

ASF is concerned by the fact that Jean-Pierre Biyoyo remains at large

Avocats Sans Frontières, an organization working towards seeing the fight against impunity become a reality in the DRC, is seriously concerned by the fact that Jean-Pierre Karhanga Biyoyo has yet to be arrested by Congolese authorities and that he is currently appearing as Major within the armed forces of the Democratic Republic of the Congo.

Biyoyo was at the origin of the creation of an insurrection movement named the *Front social pour le Progrès*, or FSP (Social Front for Progress) and deserted the national army's ranks in 2004. From June 2004 to July 2005, Biyoyo committed numerous crimes for which he was condemned to expulsion from the army and to death by the Military Tribunal of the garrison of Bukavu on March 17th, 2006, and by the Military Court of Bukavu on January 12th, 2007.

The courts thus ruled that he was guilty of desertion and fleeing abroad in times of war, of organizing an insurrection movement, of enlisting with the enemy, and of abduction by ruse as well as illegal detention with regards to the recruitment of child soldiers.

Although the judges did not qualify the alleged acts as embodying an international crime, this judgment constituted one of the first important pieces of Congolese jurisprudence within the context of the fight against impunity for crimes committed by armed groups, in particular relative to prosecution for enlisting and using child soldiers in armed forces.

However, Biyoyo managed on two occasions to escape from the prison where he was jailed. Before proclaiming himself Major, he had already returned to Bukavu, in February 2007, as lieutenant – colonel in charge of assisting in the reintegration in the Congolese army of a group of militiamen. He had disappeared again following the indignation kindled by this nomination.

ASF underlines that a credible justice system, in which citizens can place their trust, must ensure that court decisions are enforced. It is therefore disturbing to see the fight against impunity marred by the fact that a convicted person, who has yet to pay his debt to society, is allowed to move around freely. Such a situation is a hindrance to the restoration of the population's trust in the judicial system, and is an affront to all the victims who live in fear knowing that their tormentor is at large and that he claims a high military position.

ASF therefore appeals to national authorities to do all in their power to arrest Jean-Pierre Biyoyo, and to take a stand against this state of affairs constituting a very real impediment to the reconstruction of the rule of Law in the DRC.

ASF is an international NGO headquartered in Brussels (Belgium). The role of ASF is to contribute to the establishment of a just, equitable and united society, in which both the law and justice serve those who need them the most. ASF opened a permanent mission in the DRC in 2002; this mission has implemented a number of programs aiming to contribute to the emergence of the rule of Law through a fair justice system. ASF reiterates its appeal for the abolition of capital punishment in the DRC.

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