

Note to Mr. Khare

DRC: Briefing to the Security Council on the recent
violence in eastern DRC

7 September 2010

Mr. President,

1. Thank you for the opportunity to brief the Council on the chain of events surrounding the recent incidents of mass rapes in North Kivu and the cases of rapes in South Kivu (Slide).

2. As you know, I visited the Democratic Republic of the Congo on the instructions of the Secretary-General from 28 August to 2 September. Apart from Kinshasa, I travelled to North Kivu, notably to Lubonga, Luvingi, and Walikale where the systematic rapes had occurred, as well as Kirumba where three Indian peacekeepers were killed on 18 August. In South Kivu, I travelled to Bukavu and to Uvira where cases of rapes have been reported as well. The map on the screen shows the subject area (Slide).

3. During my visit, I met with DRC Government officials, including the Minister of Foreign Affairs, Mr. Alexis Thambwe, the National Security Advisor, Mr. Pierre Lumbi, and the Governor of South Kivu, Mr. Marcellin Chissambo. I also met with several FARDC senior operational officers in North and South Kivu, including the Amani Leo Operation Commander

for North and South, General Amuli Bahigwa, and the Commander of Amani Leo for South Kivu, Colonel Delphin Kahimbi. I had the opportunity to interact with the civil society groups in Kinshasa and Kirumba, as well as the villages where the rapes were perpetrated in North Kivu and South Kivu. In all these meetings, SRSR Roger Meece accompanied me, as we searched together, both internally and with our partners, the details surrounding the outrageous and utterly condemnable mass and systematic rapes in Kibua area, and identify our shortcomings.

4. After outlining the details surrounding the mass rapes in North Kivu, and the cases in South Kivu, I will present certain actions that MONUSCO has already initiated and some that the Mission envisages to initiate, as well as certain proposals for consideration by the Council.

5. On 25 July, the FARDC units deployed in the area of Kibua were withdrawn from their stationary locations in the area of Kibua, probably to undertake an operation against the FDLR that remains a reasonably strong armed group in the area. On 30 July, OCHA received unconfirmed information about possible attacks by FDLR in Mpofi (Slide map showing Walikale to Pinga, with Mpofi and all other villages well marked with distances). Information, again unconfirmed, also indicated that Mayi-Mayi Cheka intended to block off the Walikale-Goma and Walikale-Bukavu roads to halt the movement of minerals (Slide). An unconfirmed case of rape in Mpofi was also reported. The same day the security officer of UNDSS in Walikale sent an advisory by SMS to OCHA in Walikale, as well as to security officers of WFP and HCR, focal points of UNDP and UNOPS and MONUSCO security officers in Goma stating that

the area of Mpofi (axis Masisi-Walikale) had passed under the control of FDLR and that UNDSS recommended suspension of movements in that zone. The same message was transmitted to humanitarian workers and NGOs by the OCHA office.

6. On 31 July, we learnt that in an encounter near Mpofi, the FARDC killed 8 FDLR soldiers and seriously wounded another. The chef de groupement of Kibua contacted the FARDC and MONUSCO's Company Operating Base (COB) in Kibua on that day to inform about attacks and looting but did not mention any rapes at that stage. A subsequent patrol conducted by the COB Kibua established that 2 shops, including a medicine shop, had been looted in the Lubonga area and that there was no movement of civilians on the road between Walikale-Mpofi-Kibua-Goma, perhaps because of the fear of the presence of armed groups. Increased movement of FDLR cadres was observed between Mpofi and Ruwenge (22 kms North West of Kibua) and between Mpofi and Lubonga (13 kms West of Kibua). The 2nd August was a market day in Kibua, where, as an innovative practice for civilian protection, the Kibua COB provides market patrols, which includes escorting villagers who assemble at Ishunga to Kibua (**Slide** map from Ishunga to Kibua but also showing the other villages affected by rapes). Nevertheless, a forenoon patrol to Lubonga and Luvingi on 2 August did not result in reporting of any rapes to our peacekeepers. The patrol however arrested a Mayi-Mayi cadre between Lubonga and Luvingi.

