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GETTING SERIOUS ABOUT ENDING CONFLICT AND SEXUAL VIOLENCE IN CONGO

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U.S.-led efforts in recent weeks to end the crisis in the eastern Democratic Republic of Congo—the epicenter of the deadliest war since World War II with 5.4 million dead and counting—have yielded a ceasefire, but the conflict is not over. The international community must follow through on recent progress with a comprehensive peace strategy for eastern Congo.

While a recent ceasefire agreement is hailed as a diplomatic success, the continued suffering of Congolese civilians remains an international failure. Systematic and widespread crimes against humanity continue to haunt the region. According to the International Rescue Committee’s latest study of mortality in Congo, death rates there remain unchanged since the end of the regional war that tore through Africa’s Great Lakes region from 1998 to 2004. By the end of this and every month, 45,000 more Congolese—half of them children—will die from hunger, preventable disease, and other consequences of violence and displacement.

Congolese women and girls in particular bear the vicious brunt of this crisis. Indeed, eastern Congo right now is perhaps the worst place in the world to be a woman or a girl. The sexual violence and rape exists on a scale seen nowhere else in the world as it is part and parcel of the conflict. It mutilates and humiliates. Its nature is brutal and vicious; it defies both description and imagination. Often successful in its intent to destroy and exterminate, rape as a weapon of war is causing the near total destruction of women, their families, and their communities.

The international community has known about the extreme humanitarian crisis in the eastern Congo for years, and the sexual violence pandemic entered fully onto the international radar in 2002 after the release of Human Rights Watch’s harrowing report *The War within the War*. Since then, there have been several reports detailing gruesome sexual atrocities committed against women and young girls, including recent high-profile segments on

CBS’ 60 Minutes and NBC’s *The Today Show*. This spotlight has failed, however, to generate effective action; efforts to protect women and girls in the Congo are failing spectacularly.

The policies needed to better protect women and girls in Congo are closely linked to peacemaking and conflict prevention.¹ Because rape is used as a weapon of war in Congo, bringing one of the most complex conflicts in the world to an end will ease the suffering of women and girls and, if sufficient resources are made available, enable women and girls to participate in the healing and reconstruction of their families, communities, and country.

As ENOUGH has argued in a previous strategy paper international efforts to end the crisis must concurrently negotiate an end to the conflict in North Kivu province between the Congolese government and dissident Congolese General Laurent Nkunda, and remove the predatory Rwandan Democratic Forces for the Liberation of Rwanda, or FDLR, from eastern Congo. A comprehensive peace strategy requires vigorous pursuit of the 3Ps of crisis response: peacemaking, protection, and punishment:

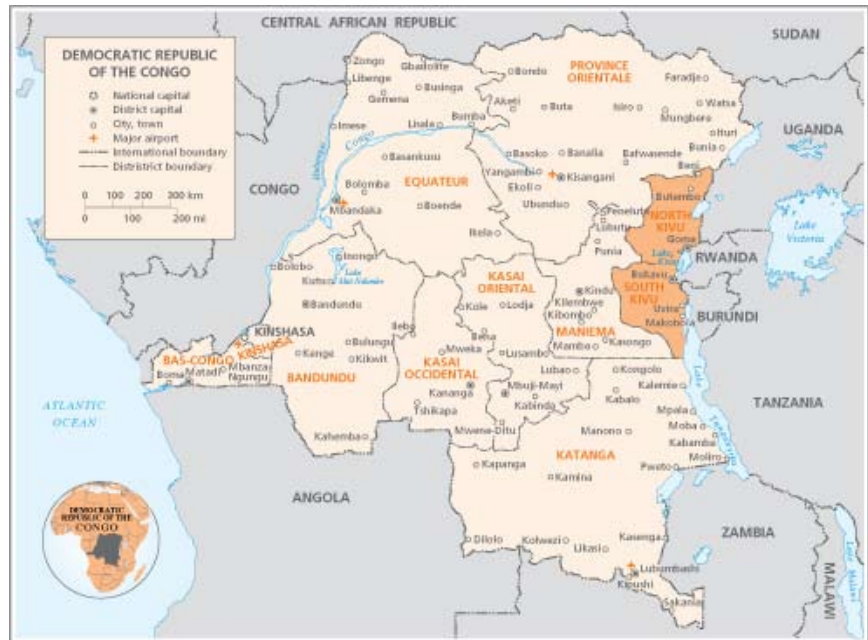
Peacemaking: The international community—led by a quartet of guarantors that includes the United States, the European Union, the United Nations, and the African Union—must consolidate a recent ceasefire and move forward with a “carrot and stick” approach to deal with the FDLR (the next ENOUGH strategy paper will focus specifically on the FDLR). Strong follow-through requires additional funding and personnel for programs to demobilize ex-combatants and stabilize the region.

