

# FACT SHEET

## DRC Mobile Gender Courts

FOR THE PAST 15 YEARS women in eastern parts of the Democratic Republic of Congo (DRC) have been subjected to mass sexual violence by a variety of armed groups, including the Congolese army, rebels, and militias. The chaos engulfing the region has also fostered an alarming increase in the rate of civilian rapes. In an effort to end this culture of impunity, the Open Society Justice Initiative and the Open Society Institute for Southern Africa (OSISA) have supported the development of mobile courts capable of trying the most serious mass rape cases, as well as other crimes.

### Justice in Fizi

In February 2011, a mobile gender court sitting in the small, remote town of Baraka in the eastern Congo province of South Kivu found four senior army officers guilty of rape and terrorism as crimes against humanity, for the New Year's Day mass rape attacks in the village of Fizi. The court sentenced the leaders to 20 years of imprisonment, and five lower-level soldiers to either 10 or 15 years imprisonment. One soldier was acquitted and another found to be a minor and transferred to juvenile court. Hundreds of villagers turned out to hear the verdict and clapped their approval at the convictions. The two week trial, in a town with no electricity or running water, represented an unprecedented victory for justice and the rule of law in a country where impunity is the norm and accountability the rare exception. It was also a powerful demonstration of the potential of the mobile gender court.

### Building the Mobile Gender Court

Mobile courts are not new in Congo; they have long been used by the central government to administer justice in its remote interior. But OSISA and the Justice Initiative developed an enhanced court model that would have the expertise and capacity to try gender crimes, and also to handle

coordinated mass attacks, like the one in Fizi, that constitute crimes against humanity under international law. The court also has the discretion to hear other cases, both military and civilian (around a quarter of its cases have involved civilians). The project, which was implemented with funding from OSISA to- the American Bar Association's Rule of Law Initiative (ABA ROLI), operates within the Congolese justice system with Congolese judges, prosecutors, and defense counsel. It conducts both civilian and military trials, depending on the category of the accused. The project has worked closely with relevant state authorities including the military court and the civilian courts, as well as the office of the provincial governor and had achieved ongoing commitment from the state, the Bar Association of South Kivu, and many local civil society organisations that work in the areas of gender and justice. Since its launch in October 2009 up to May 2011, the mobile gender court project has achieved the following, with annual funding of \$950,000:

- 250 cases heard during a series of primarily two-week long sessions
- 195 convictions – 75% for sexual crimes, 25% for murder, violence, theft, etc.
- Prison sentences ranging from 3 to 20 years
- Training of 260 judicial officers

## The Mobile Court and the ICC

The mobile court was designed by the Justice Initiative to support the concept of “complementarity”—the principle that domestic courts have the primary responsibility to investigate and prosecute serious crimes—and hence to complement the work of the International Criminal Court (ICC) in the Hague, which is tasked with prosecuting high level suspects otherwise outside the capacity of the domestic court system.

The project recognized that the crimes committed as a result of the conflict in eastern DRC are among the gravest atrocities committed worldwide, and the gender related crimes rank high on the list of worst offenses. The ICC currently has charges of international crimes against four people from the DRC ([The Prosecutor v. Thomas Lubanga Dyilo](#); [The Prosecutor v. Bosco Ntaganda](#); [The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui](#) and [The Prosecutor v. Callixte Mbarushimana](#)). It has also charged former DRC Vice Presidential candidate Jean Pierre Bemba with gender crimes committed in the Central Africa Republic. But it is up to the domestic courts to handle the vast majority of crimes committed in these regions and to provide some measure of justice to the victims of atrocity crimes, including sexual violence.

The mobile gender court project is having an impact—by showing justice being done and by chipping away at the pervasive sense of impunity around sexual crimes. But it must do more to make a more substantial, sustained difference. It should be expanded both within South Kivu province and into the neighboring, equally violent province of North Kivu. The Open Society Foundations also believe that the international community needs to provide additional funds to support penal reform

and to improve prison conditions in eastern DRC so that the convicted stay behind bars—and so that the prisons meet basic standards of care and security. New legal aid clinics are being set up to provide additional assistance to victims and to ensure that reparations awarded by the court are received, and mobile medical clinics need to also travel with the mobile courts.

Despite grave challenges, the mobile gender court offers an important model for reducing sexual crimes and delivering justice for the victims in remote communities. The Open Society Foundations are asking the international community to invest US\$35 million over a five-year period (2012-2018) in extending and expanding the mobile gender court project, enabling it to handle 1000 prosecutions per year from 2013, and to begin operations in the eastern province of North Kivu.

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