



PRESS RELEASE

Biakato Trial: Heavy sentences for war crimes in the context of the fight against Ebola in Ituri

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On 10 November 2020, the Biakato trial came to an end, with the pronouncement of heavy sentences by the Ituri Garrison Military Court against defendants found guilty of war crimes. The verdict also brings justice to the victims who are granted reparations for murder, looting, burning and destruction of property.

Life sentences were pronounced against defendants, convicted of war crimes of murder, arson, destruction of property and infliction of severe suffering on the victims. Four of the accused were acquitted. Most importantly, most of the 34 civil parties' claims for reparations were granted, both for the murder of their relatives and the destruction of their property. However, it is regrettable that the Ituri Garrison Military Court did not follow up on the civil parties' request to cite the Democratic Republic of Congo as civilly responsible on the grounds that the time limit for service was not respected, but also that all the defendants were members of Mai-Mai armed groups and thus the DRC were not responsible for them.

We call for the decision to be enforced, for the victims to obtain the reparations to which they are entitled and for security and peace to be restored in Biakato and Lwemba to enable the victims to return to their homes.

CONTEXT

From January to November 2019, more than 300 cases of attacks involving Mai-Mai militia and Armed Forces of the Democratic Republic of the Congo (FARDC) soldiers from the 31st Brigade, based in Mambasa, were identified. These attacks took place in several localities and villages in the chiefdom of Babila Babombi, including in the village of Ndungo (40 kilometres south of Biakato) between 16 and 28 October 2019. Mai-Mai militiamen equipped with machetes, war ammunition and bullet-proof vests were apprehended before being brought before the detached military prosecutor's office in Mambasa.

These attacks mainly targeted the civilian population, as well as the health and material structures deployed in the fight against the Ebola disease. These attacks followed the death, at the Mangina treatment centre, of a nurse who was openly hostile to any intervention to combat the virus. The Mai-Mai militias it as a conspiracy being set up by the supporters of a strong response against Ebola.

On 25 September 2019, in Lwemba, four health posts and more than twenty-five houses were burnt down by Mai-Mai militiamen to avenge the death of the nurse. On 16 October 2019, a

coalition composed of Mai-Mai Kyandenga, Baraka and Mazembe also set fire to the Maholo health centre in Lwemba, just two days after it reopened following a previous fire a month earlier and its subsequent rehabilitation by Médecins Sans Frontières. These armed groups then attacked journalist Papy Mahamba, who is active in raising public awareness against Ebola and who had sent a letter to the authorities on 16 November 2019 denouncing attacks against the response team. The latter was murdered and his wife assaulted with serious injuries. Finally, on the night of 27-28 November 2019, the WHO base was attacked. Among the crimes committed, a rape was reported, as well as the murder of the victim and two drivers and the burning of cars, motorbikes and other equipment at the said base.

ASF'S ROLE IN THIS CASE

A priority case for the national prosecution strategy, the successful conclusion of this trial required the commitment of all stakeholders, including Avocats Sans Frontières, which has been involved in the trial since its beginning. ASF provided legal assistance to the civil parties through three lawyers who are members of its International Criminal Justice pool. In collaboration with the UNJHRO, ASF also provided the material assistance necessary for victims to participate in the trial in complete security.

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