Protection: The United Nations Peacekeeping Mission in the Congo, known as MONUC, must lead protection efforts by increasing troop presence in the eastern Kivu provinces and deploying to areas where sexual violence is most prevalent. Donor nations must increase support for humanitarian and development initiatives that deliver services aimed

¹ In preparation for a major campaign to protect women and girls in the Congo, this is the first in a series of ENOUGH reports that will help draw the links between sexual violence and efforts to broker peace.

at reducing sexual violence and dealing with the health, psychological, and socio-economic needs of individual women and girls affected by this decade-long crisis.

Punishment: International donors and the United Nations can help break the cycle of impunity by working with the Congolese government to build state capacity to investigate, arrest, and try suspected criminals. Additionally, the International Criminal Court, or ICC, should open an investigation into the use of rape as a war crime in eastern Congo.



Source: Map adapted from United Nations Department of Peacekeeping Operations Cartographic Section, Map No. 4507 Rev. 8.

A FAILED GOVERNMENT OFFENSIVE

The end of 2007 was accompanied by an escalation in armed conflict and displacement in eastern Congo. Under the terms of a shaky truce agreed upon earlier in the year, dissident General Laurent Nkunda and the Congolese Army agreed to “mix” their forces and attack the FDLR, a militia of some 6,000 to 8,000 fighters. However, the FDLR live among the local Congolese population, and a brutal counterinsurgency campaign displaced

hundreds of thousands. The “mixage” experiment collapsed in June, and Nkunda defiantly refused to integrate his forces into the national army. Congolese President Joseph Kabila rejected political talks with Nkunda and threatened to pursue a military solution. Sporadic fighting broke out in North Kivu, and by late November, 20,000 Congolese forces had deployed to the province and awaited orders to attack. Seeking an advantage over Nkunda’s tough and well dug-in forces, the weak and ill-disciplined Congolese army allied itself with the FDLR and other anti-Tutsi Congolese militias.

CAUGHT BETWEEN ARMED GROUPS IN NORTH KIVU: A VIEW FROM THE GROUND

In the early morning hours of November 13, 2007 armed men attacked a Congolese army base established near IDP camps. Within hours, an estimated 30,000 people deserted the two camps closest to the fighting and fled toward Goma. ENOUGH spoke with a number of IDPs along the main road to Goma who described their fear, frustration, and anger about being forced to flee yet

again, this time from an area meant to be secure. The majority who fled the camps slept along the road or with local families kind enough to offer them shelter. By afternoon the following day, many had returned to the camps, only to find that Congolese soldiers and less sympathetic locals had looted the belongings they left behind.

The Congolese army launched its offensive in early December. At first, the Army was able to wrest control of several key towns from Nkunda's forces, but they quickly lost their advantage when Nkunda counterattacked. Described as no less than military theatre, the Congolese troops fled from their failed offensive and Nkunda's forces followed. In a repeat of events nearly one year earlier, fighting erupted outside of the town of Sake, about 30 miles west of Goma. U.N. peacekeepers, making a show of force with combat helicopters, strongly warned Nkunda's commanders against entering the town. As the Congolese army fled and abandoned their positions in Sake, MONUC was left to defend the town, but fighting ceased.

