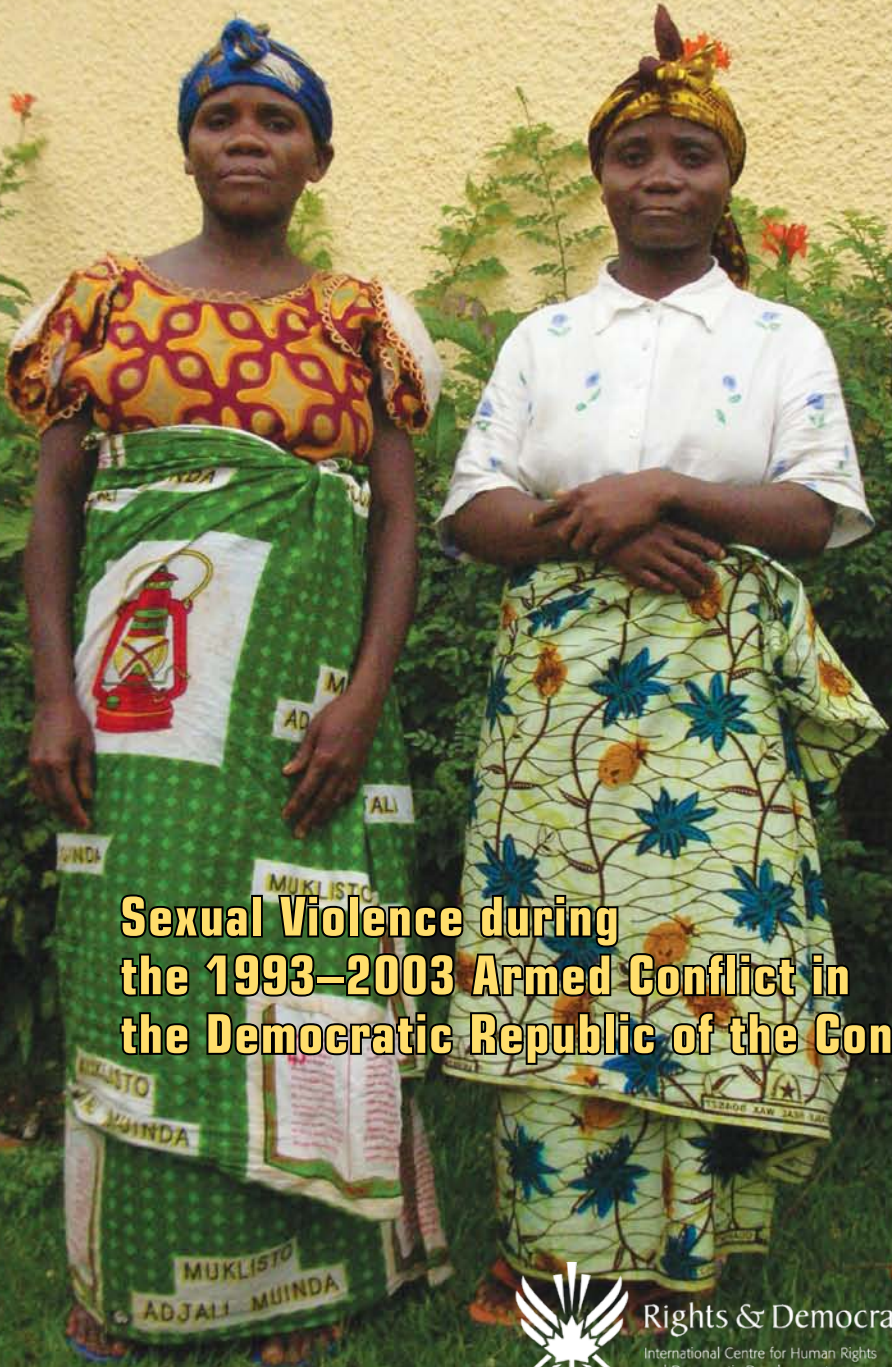


Ending *the Indifference!*



**Sexual Violence during
the 1993–2003 Armed Conflict in
the Democratic Republic of the Congo**



Rights & Democracy

International Centre for Human Rights
and Democratic Development

The information on the sexual violence cases contained in this booklet comes from data that was gathered in the scope of the mapping exercise on violations of human rights committed in the Democratic Republic of the Congo (DRC) between 1993 and 2003, set up by the Office of the United Nations High Commissioner for Human Rights.

For this work, which covers a decade, 1289 incidents of sexual violence involving one or more people in the DRC (ex-Zaire) were examined. Of course, the number of incidents does not reflect the number of victims, which is difficult to evaluate. Neither does the data cover the entire country, nor all of the violent acts, massacres and battles that took place during these conflicts and marked the DRC during this period.

The inventory of sexual violence that we present comes from a number of sources: news articles, reports from international and national nongovernmental organizations, United Nations special rapporteurs, the United Nations Secretary-General, and governmental and UN agencies. Approximately 150 documents and reports on human rights violations and, more specifically, women's rights violations, were consulted.

The multiplicity of conflicts, their complexity, and the absence of systematic documentation of sexual violence have all made it difficult to corroborate the facts and to contextualize the violence. Much of the information divulged by international nongovernmental organizations is deliberately incomplete for reasons of security and confidentiality, which makes the exact geographic and temporal identification of specific incidents difficult.

Many women who have been raped still hesitate to talk about it out of fear of being rejected by their spouses, families, and community, or of being unable to marry. All of the cases of sexual violence examined in this document constitute infractions and crimes according to national, criminal and military law, as well as to international human rights law, international criminal law and humanitarian law.



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Almost immediately after the Interahamwe arrived in the village, I heard the piercing screams of my neighbour. I looked through the window and I saw some men, each holding a gun. Right away, I wanted to run away to hide, but three of them broke into our home. My husband pretended to be asleep... They grabbed me roughly. One of them held me down, while another took my pili-pili pestle and shoved it over and over into my vagina, as if he were pounding. This agony went on for what felt like a hellish eternity. Then suddenly they left. For two weeks, everything flowed out through my vagina. I underwent surgery, look for yourself... (the woman lifts her blouse)... I do my business in the bag attached to my stomach through an opening in my side. They also killed my husband and my son."



"They bound your hands and feet and all the Mai Mai took their turn on you until they were tired. They dug a hole in the ground and they said to my son, "This is your wife," and they forced my son to have sex with the earth before his mother's eyes. Then they made you carry their baggage over 10, maybe 20 mountains. When you got there, in the forest, they shut you up in a hole. They didn't stop treating you this way and raping you until the RCD freed you."

1



"My daughter refused to obey the order to get undressed. They made her choose between rape and death. She chose death. So they began to torture her, cutting off her breasts one by one with a knife, then her ears, and then they slit her stomach wide open... after a while, she took her last breath... I was powerless, I could not protect her. Since then, I can do nothing, I am sick and utterly traumatized."





“Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights,” states paragraph 1 of Article 3 in the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), dealing with the right to dignity.

The scourge of sexual violence in the Democratic Republic of the Congo (DRC) is an ongoing concern for the African Commission on Human and Peoples’ Rights (ACHPR), as it constitutes a serious and massive violation of the right to respect for the life and security of women and girls.

This violence damages the physical and psychological integrity of the victims, but even more: it negates their ability to benefit from other rights and destroys entire families, as well as their communities. Congolese women continue to suffer and to pay a heavy price for the multi-ethnic and political conflict plaguing many parts of the country, to the utter indifference of the African regional community and of the international community, which ignores the full extent of this tragedy. This indifference is illustrated not only by the fact that the needs of women with respect to security priorities are not taken into account, but also by the absence of immediate and effective measures to battle impunity and to provide compensation and reparation for the harm caused to women and girls.

As the Special Rapporteur on the Rights of Women in Africa, I have, through numerous communications, alerted the African public to

sexual violence in the DRC. The ACHPR has adopted some important resolutions on the subject. These include one in 2006, which called on the DRC government to adopt measures to guarantee the security of girls and women and to implement Congolese legislation with respect to sexual violence. In 2007, it adopted an important resolution on the right to remedy and reparation for women and girls who have been victims of sexual violence. Through this resolution, the ACHPR calls on the States Parties to implement efficient and accessible reparation programs that provide information, rehabilitation and compensation to victims of sexual violence, while stressing that the impunity enjoyed by those committing sexual crimes perpetuates the cycle of sexual violence.

It is also pertinent to mention that women’s rights defenders and activists adopted the Nairobi Declaration on Women’s and Girls’ Right to a Remedy and Reparation at the international meeting held in Nairobi from March 19 to 21, 2007.

While they do not have a binding effect, these resolutions and the Declaration have contributed to providing the African public with better information about the tragic situation experi-

1 The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, better known as the Maputo Protocol, was adopted on July 11, 2003 during the second summit of the African Union in Maputo, Mozambique. The Maputo Protocol requires African governments to eliminate all forms of discrimination and violence against women in Africa, and to implement a policy of equality between men and women.

enced by women and girls in some regions of the DRC. Since then, we have noted some positive progress in DRC, such as the ratification of the Maputo Protocol by the government in February 2009, as well as the development of an action plan on Resolution 1325 of the United Nations Security Council on Women, Peace and Security. However, we deplore the absence of effective implementation of these legal instruments and the absence of concrete action to truly protect the rights of Congolese women against violence and discrimination.

I wish to stress the importance of this publication as an advocacy tool for women's rights defenders and activists. It is a new opportunity that comes at an important time for women in Africa. In fact, the year 2010 is the start of the African Women's Decade (2010-2020), proclaimed by the conference of African Union Heads of State and Government, which coincides with the 10th anniversary of Resolution 1325. And above all, 2010 is the fifth anniversary of the Maputo Protocol.

As the Special Rapporteur on the Rights of Women in Africa, my hope is that these events, which will be celebrated throughout all of Africa, by both States Parties and the NGO community, will not be simply symbolic, but will inspire all of the actors to show genuine will and strong determination to fully implement the regional conventions and national laws that protect the rights of women and girls.

In particular, I call on the DRC government, the African regional community, the international community, as well as civil society organizations, to reinforce their collaboration and all efforts underway in the Great Lakes region in the field of conflict resolution, so as to provide women and girls with the support and security that they need.

I urge them to take appropriate action to end all the forms of impunity that have reigned for far too long in the DRC.

Soyata Maïga
Special Rapporteur
on the Rights of Women in Africa
African Commission on Human and
Peoples' Rights

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- ADF** Allied Democratic Forces (based in the west of Uganda)
- AFDL** Alliance des forces démocratiques pour la libération du Congo (Alliance of Democratic Forces for the Liberation of Congo)
- ALC** Armée de libération du Congo (Army for the Liberation of Congo). Armed branch of the MLC
- ALiR** Armée de libération du Rwanda (Army for the Liberation of Rwanda). Became the FDLR in September 2002
- ANC** Armée nationale congolaise (Congolese National Army). Armed branch of RCD-Goma
- ANR** Agence nationale de renseignement (National Intelligence Agency). Branch of RCD-Goma
- APC** Armée du peuple congolais (Congolese People's Army). Armed branch of RCD-ML
- APR** Armée patriotique rwandaise (Rwandan Patriotic Army). Rwandan army
- Banyamulenge** Name of the Congolese Tutsis of South Kivu
- Banyarwanda** Name of people of Rwandan origin, both Hutu and Tutsi, living in North Kivu
- BSRS** Brigade spéciale de recherche et de surveillance (Special Investigations and Surveillance Brigade)
- CNDD** Conseil national pour la défense de la démocratie (National Council for the Defence of Democracy)
- COJESKI** Collectif des organisations des jeunes solidaires au Congo-Kinshasa (Network of united youth organizations of Congo-Kinshasa)
- DEMIAP** Détection militaire des activités anti-patrie (Military Detection of Un-patriotic Activities)
- DSP** Division spéciale présidentielle (Special Presidential Division)
- FAA** Forces armées angolaises (Angolan Armed Forces)
- Ex-FAR** Former soldiers of the Forces armées rwandaises (Rwandan Armed Forces) before the genocide
- FAC** Forces armées congolaises (Congolese Armed Forces)
- FAP** Forces d'autodéfense populaire (People's Self-defence Forces). Mai Mai groups
- FAPC** Forces armée populaire du Congo (People's Armed Forces of Congo). Led by Commander Jérôme Kakawave Bakonde
- FARDC** Forces armées de la République démocratique du Congo (Armed Forces of the Democratic Republic of the Congo–ex-FAC)
- FAZ** Forces armées zairoises (Zairean Armed Forces – under Mobutu)
- FDD** Front pour la défense de la démocratie (Front for the Defence of Democracy). Burundian rebels
- FDL** Forces de défense locale (Local defence forces)
- FDLR** Forces démocratiques de libération du Rwanda (Democratic Forces for the Liberation of Rwanda – ex-ALiR)
- FDR** Forces de défense rwandaise (Rwandan Defence Forces – and since July 2002, ex-APR)
- FIPI** Front pour l'intégration et la paix en Ituri (Front for Integration and Peace in Ituri). Political platform of local Lendu and Ngiiti combatants
- FLC** Front de libération du Congo (Congolese Liberation Front)
- FNI** Front nationaliste et intégratif (Nationalist and Integrationalist Front). A Lendu political party led by Floribert Njabu Ngabu
- FNL** Forces nationales de libération (National Liberation Forces). Burundian rebels
- FPDC** Forces populaires pour la démocratie au Congo (Popular Force for Democracy in Congo) Alur and Lugbara political party led by Thomas Unen Chen
- FPCL** Forces patriotiques pour la libération du Congo (Patriotic Forces for the Liberation of Congo). Armed branch of the UPC
- FRPI** Forces de résistance patriotique en Ituri (Patriotic resistance front in Ituri). A Ngiiti political party led by Dr. Adirodo
- FSD** Front pour la survie de la démocratie au Congo (Front for the Survival of democracy in Congo)
- ICTR** International Criminal Tribunal for Rwanda
- Interahamwe** Rwandan militia that participated in the 1994 genocide
- Mai Mai** Generic term used to designate Congolese popular self-defence groups, also spelled Mayi Mayi
- MLC** Mouvement de libération du Congo (Congolese Liberation movement). Created in September 1998 by J. P. Bemba, and supported by Uganda
- MPR** Mouvement populaire de la révolution (Popular Movement or the revolution). Political party Mudundu-40 Mai Mai group established in Ngweshe. Also called the UFLC
- NALU** National Army for the Liberation of Uganda
- PALU** Parti lumumbiste unifié (Unified Lumumbiste Party). Political party
- PIR** Police d'intervention rapide (Rapid intervention Police)
- PUSIC** Parti pour l'unité et la sauvegarde de l'intégrité du Congo (Party for the unity and Safeguarding of the Integrity of Congo, led by Khawa Mandra)
- RCD** Rassemblement congolais pour la démocratie (Congolese rally for democracy). Created in August 1998, supported by Rwanda and became RCD-Goma in 1999
- RCD-Goma** Former RCD
- RCD-ML** Rassemblement congolais pour la démocratie-mouvement de libération (Congolese Rally for Democracy-liberation movement). Created in 1999 after the RCD split; led by Mbusa Nyamwissi and supported by the Ugandan army. Also called RCD-K/ML
- RCD-N** Rassemblement congolais pour la démocratie-national (Congolese Rally for democracy-national). Created in 2000 following the split of RCD-Goma, led by Roger Lumbala and supported by the Ugandan army
- DRC** Democratic Republic of the Congo
- SARM** Service d'actions et de renseignements militaires (Military Action and Intelligence Service)
- SNIP** Service national d'intelligence et de protection (National intelligence and protection Service)
- UFLC** Union des forces pour la libération du Congo (Union Front for the Liberation of Congo). A Mai Mai group, also known as Mudundu-40
- UPC** Union des patriotes congolais (Union of Congolese patriots). Created in August 2002, following the break-up of RCD-ML, led by Thomas Lubanga, first supported by the Ugandan army and then by Rwanda and RCD-Goma
- UPDF** Uganda People's Defence Forces (Ugandan army)
- UPDS** Union pour la démocratie et le progrès social (Union for Democracy and Social progress). Congolese political party



A Nameless Massacre

Rape and sexual violence have become weapons of war in many conflicts. An analysis of the 1993–2003 period in the Democratic Republic of the Congo (DRC), mainly in the east of the country, at the border with Burundi, Rwanda and Uganda, provides an eloquent illustration. What could be observed during this period, in terms of violence against women and girls, is beyond imagination.

A number of sources investigated sexual violence in the DRC between 1993 and 2003

- In 2003, the **Initiative conjointe de lutte contre les violences sexuelles** (Joint Initiative against Sexual Violence) in the DRC compiled a list of more than 40,000 rape cases: 25,000 in South Kivu, 11,350 in the province of Maniema, 1625 in Goma, North Kivu, and 3250 in Kalemie, Katanga province.
- In a document published in 2004, **Amnesty International** spoke of 6327 rape cases inventoried between 1999 and 2005 solely in the district of Tanganyika in Katanga.
- According to the **Réseau des femmes de Lubumbashi** (Lubumbashi Women's Network), in a report published on the Web in November 2005, 1,031 rape victims were registered in 2002 by three NGOs in Uvira and Fizi in South Kivu. In July 2003 alone, the Uvira women's shelter identified 837 victims from the Ruzizi Plain, Uvira-Centre and Mboko-Baraka.
- The **Réseau des femmes pour un développement associatif** (Women's Network for Community Development) states that, in the month of November 2002 alone, the Olame Centre received and listened to the accounts of 117 women and girls who were raped in the territories of Walungu, Kahele and Kabare (South Kivu).
- In 2002, approximately 1,500 rape cases in the Kabare territory were recorded by the same centre.
- In Shabunda (South Kivu), through information received from the RCD, humanitarian agencies reported more than 2,000 rape cases recorded in 2000.



Break the Silence!

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The descriptions of sexual violence reported in this document will never accurately reflect the reality on the ground. The incidences and massacres recorded here are only the visible tip of a systematic, generalized and very broad-based phenomenon, the true extent of which can barely be measured. Many victims have fallen silent forever; an unknown number of survivors will not speak of these crimes for fear of being rejected, repudiated, or stigmatized; and only a few, too few, dare to speak out and break the silence.

Sexual violence in the Democratic Republic of the Congo (DRC) did not end in 2003. The proliferation of armed groups, the attraction of natural resources, the trafficking of arms and ore, the inability of the Congolese state and the international community to put a halt to the various conflicts, the thirst for power and the deterioration of the social fabric have all contributed to placing the women, men and children of this country in an inextricable situation of violence.

While sexual violence in the DRC is not a new phenomenon—its roots can be found in the long entrenched treatment of women as inferiors and the abuse of power by the various echelons of power, including within the family—it reached an unparalleled level

between 1996 and 1998, during the first and second wars of the DRC.

The scale of sexual violence during these conflicts calls for multiple responses. However, no progress can be sustained if effective strategies for reparation and battling against impunity are not adopted. In whatever way the DRC government chooses to fight impunity, it must send a very clear message that sexual violence will no longer be tolerated. The international community must also assume its responsibilities. Reparation for material, physical and moral damage is indispensable to the dignity of the victims and survivors. In a mainly rural country where women are one of the driving forces of the economy, in addition to ensuring the food security of the family and the country, the socioeconomic impact of violence against women is devastating.

