

## **Waking the devil: the impact of forced disarmament on civilians in the Kivus**

The military operations launched against the FDLR since early 2009 have been presented as a bid for the unity (Umoja Wetu) and peace (Kimia II) that have so long eluded eastern DRC<sup>1</sup>. In that light they have received considerable international acclaim and support, particularly through the UN peacekeeping force, MONUC. Warnings of potentially devastating consequences for civilian protection over recent months have repeatedly met with the response that this is ‘the price to pay for peace’. In May 2009, Oxfam and a number of its partners interviewed residents in some of the areas of North and South Kivu where that price is being exacted.

This report summarises the key findings of a protection assessment carried out by Oxfam and a number of its partners in the latter half of May 2009. The threats, perpetrators and solutions presented here are recorded as the participants in the survey have reported them to us and reflect the views of 569 ordinary people across 20 communities in North and South Kivu affected by the joint operations. The names of the locations and participants (including the partners) have been withheld to ensure confidentiality and the safety of the people involved in the assessment.

The responses in these 20 communities highlight a number of key findings regarding the joint operations:

- **The operations have resulted in increased violence against civilians in all affected areas**, including where there had as yet been no military engagement at the time of the survey.
- **This violence is often a direct result of the operations**, with widespread reprisal attacks on communities from both sides and a spike in abuses from the mass military deployment.
- **It is compounded by problems linked to the fast-track integration** of militia fighters into the army which has run parallel to FARDC deployment for the operations, and by the failure of justice and protection mechanisms.
- There are also significant indirect consequences, as the **operations have generated new opportunities for abuse** by a range of actors.

### **‘They want us dead’: increased FDLR violence**

In one community in Lubero which is hosting IDPs fleeing violence further west, since February the whole population has taken to leaving the town at nightfall to seek refuge from FDLR attacks, sleeping in fields or in neighbouring villages. Rape, killings and death threats by both FDLR and FARDC were reported to be common.

Communities with an FDLR presence uniformly reported an upsurge in attacks on civilians by that group in response to the operations launched against it since the start of the year. In **North Kivu**, this was particularly marked in Lubero and parts of Rutshuru and Masisi, areas which have been the scene of offensive operations under Umoja Wetu and Kimia II since February 2009. **Where before there existed an uneasy cohabitation with the FDLR, people reported a sharp increase in direct attacks** from the latter against the civilian population, often in reprisal for alleged collaboration with the FARDC. Even in villages some distance from the areas most directly affected by the operations, violent looting, killings and

<sup>1</sup> Umoja Wetu (‘our unity’ in Swahili) was the joint Congolese-Rwandan offensive against the FDLR in February 2009; Kimia II (‘kimia’ means ‘peace’ or ‘quiet’ in Lingala and Swahili) is the joint FARDC-MONUC operation launched thereafter.

death threats, sexual violence against women and men and armed extortion at roadblocks were all reported to have increased. In Lubero all but one of 56 respondents said they felt less safe than last year. 'With their military operations they have woken a sleeping devil,' one group suggested.

In **South Kivu**, although no major offensive against the FDLR had yet been carried out at the time of the survey, Kimia II was already having a negative impact on the population, as the **FDLR responded to the threat with increased aggression against civilians**, while other militia groups mobilised to align themselves with or against the FDLR. In Mwenga in March 2009, communities taking part in an earlier assessment had reported that violence by the FDLR had diminished as a result of a compromise under which local chiefs collected food and money from villagers for them; by May, nearby villages were reporting high levels of sexual violence, death threats and violent looting. People had reportedly been killed for saying the group should return to Rwanda, and since the survey villages in the area have emptied of their population. FDLR roadblocks in Mwenga were said to have multiplied after the announcement of Kimia II, apparently in a bid to prevent civilians fleeing to safer areas. Payments in cash or in kind that impoverished households could ill afford were being taken at these checkpoints, thereby aggravating food insecurity by limiting access to people's fields.