As armed groups fought, moved, and dispersed from one town to another, so did the civilian population. The fighting in December caused the seventh major wave of civilian displacement in

North Kivu since November 2006.² A MONUC military officer told ENOUGH that as many as 70,000 to 80,000 people were displaced as a direct result of the botched offensive. Thus, the past year of hostilities in North Kivu displaced an estimated 437,000 people.³ Previously, the majority of displaced people found shelter with host families and communities. However, many communities cannot absorb more displaced people, and newly uprooted Congolese are settling in camps. Recent reports estimate nearly 170,000 people are living in camps in North Kivu.⁴

A PEACE CONFERENCE AND A CEASEFIRE...

In late December, with Congo's exhausted and depleted army incapable of launching another immediate offensive and the international eye on the Kivus humanitarian situation, the Congolese

WHAT IS THE NAIROBI COMMUNIQUÉ?

On November 9, 2007, a month and a half before the Goma peace conference, a joint communiqué was released in Nairobi by the governments of the DRC and Rwanda addressing the threat posed by the FDLR to the security and stability of both countries. This "common approach" agreement is generally referred to as the Nairobi Communiqué. The agreement has pluses and minuses that potentially set the stage for yet another round of brutal fighting.

Plus—The Rwandan government consented to help encourage members of the FDLR and their dependents to return to Rwanda and assist in their reintegration, while refusing to give amnesty to those FDLR members it believes responsible for the 1994 genocide.

Plus—The Congolese government agreed to design a voluntary disarmament plan, with the help of MONUC, which would focus on efforts to sensitize the FDLR on their rights and benefits should they opt to enter a program of disarmament, demobilization, repatriation, resettlement, and reintegration, or DDRRR.

Minus—This sensitization strategy was published on January 1, 2008 and stated that the FDLR "will, de facto, lose these advantages if disarmament, as foreseen by the plan of action, became 'forced' in mid-March, following the start of military operations by the Armed Forces of the DRC." Although the mid-March deadline will likely be extended, the Congolese army—responsible for human rights abuses on a colossal scale—remains poised to launch an offensive that would almost certainly fail to dislodge the FDLR while devastating the civilian population.

Minus—The list of genocidaires in eastern Congo recently released by the Rwandan government included roughly 6,000 names, but Rwanda did not specify which of those individuals are within the FDLR. Without that level of specificity, the FDLR rank-and-file—many of whom did not take part in the 1994 genocide—will have legitimate fear of prosecution in Rwanda and remain reluctant to repatriate.

2 "DRC, North Kivu Crisis—Humanitarian Situation and UNICEF Response, December 2006 to January 2008." UNICEF report.

3 OCHA North Kivu Situational Report, January 30-31, 2008.

4 "DRC, North Kivu Crisis—Humanitarian Situation and UNICEF Response, December 2006 to January 2008." UNICEF report.

government announced another attempt at finding a political solution—this time in the form of a grand conference. The Conference for Peace, Security, and Development in the Provinces of North and South Kivu, would aim to put an end to the conflict and to put forth a plan for peace, security, and development in the region. On December 24, acknowledging the importance of the conference, Nkunda agreed to a temporary ceasefire so as to “allow the smooth running of work in a secure environment.”⁵

Roughly 1500 people representing civil society⁶, armed groups, and the Congolese government attended the conference, which began in early January in Goma. The FDLR was not invited, however, for fear of making the atmosphere too volatile. Rwanda’s Special Envoy to the Great Lakes Region, Ambassador Richard Sezibera, was invited to attend but declined out of respect for Congolese state sovereignty. These were significant absences. The current and historical carnage committed by the FDLR, and Rwanda’s subsequent refusal to engage in dialogue with what it terms a “genocidal military organization” are two of the major causes of instability in the Eastern Congo.

U.S. peacemaking efforts in eastern Congo are led by Tim Shortley, the Senior Adviser to the Assistant Secretary of State for Conflict Resolution, and the United States established a diplomatic presence in Goma prior to the peace conference. The European Union, African Union, and United Nations also sent senior diplomats to the region for the conference. After two weeks of bare-knuckled diplomacy, the Congolese government, 10 armed groups from North Kivu (including Laurent Nkunda’s National Congress for the Defense of the People, or CNDP), and 13 armed groups from South Kivu signed an agreement. Tim Shortley described the deal as “a ceasefire agreement which provides a process to achieve a sustainable path to peace.”

