

**Africa: Mobile Gender Courts – Delivering Justice in the DRC**  
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Since 1996, as many as 500,000 people in the Democratic Republic of Congo (DRC) have been victims of rape and sexual violence, according to UN estimates. To compound this, these brutal crimes, which have devastated countless lives and communities in the DRC, are widely conducted with impunity. There is a culture of silence around rape, victims are often stigmatised by their own communities, and most attempts to bring perpetrators to justice have so far suffered from under-funding, lack of reach and questions over integrity.

A project using mobile gender courts in South Kivu is, however, seeking to use innovative ways to finally put an end to impunity and injustice. These courts travel to remote regions to deal with crimes of sexual violence and have so far enjoyed relative success, although the limitations of their approach cannot be ignored.

#### Impunity in the Congo

While victims of sexual violence in the DRC number in the hundreds of thousands, only a handful of people have been put on trial and even fewer have gone to prison. In South Kivu in 2005, for example, less than 1% of the 14,200 recorded cases of sexual violence went to court.

Numerous measures have been taken to address violence in DRC but these do not always include sexual violence. In the International Criminal Court's (ICC) landmark trial of Thomas Lubanga, for example, the rebel leader was convicted of using child soldiers but there was disappointment that he was not also charged for rape and sexual violence, which can be tried under international law as a war crime. Moreover, the trial was lengthy, costly and carried out in The Hague, thousands of miles away from the site of his crimes and his victims.

The DRC's national courts have similarly fallen short in delivering meaningful justice for victims of sexual violence. Despite a strong legal framework, years of conflict and corruption have rendered a large portion of the country's judicial system lacking in both capacity and integrity. There has been some progress, particularly in the Ituri district where a court has held prosecutions resulting in 10 convictions on rape charges, but at the moment the DRC's judicial system simply cannot deal with the scale of the crimes. And even with a more robust and transparent system, there remain practical problems, such as the fact that many victims cannot easily reach courts or police stations and often cannot afford the direct and indirect costs of a trial.

#### Mobile gender courts

It was with these numerous weaknesses in mind that mobile gender courts were conceived. Launched in October 2009 and focused in South Kivu, mobile gender courts are an enhanced version of existing mobile courts in the DRC which, unlike most national and international measures of delivering justice, primarily seek to bring justice to victims of gender violence.

Supported by the Open Society Justice Initiative, American Bar Association Rule of Law Initiative and Open Society Institute for Southern Africa in collaboration with the Congolese government, these itinerant civilian and military courts emphasise local-led justice and the rule of law.

The project is active in the larger cities of Baraka, Bukavu and Uvira, but also uses plane travel and long hours of driving along muddy potholed roads to reach more remote places like Kamituga, Kalima and Mwenga. In areas such as these where justice had previously remained elusive, these courts bring justice to the people. Most court sessions are public and audiences come from far and wide to see the trials first-hand. Listening to these cases helps break down the stigma that has encouraged impunity and educates locals on the rule of law and how victims should be treated, something the ICC and national courts typically fail to do.

The mobile gender courts nevertheless operate within the national judicial system, and use entirely Congolese staff, including police, judges, prosecutors and defence counsel, and court administrators. This is important for promoting the project as one aspect of improving the country's judicial system as a whole rather than creating a parallel externally-led judicial structure.

### Delivering justice

From their initiation in October 2009 to May 2011, these courts have handed out 195 convictions, 75% of them being for sexual crimes and 25% for crimes such as murder and theft. Punishments come in form of punitive justice, with up to 20 years in prison. In some cases, financial penalties are awarded.

One of the most prominent cases to date has been the Fizi mass rape trial, which found Colonel Kibibi Mutware guilty of rape as a crime against humanity and sentenced him to 20 years in prison. He is the first commanding officer to be convicted for such a crime in eastern DRC, marking an important moment for justice in South Kivu.

Trials typically last two weeks and are, according to Judge Mary McGowan Davis who was invited by Open Society Justice Initiative and the Open Society Initiative for Southern Africa to assess the courts, "perhaps better adapted [than international courts] to the actual task of providing timely redress to individual victims in communities still struggling with the chaotic aftermath of war and political upheaval". The speed of the trials also makes them more effective than national courts. Under national law, courts have 3 months to conclude sexual violence cases, and under-resourced national courts are often too slow to process cases which then get thrown out.

Alongside the trials, the American Bar Association Rule of Law Initiative also works in conjunction with local civil society groups and the South Kivu Bar Association to provide sustainable training on the rule of law, educate people about their rights, and offer medical help and counselling to victims. This offers a more holistic approach to dealing with the problem of sexual violence and goes beyond mere justice and begins to address victims' other needs.

### No silver bullet

Despite the positive work of these mobile gender courts, they have limitations. The speedy nature of the trials, while beneficial in one way, can also make summoning witnesses in time difficult. There is also a lack of resources for basic equipment like writing paper or computers, the prison system is inadequate, and the state has failed to pay out for any form of reparations as of yet. Overcoming these problems, however, requires addressing other areas of the DRC's judicial system.

Mobile gender courts are no quick fix to the problems surrounding impunity and injustice in DRC. Just as the scope of the ICC and the national courts are limited, these courts can only reach out to some of the many victims. These itinerant courts could, however, be a crucial foundation upon which the national judicial system and restoration of rule of law can be strengthened. In conjunction with the ICC and national courts, mobile gender courts can help tackle impunity at various levels and inculcate a sense of accountability around sexual violence.

By reaching victims in remote areas and delivering justice quickly, these courts offer perhaps the most optimistic indication to date that justice for victims of sexual violence in the DRC could be an achievable reality.