



In harm's way: the ongoing protection crisis in eastern DRC

Community consultations reveal that civilians across the Kivus and Ituri continue to suffer a situation of near-permanent insecurity, yet those mandated to protect them are largely absent or are themselves committing the abuses. Women in almost all locations say they are less safe now than they were a year ago. Oxfam calls for an urgent review of protection resources and practices.

Across eastern Democratic Republic of Congo (DRC), people are facing increasing insecurity, according to interviews with 883 ordinary people in 30 communities across North and South Kivu and Ituri in May-June 2008. Despite the commitments of all signatories to the January 2008 Goma peace agreement to end violence and abuse against civilians, over three in four focus groups reported feeling less safe this year than last¹. The insecurity overwhelmingly affects women: only 10% of female focus groups (three out of 30) felt safer. It is also remarkable that, besides the centre of the most recent conflict in Rutshuru and Masisi, areas often considered more stable, such as the Grand Nord and parts of northern South Kivu and southern Ituri, are in fact the scenes of widespread and often extreme violence against civilians. In none of the communities surveyed did respondents feel they were adequately protected by national or international actors; several felt international aid made certain groups a target for violence.

This paper summarises some of the key findings of the research and makes a number of recommendations as a contribution to the ongoing debate on how civilian protection can be improved in DRC.

Summary of findings

Patterns of abuse: The testimonies of almost 900 individual interviewees and focus group participants across three provinces paint an alarming picture of near-universal violence and abuse. Looting, rape and extortion were reported across 28 out of 30 communities and killing, death threats, and forced labour in more than half. Forty percent of communities spoke of abduction and forced recruitment into armed groups, of children in some cases; more than one in four complained of arbitrary arrest, and one in five of torture.

Respondents described clusters of abuses: where one type of abuse occurs, others often follow. A roadblock that serves primarily as a locus of illegal taxation also becomes the site of sexual violence, abduction or beatings; a farmer whose field is looted will often also be raped and/or forced to transport the looted goods for her attacker. Moreover, individuals encountered a succession of abuses from different actors, in a continuum of theft, looting, beating and sexual assault stretching from the field to the market and along the road into their own homes.

Faced with such constant threats, many attempted to keep out of harm's way by not going to market or their fields and staying away from school or the clinic – and reluctantly accepting the implications for the family's food supply, cash income, education and health. Displacement is another response with major consequences for family wellbeing: researchers

¹ A total of 30 male and 30 female focus group discussions were held, in addition to 96 individual interviews.

were frequently told that ‘those who can leave, do’ – whether for the longer term or for shorter periods. Men in several communities reported building shelters in the forest to hide their wives and children at night. In two cases these shelters were said to have been found and burned down by militia to prevent communities from escaping the looting and violence.

Perpetrators: Actors from **all armed groups** – militia and state security services alike – were reported to be committing violence and abuses against civilians. All the Congolese and foreign militias present were reported to be recruiting. **Foreign and Congolese militias** in various areas were named as responsible for widespread killings, abductions, violent looting and crimes of extreme sexual violence, including using rape as a weapon of war. **Mai Mai groups** were often linked to looting and extortion at checkpoints, as well as with sexual violence in some areas and with killings and other violence associated with looting.

The **FARDC** were widely reported to be involved in looting and theft, as well as in extortion. While in many areas their abuses were less likely to be violent, they were accused of rape in 12 communities across the three provinces, and of brutal targeted attacks on the families of suspected militia supporters in southern Ituri. Other public authorities, such as the **police** and **ANR** (national intelligence agency) but also some **local chiefs**, were linked to widespread corruption, extortion and in some areas rape. In various cases, respondents voiced a fear of reprisals from powerful officials if their complaints were known.

In many areas, particularly those without an active militia presence, respondents reported that **civilians** and **demobilised fighters** were commonly or increasingly responsible for both economic and violent crimes.

Who is at risk? Women in all areas generally felt they were less safe than they were a year ago; they are the main targets of sexual violence, which was given as the greatest threat in 28 out of the 30 communities surveyed. In one community, respondents suggested that there was not one female resident who had not been attacked at least once. In several cases men did not rank the threat of sexual violence as highly as women, no doubt because they are less directly affected, but also perhaps because the stigma and exclusion encountered by survivors in all areas mean that men are less likely to be told. **Schoolgirls** are also at particular risk: almost all communities identified them as especially vulnerable to sexual attack, sometimes from their own teachers. In over half of communities across the three provinces, sexual violence against **children**, some as young as four years old, was reported; in some cases the attacker was himself a minor, and in a few cases women were the aggressors (the latter in self-defence in at least one case).