However, the “process” and the “path” are not quite as simple. The ceasefire orders the creation of a technical commission—chaired by the government and co-chaired by the international community—to oversee several aspects of the deal, including military integration of Nkunda’s forces; the disarmament, demobilisation, and reintegration, or DDR, of ex-combatants; the deployment of MONUC observers to monitor the ceasefire, the reinforcement of MONUC’s presence to protect the civilian population; the implementation of the plan to disarm and repatriate foreign armed groups as detailed in the Nairobi Communiqué; and the creation of a redeployment calendar of armed groups into transit and demobilization centers. As U.N. Special Representative of the Secretary General Alan Doss said in his ceremony speech, “now the real work begins.”

...BUT SEXUAL VIOLENCE CONTINUES IN EASTERN CONGO

The ceasefire negotiations failed to take into account the impunity that all parties continue to have for continued sexual violence. As the international community rolls up its sleeves to do the “real work” of consolidating the ceasefire, it must also take urgent steps to ramp up efforts to protect Congolese women and girls ensnared in an epidemic of sexual violence.

Having suffered through years of avaricious leadership and simultaneous economic decline, the Congolese state is unable to respond to and protect its citizens. Congolese soldiers live in appalling conditions, are not regularly or adequately paid, and are notoriously undisciplined. The army is guilty of widespread human rights abuses, and impunity for sexual violence is the norm. The misconduct of soldiers is often condoned or ignored by high ranking officials. The prevailing attitude of the army is that soldiers cannot be held accountable for their actions and that it is the woman’s fault for

5 Official Communiqué, National Congress for People’s Defense (CNDP), December 24, 2007.

6 During the Kivus Peace Conference, a collective of 26 women’s NGOs met to address the problem of sexual violence in North and South Kivu. Acknowledging that armed groups and government forces continue to rape women, the group put forth a number of recommendations to the Congolese government for ending sexual violence and the culture of impunity. “Mobilizing to Put an End to Sexual Violence Once and For All: Key Recommendations from Women’s NGOs in North and South Kivu and an International NGO.” January 16, 2008. Pamphlet presented at the Kivus Peace Conference in Goma, DRC.

being raped. At a recent educational event about the consequences of sexual violence in Goma, a top-ranking army official announced that “women should know not to go out in places where there are armed men.”⁷

In eastern Congo, divisive issues such as citizenship and land ownership have, over decades, splintered into innumerable grievances. Coupled with the ripple effects of the 1994 genocide in Rwanda—in particular the FDLR’s continued presence in the East—these grievances and the cynical politicians and warlords who exploit them are driving one of the world’s thorniest conflicts. With an army that is more a predator than a protector, the civilian population is forced to rely on armed militias to defend and guard their respective interests. But armed groups rarely act on behalf of the civilians they claim to defend. Militia groups pursue their own interests—particularly control over lucrative mineral resources—and as new grievances develop, so do new factions. Armed groups, old and new, terrorize communities into accepting their control or punish those loyal to the opposing parties or forces.

WOMEN BEAR THE BRUNT OF THIS PUNISHMENT

Rape is used as a weapon to weaken the fabrics of communities that women work so hard to uphold so that armed forces can better exert their control. When women’s economic activities (going to the market, collecting water, gathering firewood, among others) are hindered by fear and sexual violence, women and their families suffer. Yet women continue to bear the major responsibility for providing for the family.

