

## Women and children first: on the frontline of war in the Kivus

### Oxfam briefing on the protection of civilians in the Kivus, DRC

In 2009, the government of Democratic Republic of Congo (DRC), with international backing, launched military offensives against the FDLR (*Forces démocratiques de libération du Rwanda*) and other militias in eastern DRC, with devastating humanitarian consequences: an estimated 900,000 people displaced and over 1,400 documented civilian deaths attributed to militia and government forces<sup>1</sup>. In 2010 a new offensive, Amani Leo ('peace today'), continues efforts to disarm the militias, with some additional safeguards for civilian safety linked to UN peacekeeping support for the operations. However, while some areas have become safer as a result, ongoing population displacement (over 164,000 January-April 2010)<sup>2</sup> and protection cluster monitoring of human rights violations (up 246% January-February in South Kivu after the launch of Amani Leo) are indications of continuing fallout for civilians. A survey conducted by Oxfam and partners in North and South Kivu in April 2010 enquired into the experiences of people in areas affected by the military operations. It found that, for 60% of respondents this year, things are worse than in 2009.

Oxfam and 12 partner NGOs interviewed 816 people in 24 communities in North and South Kivu between 12 and 21 April 2010 on their security and protection in a context of ongoing military offensives. This was Oxfam's fourth such protection assessment in the Kivus since 2007, and focused specifically on areas affected by the military operations. The survey offers not a representative dataset but a snapshot of people's own experiences. This briefing summarises some of the key findings. Focus group discussions and individual interviews were held with 341 men, 333 women, 72 boys and 70 girls. Details of localities are withheld to protect the anonymity of respondents.

Amani Leo was very widely blamed for much of the insecurity: three-quarters of communities surveyed were against continuing the military action, calling instead for a political resolution to the conflict. While 46% of communities consulted gave examples of ways in which the Congolese armed forces (FARDC) provided much-needed protection, sections of the security services were themselves cited as a major cause of insecurity. Human rights abuses were reported everywhere: committed by the FDLR and other militias in almost 80% of the communities surveyed, and by undisciplined soldiers in 96%. Residents in every single community were subject to looting, and women and girls were subject to rape in all but one; sexual violence was reported to be on the increase in 20 out of the 24 communities consulted. The big losers are women (75% of those consulted said they were less safe than last year) and boys and young men (65%); but everyone loses: humiliation, pain and penury are the dividends of war for whole communities, and the lack of adequate provision for many of the soldiers sent to fight on their behalf compounds the insecurity for civilians.

### Recommendations

- **The security of civilians must be the primary basis of assessment** when the DRC government and UN stabilisation mission (MONUSCO) review conditions for any reconfiguration of peacekeeping forces, judged by the experiences of those directly affected, through community consultation mechanisms and civil society engagement.
- **All parties should step up non-military efforts to disarm the militias**, including through expanding political space in Rwanda and delivering on integration promises to Mai Mai groups.
- The Congolese military authorities should **give clear directives to all forces enforcing respect for the status of all non-combatants, and monitor their application**, with support from

<sup>1</sup> Human Rights Watch (2009), *You Will Be Punished: Attacks on Civilians in Eastern Congo*

<sup>2</sup> UN Office for the Coordination of Humanitarian Affairs

MONUSCO, to avoid civilians being targeted for abuse on the pretext that they are ‘collaborators’ with the various militia groups.

- National and international efforts to implement the Congolese government's plans for security sector reform should prioritise those changes that communities say will most directly improve their safety: **pay, welfare, garrisoning and logistics support; discipline and justice; and training in human rights.**
- The DRC government and its international partners should **step up the effective, accountable and widespread deployment of military police and prosecution support.**
- Military and civilian authorities should **remove checkpoints serving no specific security purpose** and put an end to extortion at those that remain.
- **MONUSCO should continue expanding their communication with local people** on the protection they need, and – based on the evidence here – should make particular efforts to listen to the needs of **women and young people.**

