in an environment where (French) literacy was a strategic tool of domination. Furthermore, translation was not only a matter of language: courtroom encounters were also shaped by the transposition of testimonies into the normative framework of judicial and military colonial conventions. The trials held by military courts in the Congo nevertheless offer key insights into the ways in which colonized people were (un)able to publicly speak about their experiences of violence and subjection.

### The Force Publique on Trial: Records and History

The archives of the military courts of colonial Congo are part of a larger archival legacy of public colonial archives produced in Africa and “evacuated” to Belgium on the eve of independence, whose history has only recently been excavated.<sup>6</sup> Soon after their displacement, these records were placed by the Belgian Foreign Office (which succeeded to the Ministry of Colonies as the “owner” of these archives) in the storage facilities of the State

---

in Rousseaux, Xavier and Campion, Jonas (eds.), *Policing New Risks in Modern European History* (Basingstoke: Palgrave, 2016), 57–85. See also Pamphile Mabilia, *Les soldats de Bula Matari (1885–1960)* (Kinshasa: Editions Culturelles Africaines, 2019).

<sup>5</sup> Carol Dickerman et al., “Court Records in Africana Research,” *History in Africa* 17 (1990), 305–318; Richard Waller, “Legal history and historiography in colonial Sub-Saharan Africa,” in *Oxford Encyclopaedia of African History* (online), 2018.

<sup>6</sup> Luis Angel Bernardo y Garcia, “Les ‘Archives Africaines.’ Généalogie d’un nébuleux patrimoine colonial en partage,” *Revue belge de philologie et d’histoire* 98–4 (2020), 1119–1174 ; Bérèngère Piret, “Reviving the Remains of Colonization. The Belgian Colonial Archives in Brussels,” *History in Africa* 42 (2015), 419–431.

Archives. In line with the “culture of neglect”<sup>7</sup> and of dissimulation that presided over the management of colonial archives in Belgium in the decades after decolonization, these records were not systematically catalogued, nor opened for consultation. In the 1960s, an archivist with a curiosity for military history carried out a preliminary indexation of colonial courts-martial files, but this work was never publicized and soon put to rest in a closet. In the late 1990s, when the Foreign Office transferred its archives back to its own cellars in hardly professional conditions, they fell further into oblivion. It was not until the late 2010s that a dedicated employee “re-discovered” the existence of the collection, and shared it with a few young historians on the lookout for new material on gender and the military.

This series of archives was nonetheless far from being of marginal importance, both in terms of historical insights and of material volume. More than ca. 5,500 files of trials held between 1889 and 1956 have been preserved. This of course represents only a portion of the total activity of colonial military courts. The remaining records cover 18 of the 90 courts-martial’s seats that existed during the colonial period, and approximately a quarter of the volume of their total activity. Yet the series constitutes a highly valuable set of historical records: its coverage of the *longue durée* of the colonial period, of times of “peace” and of times of war, of everyday policing as well as of battlefield activities, offers a unique vantage point onto the deployment and experiences of colonial order. The richness of these records also comes from the multiple types of documents that trial files can include. While they differ greatly in size (ranging from 15 pages to 200 pages per file, depending on the importance of the offense and of the comprehensiveness of the registration procedure), records can consist of documents related to police investigations, minutes of preliminary hearings, extracts of career individual records, medico-legal expertise, court hearings, judgments, and papers related to the (penal) follow-up of the procedure. As such, they do not only allow to document military violence and colonial justice, but are also relevant for social history investigations as the cases detail the facts, environment, and relationships with civilians underlying the accusations.<sup>8</sup>

Part of the interest of these archives also comes from the multiplicity of offenses under trial (from insubordination, desertion, or participation to illegal religious movements, substance abuse, petty theft, or sexual violence, for instance) and from the range of competences of courts-martial. One of

<sup>7</sup> Vincent Hiribarren, “Hiding the Colonial Past? A Comparison of European Archival Policies,” in Lowry, James (ed.), *Displaced Archives* (New York: Routledge, 2017), 83.