The search for truth, the definition of responsibilities, and the acknowledgment of crimes are necessary for reconciliation and social reconstruction. Guarantees that they will not be repeated and the battle against all forms of discrimination against women must be ensured in order for the DRC to bear witness to the rise of a new generation of women and men who are proud of their country.

All Groups have Committed Crimes of Sexual Violence

The sexual violence exercised against women and girls in the DRC between 1993 and 2003 was committed by all of the armed groups, whether national or foreign, government or rebel. This violence mainly took place in the conflict zones, but also in areas that were peaceful.

The successive and concurrent wars of that period in the DRC contributed to the spread of sexual violence, during and after combat. Sexual violence occurred where troops were stationed, in camps, in occupied areas, during patrols, at roadside checks, during reprisals against the civilian population and raids carried out by isolated or unidentified armed groups, in prisons, police stations, offices of the civil guard or intelligence agencies, private homes, fields, forests, villages, public squares, schools, churches, hospitals and clinics.

Indiscipline, impunity, mystical beliefs, ethnic hatred, normalization of violence, mental coercion exercised over child soldiers, passive or active encouragement of the military and rebel hierarchies all go a long way toward explaining the widespread violence. The idea, for example, that soldiers had the right to do whatever they wanted, as long as they did not kill, was tolerated and even encouraged by the military hierarchy. The collapse of national institutions and the loss of control by government and rebel authorities in some areas of the country fuelled the impunity and chaos.

An Increase in Incidents Reported since 2001

The analysis of the variety of data available reveals a very sharp increase in incidents reported since 2001. While it is difficult to identify the exact causes, some of the following may explain this increase:

- awareness raising and training on sexual violence carried out in the scope of training sessions on international criminal justice;
- better understanding of the specificity of sexual violence in the context of war;
- heightened interest by international NGOs for sexual violence;
- the publication of the first reports devoted to this issue.



The Place of Women in Congolese Society

The sexual violence took place on fertile ground, where women are considered inferior to men within society and the family. Congolese law and traditional practices maintain women in a state of oppression.

“The scale and the brutality of sexual violence in the Democratic Republic of the Congo seem to have eroded all protective social mechanisms, unleashing brutal fantasies carried out on women’s bodies. Civilians are increasingly among the perpetrators of rape, which indicates a normalization of the war-related violence. This intensifies existing inequalities and oppression of women in society. If the sexual violence associated with war is addressed in isolation, gender-based discrimination and violence endured by women in “peace” will be grossly neglected and the war on women reinforced.”

Report of the Special Rapporteur on Violence against Women, its Causes and Consequences. A/HRC/7/6/Add.4, p. 22, paragraph 106.

The Law

Articles 448 and 450 of the 1997 Congolese Family Code still consider married women as legally incompetent (minors), while an unmarried 18 year-old woman has full legal rights. Article 448 stipulates [unofficial translation]: “the wife must obtain the authorization of her husband to effect legal acts for which she must present herself in person.” Furthermore, the property of a married woman belongs to her spouse (but this is not reciprocal) and the woman does not have the choice of residence according to Article 454, which states that [unofficial



translation] “the wife is obliged to live with her husband and to follow him anywhere he decides to reside (...).” Married women require their husband’s authorization to undertake business activities and to effect legal acts, while Article 3 (c) of the Congolese Labour Code allows a husband to oppose his wife’s desire to work. These unequal legislative provisions will soon be amended or repealed in order to put into practice the principle of gender equality proclaimed in Articles 12 and 15 of the Constitution of February 18, 2006.

From 1993 to 2003, Congolese law had little to say about sexual violence. Before the adoption of the new law of 2006 against sexual violence, rape was classified as indecent assault and was not penalized when it occurred between married partners or under circumstances that did not prevent the woman from expressing her refusal! Besides indecent assault, Congolese law criminalized prostitution, procurement and pornography. Other sexual crimes were outside the jurisdiction of national law. According to Article 170 of the Congolese Criminal Code, as revised in 2004 (the bold is ours) [unofficial translation]:

“A sentence of 5 to 20 years of penal servitude for anyone who has committed rape, either by means of violence or serious threats, or by trickery, or by abusing a person who, because of disease, alteration of their faculties or any other accidental cause, may have lost the use of their senses or was deprived of them by some kind of trickery.”

This definition of rape applied during the decade, 1993 to 2003. It presumed the responsibility of the woman (in full possession of her faculties) to expressly refuse sexual relations in the case of rape and to take action accordingly. There is therefore an implicit presumption of consent that the victim must invalidate on the spot. Who could really believe that this is possible?

In a context of war, a climate of terror reigns with fear, panic, the presence of armed men, lack of rule of law, violence, massacres,



abuse of power, trauma, assaults and threats creating an illusory presumption of consent.

... and Customs

According to their traditional practices, some ethnic groups still force a widow to marry her deceased husband’s brother. This practice, called levirate marriage, is found in a number of ethnic groups in the regions studied: the Bashi, Bembe, Bavira, Fulero and Lega of South Kivu. Levirate is also practiced in Kasai Oriental and other provinces.

Other groups consider women to be the clan’s common property. Some traditional chiefs still exercise *jus primae noctus* (right of the first night), which means they may demand sex, most often with a young virgin. In some communities, sexual intercourse imposed on married women does not, therefore, constitute violence towards women and their families.

Defining Sexual Violence

Sexual violence is violence with a sexual element committed against women, and includes rape, sexual slavery, forced pregnancy or prostitution, sexual mutilation and torture.

Crimes against humanity are crimes committed in the scope of a widespread or systematic attack intentionally launched against an entire civilian population. A war crime is a crime committed in the scope of armed conflict, or in an associated context. **Depending on the context in which they occur, rape, sexual slavery, sexual exploitation, enforced prostitution and other crimes of sexual violence can constitute crimes against humanity, war crimes or common crimes.**

The Akayesu Judgment and Rape

It was only in 1998, during the Akayesu trial before the International Criminal Tribunal for Rwanda (ICTR), that the crime of rape was defined for the first time in a sufficiently broad manner to cover multiple situations.

As defined by the International Criminal Court (ICC), rape involves penetration, however slight, of the vagina, anus or any part of the body with a sexual organ or an object.

This definition of sexual violence includes gender-related violence committed against women and girls based on the roles assigned to women and men in society and within the family sphere: women are targeted to carry out domestic tasks that society allocates for them.

Definitions

The various international human rights conventions and international criminal law (crimes against humanity and war crimes) have given rise to definitions of crimes of sexual violence. These international definitions also inspired the authors of the Congolese law of 2006, against sexual violence (Bill 06/018 of July 20, 2006, modifying and completing the decree of January 30, 1940 of the Congolese Criminal Code, official journal of the Democratic Republic of the Congo, 47th year, no. 15, August 1, 2006.)

Rape

The most common form of sexual violence is rape. Rape is a crime in international law that was rarely prosecuted by international tribunals before 1993. It was only in 1998 that the International Criminal Tribunal for Rwanda (ICTR) developed the first definition of this crime. In the case of *The Prosecutor versus Jean-Paul Akayesu*, the ICTR stated that rape consists of “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive.” (ICTR, case of *The Prosecutor versus Jean-Paul Akayesu*, Decision of September 2, 1998, paragraph 598).

Afterward, in 2002, the International Criminal Court (ICC) defined what constituted the elements of crime. According to its *Elements of Crimes*, rape is defined as follows:

The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or the perpetrator with a sexual organ or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by the threat of force or coercion, such as that was caused by fear of violence, duress, detention, psychological oppression, or abuse of power, against such person or another person, or by taking advantage of a coercive environment or the invasion was committed against a person incapable of giving genuine consent. (See Art. 7 (1) (g)-1, Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, first session, New York, September 3–10, 2002, Part II, B).

In DRC, between 1993 and 2003, public authorities and all parties to the conflict, without exception, committed rape.

Rape has become a widespread phenomenon. It occurs in prisons, police stations, offices of the civil guard or intelligence agencies, private homes, fields, forests, villages, public squares, schools, churches, hospitals and clinics, military camps, and areas where troops are stationed. It is committed during mutinies, arrests and detention, expulsion, troop movements, operations to seek out the enemy, reprisals, looting parties and raids or roadside checkpoints.

The primary victims of rape are women and girls, including the very young, women who are pregnant or nursing, in menopause or very old. Boys and men are not spared either. Social status, priesthood, humanitarian work or defence of human rights provide no protection against rape.

Rapes are sometimes extremely violent and accompanied by acts of unimaginable cruelty. They may be committed using objects such as sticks, stakes, gun barrels, stones, or large pestles smeared with hot peppers. In some cases, rapists wrap the barrels of their guns with a piece of cloth and then insert it in their victim's vagina to "clean" it before passing her on to the next rapist. Sometimes, as in the case of RCD soldiers at Chishi/Bunyakiri on December 7, 2003, they use the bark peeled from sugar cane. The rapes cause death, miscarriages, infections, fistulae and serious psychological and physical trauma.

In 2006, the crime of rape was redefined by taking some elements of rape established by international law. **The new article 170 of the Congolese Criminal Code defines rape** as the introduction of a sexual organ, even slightly, into the vagina, mouth or anus of a person or the introduction of an object into the vagina or the anus of a person. A rapist is a person who directly commits the act, or the person who demands that the act be committed on him/herself. A rapist may be a man or a woman.

Rape does not necessarily imply the use of force. The 2006 law deems that the existence of a coercive environment deprives someone of the possibility of freely consenting to sex. War and conflicts, extreme violence and widespread sexual violence constitute a coercive environment.

Since 2006, article 174 (e) of the Congolese Criminal Code is a new article, drafted to punish acts of sexual slavery. [Unofficial translation] “Shall be punished (...), whomsoever has exercised one or all of the powers associated with the right of property over a person, such as detaining or imposing similar deprivation of freedom, or by purchasing, selling, lending, or bartering that person for sexual purposes, and to force her/him into performing one or more acts of a sexual nature.”

A definition of exploitation can be found in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000, 2003), its article 3 (a) “Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs,” ratified by the DRC in 2005.

The Circumstances

The acts described previously would be considered rape when committed under the following circumstances:

- Through violence or serious threats;
- Through coercion of a person, directly or through the intermediary of a third party;
- Through surprise, psychological pressure;
- In the context of a coercive environment. War and conflict, extreme violence and generalized sexual violence constitute a coercive environment;
- Abuse of a person who may have lost use of their senses through an illness, accident, alteration of faculties or who may be vulnerable because of illness or trickery.

Sexual Slavery

Slavery and sexual slavery are crimes defined in the Rome Statute, which governs the International Criminal Court, and in the various international conventions. They imply the deprivation of personal freedom as well as the exercise of a right to property over the slave. In the DRC, all parties in the conflicts resorted to sexual slavery. Slaves and sexual slaves were used in the conflicts to carry spoils, to do domestic chores and work and to perform sexual services. Members of the Congolese army, the rebel armies and foreign armies occasionally abducted and detained girls and women for sex. Within the rebel groups, the officers also used girl soldiers as sex slaves.

The International Criminal Court and Slavery

In the ICC *Elements of Crimes*, slavery is defined as follows: “The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.”

The following is included in the definition of sexual slavery: “The perpetrator caused such person or persons to engage in one or more acts of a sexual nature.” It is also understood that slavery or sexual slavery can also include forced labour or reducing a person to a servile status, or human trafficking. See articles 7 (1) (c) and 7 (1) (g)-2, Official

Records of the Assembly of States Parties to the Rome Statute, International Criminal Court, first session, New York, September 3–10, 2002, Part II, B (www.icc.cpi.int). In addition, with respect to human rights, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956, 1957) was ratified by the DRC in 1975.

Sexual Exploitation

Sexual exploitation is forced work of a sexual nature for which the benefits go to a private person. Various international conventions prohibit these practices. In some cases, the evidence reported in the DRC corresponded to cases of prostitution. Since 2006, Article 174 (b) of the Criminal Code has punished sexual exploitation under the offence of procuring.

Sexual exploitation of children is also prohibited by the Convention on the Rights of the Child (1989, 1990), ratified by the DRC in 1990 and the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (2000, 2002), ratified by the DRC in 2001. Under the meaning of these conventions, a child is a person under the age of 18. Article 34 (b) of the Convention on the Rights of the Child (1989, 1990) makes provision for States Parties to take all appropriate measures to prevent “[t]he exploitative use of children in prostitution or other unlawful sexual practices.”

Enforced Prostitution

International criminal law created a new offence to prosecute cases of enforced prostitution committed in the scope of armed conflict. The ICC *Elements of Crime* has thus defined enforced prostitution, which involves the fact of causing “one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent.”

Since 2006, articles 172, 173, 174 and 174 (b), 174 (j), 174 (m) and (n) of the Congolese Criminal Code have made **the different forms of sexual and pornographic exploitation of children** (i.e., persons under 18 years old) offences.

In 2006, article 174 (c) of the Congolese Criminal Code took the ICC definition of prostitution without, however, expressly limiting it to a context of war. [Unofficial translation] “Anyone who has led one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent in order to obtain financial or other benefit (...)”

Since 2006, article 174 (k) of the Congolese Criminal Code has punished forced pregnancy: [unofficial translation] “Shall be punished (...) anyone who has confined one or more women who were made pregnant by force or trickery.” **Article 147 of the Congolese Criminal Code deals with enforced sterilization:** [unofficial translation] “Shall be punished (...) anyone who has deprived someone of their biological and organic reproductive capacity without such an act previously being subject to a justified medical decision and with the free consent of the victim.”

The DRC ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1996.

The State made no interpretive declaration. However, the DRC did not make torture an independent offence in its criminal code. For crimes committed before 1996, it would be necessary to invoke customary law and humanitarian law.

“The applicant was also subjected to a series of particularly terrifying and humiliating experiences **while in custody at the hands of the security forces at Derik [Turkey] gendarmerie headquarters** having regard to her sex and youth and the circumstances under which she was held. [...] She was also paraded naked in humiliating circumstances thus adding to her overall sense of vulnerability and on one occasion she was pummelled with high-pressure water while being spun around in a tyre.”

European Court of Human Rights: Case of Aydin v. Turkey, Judgment of September 25, 1997, case 57/1996/676/866, paragraph 84.

Forced Pregnancy and Enforced Sterilization

Forced pregnancy is another crime defined by the ICC in its *Elements of Crime*. This crime applies to women being confined after having been forcefully impregnated with the intent of modifying the ethnic composition of a population or carrying out other grave violations of international law. Article 7 (1) (g)-4 of the ICC *Elements of Crime*, defines forced pregnancy (Official Records of the Assembly of States Parties to the Rome Statute, International Criminal Court, first session, New York, September 3–10, 2002, Part II, B).

Enforced sterilization is defined as follows: “The perpetrator deprived one or more persons of biological reproductive capacity. The conduct was neither justified by the medical or hospital treatment of the person or persons concerned nor carried out with their genuine consent.” Article 7 (1) (g)-5 of the ICC *Elements of Crime* (Official Records of the Assembly of States Parties to the Rome Statute, International Criminal Court, first session, New York, September 3–10, 2002, Part II, B).

Torture

Torture is both a human rights crime and a crime under international criminal law. In human rights, torture is defined as when violence perpetuated by public officials or by another person acting in an official capacity, “is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind,”¹ and which causes severe physical or mental pain or suffering. However, this definition limits torture to **acts perpetrated by public officials or by persons acting in an official capacity**. These acts are thus often perpetrated in official or secret detention sites by public officials or by persons acting in an official capacity.

1 Agnès Callamard, Documenting Human Rights Violations by State Agents: Sexual Violence, Amnesty International and the International Centre for Human Rights and Democratic Development, Montréal, 1999, p. 11.

International human rights jurisdictions have stated that “[r]ape, or the threat of rape, of women detainees by prison, security or military officials always amounts to torture” because of the vulnerability of the victim. In a 1997 decision, the European Court of Human Rights stated: “Rape of a detainee by an official of the State must be considered to be an especially grave and abhorrent form of ill-treatment given the ease with which the offender can exploit the vulnerability and weakened resistance of his victim. Furthermore, rape leaves deep psychological scars on the victims which do not respond to the passage of time as quickly as other forms of physical and mental violence. The applicant also experienced the acute physical pain of forced penetration, which must have left her feeling debased and violated both physically and emotionally.” (European Court of Human Rights: Case of Aydin v. Turkey, Judgment of September 25, 1997, case 57/1996/676/866, paragraph 83.)

The Congolese armies, like the rebel armies, often used sexual violence or threatened sexual violence in detention or during interrogations.

In detention or situations of deprivation of freedom, nudity, forcing women to share jail cells with men, sexual touching, electric shocks on genitals, application of pressure, pulling on and compressing the sexual parts of the body (nipples, breasts, genitals) can be qualified, according to the degree of pain they cause, as torture, cruel, inhuman or degrading treatment.

In the scope of armed conflict, the requirement of a relationship with the State or official capacity disappears. However, the objective of the perpetrators, the intention, and the level of pain remain. **Level of pain:** See articles 7 (1) (f) and 7(2) (e) of the *Elements of Crime* of the International Criminal Court, Official Records of the Assembly of States Parties to the Rome Statute, International Criminal Court, first session, New York, September 3–10, 2002, Part II, B.

International criminal tribunals have also deemed that forcing a person to commit sexual acts in front of others, such as family members, forcing family members and the community to watch the rape, being forced to walk naked through the streets, to practice gymnastics or to dance naked in front

Inhumane act: See article 7 (1) (k), Official Records of the Assembly of States Parties to the Rome Statute, International Criminal Court, first session, New York, September 3–10, 2002, Part II, B.

For more details on the definition of other crimes of a sexual nature, see article 7 (1) (g). Official Records of the Assembly of States Parties to the Rome Statute, International Criminal Court, first session, New York, September 3–10, 2002, Part II, B.

Since 2006, article 174 (g) of the Congolese criminal code prosecutes acts of sexual mutilation. [unofficial translation]: “Shall be punished anyone who carries out an act that causes physical or functional injuries to the genitals of a person.”

of soldiers or men are also torture, and cruel, inhuman or degrading treatment. For example, in Kilambo (North Kivu), in 2000, APR and RCD soldiers under the command of Justus tricked the population to leave their hiding places by reassuring them. They then tied up the men and raped the women in front of them, before executing them.

Other Inhumane Acts

According to the ICC *Elements of Crime*, an inhumane act is an act that causes great suffering or serious injury to body or to mental or physical health and is as serious as other crimes such as torture, rape, and slavery, forced pregnancy and enforced sterilization. In 2000, in Ngweshe (Walungu territory, South Kivu), a pregnant woman was trampled on by soldiers who were trying to make her give birth. The same day, 30 women, some of them very young, were raped. As



Armed groups use the mountains as hideouts.

well, militia members cut off the breasts of women in Kamituga and Walungu (South Kivu) and forced them to eat them before executing them. Sometimes men shot their guns into the genitals of their victims causing damage to both external and internal sexual organs.

Other Crimes of a Sexual Nature

Some acts of a sexual nature that are neither rape, sexual slavery, enforced prostitution, forced pregnancy, nor enforced sterilization may constitute crimes “of other forms of sexual violence” if they are of comparable gravity and if the authors used constraint, force, psychological pressure, or if they acted within a coercive environment.