7. On 5 August, MONUSCO received information indicating that 15 rape victims had sought medical attention at the IMC supported health centre. At that time, the perpetrators had already left the 13 villages they had besieged. The

inhabitants of Luvingi, which recorded the largest number of rape victims, over 103, told me that a Mayi-Mayi Cheka leader "Col" Mayele and Col. Serafim of the FDLR, claimed that they had come to protect Luvingi, had decided to participate in the reintegration process, and only wanted to rest in the village. The Mayi-Mayi Cheka hail from the Walikale territory, and had visited the village often before. Many villagers ran away upon seeing the FDLR but returned when they learnt that the FDLR had decided to integrate with the FARDC. The inhabitants of Luvingi also confirmed to me that the rape victims sought medical attention only when they were certain that the perpetrators had left the area.

8. At the IMC-supported health centre, the initial figure of 15 rape victims rose to 47 on 9 August, to 68 on 13 August. MONUSCO deployed a Joint Protection Team to the area from 13 to 18 August. It is now clear that at least 242 persons, including 28 minors, were systematically raped in 13 villages in the triangle of Bunyampuri, Kibua and Mpofi between 30 July to 2 August (Slide showing the villages with the number of rape victims against the rape victims and a side box containing chronological details of reports of rape cases during this period).

9. A human rights investigation team was deployed from 25 August to 2nd September which has interacted with all the 13 villages in the area and obtained victim and witness testimonies. Assistance to victims, particularly medical and psychosocial assistance, is being provided by IMC and Heal Africa, with some transport assistance by MONUSCO.

10. On 1 September 2010, MONUSCO launched operation Shop Window, a force projection operation for area domination, aimed at protecting civilians in the region of Pinga, Kibua and Walikale, in North Kivu. The operation is also aimed at providing security cover to efforts by the relevant authorities to apprehend the perpetrators. Shop Window is carried out by some 750 peacekeepers, supported by attack and observation helicopters, as well as operational bases already deployed in the area of operations. The operational headquarters is based in Kibua. Initial reports of the operation are positive with 27 FDLR cadres with 12 automatic rifles and ammunition having surrendered at Pinga and on the second day 4 FDLR cadres, with firearms, having been apprehended in Luvingi. The operations have been extended until 10 September, and may be extended further pending the operations' results.

11. While the primary responsibility for protection of civilians lies with the State, its national army and police force, clearly, we have also failed. Our actions were not adequate, resulting in unacceptable brutalisation of the population of the villages in the area. We must do better.

12. Let me briefly reflect on the main conditions of the area before outlining the actions that would, hopefully, improve our future response. In North Kivu, the Walikale to Pinga road is an important trans-shipment route for minerals and other natural resources. However, this area, like others in the region is not electrified and the un-tarred road is quite broken and difficult to traverse. In the absence of long-term income generation projects, many male villagers in this area stay away from their families for periods of two to

four weeks, undertaking artisanal mining. The travel from Kibua to Luvungi takes around one and half hour each way as I discovered during my visit. It would normally take the villagers some 4 to 5 hours to walk the distance in either direction. The average density of MONUSCO force in North Kivu is 1 peacekeeper per square kilometres. There is no mobile phone coverage and even the high frequency radio coverage is extremely patchy due to the mountainous and forested terrain. The armed groups often wear clothes that are identical to the FARDC uniforms and it is quite difficult for our peacekeepers, to separate the enemy from friendly force. Finally, the Kibua COB has one interpreter and one mobile satellite phone, thus operationally restricting it to one patrol at any given time given the distances and conditions of the roads to be traversed.

13. Continuous efforts at improving relations with the community that we serve and better and institutionalized mechanisms of information gathering are essential. It has been decided that more evening/night patrols should be undertaken. The Force Commander has further directed the COBs to undertake more random and spot-check patrols. It has also been decided that within the next few weeks a separate tactical doctrine, which builds on the Rules of Engagement, will be developed for the COBs and the Temporary Operating Bases (TOBs) to provide our peacekeepers with the necessary guidance to explore deeper when reports of armed group movements are received from particularly high threat areas, for example, an area that has been recently cleared of armed groups by the FARDC and where reprisal attacks on the civilian population might take place. A standardized list of questions to be asked during patrols will also be immediately

instituted in our effort to ensure that the patrols can, and will, probe even deeper when interacting with the communities. This doctrine would also cover the response expected from the COBs in specific protection situations, building on guidelines produced with civilian substantive sections.