<sup>8</sup> For a similar observation in another imperial context, see the ERC research project “Law without Mercy: Japanese Courts-Martial and Military Courts During the Asia-Pacific War, 1937–45,” [https://www.geschkult.fu-berlin.de/e/oas/japanologie/forschung/erc\\_lwm/index.html](https://www.geschkult.fu-berlin.de/e/oas/japanologie/forschung/erc_lwm/index.html), (accessed 10 November 2022).

the peculiarities of the Belgian colonial judicial system was indeed that it gave military courts jurisdiction to prosecute civilian populations in territories placed under “special military regime” by colonial authorities in case of political or social unrest. In this regime, civilian courts were replaced by military ones, appeal procedures were restricted, and sanctions were hardened. The non-compartmentalization of civilian and military jurisdictions extended further. Until the interwar period, judges of military courts were often the same (civilian) magistrates who were working for the local civilian courts. Given the absence of separation between the executive and the judicial in the Congo, this meant that judges (and/or prosecutors) could be local administrators or district commissioners (i.e., public servants, and not professional magistrates). While this testifies to the well-known porosity between the military and the civilian and between “wartime” and “peacetime” regimes of law and order in colonial contexts,<sup>9</sup> it also implies that the activities of courts-martial went well beyond the scope of the military and that their functioning was interwoven with the political and social control program of the colonial state.

This set of records is now inventoried and open for consultation at the State Archives of Belgium, but questions about its accessibility for the global academic community—and in particular for scholars from Central Africa—remain open. The recent digitization of a part of this collection is an imperfect answer to this issue. While digitization does not resolve issues related to the ownership and legacy (both material and epistemic) of colonial “displaced” archives, and while the digital divide between Europe and Africa limits the effectivity of any ambition of virtual restitution,<sup>10</sup> it nevertheless offers new scientific and societal opportunities. The digitization of courts-martial’s archives has for now focused on a “pilot” set of records, available on the website of the Belgian State Archives (since January 2023): the archives of the military court of the province of Leopoldville (present-day Kinshasa), amounting to 1,183 trials and representing the largest part (approximately one fifth) of the collection. While this geographical choice implies biases (in connection with the specificities of military deployment in Lower Congo and to the level of urban development in the region), it has the advantage of respecting the classification logic of the archives (organized along jurisdictions) and therefore of avoiding the creation of a parallel, artificial, sample of documents preventing the user to grasp the coherence of the archive. The collection of Leopoldville also covers almost the entire colonial period (with trials ranging from 1891 to 1956), including the Congo Free State era and the

<sup>9</sup> Emmanuel Blanchard and Joël Glasman, “Le maintien de l’ordre dans l’Empire français : une historiographie émergente,” in Bat, Jean-Pierre and Nicolas Courtin (eds.), *Maintenir l’ordre colonial. Afrique, Madagascar, XIXe–XXe siècles* (Rennes: PUR, 2012), 11–41.

<sup>10</sup> Fabienne Chamelot et al., “Archives, the Digital Turn, and Governance in Africa,” *History in Africa* 47 (2020), 101–118.

two World Wars. This pilot set of archives therefore opens a wide range of research possibilities.<sup>11</sup>

### Opening New Historiographic Perspectives

The Conseils de Guerre provide a valuable starting point to expand and deepen the study of several key historiographic themes in colonial Central Africa.

#### *A New Lens into “Ordinary” Military Life within (and beyond) the Congo*

First, their very nature offers a new perspective on military life, culture, and norms. By comparison with other African territories, the history of colonial armed forces in the Belgian empire remains poorly studied. This is a crucial gap given the specific history of armed violence in Belgian colonies and its postcolonial legacies. As in any other armed forces, the Force Publique’s barracks were the stages on which everyday dramas unfolded. They ranged from insubordination and personal animosities to more explicitly “colonial” issues, such as experiences of segregation and the routinization of racialized violence. Recent works on other fields have shown that the mundane side of colonial soldiers’ lives reveals the broader power dynamics in which they were enmeshed.<sup>12</sup> Conseils de Guerre’s court cases supply precious information on the multiple cracks appearing in the seemingly well-oiled army machinery. These archives offer for instance fascinating insights into the role played by gender relations in the everyday operations of the Force Publique. Women were a ubiquitous presence in the camps,<sup>13</sup> which entailed complex intimate and disciplining issues. Among many examples, a case of 1927 brings to light the condemnation of a Congolese corporal tried for multiple offenses, including burning down his company’s armory as an apparent retaliation against the expulsion of his female companion from the camp. This expulsion was itself decided as a measure of punishment of the corporal’s previous

<sup>11</sup> In the forthcoming years (2023–2027), pending adequate funding, the rest of the collection should be entirely digitized and shared with the National Institute of Archives of DRC in Kinshasa. In compliance with European legislations and with the ethical committees of the three scientific institutions involved in the project, court records posterior to 1945 are not yet available digitally.