After operations started in North Kivu, the arrival of new FDLR contingents into northern South Kivu in February 2009 created fresh tensions in areas already suffering high levels of abuse from a range of armed groups. Villagers told us they had been **threatened with torture if they did not provide a regular contribution** of cassava flour, palm oil and beans for the FDLR fighters. Torture is a threat to take seriously in this context: two communities in Mwenga territory spoke of underground rooms where people are beaten and plunged in barrels of salt water by the FDLR, while in Kabare there were reports of people being buried in holes in the ground until they agreed to pay a 'fine' in exchange for their release. **Some of the most widespread and brutal sexual violence against women, children and men** was reported in parts of northern South Kivu. Further still from the military action to date, in Uvira territory of southern South Kivu a chief and a local councillor told researchers they had started receiving threats from the FDLR and being accused of collusion against them after Kimia II was launched in North Kivu; both had ceased sleeping in their own homes to avoid attack.

**'No difference between them': FARDC abuses** Sadly, the reports from communities confirm information from other sources that the FARDC have themselves been committing grave abuses during their deployment against the FDLR, including **killing, rape and violent looting**. One community said they felt safer when the FARDC were not around: two civilians, a woman and a child, had recently been killed by soldiers in the space of two days, and looting was rife and often associated with extreme violence. In Lubero territory in April, FARDC soldiers robbed a woman, and then killed her because she recognised one of them. Women interviewed in the area described the psychological impact of a spate of FARDC killings since the start of operations against the FDLR: 'We all live in fear that it will be our turn tomorrow.' In Beni and Lubero territories, the FARDC were consistently named as the **main perpetrators of sexual violence, which had spiked since the first deployments against the FDLR** in early 2009. Girls as well as women are targeted, with children

Sexual violence increased dramatically in over half the communities affected by Kimia II, and is generalised in three-quarters. The FARDC was identified as the main perpetrator in the Grand Nord, although all armed actors are responsible. In Mwenga territory nearly two rapes a day were reported in one community. Women are the most at risk, but children and infants were targeted in all communities surveyed in the Grand Nord. People described acts of great brutality and with appalling consequences for the survivors. In Kabare territory, South Kivu, one woman committed suicide after a brutal rape in March. In April, looters in Beni territory raped a whole bus-ful of passengers and then forced them to rape one another.

as young as four among the most recent victims. Testimonies confirm that Kimia II has been used to justify the **burning of fields and armed expulsion of civilians from their fields and homes**; in parts of the Petit Nord Kivu, even school classrooms and church property have been forcibly occupied by the FARDC. Forced labour and degrading treatment have been a consistent feature of troop movements and deployments: mostly men and adolescent boys, but also women and children, are press-ganged into portering and other tasks, and anyone resisting faces beating and public humiliation. **In many cases, the FARDC units associated with the worst abuses were ones with a history of human rights violations** documented by NGOs and MONUC. Not surprisingly, many respondents expressed declining trust in their own army's capacity to protect them, when they themselves are 'behaving no differently from the FDLR.' One women's focus group even claimed 'It would be better to be alone in the village than protected like this.'

This situation has been compounded by problems linked to the integration of militia groups into the army from February 2009. Communities in North Kivu and northern South Kivu reported **particular aggression against civilians by newly integrated units**, particularly rape, violent looting, and degrading treatment of those they force to carry their belongings. Delays in paying the newly integrated soldiers have played their part in the economic crimes committed: in Masisi, ex-militia elements of the FARDC are said to justify illegal taxation of traders as 'contributions' towards the upkeep of the new units. Lack of pay for the newcomers has also exacerbated tensions with those already on the payroll, causing respondents across the Petit Nord locations surveyed to fear open confrontation between the two sides. On top of this, the **militia groups assembled for integration** in Masisi and parts of Rutshuru were themselves attacking civilians, with rampant extortion and the burning of farmers' fields among the abuses reported.

**'With us or against us': reprisals on all sides** In the insidious climate of fear which has settled on the whole area, no one is seen as neutral. Individuals are co-opted and **whole communities are brutally punished by both sides for suspected collusion** with the other. In Lubero, communities dependent on their farms described how the army burns the fields in their hunt for the FDLR and the latter do the same in reprisal. Wherever the FARDC or FDLR deploy, they exact payments in cash or in kind from the local population, which are later branded collaboration by the other party. Every locality consulted in northern and southern South Kivu voiced fears of reprisal attacks from either side as a result of Kimia II. At the individual level, residents in South Kivu described how local people are abducted by one side to spy on the other; one person accused of being an informant was reportedly buried alive in one community in the Petit Nord.

