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# THE KAVUMU CHILD RAPE CASES (DRC): FINALLY A TRIAL

## MEDIA KIT

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Bukavu / Geneva / New York - November 2017

## THE CASE AT A GLANCE

**Kavumu is an impoverished community located in the South Kivu province in eastern Democratic Republic of the Congo (DRC). Not far from the provincial capital Bukavu, the area has for many years been home to extreme violence and fighting over land, natural resources, and power.**

### Atrocities Committed

Beginning in 2013 and continuing through the middle of 2016, **more than 40 children between the ages of 8 months and 12 years were abducted and raped during the night** in the community of Kavumu.

The cases fit a similar pattern: assailants kidnapped victims at night, raped them, and often extracted blood using a sharp object before then abandoning the victim in nearby fields. Many of the young children were taken to Dr. Denis Mukwege's **Panzi Hospital** for examination and reparative surgery. Many have **permanent damage to their reproductive and abdominal organs and suffer from ongoing trauma.**

### Stalemate and Despair

**Initially, the attacks were considered isolated events** and were thus confined to local justice authorities. Mentally shaken and stymied by the social and psychological stigmas of such crimes, survivors and their families entrusted local prosecutors to investigate.

The NGO Physicians for Human Rights **assembled a task force** to help investigate the crimes alongside several local and international groups, but **no action was taken by local prosecutors**. It wasn't until March 2016 that the national government recognized the importance of the Kavumu cases and decided to intervene.

### Key Figures

- 46 under aged girls victims of rape
- 18 accused of rape crimes as crime against humanity
- 6 lawyers working to represent these young girls

### Military Prosecutors Start Anew

At the beginning of 2016, following the NGO TRIAL International's involvement in the investigative *Task Force Kavumu*, the team adopted a **new judicial strategy**. Since the crimes committed in Kavumu were related, the survivors' lawyers **asked a military prosecutor rather than a civilian prosecutor to take the case, considering there was evidence of crimes against humanity as the attacks against a civilian population was systematic**. The military prosecutor agreed and opened an investigation treating all the cases collectively as a mass crime.

# KAVUMU CASE (DRC)

## MEDIA KIT

*Bukavu / Geneva / New York - November 2017*

### Arrests and the End of Crimes in Kavumu

In June 2016, the initial evidence collected by Congolese police led to **the arrest of Frederic Batumike. A member of the South Kivu provincial assembly, Batumike was arrested alongside 70 other alleged militia members** on suspicion that they were involved in the systematic rape of Kavumu's children. The same militia was also suspected of orchestrating deadly attacks against human rights defenders and Congolese military installations.

There is evidence indicating that militia members may have considered the rapes as a means to acquire protection in battle. **Since the arrests were made in June 2016, no other incidents of rape fitting this prior pattern have been reported in Kavumu.**

### Collecting Evidence to Obtain Justice

The complexity and depravity of these crimes has put the Congolese justice system under severe strain. Among the challenges: the age of survivors and the manner in which the crimes were committed (often at night, while families were sleeping, and there are allegations victims may have been drugged to keep them unconscious). That compelled judicial authorities to work closely with the **NGO-led task force** from 2016 through 2017 **to conduct a thorough investigation and gather the necessary evidence to support the prosecutor's case.**

### Indictment and the Opening of the Trial

In September 2017, the **military prosecutor indicted 18 defendants for acts of rape constituting crimes against humanity**, as well as additional offenses including murder, organization of a militia, and attacking Congolese military installations. **According to the indictment, Batumike is accused of creating and organizing the militia and ordering the campaign of rape.** The 17 additional defendants are accused of participating in an armed militia and contributing to the crimes of sexual violence.

**The criminal proceedings will be held in Kavumu, beginning on Thursday November 9.**

### Timeline of the case

**March 2013:** First case of nighttime abduction and rape of a girl in Kavumu

**May 2014:** Creation of a task force to reinforce investigative efforts on the crimes

**March 2016:** The military prosecutor takes up the case as a crime against humanity

**April 2016:** Last recorded rape in Kavumu following the militia's modus operandi

**June 2016:** Arrest of Batumike and several other alleged members of the militia

**September 2017:** Indictment of Batumike and 17 other suspects for rape as crime against humanity

**November 2017:** Opening of the trial in Kavumu

# KAVUMU CASE (DRC) MEDIA KIT

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## THE KAVUMU CASES IN 6 QUESTIONS

### 1. Why is the military justice system prosecuting these cases?

Until 2013, only military courts had jurisdiction to investigate and prosecute international crimes such as war crimes or crimes against humanity as defined by international law. Since 2013, the military system now shares this jurisdiction with civilian courts, but in the Kavumu cases the military courts have retained their jurisdiction under article 111 of the Congolese code of military justice, because the alleged crimes were committed with weapons of war.

### 2. What groups comprise the task force?

The Kavumu task force is an informal network of local and international actors based in the provincial capital Bukavu supporting the Congolese justice system in dealing with the crimes committed in Kavumu.

It includes representatives of the UN mission to Congo MONUSCO, additional UN agencies including UNDP, Physicians for Human Rights, TRIAL International, the American Bar Association, Coopera, and Panzi Hospital. Since 2014, the Kavumu task force has been supporting efforts of competent judicial authorities and police in conducting their investigations, and members have also helped organize the Kavumu mobile court trial, scheduled to take place from November 6 through November 23.