<sup>12</sup> See for instance Marie Muschalek, *Violence as Usual. Policing and the Colonial State in German Southwest Africa* (Ithaca: Cornell University Press, 2019).

<sup>13</sup> Shaw, “Force Publique, Force Unique,” 268–332. See also Michelle Moyd, *Violent Intermediaries. African Soldiers, Conquest and Everyday Colonialism in German East Africa* (Athens: Ohio University Press, 2014), 156–160; Sarah Zimmerman, *Militarizing Marriage. West African Soldiers’ Conjugal Traditions in Modern French Empire* (Athens: Ohio University Press, 2020), 44–49.



unruly conduct. This chain of events lays bare the dialectic articulations of the paternalist interventionism of colonial military rulers (here in matrimonial arrangements) with complex dynamics of loyalty and resentment among soldiers. The formulation of the defense presented by the accused soldier (“I had therefore no one to cook for me [anymore]”<sup>14</sup>) is also a good reminder of the crucial duties accomplished by women in military camps such as maintaining the barracks, tending to food crops, and preparing soldiers’ meals.

Moreover, the interest of these records for a renewed military history in Africa is not circumscribed to the former Belgian empire. While martial justice has been the object of a dynamic field of research globally, very little is known about its history on the African continent.<sup>15</sup> The scholarly avenues offered by these records are therefore unprecedented, all the more so as some files concern historical episodes related to territories beyond the borders of Central Africa. The most obvious example of this is the deployment of military courts on Eastern/Northern African and Middle-Eastern battlefields during World War I and II, as the Force Publique fought on several theaters of operations, from Tanzania and Eritrea to Egypt and Palestine. But other cases involving non-nationals or border regions are also interesting in this respect. Take for instance the trial of a Swedish lieutenant—accused of being unable to maintain discipline among his subordinate soldiers and of letting them loot neighboring villages—held at the very beginning of the twentieth century on the disputed Rusizi-Kivu border between the Congo Free State and German Eastern Africa. This case illustrates, for instance, how the impunity of military violence and the exercise of martial justice could be arenas of confrontations within wider (international) political conflicts.<sup>16</sup>

### *Defining (II)legitimate Violence*

The Conseils de Guerre’s archives can also facilitate future research on colonial violence. The Congo has a paradoxical historiography in this regard. The “Congo Atrocities” of the early colonial period have generated intense discussions, notably on how exceptional this violence had been by comparison with other colonial contexts. At the other end of the colonial timescale, the violence of the crisis of decolonization has also attracted a lot of scholarly attention. The structural violence of colonial rule on the *longue durée* and

<sup>14</sup> State Archives of Belgium Repository II Joseph Cuvelier, Brussels (SAB2), African Archives (AA), CG Kwango 110, Minutes of the enquiry, 30 sept. 1927.

<sup>15</sup> See however Claire Eldridge, “Conflict and Community in the Trenches: Military Justice Archives and Interactions between Soldiers in France’s Armée d’Afrique, 1914–18,” *History Workshop Journal* 93–1 (2022), 23–46.

<sup>16</sup> SAB2, AA, CG Leopoldville 70, Judgment 14 May 1901.



how it translated on an everyday basis, however, has been far less explored.<sup>17</sup> This paradox is not exclusive to the Belgian Congo. Historians of violence in colonial Africa have paid far more attention to large-scale, “spectacular” moments of violence (e.g., warfare, rebellions, counterinsurgencies) than to everyday colonial violence, to the detriment of “the mundane but more insidious violence of the fist, the cane, or the noose.”<sup>18</sup> The trial records of military courts offer precisely excellent sources to think beyond traditional distinctions between “exceptional” and “everyday” violence, and to delve into the continuum between the violence of colonial conquest and “ordinary” law and order enforcement. In the wake of recent ground-breaking works on the violence of imperial intermediaries,<sup>19</sup> these records allow to consider African soldiers as simultaneously perpetrators and targets of colonial repression. They provide complex examples of how colonial military forces operated “through collaboration and exclusion/difference, within multiple and changing hierarchies” rather than on a strict dichotomy of “the police vs. the policed,”<sup>20</sup> on two main different levels. These records not only provide insight into countless episodes of violence and into their mechanisms of escalation; they also offer a lens to examine how (military) judicial practices have been instrumental in conceptualizing the boundary between legitimate and illegitimate violence and how they have served as a field of debate about the (tenuous) limits of impunity in colonial contexts.