Young men are meanwhile the main victims of forced recruitment or forced labour, although schoolchildren were also reported to be forced to carry heavy loads. **Men and boys** also face sexual violence in nearly half the communities surveyed in North Kivu and in some parts of South Kivu. Extortion and illegal ‘taxation’, often at roadblocks, affects everyone, meanwhile, with significant repercussions for the incomes of poor families. Charges of between 100 and 1,000 Congolese francs were reported at checkpoints and markets, and a variety of administrative authorities were said to levy trumped-up fines, while the police make arbitrary arrests in order to steal from individuals.

In a number of communities, **IDPs** and **others in receipt of humanitarian assistance** were said to be targeted for sometimes violent looting. Unequal distribution of aid – to IDPs but not host families, for instance – and unequal access to scarce resources such as clean water or land were also reported to increase tensions that could spill over into conflict, and some authorities were reported to be diverting aid resources. Ethnic divisions were also a source of

insecurity: in some areas, respondents voiced fears of ‘civil war’ if power struggles between various groups were not resolved.

Where? Unsurprisingly, **Masisi and Rutshuru**, where a range of armed groups remain present more than six months after commitments made in Goma to disarm and disengage, are the focus of some of the most extreme violence. Every focus group here said people were less safe now than they were a year ago, and described a situation of recurrent rape, looting and extortion, with most reporting killings, death threats and forced recruitment, including recruitment of children, as well as abduction and male rape. Even **IDPs in camps near Goma** reported numerous killings and death threats, particularly by demobilised fighters, as well as abduction and rape inside and outside the camps, and some cases of sexual violence against men.

Yet the accounts also point to remarkably high levels of violence and abuse in some areas that are generally considered more secure. In **Beni and Lubero**, only one (male) focus group in 16 said security had improved. Sexual violence was everywhere said to be on the increase or at an all-time high, targeting children in seven out of eight communities and men in three. In areas where one of the foreign militia groups is present, recurrent abductions, forced recruitment, armed robbery and killings or death threats create a sense of perpetual menace. In parts of **northern South Kivu**, another militia group was reported to be carrying out extreme acts of violence with impunity, including very brutal rapes and killings, regardless of the presence of both FARDC and MONUC in the area. In **southern Ituri**, all the communities interviewed described systematic brutalisation by the FARDC and other authorities, including rape, abduction and looting.

Who protects? It is remarkable that not one of the 30 communities consulted felt they received adequate protection from the threats they faced, whether from the national justice system and security services or from international actors.

Testimonies in all areas highlighted the comprehensive failure of the formal **justice system**. Respondents across the survey area described an inadequate **police** presence and rampant corruption – linked to poor pay and oversight – creating a situation of generalised impunity. This was said to encourage both further abuses and, in parts of North Kivu especially, the enlistment of young men into militia groups as the only means of obtaining justice. Among the informal compensation settlements commonly taking the place of courts and juries are some that compound the original crime: it was reported in all areas that rape survivors are often forced to marry their attackers in exchange for a dowry payment to the family.

The **FARDC** were present in or near most of the communities surveyed, although not always in sufficient numbers to offer effective protection against other armed groups. While isolated cases were cited where individual officers had taken initiatives to discipline their men or keep civilians from harm, in almost all areas soldiers were themselves responsible for abuses, generally extortion and looting or theft, as well as sexual violence, forced labour and collusion with militia groups on pillaging. Respondents in many cases made the connection between soldiers’ poor pay and conditions and the economically motivated crimes committed. It is important to note that communities (particularly the men) in areas where the army had been able to push back militia groups recognised their protective role. However, in such cases it appeared that the resulting power vacuum had generally been filled by abuses by various **public authorities**, including the FARDC themselves, and women in particular were more likely to see the latter as a threat than a source of protection. In South Kivu, some communities described relatively positive relations with FARDC units in the area, which often included local men integrated from demobilised militia groups. Where the soldiers did not have local ties and militia groups were felt to pose a threat to them, extreme targeted

abuse against suspected militia supporters was reported. In north Kivu and parts of northern South Kivu, FARDC soldiers coming out of the *brassage* process were considered the worst perpetrators, while several respondents in Masisi and Rutshuru asked for soldiers to go through *brassage* again.

In the overwhelming majority of the communities consulted, MONUC were either not present or not felt to have a positive impact on security. In Ituri, one community valued their presence as a deterrent against militia attack, while in the Grand Nord appreciation was voiced for past interventions (night patrols and positioning between armed groups) and some investigations into abuses and conditions in prisons. In all other areas, however, participants expressed complete ignorance of MONUC's function and described them as either absent or passive, taking notes rather than action. 'They never get out of their cars' was a recurrent comment, and the peacekeepers were criticised for patrolling only the main roads, not the areas where people are most at risk, and for not responding to abuses. Several communities reported rumours that MONUC were arming and supplying various militia groups; while the research did not include any verification of these claims, it should be noted that two communities even called for the peacekeepers to leave altogether, saying that would actually make them feel safer.