It is not just armed groups that are guilty of rape; the civilian population is culpable as well. Rapes

committed by civilians are on the rise. Throughout the recent conflicts, Congolese traditional society (i.e. community chiefs) has also suffered a slow disintegration. Without a strong presence of traditional higher authority or state authority, the general civilian population can commit crimes and not be held accountable. This is especially true for large cities. In Goma alone from January to September 2006, 3,500 victims received care and treatment for rape.⁸ In some places in North Kivu, the number of rapes committed by civilians is threatening to eclipse those committed by armed men.⁹

A CULTURE OF IMPUNITY

In 2006, describing sexual violence as a “new form of criminality” which would “not remain unpunished,” the Congolese government modified their laws and penalties. The laws detail three types of sexual violence: 1) indecent assaults on minors committed without violence, 2) indecent assaults on minors committed with violence, and 3) rape. Depending on the age of the victim, sentences range from 6 months to 20 years in prison. If the victim dies from sexual violence, the perpetrator is to serve a life sentence.¹⁰

Even though adjustments have been made to Congolese penal code, the foremost problem is the culture of impunity that exists in the absence of a strong Congolese state. For the women and young girls who have had the courage to publicly identify their rapists, prosecutions are slow to nonexistent. Perpetrators thrown into jail are often able to simply pay guards for their release. Some have even just broken through the walls. There is little to no follow-up by authorities if a man escapes. Even worse, because there is no witness protection program in Congo, many perpetrators are able to find and terrorize their accusers again. There are

7 Human Rights Watch hosted event at HEAL Africa Hospital in Goma, January 30, 2008.

8 “Etat des Lieux sur la situation des violences sexuelles et les capacités des intervenants au nord et au Sud-Kivu,” UNFPA, November 2006.

9 A future ENOUGH report will take a more in-depth look at the root causes of sexual violence in eastern Congo.

10 Law No. 06/018 from July 20, 2006, a complete amendment to the January 30, 1940 decree of the Congolese penal code.

numerous accounts of victims being re-raped in revenge. Women and young girls have even had their mouths cut off so that they “won’t tell again.”¹¹ As Anneke Van Woudenberg, a senior researcher at Human Rights Watch told ENOUGH: “In Congo, if someone starts an armed group or kills people, they have a better chance of becoming a senior minister or a general than being put behind bars.”¹²

MAKING IT STOP: NEXT STEPS FOR POLICYMAKERS

Many in the international community have responded to the rape crisis by establishing medical care and treatment programs for victims and other projects that mitigate the effects of sexual violence. While these efforts are certainly necessary, the reality is that coverage is woefully inadequate and poorly coordinated. Moreover, ENOUGH believes that all actors need to embrace a more comprehensive approach that follows the 3Ps of crisis response and incorporates a long-term plan for the 4th P, prevention.

1. Peacemaking

a. *Maintain the ceasefire:* In the immediate term, the parties to the January 23 ceasefire agreement—the Congolese government and multiple armed groups—must adhere to the terms of the agreement. The international community—particularly the United States, the EU, the United Nations, and the African Union—must work with the Congolese government to finalize plans for MONUC to deploy additional forces to observe the ceasefire and report on violations.

b. *Consolidate the ceasefire:* International donors—in particular the United States and EU, who facilitated the accord—must increase funding and deploy personnel to coordinate stabilization programs. In particular, donors must devote

significantly greater resources to the process of disarmament, demobilization, repatriation, resettlement, and reintegration, or DDRRR. The United Nations should make funding for DDRRR part of assessed contributions for peacekeeping in 2009, which would require U.N. member states to fully fund the program.

c. *Sustain the momentum:* The United States, the EU, the U.N., and the AU must formalize a “quartet” of guarantors that will maintain sustained coordinated pressure on the parties—particularly General Nkunda and Congolese government—to fully implement the ceasefire. These guarantors must establish full-time diplomatic teams based in the region to do the day-to-day diplomacy needed to keep the process moving forward.

d. *Press forward with a plan to neutralize the FDLR:* ENOUGH’s next report on Congo will focus specifically on next steps to deal with the FDLR, but the plan must focus on a basic “carrot and stick” approach.¹³ The carrot is an internationally backed, multi-faceted, incentive-laden DDR(RR) program to co-opt the moderate FDLR leadership, isolate the genocidaires, and induce the rank-and-file to leave the FDLR and either return to Rwanda or demobilize and resettle inside Congo, farther away from the Rwandan border. The sticks include targeted sanctions against the FDLR’s Diaspora leadership (especially in Europe) and enhanced Special Forces capabilities within MONUC to carry out offensive operations, should they become necessary, in close coordination with Congolese forces.