## Paying the highest price

**Women’s worsening insecurity:** Whereas one man in three surveyed was able to see some improvement in his personal security in the past year, a striking three-quarters of women said they were less safe than before. Often this came down to how each judged the relative harm inflicted by the FARDC and the FDLR, when the army succeeded in dislodging the latter. For the men, it was worth putting up with looting and theft by sections of the army in order to be rid of the more extreme violence and abductions of the FDLR – while women, disproportionately affected by rape and extortion at checkpoints in particular, saw things differently. Sexual violence was reported to be on the increase in 83% of the communities surveyed, with the perpetrators largely militia fighters or soldiers. Surveyors received multiple reports of gang rape and death resulting from sexual assault. One woman in her sixties was sexually assaulted by three FDLR fighters, severely beaten and left for dead in a community in northern North Kivu in early April. Rape has far-reaching effects, even beyond the immediate physical and psychological trauma: everywhere, we were told of husbands compounding the injury by rejecting their wives or else themselves being shunned by other men, and of the stigma that caused 10 young girls in recent months to leave the village where knowledge of the assault they had suffered would prevent them from ever marrying.

*‘You lose all respect and self-esteem. The FDLR will humiliate you in front of everyone, and then they’ll kill you.’*  
- woman in Kalehe

## Threats against children:

Children and young people consulted, particularly boys, likewise overwhelmingly felt under threat (65% of boys said they were less safe than last year). Communities reported a school canteen being looted by soldiers who were deployed without rations, classrooms serving as conscription grounds for forced labour, and classes being suspended or schools relocated wholesale to reduce the risks to pupils. Young men and boys are the main targets for conscription, predominantly by FARDC units, to transport equipment during troop movements, build and clean army camps, cut wood, fetch water or, in many cases cited, carry goods looted from their own families back to the camp. The experience – repeated daily in some places – is humiliating, painful and potentially fatal: one boy was reportedly shot dead in Kabare (South Kivu) in February for resisting; a convalescent conscripted to transport heavy equipment in Masisi territory of North Kivu died from the enforced exertion; two men forced to transport military equipment in southern South Kivu had never been seen again; and



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beatings are reportedly common. Young men are also prone to accusations of being or supporting militia fighters, which can result in arrest, assault and killing: one community reported four young men killed in the year to April 2010. Respondents reported that young men from villages in Fizi and Uvira (South Kivu) were moving away to the larger towns for safety, while in parts of Lubero (North Kivu) whole families spend the night in the bush to avoid night-time raids on their houses by FARDC soldiers who carry off the men and rape their daughters.

**‘War today’: the other face of Amani Leo** Respondents in some areas reported that the offensives since 2009 had given welcome relief from the FDLR by forcing them away from population centres and diminishing the threat they pose to civilians. In Kalonge (South Kivu), for example, the FDLR were said to have become less aggressive: still abducting but no longer killing their captives. Yet the bigger picture which emerges is one of greater insecurity for civilians.

*‘Loot the fields and you kill the whole family.’*

- Lubero focus group

**Areas facing increased FDLR threat to civilians:** The FDLR were reported to be taking revenge on the population for the offensives in 14 of the 24 communities surveyed – burning homes, destroying the harvest, abducting, killing, looting, beating and raping. ‘Before Kimia II the FDLR in this area lived peacefully with the population,’ suggested one focus group in Mwenga (South Kivu). ‘Now they burn, abduct and kill.’ In the northern part of South Kivu, abductions of both women and men have become so ubiquitous that whole villages, schools and churches have relocated for safety. It was reported that a number of villages in the area are in effect administered by the FDLR, now raising ‘taxes’ from residents since local government administrators were either killed or fled for their lives. Where earlier offensives lost the militia control over business interests, particularly in