14. Due to the terrain, the region does not have mobile phone coverage, active consideration is being given by MONUSCO to how radio communication can be improved in areas where civilian protection is a particular concern, despite huge logistical challenges related to this exercise. To this end, efforts are underway to rapidly install a High Frequency radio in Luvungi, to be financed with existing resources. However, I wish to take this opportunity to inform the Council that mobile phone coverage does not exist in the area of operation of 27 COBs/TOBs out of the total of 77 such forward deployments of MONUSCO forces. The mission would swiftly evaluate the technical and financial aspects of installation of similar HF repeaters in the remaining 27 COBs/TOBs without mobile coverage and would revert to the Council and to the financial bodies. I would strongly recommend that the Council encourage such HF installations as a matter of priority for better and timely contact between the communities and the forward bases.

15. Mobile phone coverage available with the 50 COBs/TOBs would also be utilized more effectively. MONUSCO is actively engaged with the main private telecommunication providers in DRC with a view to replicating in these COBs, the "Surveillance Centre" concept successfully experimented in Kiwanja (North Kivu). Closed User Groups (CUGs) will be

obtained from commercial mobile service providers to allow unlimited calls within a limited number of users to report imminent threats or attacks. I will provide further details to Security Council members and Troop Contributing countries in closed sessions.

16. It is essential that the perpetrators of this heinous crime are swiftly apprehended and brought to justice. Rapid and exemplary punishment would deter others who might repeat similar criminal acts. MONUSCO will make all efforts, including a more aggressive posture of peacekeepers, force multipliers such as Radio Okapi, information gathering on these people and the like, to assist the efforts of Government of DRC in this direction. I would like to report that the Government of the Democratic Republic of the Congo has already constituted a Commission to bring the perpetrators to justice. The Commission is composed of an Operational Military Prosecutor, a military magistrate, two judicial inspectors, and special police for the protection of women and children. However reports indicate that no decision had been taken on the departure date for this commission despite the willingness of various partners to support this project, including MONUSCO, UNDP, and the American Bar Association amongst others. I would strongly urge the Government of the Democratic Republic of the Congo to take advantage of the assistance that the United Nations can offer to this Commission.

17. I would like to recommend, in addition, for consideration by the Council, imposition of targeted sanctions, on the leaders of the FDLR, both within and outside the country, if a chain of command is proven.

18. More sustained and rigorous efforts need to be made by the Government and the international community to implement the five priorities of the 23 March 2009 Peace Agreements. A number of those demobilized have returned to their former armed groups, thereby discouraging others from seeking the path of demobilization. Furthermore, in the absence of long-term community reintegration projects those who return, disillusioned, are likely to prove more recalcitrant and perhaps, more virulent in their actions.

19. The International Security and Stabilization Strategy remains the main framework to support the Government's Stabilization and Reconstruction Plan for the War Affected Areas (STAREC). A key objective of the STAREC is to develop the capacity the State's capacity to provide security and enforce the law. Thirty projects are currently being implemented by the UN agencies, funds and programmes for a total value of around \$ 190 million. Only one STAREC programme is being run in Walikale as the region is still not considered safe enough to commence the stabilization programme, though efforts continue to channel more developmental projects to this area. The lack of State presence on the ground is directly related to the lack of State capacity, (deployment of police, administrative personnel, payment of salaries, etc.). Financial constraints coupled with the lack of a corresponding execution capability of the State remain a major challenge. In the meantime the UNCT has developed programmes such as expanded monitoring and Early Warning Systems; expansion of reintegration programmes for ex-combatants; expansion of road networks and reinforcement of state capacity in rule of law and local governance. I would appeal to the Congolese Government and to

international stakeholders to implement these projects as a priority.

20. Let me provide a brief update on the rapes in Uvira and other regions of North and South Kivu. 10 women were raped by the elements of the FARDC on 17/18 August in Katalukulu, in Fizi territory, South Kivu. I visited the area as requested during the discussions in the Council on 26 August. While the military prosecutor has opened an investigation, I hope that justice would be as quick as possible. We have clearly indicated to the FARDC that as a national army it will need to maintain a much higher standard of discipline, good behaviour and conduct, and observance of human rights.

