

War Crimes Trial Starts for Oct '04 Kilwa Massacre

Written by Robert ID3167

Tuesday, 12 December 2006 03:11 -

The trial of former Colonel Ademar Ilunga and eight of his subordinates for breaches of the Geneva Convention and its Additional Protocols will open on Tuesday, Dec. 12 in Lubumbashi, DR Congo before the Military Court of Katanga (Case Number R.P 010/06).

Anvil Mining Congo and three former employees face charges of complicity in war crimes. The trial concerns extrajudicial killings, torture, rape and looting carried out by the Congolese Armed Forces (FARDC) in October 2004 in the town of Kilwa, which is located in the mineral rich Katanga Province of the DRC. These crimes occurred during an operation to suppress a small-scale rebellion in Kilwa.

The former Anvil Mining employees are accused of having "voluntarily failed to withdraw the vehicles placed at the disposal of the 62nd Brigade in the context of the counter offensive of October 2004 to recapture the town of Kilwa" and of having "knowingly facilitated the commission of war crimes by Ilunga Ademar and his men."

Anvil admits having given "logistical support" in the form of the use of its chartered planes and vehicles and drivers to enable the military to gain access to Kilwa. Anvil claims that it was compelled to provide this assistance. The case against Anvil hinges on whether this support was given voluntarily or under compulsion.

Australia's current affairs programme, Four Corners, exposed Anvil Mining's role in the Kilwa incident in June 2005. Before the expose, Anvil Mining had not informed any authorities of the human rights violations at Kilwa.

The Australian Federal Police have also been investigating whether there is evidence of Anvil's complicity in the commission of crimes against humanity or war crimes under Chapter 8 of the Australian Criminal Code.

The four NGOs -- ASADHO, ACIDH, CDH and RAID -- who have followed the case from the beginning call upon the Congolese authorities to:

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- Ensure due process and respect for the rights of the accused to a fair trial in conformity with international standards;
- Ensure the rights of the victims to have a hearing are respected and guarantee the security of witnesses and their legal representatives
- To enable witnesses to testify transfer the court proceedings to Kilwa where the events occurred; and,
- Finally, ensure that the trial is allowed to proceed free from political or other interference

Further information: RAID's Web site on the Kilwa incident: http://raid-uk.org/work/anvil_dikulus_hi.htm

Four Corners" Web site: <http://www.abc.net.au/4corners/content/2005/s1384238.htm>