2. Protection

a. *Increase MONUC presence in North and South Kivu:* MONUC has begun to increase the number of peacekeepers in the Kivus, the United Nations should continue to reinforce that presence and focus on working to deny the FDLR and other

11 Stories told during an ENOUGH interview at the (North Kivu) Provincial Commission against Sexual Violence, Goma. Feb. 1, 2008.

12 Interview with Anneke Van Woudenberg, HRW. January 26, 2008.

13 See ENOUGH Strategy Paper #7 “Averting the Nightmare Scenario in Eastern Congo,” September 2007. Available at http://www.enoughproject.org/reports/congo_nightmare_20070910.php.

armed groups access to the minerals and other natural resources that fund their movements.

b. Deploy MONUC forces in areas where women and girls are most vulnerable: MONUC must provide a more deterrent military presence at high risk places such as “unofficial” IDP encampment sites,¹⁴ road blocks, rivers, and places where women collect firewood in zones of volatility.

c. Use humanitarian and development funding to respond to and help prevent sexual violence: As it provides nearly a third of MONUC’s budget and is the largest international aid donor in Congo,¹⁵ the United States is committed to the humanitarian situation in eastern Congo. Recognizing this, ENOUGH urges that the United States employ a stronger focus on sexual-violence reduction and prevention activities. This means deploying civilians (working for the United Nations or NGOs) to administer programs in urban and rural areas that reduce women’s exposure to sexual violence and deal with the trauma it inflicts.

d. Pass important legislation: The United States Senate should pass the International Violence Against Women Act (S. 2779) as a small step toward ending violence against women in the Democratic Republic of Congo and around the world.

3. Punishment

a. Support justice sector reform: Donors must dedicate significant funds to assist the Congolese government to investigate, arrest, and try suspected criminals. Reforms should include formal mechanisms to protect the identity of witnesses in sexual violence investigations.

b. Open an ICC investigation: Although justice sector reform is a top priority, rape as a weapon of war in

eastern Congo is so systematic and so widespread that the International Criminal Court should open an investigation into rape as a war crime in eastern Congo.¹⁶

4. Prevention

Preventing sexual violence in eastern Congo will require considerable political will and financial dedication to security sector reform, or SSR. When the military and police represent a grave threat to the civilians they are supposed to protect, as they do in Congo, SSR—restructuring and training the military and police to more effectively secure the country—is fundamental to improving human security and preventing atrocities. This is a monumental task, and the United States and others can immediately start the ball rolling on three fronts.

a. Vetting: The international community must help the Congolese government establish a verification mechanism to ensure that officers with a track record of criminal activity and rape do not receive important posts in the armed forces, the national police, and other security services.

b. Justice: The international community must support efforts by the Congolese army to deal with accusations of international human rights violation, with a particular focus on prosecuting and punishing members of the Congolese armed forces who commit acts of sexual violence.

c. Training: The United States, EU, and AU member states (including nations already involved in training the Congolese army, such as Angola and South Africa) should consider embedding military trainers in Congolese army units. Coordinating closely with MONUC, army training must include more education in human rights and measures and methods of civilian protection.

14 Sites where a U.N. Agency is not present.

15 OCHA Report on DRC Donors 2007. Available at <http://www.reliefweb.int/fts>.

16 Although the current U.S. administration is opposed to the court, it made an exception by not vetoing the U.N. Security Council’s vote to refer the genocide in Darfur to the ICC. The Bush administration should make the same exception for rape as a weapon of war as it has with genocide.



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ENOUGH is a project founded by the International Crisis Group and the Center for American Progress to end genocide and crimes against humanity. With an initial focus on the crises in Darfur, eastern Congo, and northern Uganda, ENOUGH's strategy papers and briefings provide sharp field analysis and targeted policy recommendations based on a "3P" crisis response strategy: promoting durable peace, providing civilian protection, and punishing perpetrators of atrocities. ENOUGH works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve these crises. To learn more about ENOUGH and what you can do to help, go to www.enoughproject.org.



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