Life could be peaceful on the shores of Lake Kivu.

A Never-ending War

The inter-ethnic conflict and wars that took place in the Democratic Republic of the Congo (DRC) between 1993 and 2003 gave the civilian population no respite. Women and girls were specifically targeted. Whether they were school-girls or mothers, engaged, married or widowed, simple peasants or the wives of political leaders, former members of the army or civil servants, humanitarian workers or members of nongovernmental associations, regardless of social class or age and for a variety of motives, they all suffered sexual violence in its most diverse forms.

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At dusk, the women of Uvira hurry home to take cover.

Characteristics of Sexual Violence

In DRC, from 1993 to 2003, acts of sexual violence were innumerable and incessant. Some were due to a clear lack of discipline in the army, impunity and the trivialization of sexual violence in a male-dominated society. Sexual violence was also related to suppression of the opposition, the wars and combat as well as the social and cultural disintegration caused by years of conflict and violence. And sometimes the violence committed against women was based on mystical beliefs and ritual practices.

(following p.22) →

Rape was committed during mutinies, arrests and detentions, expulsions, troop movements, operations to seek out the enemy, reprisals, pillaging and raids or roadside checks. Generally, teenage girls and women were victims, but very young girls, pregnant or breast-feeding women, women in menopause, the elderly, boys and men were not spared either. Social status, membership in a religious order, humanitarian or human rights defence work provided absolutely no protection against rape. The rapes committed were sometimes extremely violent and accompanied by acts of unimaginable cruelty. They were sometimes committed using objects such as sticks, stakes, gun barrels, stones and large pestles smeared with hot peppers.

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In every village, security concerns are at the heart of daily life.

Sometimes armed men shot into their victims' genitals, causing damage to the internal and external sexual organs. Rapes have caused death, miscarriages, infections, transmission of sexually transmitted diseases, unwanted pregnancies, fistulae and serious psychological and physical trauma.

...

1993-1994 THE MOBUTU REGIME

Under Mobutu, president of DRC-Zaire since 1964, there was no room for opposition, particularly when it threatened the government. The regime was corrupt and rotten with tribalism. In Kinshasa, the sisters, spouses and daughters of political opponents

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Defence groups use a variety of means to raise the awareness of leaders and the general public. Here, a theatre group presents a piece on International Human Rights Day, December 10, 2009.

● Sexual Exploitation

Underpaid and sometimes not paid at all, civil servants under Mobutu's reign, particularly prison staff, exploited women prisoners. Several sources reported practices of sexual exploitation in prisons. Prison staff blackmailed, sexually harassed, raped and forced female prisoners into prostitution. Some female prisoners would pay an exit fee to prison guards to go out to prostitute themselves, sharing their earnings with them when they returned. The guards exchanged penitentiary services, such as bedding, for sexual favours. Such practices were reported in 1995 and 1996 in the Kisangani and Makala prisons. The governments that followed, including that of L. D. Kabila, continued this system of exploitation.

In March 1997 in South Kivu, Alliance des forces démocratiques pour la libération du Congo (AFDL) soldiers killed a man because he refused to prostitute his daughter. And, again in South Kivu, local authorities imposed a prostitution tax of three dollars a day on the 2,000 unmarried women in the town of Lugushwa. According to the US State Department, Forces armées congolaises (FAC) soldiers took advantage of the vulnerability of young girls abandoned or separated from their families because of the war to sexually exploit them.

● Sexual Violence in Prisons and Detention Sites

In both the regular and clandestine detention sites, prison staff, police, security forces, and government and rebel armies used sexual violence, often as a form of torture.

Government Forces

During the Mobutu regime, sexual violence in the prisons was common. Women were raped by Service d'actions et de renseignements militaires (SARM) agents or by prisoners acting under SARM orders. Female prisoners in Goma were victims of this in 1995 and 1996. Banyamulenge women arbitrarily detained in Uvira in January 1996 were also threatened with rape by the police. In some regions, such as Maniema, 90% of women detained in amigos (unofficial detention sites used by the special services) or penitentiaries were victims of sexual torture carried out by the Forces

armées zairoises (FAZ) or prison guards. Rapes or attempted rapes were accompanied by ill treatment. These acts are violations of penitentiary standards.

Under the L. D. Kabila regime, in the government prisons of Kinshasa, male and female prisoners were detained together, and the guards forced the female prisoners to carry out domestic tasks, such as cooking and laundry. The guards regularly raped female prisoners. Torture was also used. The six members of the Union pour la démocratie et le progrès social (UDPS) who were imprisoned in Circo (the police headquarters in Kinshasa) in January 1997 were tortured with electric shocks to their genitals. Sometimes women were so severely beaten and brutally raped that they died. This happened in November 1997 to a woman who was incarcerated at the central prison of Kingoma in Kikwit (Bandundu) for having had an abortion. At the beginning of the 1998 war, women who were Tutsi in appearance were arrested and thrown into prison. Some 100 women were thus arrested and raped at the Agence nationale de renseignement (ANR) offices or in other places in Kinshasa over the month of August 1998.

As under the regime of the former president, members of **J. Kabila's army**, police and prison staff continued to carry out acts of sexual violence. Incidents in March 2002 at the Mikonga commissariat in Kinshasa and the Kibomango military centre were reported. In addition, according to the US State Department, while the police did not have a policy of raping those detained, the prison guards regularly did so.

The Rassemblement congolais pour la démocratie (RCD)

In RCD prisons, the use of sexual violence to torture prisoners was standard practice and included rape, pulling on sexual organs using strings or on nipples using pinchers, inserting hot pepper into sexual organs and leaving male and female prisoners on paved floors soaked in salt water. Stripping prisoners and forcing them to remain naked during detention was frequent.

During this period, all belligerents and armed groups used sexual violence as torture and committed cruel, inhuman or degrading acts throughout the various conflicts, during fighting and above all during reprisals. However, rapes in detention were mainly committed by the RCD and Congolese state agents.



Refugee camp in Kivu.

were abducted, raped and tortured by the police of the Brigade spéciale de recherche et de surveillance (BSRS) and the Division spéciale présidentielle (DSP). Economically, the situation was worsening and there was galloping inflation.

Rising Ethnic Tension

In 1993, ethnic tension was rising, especially in Katanga and in the Kivus. In North Kivu, resentment of “native” Congolese towards the Banyarwandas (Hutus and Tutsis), Congolese originally from Rwanda, was building. The Banyarwandas were seen by local Congolese ethnic groups (Nyangas, Hundes and Nandes) as “foreigners” who were occupying “their” land. With the approach of elections, some reopened the question of

whether Banyarwandas should be able to keep Congolese nationality. In March 1993, the governor of North Kivu called for a massacre of Banyarwandas. On March 20, a first massacre took place in the Ntoto (Walikale) market. Little by little, violence took over the entire territory of Masisi, the communities of Bwito, Lubero and the Walikale area. Between March and August 1993, close to 8,000 people lost their lives in Masisi, Rutshuru and Walikale.

In 1993 and again in 1994, the massive arrival of Burundian and Rwandan refugees and ex-members of FAR (Forces armées rwandaises)/Interahamwe exacerbated anti-Banyarwanda sentiments in North Kivu. Propagation of the xenophobic ideology of genocide also threatened the Banyamulenge, Tutsis of Congolese origin, in

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Between 1998 and 2003, in the area under RCD control, women accused of providing intelligence to the enemy were detained in prisons or in containers (at the Goma airport) where they were frequently raped and beaten. Some were murdered. These acts were reported in South Kivu (Uvira, Bukavu), in North Kivu (Goma), in Orientale Province (Kisangani) and in Maniema.

In South Kivu (Bukavu, Mweha, Burhale) and Maniema (Kindu and Mukunda), the wives or female family members of people being sought were sometimes arrested in their place. Imprisoned women had miscarriages following rapes and ill treatment, and some died. This happened to a pregnant woman who was arrested in Burhale in 1999 in lieu of her fiancé who was accused of theft. Detained in a container, she was beaten and raped. She died. In 1999, in Kindu, the sister-in-law of a man accused of having stolen money had a miscarriage as a result of being tortured during her detention.

● Political Sexual Violence

From 1993 to 2003, many women and men suffered repression because of their links to an opposition party, their alleged or established relationship with the enemy or the Mobutu regime, their union or civil group activism or their ethnic origin.

Under the Mobutu Regime

Under Mobutu, there was no room for opposition, particularly when it threatened the government. In Kinshasa, the sisters, spouses and daughters of political opponents were kidnapped, raped and tortured by the police of the Brigade special de recherche et de surveillance (BSRS) and the Division special présidentielle (DSP). Alphonsine Elamanji Manianga, the wife of a UDPS opposition party member, was abducted, tortured and murdered.

Under international human rights law, these acts violate the right to life (in the case of Ms. Manianga), the right to personal safety and security (arbitrary arrest), and the integrity of the person. They constitute torture (rape, sexual touching, vaginal examination including penetration by fingers, assault and battery), and cruel, inhuman and degrading treatment (sexual touching of male and female prisoners, assault and battery).



Attacks and cases of sexual violence have increased along the road that links Bunia to Beni, in Ituri.

In 1996, Mobutu's regime was seriously threatened: the armed forces and the police were cracking down on people suspected of being linked to L. D. Kabila or the Rwandans. In Kinshasa, Goma and Bukavu, women were arrested by members of the SARM, the Service national d'intelligence et de protection (SNIP), and the police. They were beaten and raped, sometimes by other prisoners on their jailers' orders. In May 1996, Sitorina Sabini was raped in Goma by nine SARM agents and prisoners. Women arrested and detained by the SARM in Kinshasa were subjected to body searches, including vaginal examinations, to verify whether they were carrying messages. Men were subjected to sexual touching to check their virility.

Under the L. D. Kabila Regime

Intolerant of any opposition, the new regime hunted down any form of opposition and arrested anyone suspected of being a political opponent. Imprisoned members of the UDPS opposition party were tortured in Circo prisons. During the second war, repression against political opponents continued. Twelve UDPS members were exposed naked in front of a crowd in Kimbanseke (Kinshasa) in May 1999, while the Secretary General of the Parti lumumbiste unifié (PALU) was arrested, stripped and dragged naked through the streets of Kikwit (Bandundu) in October 1999. A 38-year-old woman, living in a PALU residence in Kinshasa, was arrested in July 1999, stripped, and paraded naked through the streets to the police station. She was detained naked in a cell with three men for two days and was forced to dance and sing anthems glorifying the government.

When political opponents were arrested, women in their immediate entourage were arrested and raped by ANR security forces or the Police d'intervention rapide (PIR). The sisters of the President of the Front pour la survie de la démocratie au Congo (FSD) were raped in December 1997 in Kinshasa, while members of the security forces were arresting their brother. As well, two of the daughters of an UDPS leader were raped in March 1998. In Kinshasa in 1999, during raids on the homes of political opponents to find Tutsis, women were raped by the police and security forces.

Human rights activists did not escape the repression either. Activists from the groups La Voix des Sans-Voix (Voice of the Voiceless), the Collectif des organisations des jeunes

South Kivu (Uvira, Fizi and Mwenga). The indigenous militias of North Kivu who were involved in the Ntoto massacre in 1993 took up arms again against the Hutu Banyarwandas, the ex-FAR/Interahamwe and refugees.



Julienne Lusenge (centre), Congolese women's rights defender, with two activists from Uvira, South Kivu.

...

1995 ANTI-TUTSI VIOLENCE

The rise in local conflicts led President Mobutu to launch two pacification operations in Masisi (1995) and Rutshuru (1996), which ended in looting. Incidents of sexual exploitation were reported in 1995 and 1996 in the prisons of Kisangani and Makala.



As if all the violence was not enough misery for Goma's inhabitants, the 2002 volcanic eruption left only destruction in its wake. Here, part of the town has been rebuilt on top of the hardened lava flow.

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Tutsi and Banyamulenge women were the subjects of anti-Tutsi propaganda on several occasions, promulgated by government authorities. In 1995, the Zairean parliament fuelled anti-Rwandan sentiment by adopting laws and practices aiming to remove Tutsis from power and expel them from Zaire.

At the end of 1995 and the beginning of 1996, Banyamulenge women or those who spoke Kinyarwanda were being arrested, imprisoned and raped by the *Service d'actions et de renseignements militaires* (SARM) and the police.

...

solidaires du Congo-Kinshasa (COJESKI) and *Avocats sans frontières* (Lawyers without Borders) were arbitrarily arrested, threatened with rape, stripped or subjected to torture, which was concentrated on their genitals. Civil servants who dared to ask for their pay shared the same fate: arbitrary arrest and detention, threats of rape and actual rape were their lot. A state civil servant who was arrested in Lubumbashi was transferred to Kinshasa, where she had a miscarriage in detention following repeated rapes.

Women suspected of sympathizing with the rebellion were arrested, paraded naked in the streets to the police station, and held naked in the same cells as men. One of them was raped and whipped regularly in detention, and was then taken to hotels in Kinshasa where she was raped for several days by a high-ranking officer and soldiers of the *Détection militaire des activités anti-patrie* (DEMIAP).

Following the assassination of President L. D. Kabila, members of the military were arrested and accused of plotting and assassination. Their wives were also detained in government cells, where they were tortured. Jeannine Mukaniirwa, a women's rights activist, was arrested and transferred to the Makala prison. Suspected of involvement in the President's assassination, she was released following the intervention of human rights groups.

RCD and the Rwandan Army

For the RCD and its allies, the enemy had many faces: it could be Kabila's government, the Rwandan and Burundian Hutu rebel movements, as well as the Mai Mai. They therefore cracked down strongly on anyone suspected of having links to one or the other of these groups. In June 2000, a female human rights activist accused of espionage was arrested and tortured in Goma. Women suspected of being close to the Mai Mai also suffered repression. In Goma, on September 14, 1998, the wife of the owner of the Kasha dispensary was accused of providing care to the Mai Mai. She was arrested and detained in Bureau II of Goma's military intelligence by soldiers speaking Kiganda (or Luganda, a Ugandan language). She was only freed three weeks later following the Archbishop of Goma's intercession.

Sometimes, simply being suspected of being "against the RCD" was enough. For example, in Bukavu, on August 10, 1998, a 16-year-old girl was kidnapped by six members of the Rwandan army and raped. Later, in April 2000, a

woman who was arrested for possession of leaflets critical of RCD-Goma was raped at Bureau II.

In August 2000, four human rights activists from Bukavu, including the female director of Action pour le développement intégré de la femme (Action for the Integrated Development of Women), were arrested and taken to Kisangani where they were detained in the Osio high security prison. They were accused of having provided the foreign press with information related to a grenade attack that had taken place in Bukavu during a fair.

● Opportunistic Sexual Violence

Indiscipline and impunity greatly contributed to acts of sexual violence. Often, sexual violence was carried out by soldiers, officers, or senior officials. Such violent acts could only have been perpetrated with the tacit consent of the hierarchy, which allowed impunity to take hold. Sexual violence took place at roadblocks, close to military encampments, during patrols, during prison visits, at police stations or at the homes of the victims or the perpetrators. Theft was often committed at the same time as the rapes when they occurred at roadblocks or during break-ins at the victims' homes. In the latter case, rapes (sometimes gang rapes) or attempted rapes most often occurred in private, and the victims were often very young girls.

The Forces armées zairoises (FAZ)

The FAZ frequently used sexual violence, which, within the army and government forces, revealed a tolerance to it and an absence of hierarchical control. Sources report that from September 1991 on, the FAZ were looting Kinshasa, Kisangani, Beni, Mbandaka and Goma. Young girls, old women and nuns were raped. High-ranking dignitaries and officials set the example. In the Bas-Congo, Kinshasa and Katanga, sources report that the authorities had girls or women brought to them so that they could rape them.

In May 1996, during pacification operations in North Kivu, the FAZ and SARM raped women. However, the full extent of this phenomenon could not be established due to lack of information. Throughout 1996, while they were in Maniema, members of the civil guard and FAZ, who were responsible for ensuring security and territorial integrity, committed rapes during searches, at roadblocks, when they

1996-1997 THE FIRST WAR OF THE CONGO

In 1996, the Mobutu regime was under serious threat and the armed forces and the police were cracking down on people suspected of being linked to Laurent-Désiré Kabila or the Rwandans.

At that time, there were over 1,150,000 Burundian and Rwandan refugees in Zaire. The Interahamwe and ex-FAR controlled the Rwandan refugee camps established in Zaire. They were leading



A survivor at the SOFEPADI refuge, in Beni, North Kivu. Like other women who have lost everything, she makes handicrafts to support herself.

incursions against the Zairean and Rwandan Tutsis, who threatened to cross the border into Zaire to put an end to the situation. In September 1996 there were exchanges of gunfire between Zaire and Rwanda. The Rwandan government could count on the support of the Banyamulenges who had taken refuge in Rwanda after the 1993 massacres.

On October 18, 1996, the Alliance des forces démocratiques de libération (AFDL) was founded on the initiative of the Rwandan government, with the cooperation of four Congolese political parties. L. D. Kabila acted as coordinator. Two days before, the AFDL and Rwandan army (APR) had launched the first military operations from the

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SOFEPAZI is part of a vast network of women's organizations that fight for respect of women's rights and an end to sexual violence.



broke into private homes or during military movements in the area.

In rural communities, gang rapes were reported. Some rapes were committed by soldiers on drugs. In Kindu, between December 15 and 31, 1996, soldiers raped several women and young girls who were going about their daily chores. But rape was not limited to Maniema. In September 1996, the FAZ in South Kivu, accompanied by Bembe militia, raped Banyamulenge women in Uvira and Fizi. In November 1996, in Kisangani, in Orientale Province, FAZ soldiers also committed rapes in hotels and other places, sometimes in gangs.

The AFDL and the Armée patriotique rwandaïse (APR)

After establishing garrisons in the various provinces between November 1996 and August 1997, AFDL soldiers under L. D. Kabila and the APR began committing acts of sexual violence against schoolgirls, teenaged girls and women, at roadblocks or while patrolling the territory. Soldiers raped women and girls in Kinshasa, South Kivu (Bukavu and its surrounding area), North Kivu (Goma, Mushaki, Beni), Katanga (Lumumbashi) and Kasai Oriental (Kananga). Some of these acts were committed against victims who were arrested and detained arbitrarily or for minor reasons, such as a street fight or for exchanging money. AFDL soldiers behaved like conquerors, with no scruples, as in Matadi Mayo, in the municipality of Mont Ngafula (Kinshasa), expropriating families and raping young girls during illegal land-grabbing operations. Some women were also forced to serve as domestics at AFDL leaders' homes.

The Forces armées congolaises (FAC)

As under the previous regime, government army soldiers were undisciplined. The integration of former rebels and militia members into the army increased the level of sexual violence. In Kinshasa, Bandundu, the Bas-Congo, Katanga, Orientale Province, and Kasai Occidental, indiscipline was endemic within the FAC.

During questioning, arbitrary arrests, and checks at roadblocks, soldiers had no qualms about raping, holding for ransom and even demanding girls as payment. Sometimes they forced their victims to undress in public. Rape

was also used as punishment if a victim or her husband refused to give them money or when the public demonstrated against them.