Numerous trials reveal for instance the ambivalence of colonial rulers toward the violence of their intermediaries against civilians and the challenges raised by the definition of (judicial) thresholds of acceptance in this regard. As a force of repression, African soldiers and policemen were indispensable for the maintenance of order. At the same time, the very existence of contingents of armed indigenous men, and the use of force that was at the

<sup>17</sup> See the historiographic overview in Aldwin Roes, “Towards a History of Mass Violence in the Etat Indépendant du Congo, 1885–1908,” *South African Historical Journal* 62–4 (2010), 634–670 and see also Stanard, “Violence and Empire.” More recently, see Nancy R. Hunt, *A Nervous State. Violence, Remedies and Reverie in Colonial Congo* (Durham: Duke University Press, 2016); Lancelot Arzel, “Des ‘conquistadors’ en Afrique centrale : espaces naturels, chasses et guerres coloniales dans l’Etat indépendant du Congo (années 1880–années 1900)” (unpublished PhD thesis, SciencesPo Paris, 2018); and Benoît Henriët, *Colonial Impotence. Virtue and Violence in a Congolese Concession (1911–1940)* (Berlin: De Gruyter, 2021).

<sup>18</sup> Matthew Carotenuto and Brett Shadle, “Toward a History of Violence in Colonial Kenya” *International Journal of African Historical Studies* 45–1 (2012), 3. See also Florence Bernault, “Control and Excess: Histories of Violence in Africa,” *Africa* 85–3 (2015), 385–394.

<sup>19</sup> Moyd, *Violent Intermediaries*; Muschalek, *Violence as Usual*.

<sup>20</sup> Emmanuel Blanchard et al., “Tensions of Colonial Policing,” in Blanchard, Emmanuel et al. (eds.), *Policing Colonial Empires. Cases and Connections, 19th and 20th Centuries* (Brussels-Bern: Pieter Lang, 2017), 17.

heart of their mission, remained a locus of anxieties for colonial authorities. These tensions can be found in many investigations and judgements, notably in recurring debates about the issue of the respective responsibilities of Congolese soldiers sent to unsupervised missions and of their European commanders. Among many examples, the trial of an African soldier accused of exactions against civilians after he was put in sole charge of a post in Lower Congo for six entire weeks by the (absent) local administrator, in 1917 and in a tense regional political context, illustrates this well: while the judgment makes clear that the soldier had used excessive violence, it also considered as a mitigating circumstance the fact that the soldier had been “left alone at the post of Niadi” and therefore that he “believed he was to replace the [-European] head of the post in the full extent of his powers, whose limit he could not know.”<sup>21</sup>

These tensions did not only concern African rank and file soldiers. Force Publique’s courts-martial records hold the judiciary proceedings of more than 200 European officers. They show that Europeans did not benefit from a blanket impunity, even under the infamous Congo Free State regime. The specific (political) climate in which a court case unfurled could heavily weigh in the proceedings and ultimate judgment, and thus needs to be taken into account when mobilizing those records. This is striking in the trial of a young Belgian non-commissioned officer, Arnold Ameye, in late 1904. Ameye was accused of arbitrary arrest, arbitrary detention, and torture resulting in the death of two Congolese villagers from the Equateur region named Etefu and Emina; a few months before, when Ameye commanded the outpost of Mondjoku, he had them arrested and tied down to palm trees for several days, without receiving food nor drink.<sup>22</sup> This trial takes us into the heart of the terror regime of King Leopold II. It also exposes the factors that were decisive in determining the limits of impunity. Anxieties about anticolonial disorders arising from interracial abuses by colonial agents, as well as concerns for potential scandals and issues of (international) reputation and prestige, proved a driving force in the judicial repression of white violence. This was particularly the case at the turn of the twentieth century, when the global humanitarian campaign against the atrocities perpetrated in the Congo Free State gained intensity.<sup>23</sup> This context weighed on Ameye’s trial. The court case was held in the immediate aftermath of the publication of the Casement Report about abuses in the Congo, at a time when international denunciations of Leopold II’s regime were reaching their highest point. The prosecutor of the trial was the magistrate who had been charged by the

<sup>21</sup> SAB2, AA, CG Kwango 65, Judgment 26 Feb. 1917.