*‘Where armed soldiers have failed, what can the population do?’*

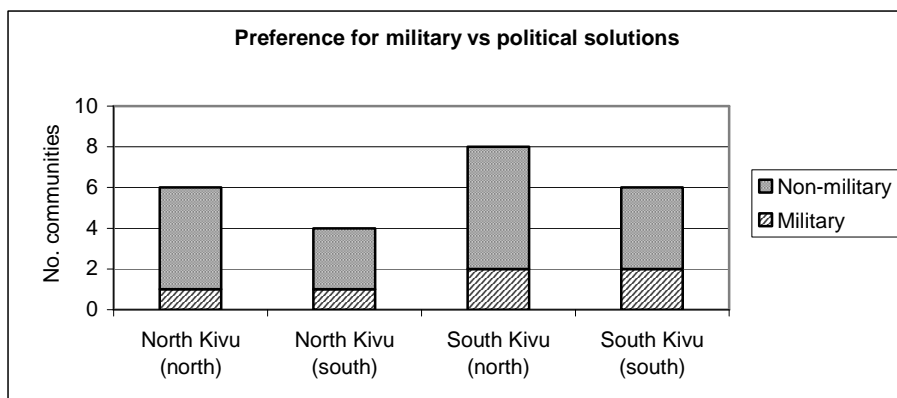
- Mwenga focus group

Lubero, some looting raids were said to target individuals who had ‘abused their trust.’ Looting of cattle, harvests and other goods was also linked to the FDLR’s need to replenish depleted resources. Extreme violence remains the hallmark of the group in many areas: they reportedly burned down over 100 homes in two communities in the area in December 2009, and another 20 or so in the first quarter of

2010, apparently with the aim of forcing the inhabitants to flee so they could occupy their fields. In Fizi, a woman who tried to prevent FDLR fighters looting her possessions was beaten, raped and left for dead in December 2009. Respondents reported that the FDLR are keen to stress how little security the FARDC are able to offer civilians against them: ‘They can’t protect you; they’re not your brothers,’ abductees are told. Other militias – Mai Mai groups in Fizi and Uvira especially, and the Ugandan ADF-NALU (Allied Democratic Forces/National Army for the Liberation of Uganda) in the Beni area (North Kivu) – were identified as responsible for systematic rape and looting in seven of the communities surveyed. The stigma attached to rape, reported in all areas for the fourth year running, is particularly strong where the assailant is an FDLR fighter: residents in the north of South Kivu, where sexual violence – predominantly by the FDLR – was reported to be on the increase in seven of the eight localities surveyed, described how children born of rape would not be registered, but shunned by the whole community along with their mothers.

**Violence from all sides:**

As in 2009 with the Kimia II offensive, there are indications that the violence against civilians follows the movements of the military operations: in the south of South Kivu, a focus of Amani Leo at the time of the survey, 99% of women and 100% of boys and young men said they faced greater



insecurity than last year, with abuses such as looting and murder on the increase since the end of 2009. Threats come from all sides: murderous reprisal attacks and looting raids by an FDLR under pressure and short of resources; the risk of rape by Mai Mai fighters every time a woman fetches water, tends her fields or travels to market; and systematic extortion, violent looting and sexual violence by FARDC units who reportedly often justify their actions by accusing the population of giving refuge to the militias. Violent looting linked to such accusations of collaboration was associated with the forced displacement of some 30,000 people from the Fizi area in April 2010<sup>3</sup>. Such wholesale abuse leaves people 'unable to enjoy life' and with few options beyond flight, submission and arming in self-defence (the latter explicitly discussed by two communities). It is not surprising, then, that residents in three-quarters of the communities consulted felt that the offensives had brought more harm than good, and called for political dialogue as a basis for voluntary disarmament and the repatriation of the FDLR. The solution proposed for the Congolese militia groups was integration into the security services, as provided for in peace agreements signed in March 2009. Over the past year there have been multiple reports of militia fighters reporting for disarmament and integration into the army or police but finding no provision has been made for them, and returning to the bush.

### **'We tell them apart by their uniforms': FARDC protection and abuse**

The survey reveals a complex picture of relations between civilian communities and the soldiers responsible for their protection. Levels of abuse by sections of the military are extraordinarily high: only one community reported no human rights violations by the army. In various cases the crimes committed were so extreme – killing, torture, burning houses, abduction, gang rape – as to be indistinguishable from the worst excesses of the FDLR. More common, but perhaps equally devastating in a largely impoverished population, are armed theft and looting and extortion. Seventy-five percent of communities reported looting by FARDC soldiers: everything from cash, mobile telephones and household goods to livestock and the crops in the fields. Meanwhile, a separate survey conducted by an Oxfam partner in Kabare in April 2010, in which staff stationed to observe over the space of several days recorded payments made in cash and in kind, indicated that soldiers reporting to the provincial military authorities or deployed for the Amani Leo

*'If a soldier has his tent he won't cut down trees to build a hut; if he gets his pay he won't steal the harvest. But when he goes two weeks without food, it's hard to stop him – he has a right to live.'*