In the evening of November 16, 1999, in Kinshasa, a young woman was raped by military police, who were trying to extort money from her. In the Bas-Congo, in 1999, women were dragged out of cars stopped at roadblocks to be raped by FAC soldiers in front of powerless men. On February 21, 2001, in the forest of Dingi Dingi (Kinshasa), police and soldiers arrested a woman accused of selling the local beer, demanding that she give them her daughter as payment for her fine. In March 2000, in Bandundu, police officers and the chief of the Mgingu police station raped a young girl in public to punish the citizens of Pukusu who had defended a civilian against a soldier. To punish a man who refused to give them money, soldiers raped and murdered his wife in Kimpasa (Bandundu) in May 2000.

Under J. Kabila's Presidency

On the front line of Kasai Oriental, in Kasai Occidental and in Maniema, multiple rapes were reported, some of which were committed by the FAC. Abuse of power and recourse to sexual violence were common within the police force and the army. Chouchouna, the domestic worker of an army major's wife who was suspected of having stolen some *pagnes* (sarongs), was beaten in front of her employer and raped by one of the bodyguards.

In rural areas, soldiers, including new recruits, raped women who were working in the fields, on their way to the fields or fetching water. Women living in urban areas were not any safer. Numerous rapes were committed at the Bakwa Dianga market of Mbuji Mayi in Kasai Oriental. Rapes were committed during arbitrary arrests and break-ins into private homes. Sometimes women were raped at gun- or knifepoint and murdered for refusing sexual advances. Such incidents were reported between 2001 and 2003 in Kinshasa, the Bas-Congo and Kasai Oriental.

RCD Troops and Their Allies

During sweeps to hunt down the Mai Mai, the men of the Armée nationale rwandaise (ANR) and the RCD raped many women and girls in the districts of Bukavu, Uvira, Kalehe, in Walungu and Masisi. In 1998, in Kadutu (South Kivu), 57

Ruzizi plain in South Kivu and had taken up position in Uvira with the Mai Mai, the Bangilmas and the Banyamulenges who had found refuge in Rwanda. The Burundian army also supported the AFDL.

From South Kivu, the Alliance soldiers moved towards the north and conquered the cities of North Kivu: Goma, Butembo, Beni, Bunia and Walikale. In December, the Ugandan army then penetrated into the northeast to hunt down the Ugandan rebels of the Allied Democratic Forces (ADF), which included Hutus.

The Collapse of Zaire's Armed Forces

During the first war of the Congo (from September 1996 to May 1997), Mobutu's FAZ, in retreat from the AFDL and its allies, went on a spree of looting, raping and abducting women and girls. The path of their retreat could be followed by mapping the rapes committed in mid-October 1996 in North Kivu (Butembo and Beni); in November and December 1996 in Ituri and Orientale Province (Bunia, Kisangani); in March 1997 in the Bas-Uélé (Buta) and in the villages in the southwest of Orientale Province at the border with Kasai Oriental (Ofumbola, Yalikanda, Yakoko, Olife, Opala and its region); in March and April 1997 in Equateur (Yelengo, Yambaw, Yawisa, Yakuma, Yaotike, Omongo, Gambela, Olahi, Anitekeli, Bofili, Lingomo,

Boende Likanda) and in Bandundu (Kenge).

The AFDL as a Conquering Force

During their advance in 1996–1997, AFDL soldiers also committed many rapes in North Kivu, in Orientale Province (Opala) and in Bandundu (Kenge and Kikwit). During the Gitari massacre (North Kivu) in May 1997, an unknown number of women were raped and executed by AFDL soldiers. The Rwandan Hutus who were fleeing the AFDL also committed rape. In the towns they controlled, there was no rule of law and AFDL soldiers behaved as conquerors, wantonly raping and enslaving women.

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Foreign Intervention

One of the objectives of the Armée patriotique rwandaïse in Zaire was the destruction of the Hutu forces that had found refuge there after the 1994 genocide. Thus, in the first weeks of their advance to the north, the AFDL and Rwandan army destroyed the refugee camps along the border one by one, pushing the refugees towards the west. In December 1996, there were over 120,000 refugees in Tingi-Tingi, 150 km from Kisangani, and 40,000 in Amisi. In February 1997, AFDL and Rwandan army troops attacked these camps and hunted down those who had escaped. Very few survived. The troops eliminated all trace of the mas-

women were raped during a sweep and those who resisted were raped in front of their families.

In the RCD-controlled area in the Kivus and Maniema, the behaviour of armed troops, whether they were billeted in the towns, on the move or fighting, was far from exemplary. The number of rapes of teenaged girls, the most frequent prey, increased in Uvira, Beni, Goma, Saki, and Kindu. Soldiers from the military camps of Saïo and Bagira in Bukavu and Kabasura, around Uvira, Kabare, Kamanyola (Walungu territory) behaved no better. In Kitshanga, in Masisi, soldiers from the Rwandan army posted on Mubugu Hill committed rape. Soldiers on patrol or billeted in Maniema also raped women and girls. Overall, the women of South and North Kivu were not safe from sexual violence resulting from abuse of power.

Everywhere, women and girls were victims of rape and kidnapping: in the fields, at the market, when getting water, when gathering firewood in the forests, at school, in the prisons when visiting loved ones, and within their own homes. Numerous cases of sexual violence were reported in the Kivu provinces and Maniema. In Maniema, in Kayuyu in the Pangi territory, 48 cases of rape committed by the Armée nationale congolaise (ANC), the armed branch of the RCD, were reported between October 1999 and January 2000. In some cases, soldiers from the Rwandan army strapped women to trees or branches or tied them up spread-eagled to rape them. In Kasai Oriental, near Kabinda, in October 1999, nine women appear to have been “bound like wild boars” to be raped by some 20 APR soldiers.

Gang rape was also committed in the Kivus in the territory of Fizi (South Kivu) and Goma (North Kivu). In April 1999, a 17-year-old girl returning from the fields was raped by approximately 40 soldiers from the RCD based in Baraka, in the territory of Fizi (South Kivu). RCD rapists sometimes shot into the genitals of women they had just raped. In July 2000, a woman was forced to carry an RCD soldier on her back for over 10 km. Afterward the soldier raped her and shot her in the genitals.

APR and RCD soldiers also raped women when they attacked houses or while looting. T.K., a 13-year-old girl, was raped in her family home in Uvira after RCD soldiers broke in. In North Kivu, in 2000, a 28-year-old woman and her daughter were threatened with rape by APR soldiers who entered their home at night to steal money. Several rapes

of women and young girls committed under identical circumstances in Bukavu and Khabare were reported in 2002.

The Mai Mai, Hutus/Interahamwe and Ugandan Rebels

Like the other armed groups, the Mai Mai also committed rapes everywhere and at any time: during patrols, troop movements, when they were building roadblocks, or close to national parks, such as those of Walikele, Varunga and Rutshuru in North Kivu, and Kahuzi Biega in South Kivu. Women and girls in Shabunda, notably those making a living from selling charcoal in the Kahuzi Biega Park, were particularly vulnerable.

Women working or going to the fields or the banana plantations were also frequently targeted. A great deal of sexual violence committed by the Mai Mai was documented in Katanga and Maniema in the territories of Pangi, Kindu and Kasongo. In addition to committing rapes, the Mai Mai would steal victims' clothing, machetes, and other possessions. They sometimes operated with the Hutus/Interahamwe. **From August 2001 to July 2003, 1524 cases of sexual violence were reported in Kindu and the surrounding area alone.**

Between 1998 and 2001, from the forests in which they were hiding, Rwandan Hutus attacked and looted several villages: Kabare, Mabingu, Kabamba, Mantu, Kajeje, Mulwa in the Kahele territory (South Kivu), Chishali in the territory of Mwenga (South Kivu) and Masisi (North Kivu). In the course of these attacks, they abducted and raped women and girls, some of whom were forced to carry their loot. In some cases, such as in Mabingu, Kabamba and Mantu in 1999, women, including those in the maternity ward, were raped so brutally that they died. Women were also raped while going to the market or to the fields in the territories of Kahele and Ngweshe (South Kivu). The abductions reported by sources were of adolescent girls or young women.

In 2000, the rebels of the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU), who were hiding in the highlands of the Rwenzori mountains (North Kivu), attacked and looted several villages in the territory of Beni (Kikiladi, Kikura and others). They also frequently kidnapped little girls, teen-aged girls and women. The Burundian rebels of the Front pour la défense de la démocratie (FDD) did the same.



Women and girls in front of the SOFEPADI office in Bunia, during a soap-making workshop.

sacres. An investigative team sent by the United Nations in 1998 concluded that crimes against humanity, perhaps even genocide, had been committed.

Throughout 1997, AFDL soldiers and the Banyamulenges hunted down the Interahamwe in the Kivus. The Interahamwe then created the Armée pour la libération du Rwanda (AliR).

...

1997

**Laurent-Désiré Kabila,
President
ZAIRE BECOMES THE
DEMOCRATIC REPUBLIC
OF THE CONGO**

From January to April 1997, the AFDL tightened its hold on the southeast by taking Lulimba and Kalemie (Shaba) and continued its advance north, west and south. The major cities of Kindu (Maniema), Kisangani (Orientale Province), Lumumbashi (Kasaï Oriental), Kolweshi (Kasaï Occidental), Boende (Equateur), and Kikwit (Bandundu) fell one by one. Finally, on May 17, 1997, AFDL troops penetrated Kinshasa, the capital of the country, without resistance. In May 1997, Laurent-Désiré Kabila proclaimed himself President. A new constitution was adopted and Zaire became the Democratic Republic of the Congo. The Forces armées zaïroises (FAZ) were replaced by the Forces armées congolaises (FAC).

Working in the fields exposes women and their families to sexual violence..



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● Sexual Violence During Mutinies

During soldiers' mutinies and their suppression, rape was used to punish protesters or the public suspected of supporting the mutineers. Such events occurred in Kinshasa, Kisangani and Mongala.

At the end of January 1993, in Kinshasa, FAZ soldiers, who had just been paid, mutinied because of certain merchants' refusal to accept the government's new banknotes, issued to battle galloping inflation. During the three days of the mutiny (from January 28 to 31, 1993), mutineers stormed residential neighbourhoods and looted, murdered and raped. Sometimes fathers were forced to commit incest, while others were forced to watch the rape of their daughters. In these cases, rapes were likely committed to humiliate and punish government representatives or partisans of those in power.

Following the 2002 Sun City Agreement (South Africa) around which the various rebel groups rallied, RCD-Goma found itself isolated from the Kinshasa government. Early in the morning of May 14, 2002, a group of mutineers attacked the Kisangani radio station and called on the public to run the Rwandans out of town. Very quickly, the mutiny was savagely suppressed by the APR and RCD-Goma. In the districts of Mongobo and around the airport, RCD-Goma soldiers committed rapes, forced women to carry their loot, and arrested girls, whom they took to the airport to rape. The soldiers also sexually mutilated the men they had arrested.

Between December 21 and 23, 2003, in the Mongala district in the province of Equateur, former Mouvement de libération du Congo (MLC) rebels integrated into the new Congolese army (FARDC). Following this *brassage* (literally, "mixing," a process that was supposed to integrate rebel groups into the Congolese army), they mutinied against their commander, whom they suspected of stealing their pay. During this incident, the mutineers raped 120 women and girls. Some sources also reported that rapes were committed during a mutiny in Kasaï Occidental at Mweka.

● Sexual Violence Related to Combat

Rapes and abductions were often committed by the armies during combat, conquest or retreat.

During the First War September 1996 – May 1997

As the FAZ retreated from the AFDL and its allies, it looted and committed multiple rapes and abductions of women and girls.

It is thus possible to follow the path of their retreat by mapping the rapes committed in mid-November 1996 in North Kivu (Butembo and Beni); in November and December 1996 in Ituri and in Orientale Province (Bunia, Kisangani); in March 1997 in the Bas-Uélé (Buta) and in the villages southwest of Orientale Province at the border with Kasai Oriental (Ofumbola, Yalikanda, Yakoko, Olife, Opala and its region); in March and April 1997 in Equateur (Yelengo, Yambaw, Yawisa, Yakuma, Yaotike, Omongo, Gambela, Olahi, Anitekeli, Bofili, Lingomo, Boende Likanda) and in Bandundu (Kenge).

In Ituri, on December 5 or 6, 1996, FAZ soldiers raped nuns who had fled from the Bunia convent to hide in the forest. They also raped female patients in the Bunia hospital as well as adolescent girls at the Likovi high school. Seven of these girls died as a result of the rapes. In Equateur, in the village of Anitekeli, two women were raped by 25 FAZ soldiers in March 1997.

During their advance in 1996 and 1997, AFDL soldiers also committed numerous rapes in North Kivu in Orientale Province (Opala) and in Bandundu (Kenge and Kikwit). During the Gitari massacre (in North Kivu) in May 1997, an unknown number of women were raped and executed by AFDL troops.

When they occupied a city, AFDL soldiers made the wives of ex-FAZ soldiers pay the price, enslaving, beating and raping them. Two incidences were reported involving wives of ex-FAZ, including a gang rape perpetrated by 17 AFDL soldiers in July 1997. On May 28, 1997, 11 days after Kinshasa was taken, an AFDL soldier raped a 12-year-old girl. On June 12, 1997, again in Kinshasa, a woman and her daughter, arrested following a street fight, were brought to the Kamanyola Stadium where they were raped in front of the men of their family. In Kasai Oriental, in Kananga, in June 1997, when the AFDL/APR occupied the city, soldiers

Very quickly, Laurent-Désiré Kabila's rule was contested. Opposition parties were outlawed and repression was sometimes ferocious. The same faults that were present in the armed forces under Mobutu reappeared: indiscipline, laxity, abusive use of force. The presence of Rwandan soldiers was felt strongly in the country, both on the ground and within the government. The ex-FAR and Interahamwe and all those suspected of cooperating with them were the enemy.

Laurent-Désiré Kabila Loses the Support of His Allies

By the end of 1997, L. D. Kabila was steadily losing the support of his allies. In November 1997, the arrest of Anselme Masasu, AFDL commander and former advisor to Kabila, created a rift between Kabila and the Tutsi Banyamulenges who were fighting at his side. In February 1998, the Banyamulenge soldiers of the FAC mutinied. At the beginning of January 1998, armed skirmishes took place between the Mai Mai and AFDL soldiers.

The situation deteriorated: the Rwandans blamed Kabila for accepting the presence of the Hutus and the Interahamwe, while the Mai Mai, who had agreed to cooperate with the AFDL, became more and more suspicious of the Tutsis, who they accused of wanting to take over their lands. In July 1998, L. D.

Kabila ordered Rwanda and Uganda to leave the territory.

...

1998 THE SECOND WAR OF THE CONGO Rassemblement congolais pour la démocratie (RCD)

From 1998 to 2001, the two sides, governmental and rebel, carried out a merciless proxy war fought by the militias, Mai Mai groups, Interahamwe and rebels, in which civilians were the primary victims. Anyone suspected of supporting one side or the other was severely punished. Criticism was synonymous with treason. The beginning of the second war of the Congo in August 1998 encouraged the emergence of anti-Tutsi discourse by Congolese authorities. Tutsis and anyone with Tutsi morphology were now enemies of the Republic.

On August 2, 1998, Banyamulenge soldiers mutinied again in Goma (North Kivu) and Bukavu (South Kivu). Then, reunited in a new organization, the Rassemblement congolais pour la démocratie (RCD) launched a military offensive on Kitona (Bas-Congo), with the assistance of Rwanda and Uganda. It was the start of the second war of the Congo.

committed murder, acts of sexual violence and confiscated the property of some 200 civilians. Carmelites of the Order of St. Joseph were also sexually harassed by AFDL soldiers.

In May 1997, in Kinshasa, the AFDL issued a decree banning girls and women from wearing pants, leggings and miniskirts. Women caught defying the ban were publicly humiliated, stripped, manhandled, and even severely beaten using nail-studded wood planks. Even after lifting the ban in the beginning of June 1997, AFDL soldiers continue to punish women and girls wearing pants. Most women's rights violations committed after the taking of Kinshasa concerned violations to individual freedoms, personal security and physical integrity.

The Second War and Afterward

In 1998, when the second war broke out, during and after fighting, RCD/APR combatants committed rape in the cities of Bukavu and Uvira (South Kivu), Goma (North Kivu), Moanda and Boma (Bas-Congo), Kipaka and Kindu (Maniema) as well as in the territories of South Kivu (Walungu, Shabunda and Mwenga). **Rape was so common that Amnesty International wrote that rape had become a weapon of war during the conquest of towns by the RCD.** One commander appears to have ordered combatants to rape women. At the beginning of August 1998, when the Rwandan and Congolese military were staying at the Premier Bassin Hotel in Boma (Bas-Congo), which they had just requisitioned, they sequestered and raped many women and girls. In some cases, the combatants appear to have boasted that they had infected their victims with HIV/AIDS, but this information could not be verified. The Ugandan soldiers, allies of the RCD and the APR against the FAC in the Bas-Congo, also committed rapes in Boma, Moanda, and Matadi.

The FAC and their allies also carried out acts of sexual violence. At the end of August 1998, rapes were committed in the Bas-Congo during the retaking of the towns of Moanda, Boma, Kimpangu, Natadi and Kimpese by Angolan soldiers called in to rescue the Kinshasa government. Often these rapes took place during sweep operations: In Moanda, at least 30 women were raped, mainly in the district of Boimanu, by the Forces armées angolaises (FAA) in front of their families, who were sometimes forced to applaud. When they entered Matadi on September 4, 1998 and in the fol-

lowing days, the FAA proceeded with a large-scale sweep operation, looting dozens, even a hundred, private residences, and raping an undetermined but very high number of women and girls, mainly in the neighbourhoods of Mvuadu and Kinkanda. Sexual violence was also committed in Katanga, when war broke out in Kalemie, Lubumbashi and Vyura, by the FAC and Mai Mai, and the RCD/APR and Burundian forces.

During their retreat from the MLC and the Ugandans in 1999, the FAC committed rapes in Boso-Nduko and Djombo in the territory of Basankusu (Equateur) and Dingila in the territory of Bambesa in the Bas-Uélé (Orientale Province). In Dingila, the FAC appear to have taken women and girls with them. In their battles with the MLC, FAC soldiers used sexual violence as a weapon when carrying out reprisals.

In northern Katanga, former self-defence militias battled for control of the mining areas or poaching activities. Sometimes they clashed with FAC soldiers. Massacres, rapes, kidnappings, and mutilations were committed during skirmishes or reprisals in Ngwena Mai/Kabal (March 2002), and Mukanga/Malembe Nkulu (June 2003). While it was mainly the Mai Mai committing violent acts, FAC did so as well.

The Kisangani Wars

In Kisangani, the latent tension between Rwanda and Uganda for control of the RCD degenerated into open conflict between August 14 and 17. However, no information about the sexual violence committed during combat was reported by open sources. This does not mean that it did not occur. The Lotus group, a human rights organization, reported that on July 17, 1999, in the days leading up to combat, five girls trapped in the Marantha church, in the municipality of Kabondo in Kisangani, were raped by RCD-Goma soldiers. One of them spent two days in the Ketele military camp.