<sup>22</sup> SAB2, AA, CGA Boma 157, Judgment 21 Dec. 1904.

<sup>23</sup> Amandine Lauro, “Violence, Anxieties, and the Making of Interracial Dangers: Colonial Surveillance and Interracial Sexuality in the Belgian Congo,” in Herzog, Dagmar and Schields, Chelsea (eds.), *The Routledge Companion to Sexuality and Colonialism* (New York: Routledge, 2021), 329–332.

Congo Free State to investigate the crimes reported by Casement.<sup>24</sup> Not surprisingly, the terms of the judgment were unusually straightforward; they condemned the crimes of Ameye as “not only illegal, but also arbitrary” and as “inspired by deceit, by malice, by the desire to repress minor faults by cruelty, and not [inspired] by the desire to serve as an auxiliary to Justice.”<sup>25</sup> The strategies of the defense also reflected this context. Ameye and his supporters blamed the influence of an old Congolese soldier whom 21-year-old Ameye trusted. Presented as “as brutal as he was devious,” this right-hand intermediary had served the infamous Léon Fiévez, a Belgian official whose violent methods of enforcement and repression had attracted international media coverage and made him one of the embodiments of “Red Rubber” atrocities. But while the exoneration of Ameye tapped into familiar racist tropes of white innocence and African malice, its description of an “overly credulous” and weak commander shows how little self-evident colonial authority was and how isolation and anxieties played a role in how Europeans performed the act of command in the field.<sup>26</sup>

### *Testimonies of/as Agency*

This trial also provides a good illustration of the involvement and agency of indigenous plaintiffs in early colonial justice. Ameye’s case was incepted by the complaint of Etefu’s widower to a higher-ranking officer, and the testimonies of Congolese witnesses proved key in the defendant’s sentencing to ten year’s imprisonment. Although the Congolese who attempted to testify of brutal treatments under Leopoldian rule faced an uphill battle,<sup>27</sup> they could still sometimes choose to use the channels of colonial courts to seek justice. This is just one of the many windows provided by *Conseils de Guerre*’s records onto the agency of colonized people. Here again, the complex position of armed forces in the colonial order—as both actors of repression and potential threats to the very rule they were supposed to safeguard—is interesting to explore in terms of how it translated in specific modes and expressions of agency. In military camps and barracks, more tightly controlled than other

<sup>24</sup> Rosario Giordano, “‘En attendant le nouveau Bula Matari’: Gennaro Bosco et Roger Casement dans l’Abir (État Indépendant du Congo 1902–1904),” in Comberiati, Daniele et al. (eds.), *Des Italiens au Congo aux Italiens du Congo. Aspects d’une glocalité* (Paris: L’Harmattan, 2020), 43–54.

<sup>25</sup> SAB2, AA, JUST 42A, Letter from State Prosecutor to Governor General, 17 May 1904.

<sup>26</sup> See for instance Eva Bisschof, “Tropenkoller: Male Self-Control and the Loss of Colonial Rule,” in Reinkowski, Maurus and Thum, Gregor (eds.), *Helpless Imperialists: Imperial Failure, Fear and Radicalization* (Göttingen: Vandenhoeck & Ruprecht, 2013), 117–137; Henriët, *Colonial Impotence*, 53–59.

<sup>27</sup> Robert Burroughs, *African Testimony in the Movement for Congo Reform. The Burden of Proof* (New York: Routledge, 2019), 151–152.

colonial spaces, Congolese soldiers frequently probed or overstepped the boundaries of legality, revealing how compliance with the colonial order of things was far from universal. There were of course the familiar cases of rebellion, insubordination or desertion, but the snippets of life in barracks and military operations offered by the transcripts of testimonies and interrogatories of Congolese soldiers also reveal how the colony's military has been traversed by forbidden solidarities, and how soldiers mobilized their agency and capacity for violence sometimes to their own ends.