- FARDC officer, Walungu

*Just under half of communities reported that the presence of the FARDC protects them by deterring militia groups and criminal gangs. Night patrols in some areas allow people to 'sleep easy in their beds', and action to secure the release of civilians abducted by the FDLR are welcomed. Sections of the former 2<sup>nd</sup>, 6<sup>th</sup> and 15<sup>th</sup> integrated brigades and of the 311<sup>th</sup> and 312<sup>th</sup> came in for praise, often linked to the quality of their leadership and control over the troops.*

offensive may be making a total of over \$18,000 a month from armed extortion at 15 checkpoints (see table below); the vast majority of those affected were women, typically among the poorest in any community. Sexual violence was also extremely widespread, including forced marriage and prostitution of young girls. Sections of the army were reported to be the main perpetrators of rape in all parts of Rutshuru and Masisi surveyed, and in all other areas second only to the FDLR; in one community in Kalehe, soldiers had allegedly raped two women a week in March 2010.

**Link between abuse and FARDC welfare:** Yet, while there was justifiable anger at such abuse, those surveyed also recognised that the military were often themselves living in pitiable conditions – many deployed without rations or logistical support and their wages paid irregularly or stolen by their commanders. 'It's shameful for a government soldier to have to beg, so instead they steal,' suggested one respondent in Lubero. An FARDC officer interviewed deplored the looting by his men, but asked how he could be expected to stop them if they had nothing to eat.

<sup>3</sup> UN Office for the Coordination of Humanitarian Affairs

Soldiers challenged by residents about the extortion at army checkpoints explained that they were collecting funds for the 'report' of over \$100 their commander had to pay to his superior every week. Embezzlement by senior officers was said to have left units deployed in Kabare territory without pay for three months prior to the survey. 'An unpaid soldier is to be feared,' in the experience of respondents in Mwenga. Communities were unanimous in stating that ensuring the FARDC (and police, and other state agents) are paid would improve the security of residents, and in stressing the need for improved discipline and military justice. Three-quarters also called for the military to be garrisoned, and 23 out of 24 wanted to see all the security services trained in human rights and their obligations under the law.

*FARDC extortion at checkpoints in Kabare & Kasha – findings of observation April 2010*

No.	Checkpoint	Area	Troops	Period of observation	Daily takings (USD)	Estimated monthly takings (USD)
1	Cibingu	Axe Kabare-Nindja	Amani Leo	13.4.10	69	2,055
2	Citende Ludaha		Amani Leo	14.4.10	102	3,069
3	Kamukenge		Amani Leo: 31st	8-10 & 12-14.4.10	101	3,036
4	Mulembo		Amani Leo: 31st			
5	Lushandja		Amani Leo: 31st			
6	Chez Nshembe		Amani Leo: 31st			
7	Biranga		10th Military Region			
8	Mbalaza	Kasha	10th MR: Bagira camp	23-26.4.10	24	719
9	Rugondo I	Kasha	10th MR: artillery	23-26.4.10	48	1,427
10	Rugondo II	Kasha	10th MR: artillery	23-26.4.10	53	1,600
11	Mogo	Cirunga	10th MR: Bagira camp	15-17.4.10	55	1,637
12	Cidaho	Cirunga	10th MR: Bagira camp	12-14.4.10	36	1,094
13	Kalwira	Bugobe-Ludaha	10th MR: Bagira camp	12-15.4.10	22	660
14	Chez Chiyumpa		10th MR: Bagira camp	12-15.4.10	28	839
15	Buhanga		10th MR: Bagira camp	12-15.4.10	69	2,068
<b>Total</b>						<b>18,203</b>

**Every man for himself** Participants described how the chaos of the rolling hostilities provides opportunity, cover and impunity for scores to be settled and some to grow rich on the misery of others. While the aim of internationally-backed military operations in the Kivus is to re-establish state authority, participants' responses suggest the authority the operations are bringing into the areas surveyed is largely uncontrolled and often serving to cement, not prevent, abuse.