A year later, on May 5, 2000, and again between August 14 and 17, 2000, the Rwandan and Ugandan armies faced off in and around Kisangani to do battle, which led to high numbers of dead and wounded civilians. Rapes were committed.



"Here lie the victims of the June 2000 war in Kisangani"

The Second War of the Congo

On August 5, 1998, the RCD launched a blitz in the Bas-Congo and to the east of Goma. Very quickly, rebels seized the towns of the Bas-Congo (Moanda, Kitona, Banana); on August 6, Bukavu and Uvira (South Kivu); on August 15, Bunia (Ituri); on August 23, Kisangani (Orientale Province); on September 6, Kalemie (Tanganyika); on September 15, Punia; and on October 4, Kindu (Maniema). In November, RCD troops advanced on Lolo and Bumba in Equateur. They controlled the towns along Lake Tanganyika.



A Pygmy woman at her forest encampment. Pygmy women are especially under threat.

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Fearing that the rebels of the National Army for the Liberation of Uganda (NALU) were rearming, the Ugandan army then decided to enter the DRC, in the Haut-Uélé and the Bas-Uélé. Rallying to the side of the RCD, it opened another front from Kisangani.

Given their rapid progress, President Kabila called on the armies of Angola, Zimbabwe, Namibia and Chad, who, with the help of the Congolese armed forces, stopped the RCD and its allies. Then the Angolans retook the Bas-Congo.

In October 1998, the RCD occupied 30% of the territory. A war of attrition began, in which the government army and the

The RCD-controlled Zone and the APR

The local Mai Mai militias opposed the Rwandan and Ugandan presence on their territory. In 1998, the Mai Mai took up arms against the RCD and its allies. According to some sources, the governments in place in Kinshasa counted on their support in the fight against the RCD.

A number of confrontations took place between the Mai Mai and RCD in the Kivu and in Maniema, where many massacres accompanied by rapes were committed; as much by the RCD and its ally, the Rwandan army, as by the Mai Mai. During these operations, violence was sometimes extreme. Such was the case in a number of villages in South Kivu: Kasika (August 1998); Bulindi and Maitu/Kahele (April 1999); Mwenga (March, June and November, 1999), Mpenekusu/Shabunda (May 1999); Nyalukungu/Walungu (June 1999); Uvira (April and May 1999, October 2002); Walungu (July 1999 to January 2000); Bunyakiri and Kalongue (July 1999 to January 2000, May 2003); Tangila/Shabunda (1999, July 2000); Katana and Kahele (April to January 2000); Lusenda/Fizi (June 2000); Lusembo/Fizi (August 2001); Masanga/Shabunda (September 2001); Katana (November 2002); Chihamba, Nyabuluze and Chishebey/Walungu (May 2003); in the territory of Fizi (2003). The violence continued during the RCD-Goma offensive in the territory of Fizi starting in July 2003. **In the territory of Shabunda, between 2,500 and 3,000 girls and women were raped during confrontations between the RCD and the Mai Mai, from the end of 1999 to the middle of 2001. At the Baraka/Fizi hospital, between August 2003 and January 2004, Médecins sans frontières (MSF) cared for 550 girls, boys, women and men who had been raped.**

There were confrontations between the RCD and the Mai Mai in North Kivu (Kilambo/Walikale, February 2000), Kasai Oriental (Musanje, October 1999) and Orientale Province (Masimongo/Tshopo from June to December 2001), where RCD carried out punitive activities until the end of December 2001, as well as in Maniema (2003).

In the zone it controlled in South Kivu, RCD-Goma was battling its former allies, such as the Banyamulenges of Mansuzu, on the high plateaux of Minembwe/Itombwe (to the west of Uvira) and the Mai Mai group, Mudundu-40, in Ngweshe (Walungu territory). All of them committed acts of sexual violence.

In October 2002, after Uvira was taken by the Mai Mai and the Banyamulenges of Mansuzu, many women were raped. During other battles between RCD-Goma/APR and Mudundu-40, the RCD committed rape in reprisal for the Mudundu-40 attacks in the Bukavu region (April 2003), in the villages around Burhale (April 12 and 13, 2003), in the region of Walungu (Kalengera, Cigukiro, Nyakalonge, Chaguma, Chendolo, Lugohwa, Kahanda, Busheke, Kaburhi, Lugala, Ciburhi, Kanomo, Murhi gwa Mugogo, Mushinga and Kanamukama, April 7 to 14, 2003).

During confrontations between the Burundian FDD and the RCD in South Kivu, women and men from Fizi and Baraka were victims of sexual violence during and after battles: in Lusenda (July 2000), in Lusambo (August 2001) and Kabumbe, Kalundja, Lusambo, Swima and Munene (2001).

Between July and September 2001, 117 cases of rape committed by the RCD and FDD were reported, some involving young girls (11 years old), and pregnant and elderly women. Between January and March 2002, 248 schoolgirls were raped in the territory of Fizi and 418 others had already left school because of the dangers.

In June 2003, in Fizi, the 13 villages along a 50-km stretch (Baraka, Kalunja, Lweba, Andale, Katanga, Abela, Mikangi, Mukela, Ubwari, Basimbo, Mwamlenda, Simbi and Lulenga) were the sites of incessant confrontations between the RCD, the Mai Mai of Mansuzu and the FDD, which had disassociated itself from Mai Mai. Many men and women were raped.

Fighting between the RCD and the Mai Mai also went on in Maniema, in Panji territory (August 1999). Around June 20, 2002, the gold mining village of Salamabila in Kabambare territory was the theatre of fierce battles between the 83rd Battalion of the RCD and Mai Mai militias from Kilembwe/Fizi. Villages along the Salamabila–Wamaza road (the villages of Kayembe, Silanda, Kamitanda, and Kiviluka) and Wamaza–Kasongo road (villages of Maulumwanda, Mwanandeke, Kokoto, Kafoto, and Mulangabala) were deserted and looted. Extrajudicial executions took place on both sides against deserters and so-called accomplices of the enemy. In July and August 2002, soldiers and combatants fought for the villages of Kipaka in the Maringa community, and Bikenge in the gold-rich Mulu community. One after the other, the Mai Mai and RCD soldiers raped and pillaged.

RCD clashed for several years over control of the territories of Maniema, Equateur, Kasai, Katanga and the Kivu.

Kabila requested assistance from the Mai Mai, the ex-FAR, the Interahamwe and the Burundian rebels of the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD). Some Interahamwe also joined the FAC. On its side, the RCD was supported by the Rwandan, Ugandan, and Burundian armies. Both sides encouraged the creation of militias on the territories they controlled. Uganda called on Jean-Pierre Bemba's Mouvement pour la libération du Congo (MLC) to maintain its hold on the north of the DRC.

The Tutsis were the enemy. Following comments made by A. Yerodia Ndombasi, Director of the Presidential Office, who called the Tutsi rebels «vermin, microbes to be methodically eradicated,» the Kinshasa began hunting down Tutsis and “necklacing” them. This form of torture consists of jamming a tire filled with gasoline over a victim's body and arms and then setting the tire on fire.

In Ituri

At the same time, in Ituri (Orientale Province), a land conflict broke out between the Hemas and Lendus. The Hema concessionaires had taken advantage of the weakness of the state structure to enlarge their concessions to the detriment of the mainly Lendu farmers. When law enforcement officers tried to evict the farmers, they revolted. The conflict began in Bunia and then spread throughout Ituri. The Ugandan army (UPDF) took the Hemas' side. In reaction, the Lendus created their own militias, the Force de résistance patriotique en Ituri (FRPI), the armed branch of the Front nationaliste et intégrationniste (FNI).

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...

1999

THE RWANDA/UGANDA ALLIANCE SPLINTERS

By the beginning of 1999, the honeymoon between the Rwandan and Ugandan allies of the RCD was over. While Banyamulenge influence became stronger within the RCD, its president, Ernest Wamba dia Wamba, drew closer to Uganda, which signed a cease-fire agreement with L. D. Kabila in April 1999.

In May 1999, President Wamba left the RCD and went to Kisangani, where he created a dissident movement, the RCD-K (RCD-Kisangani). The relation-

Hunting Down Hutus

Since 1996, the Rwandan army and its allies (AFDL and then RCD) had been relentlessly hunting down the Interahamwe and Rwandan Hutus who were involved in different movements. Both sides carried out reprisals against civilians, including acts of sexual violence. In North Kivu: Chivanga/Kalehe (August 1998); Mitwa/Walikale (September 1999); Ngenge/Walikale (September 1999); Kilambo/Masisi (February 2000); in South Kivu: Kabare and Mukongola/Kahele (June 2000).

At the time, Roberto Garreton, the United Nations Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, reported that ex-FAR and Interahamwe had carried out attacks against the civilian population in Loashi, Luhinzi, Rutshuru, Kione, Ngesha and many other places. They routinely raped women and young girls wherever they attacked.

RCD-Goma was also fighting against the troops of Nyamwisi (RCD-K/ML). During RCD-Goma's offensive to take back territories in North Kivu under RCD-ML control, RCD-Goma troops committed rape in Bunyatenge, Muhanga, Kanyabayonga, Alimbongo, Musienene and Lubero between March and July 2003.

The Wars Northeast of the DRC in the Ugandan-controlled Zone

In Equateur, Orientale Province, North Kivu, and in the territories of Beni and Lubero, the Ugandan army (UPDF) was confronting both ADF/NALU Ugandan rebels and Mai Mai militias. On August 26, 2000, the Mai Mai attacked the Ugandan army headquarters in Lubero, in the territory of Beni. The UPDF was also guilty of numerous murders and acts of torture against civilians in Beni and Butembo. The rape of women by Ugandan soldiers was denounced in Butembo, in particular in the district of Kihinga, in Ruenda, Isango, Mutiri, Mukuna and Butalirya. Based high in the Ruwenzori Mountains, after having been chased out of Beni, ADF/NALU rebels battled against the UPDF and harassed the civilian population.

In Ituri, the UPDF was very active. It supported the Hemas in the conflict pitting them against the Lendus. It allied itself with Thomas Lubanga, who had just left the RCD-ML for the Union des patriotes congolais (UPC), because he was in conflict with Mbusa Nyamwisi. The UPDF supported

the UPC during the conquest of Bunia in August 2002, where armed elements of the UPC committed many rapes until January 2003.

On September 5, 2002, the Ntigis and Lendus, aided by RCD-Goma, launched "Operation Polio" in reprisal for the attack of Songolo. Over 1200 civilians (Hemas, Gegeres and Biras) were killed and some 60 women were enslaved. In 2003, the alliance was overturned. Betrayed by Thomas Lubanga, the UPDF attacked Bunia in March 2003 with Ntigi and Lendu militias and chased the UPC out of town. In May 2003, the UPC took the city again after the UPDF left. During this last attack, the armed elements of the UPC went on a raping spree in the city and at checkpoints. The Lendu militias did the same. In the period that followed the fighting, from the end of May to July 2003, UPC soldiers continued to commit rape in the various neighbourhoods of Bunia. On May 27, 2003, 18 women and girls on their way to the fields were abducted and taken to military offices or villas to be raped by UPC soldiers.

Thomas Lubanga Dyilo

- Alleged founder of the Union des patriotes congolais (UPC) and its armed branch, the Forces patriotiques pour la libération du Congo (FPLC);
- Alleged president of the UPC since its foundation in September 2000;
- Alleged former FPLC Commander-in-Chief since September 2002 and at least until the end of 2003.

Thomas Lubanga has been detained by the International Criminal Court in The Hague since March 17, 2006. He is allegedly responsible, as co-perpetrator, for war crimes consisting of enlisting and conscripting children under the age of 15 into the FPLC and using them to participate actively in hostilities in the context of an international armed conflict from early September 2002 to June 2, 2003 (punishable under article 8(2)(b)(xxvi) of the Rome Statute).

After their defeat in Bunia, in May 2003, Lendu militias and the APC, the military wing of RCD-ML, attacked Tchomia and committed acts of sexual violence. Sexual violence was an integral part of the war between the Lendu militias of the Front des nationalistes et intégrationnistes (FNI) and the UPC. After the battles of Lipri and Barrière in 2003, UPC commanders gave their troops authorization to loot houses and

ship between RCD-Goma and RCD-K, both present in Kisangani, deteriorated and led to an armed confrontation between Rwandans and Ugandans in August 1999. Both armies fought again in Kisangani in May and June 2000.

In Ituri, in June 1999, the Ugandan army bombed hundreds of Lendu communities in Djugu territory. In retaliation, Lendu militias massacred Hemas in Drodro in September 1999.

According to the United Nations, from 1999 to 2002, 50,000 people lost their lives in Ituri. Bombing in Djugu territory in June 1999 caused between



Mama Sophie, of the SOFEPADI outpost in Ndrele, Ituri.

5,000 and 7,000 victims. In Drodro, on September 14, 1999, 416 Hemas were killed. Throughout the year 2000, Ituri was rocked by numerous interethnic massacres.

A Cease-fire Accord

On July 10, 1999, through the efforts of the international community, a cease-fire accord was signed in Lusaka by the DRC of Kabila, his allies (Angola, Zimbabwe, Namibia), and Rwanda and Uganda. The agreement provided for the withdrawal of all foreign armies, disarming of the militias and Interahamwe, as well as the implementation of an inter-Congolese dialogue. The MLC and the two factions of the RCD signed the Lusaka Accord later.

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The UN in the DRC

Over the months following July 1999, the agreement was regularly violated. Rwanda, which was still hunting the Interahamwe, maintained troops in the DRC, while Uganda, which had been profiting from the exploitation of natural resources, was reluctant to leave. In October 1999, skirmishes started up again between the troops of L. D. Kabila and the MLC in the north of Equateur. In November, the FAC was also fighting against the RCD in the middle of the country (Ikela). On November 30, 1999, Resolution 1279 of the UN Security Council authorized the deployment of the

rape the women and girls of the community. The region where the mining towns of Kilo and Mongbwali are situated was also the site of confrontations between the UPC and FNI. While the region was temporarily under FNI control in March 2003, its members committed rape and enslaved the Hema population to carry their property.

Conflict Between the MLC and the RCD-ML

Following disagreements between J. P. Bemba (MLC) and Mbusa Nyamwisi (RCD-ML), the ephemeral allies faced off in 2001 and 2002. On January 16, 2001, the MLC of J. P. Bemba, the RCD-ML of Nyamwisi and Lubanga and the RCD-N of Lumbala formed an alliance: the Front de liberation du Congo (FLC). Almost immediately, the RCD-ML left the alliance. In June 2001, the FLC disintegrated, but the MLC and RCD-N remained allies.

As of January 2002, confrontations between the MLC/RCD-N and RCD-ML multiplied in the Haut-Uélé, in Orientale Province and little by little, approached the territory of Irumu in Ituri and the territories of Beni and Lubero in North Kivu. The armed elements of the MLC, RCD-N and RCD-ML committed rape in the territory of Rungu (Haut-Uélé). Witnesses reported that rape and sexual mutilation were committed by the RCD-N in the area around Madesi and Masebu, where battles took place among the various factions in July and August 2002. In June 2001, confrontations took place between the RCD-ML and MLC/RCD-N for the city of Beni in North Kivu. The APC chased the MLC and its ally, the RCD-N, from Beni. In November 2001, the MLC left Bunia.

As of October 2002, the MLC and RCD-N launched an offensive towards North Kivu and the territory of Irumu in Ituri, in the scope of the *Effacer le tableau* (Wipe the Slate Clean) operation. Attacks and crimes committed by MLC and RCD-N soldiers were particularly violent. Lubanga, the head of the UPC, temporarily rallied to the side of the MLC and RCD-N. During the taking and occupation of the town of Mambasa and the surrounding villages, 71 rapes were committed. The Nande community, of the same ethnic group as the head of the RCD-ML, natives of Kivu, and Pygmies² were particularly targeted.

2 "Pygmy" is used here as a generic term to refer to indigenous peoples known under various names depending on the regions of the country.

According to a special investigative team sent by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), between December 31, 2002 and January 20, 2003, 95 rapes were committed in the towns of Beni, Butembo, Mangina, Oicha and Erengeti. The MLC and RCD-N used sexual violence as a tactic of war.

● Sexual Violence as an Instrument of Terror

In some cases, sexual violence has been used to terrorize and subjugate the population. Various Mai Mai militias, Burundian rebel groups, as well as the RCD, Rwandan and Ugandan armies, MLC and RCD-N, committed sexual violence in the scope of genuine campaigns of terror. When carrying out reprisals against civilians, the perpetrators of these crimes showed extreme cruelty. **Public rapes, gang rapes, systematic rapes, forced incest, sexual mutilation, disembowelment, (sometimes of pregnant women), hanging by the sexual organ, destruction of genital organs, and cannibalism are all tactics of war used in the 1998-2003 conflicts.**

The RCD and its Allies

RCD/APR soldiers had no qualms about using extreme violence to punish civilian populations. When Uvira was taken from the FAC, the RCD and Rwandan army raped, tortured, castrated and slaughtered some 100 people. During reprisals in Kasika and Kikungutwe/Mwenga (August 1998), RCD and Rwandan army combatants committed brutal rapes, sometimes using truncheons, disembowelling victims and gouging eyeballs. During this massacre, the customary chief's wife, pregnant with twins, was disembowelled to remove the fetuses. Between August 24 and 27, 1998, in Kikungutwe (near Kasika), women going to the market were beaten to death with large pestles. More than a year later, between September and November 1999, women from the Mwenga territory were again the victims of violent reprisals carried out by the RCD/APR, under the command of Franck Kasereka. **Some of them were raped using truncheons and hot pepper, shut up in andages (holes dug in the earth and filled with water, which were used as prisons), smeared with hot peppers, disembowelled, decapitated or buried alive.** Sexual violence was also used

United Nations Organization Mission in the DRC (MONUC).

The Wealth of the DRC

All participants in the conflicts took advantage of the DRC's wealth of mineral, forestry and wildlife resources. Uganda had partially financed its war effort through the gold of Ituri and Haut-Uélé, while Rwanda had done the same through the exploitation of gold and coltan mines. Local armed rebel groups and the Mai Mai were also attracted to the rich natural resources. The conflicts between Rwanda and Uganda around Kisangani can largely be explained by the region's wealth of diamonds and wood. The increasing inter-



Activists leaving a meeting on reparation for victims of sexual violence, Bunia, Ituri.

national demand for coltan fuelled territorial wars over control of the mines. The belligerents also fought to control the traffic of ivory and the wood charcoal market.

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2000 A YEAR OF CHAOS Five Conflicts Ravage the East of the DRC

Throughout 2000, fighting continued between the FAC and the RCD, starting in Kasai Occidental (March), then in Equateur (August) and in Katanga, up to the border with Zambia (October). By the end of 2000, RCD-Goma, APR, RCD-ML, MLC and the Ugandan army had control of the north, in the east from north to south, and a few regions in the centre of the DRC, or almost 50% of the territory.

Within the zones they controlled, the Rwandans and Ugandans were becoming increasingly unpopular. Not only were the RCD and its allies struggling to counter the attacks of the Mai Mai, Interahamwe and ex-FAR (reunited within the Front démocratique de libération du Rwanda (FDLR), created in 2000), but their troops were carrying out massacres and other violent acts.