21. In North Kivu, on 17 August, there was an attack by an alleged coalition of FDLR and Mayi-Mayi Cheka in Mubi (36 kms North West of Walikale on the Walikale-Kisangani axis (**Slide showing Walikale, Mubi and Kibua**)). Initial reports indicated that several houses were looted and 50 civilians were kidnapped to transport looted goods. Two FARDC soldiers died in that attack and 7 civilians were injured. On 25 August the civilians were released and only thereafter reports of rapes committed started surfacing. A Joint Protection Team of MONUSCO was deployed to the area on 30 August when it learnt that at least 40 rapes had been committed in this village. Furthermore, in Pinga area (**Slide showing Pinga**) in Chuho market, on 17 August, Mayi-Mayi Pareco along with FDLR carried out 13 rapes.

Mr. President,

22. It appears that many rapes were also carried out in Shabunda and Mwenga, both in South Kivu, during the last two months in July and August. We received reports on 26 August that in the village of Miki, in the territory of Mwenga (Slide showing Miki), 74 cases of sexual violence have been recorded including 21 minors, girls between 7 to 15 years, and 6 men. In the nearby villages of Lubumba, Lusosa, Maheta and Masondjo nearly 395 houses were burnt during the same period. An evaluation team is being dispatched by MONUSCO to Miki. On 31 August, we received information that in the territory of Shabunda between 1st and 20th August 130 cases of rape have been recorded, across nearly 10 villages including 40 cases in Bubila; 42 cases in Tchateka; 14 cases in Tshombi and 12 cases in Lumba (Slide showing these villages). There are some reports, yet, that indicate that in the village of Kiluma all women might have been systematically raped. Shabunda is not connected by road and four of the most serious cases were evacuated by MONUSCO helicopters to the nearest hospital, Panzi in Bukavu on 1st September. Deployment of protection cluster teams led by UNHCR, using MONUSCO air assets, was also undertaken from 3 to 8 September. A second visit is planned for 10 to 17 September.

23. I hope that the additional measures that were described earlier in the presentation, particularly the efforts to apprehend and punish the perpetrators would assist in controlling this spike in violence, particularly sexual violence that we have observed in North and South Kivu during the last two months.

24. One of the major findings during my visit is that rape

is the only violation for which communities tend to stigmatise the victim rather than prosecute the perpetrators. In this regard, the DRC Foreign Minister, Mr. Alexis Thambwe remarked to me that victims of rapes are victimised twice: first by the perpetrators and second by their communities. It is important to sensitise both the victims and the communities about the necessity to seek treatment and legal recourse. MONUSCO will put greater emphasis on sensitisation programmes in this respect, including through Radio Okapi.

Mr. President,

25. In order to ensure a comprehensive approach, the corrective measures I have just outlined will need to be complemented by other essential efforts, including maintaining the military pressure on the illegal armed groups; the implementation of non-military measures to address the FDLR issue; combating the illegal exploitation of natural resources which is clearly driving the violence in the region; and establishing effective State authority in the conflict-affected areas. I must also stress that, considering the temporary nature of the presence and efforts the Blue Helmets, the long-term solution to eradicating the increasing entrenchment of a culture of sexual violence in the DRC lies in building the capacity of the country's security and rule of law institutions, and in particular transforming the armed and police forces into protectors of the civilian population. And, indeed this is also the key to the DRC's long term stability.

26. Allow me to conclude by making a brief but important reference to the ongoing UN-Government of DRC joint

assessment that will form the basis of the Security Council's decision regarding the next steps on MONUSCO's drawdown. The process has so far been completed in the eastern regions and is still pending for Katanga, Equateur and the west. The key point I would like to highlight at this stage is that the process has demonstrated the need for a cautious approach regarding the next stages of the drawdown of the Mission. The joint assessment has immensely contributed to the building of a common understanding between the Government and MONUSCO of the remaining threats and security challenges, including the complex challenge of protecting the civilian population. A detailed update on progress in this important process will be provided in the next report of the Secretary-General which is due in October.

Thank you.