**Institutionalised abuse:** Community accounts of abuses committed by a range of civilian authorities and sections of the security forces (FARDC, police and intelligence and border control forces alike) frequently convey a sense that they proceed from a sense of entitlement. Soldiers beat those who cannot pay at checkpoints or fail to contribute 'voluntarily' to their rations for not giving to the 'war effort'. Soldiers in Rutshuru were quoted as saying 'we can't die of hunger while

*'The police don't listen to us now they have guns: they don't consider themselves civilians any more.'*

- Walungu focus group

the farmers have food to eat.' In Fizi and Uvira, sections of the military have initiated 'operation *malewa*', where residents in two of the communities surveyed are required to 'volunteer' their mobile phones. Conscripted labour has reportedly become so institutionalised, according to various communities, that 'the FARDC will no longer even carry a plastic bag', and there seems to be no compunction about forcing even the elderly or local dignitaries to labour for them in some areas.

**Civilians abused for supposed links to militias:** In a context where popular anger at army abuse is boosting recruitment into various Mai Mai groups, accusations of collaborating with the militias may be grounded, or may reflect genuine fears. Very often, however, we were told that they are used by sections of both the security services and the civilian administration to justify a range



of human rights violations – from arbitrary arrest and beatings to looting, rape and murder. A focus group in Lubero described how the security services ‘confiscated’ 140 head of cattle in two locations just a week before the survey, on the charge that farmers were rearing the animals for the FDLR. In Fizi and Uvira, having a tattoo can be enough to get a boy or young man beaten, arrested or even killed as a suspected Mai Mai fighter, and ‘if anyone returning home from the bush meets Amani Leo troops, they’re arrested and never seen again.’ The power vested in those committing such abuses is felt to put them beyond external control: anyone resisting can be detained in a variety of apparently illicit lock-ups, from the ‘political offices’ where suspected militia fighters are interrogated in Mwenga (and released if they can pay) and the underground ‘fish ponds’ (*ndaki*) in Masisi where ex-CNDP (*Congrès national pour la défense du peuple*) elements of the army reportedly subject prisoners to degrading treatment, to an improvised cell used by an abusive local chief in Rutshuru (North Kivu). In the knowledge of their impunity, some make no attempt to hide their illicit dealings: in one area, soldiers have set up a market where residents can buy back their looted belongings.

Recommendation	North Kivu (north)	North Kivu (south)	South Kivu (north)	South Kivu (south)	Total	%
	<b>No. of communities</b>					
pay FARDC, PNC	6	4	8	6	<b>24</b>	100%
discipline/military justice	6	4	8	6	<b>24</b>	100%
increase access to justice	6	4	8	6	<b>24</b>	100%
training on rights for security services	5	4	8	6	<b>23</b>	96%
garrison FARDC	6	3	3	6	<b>18</b>	75%
reinforce PNC presence	6	3	0	4	<b>13</b>	54%
more MONUC presence, patrols	4	4	3	0	<b>11</b>	46%
reduce FARDC presence	1	3	0	4	<b>8</b>	33%
vetting (PNC, FARDC)	3	3	0	0	<b>6</b>	25%
MONUC protection vs FARDC	0	4	0	0	<b>4</b>	17%
remove abusive units	0	2	0	2	<b>4</b>	17%
restore state authority	0	2	0	0	<b>2</b>	8%

Moreover, state authority can be used to settle private scores – as when individuals allegedly accuse rivals of collaborating with the FDLR in Lubero, or bribe FARDC soldiers to conscript forced labour to work their own fields in Rutshuru. It can also fuel inter-community conflict when one group is seen to act under the protection of the local powers-that-be. In Masisi, for instance, farmers who had seen over 50 fields of maize destroyed by the cattle of returning refugees from Rwanda and Uganda or of Rwandan cattle farmers letting their stock roam as ‘cows without borders’ had little prospect of redress, as those responsible were seen to be either openly or tacitly supported by the parallel CNDP administration in the area. In such cases, it is clear that the military operations have sometimes served to exacerbate or to prevent resolution of underlying conflicts and injustices.