The Ugandans were also subjected to vicious attacks from the Ugandan rebels based in the mountains of Rwenzori, in addi-

against men. In 1999, in Mpenekusu, in the Shabunda territory, the Mwami (customary chief) ordered ten men to be hung by their penises and then executed.

When the RCD or RCD-Goma wanted to crack down on and punish the population of a village, the soldiers would lure the inhabitants from hiding with reassurances. Then they would bring them together, separate the women from the men, tie up the men, rape the women in front of them and then execute them. This occurred in Kilambo, in the territory of Walikale (North Kivu) in 2000, and in the stronghold of Mudundu-40 (Walungu) in April 2003. **A child soldier, enlisted in the ranks of RCD-Goma, reported that during attacks in North Kivu, the child soldiers were ordered to rape the women and girls in front of the adult soldiers to humiliate the local populations. If they refused, they were beaten or executed.** The violence was often accompanied by other acts of extreme brutality: massacres, murders of family members, torture, destruction and looting. The sexual violence and executions were carried out in public, and the rapes were committed by gangs of men.

The US State Department and Amnesty International report that soldiers from the Rwandan army also attacked representatives of the Catholic Church for the role played by the Rwandan church during the genocide, to intimidate the population, and to punish the church, which frequently denounced the Rwandan invasion. Priests were murdered, nuns were raped and churches were burned down.

The Mai Mai

The Mai Mai committed violent acts during attacks on villages, reprisals and raids. They showed the same cruelty as the RCD and Rwandan army. **Rapes were systematic, public and carried out by gangs. The Mai Mai took advantage of massacres to take adolescent girls with them, leaving the married women. When the Mai Mai wanted to punish an individual or an entire population, they tortured and mutilated as well as raped. For example, a woman in Bukavu, accused of being friendly with Tutsis, was forced to eat her husband's ear before being raped by 30 Mai Mai (2002). Rose, an inhabitant of Walungu, had her breasts hacked off before being executed, after having been accused of housing RCD-Goma soldiers (1999). In Kamituga/Mwenga, the Mai Mai cut off women's breasts and forced them to eat them before executing them.**

"When I arrived, the Mai Mai from the night before was there, with other Mai Mai and he said, 'Ah, here is the spy!' The head of the Mai Mai suggested cutting off my breasts and roasting them, but some of the Mai Mai protested, saying, 'It's been two months since we have touched a woman, we want to taste her first!'" Then they raped her.

During their punitive expeditions, some Mai Mai would wear masks and animal skins on their heads, as they did, for example, in Masanga/Shabunda (September 2001).

Often, the Mai Mai would wear fetishes and amulets made from human body parts. In Maniema, the Mai Mai who exercised reprisals would force men to walk naked through the streets of the village and, sometimes, to have sex in public with members of their own family.

Even when they were not carrying out reprisals, the Mai Mai in the Kivus and Maniema were extremely cruel towards anyone who dared to resist them. Peasant women working in their fields, sleeping in their homes, or going to the market or anywhere else were victims. The systematic character of rape terrorized the population.

The Rwandan Hutus, Interahamwe and Burundian Rebels

The Rwandan Hutus carried out reprisals against populations suspected of hiding or supporting one or another of the rival groups in Chivanga, in the Kafele territory (1998), in Mwitwa (1999), in the Walikale territory (North Kivu) and around Kilambo (2000), in Masisi (North Kivu). There, the Rwandan Hutus committed rape, sometimes in public, and carried out abductions.

Often these operations were accompanied by looting. The Hutu armed groups were known for using sexual violence to terrorize the population suspected of supporting the RCD or of being members of Mai Mai self-defence militias. The Interahamwe and the ex-FAR carried out attacks against the civilian population in Loashi, Luhinzi, Rutshuru, Kione, Ngesha and many other places. They regularly raped women and girls wherever they attacked. The confusion that reigned in the Kivus was such that victims found it difficult to identify their aggressors and sometimes mistook them for the Mai Mai. **Like the other armed groups, the Rwandan Hutus would rape women in front of their children, hack off their breasts, pierce their genitals, scald them, and would kick and trample pregnant women.**

tion to attacks from the Mai Mai, which they responded to aggressively. On top of this, they were having problems with their Congolese protégé, Wamba dia Wamba. The latter, president of the RCD-ML (ex-RCD-K), was being challenged. Abandoned by the Ugandans, he was replaced by Mbusa Nyamwisi, a Nande from Beni.

The year 2000 ended in chaos. MONUC was struggling to deploy its troops throughout the country and to maintain the cease-fire. It was clear that the situation on the ground was inextricable. At the end of 2000, five conflicts were raging in DRC: (1) between Ugandans and Rwandans; (2) between Rwanda and the former Interahamwe and between Uganda and the Ugandan rebels; (3) between Congolese rebels (RCD-Goma, RCD-ML, MLC) and L. D. Kabila's Congolese army; (4) between the Mai Mai and "foreigners" (Ugandans, Burundians, Rwandans); and finally (5) between the Hemas and Lendus in Ituri, with the Hemas being supported by the Ugandans.

All these conflicts were intertwined and some were financed by the illegal exploitation of natural resources. Such is the situation that led up to the death of President L. D. Kabila at the beginning of 2001.

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A leader of the Pygmy encampment in Upende, North Kivu.

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2001 ASSASSINATION OF PRESIDENT LAURENT- DÉSIRÉ KABILA Kabila's Son Takes the Reins

On January 16, 2001, President L. D. Kabila was assassinated. Immediately, the citizens of the Kivus began to suffer repression as they were suspected of being behind the crime. On January 26, 2001, L.D. Kabila's son, Joseph Kabila, took power. Then began a period of intense negotiations, to end the various conflicts and to implement the Lusaka Accord. On February 15, 2001, the belligerents agreed to move their

From 2000 to 2003, the Burundian rebels (FDD), who were carrying out incursions into the territory of Fizi from the border, terrorized the population of the region. Sometimes allied with the Mai Mai, they attacked villages where they raped and abducted adolescent girls. In some cases, the rapes took place in public. They also raped men in order to humiliate them. A Burundian rebel told a man he had just raped in Kazimia, (January 2003) "Now you are no longer a man, you have become one of our women." **The FDD frequently beat their victims and sometimes mutilated them. In March 2003, in Malinde, five FDD rebels raped a woman and sliced off her clitoris and labia with a razor blade. In Lweba and Kalundja (March 2003), they raped many young women, cutting off their lips and their ears. In June 2003, when the RCD and the men of Mansuzu were fighting in the territory of Fizi, FDD men committed numerous acts of sexual violence.**

Lendu, Ntigi and Hema Armed Groups

The systematic use of rape by all parties in the conflicts was part of a policy of terror against the civilian population. Armed groups of Lendus, Ntigis, and Hemas committed multiple rapes in Bunia (2002), Bogoro (February 2002), Nyakunde (September 2002), Mongbwalu (October 2002), Kilo (March 2003) and Tchomia (May 2003).

During battles and reprisals, Ntigi combatants often showed great cruelty. In Mongbwalu, in September 2003, a Hema woman accused of witchcraft was stripped naked in the street, was hacked up with machetes and had her genitals removed. A Hema combatant boasted of having cut off a woman's genital organs during reprisals against the Ntigis and Hemas. In Fataki, cadavers of Hemas were found in the streets, their wrists bound, sticks inserted in their anuses, and other parts of their bodies, such as their ears, severed. In Nizi, on July 22, 2003, 22 bodies, mainly of women and children, were found mutilated, disembowelled, and their organs, including genitalia, removed. These violent acts were carried out by the FNI and the Forces armées du peuple congolais (FAPC), a new player in the region supported by Uganda, which had helped in its creation in March 2003. The FAPC was under the command of Jérôme Kakawave Bakonde, alias commander Jérôme.

The Mouvement de libération du Congo (MLC)

During the *Effacer le tableau* operation, Jean-Pierre Bemba's MLC soldiers systematically committed rape, sexual mutilation and acts of cannibalism. A Pygmy woman who had gone into the forest to find firewood was stopped by soldiers speaking Lingala, a language spoken in DRC. They forced her to eat salt and some kind of meat that she could not recognize. She was shaved, stripped and then manually raped. Like the other armed groups, MLC soldiers raped their victims in public.

● Sexual Violence Committed on the Basis of Ethnic Group

The FAZ and FAC

By 1993, sexual violence was being carried out over a backdrop of interethnic conflict, as was the case during the conflict between the Banyarwandas and Ngilimas in North Kivu. In 1993, sexual violence was reported, but the perpetrators could not be identified and it was impossible to measure its extent. Schoolgirls are alleged to have been raped in Masisi in April 1993. In 1996, President Mobutu decided to carry out a pacification operation, dubbed "Operation Mbata," in North Kivu. Between May 10 and 19, while Mobutu's army (FAZ) was in the region, 18 men who identified themselves as Ngilimas invaded the village of Vichumbi, near Lake Albert, where they carried out violent acts against the civilian population, including rape. At roadblocks in the Rutshuru (North Kivu), the FAZ attacked women suspected of being Ngilimas, on the basis of scarification. **Stripped naked, stoned in public and transferred to Goma, a 44-year-old mother was raped by several soldiers of Mobutu's SARM using the barrels of guns and wooden truncheons before being executed.**

Tutsi and Banyamulenge women were set upon by the population, who were encouraged by the Zairean parliament. In 1995, anti-Rwandan feelings were exacerbated and parliament adopted laws and practices to remove Tutsis from power and to kick them out of the country. Banyamulenge women or women who spoke Kinyarwanda were arrested, imprisoned and raped by the SARM and police at the end of 1995 and beginning of 1996. Later, in September 1996, when authorities were inciting the population of Uvira to

forces 15 km back from the front line. The MONUC was then deployed along this cease-fire line.

After the assassination of President L.D. Kabila, members of the military were arrested and accused of the plot and the assassination. Their wives were also detained in government cells where they were tortured. A women's rights activist suspected of being involved in the assassination was arrested and imprisoned.

Within the country, the new President, Joseph Kabila, wanted to weaken RCD-Goma. At the beginning of 2001, he asked Rwanda to end its support to RCD-Goma and to withdraw its troops. When Kigali refused, Kabila sent arms to the FDLR. He also renewed his relationship with the Mai Mai, with the exception of Mudundu-40. In September and October, he succeeded in creating a common front against RCD-Goma and Rwanda.

The situation in the Kivus was confusing. There were 13 armed groups in South Kivu alone. Alliances between groups were constantly shifting. RCD-Goma was having problems in the zone it controlled, still battling with the Mai Mai and Interahamwe in the territories of Shabunda, Fizi, Uvira (South Kivu); as well as with Burundian rebels (FDD) present on the shore of Lake Tanganyika, between Fizi and Uvira.

In January 2001, Uganda tried to end the rivalries between its protégés, by bringing them together under the umbrella of a new movement, the Front de libération du Congo (FLC), directed by J. P. Bemba, made up of the MLC, RCD-ML and RCD-N.

At the same time, the land conflicts in Ituri were intensifying, and J. P. Bemba was failing to maintain order. The conflict between the Hemas and Lendus continued. Interethnic massacres took place in Bunia in January 2001. The relationship between Bemba (MLC) and Nyamwisi (RCD-ML) was deteriorating. In June 2001, this led to confrontations in Beni, Butembo and Lubero (North Kivu). Finally, the FLC fell apart in June 2001. Clashes between the two rebel groups continued in November in Bunia, Isiro and Bafwasende.

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Dwellings and forest meet, and danger will always be present, as long as the armed groups remain.

chase out the Banyamulenges, the FAZ and Bembe militia raped a number of women. In the scope of Operation Mbata, the FAZ backed the Hutu militias and Interahamwe. In May 1996, they carried out a number of violent acts, including the slaughter of some 100 Tutsis who were hiding in a church in Mokoto. That same month, in Gihondo and Bwito, Tutsis and Hundes were attacked by the Hutus and FAZ.

The beginning of the second war in August 1998 saw the emergence among the Congolese authorities of an anti-Tutsi discourse, as the Tutsis were now considered enemies of the Republic. The population of Kinshasa was warned to beware of Tutsi women with thick or braided hair, which could hide grenades, while slogans such as “let the serpent pass but kill the Rwandans” were chanted in the streets of Kisangani during a march organized on August 10, 1998 to support President L. D. Kabila. **From the outset of the war, Rwandan women or women who looked like they were Tutsi were harassed, robbed, arrested and detained in Kinshasa and Kisangani. Many of them were raped during their detention. During the siege of Kinshasa in August 1998, approximately 100 women and adolescent girls were raped during crackdowns against the Tutsis. Other women were also raped during searches for Tutsis.**

The APR, Banyamulenges and Rwandan Hutus

Rwandan and Burundian refugees in the DRC in the camps along the Rwandan border were the targets of murderous attacks by L. D. Kabila’s AFDL and the Rwandan army right from the start of the rebellion. Women and children were massacred by the AFDL, even though the Interahamwe and ex-FAR had already left the camps.

It was common knowledge that belligerents did not take prisoners. Women and children were frequently separated from the men and rapes were perpetrated by the AFDL and Rwandan army. **Between October and November 1996, the joint UN mission responsible for investigating allegations of massacres and human rights violations reported that rapes were committed in the five main camps of North Kivu. Rwandan Hutus who were fleeing the AFDL also committed rapes.** For example, in May 1997, in the Mbandaka region of Equateur, the investigative mission took 14 statements from village women who had been raped by Rwandans. These statements were corroborated by credible sources.

Throughout 1997, in the Kivus, AFDL soldiers and Banyamulenges hunted down the Interahamwe, who had created the AliR (Armée de libération du Rwanda) that same year. On May 3, 1997, AFDL and APR soldiers massacred 231 Rwandan and Congolese Hutus at the Mushaki checkpoint, in Masisi (North Kivu). Rapes were also committed during this massacre.

In 1999, the Banyamulenges, who had been forced off their land in 1996, returned to live in South Kivu in the territories of Fizi and Uvira on the middle plateaux of Uvira. They forced the inhabitants at gunpoint to work for them. They also kidnapped and raped peasant women working in the fields. On September 26, 1999, under attack by Mai Mai militias in Kataka, they raped women, four of whom had been admitted to the health centre.

From 1998 to 2003, the APR and its ally, RCD-Goma, hunted down the Interahamwe. They used violence and sexual violence against anyone suspected of being part of the Interahamwe militias or having helped them. The rapes committed by the Hutus/Interahamwe or by Tutsi soldiers from the Rwandan army or RCD were sometimes “justified” on the basis of the victim’s ethnic origin. **A young woman held with companions by the Interahamwe in 2002, in Masisi, reported that their jailers raped them regularly so that speakers of Kinyarwanda would become the majority in Masisi.**

Hemas, Lendus and Ntigis

During the ethnic conflict in Ituri, UPC soldiers and various Lendu and Ntigi militias brought death and destruction to the region. Hema and Lendu women were successively targeted by different armed groups because of their ethnicity. From January 19 to 21, 2001, the city of Bunia, under the control of the MLC, was the site of a massacre organized by Hema civilians in the Mudzipela district. Approximately 250 Lendus were killed. In reaction, Lendu militias attacked the districts of Mwanga and Soleyama.

Later, during the attack of the city by the UPC (made up of Hemas) in August 2002, Lendu militias are alleged to have raped Hema women in mainly Hema districts before leaving the city. **Throughout the various battles (March 2003, May 2003) for the city of Bunia, Hema and Lendu women paid dearly. During the attacks, the combatants made the civilian population pay for their ethnic origins. In Djugu, where the towns of Kilo and Mongwalu are situated, Nyala women**

...

2002

LOCAL WARS CONTINUE IN THE EAST Improvement in the Rest of the DRC

Many local conflicts continued in Ituri (Orientale Province), which remained a source of significant tension, in the Kivus, Maniema and Katanga.

In Orientale Province, the relations between MLC and RCD-ML, already poor, were deteriorating. As of January 2002, confrontations multiplied in the Haut-Uélé and were slowly moving towards the territory of Irumu in Ituri and the territories of Beni and Lubero in North Kivu.

Within the RCD-ML, the leadership of Nyamwisi was contested by Thomas Lubanga. In August 2002, he finally left the movement to create the Union des patriotes congolais (UPC). Then followed a series of combats in Ituri between the two belligerents, against a backdrop of ethnic conflict and a race to extract natural resources. While the UPC supported the Hemas, RCD-ML supported the Lendus and Ntigis, who formed militias.

In January 2002, the Banyamulenge former commander of RCD-Goma, P. Manzuzu, created his own resistance movement on the high plateaus of South Kivu and allied himself

with certain Mai Mai groups to chase out the Rwandans.

Between January and July 2002, the APR attempted to quell the Banyamulenge revolt. In September 2002, while some Rwandan troops had begun pulling out of the DRC, new conflicts were breaking out in South Kivu. Uvira, Fizi, Baraka, the high plateaus, and the Ruzizi plain were the stage for almost continuous fighting between October 2002 and January 2003. On October 13, 2002, the troops of P. Mansuzu and the Mai Mai took the town of Uvira. From January to May 2003, RCD-Goma continued to confront the Mansuzu troops and the Mai Mai around Uvira.

The Interahamwe were present in North Kivu, in Masisi and Walikale, in South Kivu, along the Kabare-Burhale-Mwenga route (territory of Walungu) and at Bunyakiri (to the west of Kahele on the road that runs through the Kahuzi-Biega Park). There they committed many violent acts. Moreover, the departure of Rwandan troops from South and North Kivu, in mid-2002, enabled the FDLR to rebuild. They appeared to be receiving arms from Kinshasa. In the face of this threat, Rwanda decided to send reinforcements to RCD in 2003.

More to the west and the south, RCD-Goma was fighting the Mai Mai in the forests of Maniema and Katanga. The forests of Maniema sheltered a multitude of Mai Mai groups who were carry-

were also targeted. After the 48-hour war in June 2003, FNI commander Njabu decided to kill all the Hema women in Mongbwalu, including those who were married to Lendus. Between May and December 2003, the MSF medical unit in Bunia cared for 822 rape victims aged from 13 to 25.

• Sexual Violence in the Scope of Slavery

Government Armies

Between 1993 and 2003, the FAZ and FAC practiced various forms of slavery. Soldiers from the Congolese armies, poorly paid and undisciplined, often looted and used the population as porters.

In 1996, near Beni, members of the 321st Battalion of parachutists of the Congolese army, sent to North Kivu to overpower the rebels, enslaved several men and women to carry their merchandise in the absence of vehicles. **During their retreat, the FAZ, who were crossing North Kivu, Ituri, Orientale Province and Equateur in March 1997, kidnapped women in Butembo, Beni, Ofumbola, Yalikanda, Yaotike, Omongo and Opala, and took them with them. Several of these women were forced into “bush marriages” to FAZ soldiers.**

The FAC in Orientale Province did the same thing during reprisals, their retreat from the MLC, or for other reasons. In 2000 and 2001, in the government prisons of Kinshasa, guards forced women to carry out domestic tasks such as cooking and washing clothing.