Courts-martial's records hold striking examples of openly critical discourses held in court by Congolese defendants. In May 1956, for instance, Arthur K., a sergeant of the Force Publique, was tried for belonging to the outlawed Kitawala religious movement. He used his trial as a platform to indict the inherent racism of the colonial order in striking terms:

We can't believe what the Whites tell us, for they are liars who always try to deceive us. Whites and Blacks don't go along. If a Black man commits a fault, he will be severely punished, while a White man who would do the same won't get a thing [...] and this is only because the colour of our skin is like this (the defendant shows the back of his hand). Yet the only difference between us is a skin colour, and nothing else.<sup>28</sup>

Courts-martial's archives also allow to analyze the testimonies of the many civilian victims, witnesses or even accused (in the case of trials led under the "special military regime") who were heard in front of the Conseils de Guerre, documenting experiences or even informal sectors, which otherwise escaped the gaze of colonial administrators.

## Conclusion

One should nevertheless be wary of the many distortions these "fragments" of indigenous voices underwent before being consigned. They were both translated and transcribed, which offered to clerks and interpreters significant leeway as to how they conveyed and recorded the words of the Congolese appearing in court. Furthermore, there are little information available regarding the conditions in which most of these hearings took place, and to what extent confessions were obtained under duress. For instance, it has been proved that many accused were flogged during the judicial repression of the 1931 *Tupelepele* revolt.<sup>29</sup> Reading these court cases against the grain, on the lookout for traces of subaltern experiences, requires their cross-

<sup>28</sup> SAB2, AA, CG Stanleyville 516, Transcript interrogatory Arthur K., 18 Apr. 1956.

<sup>29</sup> Belgian Federal Public Service Foreign Affairs, African Archives, AE3268, Enquiry on the Kwango revolt, 29 November 1931.

examination with complementary sources, which might include oral enquiries and direct memories of colonization recorded in the last decades of the twentieth century.<sup>30</sup>

Finally, using these archives necessitates a critical assessment of the inherently distorted insights they provide into the past. First, the judicial system was a crucial tool for safeguarding and upholding the colonial social order. The *Conseils de Guerre* provide fascinating examples of segregation and marginalization in the making—for instance in the distribution of the burden of proof along racial and “ethnic” lines—but imperfectly reflect Congolese experiences of the everyday in the barracks and the troops. Second, judicial archives follow their own discursive and formal conventions. Categorizing an event as a “misdeed” means making it fit into a specific legal framework—such as qualifying a soldier’s provocative answer to his officer as “insubordination.” These “rough translations,” shaped by the rigidity of the law, could entail silencing or downplaying testimonies and evidences that fitted awkwardly in the narrative envisioned by the prosecutor.<sup>31</sup>

In spite of these lacunae and silences, whether inherent to the written legacies of empires or specific to these records, the *Conseils de Guerre* can contribute to a fine-grained analysis of colonial power dynamics, both within and outside of the military. The vast range of recorded crimes and misdeeds and their judicial handling, provide fascinating insights into the everyday deployment of colonial rule. These courts handled cases ranging from the mundane—petty theft, cannabis consumption, traffic accidents—to the gruesome—rape and murder. Each affair, whether big or small, constituted in its own right a challenge to the self-proclaimed ideal of Belgian Congo as a “model-colony” populated by compliant African subjects. These archives contain precious fragments of life and voices, as well as fascinating information on how justice was performed, and (military) order upheld.

**Benoît Henriët** is Associate Professor of History at the Vrije Universiteit Brussel (VUB).

**Amandine Lauro** is Research Associate of the Belgian Fund for Scientific Research (FNRS) at the Université libre de Bruxelles (ULB).

<sup>30</sup> See for instance: Marie-Bénédicte Dembour, *Recalling the Belgian Congo. Conversations and Introspections* (New York: Berghahn, 2000); Robert Eugene Smith, “Les Kwilois parlent de l’époque coloniale,” *Annales Aequatoria* 26 (2005), 165–217; Jan Vansina, *Being Colonized. The Kuba Experience in Rural Congo, 1880–1960* (Madison: Wisconsin University Press, 2010).