### 3. What role did international NGOs play in the investigation?

At the end of 2015, TRIAL International began working with the Kavumu task force by consulting with and training a group of Congolese lawyers representing Kavumu survivors and their families. In this context, TRIAL helped strength not only documentation efforts but also legal strategy by requesting a transfer of jurisdiction to the military justice system.

Physicians for Human Rights (PHR) and Panzi have been working on the Kavumu cases since 2013, when the first patient was brought to Panzi for treatment. Over the past four years, PHR has been working closely with Panzi clinicians to support the documentation of forensic medical evidence of survivors' physical and psychological injuries. PHR has also worked with police and members of the justice community to support technical aspects of the police investigation.

Together, the three organizations facilitated videotaped psychological and medical evaluations of the children who were victims of the crimes of Kavumu to appropriately assess the injuries they sustained. The groups then turned those testimonies over to the prosecution. Videotaping testimony allows survivors to avoid repeating their stories and helps minimize re-traumatization.

# KAVUMU CASE (DRC)

## MEDIA KIT

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### **4. What do we know about the militia accused of committing these crimes?**

The militia – known as “Yeshi La Jesu,” or Army of Jesus – was allegedly created and organized by South Kivu lawmaker Frederic Batumike around 2013. His headquarters were located in Bishiburu near the village of Kavumu. Batumike is suspected of recruiting members of the militia from local churches near Kavumu, and the group appears to have functioned as his personal army. In addition to the systematic abduction and rape of Kavumu’s children, members of the militia are also suspected in the murder of a local human rights defender and of a local German farmer. They are also accused of several attacks on Congolese army installations in the area.

### **5. Does Batumike have prosecutorial immunity in his role as provincial lawmaker?**

At the request of the Congolese Ministry of Justice, the provincial assembly of South Kivu lifted Batumike’s parliamentary immunity for the crimes he’s suspected of committing. The regional assembly also authorized competent judicial authorities to begin criminal proceedings against him.

### **6. Who are the survivors in the Kavumu cases?**

The 46 children who were abducted and raped in Kavumu from 2013 until 2016 are all still minors. The average age is seven years old. Many still suffer from serious physical trauma, including permanent damage to their reproductive and abdominal organs. They also carry with them deep psychological trauma that results in anxiety, stress, anger, depression, and even a decrease in social trust because of the stigma attached to survivors of sexual violence. Many will require care for the rest of their lives.

As minors, the children will be represented by their parents during the trial. The survivors’ families are often also traumatized both by the horror of the crimes but also by the atmosphere of terror that permeated Kavumu between 2013 and 2016. Even though the pattern of rapes has stopped, they still fear reprisals from local militia members and because of Batumike’s position and power.

# KAVUMU CASE (DRC) MEDIA KIT

Bukavu / Geneva / New York - November 2017

## ABOUT THE SIGNATORY NGOS

**TRIAL International** is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice. TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

TRIAL International believes in a world where impunity for international crimes is no longer tolerated. Only when victims are heard and perpetrators held accountable can the rule of law prevail.

*“The importance of Kavumu extends far beyond the impact on survivors and their families,” said the **NGO TRIAL International**. “This trial punctures the code of silence and undermines the judicial inertia that often surrounds sexual violence cases in South Kivu. That authorities are now fully reckoning with this issue head-on is a huge step forward for Congolese justice.”*

Since 1986, **Physicians for Human Rights (PHR)** has used medicine and science to document and call attention to mass atrocities and severe human rights violations. PHR was founded on the idea that physicians, scientists, and other health professionals possess unique skills that lend significant credibility to the investigation and documentation of human rights abuses. PHR’s specialized expertise is used to advocate for persecuted health workers, prevent torture, document mass atrocities, and hold those who violate human rights accountable.

PHR’s work focuses on the physical and psychological effects of torture and sexual violence, the forensic documentation of attacks on civilians, the unnecessary and excessive use of force during civil unrest, and the protection of medical institutions and health professionals working on the frontline of human rights crises.

*“We are hopeful that our combined efforts will allow survivors and their families to finally obtain justice and live in peace after so much pain,” said the **NGO Physicians for Human Rights**, which has supported investigative efforts in Kavumu since the first rape cases were reported. “We are hopeful this process will hold perpetrators accountable for their crimes. And we hope that the collaboration between the medical and legal communities, as well as international and national NGOs, can sustain an effective response system that can prevent future instances of sexual violence.”*

**The Panzi Foundation** was created at the initiative of the Professor Denis Mukwege Mukengere on 12 June 2008. It works towards the full fulfillment of women, gender promotion and women’s rights promotion. It supports sexual violence victims and their close ones; fights against sexual violence; supports the actions of the General Hospital of Panzi.

*“These children relive the aggression perpetrated against them every time they tell their story. The trial’s proceedings are demanding and require deep psychological support,” said **Panzi Hospital**, which specializes in the treatment of survivors of sexual violence.*

# KAVUMU CASE (DRC) MEDIA KIT

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*“We have been waiting years for this trial to begin, as have the families of all the survivors,” said the **NGO community working on these cases**. “We now hope that the trial will be conducted in good faith and that the Congolese justice system will justly punish the offenders proportional to the gravity of their crimes.”*

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