The AFDL and APR

In the days and weeks following the entrance of the AFDL into a city, Kabila's soldiers and those of his allies captured the wives of former FAZ soldiers. **The wives of former soldiers from the Matadi camp, whose husbands, ex-FAZ, had been sent for re-education in Kitona, were forced to submit to the new arrivals, carry out household tasks and be their sexual slaves.** This was also the case in the military camps of the Centre d'entraînement des troupes aéroportées (CETA), Tshatshi and Kokolo in Kinshasa. In Matadi, Rwandan soldiers from camp Rejaf abducted and sexually enslaved a girl. Witness accounts confirm this practice. In Kinshasa, in June and July 1997, AFDL/APR soldiers kidnapped adolescent girls, one of whom was 14 years old, and confined them in a hotel, where they raped them for four days.

In the AFDL camps in the Kivus, girl soldiers had to submit to the will of their superiors. A girl soldier who had enlisted when she was 11 reported that girl soldiers were systematically raped by adult officers and soldiers, and they were beaten if they refused sexual advances.

RCD-Goma and its Allies

Everywhere they went, the RCD-Goma soldiers had no qualms about abducting women and girls and taking them to villas, army barracks and camps to serve as sexual slaves. A 14-year-old girl reports that she and her companions were kidnapped by the RCD-Goma and taken to camp Mushaki, to the west of Goma, where they were used as "women" for the soldiers. At night, the soldiers sexually abused them, sometimes several soldiers a night. The wife of a teacher in North Kivu was also abducted and forced into a "bush marriage" with an RCD soldier in the Mutwanga camp (North Kivu). In October 2001, a high-ranking RCD civil servant kidnapped a young girl from the neighbourhood as she left school in Goma. He then raped her and kept her in captivity for five days.

During night raids, attacks and reprisals, the RCD carried out abductions. The raids were so frequent that girls would leave their villages at night to sleep in the forest.

Girl soldiers were often raped at night by adult soldiers in RCD-Goma camps. An adolescent girl recounted that after having witnessed her mother and her sisters being raped, she was forced to enlist by RCD-Goma and was regularly raped by the soldiers. She tried to run away when an officer wanted to marry her.

Ugandan Soldiers

At the beginning of 2003, while drawing water from a river near Bunia, ten women were abducted and enslaved, including sexually enslaved, by soldiers of the Ugandan army. They were detained for four months in a military camp.

The UPC and FNI

Statements given at hearings during the trial of Thomas Lubanga at the International Criminal Court revealed cases of sexual violence committed against girl soldiers within the UPC. Sexual violence was mainly committed by commanders. Witnesses reported that only the girls were raped in the military training camp in Ituri (in Bule and Mongbwalu) and that girls brought to commanders had no choice but



A refugee camp in Oicha, North Kivu.

ing out a guerrilla war against RCD-Goma soldiers and the Rwandan army in the territories of Pangi and Kasongo, as well as Kindu and its surrounding area. In North Katanga, the Mai Mai and Interahamwe were fighting against RCD-Goma in Malemba, Nkulu and Nyunzu, in Tanganyika district.

Politically, the situation was improving. In the scope of the inter-Congolese dialogue provided for under the Lusaka Accord, J. P. Bemba found common ground with J. Kabila, who recognized the rebel groups and promised him the Vice-presidency. On April 18, 2002, J. Kabila and J. P. Bemba signed a bilateral power-sharing agreement in Sun City, South Africa, with the backing of the RCD-ML, the RCD-N and the Mai Mai. RCD-Goma rejected the agreement and found itself isolated from the government in Kinshasa. Early in the morning of May 14, 2002, a mutiny within RCD-Goma broke out in Kisangani.

In July 2002, Rwanda signed agreements with Kabila, followed by Uganda in September, to withdraw from the territory. In return, Kinshasa committed to disarming the ex-FAR and Interahamwe. The agreement also provided for the establishment of a pacification commission in Ituri. In the application of the agreement, Kinshasa arrested some people accused by the ICTR and deported numerous political representatives of the FDLR.

Finally, on December 17, 2002, the political crisis seemed to come to an end with the signing in Pretoria (South Africa) of the “Global and All-inclusive Agreement,” which organized the distribution of power. The agreement was signed by the government of J. Kabila, MLC, RCD-Goma, RCD-ML, RCD-N, the Mai Mai, the unarmed political opposition and representatives of civil society. The agreement kept Joseph Kabila in the presidency of the transitional government and created four vice-presidential positions, one for Kabila’s movement and the others for MLC, RCD-Goma, and the unarmed opposition. The transitional institutions were responsible for organizing legislative and presidential elections within two years from the transitional government’s investiture.

After the departure of the Ugandan troops in the second quarter of 2002, J.P. Bemba, through the RCD-N, attempted to gain control of the region, rich in gold and diamonds, and to recap-

to submit to sex. Some girls also had to carry out domestic tasks for the commanders and soldiers.

The enslavement of girl soldiers for the use of a commander was a widespread practice. Some of them, taken as “bush wives,” were protected by their commander. In the UPC camps, the commanders forced girls who were pregnant to abort. During attacks, UPC soldiers kidnapped adolescent girls and brought them to the camps, where the commanders would tell everyone that they could take the girls and sleep with them. A witness in the Lubanga trial said that when his commander needed a woman, he would go and find one for him.

The UPC soldiers sometimes kidnapped young women whom they held for sexual purposes for a few days. In July 2002 in Rwankole (Ituri), two women on their way to the market were kidnapped, raped and held for 13 days.

During Operation Polio, in September 2002, the Ntigi-Lendu-RCD-Goma coalition enslaved 60 women from Nakunde. Between 2002 and 2003, numerous sources reported that the FNI enslaved the civilian population around Fataki, especially women, who were used as sexual slaves in the military camps of Kpamdruma and Zumbe (in the Mahagi and Djugu territories). On December 23, 2003, 34 girls and young women aged 12 to 23, who had been sexually enslaved by Lendus, were freed in Fataki. Some sources also accused UPC members of committing rapes in the Mahagi territory and using girls as sexual slaves.

In March 2003, when the UPC and FNI faced off around Kilo and Mongbwalu, FNI members committed rapes and enslaved the Hema population to carry their goods. On March 10, 2003, men under the orders of FNI Commander Kaboss hacked off the breasts and genitals of Hema and Nyali (another local ethnic group) women, when they said that they were too exhausted to carry their loads any further.

Women kidnapped in Bogoro, after the attack of FNI/FPRI Lendu and Ntigi militias, reported that some of them were thrown into andages and taken out regularly to be raped by soldiers and commanders, with the consent of the latter. Sometimes the FNI passed them on to other prisoners.

The Mai Mai, Interahamwe and Ugandan and Burundian Rebels

The Mai Mai, Interahamwe, Ugandan rebels (NALU) and Burundian rebels (FDD) carried out abductions, usually of

adolescent girls, on a large scale. Girls who had been kidnapped were used as domestic workers, "wives" or sex slaves. Sources revealed that Burundian and Ugandan rebels kidnapped girls during attacks on villages. In some ADF-NALU rebel groups, each combatant was entitled to choose his "wife" from among the prisoners.

In 1999, the Banyamulenges, who had been forced off their land in 1996, returned to live in South Kivu in the Fizi and Uvira territories on the middle plateaux of Uvira. Assisted by the Rwandan army, they forced the inhabitants at gunpoint to work for them. In Rubanza/Lemera and Tulambo/Fizi, men and women were forced to carry out work, such as building latrines. The Banyamulenges also raped peasant women who were either working in the fields or going to them, in addition to carrying out abductions.

The Interahamwe kidnapped girls during raids, while looking for food and goods of value, but also under other circumstances, such as when women were going to the fields, the banana plantations or the market. After looting raids, the Interahamwe used women as porters and kept them in captivity for a few days, during which time they were raped.

Over the years, large movements such as the AIIR fell apart and a multitude of small armed groups sought shelter in the forests, namely in Maniema and Kahuzi Biega. It was here that young women were taken to be raped and to carry out domestic tasks. Some women, kidnapped with their daughters, reported that they were not raped during the time they were with the Interahamwe, unlike their daughters. Some rapes were committed in order to make young women pregnant. Interahamwe soldiers have allegedly stated that they wanted to increase the Kinyarwanda-speaking population so that it would become the majority in Masisi. The Interahamwe and the Mai Mai of Kivu mistreated, locked up, tied up, and barely fed their sexual slaves. Some of these women and girls witnessed acts of cannibalism and the disembowelment of their pregnant companions. Some of them managed to escape quite quickly, while others were held longer, sometimes for three years.

The Mai Mai militias regularly kidnapped girls (often very young) and women when they attacked villages or during ambushes, particularly in Maniema. Women and girls were often ambushed in the field or when they were gathering wood. Women who were kidnapped in this way were used as sexual slaves, porters and domestics. They prepared meals,

ture Beni from the RCD-ML. In October and November 2002, the MLC and RCD-N led a murderous offensive towards North Kivu and the territory of Irumu in Ituri in the scope of the Effacer le tableau (Wipe the Slate Clean) operation. MLC and RCD-N soldiers committed particularly violent crimes. Thomas Lubanga, head of the UPC, temporarily rallied to the side of the MLC and RCD-N. The Nande, who were originally from Kivu, and Pygmies were particularly targeted.

On December 30, 2002, a cease-fire was signed between the RCD-ML and RCD-N in Gbadolite, the MLC stronghold.

...

2003

Increasing Violence HERE WE GO AGAIN!

In 2003, Human Rights Watch reported that ten armed political groups were operating in Ituri. At the end of 2002, Thomas Lubanga rejected the Gbadolite agreement and approached Rwanda, which agreed to arm the UPC.

This change in allegiance pushed the Ugandan army to attack Bunia in March 2003, with the help of the Ntgigis and Lendus. In May 2003, the UPC retook Bunia and its members went on a raping spree in the city and at checkpoints. After this defeat, the Lendu and APC (RCD-ML) militias attacked Tchomia and set up bases in the

north of Ituri in Djugu and Mahagi. Reprisals against the Hema populations in Dala, Fataki and Nizi were carried out by the FNI and the Forces armées du peuple congolais (FAPC), a new player in the region supported by Uganda, which helped in its creation in March 2003.

In South Kivu, the only Mai Mai group that had not rallied to Kabila's side in 2001, Mudundu-40, turned against RCD-Goma in April 2003. The Ngweshe territory in the Walungu (South Kivu) stronghold of Mudundu-40, then became a battlefield where the Mai Mai and Rwandan army faced off. During the two years in which Mudundu-40 reigned over the region, it abusively taxed and exploited the local population.

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gathered water and did laundry. In Katanga, even though very young girls who had been abducted generally seemed to have relative freedom of movement (i.e., they were allowed to go to and shop at the market), they were being raised in a horrific environment. The Mai Mai dressed in animal skins and wore necklaces of breasts, hands, ears, and fingers. In some cases, victims' families paid ransoms to free their daughters, which made kidnapping a lucrative practice.

Mudundu-40, at its apogee, exploited the population of Ngweshe. This armed group imposed "contributions" on families, from 50 Congolese Francs to US\$1.00 a week for each adult male. Those who had nothing were arrested, tortured and thrown into *andages*, where they were held for several days, being soaked with salt water, until their family came to pay between US\$50.00 and \$250.00. Women and girls were forced to fetch water and wash soldiers' uniforms; others were raped.

The ADF-NALU rebels, driven out of Beni, hid high in the Rwenzori Mountains (North Kivu). In 2000, from their base, they attacked several villages in the territory of Beni (including Kikiladi and Kikura), which they then pillaged. They frequently kidnapped very young girls, adolescent girls and women. **One of these young women was kept as a slave for two years in a camp commanded by a Ugandan named Taiga, where she was regularly raped. In the ADF-NALU camps, each combatant could choose a "wife" from among the female prisoners.**

Sources also reported that girls kidnapped by the Burundian FDD were taken to Burundi and given to soldiers as "wives." Young women from the Sange region and the Ruzizi plain were abducted for this purpose.

• Sexual Violence in the Name of Ritual Practices

Accusations of sorcery, fetishist practices and diverse other beliefs were the origin of a number of crimes, including that of sexual violence.

In 1997, when the AFDL controlled the territory, there were accusations of sorcery, including at least four women and two little girls aged six and seven. They were arrested, savagely tortured, mutilated, raped and stoned. One of them lost her life. **According to the United Nations Special Rapporteur, Roberto Garreton, "During the ethnic conflict in Kivu, single women were considered by AFDL troops to be witches**

and cannibals; as a result, in Limangi they were beaten, tortured and killed. Five cases have been reported, including one whose family name is Kahindo.”

The RCD also committed violent acts against women accused of sorcery. Between November 15 and 22, 1999, 15 female peasants from Mwenga were accused of using magic to help the Mai Mai and were responsible for the RCD's defeat. In the villages of Bulinzi, Linda, Mungombe and Ngando, **soldiers under the command of Franck Kasereka smeared the bodies of women with hot pepper, and inserted hot pepper into their vaginas, which they then spread around with sticks. These women were paraded naked through the village, held in barrels or holes full of water, taken out to be raped on a regular basis, and then buried alive. Some of them were disembowelled.**

Mai Mai militias were known for their practice of special rituals to protect themselves from bad luck and curses. **In the name of such beliefs, the Mai Mai of South Kivu are alleged to have raped virgins, pregnant and breast-feeding women, as well as Pygmy women, in order to make themselves invincible and to obtain magical powers. Rape was also thought to neutralize the magical powers of elderly women, the guardians of the fetishes. The Mai Mai often demonstrated extreme cruelty, torturing to death women accused of having put curses on them.** They carried out violent acts (rape, torture, murder) against women accused of sorcery, as was the case in Mwenga and Kitutu (South Kivu) in 1999, in Musenge in Walikale (North Kivu) in 1999, and in Wabikwa in Pang'i territory (Maniema) in March 1999. **Following the occupation of the town of Mongbwalu by the UPC at the end of June 2003, Lendu militias, under the orders of Commander Njabu, burned alive 50 Hema women who were accused of sorcery.**

For some Mai Mai, it was impossible to have sexual relationships with women who prepared meals. Disobeying such a prohibition would annul the invincibility conferred by the fetishes. To get around this prohibition, women and girls were raped before being kidnapped and taken to the camp.

It was also common for the Mai Mai to use human body parts to make fetishes and amulets. Some fetishists, such as those in Katanga, cut off and dried the genitalia of women (vulvas and breasts) and men to make into fetishes; others used fetuses. Militia members in South Kivu reportedly gathered vaginal fluids to make fetishes and amulets.

In 2003, skirmishes between the RCD and various Mai Mai groups, as well as between the RCD and Interahamwe, continued in North Kivu, South Kivu and Maniema.

The agreement to cease hostilities in Ituri signed on March 18, 2003 by the FNI, mainly Lendus from the north, the Parti pour l'unité et la sauvegarde de l'intégrité du Congo (PUSIC), mainly Hemas from the south, the Forces populaires pour la démocratie au Congo (FPDC), mainly Alurs, and two other Lendu militias, remained a dead letter.

Sometimes violence against women was “justified” by the need to please a spirit. In Pluto and Dego/Djugu (Ituri), 50 women were accused of sorcery in June 2003. They were tortured and burned alive by FNI men, supposedly on the orders of a spirit named Godza.

MLC and RCD-N soldiers also made amulets using sex organs that had been cured or smoked. **During the Effacer le tableau operation in Mambasa, an MLC officer cut off men’s penises to have them cured in order to make amulets to offer to his chiefs. Some soldiers paraded around with genitalia in amulets and the heads of Pygmies around their necks to guarantee their invincibility.**

Pygmy women in the region also paid the ultimate price during the advance and retreat of the MLC, RCD-N and UPC towards Beni and Butembu. Raped, murdered, and disembowelled, they were also sometimes eaten. MLC soldiers appear to have targeted Pygmies because they suspected them of having been used as trackers and practicing rituals. Pygmy women were also targeted because of specific beliefs. **For example, it was reported that “soldiers say that eating the meat of Pygmies or drinking their blood makes you strong, very strong.”** According to the Interahamwe and RCD soldiers, raping a Pygmy woman could cure diseases and back pain.



With Respect to Transitional Justice

Our Demands

The prevalence of violence and sexual violence before and during the wars requires the implementation of transitional justice mechanisms. These mechanisms must take into account sociocultural injustices, political and structural inequality and, above all, the needs of victims and those of their community, as well as the necessity to build a better future for Congolese society, a future in which women are equal stakeholders.

“Both the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women place upon the State the duty to prevent, investigate, punish and provide compensation for all acts of violence wherever they occur. Article 4 of the Declaration states that women who are subjected to violence should be informed about and provided with access to the mechanisms of justice and to just and effective remedies for the harm that they have suffered, as provided by national legislation. The obligation to provide adequate reparations involves ensuring the rights of women to access both criminal and civil remedies and the establishment of effective protection, support and rehabilitation services for survivors of violence. The notion of reparation may also include elements of restorative justice and the need to address the pre-existing inequalities, injustices, prejudices and biases or other societal perceptions and practices that enabled violations to occur, including discrimination against women and girls.”

Rashida Manjoo, Report of the Special Rapporteur on violence against women, its causes and consequences, Summary, 3rd paragraph. Office of the United Nations High Commissioner for Human Rights, 14th session, Agenda, item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

1 The Fight Against Impunity

Military jurisdictions

Crimes within the purview of the Rome Statute are the responsibility of military jurisdictions and should enable prosecution. In 2002, the Military Criminal Code integrated the offences laid out in the Rome Statute. The issue of hierarchical responsibility must be addressed. In addition, military justice must guarantee impartiality and just and equitable trials. To that effect, adequate financing is absolutely necessary to provide military and civil legal institutions with the means to carry out their mission properly.

The Congolese Criminal Code and the 2006 Sexual Violence Law

The 2006 law is not retroactive, which means that crimes committed before it entered into force in 2006 come under the provisions of the previous Criminal Code. While the definition of sexual violence found in article 170 of the old Criminal Code is not as detailed as that contained in the 2006 law, it should enable perpetrators of rape and sexual attacks to be prosecuted. Article 170, which defines rape as the introduction of a penis into a vagina, provides for the prosecution of rapists. That definition, however, does not include rape carried out with an object or the rape of men. Nevertheless, although in no way satisfactory, it would be possible to prosecute the perpetrators of these crimes, which also include fellatio, for indecent assault. The victim's past and her behaviour should no longer be considered as attenuating circumstances in assessing the sentence. All court and police personnel should receive sensitivity training to raise their awareness of the issue of sexual violence.

Police forces and court personnel

With respect to the treatment of victims, police forces and court personnel should also be made aware of the importance of respecting confidentiality, preserving anonymity and providing protection. Special attention should be paid to

interrogation techniques in order to limit trauma. Victims of sexual violence, whatever their age, should be systematically offered the possibility of having trials held behind closed doors. Victims of sexual violence suffer multiple trauma and are subject to rejection and ostracism. Women's police stations, like those that have been set up in Peru, could be created, where women take care of complaints about family violence. It would be necessary to extend that example to sexual violence complaints. Congolese authorities have implemented a policy of zero tolerance with respect to violence against women and girls. The training and recruitment of female police officers, female prosecutors and female lawyers should be encouraged. It is also important that the stages and conditions under which the trial will take place be clearly explained to the victim. Physicians should also be adequately trained to gather material proof and a countrywide standardized medical certification procedure should be established so that it can be used in the judicial process.

