

Congolese Warlord Accused of Sexual Slavery

10 April 2018

An extraordinary trial will commence in Kalehe, in the Democratic Republic of the Congo (DRC) on 13 April 2018. After ten years, 100 victims who suffered the worst atrocities hope to obtain justice through the trial of a war lord who once reign unchallenged on their region.

"Marocain" (his *nom de guerre*) is notably accused of sexual slavery, a crime that is rarely prosecuted despite its widespread use by armed groups in eastern DRC. Two years of investigations, to which TRIAL International brought its expertise, were necessary before the commencement of the trial, marking a significant shift in the recognition of this invisible crime.

Case Summary

The Kalehe territory is infamous for its instability. Mai Mai militias and the Congolese army fight relentlessly, and the effective control of the region varies with the frontline. Civilians are powerless hostages, left at the mercy of the winners.

This is how, between 2005 and 2007, a particularly cruel militia persecuted hundreds of villagers in all impunity. During these attacks, men were killed on the spot or taken prisoner to transport looted goods. Women and girls were kept as sex slaves.

The militia was finally defeated in 2007 and its commanders, known as "Colonel 106" and "Marocain" were arrested. The former has already been sentenced to life imprisonment. It is now time for Marocain to face the consequences of his actions.

A complex trial under pressure

The mere commencement of a trial is a victory for the victims, but this one is undoubtedly complex.

On the one hand the security situation remains extremely volatile: although Marocain's militia was destroyed, many other armed groups continue to operate in the region. The victims and witnesses are particularly at risk.

On the other hand, the scope and severity of the crimes are out of the ordinary: hundreds of victims have registered a complaint, the attacks took place over a vast and inaccessible territory ... not to mention the taboos connected with crimes of sexual violence. Testifying exposes victims to countless stigmas, deterring them from speaking up.

Given the complexity of the case, initial investigations were incomplete and only presented a partial picture of the crimes allegedly committed by Marocain. In particular, the documentation of sexual violence was poorly developed.

This is when TRIAL International was invited by its partners in DRC to bring its legal expertise to the case. The organization collaborated closely with local NGOs, victims and their lawyers to gather evidence, testimonies and conduct medical examinations, thereby helping build a robust legal strategy.

A milestone in the fight against impunity

Ten years after the crimes took place, the victims finally have hope of seeing justice served. On this perilous frontline between the army and the rebels, the symbol is all the stronger.

The trial of Marocain is also an opportunity for the authorities to prove their commitment to prosecute mass crimes, even when the events are far in the past and the accused are powerful. Their credibility now revolves around ensuring that the hearings take place in proper conditions, in the respect of the rights and dignity of all parties.

The Marocain case in 5 questions

What is Marocain accused of?

Marocain is charged with crimes against humanity for rape, imprisonment and other inhuman acts of a similar character, as well as for the war crimes of sexual slavery, looting, attacks against civilian populations and against buildings dedicated to religion. He is also prosecuted for participating in an insurgency.

He could be found criminally liable as a direct perpetrator of the aforementioned individually, jointly or through other people. Around fifty victims and witnesses have reported abuses that incriminate him personally, as well as militia acting under his command.

What is the connection between the Marocain case and the Colonel 106 case?

Marocain was Colonel 106's right-hand man. Their militia would often attack two villages simultaneously, one under the command of Colonel 106 and the other under Marocain's.

Colonel 106 was sentenced to life imprisonment in 2014. The verdict set an important precedent as it represents one of the rare convictions for sexual slavery as a crime against humanity in DRC, despite the widespread use of this practice by armed groups.

The trial of Marocain follows on from that initial trial, as it addresses similar events and uses the same charges.

Why is the trial only taking place now, 10 years after the events?

Marocain was only arrested in August 2014. He was immediately interrogated and admitted taking part in the attacks during his initial hearing.

The first investigative mission, however, only took place in 2016. Case involving crimes of this scale require significant investigative resources, such as legal expertise on mass crimes and human, financial and material resources to investigate in unstable settings. A second investigative mission was necessary to gather evidence and testimonies that incriminated Marocain directly.

After the second mission, the authorities acted rapidly: hearing of the main victims and key witnesses, confrontation with the defendant, additional medical tests...

The mobile court trial was initially scheduled for 2017, but was delayed due to an extremely unstable security environment in the Bunyakiri region.

What was the role of TRIAL International?

TRIAL International was involved at several stages of the proceedings:

- Documentation: taking part in documenting missions, coaching lawyers in charge of gathering evidence, financing additional medical and DNA tests
- Supporting victims: registering victims' stories, providing information and coaching to local NGOs, and free legal assistance through the group's lawyers
- Legal strategy: continuous support and coaching of the victims' lawyers, technical expertise to analyse evidence, implementation of the legal strategy

Why is this trial important for justice in DRC?

Generally speaking, sexual violence is underrepresented in criminal proceedings in DRC due to its complexity and the stigmas attached to it. Case law on sexual slavery, in particular, is but embryonic. Creating a precedent, particularly in correlation with the sentencing of Colonel 106 on similar charges, would help further prosecutions for this too-often-concealed crime.

This is also the opportunity for the Congolese authorities to develop their skills regarding mass crime prosecution, which are often extremely complex (see box below).

Finally, this trial sends a strong message to armed groups that are still active in the region. It shows that, despite time that has passed and the influence of warlords, justice will be done.

A complex and crucial trial

Around ten villages attacked

100 registered victims

10 years have gone by since the attacks

A wide range of crimes (rape, imprisonment, inhuman acts, sexual slavery, attacks on civilian populations, attacks on civilian property, etc.)

Timeline

2005 to 2007: Hundreds of civilians are attacked by the Mai Mai group run by Marocain and Colonel 106

2007: Colonel 106's group is defeated by the Congolese army and he is arrested.

2014: Colonel 106 is sentenced for crimes against humanity including sexual slavery; Marocain is arrested

2016: First investigative mission in the Marocain case

2017: Second investigative mission in the Marocain case

2018: Commencement of Marocain's trial

More Information

[On the Marocain case](#)

[On TRIAL International's action in DRC](#)

[On the fight against conflict-related sexual violence](#)

About TRIAL International

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.

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