<sup>31</sup> On the uneasy judicial qualification of misdeeds in colonial settings, see Anjali Arondekar, *For the Record. On Sexuality and the Colonial Archive in India* (Durham: Duke University Press, 2009), 67–97; Victor Roman Mendoza, *Metroimperial Intimacies: Fantasy, Racial-Sexual Governance, and the Philippines in U.S. Imperialism, 1899–1913* (Durham: Duke University Press, 2015), 63–95.

**Renaud Juste** was a scientific collaborator at the Vrije Universiteit Brussel (VUB) and at the Université libre de Bruxelles (ULB).

## References

- Arondekar, Anjali, *For the Record. On Sexuality and the Colonial Archive in India* (Durham: Duke University Press, 2009).
- Azel, Lancelot, “Des ‘conquistadors’ en Afrique centrale : espaces naturels, chasses et guerres coloniales dans l’État indépendant du Congo (années 1880–années 1900),” PhD dissertation, SciencesPo Paris (France, 2018).
- Bernardo y Garcia, Luis Angel, “Les ‘Archives Africaines.’ Généalogie d’un nébuleux patrimoine colonial en partage,” *Revue belge de philologie et d’histoire* 98–4 (2020), 1119–1174.
- Bernaut, Florence, “Control and Excess: Histories of Violence in Africa,” *Africa* 85–3 (2015), 385–394.
- Bisschop, Eva, “Tropenkoller: Male Self-Control and the Loss of Colonial Rule,” in Reinkowski, Maurus and Thum, Gregor (eds.), *Helpless Imperialists: Imperial Failure, Fear and Radicalization* (Göttingen: Vandenhoeck & Ruprecht, 2013).
- Blanchard, Emmanuel, and Joël Glasman, “Le maintien de l’ordre dans l’Empire français : une historiographie émergente,” in Bat, Jean-Pierre and Nicolas Courtin (eds.), *Maintenir l’ordre colonial. Afrique, Madagascar, XIXe–XXe siècles* (Rennes: PUR, 2012), 11–41.
- Blanchard, Emmanuel et al., “Tensions of Colonial Policing,” in Blanchard, Emmanuel et al. (eds.), *Policing Colonial Empires. Cases and Connections, 19th and 20th Centuries* (Brussels-Bern: Pieter Lang, 2017).
- Burroughs, Robert, *African Testimony in the Movement for Congo Reform. The Burden of Proof* (New York: Routledge, 2019).
- Carotenuto, Matthew, and Brett Shadle, “Toward a History of Violence in Colonial Kenya” *International Journal of African Historical Studies* 45–1 (2012), 1–7.
- Chamelot, Fabienne et al., “Archives, the Digital Turn, and Governance in Africa,” *History in Africa* 47 (2020), 101–118.
- De Ganck, Tommy, and Ornella Rovetta, *Inventaire des archives du Ministère des Colonies et successeurs en droit. Administration d’Afrique. Conseil de guerre de Léopoldville, 1891–1956* (Brussels: State Archives of Belgium II – 43, 2022).
- Dembour, Marie-Bénédicte, *Recalling the Belgian Congo. Conversations and Introspections* (New York: Berghahn, 2000).
- Dickerman, Carol, et al., “Court Records in Africana Research,” *History in Africa* 17 (1990), 305–318.
- Eldridge, Claire, “Conflict and Community in the Trenches: Military Justice Archives and Interactions between Soldiers in France’s Armée d’Afrique, 1914–18,” *History Workshop Journal* 93–1 (2022), 23–46.
- Giordano, Rosario, “‘En attendant le nouveau Bula Matari’ : Gennaro Bosco et Roger Casement dans l’Abir (État Indépendant du Congo 1902–1904),” in Comberiat, Daniele et al. (eds.), *Des Italiens au Congo aux Italiens du Congo. Aspects d’une globalité* (Paris: L’Harmattan, 2020).
- Henriet, Benoît, *Colonial Impotence. Virtue and Violence in a Congolese Concession (1911–1940)* (Berlin: De Gruyter, 2021).

