

# JUSTICE IN DRC

**MOBILE COURTS COMBAT RAPE AND IMPUNITY  
IN EASTERN CONGO**



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MILITARY JUDGES PRESIDE  
AT A MOBILE COURT SESSION  
IN IDJWI, DRC.

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COVER PHOTO:  
DEFENSE ATTORNEYS  
AT THE MOBILE COURT  
IN BARAKA, DRC.

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#### PRESIDING JUDGE AT THE KAMITUGA MOBILE COURT

“ The tribunal has had an impact. Sexual violence is serious. This crime is committed less frequently because of the impact of this tribunal.”

#### 49-YEAR-OLD FEMALE ATTENDING A MOBILE COURT TRIAL

“ Because of the mobile court, women don’t have to hide themselves away any more. They are learning to go to the hospital to be checked. They are learning to go to the police to press charges.”



# THE CULTURE OF IMPUNITY

The eastern areas of the Democratic Republic of Congo (DRC) have been called the worst areas in the world to be a woman or child. For the past 15 years, women and girls in the region have suffered mass sexual violence on an unimaginable scale, perpetrated by the Congolese army, rebels, militias, and others. Impunity has been the rule, and simply finding courtrooms and judges is next to impossible beyond the provincial capitals. In response, the Open Society Justice Initiative and the Open Society Initiative for Southern Africa (OSISA) have supported the creation of mobile gender courts able to properly try rape cases. The courts have brought a measure of justice—and dignity—to victims and demonstrate that, with modest support, local institutions can respond even under the most challenging circumstances.

A LOCAL POLICE STATION  
PROVIDES HOLDING CELLS FOR  
THE IDJWI MOBILE COURT.



# THE WHEELS OF JUSTICE

Mobile courts, efficient and relatively inexpensive, have long heard cases in remote regions of the DRC. Traveling judges, prosecutors, and defense counsel can resolve disputes and dispense justice in areas where the nearest formal courthouse is more than a week's journey away. But to deal with the profoundly sensitive and demanding challenges of sexual crimes, a specialized approach was needed. So, working with the American Bar Association's Rule of Law Initiative, the Justice Initiative and OSISA developed a special mobile court with the capacity and expertise to try gender crimes, including those egregious enough to constitute crimes against humanity under international law. The court, which is staffed entirely by Congolese and functions within the Congolese judicial system, also has flexibility—it has the discretion to hear other serious crimes, including murder and theft.

A DEFENDANT (SEATED)  
AT THE IDJWI MOBILE  
COURT. HIS ACCUSER STANDS  
TO THE RIGHT.



# THE GUILT OF SOLDIERS IN FIZI

On New Year's Day, 2011, soldiers from the Congolese army descended on the town of Fizi, raping dozens of women and looting property in a terrifying night of violence. Six weeks later, Lieutenant Colonel Kibibi Mutuara, the commanding officer who ordered the attack, and 10 other soldiers were brought to trial before the mobile court. During the two-week session, prosecutors presented evidence, including the testimonies of 49 women who were raped, while defense counsel sought to rebut the charges. Hundreds of onlookers gathered each day to follow the trial. Kibibi and three of his officers were each found guilty and sentenced to 20 years in prison. Five enlisted men were also convicted and sentenced to 10 or 15 years in prison. One soldier was acquitted and one was found to be a minor and transferred to another domestic court.

A WITNESS TESTIFIES  
ABOUT THE ATTACK ON FIZI.  
ONE OF THE ACCUSED  
LOOKS ON.





# THE CONNECTION TO INTERNATIONAL LAW

The mobile gender court was designed to recognize and try serious crimes that are conflict related, including those that rise to the level of crimes against humanity under international law. Its dual jurisdiction gives it flexibility in the fluid circumstances of the eastern DRC, allowing it to try either soldiers or civilians. In the Fizi mass rape trial, the court found Colonel Kibibi guilty of rape as a crime against humanity. The work of these itinerant Congolese judges, lawyers, and investigators provides an essential complement to the work of the International Criminal Court in The Hague, which tends to try only the highest-level defendants. At the same time, the courts offer an irreplaceable lesson for the public about the scourge of sexual violence and the potential to bring perpetrators to account.

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RESIDENTS OF BARAKA  
STAY UP LATE INTO  
THE NIGHT TO WATCH  
THE FIZI RAPE TRIAL.



# THE WEIGHT OF CONVICTIONS

In its first 36 months of operation (from October 2009 through October 2012), a mobile gender court operating in South Kivu made important progress toward meeting the urgent need to bring justice closer to citizens by holding 20 court sessions in remote areas of the province. It heard 382 cases, with 204 convictions for rape, 82 convictions for other offenses, and 67 acquittals. Twenty-nine cases are pending. Sentences for rape ranged from 1 to 20 years, with significant financial penalties added in some cases.

A DEFENDANT FACES  
THE JUDGES IN IDJWI.





KIBIBI MUTUARA IS LED AWAY  
AFTER BEING SENTENCED  
TO 20 YEARS FOR CRIMES  
AGAINST HUMANITY BY THE  
MOBILE COURT IN BARAKA.

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PRESIDENT OF THE MILITARY COURT OF SOUTH KIVU COL. FREDDY MUKENDI

“Justice is not  
impossible to achieve  
in the DRC.”



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