Violence and threats of violence against presumed informants are an extension of the intimidation reported across the survey area on the part of armed groups and state authorities alike and intended to silence complaints against the abuses committed. Death threats and disappearances have been the consequence of speaking out in some cases. This intimidation works through the community to silence individuals who might attract a collective menace: in Kabare, any woman denouncing sexual violence was seen as a troublemaker and likely to receive threats even from other women.

**The charge of collusion is also used as a pretext for extortion.** Civilians fleeing the violence in FDLR-held areas of the Grand Nord are regularly facing arbitrary arrest by the police and intelligence services on suspicion of collaborating with the FDLR, and have to pay bribes for their release. In northern South Kivu, reportedly hundreds of IDPs who have lost their identity cards in their flight are accused of being FDLR and are being charged USD 2 at each FARDC checkpoint or having to pay bribes to escape arrest. On the other side of the coin, communities across the survey area reported FARDC, Mai Mai groups and common criminals passing themselves off as FDLR or other foreign armed groups when carrying out their own violent looting and other attacks on civilians.

The survey also points up a **resurgence in violence by other armed groups**, including ones identified by other sources as having aligned themselves with the FDLR in

response to the operations against them. In Uvira and Fizi territories, where a similar assessment a year before had found most people to be feeling generally safer, this year the overwhelming majority (85%) said their security had deteriorated. This was reportedly due to the increased threat presented by a range of Mai Mai groups responsible for widespread looting, killing, forced recruitment, sexual enslavement and other sexual violence. In Beni territory, respondents reported an extension of the Ugandan militia groups' areas of operation and a general increase in militia recruitment linked to the partial breakdown of agreements on integration into the FARDC; violent looting and sexual violence were rife, and abduction and killing were said to be the punishment for suspected collusion with the army.

**Utterly exposed: failures of justice and protection** In every location, a majority said they felt less safe this year than last. Faced with growing violence, extortion and

menace, communities across the survey area complained of a failure of both protection and justice mechanisms. **Confidence in the FARDC was diminished by the widespread abuses** reported in almost every community, although in North Kivu their presence was acknowledged to have a deterrent effect against militia groups, and the 17<sup>th</sup> Brigade in northern South Kivu was widely appreciated for its discipline. In some areas the Military Police were seen to be effective in limiting FARDC abuses against civilians. **The police were viewed as corrupt, but also as wholly understaffed and ill-equipped** to offer protection or enforce the law. In one community in South Kivu where sexual violence against women, men and children is rife, armed looting has become a routine occurrence and torture and death threats have increased since the launch of Kimia II, respondents described how the town's four policemen had to share two guns and just one uniform. Elsewhere we were told

IDPs and returnees are particularly at risk in parts of North Kivu. They face violence and extortion from the FARDC, intelligence services or other state authorities who accuse them of being FDLR supporters, or from members of the host community who suspect them of theft and collaboration with various armed groups. IDPs interviewed suggested that any theft was due to a lack of assistance. In parts of the Petit Nord, tensions with host communities were causing some to talk of IDPs possibly being forced to leave.

that local chiefs and government representatives tended to spend the night away from the villages, for fear of themselves being targets of violence. International protection too was largely absent, although in the Hauts-Plateaux area of South Kivu the intercession of peacekeepers between rebel groups was seen to have prevented civilian deaths. **Respondents generally felt that MONUC had a limited impact**, as their presence did not extend beyond the main roads and they were largely not in communication with civilians about security. There was no indication of a move away from the long-standing reliance on motorized patrols for which MONUC has often been criticized: 'They do that for the good of their health,' was how women in one community dismissed the patrols.

In the absence of an effective state authority, it is clear that **civilians are left at the mercy of parallel administrations**. In parts of Uvira territory, disputes are referred to FDLR courts, while troops awaiting integration in Masisi are reportedly imposing high rates of illegal taxation, and some customary chiefs in Beni territory were said to be informers in the pay of the militias.