Access to justice

Access to justice must also be made easier. Some obstacles, such as having to pay fees for opening and processing files and for enforcing sentences should be eliminated. Legal aid should be made widely available, particularly for women who are victims of sexual violence, often among the poorest of the poor because of the consequences of these crimes. The adoption of a law recognizing survivors as indigent persons would be necessary. Elimination of procedural costs and costs for enforcing sentences in the case of sexual violence would complete the picture.

Victims should be informed of their rights, and their parents and families should be encouraged to break the silence and support the victim. Village chiefs should be convinced of the necessity of passing on information about all cases of sexual violence to the police

and justice system. Victims should also be accompanied throughout all steps of the judicial process by counsellors from women's associations experienced in dealing with sexual violence in order to minimize the traumatizing effect that this process could have, given the context of hostility against women and the deepness of their wounds.

No one should escape justice

People in positions of authority should be prosecuted in the same way as anyone else. Members of the armed forces and the police who have committed serious violations to human rights, including sexual violence, should be excluded from the processes of recruitment and integration. They should not be given positions of command, especially if they are subject to national or international arrest warrants for international crimes. Thus, in the current context, Bosco Ntaganda should have been removed from the FARDC and handed over to the ICC.

War crimes and crimes against humanity, which include sexual violence, are not covered by immunity or amnesty. The perpetrators of international crimes who have found refuge in neighbouring countries—Central Africa, Congo-Brazzaville, Rwanda, Uganda, the Sudan, or anywhere else, must be tried or delivered to Congolese authorities, who should request extradition.

The International Criminal Court has had the competence to prosecute the perpetrators of crimes committed within the Democratic Republic of Congo since July 1, 2002. Some of the crimes identified in this report fall under the Court's competence. It is therefore surprising that the prosecution case files for Thomas Lubanga of the UPC, and Germain Katanga and Mathieu Ngudjolo Chui of the FNI and FRPI do not include more accusations of sexual violence or do not deal with more than one event. The FNI militias committed sexual violence in places other than Bogoro. Also surprising is that the case file for Jean-Pierre Bemba, the head of the MLC, says nothing

about his troops' participation in the 2002 *Effacer le tableau* operation. There is sufficient documentation on the ground and incidents of sexual violence to proceed with prosecutions against other actors in the conflict. As can be seen in the transcriptions of the trial of Thomas Lubanga, girls enlisted in Lubanga's armies were victims of rape, slavery, sexual slavery and forced abortions, usually on the orders of the commandants. The opening statement of prosecutor Luis Moreno-Ocampo at the beginning of the Thomas Lubanga trial, which recognized the existence of crimes of sexual violence in the UPC training camps, does not in and of itself enable a fight against impunity. To the contrary, the absence of charges of sexual violence plays into minimizing the importance of these crimes and, in a sense, confirms the culture of impunity that the Court is supposed to help eliminate.

If mixed chambers or an international criminal tribunal for the DRC were to be considered as options, the standards of international criminal law with respect to confidentiality, psychological support, protection of witnesses and victims and the rules of just and equitable trials must be respected. Whatever law is applicable in these mixed jurisdictions, it must include the provisions of international criminal law regarding rape, sexual slavery, enforced prostitution, forced pregnancy, forced sterilization and other inhumane acts of comparable gravity. The field of competence of these jurisdictions should cover all of the conflicts occurring in the DRC.

Above all, women must be informed of their rights and men must be made aware of issues of violence against women, and sexual violence in particular.

2 Truth and Reconciliation

The truth and reconciliation commission, created by an organic law in 2004 following the Global and All-inclusive Agreement of Sun City, signed in Pretoria, South Africa in December 2002, was not, in principle, supposed to remain in force after the end of the transitional period. In fact, the new 2006 Constitution did not provide for the prolongation of democracy-supporting institutions after the establishment of the new parliament. However, paragraphs 2 and 3 of article 222 in the Constitution provide for an organic law that could establish other democracy-supporting institutions.

Avoiding the errors of the past

If the Congolese government were to set up its own truth and reconciliation commission, it would be advisable not to repeat the errors of the past and to ensure the impartiality of the commission's members so as to guarantee its credibility. The TRC created in 2004 was made

up of members from various warring factions as RDC-Goma, MLC, Mai Mai, the RCD-K/ML, the RCD-N, as well as representatives of the government and civil society. Greater participation of women should be encouraged in order to implement the principle of parity between men and women provided for under the Constitution, both nationally and provincially. The idea of paying special attention to violence against women and sexual violence should be maintained and included in the mandate. Moreover, members of the commission should be adequately trained in issues of sexual violence, and in listening and interrogation techniques with respect to witnesses. The public revelation of crimes of sexual violence in a truth-seeking exercise before such a commission is particularly traumatizing for the victims, which therefore requires precautions to be taken and appropriate psychological assistance provided.

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Congolese women organize and gather information to ensure their rights are respected.

3 Reparation and Social Transformation

"Just, effective and prompt reparation measures should be proportional to the gravity of the crimes, violations and harm suffered. In the case of victims of sexual violence and other gender-based crimes, governments should take into account the multi-dimensional and long-term consequences of these crimes to women and girls, their families and their communities, requiring specialized, integrated, and multidisciplinary approaches."

Nairobi Declaration, p. 8, 2007

In 2008, the United Nations Special Rapporteur for violence against women, its causes and consequences, proposed that a government fund be set up to provide compensation to the victims of criminal infractions or other unlawful acts. However, she also noted that no victim had been compensated.

No women compensated to date

To date, the situation does not appear to have improved. Women activists at the grassroots level still do not know how much money is in the fund or what the eligibility criteria are.

Yet, reparation is an essential part of the mechanism of personal and social resilience. According to the principles of the 2007 Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, reparation should be evaluated according to the gravity of the violations and the damage caused. It should take into account the immediate and long-term consequences of sexual violence on the victim, her family and her community. Moreover, women should participate in the development of compensation policies and programs, and in developing criteria for awarding the reparation granted by the governmental reparation fund. These processes should be clear and transparent.

Trust Fund for Victims

The Trust Fund for Victims was created by the ICC to compensate and assist victims of crimes of genocide, crimes against humanity and war crimes. In 2008, the fund received approval from the ICC chambers for 34 rehabilitation and assistance projects for victims, including 16 in DRC. Eight of these 16 projects were geared toward providing psychological sup-

port, physical rehabilitation and material support to victims of sexual violence in the territories of Walungu, Fizi, Uvira, Bukavu, Beni, Goma, Bunia, Irumu, Djugu, and Mahagi. The projects should reach approximately 104,000 victims.

It would be useful for the Fund to develop assistance projects in other provinces where sexual violence has run rampant, such as Maniema, Katanga, Orientale Province and Kasai. To do so, because of the unknown numbers of cases of sexual violence, the persistence of these crimes and the seriousness of the sequelae, both physical (fistulae, damage to genitalia, recurring infections, HIV/AIDS) and psychological, it is imperative that the Fund develop a fundraising strategy and that the international community contribute more to it to ensure its continuity. In addition, it would be advisable for the Fund to indicate the types of actions that could be undertaken with respect to reparation and which steps would be followed once the ICC has granted reparation to victims. It would also be a good idea for the Fund to increase its visibility in the field, which would facilitate understanding of its mandate by civil society, in particular, women's associations that work for fair and equitable reparation. We know that because of its mandate the Fund is limited to supporting activities for women who were victims of crimes committed after July 1, 2002. The Congolese government should take some elements of this Fund into account in setting up a reparations policy that would also respond to victims of crimes committed before that date.

Better coordination and participation of civil society

It would be useful to know how the various initiatives will be coordinated or harmonized with programs already in place, such as the program against sexual violence in DRC (a joint initiative) administered by the United Nations Population Fund. It is essential that women and girls who have been victims of sexual violence not only be consulted, but participate actively in the reconstruction of the social fabric and the development of a more fair and equitable society. Civil society must be proactive in developing policies and processes in matters of reparation, and the DRC government must work hard to build genuine partnerships with civil society organizations. These measures are necessary to guarantee the autonomy of civil society and to give all women and girls a voice.

Victims have many needs

«That the particular circumstances in which women and girls are made victims of crimes and human rights violations in situations of conflict require approaches specially adapted to their needs, interests and priorities, as defined by them; and that measures of access to equality (positive discrimination) are required in order to take into account the reasons and consequences of the crimes and violations committed, and in order to ensure that they are not repeated».

Nairobi Declaration, p. 5, 2007

The needs of victims of sexual violence are numerous and varied. They include medical needs (treatment of sexually transmitted diseases and HIV/AIDS, surgery to repair fistulae and other damage to genitalia, other treatments and surgeries related to sexual violence), psychological assistance, and economic and social needs. The great majority of victims of sexual violence need shelter, the means to make a living, economic assistance if they cannot work, as well as social support.

Widows, women who have been repudiated or abandoned by their families, women who are victims of sexual violence in the DRC cannot adequately take care of their own needs because of the trauma caused by the war and the violence they have been subjected to, the impossibility for them to inherit land and the appropriation of their land by others. With respect to the specific needs of girls, it must be taken into consideration that they suffer both from the physical and sexual violence committed against them and from the violations of the rights of their parents, brothers, sisters and guardians.

Discriminatory interpretations of culture and religion, which have a negative effect on the economic and political situation of women and girls, must also be taken into account.

Children born of rape

The issue of children born of rape must be dealt with in terms of reparation. Often abandoned, rejected, mistreated, stigmatized by their mothers, who are themselves stigmatized by their husbands, families and communities, children born of rape are indirect victims of sexual violence. Strategies must therefore be developed to integrate these children into society. It would also be advisable to challenge legislative provisions prohibiting abortion. In some countries, abortion is legal in cases of rape. The government of the DRC should integrate the issue of children resulting from rape into the national strategy against gender-based violence launched in November 25, 2009, by the Ministry of gender, family and children.

Discrimination against women

The structural factors of discrimination against women should be defined, questioned and challenged. The reform of the Family Code should be completed, especially articles 444 (the wife must obey her husband), 448 and 450 (the husband's authorization is necessary to carry out certain legal acts). The same goes for inequities in the Criminal Code with respect to determination of sentences for adultery. In the case of adultery, a married woman can be

sentenced to imprisonment from six months to one year, while no sanction applies to a married man unless the adultery was of a prejudicial nature. Article 3 (c) of the Labour Code, allowing a husband to oppose his wife contracting employment work, should be abrogated.

Traditional practices, the practice of *levirate*, dowry, the obligation for young fiancées from Tsibau in Kasai to carry out an “apprenticeship” in their future in-laws homes where they are exploited, the repudiation, forced marriage, transactional fines in case of sexual violence, which maintain women in a situation of inferiority, all should be defined and combated as set forth in the **Convention on the Elimination of All Forms of Violence Against Women** (CEDAW), which the DRC has ratified.

Respect for equality between men and women

To ensure respect for equality, the active participation of women is necessary. Laws enforcing equal rights between women and men should be implemented and respected. The participation of women in politics (in particular, the parity rule)—only 55 of the 663 members of the DRC parliament are women—as well as the process of peace and reconstruction, should be encouraged and assured, in conformity with the provisions of the CEDAW, and Resolution 1325 of the Security Council.

Pay equity must be ensured, and the education of girls encouraged, including at the highest levels. The provisions of the International Pact on Economic, Social and Cultural Rights and the UN Convention on the Rights of the Child hold that the State must ensure, at the minimum, free primary education without discrimination based on sex.

According to 2004 figures from the World Health Organization (WHO), the rate of literacy for females aged 15 to 24 is 63.1% compared to 68% for males in the same age group. Access to high school for girls should be encouraged and special measures should be

taken to battle child labour, and early marriages and pregnancies.

Girls

“All post-conflict societies need both reconstruction and development, of which reparation programmes are an integral part. Victims, especially women and girls, face particular obstacles in seizing the opportunities provided by development, thus risking their continued exclusion. In reparation, reconstruction, and development programmes, affirmative action measures are necessary to respond to the needs and experiences of these women and girls.”

Nairobi Declaration, p. 8, 2007.

More than 54% of girls marry before the age of 18, the legal age of consent for marriage. However, legislation allows girls to marry from the age of 15 and 60% among them to do so in the patrilineal provinces of the DRC: Équateur, Orientale Province, North Kivu, Maniema, South Kivu, Kasai Oriental, Kasai Occidental, and Katanga.

Almost 70% of girls have sex for the first time between 11 and 17 years old. In 2001, two adolescents out of ten were mothers, and this rises to 26% in the patriarchal provinces. Teenage girls who are pregnant or mothers should be encouraged to continue their basic education. Older girls should receive vocational training and be free to choose the form of reparation that is best for their particular situation. In no case, should development activities be substituted for reparation, they should instead support them.

4 Prevention and Guarantee of Non-repetition

In 2008, the government launched a campaign against sexual violence. In several provinces, demonstrations organized by women's organizations regularly took place to raise the awareness of the public and the authorities of the fight against sexual violence. These activities should be encouraged and financially supported.

At the same time, there should be assurance that these campaigns can reach the furthest reaches of the country and that they are carried out in a format adapted to the reality on the ground and in the local languages. To that end, associations and activists are, without a doubt, the best placed to decide on which communication tools to be used depending on the various groups targeted. Grassroots NGOs have extensive experience in this matter, and it is important that they be valued and associated in developing and implementing awareness-raising and information campaigns and activities. Their work and their services should be remunerated.

It is important that everyone in positions of authority or command, up to and including the highest levels of the State, be made aware of the

issue of sexual violence and persuaded of the need for a zero tolerance policy. The government should ensure that all its civil servants have received training and the sound information about the criminal and military consequences of violation of national and international law. Whenever there is evidence of sexual violence, there should be no hesitation to prosecute the offenders.

While publicizing cases of sexual violence brought before the courts may be an option, precautions must be taken in order to preserve the anonymity of victims. The search for deterrence implied by media publicity should in no case be done to the detriment of the woman who is the victim, or her family, and the rules of fair and equitable trial.

School programs should advocate against discriminatory stereotypes, educate students about respect of human rights and women's rights, and courses in life education and sexuality should be introduced. State actors, and social actors, including churches, should cease making comments that maintain women in a position of inferiority.



This inventory of sexual violence in the DRC would never have been possible without the patient and dangerous information gathering carried out by grassroots activists and NGOs working under difficult conditions of physical insecurity, destitution, limited financial resources and psychological stress. The work of Congolese activists, both men and women, should be saluted and recognized.

Thank you to all those women, those mothers, those activists,
For continuing to believe that humanity exists.

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Thank you to all those women, those mothers, those activists,
For taking care of wounded souls and bodies.

Thank you to all those women, those mothers, those activists,
For having the courage and the daring to speak out about the unspeakable.

Thank you, my sisters, my friends,
For having the infinite patience and the strength
To continue crying out.

And pardon us
For all that we have not done
Although we knew.

May a new era begin,
May impunity be vanquished,
So that, finally, the women and men of this country
Can find their dignity again,
And with them, humanity will celebrate.

Gaëlle Breton

The Nairobi Declaration

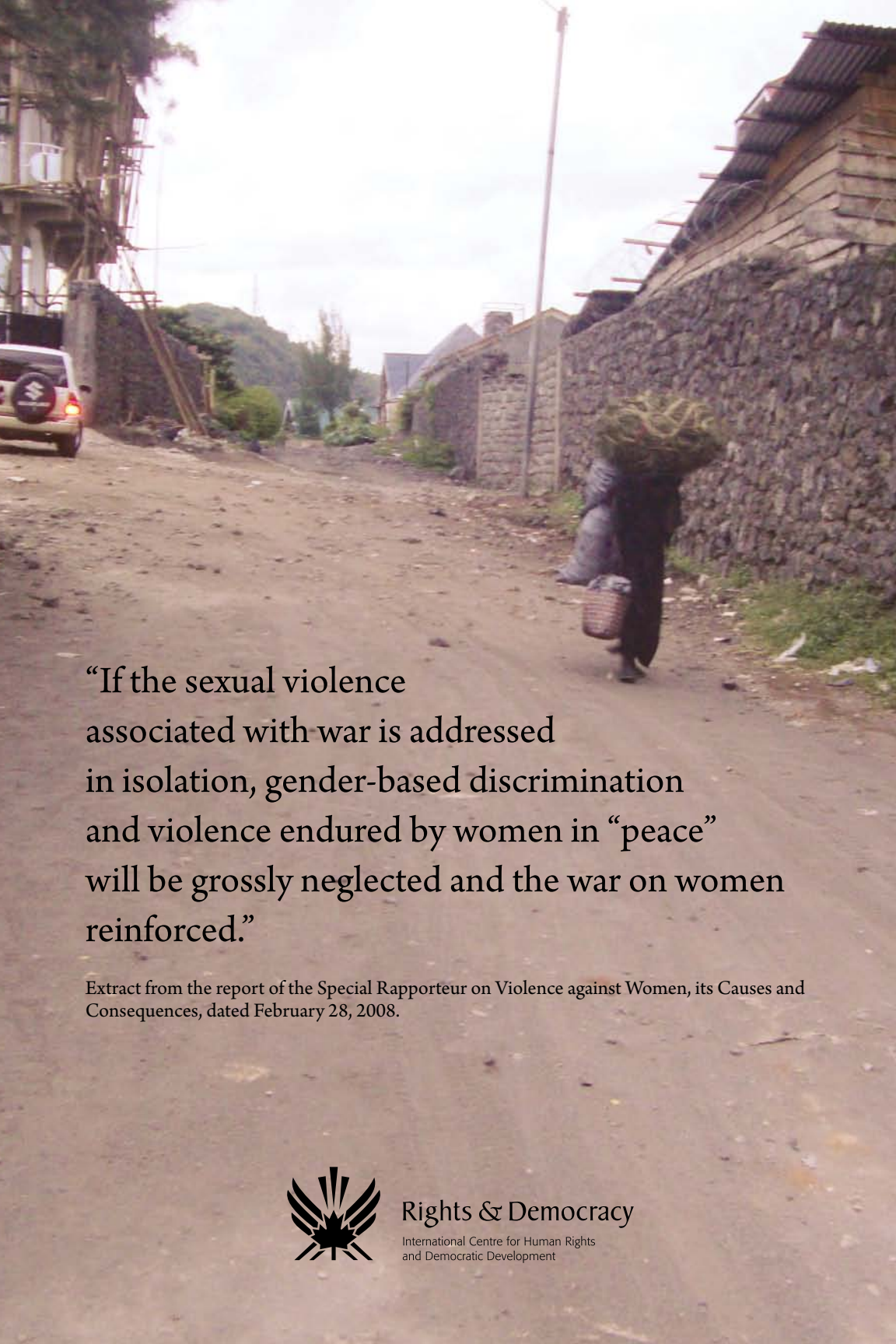
The Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation (2007). The principles of the Declaration were developed on the basis of work carried out by the United Nations on this matter to be adapted to the reality and particular needs of women and girls who are victims of sexual violence.

Available on line at:

www.womensrightscalition.org/site/reparation/signature_en_php

and on Rights & Democracy Web site:

www.dd-rd.ca/site/home/index.php?lang=en



“If the sexual violence associated with war is addressed in isolation, gender-based discrimination and violence endured by women in “peace” will be grossly neglected and the war on women reinforced.”

Extract from the report of the Special Rapporteur on Violence against Women, its Causes and Consequences, dated February 28, 2008.



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