Post-trauma support for survivors of violence, particularly sexual violence, was often lacking or information on it unavailable. It was also noted that roadblocks and illegal 'taxation' make it very difficult for women to access those services that are available, as does the general loss of income from looting. As a result, several female respondents reported being resigned to never receiving proper treatment.

What people want: When asked what was needed to keep them safe from the abuses reported, respondents made a variety of practical suggestions for reducing both the risk of abuse and their vulnerability to it. In all areas with a militia presence, respondents called for them to be disarmed and demobilised, and for appropriate provision to be made for their repatriation or integration into the army. In parts of North Kivu, it was suggested that some ex-militia fighters recently integrated into the army were among the worst offenders, and called for them to be resubjected to the process of *brassage*. The restoration of discipline and justice for all those responsible was called for in all areas, and in many places a reinforced (and better paid) police presence. Paying soldiers a decent wage and cantoning them away from the community was a near-universal recommendation, together with training them not to attack civilians but to protect them more effectively. Communities in Masisi and Rutshuru called for MONUC to extend their patrols away from the main roads and into the areas where people are facing the greatest threat.

Respondents also suggested ways that the humanitarian community can more effectively assist them. Participants in two thirds of the communities requested more information on their rights and entitlements, for example on national laws related to taxation, land and nationality. Vulnerable groups such as women, IDPs and returnees were particularly keen to understand their rights and reduce their vulnerability to exploitation. Communities in all areas noted that the loss of income from looting, extortion and illegal taxation, and the risks associated with working in the fields and travelling to the markets, meant that new livelihoods opportunities are desperately needed. Some communities suggested that NGOs should facilitate market access to reduce the daily risks faced by women on the roads and in the market places, avoid illegal taxation at roadblocks and increase the likelihood of generating some income from their labour. Other communities suggested increased community mobilisation and reporting mechanisms against corrupt authorities could be facilitated by NGOs to promote change. Finally, several communities felt that the international community should do more to ensure

that aid reaches the most vulnerable, is not diverted and does not expose recipients to targeted looting and theft.

Policy recommendations

The research on which this note is based sought to take a snapshot of the current situation, drawing on the voices and experiences of people directly affected, not to make a technical assessment of the existing provision for their protection. It is important to note that the only lasting solution to the protection crisis outlined here will come through the conclusion of a just and even-handed peace process, and the efforts of regional governments and their international partners to bring that about continue to be needed. On the urgent and immediate threats facing civilians in the interim, on the basis of the testimonies received, Oxfam draws the following priority conclusions:

The first priority is to halt the abuses, responsibility for which lies primarily with all the armed groups:

- **End the targeting of civilians:** all the armed groups present were reported to be attacking and stealing from civilians in the areas they control, in violation of Congolese and international law and basic human rights. The signatories to the Goma agreement must uphold their commitments to disarm, demobilise and end attacks on civilians. All armed groups, Congolese and foreign, including the FARDC, must hold their troops accountable for respecting human rights and international humanitarian law.
- **Stop abuse by state actors:** consistent abuse, including rape and other physical violence, by the FARDC and other state actors highlights the urgent need for a reform of the army, police and justice system. Until this is complete, the situation is likely to remain acute, as the security services fail to curb or actively participate in abuses even once militia groups withdraw. In particular, urgent action is needed to improve both discipline and living conditions for FARDC soldiers and to canton them away from the population. Pending army reform, more immediate measures to address the abuses might include more mixed patrols with MONUC oversight.

Urgent efforts are also needed to ensure that the resources allocated to protection are adequate to the task, assigned in accordance with need, and used effectively:

- **Review the resources assigned to protection:** in view of the patterns of systematic and often extreme abuse in a number of less regarded areas, the humanitarian community and MONUC should review the allocation of protection resources to ensure that they are commensurate with need. In particular, the results indicate that Beni/Lubero, parts of South Kivu and southern Ituri may require additional resources and attention.
- **Improve MONUC's protective impact:** the reported experiences of and views on MONUC peacekeepers suggest an urgent need to review the force's deployments and protection activities in the high-risk areas identified. Key to improving response would be enhanced interaction with communities on their protection needs and the force's protection mandate, while also ensuring that this mandate is fully understood and genuinely prioritised by troops on the ground. This should be supported by a regular review of deployments against updated assessments of need in all areas, in collaboration with protection cluster.
- **Ensure women and children are heard on protection:** women's and children's experiences and priorities must be taken into account in planning and monitoring protection measures, for instance through confidential consultation, feedback and

complaints mechanisms and adequate representation on security committees and other community protection bodies.

- **Expand survivor support and improve protection mainstreaming in aid:** referral systems for sexual violence need to be extended and improved in order to improve access to care. Further efforts are also needed to limit the risk of conflict and attack associated with aid distributions and infrastructure development in areas prone to violence, including through increased consultation and monitoring. With ethnic tensions a frequent source of insecurity, meanwhile, support to conflict resolution and reconciliation continues to be needed.

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