**Peace and protection: ways forward** When asked what they wanted in these circumstances, people's first thought was generally to be rid of the various militia groups, foreign and Congolese, in their midst. Opinions diverged on how that was to be achieved, however. Of the 14 communities affected by the presence of the FDLR, ten specifically called for *voluntary* return and repatriation, nine of them specifically recommending inter-Rwandan dialogue, while only two supported forced disarmament. In all the communities consulted which have been directly affected by Kimia II and Umoja Wetu, there were calls for **dialogue and peaceful repatriation of foreign armed groups**, and in four of the six localities of northern South Kivu covered, respondents went so far as to call for the military action against

the FDLR to be abandoned. The preference for a negotiated solution tended to be higher where there were significant levels of intermarriage with the militia within the community, but those consulted also pointed to the civilian suffering caused by the operations to date, and cast doubt on the FARDC's capacity to disarm militia groups by force. 'The units involved are looting and raping the same as those they are trying to disarm,' we were told. 'The way things are going, it is the population who suffer.'

More generally, there was a universal call for **justice and state authority** to be restored, and for the representatives of that authority to receive adequate pay and training, including training on their rights and responsibilities. Everywhere, improving the **discipline, pay and training of the FARDC** was a prominent concern. For their part, **MONUC were urged to increase their presence** in outlying villages and off the main roads, increase **communication with communities** and carry out more foot patrols and more joint patrols with the FARDC or police.

**Straight talking: conclusion** In every community surveyed, the majority felt less safe this year than last. 'Kimia', the name of the current FARDC-MONUC operation against the FDLR, can also be translated as 'keep quiet', which is appropriate in view of the efforts deployed at various levels to play down its negative impact or silence reports of the associated abuses. The resolutely upbeat presentation of results in regional and international capitals ultimately has much the same effect as the deliberate intimidation deployed in the villages. With their very different motivations and means, both serve to stifle talk of the suffering the operation is directly and indirectly causing; where there should be real debate on alternative courses of action, there is only silence.

The accounts of communities across the areas affected should prompt the Congolese government and its international partners to take urgent steps to mitigate the impact of Kimia II, including giving real priority to planning for civilian protection and the effective application of military justice. That those who suffer direct violence from the FDLR can call for non-violent means to ensure their demobilisation, meanwhile, should spur more holistic thinking among the many who have promoted a dangerous single-track focus on military action without real investment in accompanying measures geared to securing a lasting political solution. On this basis, Oxfam strongly recommends the following:

- **The Congolese government should take clear steps to minimise the negative impact of Kimia II on civilians**, including incorporating a far more thorough assessment of the risks to civilians in operational planning and implementation, and ensuring rigorous monitoring and application of appropriate sanctions for any violations of international humanitarian law by its forces. Good practices by individual FARDC and Military Police units should be supported and replicated.
- **MONUC should establish and monitor clear conditions for continued support to the operations**, upholding its own responsibility to ensure respect for international humanitarian and human rights law.
- Regional governments and their international partners should urgently **resource, deploy and expand existing non-military tools for encouraging maximum voluntary disarmament** and actively explore additional non-military options, including a full range of measures to promote and facilitate return or resettlement of those who disarm.
- **MONUC should ensure that a DDRRR strategy is given real priority in the planning and implementation of operations**, and expand currently patchy efforts to provide a **visible protective presence in areas of greatest need**.
- **The UN Security Council should ensure MONUC has adequate resources to protect civilians**, including through the deployment of the 3,000 additional peacekeepers authorised seven months ago. These additional troops should be used to enforce MONUC's prime mandate of protection. The Security Council should also urgently increase specialised civilian staffing to expand the coverage of the joint protection teams.

- The Congolese government and its regional and international partners should urgently renew their investment in inclusive efforts to **address the structural causes of conflict in eastern DRC**, which include the issues of land, livelihoods, control of resources and representation of all communities.
- **All parties must abide by their obligations under international humanitarian law**, and any war crimes allegations should be subjected to independent, high-level and urgent investigation.