**Protection and reform:** While some measure of protection against militia attack is available from the FARDC (46% of communities), UN peacekeepers or the police (17% each) and community leaders and chiefs (29%) in some areas, protection is less forthcoming where the perpetrators are mandated by the state. Over half of communities surveyed called for enhanced police presence and capacity (including military police) to improve the application of the rule of law, 46% wanted a more present and active MONUSCO<sup>4</sup> in high-

*Participants in Rutshuru recounted how MONUC escorts allowed them to tend their fields in safety from the FDLR, and expressed appreciation for MONUC advocacy with the authorities on abuses committed by sections of the military.*

<sup>4</sup> On 1 July 2010, the UN peacekeeping mission in DRC, previously known as MONUC, becomes a stabilisation mission, with the new acronym MONUSCO.

risk areas – 17% specifically called for MONUSCO action to halt abuses by the FARDC – and every single community called for better access to justice (see table above).

**Conclusions** The challenge to the Congolese government and its international partners, including the newly reconfigured MONUSCO, is to find a way to control the violence against civilians in a context where militia groups continue to mushroom yet the security services are very often more a source of abuse than a defence against it. In facing that challenge, they must understand and act on the priorities of the communities directly affected.

It is clear from the findings of this survey that security cannot be measured solely by numbers of militia combatants disarmed or by territory captured. Security as experienced by sections of the civilian population we surveyed has continued to deteriorate and communities are crying out for alternatives to the cycle of abuse, attacks and reprisals. Eighteen months on, the forced disarmament operations that are intended to bring ‘peace today’ in reality continue to create conditions in which civilians in the areas of deployment – and particularly women and children – suffer unremitting abuse from all sides. The vast majority of women surveyed said they feel less safe than they did a year ago; this proportion reached 99% in areas where operations were ongoing at the time of the survey.

Better protection from government and international actors is urgently required. The survey shows that MONUSCO can be effective at keeping civilians safe from militia groups and that there is demand from 46% of communities consulted for greater presence and action in high-risk areas. The peacekeepers should continue expanding their communication with local people on the protection they need, and – based on the evidence here – should make particular efforts to listen to the needs of women and young people. It is evident from these findings that, even as it is reconfigured as a stabilisation mission, MONUSCO continues to have a vital role to play in protecting civilians.

The reports from all areas surveyed of abuses by sections of the army and other state actors, particularly the police, highlight the urgent need for thoroughgoing reform of the security sector. Deploying the FARDC and police without adequate provision for their pay, welfare and equipment virtually guarantees abuse against civilians. Yet positive reports from a number of locations confirm the difference effective discipline can produce in soldiers’ conduct and demonstrates the potential for improved protection performance from the national army.

**Recommendations** On the basis of the priorities identified by the communities consulted to address the security threats they face, Oxfam recommends the following:

**MONUSCO:**

- MONUSCO should continue to roll out good protection practices, in particular expanding their communication with local people on the protection they need, and – based on the evidence here – should make particular efforts to listen to the needs of women and young people.
- Assessments by the DRC government and UN mission of MONUSCO’s progress towards achieving its set objectives as a basis for reviews of force strength must take account of changes in the protection and security of the affected population, as judged by the latter through consultations with communities and civil society representatives.

**The DRC and other regional governments:**

All parties should step up non-military efforts to disarm the militias, which for those consulted should include:

- Expanding political space within Rwanda to encourage the return of non-*génocidaire* FDLR fighters
- Delivering on promises made in the March 2009 agreements to integrate disarming Mai Mai groups into the security services

### **The government of DRC and the international community:**

- National and international efforts to implement the Congolese government's plans for security sector reform should prioritise those changes that communities say will most directly improve their safety: improving pay and welfare provision for soldiers; garrisoning and logistics support; discipline and justice to improve accountability; and training in human rights.
- Sustained monitoring of FARDC conduct by MONUSCO in line with their protection mandate remains essential, but for military justice to take hold for the longer term, the Congolese government and its international partners should increase provision for more effective, accountable and widespread deployment of military police and prosecution support.
- An immediate improvement in protecting civilians could be secured by addressing the checkpoints that communities highlight as a widespread opportunity for abuse: military and civilian authorities should remove checkpoints serving no specific security purpose and put an end to extortion at those that remain.
- While operations continue, the Congolese military authorities should give clear directives to all forces to enforce respect for the status of all non-combatants, and monitor their application, with support from MONUSCO, to avoid civilians being targeted for abuse on the pretext that they are 'collaborators' with the various militia groups.