- Hiribarren, Vincent, "Hiding the Colonial Past? A Comparison of European Archival Policies," in Lowry, James (ed.), *Displaced Archives* (New York: Routledge, 2017).
- Hunt, Nancy R., *A Nervous State. Violence, Remedies and Reverie in Colonial Congo* (Durham: Duke University Press, 2016).
- Jacobs Etienne et al. (eds.), *Défense et Maintien de l'Ordre en Afrique Centrale à l'époque contemporaine de la colonisation belge (1908–1962)* (Brussels: MRAHM, 1994).
- Lauro, Amandine, and Benoît Henriet, "Répression: le Congo après Léopold II, une colonie moins violente?," in Goddeeris, Idesbald et al. (eds.), *Le Congo colonial: une histoire en questions* (Waterloo: Renaissance du Livre, 2020).
- Lauro, Amandine, "Suspect Cities and the (Re)-making of Colonial Order. Urbanization, Security Anxieties and Police Reforms in Postwar Congo (1945–1960)," in Rousseaux, Xavier and Campion, Jonas (eds.), *Policing New Risks in Modern European History* (Basingstoke: Palgrave, 2016).
- , "Violence, Anxieties, and the Making of Interracial Dangers: Colonial Surveillance and Interracial Sexuality in the Belgian Congo," in Herzog, Dagmar and Chelsea Shields (eds.), *The Routledge Companion to Sexuality and Colonialism* (New York: Routledge, 2021).
- Mabiala, Pamphile, *Les soldats de Bula Matari (1885–1960)* (Kinshasa: Editions Culturelles Africaines, 2019).
- Mendoza, Victor Roman, *Metroimperial Intimacies: Fantasy, Racial-Sexual Governance, and the Philippines in U.S. Imperialism, 1899–1913* (Durham: Duke University Press, 2015).
- Monaville, Pedro, "A Distinctive Ugliness: Colonial Memory in Belgium," in Rothermund, Dietmar (ed.), *Memories of Post-Imperial Nations: The Aftermaths of Decolonization, 1945–2013* (Cambridge: Cambridge University Press, 2015).
- Moyd, Michelle, *Violent Intermediaries. African Soldiers, Conquest and Everyday Colonialism in German East Africa* (Athens: Ohio University Press, 2014).
- Muschalek, Marie, *Violence as Usual. Policing and the Colonial State in German Southwest Africa* (Ithaca: Cornell University Press, 2019).
- Ndaywel, Isidore, and Pamphile Mabiala, *Le Congo Belge dans la Première Guerre mondiale (1914–1918)* (Paris: L'Harmattan, 2015).
- Piret, Bérengère, "Reviving the Remains of Colonization. The Belgian Colonial Archives in Brussels," *History in Africa* 42 (2015), 419–431.
- Roes, Aldwin, "Towards a History of Mass Violence in the Etat Indépendant du Congo, 1885–1908," *South African Historical Journal* 62–4 (2010), 634–670.
- Shaw, Bryant, "Force Publique, Force Unique: The Military in the Belgian Congo 1914–1939," PhD dissertation, University of Wisconsin (Madison WI, 1985).
- Smith, Robert Eugene, "Les Kwilois parlent de l'époque coloniale," *Annales Aequatoria* 26 (2005), 165–217.
- Stanard, Matthew, "Violence and Empire: The Curious Case of Belgium and the Congo," in Aldrich, Robert and McKenzie, Kirsten (eds.), *The Routledge History of Western Empires* (London: Routledge, 2013).
- Thomas, Martin, *Violence and Colonial Order. Police, Workers and Protest in Colonial Empires, 1918–1940* (Cambridge: Cambridge University Press, 2012).
- Vanderstraeten, Louis-François, *De la Force Publique à l'Armée Nationale Congolaise : histoire d'une mutinerie, juillet 1960* (Brussels: ARSOM, 1993).
- Vansina, Jan, *Being Colonized. The Kuba Experience in Rural Congo, 1880–1960* (Madison: Wisconsin University Press, 2010).



- Waller, Richard, "Legal history and historiography in colonial Sub-Saharan Africa," in *Oxford Encyclopaedia of African History* (online), 2018.
- Zimmerman, Sarah, *Militarizing Marriage. West African Soldiers' Conjugal Traditions in Modern French Empire* (Athens: Ohio University Press, 2020).